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SENATE—*Tuesday, April 24, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of all nations, Father of every tribe, color and tongue of humankind, You have created us to live at peace with one another in Your family. You have revealed to us Your desire that all Your children should be free to worship You. Here in America, freedom of religion is a basic fabric of our life. Sadly, this freedom is not enjoyed in so many places in our world. We are grieved by the shocking accounts of religious persecution. Prejudice expressed in hostility and then in hatred and violence exists throughout the world. As we think of the pain and suffering inflicted on Christians because of their faith, we also are reminded of all forms of intolerance over religion in the world today. We remember the suffering of the Jews in this century. Forgive any prejudice in our own hearts and purge from us any vestige of imperious judgmentalism of people whose expression of faith in You differs from our own. We pray for tolerance in the human family. And may it begin in each of us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 24, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader.

UNANIMOUS-CONSENT REQUEST—S. 1

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate begin consideration of Calendar No. 23, S. 1, the education bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object. I was here yesterday and again today. I am the ranking member of the Committee on Environment and Public Works. We have reported legislation out of the subcommittee—by the way, the Presiding Officer is the Chair of that subcommittee—we reported out of that subcommittee more than a month ago brownfields legislation. This is legislation that affects 500,000 sites.

I object, and I will at the appropriate time this morning talk more about what I think is so wrong about our inaction in the Senate today.

The ACTING PRESIDENT pro tempore. Objection is heard.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, in light of the objection, I ask unanimous consent that the Senate now be in a period for morning business until 12:30 p.m., with the first half of the time designated for the majority leader, or his designee, and the second half of the time controlled by the minority leader, or his designee.

Mr. REID. Mr. President, again reserving the right to object, at an appropriate time, I will withdraw my objection, but I again state to those assembled that it is absolutely wrong that we are going to spend all day today in morning business when we have waiting legislation that affects people in the State of Nevada. We could clean up lightly polluted areas starting this year if we simply move forward on this legislation.

I repeat, we have 500,000 sites in America today that are awaiting action of this Congress. The President of the United States said he supports brownfields legislation. Let us test him to find out if he does. I think it is absolutely wrong that we are going to spend all day in morning business.

Further, under the proposal my friend from Vermont has propounded, the first 90 minutes will be under the control of the Senator from Vermont or somebody on his side. My friend from North Dakota is here and wishes to speak this morning. Will the Senator allow the Senator from North Dakota to speak for 20 minutes? I do not see anyone here.

Mr. JEFFORDS. I have no objection so long as it is coming out of your time.

Mr. REID. Yes, of course. I ask unanimous consent, Mr. President, that I be allowed to speak for 5 minutes and that the Senator from North Dakota be allowed to speak for 20 minutes and that the time be taken out of the 90 minutes designated by the unanimous-consent request of the Senator from Vermont.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I further ask unanimous consent that at 2:15 p.m. the Senate resume morning business until 5:15 p.m., with Senators speaking for up to 10 minutes each and the time be equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

SCHEDULE

Mr. JEFFORDS. Mr. President, for the information of all Senators, negotiations are continuing on the education bill. It was hoped that negotiations could be completed this morning with the understanding there would be amendments offered to the legislation. However, the time between 2:15 p.m. and 5:15 p.m. is expected to be used for the initial discussion of the education legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

BROWNFIELDS

Mr. REID. Mr. President, this brownfields legislation is important. It provides three important steps to directly spur cleanup and reuse of these abandoned and contaminated sites.

No. 1, it provides critically needed money to assess and clean up abandoned and underutilized sites which will create jobs and increase tax revenues and preserve great parks and open space. It is estimated this legislation will bring tax revenues to local governments of up to $2.4 billion.

No. 2, it encourages cleanup and redevelopment by providing legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners.

Under the present state of the law, these places are left abandoned because people are afraid if they purchase these properties or lease them, they will be subject to Superfund liability. This legislation negates all that.

No. 3, it further provides for funding and enhancement of State cleanup programs and a balance between providing "certainty" for developers and others but still ensuring protection of public health.

We reported this bill out of committee by a vote of 15–3. A couple of Senators had some problems. We worked literally day and night on a staff level to resolve those problems. For example, the Senator from Ohio had some suggestions. I told him at the committee that we would work with him, and we have. We have satisfied Senator VOINOVICH's problems with this legislation.

We need to do this. The reason I am so frustrated is that yesterday we did nothing, and today we are going to stand around and be in morning business. There is no reason we cannot do this. We have agreed on this side to 2 hours of debate evenly divided. I do not know why in the world we cannot move forward with this legislation. It is extremely important.

I believe President Bush is a good person, and I believe he means well and wants to do the right thing. He stated during the campaign that he supports brownfields legislation.

His environmental record has been abysmal this first 100 days. Why doesn't he lend his prestigious efforts to this legislation that he says he supports?

I cannot understand why we do not move forward with this legislation. This legislation is important. It is important to the State of Nevada. It is important to every State in the Union.

As we all know, this issue has wide support from groups including environmentalists, the Mayors' Association, businesses, the real estate community. This bill is a meeting of minds from all sectors of American society and from both sides of the aisle.

S. 350 is a model of how an evenly divided committee can work together. I urge the Republican leadership in the Senate to show this Senate can recognize good legislation when it sees it and prove to Americans a 50/50 Senate can be productive and we can enact good laws.

I urge my friend, the junior Senator from Mississippi, the majority leader, to allow us to debate this bill and move forward on it. We will do it with a short agreement. We agreed to 2 hours.

This bill will pass overwhelmingly. Work done by the Presiding Officer and the Senator from California has been exemplary, and the work the full committee did is excellent. I urge my colleagues to work toward moving this forward. Hard work has been done. The cooperation of the Republicans and Democrats on the committee was noticeable. It is a shame at this time we don't move forward with this legislation.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, last week we were all witnesses to headlines in the newspapers about a meeting held in Quebec City, Canada. The newspaper headlines talked about tear gas, chain link fences, police lines, demonstrators, 30,000 people marching down streets. It also discussed anarchists.

What is this all about, 30,000 people demonstrating in the streets of a major city in our hemisphere? It is about international trade. The same sort of thing happened in Seattle a year and a half ago. The future WTO ministerial meeting will be held not in a major city but in a place called Qatar. Why? Because no city wanted to host it, as I understand it. They will have to even bring in cruise ships for hotel rooms. They feel if the ministers of trade from around the world can hold a meeting in an isolated place, no one will show up to protest their closed door meeting.

Last week's demonstrations in Quebec City underscored again that world leaders are not going to hold trade talks without attention being paid to the issues concerns of the people and the problems related to global trade. It is not that global trade ought to be stopped. It is that global trade has marched relentlessly forward without the rules of trade keeping pace. There is a relentless accelerated march toward globalization. However our world leaders have not develop acceptable rules, so people demonstrate in the streets.

I want to make two points this morning: One, trade is very positive for our country when it occurs in circumstances where it is fair. It makes sense for us to do that which we do best and trade with others who in their comparative advantage are doing what they do best. That makes sense on the world stage. Our country has been a leader in world trade, a leader in expanded trade, and it does make sense to expand our trade opportunities as long as doing so represents the values that this country considers important in the development of our economy and in the development of our international relationships.

It is also the case that while all say that expanded trade is good for this country, it is also the case that we ought not allow the international corporations in this world to pole vault over all the issues that relate to labor, the environment and of production simply by saying: We are going to produce in Sri Lanka, Indonesia, Bangladesh, or China, and we will ship back into the United States. So what if they hire 12-year-olds and pay them 12 cents an hour, working them 12 hours a day. So what. They would like us to think that is a fair trade.

It is not a fair trade. That is why people are marching in the streets. It is not fair trade when corporations are able to become international citizens and decide to circle the globe in their airplanes and evaluate where they can produce the cheapest, where they can employ kids, where they can dump pollution in the water and the air, where they can have factories without the barriers and problems of making them safe and produce there, create a cheap product and send it to a department store in Pittsburgh or Los Angeles, or Butte, MT.

The question is, Is it fair trade when that happens? This country has fought for a century over these issues. All of those fights were agonizing. Many occurred in this Chamber. The fight about whether we ought to be able to employ children, so we have child labor laws saying we don't want you to send 12-year-olds into coal mines. We don't want 12- and 14-year-olds put on a factory floor to work 12 hours a day. We have child labor laws.

The question of safe workplace, demanding that those who employ people employ them in safe workplaces that are not going to pose risks to the life and safety of workers. We have fought, and made laws to protect our people.

The issue of fair compensation, we have fought for a long while in this country about that issue. We have collective bargaining and the ability of employees to form and join unions. We have minimum wages. We fought about that and continue to fight about that from time to time in this country, but we have settled part of it. Now, some say that doesn't matter; we can go elsewhere. We can produce elsewhere, where people can't join a labor union, they are illegal. We can produce where we can hire a 12-year-old child and pay 16 cents an hour, and we can make a pair of shoes that has an hour and a quarter direct labor, with 20 cents labor costs in a pair of shoes, and ship that to New York City for a department store shelf because we are saying to the American consumer, this is better for you because it is cheaper for you.

So people demonstrate in the streets because they say that is not fair trade. That is not what we mean by expanding the opportunities of trade.

We have had some experience in this country recently with our trade issues and that is not a pleasant experience. This chart shows what has happened to this country's trade deficit. There has been a great deal of good news on the issue of deficits in this country. The fiscal policy and the budget deficits have diminished year after year, and we now have surpluses. Look what has happened to the trade deficits of this country.

In 1993, we had merchandise trade deficits of $132 billion. It is now $449 billion and growing. This trade deficit is mushrooming. If there are people who think it doesn't matter, think again. This is like the runup of dot com companies in the stock market. Everybody thought NASDAQ would continue to increase forever. These values are perfectly understandable. We had people on Wall Street who made a lot of money that were justifying and explaining why the values made sense.

They didn't make sense. This doesn't make sense. This ballooning, mushrooming trade deficit will cause serious problems to this country unless it is addressed. This country must repay these trade deficits. With a budget deficit, you can make the case that it is a deficit, you owe it to yourself. You cannot do that with trade deficits. This is a deficit we owe to others.

Inevitably, they are repaid with a lower standard of living in this country. That is an action in economics that no one disputes. This is a very serious growing, abiding problem.

With whom are our trade deficits? Our trade deficits are with Canada. We passed a U.S.-Canada trade agreement. We had a reasonably small trade deficit with Canada. We quickly doubled it, very quickly doubled our trade deficit with Canada. What an incompetent trade agreement. We ought to haul those negotiators to the well of the Senate to explain to us what they did in public and in secret to undercut this country's interests in the U.S.-Canada agreement. I could talk about some of those issues, but I don't have time today.

China, the China trade deficit, the trade deficit we now have with China is an $83 billion merchandise trade deficit, and growing rapidly; the European Union, $55 billion trade deficit, and growing; Japan, $81 billion trade deficit, and growing. And we have had a trade deficit with Japan of $50 billion a year plus now for a long time.

Mexico, by the way, prior to the U.S.-Canada and Mexico trade agreement, something called NAFTA, North American Free Trade Agreement, we had a surplus trade balance with Mexico. We had a surplus. It is now nearly a $25 billion deficit. Talk about colossal incompetence. The trade agreements we have negotiated in recent years have undercut this country's interests in fair trade. In every set of circumstance, our country bows to trade agreements that undercut our workers and our producers all in the name of free trade.

Quebec City hosted a big meeting last week. The President went to Quebec City and talked about the desire for expanded trade agreements. He said Congress must give him what is called trade promotion authority. That is just new language for fast track. What the President is saying is: I want fast-track trade authority.

To the extent I have the capability of involving myself in this, I will say to the President: You are not going to get fast-track trade authority. We wouldn't give it to President Clinton, and we won't give it to you. Your first job is not to create new trade agreements when every agreement in recent years has undercut this country's interests and resulted in larger and larger trade deficits. Your first job is to fix the problems that have been created in the last decade and a half. Fix these problems, then come to us. Then we can talk about trade promotion authority.

Do you want to hear some problems? We have a huge, growing trade deficit with Japan. Do you know what the tariff is on a T-bone steak we send to Tokyo, American beef sent to Japan? There is nearly a 40-percent tariff on every single pound of American beef sent to Japan—40 percent. That would be declared a huge problem if the United States imposed a 40-percent tariff, but we will allow our allies to do that, our trading partners. Why? Because we are poor negotiators and we do not have backbone and we do not have the nerve and we do not have the will to stand up for this country's economic interests. So T-bones to Tokyo are just a small example, just one small example.

How about going from T-bones to apples? Try sending apples to Japan. Do you know what Japan will tell apple growers in this country? They say the apples that are shipped in Japan must be shipped from trees in the United States that are separated by at least 500 meters from the other trees in the orchard. Does it sound goofy to you? It does to me. How do they get by with it? They get by with it because we negotiate incompetent agreements, incompetent bilateral agreements with these countries.

China? Well, China has a huge and growing trade surplus with us—or we a deficit with them. They ship us their trousers and their shirts and their shoes and their trinkets—they flood our country with their goods. But try to get American wheat into China these days. Ask what China is buying from the United States. See whether our trade agreement with China is fair.

Let me just give one example. We just sent negotiators to negotiate with China. When they finished—I will just talk about automobiles for a moment. China has 1.1 billion people. When our negotiators finished, just a year and a half ago, negotiating a bilateral agreement with China, here is what they said: China, it is all right for you, after a rather lengthy phase-in, to impose a 25-percent tariff on any automobiles the United States sends into China. And, by the way, for our part, we will impose a 2.5-percent tariff on any automobiles China would send to the United States.

We sent negotiators to sit down with the Chinese to negotiate a bilateral agreement and said what we will agree to, with a country with 1.3 billion people that is going to need a lot of automobiles in the future, we will agree you can impose a 10-times higher tariff on automobiles that we would send to China versus the automobiles they might send to the United States.

I would like to find the people who agreed to that on behalf of this country and ask them how do they justify their public service by such incompetence. It makes no sense to me that we engage with other countries on trade and are not hard-nosed and strong negotiators, saying we are all for trade so let's have reciprocal trade policies: We must say you treat us like we treat you, we treat you like you treat us. Let's treat each other fairly.

But that is not the way our trade negotiators see it. Every single time they get involved in a negotiation, our farmer, ranchers, and small businesses lose. I talked about having our trade negotiators wear jerseys as they do in the Olympics. At least they could look down and see the initials on the jerseys and see for whom they are working.

What is happening with trade with China, Canada, EU, Japan, and Mexico? There is now a merchandise trade deficit of over $450 billion a year, a deficit every single day of goods going into our country that exceeds goods going out, and this $450 billion in accumulated merchandise deficits is part of our account that has to be settled at some point, and it will weaken this country's economic strength when we do it.

The question for this administration—and I have asked exactly the same question with the previous administrations—is: Are you going to stand up for this country's economic interests? President Bush went to Canada. He said at the outset that we have to recognize the issues of labor and the environment in trade agreements. Then later in the week he said: Trade agreements must be commercial—commercial interests, and, by the way, what I want is trade promotion authority—which, as I said, is a new term for fast track.

For those who do not know what fast-track authority is, it means our negotiators shall go negotiate an agreement with another country, bring it back as a treaty to this Senate, and the provisions under fast track would be we can debate it but cannot amend it; no Senator has the right to offer any amendments at any time under any circumstances.

It is fundamentally undemocratic. Had we had the opportunity to offer amendments to NAFTA, we would not be in this situation with Mexico and Canada, just as a example, with respect to our current trade agreement with our neighbors.

The big study on Mexico and Canada was by Hufbauer and Schott study, which everybody used. The Chamber of Commerce and all our colleagues used it. They said if we do this trade agreement, we will have 350,000 new jobs in this country. And they said here are the imports and exports between the United States and Mexico that we expect after this agreement.

It turns out they said the principal imports from Mexico would be imports of largely unskilled labor. What are the three largest imports from Mexico? The three largest imports are automobiles, automobiles parts, and electronics, all of which come from skilled labor, all of which mean the Hufbauer and Schott study missed its mark. We didn't gain jobs, we lost jobs with that trade agreement and turned a surplus into a fairly large trade deficit.

Who is going to be called to account for that? Nobody. Because that is exactly what the international companies wanted. They do not get up in the morning and say the Pledge of Allegiance. They are international entrepreneurs, and they are interested in producing anywhere in the world where they can find the fewest impediments to production and the cheapest place to produce. They don't want to have to worry about the child labor laws, pollution and the standards that countries impose in preventing companies from dumping into the air and water. They don't want to have to worry about worker safety. They don't want to have to worry about fair compensation. They had those fights and lost them in this country, and now they want to go elsewhere and say: We want to be able to ignore that.

The people in the streets are saying: Wait a second, there needs to be some basic set of standards. What does it mean when someone ships carpets to this country and the carpets are made by kids, 10- and 12-year-old kids, some of whom have had gunpowder put on their fingertips to have them burned off so they have permanent scarring, so 10- and 12-year-old kids can make carpets and run needles through the carpets, and when they stick the top of their fingers, it doesn't hurt them because they have already been scarred by burning.

That is part of the testimony before Congress about child labor. It is happening in this world. Is it fair trade for those carpets to come into our country and be on our store shelves? Would anybody be proud to buy from countries where the circumstances of production are represented by that kind of behavior? The answer is no.

What I want to say today is very simple. The example in Quebec City last week is an example that is going to continue. I do not support the anarchists and others who show up for those events to cause trouble, but I understand why protesters come to those events, peaceful protesters—and most of the 30,000 people who showed up were peaceful. I believe we should expand trade. I believe expanded trade is important for this country. But I also believe this country ought to be a world leader, promoting and standing up for the values for which we fought for over a century to protect. Those are the values of dealing thoughtfully with the rules of production dealing with the hiring of children, with safe workplaces, dealing with the environment and controlling the emission of pollutants.

If this is, indeed, a global economy and if it matters little where people are producing, then you have to have some assurance, if they are going to close a plant in Toledo or Fargo and move to Guangzhou, they are not going to be able to do that because in Guangzhou they can hire kids and pollute the water and air and not have a safe workplace and produce a cheaper product and represent to the people of the world: We have done it all for you. That is not doing anybody a favor. That is a retreat from the standards for which we fought for a century in this country.

People will demonstrate in the streets on trade issues because they want the rules to keep pace with the relentless march of globalization. I want globalization to continue, but I want it done under rules that are fair. Coming from a small State in the northern part of this country, North Dakota, that borders a friendly nation, Canada, I know full well what happens when we are sold out and undercut by our trade negotiators. It happened to us with the trade negotiations with Canada. We sent a trade ambassador to Canada. They negotiated a trade agreement, and they essentially said to family farmers: Your interests are unimportant to us, so we will sell those interests out in order to get concessions for other industries. And we have family farmers going broke in my State because we have an avalanche of unfairly traded durum wheat coming into this country. We produce 80 percent of that in the State of North Dakota. Durum wheat is used to produce semolina flour which makes pasta, so most everyone has eaten semolina which comes from the fields of North Dakota in the form of our pasta. But durum growers were severely undercut. Their interests were severely undercut by our former trade ambassador who not only made a bad agreement but then made a private side deal that he didn't disclose to Congress, and he pulled it right out from under our producers. That is not fair.

Neither is it fair that we will negotiate with a country such as Canada that has a monopoly state trading enterprise and that sells their wheat on what is called the Canadian Wheat Board, which would be illegal in this country. They say: We will have a trade arrangement under which we will sell in the U.S. market at practically secret prices and refuse to disclose it to anyone. It is fundamentally unfair trade.

We sent people to Canada to say we want to evaluate the prices at which you sell to determine whether you are dumping in the American marketplace. They thumb their noses, saying: We don't intend to show you one piece of paper about what we are doing in United States.

To allow that to happen is unfair. It is unfair to farmers, it is unfair to producers, and it is unfair to workers. On a broader level, it is unfair to corporations that are doing business in this country and producing for our marketplace.

I hope it is not lost on this administration—I have said the same thing to previous administrations—that they should not hold trade agreements or trade negotiations, or trade conferences for that matter, in cities around the world without, in my judgment, opening the discussion for a lot of people who want to raise questions about what the fair rules are for international trade. Globalization will continue, and should. But it must be attended by rules of fair trade, and people ought to understand that and know that.

Second, finally, when we negotiate trade agreements, we ought not to be afraid to stand up for this country's economic interests. It is about time to be a bit hard nosed, and have a backbone that serves to stand up for this country's interests.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EDUCATIONAL OPPORTUNITIES ACT

Mr. THOMAS. Mr. President, we are, of course, poised this week to take on one of the most important issues we will face during this year. That is the issue of education.

As we talk about issues over the country and as we take polls, education is the first issue the American people are interested in, and very understandably so. Certainly there is nothing more important to us than education. I think nothing is more important than the future of our country with respect to the training of our children who obviously will be the leaders of the country. I am looking forward to that. I think certainly there are many things that can be done and that Congress can do.

Clearly, in my view, the principal responsibility for public education lies with the States, with the communities, and the decisions that are made with respect to the schools ought to be made primarily based on the needs of those schools as defined by the local leadership.

The role of the Federal Government then is one that is always debated in the Senate, and properly so. It is one on which there are different views as to what the role of the Federal Government is and should be. The amount of financial contribution made to the elementary and secondary schools is approximately 6 to 7 percent of the total cost. It is relatively small, but it is very important. Often it is oriented specifically to special education—to a particular need, and so on. That is good. We will, hopefully, have a bill before us that will provide for some commonsense education and a reform plan that will help all children attain their potential so they can be successful.

In increasing the accountability for student performance, money is obviously the key factor. Money alone, however, is not enough. Money just doesn't do it unless there is some other accountability there so we can measure performance. We need to support the programs that work and take a look at those that do not work. Obviously, there are some of each.

I think we need to reduce the bureaucracy so that officials in Washington are not deciding what we ought to do in Sundance, WY, or Philadelphia. The people in other parts of the country ought to have the opportunity.

We need to empower parents to be able to make decisions with respect to their own children's future. Part of what we will be talking about in consideration of the bill will be to hold schools accountable with annual reading and math assessments and annual testing that gives parents the information they need to be able to determine whether or not their children are learning.

Testing is somewhat controversial, particularly national testing. I hope we can give the States as much flexibility as possible as to how they do that. On the other hand, with the kind of movement we have among children as they get out of school and go to other places, we need to ensure that as they are trained in Colorado, they are prepared to work in California; that their educational background will give them the ability to do that.

Testing gives educators the information they need to know what works, to see what is working in classroom and to improve skills and improve teaching effectively. That is part of what we will be doing. Federal dollars should not follow failure. We need to ensure that the programs that are funded by Federal dollars are programs that are useful and programs that are producing results. I think we need to make sure we support the programs that are effective and that are research-based programs. Schools need to be held accountable, of course. School boards need to do a lot of that. Parents need to do a great deal of that.

We need flexibility, of course, As I mentioned, school districts are quite different. They need to know that school districts are different. It is really not appropriate to send dollars, saying they have to be used to reduce the size of the class when in fact the size of the class is not the issue; computers are the issue or the building is the issue or teacher training is the issue. We need to do that.

Parents need to be empowered, of course, to be able to determine the quality of education the children are receiving so they can make some decisions. I think there has to be clear accountability. In many cases, I think the idea that you can have some choice among public schools is the way parents can have some accountability as well. In my hometown of Casper, WY, we have a number of charter schools—schools that are different from public schools—so that children have a chance to go to different places and do different things.

We will be talking about the Educational Opportunities Act. We will try to respond to the declining student performance we all hear about in our public schools. We need to change what is going on if our purpose is to have higher performance. The Educational Opportunities Act is designed to support learning efforts in all 50 States and helping local leaders determine what those programs need to have.

Also, we will be talking about how to help disadvantaged children meet the high standards and providing schools and teachers with greater decision-making authority to make the changes that will result in better performance and schools more responsive to the needs. For any school that fails to help its students over a period of time and make adequate progress, perhaps there can be an opportunity either for that school to be restructured or, indeed, in many instances for the parents to have an opportunity to send their kids to other public schools.

I don't think in the beginning that the proposal will have the voucher aspect of it, even though that is very controversial. But we can have the charter idea, and we can have the notion that people can choose.

There is nothing more important in education than the teacher. Give them a better opportunity for training. Alternative certification may be helpful to continuing learning opportunities. Teacher empowerment will be one of the programs.

We will have enrichment initiatives where there can be different programs designed for the 21st century learning centers, where you can have special kinds of schools and special kinds of programs happening for kids. There is also the gifted and talented program, the advanced placement program, and help for neglected, delinquent, and at-risk students. There are all kinds of programs that are necessary.

Obviously, safe and drug-free schools is something we want. We used to think about the problem of talking out loud or chewing gum in schools, and so on, as problems in school. Now problems are much more serious than that. There are drug problems, shooting problems, and other kinds of safety problems. So we are going to address that issue.

There is a title on educational opportunity initiatives where we can help children with the establishment of charter schools. More of that will be done. It is pretty much a local initiative.

We can help students across the digital divide so they are computer literate in the eighth grade and ready to do the things that now need to be done to be successful in the private sector.

There is bilingual education and educational enhancement. I think there needs to be some focus on students who speak limited English so that they have a better chance to succeed when they go out into the world. Obviously, the students will want to maintain their own choice of language, and that is great. But if they are going to be successful in this country, they have to be competent in English. I think that is something that can be done.

There is also impact aid. Of course, we have schools that are different, schools that are in communities that are largely Federal. For example, they do not have the same kind of tax structure and opportunities that others do. We have schools on Indian reservations and schools for Native Alaskans, and so on, that need special care. In Wyoming, we have reservations that need special attention. We can provide that special attention.

So these are the issues that will be involved in the educational bill that is upcoming. There is great concern over the amount of money that will be put in education. The Republican bill has more money in the budget than the President has asked. There will still be arguments made about needing more money.

Of course, one of the issues is that when there is a "surplus," there is never enough spending to suit some people. Others think there ought to be a limitation on the role of the Federal Government. I happen to agree with that in terms of its involvement in elementary and secondary education.

So I think we will have a spirited debate. It is interesting, though. Everyone in the debate, I believe, would agree that we have a real responsibility and are determined to help strengthen the educational system in this country. The question will be, how do we do it? How do we best do it? What are the areas in which we can have the most impact?

I have to confess, frankly—and I know there is testing, and so on—I am pretty proud of the system that we have and the young people with whom I have occasion to deal. Frankly, my wife is a special ed teacher, so I have a little insight into that. As I tour around our State, I am pretty darn proud of the young people in my State. I think they do a great job. Quite frankly, many of them are better prepared for life when they get out of school than I was or perhaps some of us were that are a little older.

So are we where we should be? No, of course not. Are there areas that are particularly in need? I think so. And we are in one of those areas right now. The results in the District of Columbia are not up to the normal performance levels. There are many of those areas. So we need to work on that. But we also have lots of dedicated teachers who do a great job and lots of school districts that do a great job.

So I am anxious for us to move on this matter of education. I think we will be on it today. Certainly we will be on it for some days. Indeed, we should be. As we deal with this question—or any question, for that matter, but this one maybe even more than others—we need to set some goals for ourselves as to where we want to be in 10 years, where we want to be in 15 years, what we want our children to be able to do, what opportunities we want to be able to provide for them, so that as we deal with today's issues, and the issues that are in this bill and are before us—each one is a rather small step—that those steps are directed for the attainment of a goal with which we can all agree.

It seems to me that is very important to having a successful discussion of an issue of this kind.

We need to have defined what our values are, what our goals are, where we are headed, and what it is we want to have as a result of the efforts we have made.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S PRIORITIES

Mr. DURBIN. Mr. President, as the Members of the Senate are returning this week from our Easter recess, many of us spent time in our home States talking with our families and leaders, trying to catch the pulse of America. I was back in Illinois and had the opportunity to travel across my State and have a number of meetings which had a profound impact on me in terms of our debate in the Senate. I think these recess periods are valuable because, as close as we think we are to people, there is absolutely no substitute for sitting down with them and having some conversations about the issues we are debating.

One of the issues we have spent a lot of time debating in Washington is the whole question of the tax cut. I think most of us believe a tax cut is a good thing to do. This may be a good time to do it. There is a lot of uncertainty in America now about our economy. I met a lot of people during the course of my time back home who have seen their 401(k) plans and IRAs and mutual fund savings take quite a battering over the last 5 or 6 months. It has happened to virtually all of us who were not quite smart enough to get out of the market at the right moment.

I still have a very positive feeling about where we are going, and I do believe we can get this economy back on track. But I, frankly, do not believe we are going to do it with the proposal we have heard from the White House for a $1.6 trillion tax cut. This is a suggestion by the President that we will have such prosperity and such surpluses over the next 10 years that we can make dramatic tax cuts now and be able to pay for them 5, 6, 7, 8, 9, or 10 years from now.

It takes a lot of insight and foresight to look ahead and suggest where America's economy is going to go. One of the people most respected in Washington is Alan Greenspan, Chairman of the Federal Reserve. It was only 6 or 7 months ago that Chairman Greenspan suggested raising interest rates to slow down a hot economy. Since then, the economy has slowed down dramatically, and Chairman Greenspan has been racing week-after-week to lower interest rates to try to get things moving again.

So even the best minds at the Federal Reserve and the Chairman 6 months ago, 8 months ago, were guessing wrong about where America's economy would be today. I think it leads to a healthy skepticism by many people when President Bush says: I know what America is going to look like 5 years from now; I know where we are going to be.

Take a look at the same economists President Bush is relying on. What did they guess 5 years ago for today? They told us America would find its economy in such a shape and the Federal budget in such a shape that we would have a $320 billion deficit this year. It turns out that our surplus is about $260 billion. So they missed it by $580 billion 5 years ago when they tried to guess where we would be. So I think you might understand why this Member of the Senate and many of the people I represent are skeptical when the President says the best thing for America is to guess we are going to be so well off in 5 or 10 years that we can create tax cuts now.

Many of us believe we are on the right track in terms of the general drift of our economy, though we are in a slow period; We do think if we make the right decisions now we can get back to see the growth of income in families, the increased value of our retirement plans, more jobs, more housing. But we have to make the right decisions now.

If there is going to be a tax cut, and I think there should be, it should be a sensible one, one that we can justify, not only today, but which might look good a few years from now. If we are going to have a tax cut, for goodness' sake, everybody in this country should profit from it. Everybody should benefit. All taxpayers should benefit.

Under President Bush's proposal, the $1.6 trillion tax cut, 43 percent of the benefits go to people making over $300,000 a year. These are people who have a monthly income of $25,000 or more. They are the big winners in the President's plan.

I am sorry, but I do not believe those are the people on whom we should be focusing. Yes, they are entitled to a tax cut, as every American family should be, but they should not receive a disproportionate share of any surplus.

Let me give you two illustrations. A man came up to me Saturday night in Chicago and he said: You know, Senator, you just don't represent me in Washington, DC.

I said: What do you mean?

He said: I think you ought to vote for President Bush's tax cut because it would help people like me. I am one of those leaders in the economy who makes a difference, and you, in fact, have criticized the President for the tax cut that would help me.

I said: Tell me a little bit about your circumstance.

He says: I pay taxes. I paid a lot of taxes last year. I paid $900,000 in Federal taxes last year.

How many people do you run into who paid $900,000 in Federal taxes? I didn't know the man. But just a rough calculation—you don't have to be H&R Block to figure this out—suggests that man's income last year was $3 or $4 million, maybe more. He paid $900,000 in taxes and he was critical that I didn't support the Bush tax cut that would have given him over $46,000 of tax breaks last year.

I said to him: I understand that you have been an important part of this economy. Of course you should be considered when it comes to tax cuts. But you have done pretty well, haven't you?

He says: I have, but my portfolio has taken quite a hit over the last 6 months.

I said: Numerically, virtually all of us can tell that story.

But it is hard to imagine that this is the man we should be focusing on when we talk about getting America's economy and people moving again.

I had another conversation a few days before that stay in a little hotel in Chicago late one night when I went to do some laundry down the hall at about 9 o'clock. There was a housekeeping lady who was kind of laughing at the Senator who was out doing his laundry. But I said we kind of lead ordinary lives when we are not in the spotlight.

We started talking. This lady is a single mother who raises a few children and works as a housekeeper in this hotel. I said: How are you doing? She said: I thought I was doing pretty well, Senator. She said: I was keeping up with my bills and everything, but this winter the heating bills have really hit me hard. I paid the same amount as I did last year for my heating bills, and I am $1,000 behind. Now I have to pay $1,000 more. I have to pay for the heating bills, and now I am working with the gas company to figure out how to do that. She said: I really try to pay something on those. I have really tried. I am $1,000 behind.

I was thinking to myself, as I was flying back to Washington, about those two people I met. Frankly, both of them are good, God-fearing American citizens. But I have a great deal of concern about that lady who is a housekeeper and is working at night trying to keep her family together, paying her bills, and who ran into an unexpected expense of $1,000 because of her heating bills. Sadly, the Bush tax cut provides no tax benefit for them. If anything, it is about $220 a year. For the man who makes $3 or $4 million a year, the Bush tax cut is worth $46,000 more. For the lady who is trying to figure out how to pay for the $1,000 heating bill, it is $200. That doesn't strike me as fair.

If there is going to be a tax cut in this country, it should be a tax cut that really benefits all the taxpayers and gives everyone a chance to have some spending money and have their taxes reduced.

Another concern of mine is that the Bush tax cut doesn't provide any tax relief for people who do not pay income tax but pay payroll taxes. Twenty-one million Americans go to work every day, and because their income is low, they don't pay income tax but they pay the payroll taxes. They pay for Social Security and Medicare. Sometimes it is a substantial part of what they earn. To say that these people are not taxpayers I don't think is fair. They are working people who pay their payroll taxes and see it taken out of their paycheck. I think they are entitled to be in this conversation about tax cuts to get America moving again.

When it comes to the tax cut proposals, I sincerely hope that when the conference committee meets, it is going to move closer to what the Senate suggested and bring the President's tax cut down to a level we can justify, that doesn't rely on inflated projections about where our surplus might be, and try to make sure we invest in our priorities for this country. And when it comes to the tax cut itself, let's try to make that fair for all families—not 43 percent of it for people making over $300,000 a year but for that housekeeper in that hotel in Chicago doing her level best for her family and who just needs a helping hand now, and for families who, frankly, have low-income jobs but are going to work every day. They may not pay income taxes, but they see those payroll taxes come out of every paycheck. Include them in any tax assistance you provide.

One of the most significant votes during the course of the debate on the budget came as a result of the amendment of the Senator from Iowa, Mr. HARKIN. He offered an amendment that said President Bush's $1.6 trillion tax cut should be reduced so that we can put more money into two things: First, national debt reduction; and, second, education. I think Senator HARKIN was right. I am glad his amendment passed on a bipartisan basis.

The national debt is our national mortgage. The national debt is about $5.7 trillion. It has never been larger in our history. We collect $1 billion a day in Federal taxes to pay interest on the old national debt. It doesn't hire a teacher. It doesn't build a road. It doesn't protect America. It services the old debt.

When Senator HARKIN suggested that we put more money in debt reduction, I think he was right. If there is going to be a surplus this year, let's start retiring the national mortgage. The best gift I can leave my kids or grandson is to have less of a debt burden for my generation. I think that makes sense.

I am glad Senator HARKIN prevailed. The White House did not approve of his amendment. They opposed it. But a bipartisan majority on the Senate floor supported it.

The second part of Senator HARKIN's amendment also goes to the key issue of education. Senator HARKIN proposed $250 billion in new spending by the Federal Government for education over the next 10 years. I think Senator HARKIN is right on the money.

As I talk to people across my State of Illinois, they say education is very important. For many of us, without education, we wouldn't be where we are today. Neither my mother nor father went beyond the eighth grade, yet I was able to go through high school, college, and law school and stand in this Chamber today. I brought the report card home every 6 weeks. It was a big event in our house. My parents may not have had a great formal education, but they knew what education was all about. I think families across America know that education is really the ladder we all climb for success in America.

Senator HARKIN said in his amendment, cut back on President Bush's tax cut and put the money in education. Where would we put it?

I had a meeting in Naperville, IL. Naperville is the fourth largest city in my State. It is a great community. The mayor took me around. We went to a local high school, Naperville Central. They are very proud of the fact that they just took an international test in math and science and came up first. It is a good school system. But it is a school system facing a lot of pressure right now because of cutbacks in funds and property tax caps. They are doing their best to keep good teachers and to make sure they still have the best students. That is one of the better off school districts in my State. In my old home, East St. Louis, and parts of Chicago they are really struggling with limited funds.

Senator HARKIN said we needed to invest more Federal dollars in education in the areas they have focused on with these investments. The local level I think is what most people understand.

First, the key to success in education is good teaching. I can recall some excellent teachers in my life who made a difference for me. I can recall some who weren't so great where I had to kind of weather the storm, get through and hope for a better teacher in another course and another year.

Senator HARKIN is talking about investing money in teacher training so that we have the very best teachers in the classroom. We have a lot of teachers who are going to retire very soon. We want to make sure they are replaced by young, idealistic, and energetic teachers who can really motivate our students to learn. There is no substitute for that. If the Federal Government can assist in teacher training, recruitment, and retention of good teachers, I think that is money well spent.

The second thing we are talking about is class size. I have had teachers come up to me in the Chicago area and say the Federal initiative to reduce the number of students in the classroom is the best thing that ever happened to them.

Imagine yourself as a parent trying to raise your kids at home. I can recall when my wife and I had our first child. We doted on that little girl. We spent all that time. And then came along a son. Then came another daughter. Pretty soon it looked like a mob scene in our house. We tried to keep it under control with three kids. Imagine your classroom every day with about 30 kids. It is a tough thing to make sure you focus on every child's desk and what they are doing and trying to give a little help to those needing a little extra help. Teachers say, if you can reduce that class size to 20 or so, it makes a profound difference in their effectiveness as teachers.

In Federal investment in education, we want to make sure we put that money where it is needed so that we can have smaller classroom sizes.

I also think we ought to take a look at the schoolday. The schoolday that ends at 2:30 or 3 in the afternoon isn't realistic anymore. Usually kids don't have people to whom to go home. They have a period of 3 or 4 hours where they could stick around school and be involved in activities. That is good. But for too many of them it is just dead time—time to watch television and hang out at the mall or on the street corner. That is not the best time to be unsupervised. That is when juvenile crime goes up. I think afterschool programs make sense, so kids have supervision.

We have Gallery 37 in the Chicago public school system in which Mayor Daley and his wife have been involved. They are about to expand that to provide more opportunities for kids after school. I find that all around my State that has happened. That ought to be a national program, so that we have afterschool programs for kids who may need extra help with their studies or may need an opportunity to learn how to play a musical instrument, to get involved in an art class, or perhaps just to play basketball. It may be something that will enrich them or enable them to learn a little bit more about computers.

All of these afterschool activities are good, but we really need to focus on it to make the schoolday reflect the reality of American families.

The same thing is true with the school year. Three months off in the summer so the kids can go work on the farm—there are not a lot of kids working on the farm, even in Illinois. The question is whether or not there should be a summer school opportunity for enrichment for children.

You find that kids, if they have tested well at the end of the school year, and they are gone for 3 months, when they come back they lose lots of what they learned. So when we invest money in summer programs to enrich kids, and give them new opportunities, and they continue to learn, it is a good investment in continuing education.

I think taking money from the $1.6 trillion Bush tax cut, which goes primarily to wealthy people, and putting it into education so kids have a chance in the 21st century in America makes a lot of sense. That is why I was happy to support the proposal from Senator HARKIN, the bipartisan amendment which passed, to cut it back and make sure we have more money invested in education.

We celebrated Earth Day last Sunday, too. I think that is worth a comment or two, as well, because if we are going to make investments in America, we certainly ought to make investments in environmental protection.

Some of the things that have happened in the first 90 or 100 days in the Bush administration have been very troubling, such as this whole debate over arsenic in drinking water. I happen to believe we ought to take a serious look at what we breathe and what we drink and what we eat to make certain that it is safe.

All of us are concerned about public health statistics that show an increase in cancer, in pulmonary disease, factors that lead us to question why is this happening now in an America that is so modern, in an America with so many health resources. I think, in many instances, it gets down to the basics—the water we drink, the air we breathe, the food we eat.

When the administration came in initially and said they were not going to stick with the Clinton proposal of reducing the arsenic content in water, there was a cry across America because families said: Why are we doing that? Wouldn't we want to make water safer? We know that arsenic is a carcinogen. It causes cancer: lung cancer, bladder cancer, skin cancer.

For years now, we know that Europe has had a safer arsenic standard. We know the National Academy of Sciences tells us we should move to the safer standard. Why would the Bush White House reverse that position? But they did.

Last week you may have heard Christine Todd Whitman at the Environmental Protection Agency say they were going to reconsider this decision. This debate goes back and forth. But I tell you, when it gets down to something as basic as the safety of the water we drink, we expect the White House to be listening to families across America and not to special interest groups that are pushing for relaxed environmental standards.

Whether we are talking about carbon dioxide in the air—which is part of global warming—whether we are talking about lead or whether we are talking about arsenic in drinking water, the Environmental Protection Agency is supposed to be just that: an agency to protect the environment, not a revolving door so that special interests and corporate interests can come through and change regulations to their liking.

I am glad they are going to reconsider their position on arsenic in drinking water. But I certainly hope that is not an isolated situation where they found religion. I hope that it reflects a new idea in the Bush White House about true environmental protection.

We can take a look at some of the energy concerns across America, and they are directly linked to the environmental questions. The people who have talked to me for the last several months in Illinois about increased heating bills and the high natural gas prices now are talking about increases in gasoline prices at the pump. I don't know if it is happening across America, but it is certainly happening, again, for the second year in a row, in Illinois, where we are seeing this runup in gasoline prices at the pump.

Yesterday, two of the major oil companies reported record profits. It is no surprise; the families and businesses I represent are paying more at the pump, and that must translate into profits for some. The question is, When the President's task force on energy policy comes in with a report in a few weeks, will they take into consideration the consumers, the people who are paying the bills—the higher electricity bills, the higher heating bills, the higher gasoline bills? It is not appropriate or fair, as far as I am concerned, for them to just look at it from the corporate viewpoint.

I know the President and many of his people in the White House have been closely aligned with the oil industry in Texas. I understand that. That is part of their background. But I think their responsibility now goes far beyond the industry. It is time for them to be sensitive to the families and consumers who are paying the bills.

A lady came to see me yesterday in Chicago and talked about the increase in gasoline prices. She has a small business, a messenger service. She said: Senator, here we go again. It hit us last year and it is coming back this year. I have to lay off people. I can't afford this.

I had some people who came to me from a steel company in Chicago, Finkl Steel. They have had an increase in natural gas prices, which means an increase in the cost of their product. They find it difficult to pass along this cost to their consumers as they are struggling to keep everybody working in their plant.

These energy prices, as they are going up, have a direct impact on employment. We have to try to find an energy policy that accomplishes several things. First, it gives America a reliable source of energy; second, it makes certain consumers are not disadvantaged in the process; and, third, it respects our environment.

I certainly hope the Bush administration comes in with a proposal on this and that they will, in fact, take all three factors into consideration, and not just the profitability of the energy industry.

So we have an important debate ahead of us in Washington on a number of issues related to education, environment, energy policy, and certainly health care. I left health care for last because it is something that I think we have forgotten, and we should not. The people I represent have not forgotten it.

I went up to Palatine, IL, to the clinic run by the Cook County Bureau of Health Services and Northwest Community Health Care. I was there with the mayor, Rita Mullins. After we went into this clinic, Dr. Rodriguez came up to me and the first words out of his mouth were: Welcome, Senator. We need universal health care.

That was the first thing he said to me. He had a waiting room full of people with small children who were uninsured, people who were charity cases for that clinic.

Each day in America more people lose health insurance. At a time of prosperity, when those of us in Congress are supposed to be sensitive to the real problems of families, we are totally ignoring the obvious. More and more people are uninsured. Fewer and fewer families have peace of mind when it comes to health insurance. More and more employers are cutting back on health insurance coverage for their employees, and they are making it difficult for those employees to protect their families.

I know a fellow who had a small business with only about 10 employees. One of the children of one of his employees had a serious health problem. As a result of that health problem, the employee incurred very expensive medical bills. The health insurance company came back the next year and said: We are increasing your premiums by over 50 percent because of the one child in the one family. Because of that, the business was forced to drop health insurance coverage and to merely give their employees the amount of money they had traditionally spent for health insurance policies in the past. At least they did something, but it was of little or no help to the one man and his family who had been hit by all these medical bills.

That is the reality of the America in which we live. There are virtually no proposals before Congress to deal with this problem. We cannot overlook it because the people who get severely ill in this country end up showing up, at some point, at the hospital when they are facing an acute illness. They do get treatment, at the expense of the system, at the expense of everyone else who pays for health insurance premiums across this country.

There are several things I think we can do. First, I believe we should provide tax benefits, deductions, and credits for small businesses that offer health insurance. Give them a helping hand in the Tax Code. If the President can find $1.6 trillion for a tax cut, primarily for the wealthiest people in this country, for goodness' sake, can't we find a tax break for small businesses so they can provide health insurance for their employees? I think that is good for the family who owns the business as well as those who work there.

Secondly, I have introduced legislation called caregivers insurance. This is what I am trying to achieve. We entrust the people we love the most in our lives to those who are paid a minimum wage.

Who am I talking about? Our children and grandchildren in daycare, our disabled friends and relatives who need a personal attendant, our parents and grandparents in nursing homes. They are primarily attended to and watched by those making the minimum wage, and these people who are keeping an eye on the folks we love the most generally don't have any benefits; they certainly do not have any health insurance in most instances.

The plan I propose, caregivers insurance, would make all of these licensed workers in daycare facilities, personal attendants to the disabled, and those working in nursing homes eligible for Medicaid coverage in their States. The State of Rhode Island is doing this. I think every State should do this—so that it is part of that job.

The turnover in these businesses is 50 percent or more each year. If we are going to keep good daycare workers, if we are going to keep good working people at nursing homes, we ought to give them the peace of mind of having health insurance. That is something we should do in this Congress. I hope the caregivers across America to whom we say we are willing to entrust our children and our parents can come together and prevail in this Congress for this health insurance protection. So as we get into this debate, the serious part of it in the appropriations bills, we have an important agenda ahead of us.

The President will have completed his first 100 days as of next Monday. At that time, people will make an assessment. I think the President deserves good marks in some areas even though I sit on the other side of the aisle from his party. I certainly acknowledge that he has shown a sensitivity to many issues to which the American people are sensitive as well.

But I think the basic question is whether this White House is really focused on the average family, the working family, the people who are good citizens in their neighborhoods and in their parishes and churches and synagogues and temples, people who are paying their taxes, obeying the law, doing their best to raise their kids, whether this administration keeps them in mind when it talks about a tax cut plan that should be benefiting these families as much as the wealthy—sadly, the Bush tax cut really is focused on helping the wealthiest among us and not these families who make up the core values of America—and whether the President's plan on education really thinks about families across America in the cities and rural towns in Illinois and the suburbs around Chicago, families who want their kids to have the very best education, whether the President is really prepared not only to give a speech about education but to provide a budget which funds education at levels so that education quality is maintained and improved for this country.

Finally, of course, when it comes to the environment, that the people at the Environmental Protection Agency and the Department of the Interior will think about their public responsibility to the legacy we are leaving our children. This Earth should be cleaner. It should be safer. There should not be questions about the water we drink, the arsenic levels in it, the air we breathe, and whether or not we are doing our share in America to deal with global warming. We need to have the courage and the leadership in the White House to be sensitive to environmental issues that will affect generations to come.

The assessment of the first 100 days will be made by many, but the most important assessment will be made by that family back in Illinois, or whatever State they may be from, who will ask this basic question: Does this administration, does this White House, and does this Congress really care about me and my family? Are they making decisions for special interest groups or for those who have all of the power in Washington or are they remembering the real America, the families in each community who make this the great nation it is?

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. WELLSTONE. Mr. President, maybe I should have taken the time to look at some notes. Instead, I will speak extemporaneously about the education bill.

I will take a few moments to talk about an issue that is near and dear to me, given my own background as a teacher and my great passion about children and education. I will talk about the Elementary and Secondary Education Act.

Before we went on break, I objected to a motion to proceed to this bill. The main reason I objected was I did not know what was in the bill. As a legislator, as a Senator from Minnesota, who gives, if you will, a special priority to children and education, I wanted to know what is in the bill.

The second question, of course, has to do with appropriations. But, first things first. I wanted to know what is in this bill, and there are some questions I want to raise right now in anticipation of what will probably be a very rigorous and vigorous debate about education before the Senate. This is as it should be.

The title of this bill is called BEST. President Bush is arguing we can do our best for children and for education by the Federal Government requiring that every school throughout the United States of America having annual testing starting at age 8 with third graders, going through age 13. This will be in addition to the testing that now takes place.

The first point I want to make today about this legislation is that we have to be very clear in the language that there is no abuse of testing and that at the local and State level, school officials and those who administer this test will be able to rely on multiple measures. We want to be very careful that this testing is consistent with National professional standards of testing. That is very important. Quite often there is confusion between accountability, which we are all for, and a single standardized test. They are not one in the same thing.

The second point is if, in fact, we are going to have this mandate on all of the States to do this testing, there has to be money committed to administer these tests. This should not become an "unfunded mandate." States and school districts will be interested in that.

Most important of all, if we are going to have a massive requirement which puts all of the emphasis on testing, we also should make a massive commitment by way of resources to make sure all of the schools, teachers, and children have the same opportunity to do well on these tests.

Right now, we do not have that. What we have from the President is a tin cup budget for education. I have said it over and over and over again in the Senate, and in articles, one cannot realize the goal of leaving no child behind on a tin cup budget. At the moment, we have very little by way of increase in expenditures for education under the Elementary and Secondary Education Act. That, to me, is unconscionable. If we are going to now basically say to every State, every school district, every school, every child, take these tests and this is going to be how we will measure how you are doing, we will set up a lot of schools, teachers, and children for failure unless we give them the resources to make sure the children can do well.

I will be very interested to see when we move to this bill, whether or not there is a new, bold commitment to the title I program for kids who come from disadvantaged backgrounds. Now it is funded at a 33-percent level. I will be interested to see whether or not there is a commitment to afterschool programs, whether or not there is a commitment to additional help for kids in reading, and whether or not there is a commitment for rebuilding our crumbling schools. I will want to see whether or not we have a commitment to smaller class size and whether or not we have a commitment to recruiting good teachers. If we don't do that and we don't live up to what is our responsibility, we have put the cart before the horse. We are going to hold the schools, children, and teachers accountable where we should be held accountable.

Where is the investment, I ask. I probably will offer a trigger amendment, if, in fact, this bill comes to the floor, which will say that no state will be required to implement the new testing under this bill until we fully fund the federal share of the IDEA program, which is a program for kids with special needs. How can we not fully fund this program? Right now, we are funding IDEA at one-third of what we owe. We need to pay for everything that we owe. How can we not fund that? How can we not fully fund the title I program? How can we not fund teacher recruitment, smaller class size, investing in crumbling buildings, before we start saying we will have tests every year?

What the President has done, what the administration has done, and what too many Democrats seem to be accepting is the idea that tests are the reform. The tests are the way we assess reform. I do not believe we will be doing our best for children in America if the only thing we will do is force tests on every State and school district in the country without at the same time giving the schools and teachers and children the resources to do well.

If we want to make the argument that to invest money and not have any tests is to not have any accountability, fine; let's have accountability, if the testing is done the right way. My argument is if all we do is have the tests and we have hardly any new additional investment in education and in children, what we have done is have accountability but it is a waste of time.

Quite frankly, until we get serious—the President is not; not in the budget—it does not matter the words we utter. It is not the photo ops. It is not visiting children in schools. Where it matters is whether or not we are willing to make the investment.

Senator HARKIN and I had an amendment that called for $225 billion more by way of investment in education over the next 10 years. That must be kept in the Budget Conference Committee. That amendment is all about investment in children. Unless we do that, unless we make that kind of a commitment, we are not doing our best for children.

My hope is that Democrats will make it very clear to our colleagues on the other side that anything and everything that helps children and education, we are for. Any way we can work together, we should do so. But we are not going to throw our support behind an education program which calls itself BEST—which does not come anywhere close to how we can do our best for children—all for the sake of $2 trillion in Robin-Hood-in-reverse tax cuts, with over 40 percent of the benefits going to millionaires.

This President so far has not shown the commitment to make the investment in children and education. I hope the Democrats will stand up for children and stand up for education. We will make it crystal clear that if we are going to have this mandate of all these tests, the resources are going to come with it. That is the second point.

Finally, there are some fairly serious policy questions left outstanding. One of those policy questions has to do with what is called the Straight A's Program. The question is whether or not we are now beginning to go to block granting to, seven States. This, theoretically could affect a large number of children in America. It would mean we would all of a sudden move away from safe and drug-free schools, move away from afterschool programs, move away from certain programs that we have passed as a national community. We want to have separate funding for these programs, we want to make these programs a priority, for every child, no matter where he or she lives. To move away from that Federal commitment without some fairly strong language that makes sure all of the children are going to benefit; that makes sure this is not abused in any way, shape, or form; that makes sure this is not used for extras as opposed to what can help children do their very best; I think we have to be vigilant on this question.

I think this could shape up as a historic agreement if it is real. But if it is not real, and the President is not willing to back his rhetoric with resources, and instead he puts most of these resources into tax cuts for, basically, wealthy people at the top, and does not make this investment in education for children, Democrats should speak up for kids. We should speak up for education. We should speak up for our school boards and our school districts and our States.

As far as my State of Minnesota is concerned, I have been in enough meetings with enough schools and enough teachers. We are going through a very difficult battle at the State level, as well, on the education budget. More than anything, what all of the good teachers tell me is give them the resources to work. And, by the way, in addition, what the really good teachers say is they do not want to be forced into some sort of straitjacket education, where everybody is teaching to low quality tests and to the lowest common denominator. This is the educational deadening. If we are going to use tests, they must be high quality. We have got to get it right, do it the right way.

Maybe every Senator has been in a school. I have tried to be in a school every 2 weeks for the last 10½ years. If you get to the school level, you get down in the trenches, you realize a lot of what purports to be reform, may, in fact, not be so good for kids in schools. It may, in fact, be counterproductive. It certainly will be, unless we get the investment in resources.

For my own part, I objected before spring recess to move forward with the bill, and I will continue to object until I see what is in the bill, and then we will see whether we go forward in the debate. I hope, unless the President comes forward with a real investment of resources, that Democrats and some Republicans will directly challenge this piece of legislation. I don't want to have a piece of legislation that has this great acronym "BEST" with all of the symbolic politics that purport to do so well for children and, in fact, do not. We shouldn't play symbolic politics with children's lives. We ought to be able to do well for kids and get the resources to the school districts, the resources to the States, the resources to the schools, the resources to the teachers, and the resources to the kids. At the minimum, we ought to do that.

That would be my commitment in this debate that is to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ENVIRONMENT

Mr. CORZINE. Mr. President, I rise today to speak about our environment, and the right of all American families to clean air, clean water, and a clean future for generations to come.

Maintaining a clean and safe environment should not be a partisan issue. All of us live on the same planet. We all breathe the same air. We all drink the same water. When it comes to our global environment, we are one community.

In fact, when Americans voted last November, they voted for two Presidential candidates who both professed a strong commitment to our global environment. Former Vice President Gore obviously made environmental protection a top priority. But President Bush also made several promises to improve environmental conditions.

Unfortunately, as we celebrate Earth Day, Americans around the country are growing increasingly concerned that these environmental promises have not been kept. Instead, we have seen a series of actions that threaten to have significant and adverse effects on the quality of our air and water, and on the natural resources that our children and grandchildren will inherit.

First, President Bush reneged on a campaign promise to regulate carbon dioxide emissions. Then he caused an embarrassment abroad by announcing the United States' withdrawal from an international initiative to address global warming. He went on to block new protections against arsenic in our drinking water, even though scientists have clearly found that Americans face unacceptably high cancer risks from arsenic in drinking water under existing standards.

These actions are out of step, in my belief, with the American people. Certainly they are out of step with the people of New Jersey. Americans understand and reject the outdated notion that we need to sacrifice the environment in the name of the economy.

Unfortunately, the attack on our environment continued in the President's budget, which would slash funding for EPA and natural resource programs by 15 percent over 10 years. This would significantly weaken our commitment to environmental protection in many ways.

Consider, for example, the President's request for funding for water infrastructure funding. The President is reducing the funding for the Clean Water State Revolving Fund and wastewater loan program by $450 million in this budget year. Yet more than 40 percent of our Nation's waters are not safe for fishing and swimming. In my own State of New Jersey, 85 percent of the water does not meet the quality standards of the Clean Water Act. I cannot and will not support a budget that will take us to even lower standards of protection.

I also am concerned about the administration's proposal to cut funding for clean air programs at the EPA. More than 100 million Americans today breathe air that does not meet the standards of the Clean Air Act. Yet President Bush's budget cuts EPA's clean air programs by 6 percent next year, from $590 to $564 million. This could have a serious impact, especially for those more vulnerable to dirty air: the young, the old, and the infirm. Just this week we saw new scientific evidence of the carcinogenic impact of breathing soot in our air. I know it will have an impact in my State where the air quality in 9 of our cities and countries is among the worst in the Nation. We need to move against this.

While the cuts to programs like clean air and clean water may tend to get the most attention—and maybe they should—I am especially concerned about the cuts in the President's budget for EPA's enforcement operations—the so-called compassionate compliance. We can have lots of strong laws on the books to protect our environment, but if they're not enforced, they're worth little more than the paper they're written on. We in New Jersey have seen the consequences of underfunding enforcement. For example, our State reduced funding for our water pollution control enforcement program by 26 percent. I repeat, 85 percent of our waterways do not meet the clean water standards. That is a major reason why we continue to have such significant water quality problems in our State. We are not enforcing the rules that we have on the books. I hope we will not repeat this kind of mistake at the national level.

The President's budget also underfunds initiatives to conserve energy and to develop clean energy technologies. Overall, the budget cuts for the Department of Energy are $700 million next year. This includes a $103 million cut in renewable energy research and development, and a $20 million cut in energy conservation programs. These cuts come at a time when our Nation is once again confronted with the need to reduce our dependence on foreign oil and to develop a comprehensive energy policy. An energy policy that addresses this challenge should have renewables and energy conservation as centerpieces. Instead, this budget puts them on the chopping block.

The President's budget also threatens our Nation's land and wildlife resources. It would weaken the protections of the Endangered Species Act, underfund land conservation initiatives, and generally weaken the Department of Interior's efforts to protect and preserve our Nation's great natural heritage, including our national parks. This will undermine numerous efforts by our States to fight the effects of sprawl and over-development, including the one spearheaded in my own State of New Jersey by our then-Governor, Christie Todd Whitman. She implemented a 100,000-acre open space initiative as Governor. I am concerned because in New Jersey the Sierra Club estimates that we are losing 10,000 acres of our dwindling open space a year. In New Jersey, these are real issues for us. We are the most densely populated State in the Nation.

The budget goes beyond cuts in some cases; for example, it eliminates the popular Wetlands Reserve Program. This is a voluntary program that creates incentives for farmers to manage their lands as wetlands. Finally, the budget proposes to drill the pristine Arctic Refuge in Alaska at the expense of rare species and fragile ecosystems.

Let me say that I would always prefer to give the President the benefit of the doubt. His actions, and the things he has to do, are difficult for everyone. But it is simply wrong to give big corporate interests such overwhelming influence in the development of environmental policies. The mining industry may do a lot of good, but it should not control policies over public lands. The oil and gas industries play important roles, but their short-term interests should not undermine the broader public interest in protecting our precious natural resources. We need a more balanced approach then we have been getting thus far in our discussion of the environment.

It is a great disappointment to me and many of my constituents given how important the environment is to each of them and their families. I have certainly heard that as I have traveled across New Jersey in the weeks leading up to Earth Day.

I hope we in the Congress will do what we can to help restore a balance to our Nation's environmental policy. I assure the people of New Jersey that I will continue to do all I can to resist efforts that would lead to dirtier water and dirtier air and erode our national heritage. The stakes are vital to our country and to my State. The American people deserve better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. GREGG. Mr. President, I want to take a brief moment to speak about one element of the education issue which as we move towards the debate on the education bill will be discussed at considerable length in this Chamber.

I want to lay out a predicate for this discussion. That involves the issue of what I call portability, or choice. Some have tried to place on it the nomenclature of vouchers, which really isn't accurate. But the issue is giving parents options in the educational system to assist them in ensuring that their children get an education which is of benefit to them and allows them to be competitive in our society.

I think we all understand that the core element of success in our society is quality education. We especially understand that in New Jersey where we don't have a natural resource to mine or agricultural products. We don't have some unique physical characteristic that gives us the ability to create income as a result of that characteristic. The essence of what gives our State its competitive advantage is the fact that we have a lot of people who are well-educated, intelligent, and are able to compete successfully in a very highly technical society.

That is a definition that can be applied to our country as we see a global market develop in all sorts of commodities. It becomes very clear that the theories of Adam Smith apply in our society and in our world today. There are certain products and certain capabilities which one society is better at than other societies. Fortunately, our society is best at those activities which produce the most wealth and the most prosperity. A large percentage of those products and capabilities involve technology. They involve intellectual capacity, and they require a strong education system to succeed.

Regrettably, what we have seen in our society today is an educational system that has not kept up with the needs of our Nation. In fact, tens of thousands—literally hundreds of thousands—of kids in our educational system simply aren't being educated at a level which makes them competitive in this high-technology world. It makes them capable of being successful, which means when they leave school they have the capacity to compete with their peers in English and math and basic science.

We have seen this regrettably for years and years. The situation hasn't improved a whole lot. In fact, we see in study after study the conclusion that our school systems aren't working that well in many parts of our country; that we are well behind other nations which we are competitors with in the international community in the industrialized world. We rank close to last in math and science. It is especially true of kids who come to the table of education who have a natural disadvantage of coming from a low-income background. Those kids are even further behind than kids who do not have that disadvantage coming to the educational table. In fact, as I commented in this Chamber before, the average child in the fourth grade coming from a low-income background reads at two grade levels from his or her peers.

The same is true nationally. It is throughout the system. It is not just fourth grade. We have seen the dropout rate. We see the lack of capacity to be competitive academically on the low-income side, and especially the minority side in our urban areas is a staggering problem. It hasn't improved even though we have spent hundreds of billions of dollars in this country trying to improve the system. What can we do to change that?

We are bringing out an educational bill on the floor with amendments to address a number of areas, and it has some very unique and creative initiatives. The President made it his No. 1 priority. He brought forward the debate and I think moved the debate dramatically down the road or significantly down the road towards trying to get a different approach to this issue, recognizing that we have not been successful with the way things have been working for the last 20 or 30 years. He has suggested that we give schools more flexibility, but in exchange for flexibility for parents, teachers and principals in the school system require more accountability, and that we hold that accountability to be applied not only to the norm but to every individual group within the norm, whatever their ethnic, race, or income background. It is basically a testing program that requires kids maintain that level of proficiency in their grade level.

But what happens when you see a school system which continues to fail year in and year out? You may say: Who defines failure? The Federal Government? No. Failure is defined by the local school district or the State school board deciding what a child should know in the third, fourth, fifth, and sixth grades. It is not the Federal Government setting the standard. It is the local school boards.

But we know literally thousands of schools in this country year in and year out meet the standards when it comes to teachers teaching kids in those school districts and those school buildings—standards which are set up not by the Federal Government but are set up by the local school districts or by the States.

Literally thousands of schools are not cutting it this year. They have not cut it for years in sequence. In some of our urban areas, 80 or 90 percent of the schools simply are not teaching the children in those school systems at a level that the local school district or the local school board or State school board defines as educational proficiency.

A parent who has to send their child to that school says to themselves: What am I to do? My child started in this school in the first grade and the school was failing. Now my child is in the fifth or sixth or seventh grade and the school is still failing. My child has passed through a system which simply wasn't teaching them what they were supposed to be taught, and everyone knew that child wasn't learning what they needed to learn.

What can the parent do under our present rules? The parent can do virtually nothing to try to help their child unless they happen to come from a reasonably high-income family. Then they can take the child out of school, or even a moderate-income family if they have a Catholic school system somewhere or a religious school system somewhere that has a low cost and have their child go to that school. But for most low-income families in our urban communities, their options are nonexistent. If you are the single mother with two or three kids, or even one child, and your child is trapped in that school system, you are saying to yourself: How is my child ever going to have the knowledge they need in order to be successful? How am I going to get my child to a point where they can read and do math, where they can step out of that school and get a good job, and where they aren't going to be assigned to a situation where they cannot compete in our society because they haven't been taught? That single mother's options are nonexistent today.

Some of us on our side of the aisle, and a few on the other side of the aisle, have suggested giving parents some options. Let's say to a parent whose child is locked in the school that has failed year in and year out—we are not talking about all parents. We are just talking about parents in low-income families, and single moms trying to make a living. They have a job. They are sending their kids to school. Their kids are in a school that doesn't work. Let's say to those parents that we have some other options. After 3 years in that school system that has failed, the parent will have an option to use the special money which the Federal Government sends to that school system to benefit low-income children, which obviously isn't doing any benefit.

You, the parent, will have the ability to take a proportion of that money and have it follow your child to another school, either a public school or a private school, where your child will have a chance to succeed. Your child will have a chance to participate in the American dream rather than to be locked out of it because they are in a school that does not work.

This concept has been demonized. This concept has been vilified. This concept has been aggressively attacked, primarily by the liberal educational establishment in this country, essentially the leadership of the labor unions. Why is that? This concept of giving parents whose kids are stuck in failing schools—low-income parents, most of them single parents, most of them women—an option to do something to try to bring their kids out of that destitute situation, why has it been so attacked by the major labor union movement in this country which controls the teachers' unions? Primarily because it is the first step to what is known as competition.

Competition is an evil term when it comes to the liberal educational establishment in this country. I am not really sure why it is an evil term. If you go out to buy a car, you decide on buying that car because there is competition. Competition has produced the one car that does a better job of what you are interested in than what somebody else has built. You buy a Ford over a Chevrolet or a Chrysler over a Chevrolet or maybe a Chevrolet over a Chrysler because you decide they build a better product that meets your needs more appropriately.

Competition has been the essence of what has produced quality in the area of products in our country. They will say, this is not a Chevrolet; it is education. No, it is not a Chevrolet. This isn't cars. This is service. In the area of service you do exactly the same thing.

If you have a doctor who you think is not taking care of you or your family correctly, you go to another doctor. If you have a dentist who is not taking care of you correctly—maybe he drilled into your tooth and did not give you any novocaine which caused you a little pain—you go to another dentist.

For service providers, the same is true right across the board in our country. The only place where service isn't provided in a competitive way in our society with any significance, outside of pure Government is in public education. As a result, regrettably, when a child is locked in a failing school, the parent has no options. That is not fair. It is not fair to that child. It is especially not fair to the low-income parent in America. It is not fair to the urban poor in America that their children are the only children who are subjected to this lack of ability to have a chance at the American dream because we have a society which demands that they attend a school that fails year in and year out.

So we have suggested, let's give these parents and these kids a chance. Let's take a small percentage of the funds and allow the parent to use those funds to bootstrap that child into some other educational venue where they think they can do a better job, where the parent thinks they can do a better job. It can be a public school or it can be a private school.

This is an idea that has caused great disruption obviously in the educational community. But let me point out it is working today with State and local dollars. It is working in the city of Milwaukee and in the State of Arizona. They allow the State tax dollars and the local tax dollars to follow the child to the educational venue, the educational place they wish to go. It works very well.

Listen to the mayor of Milwaukee, who happens to be a very active Democrat, and he proselytizes on this issue about how good it has been for the kids in the inner city, to give them a chance to be more successful, a chance to live the American dream. Remember, we are not proposing—and this is critical to understand—a unilateral Federal program that comes into the State, comes into the community, and says: You must allow the parent to have portability, to have those dollars follow the child.

What we are saying is this: We are going to put on the cafeteria line of Federal programs' an idea. You, the local school district, you, the State, if you decide to, through your elected officials—and it is key to underline that; through your elected officials—can take off that cafeteria line the idea of portability, having the dollars follow the child. So it is going to be a program which is totally controlled by publicly elected officials. It will be only at the discretion of publicly elected officials who control the public educational system.

So if the public education system in Milwaukee wants to use the Wisconsin dollars and the Milwaukee dollars, and then wants to also use the Federal dollars, they can do that. But if the public education system in Chicago does not want to use Federal dollars or local dollars or State dollars in order to give parents the option, then it will not happen.

This is not a unilateral exercise. This is an exercise which is related to the local community making the decision, through its locally elected officials, who control local education. So it is not some huge scheme that is going to be settled on the community from above.

Why shouldn't we say to the city of Milwaukee: All right, you have a program that you think is working very well. You are taking your State tax dollars, you are taking your local property tax dollars, and you have set up a program where those dollars follow the child. But, unfortunately, you, Milwaukee, today, under our law today, cannot take Federal dollars and follow the child. Your Federal dollars have to go to the public school system. They have to go to the public schools, and it is not in relation to how many low-income kids there are in the schools—and there can be some low-income kids who do not get any dollars for education—but, rather, it is in relationship to some arbitrary formula settled back in 1976 that simply happens to be a formula based on political expediency today.

Why shouldn't we say to Milwaukee: We are not going to do that any longer, Milwaukee. You have made a decision as to how you think you can educate your children. We are going to let the Federal dollars follow the local and State dollars. Specifically, in Milwaukee, if you decide to do it, we are going to allow you to use these dollars with portability, so the parents can have options; the same with Arizona.

That is what we are proposing. It is really not radical at all. It is not a Federal initiative demanding we have a national program on "vouchers," a word that has been made a pejorative term. It is a program that suggests that local communities and States may decide that parents, who have their kids in failing schools, where those schools have failed year in and year out, can do something for their children that will create some competition in the educational market, something which is fundamental to the American society in producing quality. It is a program that suggests that those school districts which have made those decisions locally or statewide, through their elected leaders, will have the option, with our Federal dollars, to do the same.

That idea has retained huge resistance; the resistance isn't rational. The resistance is political. It is driven by a desire basically not to allow competition, not to allow creativity in our local school districts, but to drive the process of education from Washington, so that an elite few can decide for many how education is pursued nationally.

We are going to discuss this at greater length as we move down the road on the education bill. But I thought it would be appropriate at this time to at least lay down the foundation for the predicate of the debate because it is grossly misrepresented in the press, not because the press does not understand the issue but because the presenters to the press maybe want to misrepresent. I believe it is appropriate to maybe begin to make clear for the record what is being proposed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Wyoming, asks unanimous consent the calling of the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:30 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer [Mr. INHOFE].

The PRESIDING OFFICER. The Senator from Kansas.

TARGETING CHILDREN

Mr. BROWNBACK. Mr. President, I want to draw the attention of this body to a report that was released just today by the Federal Trade Commission. It is a followup study to one that was done last year on the issue of the marketing of violent, adult-rated entertainment material to children. It was a groundbreaking Federal Trade Commission study last year that found that much of our adult material, adult-rated entertainment material—movies, video games, music—was adult rated by the companies themselves, entertainment companies, the conglomerates, and then target-marketed back to children, for example, in the Joe Camel advertisement. It was said this was an adult-rated product, cigarettes, but using an image to target-market that then back to children. It turns out the entertainment community—entertainment companies and movies and music and video games—was doing the exact same thing.

That report was released last fall, and it was very discouraging and disappointing that they would do this, particularly at a time when we have so much difficulty with violence in our society, violence among kids in our schools, killings among our teenagers.

There was a followup study released just today to that September FTC study. What came forward is that the movie industry is doing somewhat better about not target-marketing the adult-rated material to children, the video game industry is doing better than the movie industry in not target-marketing their adult-rated fare to children, and the music industry that is putting forward these hyperviolent, suicide, violence-towards-women lyrics has actually done nothing to change its marketing practice and continues to directly target-market adult-rated material. This is material the music companies themselves deem to be inappropriate for children. They put an adult sticker, parental advisory, on this material, and they turn around and continue, with millions of dollars in marketing campaigns, to target children.

They are saying: Yes, we got the study last fall. We saw that. Yes, we were target-marketing adult-rated, parental-advisory-stickered material to children last fall. Do you know what. We are going to keep doing it. And they have continued to do that, as shown in this study that was just released today.

I asked that industry to come forward and change its marketing practices: If you believe this material is inappropriate, to the point it needs a parental advisory label on it, don't spend millions of dollars to try to bypass parents and get the kids to buy them.

What the FTC study found is deeply disappointing. There have been some efforts made at progress, mostly, as I noted, in the video game industry, and more modest attempts in the movie industry. For those efforts I offer both praise and encouragement to step up the progress. But the report also found, as I stated, that the recording industry has made no effort to implement any reforms—either those mentioned in the report or the reforms that they, the recording industry themselves, told Congress they would do. This is even more disappointing.

Before we had the hearing last fall on the marketing of violent material to children, the recording industry stepped up and said: We are going to change. Here is a three-point, five-point, seven-point plan we are putting forward; we will implement these as an industry to change our marketing practices.

They volunteered. Now what they have done is they have said: We are not even going to do what we volunteered to Congress we would do—change our marketing practices.

I want to read just a few statements from this report because it is deeply disturbing:

> The Commission's review indicates that the entertainment industry had made some progress in limiting advertising in certain teen media and providing rating information in advertising. The industry must make a greater effort, however, if it is to meet the suggestions for improvement included in the Commission's Report as well as its own promises for reform.

Specifically, the report found, "ads for R-rated movies still appeared on the television programs most popular with teens . . ."—even though they are supposed to be a restricted audience for the movie—"and the ratings reasons in ads were either small, fleeting or inconspicuously placed."

That was the good part of the study. The report reserved its harshest criticism for the music industry and stated:

> The Commission found that the music recording industry, unlike the motion picture and electronic game industries, has not visibly responded to the Commission's report, nor has it implemented the reforms its trade association announced just before the Commission issued its report. The Commission's

> review showed that advertising for explicit-content labeled music recordings routinely appeared on popular teen television programming. All five major recording companies placed advertising for explicit content music on TV programs and magazines with substantial under-17 audiences. Furthermore, ads for explicit-content labeled music usually did not indicate that the recording was stickered with a parental advisory label.

So not only did they market to kids, they didn't warn the parents in the advertising that this was parental labeled material. In the advertising, they said they were not even going to point that out to the parents.

If you refer back to the original FTC report released last September, you will find 100 percent of the violent music they studied was target-marketed to kids—100 percent. Evidently the recording industry saw no reason to change.

Soon the Senate will turn its attention to consider the Elementary and Secondary Education Act, ESEA, and how to provide the best education for all of America's children. I think for every Senator of both parties, ensuring that America's children get a world-class education is a top priority.

We also know one of the best measures of what a child learns is time on task; that is, children learn what they spend their time focusing on. That is significant because typically the American child spends more time each year watching television and movies, playing video games, listening to music, than he or she does in school. It makes no sense to assume that what a child sees, hears, and does in school will mold, shape, and enlighten his or her young mind but that what he sees, hears, and plays in terms of entertainment will have no impact whatsoever.

Many of the most popular songs, games, and movies actively glorify violence and glamorize brutality. There are video games which cast players as drug kingpins, with the game revolving around selling drugs and killing competitors. There are movies which glamorize murder, casting teen idols as dashing killers. And there are numerous songs which celebrate violence against women—all of which are marketed to children.

If being perceived is doing, we clearly have problems on our hands.

There is new evidence to suggest that exposing children to violent entertainment not only affects their emotional and behavioral development—their sensitivity to other's pain, their ability to empathize, and their perceptions of the world around them—but also their cognitive development. A professor in my alma mater of Kansas State has done ground-breaking research on the impact that exposure to violent entertainment has on children's brain activity. Dr. John Murray's studies have found that in terms of brain activity, kids who are exposed to violent entertainment have a similar experience to those who are exposed to real-life trauma, and their brain responds in much the same fashion.

This research, while still in its rudimentary stages, has potentially profound implications for education. I would therefore like to announce my intention to introduce an amendment to ESEA which calls for increased research into the impact that exposing children to violent entertainment—violent music, and violent video games—has on their cognitive development and educational achievement. I hope and trust that the Senate will adopt this amendment.

In conclusion, I urge my colleagues to look at this interim study by the FCC and what has happened.

I also urge the recording industry to step up and actually do what they said they would do, which is not to market adult-rated material and parental advisory material directly to children. It is harming our kids. It is the wrong thing to do. I ask them sincerely to review what they are doing in their marketing campaigns and stop this practice. It is harmful.

I am hopeful when we have the followup study and the anniversary report to the FCC study this fall that the recording industry will actually step forward and do what is right.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to yield myself up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 759 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I would like to address the Chamber. May I ask, what is the business before the Senate?

The PRESIDING OFFICER. We are in a period of morning business for 3 hours, equally divided.

Mr. DODD. Is there a limitation on the amount of time?

The PRESIDING OFFICER. There is a 10-minute limitation.

ELEMENTARY AND SECONDARY EDUCATION

Mr. DODD. Mr. President, I want to spend a couple of minutes, if I can, talking about the possibility of us debating and passing a comprehensive bill on elementary and secondary education. My hope is, of course, that in the coming days this body will do what it should have done 2 years ago; that is, to pass legislation, as we are required to do only once every 5 or 6 years, on elementary and secondary education.

This morning across America 55 million children went to school. Fifty million went to school in a public school; 5 million went to school in a private or parochial school. We, as President Bush has said, bear a principal responsibility to the education of all our children, but a particular responsibility to children in our public schools, and even further, from a Federal standpoint, a particular obligation to the most disadvantaged children across America.

That has been our historic participation, to try to assist our communities, our States, and most particularly families in this country who suffer from various depravations, to see to it that their children have an equal opportunity to success. We have no obligation, in my view, to guarantee anybody success in America. But we do bear responsibility to try to provide an equal opportunity to achieving success. That is all really any of us can try to accomplish in our public responsibilities.

So the Elementary and Secondary Education Act historically over the years has been an effort by the Federal Government to assist and participate in the improvement of the quality of public education in the United States. For every dollar of education that is spent by our public sectors—State, local governments, and the Federal Government—out of every dollar that is spent, the Federal Government spends about 6 to 8 cents. And 93, 94 cents of the dollar spent on elementary and secondary education comes from local property taxes in most States. I do not know what Oklahoma does, but I know in Connecticut it is mostly a local property tax. The State also contributes, but primarily it is local property taxes. So the Federal Government's participation financially is rather small when you think of it. Out of a dollar spent, we contribute about 6 or 7 cents.

I am not going to debate this point right now, or discuss this point, but I happen to believe in the 21st century the Federal Government ought to be a better partner financially. I would like to see us become someday a one-third partner—the States one-third, the local government one-third, and the National Government one-third. What a wonderful relief it would be—and I saw the Presiding Officer nod affirmatively when I spoke of property taxes in Oklahoma, as is the case in Connecticut—what a great relief it would be, putting aside education issues, if we could say to people in Oklahoma and Connecticut: We are going to reduce your local property taxes by a third—that is where most of it goes, to education—because your Federal Government is going to step up and be a far greater participant in recognizing the national benefits we all accumulate if the quality of public education in this country improves. So that is what brings us to this particular point.

There has been a lot of discussion about whether or not we have some agreements between the White House and the Senate on an Elementary and Secondary Education Act. There has been some progress. But we are light-years away from an agreement—light-years away from an agreement.

I do not say that with any glee. I had hoped after 2 or 3 weeks of discussions we would be a lot closer. But reports I have read in the newspaper and heard in the press and heard from the White House, heard from some quarters here, that we are on the brink of some agreement, is very far from the truth. I think it is a sad commentary, but it happens to be a fact. Let me tell you why.

First of all, we are asking schools to do some very dramatic things—testing, for one.

I am not terribly enthusiastic about testing as the only means of judging performance. Testing is really not a reform; it is a measurement of how well one does. That is all. As an educator in my State recently said: When children have a fever, taking their temperature three times an hour is not going to make them feel better; medicine will. Testing every year in and year out is inclined, in my view, to turn our schools into nothing more than test prep centers across America.

Who is going to pay for that unfunded mandate if we jam that down the throats of communities across the country? I am very concerned with this mandatory testing idea as the only way to judge how students are performing.

Many look to our schools as the source of the kids' problems when, in fact, in my view, the problems begin before the kids ever get to school. The problems too often are occurring at home. We do not want to look in the mirror and see what is happening in our own homes long before this child enters kindergarten or the first grade. We now blame child care centers. We blame the kindergarten teacher, the first, second, third, fourth, or fifth grade teacher because Johnny cannot read or Johnny is not performing well.

As I said, too often the problems occur long before a child reaches school age or enters a child care center. We need to be a bit more realistic about what we can expect by testing kids all the time, at some significant cost, as a mandate.

Accountability standards have been improved. I am willing to support some of those. These are the same accountability standards that have been developed, frankly, over the last few years. JEFF BINGAMAN, my colleague from New Mexico, has been the principal author of legislation to improve accountability standards that will get us closer to a better way of getting schools to live up to the obligations they bear for their students and families who send their children to these schools.

Today's children are part of the first generation that is being raised in a truly global world. Nothing we do this year or in the coming years is more important than how we go about providing for our children's education. If we succeed in this endeavor, our country's future will be very bright. If we do not succeed, it is going to be bleak.

With that in mind, I believe we have much work to do as we prepare to take up the Elementary and Secondary Education Act. If this debate turns out to be a feeding frenzy with literally dozens and dozens of amendments being proposed every 5 minutes, with Members having little knowledge of what they may do, we do not know what we are going to produce.

Since we only deal with this once every 5 or 6 years, we ought to take some time and pull this together and come forward with a bill that truly recognizes and reflects bipartisanship, that includes the ideas of people who spend a lot of time thinking about how to improve the quality of education in our country, rather than one that is a jump ball that could end up doing a lot more damage despite the press releases and pats on the back we give ourselves on how we judge whether or not we have lived up to our obligations.

The first issue we have to talk about candidly is the funding of these programs. If, as the President says, education is his top national priority—and I applaud him for that; this is what I call the hub of the wheel: education. If we get education right, then we increase dramatically the likelihood that every other issue will be dealt with intelligently, and we can build public support and come up with good answers.

If, in a democratic society, our education system begins to crumble and fall apart, then our democratic institutions, in my view, begin to fall apart as well. Thomas Jefferson, 200 years ago, said that any nation that ever expects to be ignorant and free expects what never was and never possibly can be. If that was true at the outset of the 19th century, then it is even more profoundly true as we begin the 21st century.

Our children will not just be competing with each other—a child in Oklahoma competing with a child in Connecticut or a child in Louisiana competing with a child in New Hampshire—it will be a child in Oklahoma and a child in Connecticut competing with a child in Beijing, Moscow, South Africa, Paris, Berlin, and Australia. That is the world in which they will have to be able to compete.

What we do this year with elementary and secondary education will be how we begin the 21st century, giving this generation the tools it must have to succeed as a generation and to also perpetuate the vision and dream that each generation has embraced over our more-than-200-year history.

Funding is important. I happen to believe if elementary and secondary education is the top priority, then it ought to be reflected in the funding. We know we need approximately $14 billion to meet the 6 or 7 cents out of every dollar the U.S. Government contributes to elementary and secondary education.

What resources will we devote to title I, the most important title of the Elementary and Secondary Education Act, the primary mechanism through which the Federal Government provides resources to help low-income schools improve student achievement, resources to pay for more teachers, new computers, curricula, and other reforms?

According to a study published this year:

> Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by improving innovative strategies, these innovations are almost invariably funded by title I.

The President's budget provides for an additional $42 billion for all education programs over 10 years. That is approximately $4.2 billion a year out of a huge economy, and I will speak to that in a minute. At the same time, the President's budget includes a $1.6 trillion tax cut over that same 10-year period.

Think about this. The President said: This is my top priority. He has only been in office about 100 days: This is my top priority. All during the campaign: This is my top priority; $4.2 billion a year versus $1.6 trillion. The numbers speak louder than the rhetoric—much louder.

By the way, under the President's tax proposal, approximately $680 billion will go to people who earn more than $300,000 a year. Those are not my numbers; those are the President's numbers: $681 billion will be going to people who earn $300,000 or more a year. That is where the tax cuts go. It appears the President considers tax cuts for people making over $300,000 a year to be seven times more important than increased funding for education in America.

I do not agree with those priorities. I do not think the President does, or at least he says he does not. And I know the American public does not either. In fact, 3 weeks ago, this party on a bipartisan basis showed it does not agree with those priorities either. That is why we supported the amendment of Senator HARKIN from Iowa to decrease the tax cut by $450 million and devote that amount equally to education and debt reduction. That is why we supported the amendment of Senator BREAUX and Senator JEFFORDS to reduce the tax cut to provide funding for special education.

I suspect Connecticut is not different from Oklahoma, Minnesota, or Louisiana. When I go home every week and meet with the mayors or first-select people—forget about meeting with the superintendents of schools and the PTAs—I say: Tell me what you think are the top priorities. I am going back to Washington on Monday; what can I do to help?

The answer is: Special education. You guys promised 40 percent of the cost of this. You mandated it basically. You said: We will come up with 40 percent of the money for it. That was 25 years ago, and we have done about, at best, 11 percent. That money is not even included in the President's budget, although we force it down the throat of the administration.

Special education is critically important. Contrary to what some in the administration say: we as a nation cannot afford the increased funding for education, the Democrats are saying we can afford it if we really believe it is a top priority.

We are not talking about eliminating the tax cut. We are saying make a more modest tax cut and use some of those resources for making education the top priority that most people think it ought to be. I believe it is a priority to help children and communities by fully funding special education. I believe it should be a priority to provide children with afterschool programs to enrich their lives.

I have been willing to go along with the accountability standards. Some testing may be fine. We will work that out. But I have asked the administration: How about school construction funds? That is something I really care about and I think a lot of parents do, too.

Mr. President, 50 percent of our students this morning went to school in a building built prior to 1950. Think of that: 50 percent of our elementary and secondary kids walked into a building that was built prior to 1950.

How about some resources for new school construction, wired to compete in a global economy, to have access to the great libraries and institutions all over the world? A kid who walks into a falling-apart building is going to get a falling-apart education. That is not any great leap of logic; that is a fact.

How about some resources for new school construction? How about the White House saying: We will go along with you on that? I say: You want me to support some of your ideas that I think are questionable at best. How about supporting my ideas and those of us who advocate funds for school construction.

Smaller class sizes: This should not take more than 5 minutes of debate. If a teacher is in a classroom and has more than 20 kids they are not teaching; all they are doing is managing chaos in most instances. The teacher cannot teach; the kids cannot learn. That is not a leap of logic; that is a fact. Every parent knows it; every teacher knows it. We do not need to do any studies; what we need is some resources to help poor communities across the country and others to come up with some resources so they can reduce class size and attract good people to the teaching profession.

We talk about the administration that says we want to test teachers every year or every 2 years. I wonder, if I said we are going to test all lawyers every 2 years or test all doctors every 2 years—how about testing every Senator for 2 years? What other profession do we mandate at the Federal level we are going to require testing every year?

If the administration tries to write that into the bill, I will not vote for it under any circumstance. That is punitive. It doesn't accomplish anything. It only creates great divisions within this country. It isolated the teaching profession.

There are ways of determining whether or not teachers are doing a good job. A lot of the States are doing a good job in making those evaluations. Test the new ones coming in and decide whether or not they can teach at all and use some of the creative methods developed to determine whether or not teachers are up to the job. This rush to test everybody, every year, is not a model of form.

We have asked for $14 billion, an increase of the elementary and secondary education authorization. I don't think that is too much. I don't think it is too much to demand in the context of a $1.6 trillion tax cut. I know many colleagues on both sides of the aisle agree with me. That is why I will offer an amendment with Senator COLLINS of Maine to authorize full funding for title I grants to schools over the next 10 years. Congress must go on record in making that, not a tax cut for the wealthy, a top national priority. That is why this education bill must include class size reduction funds. No one questions that smaller class sizes and better teachers result in better student achievement. That is why this education bill must include school construction funds.

According to the GAO, the problem of inadequate, unsafe school facilities is a $112 million problem. The average school student goes to a school built around the 1950s. There are issues far from being resolved. They are not being discussed in these negotiations. Come out to the floor, offer your amendment, and see what happens. You accept all of our provisions and we will have a jump ball over yours.

What happened to bipartisanship? How many times did I hear we would work things out? It is 50/50 here, almost 50/50 in the House. I heard the President say over and over again: I want to work in a bipartisan fashion. Bipartisanship means you take my ideas and we will see what happens to yours? That may be enough for some people; it is not enough for me.

This bill will not be voted on again for 5 or 6 years. For many, this may be the last time we get to express how public education at the elementary and secondary schools across the country ought to be dealt with.

We took 2 weeks on campaign finance reform. We took 2 weeks last year to name the Ronald Reagan National Airport. We can take a few weeks to try to get this right. The American people expect nothing less. I remember the days, not that many years ago, when an elementary and secondary education bill passed this Chamber by votes of 92-6, 96-4. Today we ought to try to achieve the same results and to truly work to include these provisions which are necessary.

Democrats support real increases in proven programs. Yet the President, who says education is his top priority, would provide inadequate increases, $4.2 billion each year over the next 10 years, in a budget where he advocates a $1.6 trillion tax cut.

We can do better than that. I know our colleagues agree with that conclusion. That is why this education bill must include construction funds, include class size reforms.

We have to speak with a clear voice and build consensus. We are not there yet. In my view, we ought to be. But we are a long way from achieving the kind of consensus that those who have been out there suggest we are on the brink of; we are not. We may have to take some time before this is resolved.

I intend to be heard on these matters. I don't want to see a bill come up which will turn into a mess out here that allows these ideas to go down the drain and the President claiming a bipartisan achievement because a few Democrats go along with something that isn't adequately funded, doesn't provide for the true reforms that are needed, and we end up doing some real damage to kids, and then build a consensus that our public schools have failed for this country and you have to walk away from it. That is my fear of what will happen down the road and we will look back to these days and rue the fact we didn't try to come together with a truly compromised bill that reflected the attitudes of all people in this Chamber and particularly the values and aspirations of the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I rise to add my voice to my distinguished colleague from Connecticut and to thank him for his outstanding leadership. Senator DODD and my staff have been enthusiastically involved in this particular debate. As a member of the committee, he has been a tremendous voice for education reform. I acknowledge the work Senator DODD has done with many of our colleagues on this issue and to say how much I agree with all of the points he has raised. I will join with him in as many hours as it takes through this week and the next week to try to bring some of these points home to our constituents and to the country at large.

I thank the Senator again for continuing to keep Senators focused on not only the increases in investments that we need in education but the targets of those investments to reach the children who need the most help, whether in Connecticut, Louisiana, Oklahoma, or other States, for whom we are fighting. I thank the Senator for that.

Mr. DODD. I thank my colleague, and I admire her work. She has been at these issues for a long number of years both in her home in Louisiana before she arrived in the Senate and as a Member of this body.

Ms. LANDRIEU. Let me follow up by making a few points. The President is right about one thing. That is, simply throwing more money at the problems facing our educational system in America will do little to create the type of reform necessary to move America forward in the new global economy.

However, conversely what is true, passing new mandates and new accountability and new standards and new goals for our students and our teachers and our communities, without that important and strategic and significant new investment in education, is a hollow and an empty promise.

I call attention to a wonderful ad that caught my attention a couple of weeks ago. It was put out by the Business Leader Council. We do a lot of talking in this Chamber about budgets, taxes, futures trading, commodities trading, and economic issues.

With my compliments to the Business Roundtable, this is the ad they ran. It said under the picture of the bright-eyed optimistic and hopeful children:

> Our Nation's classrooms are America's true futures market, where a commitment today will yield individual and national prosperity tomorrow.

Let me repeat that:

> Our Nation's classrooms are America's true futures market, where a commitment today—

Not next year, not 5 years from now, but a commitment today—

> will yield individual and national prosperity tomorrow.

I hope my colleagues can see the faces of these children. What jumped out at me from the picture is the hopefulness in these children's eyes. They look like children in every classroom in Louisiana, with smiles on their faces, with hands in the air, anxious to answer questions presented by their teachers, with hope and optimism for the future.

The debate we will have in this Chamber and with our colleagues in the House will determine whether these children walk away with supplies or whether they walk away with heads hung, shoulders stooped down, opportunities taken from them because we have made the wrong decisions on this floor.

That is what this debate is about. This budget is not just about numbers. It is not just about hard, cold facts. It is not just about statistics. It is about hearts, minds, souls, and opportunities for our children and for our families and for this country. I am afraid if we don't come to terms and make the best decisions we can, and good decisions this week, these children and millions and millions like them, and their parents, are going to be sorely disappointed.

Let me try to explain. One of the major debates we are preparing for is what kind of investment in education should we be making. The President has recommended what might seem to be a lot of money. When we talk about billions and hundreds of millions of dollars, those are large figures and people's eyes tend to glaze over because that sounds like a lot of money. We are debating an underlying bill, a reauthorization of elementary and secondary education, that is going to fundamentally change the way the Federal Government helps local and State government.

We are saying, instead of just sending you money and crossing our fingers and hoping for results, we are now going to tie the resources in a real and meaningful way. When we give you these moneys, we are going to expect real performance, real excellence, and there are going to be real consequences for failure. Schools may have to be reconstructed, reorganized; principals and teachers may need to be removed and we may need to have a new leadership team come in. Students are to be tested not once every few years but every year. Teachers are going to be held to higher standards because we believe in excellence. We do not want to leave any child behind, and we want to make sure that, whether you are in a poor rural area or a poor urban area or in a wealthy urban area or wealthy rural area, that you have a chance, as a child, to get an excellent education.

We are also going to give local officials more flexibility. We are not going to micromanage from Washington any longer. We are not going to specifically mandate that you have to cross every t and dot every i. We are going to be less focused on compliance and more focused on performance.

I agree with the President that all of those things are important and that we should change the way Washington funds our elementary and secondary education system. But doing that and yet not providing the money at a high level for our schools to be able to do that is an empty, hollow promise to our children and an unfunded mandate of gigantic proportions to our local governments and to our States.

It would not be right. It is not what the American people want. It is not what we should do. That is what this debate is about. Yes, we want reform, but we must have the significant, historic, huge investments necessary to make those reforms work.

Let me say to those who might say money doesn't matter—yes, it does. Testing costs money. Improving teacher quality costs money. Fixing leaky roofs costs money. Buying textbooks and computers and training teachers and students costs money. You cannot just wish it. We can be more efficient. We can spend our money more wisely. But in this year, in 2001, as we begin this new century, it has to be a combination of new reforms and new investments.

Let me share some interesting poll numbers that came out because people might say: Senator, you feel this way, but does anybody else feel this way? Senator DODD feels this way, but does anyone else?

This is a Washington Post poll issued today. The question was very basic. It says, Is the Federal Government spending too much, about right, or too little for education? Mr. President, 60 percent of the public says we are spending too little; 60 percent of Americans are saying we are spending too little at the Federal level for education. Only about 24 percent say "about right" and 8 percent say "too much." So 60 percent of Americans.

When we talk about at the State level, Is your State government spending enough on education? Mr. President, 61 percent say the State governments are spending too little on education. At the local level you can see that number drops fairly significantly because we are paying a greater portion at the local level.

This chart indicates to me that at the State level, but particularly at the Federal level, people across the board—and I think this was across regions and economic income levels—suggest our current investment level is not sufficient to meet the challenges.

Let me also share with you, from the same poll, a question: Which is more important to you, holding down the size of government, providing needed services, or both?

Mr. President, 31 percent said "holding down the size of government," 62 percent, "providing needed services." Does that mean the American public supports sort of a runaway government? Obviously not. But do they support a government that has efficient programs and effective programs and also makes investments in areas that matter to them—education being one of them? Absolutely.

Let me show you the second chart that shows what their priorities are. This is what the American people said in the same poll. If given the chance, how would you spend your money and what are some of your most important concerns? Education is at the top of the chart, 47 percent. The next closest is 34 percent, Social Security and Medicare, making sure the resources are there to provide for Social Security and strengthen it, and provide, hopefully, for reforms in the Medicare system, and an expansion for prescription drugs. Health care is important also, at 29 percent.

I want to focus on this area—education. The President, when he was running for President, said it over and over again: Let's not leave any child behind. I agree with him. Many, many people in this Chamber, both on the Republican and Democratic side, do. But that is just a slogan unless it is backed up with real dollars that actually move children forward, that give them hope, that fulfill a promise for life to help them develop their skills and their abilities.

Again the Business Roundtable said:

> Our Nation's classrooms are America's true futures market—where a commitment today will yield individual and national prosperity tomorrow.

Let me share, for the record, a specific example from one of Louisiana's industries, Avondale Industries. It is one of the largest employers in Louisiana, an industry that I certainly try to help and support, that is building some of the finest ships for our commercial shippers as well as our national defense. It does a magnificent job, let me add. They are now part of the Northrop Grumman Corporation, which is one of the five remaining facilities left in this whole country capable of building large combat vessels.

My staff called them and asked them if they could send us some applications for jobs that they might periodically put out to try to hire some of the individuals necessary for this work. These positions range from electrical engineer to data entry clerk. But the one requirement that comes through in all of these applications is that a high school diploma is necessary. What that translates to is really an 11th or 12th grade proficiency in math. Many of these jobs are related to calculations, to making analytical decisions based on plans and graphs, as you can imagine.

Right now in our Nation, according to the latest data, only 30 percent of our eighth graders are functioning at the proficient level in math. Here is an industry in my State that could employ thousands of individuals, that puts out applications daily for a variety of different jobs. The minimum requirement is a high school education. Part of that is functioning just at the proficient level—not outstanding, not the top 1 percent in the Nation, just at the proficiency level for math.

I have to stand here as a Senator and look these industry people in the eye and tell them that we can only create a school system that can, at best, give them 30 percent of the eighth graders who can fill out the application. This is not going to work. It is not going to work for Louisiana. It is not going to work for Connecticut. It is not going to work for New York. It is simply not going to work. And a budget that does not fund more science teachers, more math teachers, makes a real investment to give those kids an opportunity, is not going to help them, their families, or Avondale.

I know the last administration asked me—it was a hard vote and I did it—to vote for 50,000 H-1B visas to bring in people from outside this Nation to fill jobs because we were not able to find people in America to take these jobs. I cast that vote, but I will tell you I thought about that vote, because when I cast that vote it allowed high-tech industries and some industries such as Louisiana's shipbuilders to be able to hire people from other nations.

I go home and drive through neighborhoods, walk through communities, sit and talk to young people who have been left out because we have not provided them the kind of education they need. They have to step aside and watch someone from another country walk past their door, fill out the application, and take the job that they could have had if we had had a school system that could have given them the education necessary for the job.

That is a tough thing for a Senator to have to do because I do not represent any other country; I represent the United States, and I represent Louisiana. I represent cities and communities where there are thousands of people who cannot pass 11th grade math because we will not put the resources and the money where they need to be to give them the chance. Are they willing? Yes. But we have not done what we need to do.

So my message to the President and to my colleagues is, let's do it while we can. Perhaps when we were running terrible deficits and running up large, large bills, you could say: Look, we would love to do it but we simply can't afford it. We are running huge deficits. We can't keep spending money we don't have. Money doesn't grow on trees. We can't tax people any more. So I am all for that and when we have to cut back, let's do it.

But now that we have a historic and significant surplus, now I am listening to people say: We have the surplus; we have the money; it is sitting there in the bank, but we don't want to spend it on these children. We don't want to spend it on them. They are not our future. We want to give a huge tax cut, and we don't want to make any investments in education.

I am not talking about the same kind of investments for the same mediocre results. We can't keep doing it 3 or 4 or 5 percent a year, which is what the President is recommending, and think we are going to get a 50-percent increase in results. It doesn't work that way.

We have to make an extraordinary commitment now and put our money where our mouth is to reach the children that we need to reach through our schools. Yes, reform our schools with strong accountability standards matched with a true investment and targeted to the kids who need it the most.

We do a great job sometimes in Washington inventing new programs, and everything sounds great. And every year we invent about five, six, or seven more programs. We need to get back to the basics and fund through elementary and secondary education a significant amount, if not tripling the amount of money, for title I—flexible grants that go to places in Louisiana, New York, Connecticut, Alabama, New Mexico, or where the communities can't raise the tax dollars because they are relatively poor or have a limited capacity.

The Federal Government can honestly stand up and say, whether you are little girls in Oregon or you were born into a poor, rural area or a poor urban area, it doesn't matter because we have a system at the Federal level that ensures, because of the way we fund education, that the school you go to will help you pass and exceed that proficiency in math so that you can get a job and we don't have to import someone from another country to take the job while you collect welfare or while you have to live on food stamps or while you tell your children they cannot ever live in a home of their own because you can't bring home a paycheck enough for you to be able to live in a home of your own.

I am not going to say that as a Senator because the money is in the bank. The question is, Are we going to write the check for the kids who need it or to our schools, or are we going to squander the surplus and not make the investments that we need?

I will come to the floor every single day this week and next week, as long as it takes, because I know as a Senator from Louisiana, particularly, my State's future rests in large measure on how our schools can function so that every child in every part of our State can get the quality education that in some small way perhaps will make up for what they do not always get in their homes.

I don't know what kind of miracle schools can achieve. I know schools can't do it without the parents. I know there is a limit to what schools can contribute to a child if they are not getting that support at home. But I am tired of making excuses and hearing excuses such as this kid can't learn because this child only has one parent or this child can't learn because this child is poor or this child can't learn because this child is a special education student.

I am here to tell you that every child can learn, but it takes a good system and good investments from the Federal Government, the State government, and the local government working in partnership with parents.

I am about fed up with the excuses because I want to support trade and globalization, and I want our businesses to have the workers they need. I have to fight for children to have the opportunity. I urge our President to please work with us. Work with the Democrats. We don't want to waste money. We want to make a significant investment in education, coupled with accountability, new standards and exciting possibilities for our Nation. I most certainly want to work with him. I believe we can make a real difference in Louisiana and Texas and many places throughout our Nation.

In conclusion, I refer to the vision of Lyndon Baines Johnson when we created the Elementary and Secondary Education Act—a vision that would make the dream of a quality education a reality for all children regardless of their race, their socioeconomic status, or their gender. This is what America is about. It is about opportunities.

In many ways, while education begins at home, it is most certainly enhanced at the school level. We are shortchanging ourselves, shortchanging our children, and shortchanging our future to do anything less.

I will end saying, again, I am going to be down here every day until we complete this debate, urging my colleagues to push hard for a significant investment and targeting that investment to the schools and communities that need the most help, and also helping all of our districts to achieve success in educational excellence.

I yield any remaining time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before my colleague from Louisiana leaves the floor, I thank her so much for saying what the issue before us really is. We all agree that we need to make children our No. 1 priority. We all agree that there are things in our schools that need to be improved, and we need to, frankly, underscore the things that are working. We don't want to leave any child behind. That is President Bush's comment.

When we get the chance to have an education bill brought here with our friends, Senator KENNEDY, Senator JEFFORDS, and others, we want to make sure it is not just an empty promise. I think she has fleshed this out. I thank her very much.

In California, we test every year. It is not a big deal. We have that reform in place. But if you test them and find they are failing and you don't have anything in place to help them after school or during school to give them the smaller class sizes, to give them a facility that feels good, looks good, and is safe for them, they are not going to improve.

When this education bill comes up, I predict that the Senate will take that Bush bill and change it dramatically in terms of the resources we put behind the rhetoric. There are two R's. Usually they say there are three R's. But there is rhetoric here, then there is requirement. Those are the two R's. The rhetoric is fine. Let's get the requirements in there so that we can meet the needs of our children. There is a third R—results. That is what we want to do.

How much time do I have? Is there a limit on time?

The PRESIDING OFFICER. Under the previous order, there are 10 minutes per speaker, and the Democrats have 40 minutes remaining.

Mrs. BOXER. I would like to know when I have 1 minute remaining of my 10 minutes.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mrs. BOXER. I thank the Chair.

THE PRESIDENT'S BUDGET

Mrs. BOXER. Mr. President, I have been amazed at the first 100 days of the Bush administration in relation to the environment issue. When I say the environment, I don't just throw that word out. I am talking about air, I am talking about water, I am talking about drinking water, I am talking about parks, and I am talking about cleaning up Superfund sites and brownfield sites. The fact is, we have a situation on our hands that is going to be very dangerous for our people.

Why do I say that? I say that for a couple of reasons. First of all, we see rollbacks on very important issues. We have all heard about the President backing off the pledge he made in the campaign to deal with CO_2 emissions which cause major problems in air quality. We know he has backed off that.

We saw him evaluate a number of rules that were put in place under the Clinton administration. The one that I cannot get over—there are a number; I don't have time to get into them—is the one dealing with arsenic. We know a few things about arsenic. It is unsafe at any level. We know for a fact that at the current level of arsenic that is allowed in our drinking water, if you drink out of that water supply, 1 out of 100 people will get cancer—not may get cancer, not might get cancer, but will get cancer. We know this to be the case.

Yet this administration, in violation of the law, in my opinion—that will be tested in the courts—reversed the Clinton administration rule on arsenic to reduce the parts per billion that would be allowable, where the Clinton administration had gone from 50 parts per billion to 10 and he put us back at 50 parts per billion.

Let me list some of the countries that have a standard of 50 parts per billion. I will give you an idea of the countries that allow 50 parts per billion of arsenic: Bahrain, Bangladesh, Bolivia, China, Egypt, India, and Indonesia. That is an example.

Let me list some of the countries that have the 10 parts per billion: European Union, Japan, and Jordan.

I have to say that we owe our people safe drinking water. If we owe them nothing else, we can argue a lot of things, but the Federal Government needs to make sure that our people are safe.

What we have is a rollback on a number of fronts. I am just talking about the arsenic one today. There are others. I will save them for another day. But in addition to this, in order to pay for his tax cut to the wealthiest people who do not need it, those over $300,000 and $400,000 a year, those over $1 million, $2 million, or $1 billion a year, in order to pay for that tax cut, some of those people are going to get back a million dollars a year. This President has cut back environmental enforcement.

Let's take a look at the key cuts that he has put in his budget. The Environmental Protection Agency, a $500 million cut; the Interior Department, a $400 million cut. The clean energy and nuclear contamination cleanup—you have DICK CHENEY out there saying we need more nuclear power. He has not even figured out a way to clean up the nuclear waste we have. They have cut $700 million, and they want more nuclear power, which is dangerous. There is a conservation program in the Agriculture Department. They cut that $300 million. So we see a total of $1.9 billion in cuts to pay for a tax cut that favors the top 1 percent, leaving out 99 percent of the people.

What does that really mean? What does it mean when you cut environmental enforcement? Let me get into that. It is very serious. What happens is, we are going to see fewer inspectors out in the field and fewer technical experts on the ground. We are going to see that the Federal Government will no longer be able to be a watchdog for some of the most serious threats to public health and the environment.

I want to give examples because people have seen the movie "Erin

Brockovich." We all saw what happened to people in a small town in California when that particular water system had an excess of chromium 6, which is, by the way, very dangerous. It is very lethal. By the way, there is no Federal standard for chromium 6 in water. I have a bill that would place into law a Federal standard, but we hear silence from the Bush administration on that. Instead of looking at the new threats, they are taking the old threats and making them more threatening, such as with arsenic, by rolling back the laws.

When the American people know about this, I think they are going to be very upset. You should not have to be able to afford bottled water in this country to be safe. You should not have to worry that your child is going to get cancer as a result of drinking from the water tap.

Oh, they say, it costs money to clean it up. As my kids would say when they were young: Dah. Yes, this is so. It costs money to clean up an environmental problem. Do we have it? Yes, we do. Why not cap the tax refund people earning over $1 million will get? Every year they earn $1 million. Cap their tax refund. Take the money and clean up the water. Get the arsenic out. Help the local people.

Mr. President, I ask unanimous consent for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. But, no, let's look at these priorities. The President wants to bring an education bill to the floor. My colleague from Massachusetts is our real leader in the Senate, and he is going to talk about it. There are some good ideas that have been carved out between the parties. There is not enough money behind it. It is a false promise.

A kid takes a test and fails the test. What are you going to do for the kid? You can test him every 6 months. Why not test him every 2 months? What good is it if there is no one available to help that child learn? So when the President says, "Leave no child behind," where is the beef?

When you look at the environmental budget—and you have to remember the President stood in front of some beautiful lakes and streams and rivers and said he was an environmentalist—how can we have prosperity when our environment is dirty? Yet we look at the budget, which includes the priorities of this President, and you see nothing but destruction.

I have seen it happen in California in El Segundo. We had a refinery that was releasing air pollution that aggravated very badly those suffering from asthma. People were very sick. There was a lawsuit that was brought. EPA supported it. Why? They had enforcement capability.

Chevron's own records show that it simply did not use the pollution control technology that was required. There was not any new innovative technology. It was already approved. They agreed to a huge settlement, one of the biggest in history. Because of the Environmental Protection Agency, the people got help. Chevron is going to help build and operate a health clinic to take care of those people who experience health problems.

EPA has the legal authority needed to ensure that serious violations are stopped and that polluters are held accountable—which can help deter a company from disregarding environmental protections in the future. EPA's legal authority and resources are most often needed in cases like this one, where the issues are very serious and the company has substantial resources. It was not until the Federal Government filed suit against Chevron that the company agreed to comply with the law.

In another example, the United States, including EPA, Department of Interior, and Department of Commerce, as well as several California state agencies, reached settlement worth an estimated $1 billion with Aventis to clean-up the Iron Mountain Mine located near Redding, CA, in October of 2000.

The State of California requested help from the Federal Government in this enormously complex case explaining that they had "exhausted all practicable enforcement action against the potential defendants."

Prior to the settlement, this mine discharged an average of one ton of toxic metals per day into the Upper Sacramento River, a critical salmon spawning habitat and a central part of California's water system. As recently as 5 years ago, the site dumped the equivalent of 150 tanker cars full of toxic metals into the Sacramento River during winter storms. At one point, workers had left a shovel at the site in a green liquid flowing from the mine and it was half eaten away over night.

I have a photograph of a disposal area on the site that gives you a feel for just one part of the damage at this very large and complex site.

This site dumped approximately one quarter of the total copper and zinc discharged into our nation's water from industrial and municipal sources throughout the United States.

This case is another good example of the kind of cases a strong EPA enforcement program is needed for—sites that are large, that can overwhelm State programs, even in a State with a well developed and active environmental program like California, and sites with very large corporate interests involved.

When you take a close look at EPA's past enforcement efforts you see who benefits from cuts in enforcement. Serious polluters can take big hits to their pocketbooks when they are caught. A cut in enforcement is worth a great deal to these violators, but enforcement cuts come at the expense of public health and safety as well as the environment.

The President's proposed budget cuts the heart out of agricultural conservation programs, like the Wetland Reserve Program which is eliminated—cut from $162 million in fiscal year 2001 to $0 in fiscal year 2002. This program was first authorized in 1990, during the first Bush administration, to provide long term protection for wetlands.

The President has collected an incredible assortment of cuts in environmental protection—all sources for the tax cut that fails to take into account the priorities of the American people, like conservation and environmental protection. Before deciding on what the "right size" of the tax cut should be, the President should consider the impacts of these cuts. California provides some valuable examples of the conservation benefits we will lose if the President's budget cuts are implemented.

The Wetland Reserve Program in California has helped restore a portion of the 4.5 million acres of wetlands lost to agricultural conversion and development in our State. In addition to providing habitat for migratory birds, other wetlands restoration benefits include improvement of water quality, flood control, sediment abatement and recharge of groundwater. California is the primary path of the "Pacific Flyway"—approximately 20 percent of all waterfowl pass through California's Central Valley. At the present time, the federal Wetland's Reserve Program, zeroed out in the President's budget, is the largest wetland protection program in California.

More than 60,000 acres to date have been protected in this program in California. There are more than 100 applicants on a waiting list to protect and restore their agricultural lands. One of the strongest parts of the program are the partnerships with not-for-profit organizations like California Waterfowl and the Nature Conservancy, as well as the private landowners themselves.

I have a photograph of one of the successful restorations accomplished by a conservation easement under the Wetland Reserve Program. The site is in Colusa County, CA and was enrolled in the Conservation Reserve Program in 1992. It is approximately 195 acres of seasonal wetlands that provides both winter and brood habitat for migrating and nesting waterfowl, shorebirds, migratory songbirds, and other wildlife. This easement is part of a 1,000-acre complex of wetlands and upland nesting habitat adjacent to the Sacramento River and lies in the middle of the largest migratory waterfowl corridor in North America. It is owned by the Audubon Society and acts as a sanctuary for wildlife.

Given the value and community support for agriculture conservation programs, I simply cannot see how the President can justify eliminating these kinds of programs to increase his tax cut.

Mr. President, let me sum up. We have a tax cut that was pledged as a campaign promise 2 years ago because Steve Forbes was in a debate with George Bush and said: I am for this $1.4 trillion tax cut. Times have changed. The economy has turned around since George Bush has become President. We have problems. People are not optimistic about the future of this country.

What does that mean? It means that a sensible person—this is my view—would sit back and say: I want to do this, and it is on my agenda, but maybe I can't do it all at once. Maybe I will cut it in half. Maybe I am going to invest in the people, invest in children, so that we have an afterschool program for every child, so that we have safe drinking water for every child, so that we know people are not going to get sick from air pollution.

We talk about our kids. Every one of us cares about kids. That is one of the reasons we are Senators. Do you know the leading cause of admissions in hospitals for children is asthma? They miss school. So you have to connect the dots. If you take out massive sums of money that you are going to transfer to the top 1 percent of income earners, forgetting 99 percent—everyone else—really, you have given 43 percent of the tax cut to the people in the highest income, and then you say you do not have any money to enforce the Clean Air Act or the Clean Water Act. You roll back the laws on arsenic. You take away the money to clean up nuclear contamination, while you are calling for more nuclear plants. You bring out an education bill that is so short of money that it is an empty promise and an unfunded mandate for our States. It is an unfunded mandate because we are forcing them to test, and yet we do not have enough to help those children.

Connect the dots. If you build a budget around an unrealistic, dangerous tax cut, it is going to take us back to deficits. You are not going to be able to pay down the debt. You are not going to be able to do the basics for our children. You are not going to be able to clean up the environment. And you have a problem. It is no wonder this economy is a little at sea, because this budget does not add up and it does not make sense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I would like to spend a few moments this afternoon to bring our colleagues up to date on where we are on the Elementary and Secondary Education legislation. Over these past 2 weeks we have had an ongoing exchange of ideas and views with the administration and our colleagues. We have been trying to continue to find common ground and to make important progress.

We are very much aware that this is an issue that is not only a high priority for the President of the United States, but also that it is a high priority for every family in this country, and certainly among the highest priorities for those of us on this side of the aisle.

We welcome the fact that we have a President who has placed education at the top of his agenda. Eight years ago when the Democrats lost control of the Senate, one of the first actions the Republicans took was to rescind some of the funding of elementary and secondary education. We also fought against attempts by our Republican friends to abolish the Department of Education. But that was then and this is now. We welcome the opportunity to find common ground so we can move ahead and make a difference for the children in this country and for the families across the Nation.

As we start off our debate on this issue, we have to understand the importance of preparing a child to learn, even prior to the time they enroll in elementary school. This is an area of very considerable interest on both sides of the aisle.

Our colleague from Connecticut, Senator DODD, has been a leader on these children's issues. Senator JEFFORDS has made this a special area of concern. And Senator STEVENS has been very involved in early intervention for children. It is enormously important to continue to ensure a national commitment to have the nation's children ready to learn, as we did and as the Governors did in Charlottesville some years ago.

I am hopeful we will be able to do that in a bipartisan way in Congress with solid legislation. We still have a ways to go, but we have made progress. We also have to understand the very serious and significant gap that still exists with regard to preparing children for grades K through 12th.

We are still falling behind. We fund Early Start programs at approximately 10 percent for the earliest types of intervention. And for programs from birth to 3 years of age, we are down to either 2 or 3 percent. This is an area of enormous importance. We are trying to help many children across the nation with this program. Hopefully, it will make a difference.

Unfortunately there are going to be many children who will still fall through the cracks unless we come back to revisit public policy and resources for early intervention programs.

It is all part of a mosaic. We must give our full attention to these efforts which are extremely important in preparing children for elementary school.

I was disappointed that the administration zeroed out a very modest downpayment in the Early Child Development Program that had bipartisan support in the 106th Congress from Senators STEVENS, JEFFORDS, DODD, and KERRY, many others on the Health Education Labor and Pensions Committee, and myself.

We have reached some very important agreements on the reauthorization of the Elementary and Secondary Education Act, however, differences over funding remain. We are in the process of negotiating language for the legislation, and I expect that the earliest we could have this legislation is late Wednesday or Thursday.

Money is not the answer to everything, but it is a pretty good indication of the Nation's priorities.

Under the President's bill, there is a reduction in resources of $69 billion for the Nation. However, we will only see an extremely modest, somewhat less than $3 billion, increase in the funding for programs which are targeted on the neediest children in this country. It is that kind of disparity which is of considerable trouble to many of us.

We agree that every child should be tested each year in grades three through eight—not as a punishment, but so parents and educators know where every child stands and what more needs to be done to help them improve and achieve their full potential.

We agree to create tough standards for schools and hold them accountable for improving student achievement.

We agree that where schools fail, bold steps are necessary to turn them around, including requiring alternative governance arrangements.

We agree parents deserve more public school options to ensure their children get a quality education.

We agree that literacy programs should be expanded so every child learns to read well in the early years.

We share these priorities with President Bush and believe these reforms will make a difference in our communities.

We are still working on how to increase the flexibility while maintaining targeting and accountability. It is important that any additional flexibility is tied to strong accountability, and strong targeting to the neediest communities. We want to ensure that States and school districts do not ignore the children who need our help the most.

We are also working hard to increase accountability and support for teachers. States and districts should be held accountable for putting qualified teachers in every classroom, particularly in the neediest schools. They should also have to provide professional development and mentoring support for teachers so that teachers can make these new tough reforms work.

We are also working to ensure that after-school programs are expanded so that more children have the opportunity to catch up with their schoolwork if they have fallen behind.

We are working to ensure parent involvement and that parent involvement is a cornerstone for all the new reforms.

We are working to ensure schools and districts and States are held accountable to the public through mandatory report cards that include important information about how well their schools are doing.

We are working to ensure that the Class Size Reduction Program is continued so children can get the individual attention they need to succeed.

We are working to continue the School Renovation Program so communities can ensure children are learning in safe, modern school buildings.

We hope we can address all these issues and come to a bipartisan consensus on them.

We must also know that reforms minus resources equals failure. You cannot say education is your top priority and not put enough resources in the budget to do the job.

We are disappointed in the President's budget. According to OMB, President Bush's budget contains only a $669 million increase next year for elementary and secondary education programs. That is an increase of one-fifth of one percent of what we are spending on our public schools today at the national, State, and local levels; we are spending $350 billion a year.

Testing and accountability are important, but they are only the measures of reform, they are not reform themselves.

Investment without accountability is a waste of money, but accountability without investment is a waste of time.

We need the resources to make sure that slick, easy, and quick tests that have mostly multiple choice questions and which cost $3 or $4 will not be developed. We want to make sure we have a quality teacher teaching a quality curriculum to a quality test. That takes investment.

It is not just the money, it is the resources to do the job: well-qualified teachers, thoughtful tests, good curriculum, the examination of the tests and reporting back in a timely way.

At the current time, we are meeting only about 20 to 22 percent of the supplementary services that are necessary for children. If we are not going to have a significant increase in resources, we are not going to be able to provide the good quality supplementary services for those children who need them.

We know with a very modest increase—about $1 billion—we could provide 1.6 million children with quality supplemental after-school academic opportunities. Even if you take what was paid last year and adding about $850 million this year, we are still only reaching about a third of all latchkey children, ages 8 to 13, who go home alone in the afternoon.

Resources are important because they are translated into substantive issues that make a difference in advancing the quality of education for children.

This chart compares the investments in ESEA programs for fiscal year 2001 to the Administration's 2002 proposal. In 2001, funding for ESEA programs increased by $3.6 billion or a 24.2 percent. This Administration has requested an increase of $669 million, which is only a 3.5 percent increase.

Even with their willingness to go higher, it does not come close to the increases in 2001. This recognizes that we are only reaching one-third of all of the children who are disadvantaged or eligible under the Title I program.

Look at the appropriations for the Department of Education. In 2001 there was an 18.2 percent increase, $6.5 billion. The Bush budget for all the education, is increased by 5.9 percent or $2.5 billion.

The Department of Education over the period of the last 5 years shows a 12.8-percent increase in resources. However the proposed budget starts with a 5.9-percent increase in the Department of Education.

This is a time with record surpluses, when we are going to give back $69 billion in tax reductions. There is a great deal of talk about investing in education, but we are still not putting in the resources.

This chart is the State of Texas education equation. It shows that from 1994 to 2002, school funding went from $16.9 billion to $27.5 billion, a 57-percent increase under Governor Bush. Interestingly, we see an alarming increase in student achievement, from 56-percent of the students performing at a proficient level on the State test in 1994 to 80-percent of students performing at a proficient level in 2000—showing you cannot educate on the cheap.

The next chart shows the difference between the proposal the Democrats support and the Bush budget. We know there are 10,000 failing schools that need to be turned around. The best estimate is that it costs $180,000 to turn around a school. There are 57 different, accepted, scientifically evaluated ways in which schools can be restructured and organized that have been found to have been successful. Taking 10,000 schools and $180,000—that is, $1.8 billion—to turn around the schools that we know are in need. With the other proposal, effectively, we are leaving 7,556 schools behind.

We know what needs to be done. We know we have failing schools, and we have ways of turning them around. We know we have unqualified teachers, and we know what needs to be done to make them qualified. We know we have an inadequate curriculum, and we know what needs to be done to strengthen curriculum. We understand what will benefit the children and the teachers and we know how to strengthen their needs with supplementary services.

If we don't have the supplementary services, trained teachers, effective tests, modern and safe schools, and smaller class sizes, then we are failing ourselves. We fail ourselves when we fail to provide the resources to ensure the nation's children with a sound education.

Finally, I hope during this debate we have some discussion about the issue of IDEA. Full funding for IDEA will help immeasurably in allowing special needs children to get additional resources.

I hope we can move ahead with ESEA and get the commitment of essential resources to meet these important needs. In doing the job, we need to give children across the nation the best opportunities which we all understand they deserve.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that Senator CLINTON speak next for 15 minutes and I be allowed to speak after for 10 minutes, and the Republicans then be allowed to have the time they need to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my distinguished colleague from Minnesota. I associate myself with the remarks of the education Senator from Massachusetts who so eloquently laid out our dilemma, the dilemma that will be occupying the Senate as we move forward on this very important debate.

People always talk about important debates, but it is fair to say as we debate, we will set educational policy for our Nation for the next 7 years. There is hardly a subject we can think of that will have more direct impact on our families, on our communities, on our economy, and especially on our children. We are setting the stage for determining how much we as a nation will do to make good on the promise of a quality education for all children, and particularly for our country's neediest children.

I first became involved in education reform back in 1983 with the issuance of the report called "A Nation at Risk," which was issued under President Reagan's watch. Many took that call to action very much to heart that we were a nation at risk. We began looking for ways to improve education, to provide more resources to provide more accountability measures. We have made progress over those last years.

When the Elementary and Secondary Education Act was last reauthorized in 1994, we sent a strong signal that although education was absolutely a matter of local concern, it had to be a national priority; that we all had to recognize we were failing our children by not providing adequate educational resources and by not expecting them to do the very best they could do. We put a high priority on academic standards, and we worked to help teachers and administrators, parents, and communities improve education.

The results of this strong Federal response to local and State educational demands has been heartening. Mr. President, 49 States plus the District of Columbia and Puerto Rico have developed State standards and are working to implement them. These reforms are producing results.

We often only focus on the negative side of the ledger about how much we still have to do. I give some credit to the children and the young people, our students, and their parents, and especially their teachers, because we have seen progress. Reading and math scores for fourth graders in our highest poverty school districts have improved by nearly a grade level from 1994 to today. SAT scores are on the rise. More students than ever are attending college.

We cannot rest there. We know there is still far more to be done. We have too many children, particularly in our underserved urban and rural districts, who are not reading at grade level. We have too many children being taught by uncertified teachers, in overcrowded classrooms, in crumbling school buildings. We cannot stand by idly while these conditions persist. The issue is, what is the best way to address them? How better can we equip parents, teachers, communities, and our students to meet the tests of the 21st century?

I applaud President Bush for calling for greater accountability. I agree with him on the importance of that. I was among the very first in our Nation, in Arkansas in the early 1980s, to call for the testing of students and the testing of teachers because I believed then we had to know what we didn't know in order to make progress. We couldn't just pretend that everything was fine and engage in social promotion and not face up to the fact that we had children graduating from high school who couldn't read a job application. We had teachers who had been themselves passed through the education system who were unprepared to teach the substance of what it was they were assigned to teach.

Accountability is key, to me. I have been a strong supporter of that. In fact, I welcome the Republicans and I welcome the Bush administration which has gone forward with accountability measures that are like the measures Democrats have proposed for several years. Many on the other side of the aisle resisted such approaches for many years. In fact, they wanted to abolish the Department of Education. So I applaud my colleagues on the Republican side for the progress they have made in moving toward a common recognition that this is a national priority that must be beyond politics and partisanship.

The accountability that is in the bill that is proposed would ask that we test our children every year from third to eighth grade. That is designed to ensure that they are meeting high standards. But here is where the rubber really hits the road. If all we do is order more tests, if we do not combine those tests with the resources that are needed to help the children who have been left behind, then we will have, at best, a hollow victory and I believe, worse than that, we will have committed educational fraud on our children, our teachers, and our country.

The Bush plan orders more testing while providing only half the funds needed to design and implement these tests. What would this mean to the State of New York, for example? It would mean that of the $16 million that is estimated to have to be spent to comply with these new Federal requirements, our State would only get $8 million. So we would have to find 8 million more dollars, take it out of something else—from hard-pressed school districts, from teacher pay, from whatever other important objective we are already trying to meet. We should not be passing on an unfunded mandate to our States.

If it is a national priority, if it is a priority for this administration to order these tests, then the Federal Government ought to pay for these tests and make sure that, as the Senator from Massachusetts pointed out, they are good tests; they are quality tests; they are not just make-work kinds of tests.

Passing tough new accountability standards without the resources to help our schools and students is similar to handing out thermometers in the midst of an epidemic. The thermometers certainly can tell us that there are a lot of sick people, but they do absolutely nothing to help people get better. Unfortunately, the administration's proposal has plenty of thermometers but precious little medicine to help our schools improve. The administration has not even yet committed to providing the Federal funds necessary to marry accountability with student achievement.

We already know that despite the rhetoric, this is not an increase of more than 11 percent; it is only 5.9 percent because the administration tried to count money that had been appropriated last year. We are glad to have that money, but let's have honest accounting about how much more money is going in. A 5.9-percent increase barely keeps up with inflation and population increases.

What also does it mean on the school level? Let's focus and ask ourselves: If we pass this accountability measure, and everybody goes home, pats themselves on the back, there is a big press conference, and a big signing ceremony, what have we really done to help the districts such as the ones I worry about in the State of New York?

In New York City, for example, we are facing a severe teacher shortage. The city will need to hire approximately 40,000—that is right, 40,000—teachers over the next 4 years. In addition, the district is under a court order to place those certified teachers it hires in the lowest performing schools. That makes sense because right now we have uncertified teachers, ill equipped to teach, teaching the children who need the best teachers. So the idea, which is a good idea, is let's put the certified teachers in the schools where the children need them the most.

But what has happened? Last week we learned from the chancellor of the New York City schools that the certified teachers turned down the jobs in the hard-to-teach schools. Why? Because those are the schools that are already overcrowded; those are the schools that are crumbling; those are the schools that hardly have a book in the library; those are the schools without the computers connected by the cables they need to be able to be functional, let alone to be accessible to the Internet.

We cannot in good conscience demand that school districts hire certified teachers without providing the resources to help these hard-pressed districts recruit and retain these teachers. And we have to do more to make these schools attractive to certified teachers.

Answer me, why you would go into a very difficult school to teach children who are under lots of stress at home and in their neighborhoods if the school is not well equipped to give you the resources you need to try to do a good job with those children?

I will be working with colleagues on both sides of the aisle to introduce a bipartisan teacher recruitment amendment. We all know if we do not place the recruitment of our teachers at the top of our national agenda we will have school districts that are barely able to open their doors in the next couple of years. We will be asking people literally to come off the streets and start teaching because we will not have the teachers we need. I meet people all the time who want to be teachers, but they will not, they cannot, and they should not work under the conditions under which many of our teachers are asked to function.

I am also concerned about the proposal the President includes called Straight A's. This is a demonstration project that would give 7 States and 25 school districts the chance to block grant Federal dollars. People are often talking about how important it is to give authority back to the States, and I agree with that in most instances. But we know from years of education research that block granting funds—which means taking the Federal dollars and sending them to the State capitol—means that those dollars do not get to the students and the schools that need them the most in the amount that they should. They get siphoned off in the bureaucracy of the State capitol. They get sent to other places that do not need them but, for political purposes, have the influence to get them. We should be targeting those hard-earned Federal dollars to those school districts and those students who are so far behind.

Right now in New York we know, because of a court decision, that the children in New York City do not get their fair share of education funding. So we should do everything possible to get the dollars to the students who need them the most in the schools where the teachers have a chance to try to help them.

We also know from research that smaller class sizes make a huge difference, and the Class Size Reduction Initiative has worked wonders. We now have teachers in New York who are federally funded who are helping to lower class size. We have already seen positive results from the school achievement scores.

We also know that construction funding to help schools repair their buildings and modernize them and even construct the buildings they need is very necessary. These two important programs, class size reduction and school construction, are eliminated for all purposes in the Bush administration proposal. I say this is a mistake, and I ask the administration, with all respect, to please reconsider this decision.

The administration says that reducing class size with Federal dollars and helping to construct and repair schools are not Federal responsibilities. I know they are not totally Federal responsibilities, but I do not think in today's world they are also solely local responsibilities. The districts that need the help the most are not the districts like the one I live in where, with very high property taxes from affluent people, the children have everything they could possibly dream of. But in so many districts, suburban taxpayers cannot pay another penny to fix their schools and do what is necessary to have up-to-date labs. In many rural districts they do not have the tax base to do that, and in many urban districts they don't have the dollars because they don't get their fair allocation from the State, and they cannot tax themselves to be able to meet the needs of children for whom English is not their first language, who come to school with undiagnosed mental illnesses, who live in a system of deprivation and violence and who cannot perform at the same level as the children in my district.

Let's have a shared responsibility. That was the whole idea behind the Class Size Reduction Initiative and School Construction Initiative. If education is to be a national priority, let's invest in what we know works—and we know reducing class size and providing good facilities actually works—to make for better education.

I hope we will continue in the spirit that we began in the education committee as we marked up this bill, in the negotiations that are currently ongoing with the administration. But I am very concerned that this particular proposal falls way short of what we need to be doing. It falls short for a very simple reason. The administration would rather invest in a large, fiscally irresponsible tax cut than in the education of our children and particularly those who are most needy in rural and urban districts.

I hope this will be reconsidered because this failure to properly fund education, to me, is disappointing at a time when we have surpluses, when we do not have to squander these surpluses on large tax cuts that will go disproportionately to the already wealthy whose children already attend schools that have all the computers, all the bells and whistles, all the extra help they could possibly have.

Let's, instead, take a moment and step back. I hear a lot about the greatest generation. My parents were part of the greatest generation, the World War II generation. I think they probably have to take a second seat to the greatest generation being the Founders of our Country. But there is no argument that those who survived the Depression, won World War II, and set the stage for winning the cold war, were among the greatest if they were not the greatest generation our country has ever seen.

We have been living off the investments and sacrifices of our parents and our grandparents for more than 50 years. My father, who is a rock-ribbed Republican, voted for higher school taxes because he knew the education of his children depended upon good schools. We invested in the Interstate Highway System. We set a goal to send a man to the Moon. We had big dreams, and we worked to fulfill those dreams.

Today, at the beginning of this new century, it is up to us to make the decisions, the hard decisions to invest in our children's education. And shame on us if we do not make the right decisions. We can pass a bill that is filled with testing and sounds good but 10 years from now we will still have children in overcrowded classrooms and crumbling buildings who are being deprived of certified, qualified teachers, and we will wonder what went wrong.

Let's instead be sensible about the best practices that we know work. We have research. We have practical experience. We know what needs to be done. The issue is, do we have the political will to make those decisions?

I support working hand in hand with the administration in a bipartisan way, with the parents and teachers and community leaders of our country, to make education a real national priority. But I cannot—I could not—support a bill that is a hollow, empty promise.

Let's do both. Let's increase accountability so we get better results by making sure we have the resources to hold our children and our teachers accountable. If we do that, then we will be setting the stage to leave no child behind. If we do any less, then I think we have missed a historic opportunity.

Mr. WELLSTONE. Mr. President, could I ask the Senator one or two quick questions?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I have been very moved by what she said. On the question of accountability and then the whole issue of unfunded mandates, one argument I heard the Senator make was we have to provide the funding for the actual tests to make sure these are high quality, which means we should not confuse accountability, testing, and standardized tests as being one and the same thing; is that correct?

Mrs. CLINTON. Yes, it is.

Mr. WELLSTONE. The second point I want to make and I want to be sure we are clear about is that it would also be an unfunded mandate, even if you provided the funding for the administration of the testing, without the investment in our children and our schools to make sure each and every child had the same chance to achieve and do well in these tests. Then I tried to remember what you described it as. You said it was hollow, and you said it would be an educational fraud. That is fairly strong language. I will put the Senator on the spot, but could I ask her why she feels so strongly about this point?

Mrs. CLINTON. Certainly. My feelings go back many years. As the Senator knows, children have been my passion for more than 30 years. I have worked on improving and reforming education for nearly 20 years. I know how difficult it is, today, to try to help many of our children achieve educational competence.

The reason for that is that we are not living in the same world in which the

Senator and I grew up. It is harder to teach our children. Our children come to school with more problems and more stress. They are exposed to many more things than we ever faced.

We have to understand that if we don't really provide the resources to reach the children as they are today, not as we wish they would be, not as we thought they were back when I was sitting there with my hands folded and listening to every word, but as they are today with all the other pressures that are on families and children, then we are not going to have the results and the kind of achievement to which the Senator from Minnesota is referring.

But there is no reason we have to make this choice. It is not an either/or choice. We have the resources to assist our local districts so they do not have to reach any deeper. Many of the districts from my State can't afford to raise their property taxes any more.

I was on Long Island last night talking to a group of about 1,000 people. I explained to them, if we have this large Federal income tax cut, and then we have these unfunded mandates for education, where is the rubber going to hit the road? It is going to hit the road in the local property tax levies.

I would rather be, I am sure, part of an administration that gets to take credit for cutting income taxes than the poor souls down at the local level having to vote to raise property taxes in order to meet the mandates they have put on them. I think we should not be raising false hopes. We should be looking at how we help every child be successful.

Mr. WELLSTONE. When I go back to Minnesota, I try to be in the schools every 2 weeks. For the last 10½ years there has been concern about the testing, especially standardized tests; people have to kind of teach within a straightjacket. But what about the issue? I ask the Senator from New York because this is also, I think, part of her passion and part of her work. I hear a lot about two other things: The IDEA program, which isn't within ESEA, but it seems to me that we have to be very clear with some kind of trigger amount so that testing doesn't take its place unless we fully fund IDEA, because that is really a threat and a strain that a lot of districts feel. The other one is prekindergarten.

With all due respect, I want to get the Senator's opinion. If we start testing kids at age 8, I might argue at age 12 or 13, "Schools, what have you done?" But at age 8, I would argue that much more of what will explain how that child is doing is what happened to the child before kindergarten. Where is the administration, if the administration is going to talk about leaving no child behind? Where is the community in early childhood development to make sure that these children are kindergarten ready? Shouldn't that all fit within what is defined as reform?

Mrs. CLINTON. I think my colleague is absolutely right, because if we are looking at the comprehensive reform, we cannot leave out the funding of IDEA. We can't leave out doing something to help parents understand their obligations to be a child's first teacher and provide quality preschool.

I hear so much about the IDEA program, otherwise known as the special education program. I hear it mostly in suburban districts, interestingly enough, because suburban districts have activist parents and they know the law. The law is that we have to provide an education for every child. And I support that law. It was the first project I ever did for the Children's Defense Fund. I went door to door in communities back in—I hate to say—1973 to find out where the children were because they weren't in school. We found a lot of children with disabilities who were being kept out of school.

I am a 100-percent supporter of mainstreaming our children and giving every child a chance. But we are bankrupting a lot of our suburban school districts. We are saying you have to provide special treatment and education for children who need it and deserve it. If that means you have to shut down the band program or only have one physics session or do away with art, that is the tough choice to make.

The Federal Government said in the 1970s that you have to provide this education. Furthermore, it is not only, as our colleague TOM HARKIN likes to say, a Federal mandate, but it is a constitutional mandate to provide this quality education. The Federal Government is going to tell districts they have to provide special education. Where is the full funding so suburban districts and all other districts can try to keep up with their expenses?

I could not agree more with the second point the Senator made. Those of us who have been parents read to our children. We take them to museums. We get them a library card. We monitor their television. We worry about any kind of childcare arrangements. We know those early years make a difference. Why don't we make a commitment based on the resources we now have about the brain to do more to provide quality preschool opportunities both at home and outside the home so that more children can come to school ready to learn? That might be the very best investment we could make in terms of long-term academic success.

Mr. WELLSTONE. I thank the Senator from New York.

In the time I have remaining, I would like to make the point that I think this is truly a matter of values and truly a matter of priorities. Either we are going to be talking about close to $2 trillion in tax cuts—most of it Robin Hood in reverse. Again, if somebody wants to prove me wrong, about 40 percent of the benefits go to the top 1 percent of the population.

Any day of the year, I would stake my reputation back in Minnesota on being able to say, as opposed to those Robin-Hood-in-reverse tax cuts, that I am going to be a Senator from Minnesota who is going to insist that if we are going to say a piece of education legislation is the best, we had better make it the best for our children. That means there is a commitment to making sure kids are kindergarten ready. That means we live up to our commitment to fully funding the program for children with special needs, which is getting to the 40-percent level and not the 14-percent level. That means we ought to be moving toward fully funding the title I program for kids who come from disadvantaged backgrounds. That means we ought to be funding afterschool programs and we ought to be talking about teacher recruitment. We ought to be talking about how we can provide the supportive services.

I say to Senators, Democrats and Republicans alike, that you will rue the day you voted for a piece of legislation that mandated that every school and every school district in your State every single year had to have tests, starting as young as age 8 and going to age 13, and you did not at the same time vote to provide the resources so that those teachers and those schools and those school districts and, most important of all, the children had the tools so they could succeed and do well.

I will tell you something. I hope my colleagues on the Democratic side will draw the line on this question. It seems to me that before we proceed to this kind of legislation, before we talk about a piece of legislation as being reform, we should say we want to make sure there is a commitment of resources. Before we have this mandate on all of our States and all of our schools, we ought to make sure we have provided the funding. If we can't do that, then this becomes very hollow. If we can't do that, then this piece of legislation I believe does nothing but set up the schools and the kids and the teachers for failure.

My colleague was saying get it down to the school level. I sometimes think what we have been doing has a sense of unreality to it. If you go down in the trenches, and especially it. you go to the schools, a lot of the inner-city neighborhoods and rural areas, you have kids on free or reduced lunch programs. You have homes where sometimes they have to move two or three times a year. You have schools that are crumbling, schools that don't have the resources, schools that don't have the laboratory facilities, and schools that don't have the textbooks. Now what you are saying is you are going to have tests and state with precision the obvious: Guess what. Children who come to school hungry, children who come from families who don't have adequate housing or are even homeless, children who are not kindergarten ready, children who do not receive all of the good stimulation and all of the nurturing that they need to have before kindergarten, those children who come to schools without the facilities, without the best teachers, without the salaries for the teachers, we are going to find out through tests that those children and those schools aren't doing as well as a lot of other schools which have all the resources in the world with which to work.

That is what the test does. Absolutely nothing—not without the resources.

I can say this from the floor of the Senate. It sounds a little jarring. But in a lot of ways I think the best way you can move to vouchers is to design a system where you guarantee over the next 4 or 5 years that many schools are not going to succeed because you don't give them the resources. Then you can state with precision the obvious; that is, the children who come from low- and moderate-income backgrounds with the least amount of help to do well are continuing to do poorly. The schools are continuing to do poorly because they do not have the resources. Then you use that as a reason for an all-out broadside attack on public education.

Some of the harshest critics of these teachers in these schools couldn't last an hour in the classrooms they condemn. I have never met a teacher and I have never met a parent who has said to me what we need is more and more tests, tests, tests.

I have had a lot of people in Minnesota talk to me about the IDEA program, the title I program, afterschool programs, how we can make sure kids are kindergarten ready, and how we can make sure we have the best teachers and get the resources to the teachers and have the support for the teachers and the kids.

We have a budget from the President of the United States of America who says education is his No. 1 priority, and it is a tin cup budget. How are you going to realize the goal of leaving no child behind on a tin cup budget? At the moment, I agree with Senator CLINTON. I think it is an educational fraud bill. Without the resources to back the rhetoric, it becomes nothing more than symbolic politics with children's lives.

I will oppose it with all of my might until we get resources to invest in our children—all of our children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we will be turning to the Elementary and Secondary Education Act reauthorization bill soon. I want to speak a bit about the subject of education.

This will be an interesting debate and one that is very important for our country. All of us come to the Senate from different backgrounds with different interests. I happen to come from a small town of about 300 people in the southwestern corner of North Dakota, down by the Montana and South Dakota border. I graduated in a high school class of nine.

That little high school in Regent, ND, where I went to school, held its last prom this year because the high school is not going to be continuing any longer. In order to have a prom in a school that small, they have to gather a fair number of classes. That is the only way to have a prom in a school that size.

I was saddened to read that, because of the challenges facing rural areas of North Dakota, schools are seeing fewer and fewer students coming into the school system. In my State, we had 16 counties that had fewer than 25 births in a year, and in almost all of those counties they have at least two school systems. Divide up those births 5 or 6 years from now and see how many children are going to enter first grade and see what the challenges are for those schools. They are very significant.

Despite having gone to a small school, I always felt I got a very good education. It was not a fancy school. It was a school with a library no larger than a coat closet, but we had teachers who cared, and it was a school that provided an awfully good education.

Even though all of us have different backgrounds, we also share common goals. All of us want the same thing for our country. We want our country to do well, our children to be well educated, our country's economy to grow and provide expanded opportunities for people.

In this debate, we are going to talk a lot about what is wrong with education. That, I guess, is the nature of things in this country. We talk about what is wrong and how we will fix it. We almost never catch our breath to talk about what is right. In fact, when you listen to people talk about what is wrong with education in America, you wonder how on Earth this country became what it has become.

Anyone who has done any traveling throughout the world understands there is not any other country like this. Go to Europe, Asia, South America, Africa—just travel and ask yourself: Have I visited a country with the same conditions that exist in the United States? Is there a country quite as free as this, as open as this, with an economy as strong as this, where every young child goes into a school system which allows him or her to become whatever his or her God-given talent allows? That is what our school system provides our children.

This is not true in many other countries in the world. By the eighth grade, often other countries have moved kids into different tracks where only selected children have an opportunity for higher education. A lot of countries do that.

Our country has said for a long while that we believe in universal education. All children in this country, no matter their background, ought to have the opportunity to be whatever their God-given talents allow them to be.

Yet when hearing this debate, one wonders what has allowed this country to be as successful as it has been? This is the country, after all, that has split the atom and spliced genes. We have invented radar and the silicon chip. We have invented plastics. We learned to fly, and then we built airplanes. We flew those airplanes, and then we built rockets. We took those rockets to the Moon and walked on its surface. We cured smallpox and polio. We discovered how to create a telephone and then used it, invented radios, television, computers.

One almost wonders how on Earth this happened in a country like this with an education system that some say has totally failed us.

The reason all of this has happened is the education system has not failed this country at all. There are some significant challenges and some significant problems in certain areas of our education system, but by and large this education system has been the most productive in the world for a long period of time.

If one wants to evaluate where the world-class universities are, by far 80 percent of them are in the United States of America. We house the world-class universities in this country.

Let me talk a bit about the status of this country's educational system. Some say we have an educational recession. The President, during his campaign, said that, among others.

Yet reading achievement is up in this country. The National Assessment for Educational Progress, called NAEP, says that during the last decade, reading achievement has significantly improved in all grades tested.

Are there some challenges in some schools in this country with respect to reading skills? You bet your life there are, and we need to address them.

But on the average, reading skills are up. Mathematics and science achievement is up. NAEP scores in mathematics have improved during the past decade, and in science NAEP reports scores have increased significantly for older children in the last decade.

Students were better prepared for college throughout the 1990s. Scores on both the SAT and ACT climbed steadily. Mathematics SAT scores are at an all-time high. The average SAT math score increased from 509 in 1992 to 514 in 2000. Verbal SAT scores improved over the same period from 500 to 505.

Some say if you compare the SAT scores in the United States to the same scores in other countries, the United States ranks well down the list or that our scores have decreased over time. But those people are not comparing apples and apples. Only the best students in other countries are taking the ACT and SAT, while in our country a majority take them. Thirty years ago, only the top 25 percent of U.S. students would take the SAT tests. Now, perhaps the top 60 or 70 percent of the universe of students take the same tests. Would you perhaps get a lower score on average by taking 70 percent of the universe instead of taking the top 25 percent? Yes.

But compare the top 25 percent now to the top 25 percent 30 years ago? What do you find? Higher test scores. You need to compare like comparisons if you are going to make judgments.

Our students are taking tougher courses. Between 1992 and 1997, the number of high school students taking advanced placement courses in all subjects increased by two-thirds, from 338,000 to 581,000.

It is hard to make the case we are in an educational recession.

I have two children in school. They study hard. They do their homework. They do not necessarily enjoy doing that every night, but they do their homework. They are in a good school with great teachers. The fact is that is true in much of this country.

There is a very simple formula to determine whether education is going to work, and it is true in every neighborhood in every school in this country. To make education work, we need several things: One, a student who is interested in learning; two, a teacher who knows how to teach; and, three, a parent who is going to be involved in that student's education.

When those three elements are present, education works and works well. When they are absent, we have great difficulties.

I know from firsthand experience that there are some schools with significant challenges. I visited an innercity school that had significant challenges. I knew that at the front door. I walked through metal detectors, saw security guards, watched teachers try to deal with a series of problems in the class. Those problems were identical to the problems of the neighborhood surrounding that school: poverty, dysfunctional families, a whole series of issues that those children then brought to that school.

Some weeks after I visited that school, I read in the paper there was a shooting at that school. That was a few years ago. Some kid bumped another kid at a water fountain, and the other kid took out a pistol and shot him, despite the fact they had obviously gone through a metal detector as they walked into that school.

If schools are not safe places of learning, they are not going to be good places of learning, so we must deal with that issue.

We need good teachers, students willing to learn, parents involved in education, and a safe environment in which students can learn.

In addition to that, in this debate, we are going to have to understand that we have a responsibility as a country to send children through classroom doors into classrooms of which we can be proud. Children cannot learn in classrooms that are not modern.

I have toured schools, especially Indian schools attended by children for whom the Federal Government has a trust responsibility to educate. This is not an option. Yet these Indian schools where desks are 1 inch apart, classes are so crowded you just cringe when you see them pack these kids into those classrooms. These are schools where you cannot hook up a computer because the facilities are so old they do not have the capability of supporting a computer; schools where you would not want to send your child to school because it is in such disrepair.

Is that a good safe place in which to learn? The answer clearly is no and we need to do better. We need to deal with the issue of school construction. We built schools all over this country just after the Second World War. The GIs came home, they married, had children, and we built schools all over this country. Many of those schools are now 50 and 60 years old and in desperate disrepair.

None is in greater disrepair than the schools on Indian reservations. I talk about that a lot because we have so much to do in those areas. We have a responsibility to deal with these crumbling schools around the country. If we will have a first-class education, it ought to be in a first-rate classroom.

Second, we also know from experience and from research that children learn best in classrooms of 15 to 18 students. I have had children of mine in classrooms, in mobile trailers, the temporary classrooms with 32 and 34 kids. It doesn't work well. We know that. We know a teacher who is teaching 15 to 18 children has much more time to spend individually with those children and does a much better job. We have a responsibility to try to help and do something about that as well.

At the Federal level, we only do niche financing for education. Our schools are financed, by and large, by State and local governments and especially by local school boards. No one is suggesting we change that.

But we ought not brag in this country, as some are wont to do, that we don't have any national objectives for our school system. It is not a source of pride, in my judgment, to brag that we do not have or want national standards or objectives for our children to meet upon their graduation. We ought to aspire to meet certain objectives. Of course we ought to have national objectives we aspire to reach.

In order to do that, some feel strongly we ought to improve our school buildings. This Congress can provide funding to help local school districts meet their construction and repair needs. We ought to reduce classroom size and provide funding to do that. We ought to do it in this legislation, the Elementary and Secondary Education Act reauthorization.

President Bush is correct when he talks about the need for testing. Many have stood for years on the floor of the Senate saying we need to have some testing. People also need to know what our schools are producing, how our schools are doing. I will offer an amendment dealing with the issue of school report cards. Many States have them. But there are no standards for school report cards and no parent can understand how their school is doing. They know how their child is doing because they get a report card every 6 to 9 weeks. But how is their school doing? Is this school doing a good job of educating that child? How does this school relate or compare to another school? How does our State compare to another State? What are we getting as taxpayers for the investment we are making in these schools? We have a right to know that. We have a right to get report cards on our schools. All parents have that right. All taxpayers have that right. I intend to offer an amendment on that during the consideration of the Elementary and Secondary Education Act.

There is so much to say about education. Let me mention two stories that illustrate the value of education.

I toured a refugee camp one day in an area near the border between Guatemala and Honduras. It was some while ago when Honduras was having a lot of terrorism and difficulties. At this refugee camp, the United Nations High Commissioner for Refugees was running a refugee camp and had people living in tents. As I was going around the camp, viewing the conditions, there was a fellow, probably in his mid-sixties, who could not speak English but he knew I was a visitor to the camp. He beckoned to me and wanted me to come with him. I asked the guide from the United Nations what the fellow wanted and the guide said: I think he wants you to go into the tent area. So we did. He reached under his cot for some of his belongings, which is all he had. He had a cot and a couple of belongings stored under a cot in the refugee camp. He reached under the cot and pulled out a book. It was an education reading primer book in Spanish. It was the Spanish version of the "See Dick Run" book we would have had in first grade. He was, for the first time in his life, in his mid-sixties, being taught to read. He wanted to show me, a visitor, that he could begin to read. He pulled out the book and began to read in halting Spanish, "See Dick Run."

He had a huge smile on his face after he finished the first two lines, looked up at me with only two or three teeth, someone who was living in great difficulty, in a refugee camp, with perhaps not enough to eat, never having had an opportunity for education, and he was so enormously proud of being able to learn.

Education, even at the later stage of his life, was so important to him that he wanted to show a visitor he was learning to read. Think of that.

The second story is one I have told my colleagues about before, but I will tell it again because it also describes how important education is. It is the story of a woman who was a janitor at a tribal college, cleaning the bathrooms and the hallways of a tribal college. Her husband had left her. She had four children and was over 40, with no means of support except this job as a janitor. She wanted to go to the college somehow so she could earn a degree and find a better job. The day I showed up to give a graduation speech at the tribal college, this woman was a graduate of the college. She had pulled herself up by the proverbial bootstraps and gotten an education and was no longer the janitor of the school. She was wearing a cap and a gown and a huge smile because, despite it all, and through it all, with all the adversity in her life, she had become a college graduate. You could read "pride" all over her face. It is something she had done for her own future that no one will ever take away from her. She invested in herself against all the odds.

Education means so much to people at every stage: When they are retired, when they are 40, when they are 20, when they are 10. We are talking about the reauthorization of the Elementary and Secondary Education Act. There is not much that is more important for this country than to improve this law for America's kids. There is a lot on which we can agree, some we will disagree on in the coming days, but I hope at the end we can look at this bill and say we did something very important for this country's future.

I will take the floor later in the debate and offer a couple of amendments I have described. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I commend my colleague from North Dakota for his eloquent statement on education. I come to the floor today to join a number of Democratic Senators who have been here this afternoon to speak about the issue of education which is going to come before the Senate this coming week. I share their passion and their concern as we look at reauthorizing the Elementary and Secondary Education Act.

It is critical we understand we all share the same goals. President Bush stated very rightly that no child should be left behind. Everyone in this body wants to make sure that no child is left behind. The Elementary and Secondary Education Act is our opportunity to do that because, as we all know, education is the key to a child's future. If they know how to read, they will make it in this world. If they can do math, they will be able to move on. If they can converse, they will be able to get a job and be successful. That is our goal for every single child.

The Elementary and Secondary Education Act that is being worked on now has a number of compromises in it. It is not everything everybody wants, but the one concern that I want to express adamantly to this body before we bring this bill to the floor is the lack of available resources. It is so easy to say we set standards, we set goals that we demand our children and their schools reach. But if we don't provide the dollars for them to be able to reach those goals, we are simply putting out a mandate, an unfunded mandate, to districts which means the kids will fail. There is no doubt that if you want a child to learn to read, you have to provide the resources for a teacher who is capable. You need to make sure the class size is small enough, that the child has enough personal time with the teacher, an expert, to be able to learn to read.

It is not magic. It takes a qualified teacher. We want to make sure all of our kids pass the annual tests. Just giving tests as required in the bill does not assure the students will do better. I fear it means without the backing of the resources behind it, so the children can learn what is required of them to pass the test, the children will fail and drop out of school. And, yes, 5 years from now we may have a higher percentage of kids doing better on tests but nobody will be testing the kids who didn't make it, who dropped out, who failed, who are not in the school system anymore. Those are the kids we cannot leave behind.

Without the resources that are so important for success, and a commitment from this White House to have the resources available, we will have failed America's children if we move this bill forward.

We know what works in public education. Any one of us who has been to a school recently knows what makes a difference. A teacher makes all the difference. A good teacher and a good principal makes an incredible difference. A parent who is involved makes an incredible difference. Unfortunately, that doesn't happen in every school. A lot of classrooms don't have qualified teachers. That is a concern. It doesn't happen just because we mandate it. It happens because we provide the resources to recruit good teachers, to help school districts hire them, and to make sure that every child is in a classroom with a qualified teacher.

We know the facility that a child learns in makes a difference. I have been in classrooms, as I believe several of my colleagues have, where children are wearing coats, where there are buckets catching raindrops, where there is no electrical outlet for the children to even plug in a computer much less have a computer, where there isn't even a restroom facility in the building; they have to go outside across the way to get to one.

How do you expect a child to learn in that kind of environment? It does not happen. Unless we put investments into bringing our buildings up to code and providing a partnership at the Federal level for those districts and schools that need it the most, we cannot expect children to learn. We cannot require that children only pass or move on if they have the best teacher and the best classroom and the best facility. If we do, we will have failed numbers of children in this country, and that is really the wrong policy.

I will have much to say about many of these issues as we move through the Elementary and Secondary Education Act in the coming days or weeks. But I just want our colleagues to know that the worst thing we can do is pass an Elementary and Secondary Education Act without adequate funding for the requirements we are making, because several years from now we will have every school district, every school administrator, every school board member, every parent, and every teacher at our door saying you passed an unfunded mandate down to us. Instead of recruiting good teachers and building our classrooms and working hard to teach our kids, we are failing them because the only thing we are doing is providing testing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE

Mr. STEVENS. Mr. President, this morning as I read the Wall Street Journal, I came across Mark Helprin's article called "The Fire Next Time." The thesis of Mr. Helprin is this:

> The consensus that doing much to protect America is preferable to doing too little has been destroyed. If the President does not rebuild it, we will suffer the consequences.

I commend this article to the Senate. I do not think it is totally the President's responsibility. It certainly falls on many of us to help the President and the Secretary of Defense and those in the National Security Agency and the Vice President, all of them working on what should be our defense policy, to find ways to rehabilitate our national defense. Very clearly, we do not have the defense we need for the future.

At one point in this article, Mr. Helprin says this:

> God save the American soldier from those who believe that his life can be protected and his mission accomplished on the cheap. For what they perceive as an extravagance is always less costly in lives and treasure than the long drawn-out wars it deters altogether or shortens with quick victories.

I do hope all of us will think about how we can restore our national prestige in terms of being the superpower of the world and having the power to defend that position.

I ask unanimous consent this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Apr. 24, 2001]

The Fire Next Time

(By Mark Helprin)

From Alexandria in July of 1941, Randolph Churchill reported to his father as the British waited for Rommel to attack upon Egypt. In the midst of a peril that famously concentrated mind and spirit, he wrote, "You can see generals wandering around GHQ looking for bits of string."

Apparently these generals were not, like their prime minister, devoted to Napoleon's maxim, "Frappez la masse, et le reste vient par surcroit," which, vis-a-vis strategic or other problems, bids one to concentrate upon the essence, with assurance that all else will follow in train, even bits of string.

CONSENSUS DESTROYED

Those with more than a superficial view of American national security, who would defend and preserve it from the fire next time, have by necessity divided their forces in advocacy of its various elements, but they have neglected its essence. For the cardinal issue of national security is not China, is not Russia, is not weapons of mass destruction, or missile defense, the revolution in military affairs, terrorism, training, or readiness. It is, rather, that the general consensus in regard to defense since Pearl Harbor—that doing too much is more prudent than doing too little—has been destroyed. The last time we devoted a lesser proportion of our resources to defense, we were well protected by the oceans, in the midst of a depression, and without major international responsibilities, and even then it was a dereliction of duty.

The destruction is so influential that traditional supporters of high defense spending, bent to the will of their detractors, shrink from argument, choosing rather to negotiate among themselves so as to prepare painstakingly crafted instruments of surrender.

A leader of defense reform, whose life mission is to defend the United States, writes to me: "Please do not quote me under any circumstances by name. . . . Bush has no chance of winning the argument that more money must be spent on defense. Very few Americans feel that more money needs to be spent on defense and they are right. The amount of money being spent is already more than sufficient."

More than sufficient to fight China? It is hard to think of anything less appealing than war with China, but if we don't want that we must be able to deter China, and to deter China we must have the ability to fight China. More than sufficient to deal with simultaneous invasions of Kuwait, South Korea, and Taiwan? More than sufficient to stop even one incoming ballistic missile? Not yet, not now, and, until we spend the money, not ever.

For someone of the all-too-common opinion that a strong defense is the cause of war, a favorite trick is to advance a wholesale revision of strategy, so that he may accomplish his depredations while looking like a reformer. This pattern is followed instinctively by the French when they are in alliance and by the left when it is trapped within the democratic order. But to do so one need be neither French nor on the left.

Neville Chamberlain, who was neither, starved the army and navy on the theory that the revolution in military affairs of his time made the only defense feasible that of a "Fortress Britain" protected by the Royal Air Force—and then failed in building up the air force. Bill Clinton, who is not French, and who came into office calling for the discontinuance of heavy echelons in favor of power projection, simultaneously pressed for a severe reduction in aircraft carriers, the sine qua non of power projection. Later, he and his strategical toadies embraced the revolution in military affairs not for its virtues but because even the Clinton-ravished military "may be unaffordable," and "advanced technology offers much greater military efficiency."

This potential efficiency is largely unfamiliar to the general public. For example, current miniaturized weapons may seem elephantine after advances in extreme ultraviolet lithography equip guidance and control systems with circuitry not .25 microns but .007 microns wide, a 35-fold reduction that will make possible the robotization of arms, from terminally guided and target-identifying bullets to autonomous tank killers that fly hundreds of miles, burrow into the ground, and sleep like locusts until they are awakened by the seismic signature of enemy armor.

Lead-magnesium-niobate transducers in broadband sonars are likely to make the seas perfectly transparent, eliminating for the first time the presumed invulnerability of submarine-launched ballistic missiles, the anchor of strategic nuclear stability.

The steady perfection of missile guidance has long made nearly everything the left says about nuclear disarmament disingenuous or uninformed, and the advent of metastable explosives creates the prospect of a single B–1 bomber carrying the non-nuclear weapons load of 450 B–17s, the equivalent of 26,800 100-pound bombs. Someday, we will have these things, or, if we abstain, our potential enemies will have them and we will not.

To field them will be more expensive than fielding less miraculous weapons, which cannot simply be abandoned lest an enemy exploit the transition, and which will remain as indispensable as the rifleman holding his ground, because the nature of war is counter-miraculous. And yet, when the revolution in military affairs is still mainly academic, we have cut recklessly into the staple forces.

God save the American soldier from those who believe that his life can be protected and his mission accomplished on the cheap. For what they perceive as extravagance is always less costly in lives and treasure than the long drawn-out wars it deters altogether or shortens with quick victories. In the name of their misplaced frugality we have transformed our richly competitive process of acquiring weapons into the single-supplier model of the command economies that we defeated in the Cold War, largely with the superior weapons that the idea of free and competitive markets allowed us to produce.

Though initially more expensive, producing half a dozen different combat aircraft and seeing which are best is better than decreeing that one will do the job and praying that it may. Among other things, strike aircraft have many different roles, and relying upon just one would be the same sort of economy as having Clark Gable play both Rhett Butler and Scarlett O'Hara.

Having relinquished or abandoned many foreign bases, the United States requires its warships to go quickly from place to place so as to compensate for their inadequate number, and has built them light using a lot of aluminum, which, because it can burn in air at 3,000 degrees Celsius, is used in incendiary bombs and blast furnaces. (Join the navy and see the world. You won't need to bring a toaster.)

And aluminum or not, there are too few ships. During the EP–3 incident various pinheads furthered the impression of an American naval cordon off the Chinese coast. Though in 1944 the navy kept 17 major carriers in the central Pacific alone, not long ago its assets were so attenuated by the destruction of a few Yugos disguised as tanks that for three months there was not in the vast western Pacific even a single American aircraft carrier.

What remains of the order of battle is crippled by a lack of the unglamorous, costly supports that are the first to go when there isn't enough money. Consider the floating dry dock. By putting ships back into action with minimal transit time, floating dry docks are force preservers and multipliers. In 1972, the United States had 94. Now it has 14. Though history is bitter and clear, this kind of mistake persists.

Had the allies of World War II been prepared with a sufficient number of so pedestrian a thing as landing craft, the war might have been cheated of a year and a half and many millions of lives. In 1940, the French army disposed of 530 artillery pieces, 830 antitank guns, and 235 (almost half) of its best tanks, because in 1940 the French did not think much of the Wehrmacht—until May.

How shall the United States avoid similar misjudgments? Who shall stand against the common wisdom when it is wrong about deterrence, wrong about the causes of war, wrong about the state of the world, wrong about the ambitions of ascendant nations, wrong about history, and wrong about human nature?

THE PRUDENT COURSE

In the defense of the United States, doing too much is more prudent than doing too little. Though many in Congress argue this and argue it well, Congress will not follow one of its own. Though the president's appointees also argue it well, the public will wait only upon the president himself. Only he can sway a timid Congress, clear the way for his appointees, and move the country toward the restoration of its military power.

> The president himself must make the argument, or all else is in vain. If he is unwilling to risk his political capital and his presidency to undo the damage of the past eight years, then in the fire next time his name will be linked with that of his predecessor, and there it will stay forever.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask consent I be given 10 minutes to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFF-SHORE DRILLING

Mr. NELSON of Florida. Mr. President, I rise today to express my strong opposition to oil and gas exploration off the coast of Florida. Specifically, the issue at hand is the sale of Lease Sale 181. I am certainly not alone. There are 16 million Floridians who join in this opposition. Senator BOB GRAHAM as well, Florida State elected officials, certainly the legislature of Florida and most of the Florida congressional delegation opposes any drilling in Lease Sale 181.

Lease Sale 181 may not be included in the current moratorium on lease sales off the coast of Florida, but in the hearts of all Floridians it is part of the moratorium. Moreover, there has never been a production drilling rig actually producing off the coast of Florida because Floridians unequivocally oppose offshore drilling because of the threat it presents to the State's greatest natural and economic resource: our coastal environment.

Florida's coastal waters provide an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe, supporting our State's largest industry, tourism. Florida's commercial fishing industry relies on these estuaries as nurseries for the most commercially harvested fish. Nearly 90 percent of the reef fish resources of the Gulf of Mexico are caught on the West Florida Shelf and contribute directly to Florida's economy.

Oil spills would be devastating to Florida's beaches, coastal waters, reefs, and fisheries. The chronic pollution and discharges from drilling would detrimentally effect the shallow, clean water marine communities found on the Florida outer continental shelf. For these reasons, I cannot sit back and watch as my State, one of our nation's environmental jewels, is degraded.

I know some may have differing views because other issues or concerns consume their constituents; and I respect those views. However, in Florida the environment and tourism are of paramount importance. The beaches, the abundant fisheries, and the pristine waters make Florida what it is today; and the people of Florida want it to stay that way. Just as drilling in the Arctic National Wildlife Refuge would not solve the administration's claimed energy crisis, drilling in Lease Sale 181 will not either. Increased conservation and increased fuel efficiency in our cars would do more to meet our country's energy needs than drilling in Lease Sale 181. For these reasons, I must adamantly object to and vigorously oppose the sale of Lease Sale 181; and I hope the rest of this body listens to the pleas of Floridians.

All of the oil and gas that would come out of this proposed lease sale would only give about 2 months worth of energy for the country. That is simply not a viable tradeoff for the damage it would do to our economy and our environment. We are not willing to make that tradeoff in Florida. As a matter of fact, as you talk about drilling in the Arctic National Wildlife Refuge, isn't it interesting. If you put it into the context of all the barrels of oil that are projected to be pumped from that wildlife refuge, that energy consumption could be replaced if we but increased all new vehicles in their energy efficiency by 3 miles per gallon. That puts the crisis in context.

Conservation is considerably important. The use of research and development to produce more energy-efficient appliances, more energy-efficient automobiles—there is no reason why this country that has the technological prowess cannot produce a car that is economical and that will get 80 miles per gallon. We have that within our grasp. Think what that would do to our energy consumption.

As a matter of fact, when you look at the uses of energy by this Nation, the transportation sector is the sector that consumes most of that energy. Just think what future energy-efficient automobiles could do for us.

But that is a subject of larger proportions. Today, I rise on behalf of a State that has ecologically pristine beaches and the need to be kept just that way. This proposed lease sale for oil and gas drilling clearly jeopardizes the future economy and ecology of Florida.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE BUDGET RESOLUTION

Mr. VOINOVICH. Mr. President, just prior to the Easter recess, the Senate completed action on the fiscal year 2002 budget resolution. I voted in favor of final passage of the budget resolution, recognizing that it does not reflect everything that I wanted. However, I am thankful the Senate-passed resolution does contain a fair amount of what President Bush had originally proposed in his budget plan.

Nevertheless, it is my hope that when the Senate does go to conference with the House—which has passed a more stringent budget resolution—the end result will yield a budget resolution more in-tune with the President's more responsible package.

As it was originally put forward, I felt the Bush budget plan provided much of the fiscal responsibility I have long sought from Washington prior to, and since, becoming a Member of the Senate. Specifically, it restrains the growth of spending, reduces the debt as fast as is prudent, and allows for meaningful tax cuts. This is what I like to refer to as a "three-legged stool" approach. For this package to work, however, we have to insist on a balanced approach, because fiscal responsibility, like a three-legged stool, cannot stand if one leg is significantly longer or shorter than the others.

Unfortunately, if we characterized the Senate budget resolution as a three-legged stool, it would be rather wobbly right now since under the Senate budget resolution, discretionary spending increases at 8 percent, and that is double the amount the President suggested.

People often forget the President's proposal increased spending by a modest 4 percent at a time when inflation is approximately 2.8 percent, meaning it contains a real increase of 1.2 percent. In contrast, the Senate budget resolution, in real terms, results in a spending increase of 5.2 percent. That is a 333-percent higher rate of growth than what the President proposes.

These increases may sound like small numbers in the grand scheme of things, or in the Senate, but do not be fooled. It adds up to tens and hundreds of billions of dollars in more spending over time.

If we continue to spend money at this rate, we will have less resources to address important national needs, such as reforming Social Security, reforming Medicare, or providing a prescription drug benefit.

Indeed, according to calculations by the Concord Coalition, the Senate budget resolution includes new and expanded entitlement spending that is going to cost $6[illegible] billion over 10 years, and discretionary spending that may total $240 billion over 10 years.

Coupled with the resulting increased interest cost of $550 billion, this package of amendments to the budget resolution could reduce the on-budget surplus by $1.4 trillion over 10 years.

I say to my colleagues, enough is enough. We have to stop this rampant spending and, instead, prioritize what we ought to be doing with the taxpayers' money. We need to sit down and make some hard choices about where to allocate taxpayers' money, where we want to increase spending, where we want to make cuts or maybe where we want to flat-fund.

For example, with regard to the National Institutes of Health, the President has included a generous increase in the amount of money that the NIH will receive in its budget, boosting NIH spending $2.8 billion. That is a 13.8 percent increase. The Senate, not wanting to be outdone, added an additional $700 million in NIH funding. Therefore, under the Senate's plan, NIH funding will be increased 17.2 percent over last year. In other words, the Senate wants to boost the rate of spending increase some 25 percent faster than the President.

Do I think we should spend money on important health research? Absolutely. But how much is enough?

The true cost is not just the dollar figure, it is what you give up, or what you could have purchased with that money. Economists call the concept "opportunity cost." When the Senate thinks about spending money on one thing, we need to recognize that we are giving up the ability to use the money for other worthy purposes.

If we follow through with the Senate's budget resolution, that means we will have fewer funds to conduct necessary Medicare reform, undertake education efforts aimed at preventive health care, provide greater access to rural health care, or fully fund the social services block grant.

Think about the social services block grant for a moment. Congress promised a funding stream of $2.8 billion for this program, but funding has actually eroded $1 billion over the past 6 years. I hear a lot about that from our county commissioners in the State of Ohio.

What most people do not realize is the fact that funds from the social services block grant go towards providing health care services for children, prenatal to age 3.

There are tough choices and dilemmas: Do you give more to NIH to fight disease, or do you give more money to the social services block grant, a program that gives children the nutrition and health services they need so they do not develop the diseases that the NIH is trying to fight?

Another thing we need to remember in figuring opportunity costs is the fact that we have a number of unmet Federal needs—needs that are a Federal responsibility, and which we should address as part of our full and balanced approach to the Federal budget.

Do we spend Federal dollars on school construction, which is a State and local responsibility, or do we prevent flood and storm damage from ravaging people's lives? As former chairman of the Transportation and Infrastructure Subcommittee, I personally know we have $39 billion of water resources development projects that the Army Corps of Engineers needs to fund, and yet we only provide $1.3 billion each year for such projects. Let's get serious. We will never deal with that backlog at this rate.

Addressing such unmet needs does not sound important until there is a flood situation such as the folks along the Mississippi River are enduring right at this very moment.

In addition, we have serious unmet needs in our Nation's wastewater treatment and sewer infrastructure. The costs are going up astronomically in the State of Ohio to comply with mandates from the U.S. EPA for sewer and water treatment. We have a responsibility to participate in helping to alleviate those costs.

My point is this: We should allocate our financial resources on a very deliberate and prioritized basis and make the hard choices instead of the reckless last-minute spending that has often characterized the Senate over the last 3 years.

I cannot believe what the Senate has done the last couple of years. I cannot believe it. If I as a Governor or as a mayor or as a member of a board of county commissioners spent money the way we did during the last couple of years, they would have run me out of office very quickly.

I would remind my colleagues that just last year alone, we increased nondefense discretionary authority by an astounding 14.3 percent. Think about it. This is unsustainable. In my view, we need to stiffen our backbones and bring an end to this spending habit. Families need to carefully budget their resources. So do cities and States, and so, too, should the Federal Government.

It is one of the reasons I wanted to get two points of order agreed to in the budget resolution to prevent further game playing with tax dollars. One point of order I offered would have helped stop abuses of emergency spending, and another would have prevented "directed scoring," a process used to circumvent the budget process.

I am glad 51 Senators joined me and my cosponsors, Senators GREGG and FEINGOLD, in supporting this measure. It is my hope the next time we will get the 60 votes we need for adoption.

I also wanted to offer an amendment that would have extended and strengthened the current caps on discretionary spending. Unfortunately, that amendment would never have passed muster due to the excessive spending in the amendments of the budget resolution. We blew that out before I even had a chance to bring it up.

While the Senate's version of the budget resolution did not do enough, in my opinion, to keep spending in check, the silver lining is the fact that it provides for two tax cuts. I am hopeful, therefore, that we can, first, get this budget resolution to conference and that it emerges looking more fiscally responsible and that the conferees pare-down the spending; and second, that the Finance Committee begins work immediately on developing an $85 billion tax cut which I call a "balloon-payment" approach, using the fiscal year 2001 on-budget surplus.

I suggest this money go toward an immediate fiscal stimulus in the form of a cut in marginal rates; a cut that people will see in their paychecks directly through a change in their withholding.

We need to get the money in the people's hands right now. If we are serious about getting this reduction in marginal rates done soon, I honestly think we could get legislation considered and passed in the Senate and the House and on the President's desk by Memorial Day and the American people could see the benefits this summer. Let's get it done.

I think we are all agreed that something needs to be done to restore people's faith in the economy and bolster consumer optimism. It is at the lowest level in my State since 1992. In my view, the balloon payment is probably one of the best ways to show the doubting Thomases that the money is there and that we are doing something in Congress to address the issue. Further, I believe we need to enact a long-term marginal rate tax reduction as proposed by the President, which economists say will have a tremendous impact on stimulating our economy.

Given our economic situation, we in Congress need to follow a balanced three-legged stool approach. If we can control the growth of spending, reduce the debt and achieve quick passage of a balloon payment and implement both a long-term and short-term marginal tax cut, it will give a gigantic boost to consumer confidence and help us return to economic normalcy. We can quibble about how to distribute the balloon payment. Let's just work it out. The main thing is, get it done and connect to it a true marginal rate tax reduction.

However, there is one thing that I fear could torpedo any recovery and that is our inability to address our Nation's energy crisis. While we have already seen unprecedented home heating bills this past winter, I am concerned the worst is yet to come. Indeed, we are already seeing gasoline prices move toward the $2-per-gallon range, and it is far from the peak summer driving season. What's more, the cost of energy is skyrocketing and supplies are scarce or unreliable. We can expect California's problems to intensify and likely be duplicated in other areas across the Nation.

It is not as if we didn't see this coming. The storm clouds have been brewing for many years. Still, there has been no action on the part of Congress to consider a comprehensive energy policy along the lines of what Senator MURKOWSKI has proposed in his bill, S. 388. I fear if we don't get moving, we will not get that done, either.

We need to act on these issues quickly. The American people are watching to see if we intend to bring this Nation out of our economic downturn and back on the road to economic prosperity, or if we are going to continue to fiddle around while the country burns. I hear that from the folks back in Ohio: "You are fiddling around in the Senate, and you are not getting anything done. Don't you understand how bad it is on the street?"

They want us to make the hard choices about spending. They want us to work together to develop solutions to our energy crisis, to pay down our debt, and provide quick and measurable tax relief. They want us to put aside the partisan bickering and the gamesmanship and act in the best interests of the Nation. After all, that is what they think they elected us to do.

We need to act in the spirit of the old Rogers and Hammerstein song from Carousel—many remember that—"You'll Never Walk Alone," so that the American people know that "at the end of the storm there is a golden sky and the sweet silver song of the lark."

Now, more than ever before, we have to restore people's faith and their confidence in the economic future of our Nation. It is in our hands.

GOVERNOR MELDRIM THOMSON

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to my dear personal friend and political mentor, former New Hampshire governor Meldrim Thomson, who passed away last Thursday. Mel, who was 89, was one of the greatest governors in the history of the State of New Hampshire.

Mel Thomson left a lasting legacy. His legacy of country, state, family, and God will not soon be forgotten by those of us whose lives he touched so deeply. He was not only a gentleman but a gentle man, a loving husband to Gale, father of six, grandfather, and great-grandfather. He was one of my closest and most treasured friends. In politics, loyalty and friendship mean everything.

In 1993, Governor Thomson wrote a book, "100 Famous Founders," for which I was honored to have written the introduction. Among the first of the Founding Fathers to step forward and put his life, property, and honor on the line for his country by signing the Declaration was Josiah Bartlett of New Hampshire. Dr. Bartlett later served as the Governor of New Hampshire. It is fitting that this magnificent book of profiles of our Nation's one hundred foremost Founders was written by one of Josiah Bartlett's most distinguished and patriotic successors as Governor, Meldrim Thomson.

Meldrim Thomson had the same trust in God, love of family, steadfast dedication to his country and state, and sense of honor that characterized the Founders about whom he wrote. Indeed, had he lived in Josiah Bartlett's time, Meldrim Thomson certainly would have been a Founder too. Had he lived during the American Revolution, he would have stood shoulder-to-shoulder fighting for the cause alongside George Washington, Thomas Jefferson, Sam Adams, and General John Stark.

Meldrim Thomson, Jr., took the oath of office as the 91st Governor of New Hampshire on January 3, 1973, and served until January 4, 1979. He is the only Republican to have served as Governor of New Hampshire for three consecutive two-year terms.

Meldrim Thomson's road to the governorship began in 1954, when he moved his publishing business and his family from New York to a new home in Orford, NH. Although he was not a native son, Meldrim Thomson's strongly independent nature and his bedrock conservative principles were right for New Hampshire. In spirit, then, he quickly became a son of New Hampshire.

Plunging into New Hampshire politics, Meldrim Thomson waged an unsuccessful campaign for the U.S. House of Representatives in 1964. That same year, though, he won election to New Hampshire's Constitutional Convention.

With characteristic grit and determination, Meldrim Thomson did not let his defeats in the 1968 and 1970 New Hampshire Republican gubernatorial primaries discourage him from continuing to seek our State's highest office. His commitment paid rich dividends in 1972, when he won election as Governor. He ran and won again in 1974 and 1976. In waging his victorious campaigns, Meldrim Thomson proved himself to be a true populist. Running on the slogan "ax the tax," Governor Thomson took his campaigns to the people of New Hampshire in their living rooms and meeting halls.

As Governor, Meldrim Thomson did not shrink from difficult decisions. As the spiritual descendant of the Founding Fathers, he had the courage to take grave political risks on behalf of his unfailingly conservative principles. Meldrim Thomson fought tirelessly for low taxes and strict fiscal discipline. As a result, during his time as Governor, the economy of New Hampshire enjoyed a prosperity that was unknown in the rest of New England. Attracted by the state's low taxes, significant new businesses moved their operations to New Hampshire. Wages and salaries increased Old manufacturing centers such as Manchester and Nashua demonstrated new signs of life.

Beyond his great economic successes, Meldrim Thomson did not hesitate to use his platform as Governor to speak out on vital national and international issues. He did not hesitate to criticize the foreign and domestic misadventures of the Administration of Jimmy Carter. In fact, Governor Thomson ordered New Hampshire State flags flown at half-staff to protest President Carter's pardon of Vietnam era draft resisters. It deeply offended Governor Thomson's profound sense of patriotism that a President of the United States would take such an unprecedented action to shield those who refused their country's call from the rightful legal consequences of their acts.

I have so many personal, inspiring memories of Mel Thomson. In our private moments, of which we shared many up at the farm in Orford, he would affectionately call me "son". I thought of him like a father, both personally as well as politically.

He always inspired me with his words of wisdom. He often said "put principle above politics." He heeded his own words. Like Lincoln, Churchill and so many great men, he was unfairly criticized, but rose above it all to do what was right. He was a dedicated conservative, who was as solid as the granite in our mountains.

Mel Thomson's impact on the state; patriotism, and commitment to his values and his family will not be forgotten. I will miss him terribly, as will those many New Hampshire citizens whose lives he touched. Rest in peace, my friend. You have earned it. It has been an honor to represent you in the U.S. Senate.

COMMENDING NAVY LT. SHANE OSBORN AND HIS CREW MEMBERS FOLLOWING THEIR DETAINMENT ON HAINAN ISLAND, CHINA

Mr. DASCHLE. Mr. President, I come to the floor to commend in the strongest possible terms the members of the United States Navy crew who were detained on Hainan Island in China for 11 long days earlier this month. I think I speak for our entire nation when I say how much we admire their dedication and the extraordinary level of professionalism they exhibited throughout their ordeal.

Under the command of Lt. Shane Osborn, this crew of 24 servicemen and women left Kadena Airbase in Okinawa, Japan, on the evening of March 31 for what was to have been a routine mission over the South China Sea.

As we all now know, what happened after they left Okinawa, and for the next 11 days, was *not* routine. It was *heroic*. The entire world witnessed the strength, discipline and courage of our Navy crew.

Every man and woman on that plane is a hero.

I am especially impressed with the skill and character of a remarkable young man who first dreamed of flying as a 3-year-old watching a small Cessna on a South Dakota farm.

We are fortunate that Lt. Shane Osborn pursued his dream to fly. And we are doubly fortunate that he put that dream to work in service of his country.

Lt. Osborn says, modestly, that he was just what he'd been trained to do when he landed his damaged aircraft safely. Others see it differently. A Pentagon spokesman described the landing as a "spectacular feat of airmanship." Experienced EP–3 pilots termed it astounding. Indeed, it was.

Think about what had just happened: The collision with a smaller, faster Chinese F–8 had dropped Lt. Osborn's EP–3 between 5,000 and 8,000 feet and turned it almost completely upside-down; two of the plane's four propellers had been clipped in the collision, rendering useless the wing flaps used to slow the plane during landing.

The collision had also sheared off the plane's nose cone.

And most of the plane's instruments were so badly damaged that they were useless.

Even so, Lt. Osborn managed to stabilize the plane, and he and his crew were able to guide it to the nearest airport, 70 miles northwest, on China's Hainan Island.

Remarkably, during that 70-mile flight, Lt. Osborn and his crew had the presence of mind to follow international procedure and issue a series of distress signals. In fact, they issued as many as 25 signals on two separate standard frequencies.

Lt. Osborn's crew and commanders say his courage and quick thinking saved 24 lives.

After landing in Hainan, with their plane surrounded by armed Chinese personnel, Lt. Osborn and his crew followed U.S. Navy procedure. They destroyed sensitive documents and technology, greatly limiting what could have been a significant intelligence loss.

For the next 11 days, Lt. Osborn's leadership, courage, dignity, and his remarkable sense of humor, helped keep the spirits of his crew high.

We are fortunate to be protected and represented by the entire crew of that Navy EP–3: Richard Bensing; Steven Blocher; Bradford Borland; David Cecka; John Comerford; Shawn Coursen; Jeremy Crandall; Josef Edmunds; Brandon Funk; Scott Guidry; Jason Hanser; Patrick Honeck; Regina Kauffman; Nicholas Mellos; Ramon Mercado; Richard Payne; Mitchell Pray; Kenneth Richter; Marcia Sonon; Curtis Towne; Jeffrey Vignery; Wendy Westbrook, and Rodney Young.

As a *South Dakotan*, I must say I am especially proud of Lt. Shane Osborn, who followed his dream from Mitchell, SD, to the Norfolk, Nebraska Civil Air Patrol, and now, into the pages of Naval history. He is a true hero, and we are proud of him.

SMALL BUSINESS AMENDMENT TO THE 2002 BUDGET RESOLUTION

Mr. KERRY. Mr. President, I submit a statement for the RECORD regarding a small business amendment I offered to the fiscal year 2002 budget resolution with my colleague, Senator BOND, on April 6, 2001.

First, let me extend sincere thanks to my colleagues for supporting this amendment which restored critical funding to the Small Business Administration's finance and management assistance programs that help start and strengthen small businesses in our country. Second, let me correct the Record to reflect all the cosponsors: Senators BOND, BINGAMAN, WELLSTONE, LANDRIEU, DASCHLE, LEAHY, JOHNSON, SCHUMER, COLLINS, LEVIN, SNOWE, HARKIN, CONRAD, and DOMENICI.

My apologies to Senators CONRAD, DOMENICI, and HARKIN who were not listed in the RECORD when the amendment passed. Again, thank you to all my colleagues for agreeing to this amendment and showing their support for our small businesses.

I ask unanimous consent that a copy of the amendment and the summary along with all the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 183

(Purpose: To revise the budget for fiscal year 2002 so that the small business programs at the Small Business Administration are adequately funded and can continue to provide loans and business assistance to the country's 24 million small businesses, and to restore and reasonably increase funding to specific programs at the Small Business Administration because the current budget request reduces funding for the Agency by a minimum of 26 percent at a time when the economy is volatile and the Federal Reserve Board reports that 45 percent of banks have reduced lending to small businesses by making it harder to obtain loans and more expensive to borrow)

On page 21, line 15, increase the amount by $264,000,000.

On page 21, line 16, increase the amount by $154,000,000.

On page 43, line 15, decrease the amount by $264,000,000.

On page 43, line 16, decrease the amount by $154,000,000.

On page 48, line 8, increase the amount by $264,000,000.

On page 48, line 9, increase the amount by $154,000,000.

Purpose: To amend the budget for fiscal year 2002 so that the small business programs at the Small Business Administration are adequately funded and can continue to provide loans and business assistance to the country's 24 million small businesses. It is necessary to restore and reasonably increase funding to specific programs at the SBA because the current budget request reduces funding for the Agency by a minimum of 26 percent at time when the economy is volatile and the Federal Reserve Board reports that 45 percent of banks have reduced lending to small businesses by making it harder to obtain loans and more expensive to borrow.

All funds are added to Function 376, which funds the SBA for FY 2002.

CREDIT PROGRAMS

$118 million for 7(a) loans, funding an $11 billion program

$26.2 million for SBIC participating securities, will support a $2 billion program

$750,000 million for direct microloans, funding a $30 million program

$21 million for new markets venture capital debentures, funding $150 million program

Total request for credit programs = $166 million

NON-CREDIT PROGRAMS

$4 million for the National Veterans Business Development Corporation

$10 million for Microloan Technical Assistance, total of $30 million

$30 million for the Small Business Development Centers, total of $105 million

$30 million for New Markets Venture Capital Technical Assistance

$15 million for the Program for Investment in Microenterprise

$7 million for BusinessLINC

$1.7 million for Women's Business Centers, bringing total to $13.7 million

$250,000 for Women's Business Council, bringing total to $1 million

Total request for non-credit programs = $98 million

Total request for credit and non-credit programs = $264 million

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THE NATIONAL ASSOCIATION OF GOVERNMENT GUARANTEED LENDERS, INC.,
Stillwater, OK, April 5, 2001.
Hon. JOHN F. KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: I am writing on behalf of NAGGL's nearly 700 members in support of your amendment, number 183, to the Budget Resolution that would revise the proposed budget for the Small Business Administration in fiscal year 2002. Specifically, your amendment would restore $264 million to the SBA's budget in fiscal year 2002 of which $118 million is earmarked for the agency's 7(a) guaranteed loan program. We strongly believe it is in the best interest of small business that your amendment be adopted.

The present budget proposes no fiscal year 2002 appropriations for the 7(a) loan program and instead proposes to make the program self-funding through the imposition of increased fees. The previous SBA Administrator testified before the House Small Business Committee last year that the 7(a) program was already being run at a "profit" to the government. This statement was confirmed in a September 2000 Congressional Budget Office report entitled "Credit Subsidy Reestimates, 1993–1999." Unfortunately, the budget as currently proposed would, in our view, have the effect of imposing additional taxes by increasing program fees. This result would be ironic given the Administration's push for tax cuts.

A recent survey of NAGGL's membership, who currently make approximately 80 percent of SBA 7(a) guaranteed loans, shows that if the budget were adopted as proposed, most lenders would significantly curtail their 7(a) lending activities. Therefore, small businesses would find it more difficult and expensive to obtain crucial long-term financing. The proposed budget would increase the lender's cost of making a loan by 75 percent and would increase the direct cost to the borrower by 12 percent. Any fee increase is unacceptable when the program is already profitable for the government.

The small business consequences of a slowdown in 7(a) guaranteed lending are manifold. Currently, according to statistics available from the Federal Deposit Insurance Corporation and the SBA, approximately 30 percent of all long-term loans, those with a maturity of 3 years or more, carry an SBA 7(a) guarantee. This is because lenders generally are unwilling to make long-term loans with a short-term deposit base. Therefore, reducing the availability of 7(a) capital to small businesses will have a significant effect on them and on the economy.

The average maturity for an SBA 7(a) guaranteed loan is 14 years. The average conventional small business loan carries an average maturity of one year or less. For those conventional loans with original maturities over one year, the average maturity is just three years. The majority of SBA 7(a) borrowers are new business startups or early stage companies. The longer maturities provided by the SBA 7(a) loan program give small businesses valuable payment relief, as the longer maturity loans carry substantially lower monthly payments.

For example, if a small business borrower had to take a 5 year conventional loan instead of a 10 year SBA 7(a) loan, the result would be a 35%–40% increase in monthly payments. The lower debt payments are critical to startup and early stage companies. Small business loans, where they can be found, would have vastly increased monthly payments. This at a time when the economy appears to be struggling and when bank regulators have spurred banks to tighten credit criteria, the current budget only proposes to worsen the situation for small business borrowers.

Your amendment would help mitigate this problem. It would provide small businesses far better access to long-term financing on reasonable terms and conditions at a time when their access to such capital is critical. We urge your colleagues to support your initiative and adopt your amendment.

Respectfully,

ANTHONY R. WILKINSON.

U.S. HISPANIC CHAMBER
OF COMMERCE,
Washington, DC, April 5, 2001.

Hon. JOHN F. KERRY,
Ranking Member, Senate Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We write in support of the Kerry/Bond Amendment to restore $264 million of the proposed cuts to the Small Business Administration's (SBA) budget. We further support the amendment's proposal to have these funds come out of the contingency fund and not the tax cut or the Medicare/Social Security trust fund. Your amendment would ensure that the small business programs at the SBA are adequately funded and continue to provide loan and business assistance to Hispanic-owned small businesses in this country.

The United States Hispanic Chamber of Commerce (USHCC) represents the interest of approximately 1.5 million Hispanic-owned businesses in the United States and Puerto Rico. With a network of over 200 local Hispanic chambers of commerce across the country, the USHCC stands as the preeminent business organization that promotes the economic growth and development of Hispanic entrepreneurs.

The SBA programs that are currently in jeopardy of losing funds have been extremely instrumental in helping our Hispanic entrepreneurs start and maintain successful businesses in the United States. Without these programs, the Hispanic business community will suffer huge setbacks to the strides we have been able to achieve over the years. It is therefore necessary to restore and increase funding to these programs so that the Hispanic business community will continue to experience economic growth and success in this country.

We support your efforts and urge other members of the Senate to support the Kerry/Bond amendment in restoring these necessary funds to the SBA.

Respectfully submitted,

MARITZA RIVERA,
Vice President for Government Relations.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA,
Washington, DC, April 5, 2001.

To: Members of the U.S. Senate.
From: Independent Community Bankers of America.
Re: ICBA support the Kerry-Bond amendment to preserve small business loan programs and to prevent new fees.

On behalf of the 5,300 members of the ICBA, we support the Kerry-Bond amendment to the FY 2002 budget and urge all Senators to join in support of this important bipartisan amendment. The amendment to be offered by Senators John Kerry (D-Mass) and Christopher Bond (R-Missouri) would prevent new hidden taxes in the form of additional fees imposed on small business lenders and borrowers. The proposed FY 2002 Budget pending in the Senate would levy significant new fees on the SBA 7(a) loan program. These increased fees would jeopardize needed lending and credit to small business at the worst possible time as our economy has slowed dramatically and small business lending has become more difficult. Therefore, the Kerry-Bond amendment would restore the appropriation for the 7(a) small business loan program and prevent onerous new fees from being levied on borrowers and lenders.

This amendment shares bipartisan support. The Chairmen and Ranking Members of the Senate Small Business Committees oppose new taxes on small businesses in the form of higher loan fees. Specifically, Small Business Committee Chairman Chris Bond and Ranking Member John Kerry have asked for the $118 million appropriation to support the 7(a) loan program to be restored in the FY 2002 Budget. The ICBA applauds the bipartisan efforts of Senators Kerry and Bond in offering their amendment.

We urge every Senators' support for the Kerry-Bond amendment so that small businesses have continued access to needed credit and that the 7(a) loan program is not devastated by taxing new fees.

ASSOCIATION OF SMALL BUSINESS
DEVELOPMENT CENTERS,
Burke, VA.

Hon. JOHN F. KERRY,
Ranking Minority Member, Senate Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR: We wish to commend you for prosing an amendment to the Budget Resolution calling for the restoration of funding for the Small Business Development Center (SBDC) and 7(a) Guaranteed Loan Programs. During this period of economic downturn, it is even more important that funding for these two critically important programs not be compromised as hundreds of thousands of small businesses will need management and technical assistance and long term debt financing more than ever.

As for the SBDC Program specifically, we are proud to report that the most recent impact survey of the program found that in one year SBDC's helped small businesses create 92,000 new jobs, generate $630 million in new tax revenues, increased by 67,000 the number of entrepreneurs counseled above previous levels, and provided training to more than 84,000 small business owners than were trained during the last reporting period. In all, over 750,000 small business and preventure clients received SBDC assistance in the last fiscal year. And that was during good economic times.

Your seeking funding of $105,000,000 for the SBDC Program is bipartisan as Senator Kit Bond, Chairman of the Senate Small Business Committee in his Views and Estimates letter to the Senate Budget Committee called for the same funding level. Likewise Senator Bond opposed any funding cut for the 7(a) Guaranteed Loan Program. Both recommendations we applaud.

We also understand that your amendment would restore funding for the New Markets and PRIME programs. This association has taken no formal position regarding funding for these well intended programs.

Thank you for soliciting our views. We appreciate your leadership regarding these two outstanding SBA programs.

Sincerely,

DONALD T. WILSON,
Director of Government Relations.

WESST CORP,
Albuquerque, NM, April 5, 2001.

Hon. JOHN F. KERRY,
U.S. Senate, Washington, DC.

DEAR SENATOR KERRY: On behalf of the Association of Women's Business Centers, I am writing to voice our full support for the amendment you have introduced (#183) which would provide adequate funding for the Small Business Administration's programs targeted to lending and business assistance.

As you know, the SBA programs serve the credit and business development needs of women, minorities, and low-income entrepreneurs all across the United States and Puerto Rico. It is absolutely critical that these programs, particularly the Women's Business Centers Program, the Microloan Program, PRIME, and the National Women's Business Council, receive the funding you have recommended in your amendment so that existing and emerging entrepreneurs throughout the country continue to have opportunities to realize the American dream of business ownership.

As an advocate for tens of thousands of women business owners across the country, the AWBC applauds your vision and leadership in helping to ensure that these critical SBA programs continue to serve the entrepreneurial and credit needs of the American people.

We look forward to working with you in the months ahead to ensure the passage of this amendment.

Thank you very much for your ongoing support.

Sincerely,

AGNES NOONAN,
Chair, AWBC Policy Committee, Executive Director.

THE ASSOCIATION OF WOMEN'S
BUSINESS CENTER,
Boston, MA, April 5, 2001.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: As the President of the Association of Women's Business Centers (AWBC), I am writing on behalf of the 80+ Women's Business Centers who have been funded by the Small Business Administration's Office of Women's Business Ownership. We write to support your amendment #183 to increase funding for the SBA programs and, in particular, to fund the Women's Business Center Program at $13.7 million.

The President's budget only provides level funding of $12 million for the WBC program, which is inadequate at this time as women are continuing to start two-thirds of all new businesses. Clearly, we need an increase in funding at this time to continue to ensure that we are keeping pace with this fast growth and providing services to as many women business owners as possible.

Thank you very much for your continued support and advocacy on our behalf.

Sincerely,

ANDREA C. SILBERT,
President, AWBC, and CEO Center for Women & Enterprise.

HOUSTON, TX,
April 5, 2001.

Senator JOHN KERRY,
Washington, DC.

DEAR SENATOR KERRY: Since I work with small business owners every day to help them obtain the financing they require to start a new business, acquire a business or expand an existing business, I wanted you to know that I strongly support you and your efforts regarding Amendment 183.

Thank you for your continued good work.

Sincerely,

CHAIRMAN ROSALES.

TAIWAN ARMS SALE

Mr. McCONNELL. Mr. President, the Administration recently informed Congress of its arms sales package to Taiwan. Having long followed political developments both in Taiwan and the People's Republic of China, PRC, and having visited both sides of the Strait, I wanted to make a few brief comments.

First, weapon systems and military hardware aside, the political message transmitted to Taipei through the sales is that America's commitment to Taiwan remains steadfast and strong. This is an appropriate message delivered in a timely manner by the new Administration and with the encouragement and support of Congress.

Second, the package generally reflects a balanced approach to Taiwan's defensive needs, particularly on and under the sea. While the Arleigh Burke-class destroyers equipped with the Aegis radar system are not part of this year's sale, and would not be operational until 2010, the Administration has left open the option to pursue Aegis-equipped destroyers at a future date. Aegis is still on the table. America has bolstered Taiwan's defensive capabilities through Kidd-class destroyers, P–3 aircraft, submarines, and other weapons, and has deferred decisions on other sales, such as tanks and helicopters, pending a review of Taiwan's ground forces needs.

Finally, the PRC must understand that its continued buildup of short-range ballistic missiles opposite Taiwan and aggressive modernization of its military for offensive purposes will all but guarantee the future sale of Aegis-equipped destroyers, or other technologically advanced weapons system. If the Mainland is serious in wanting a peaceful resolution of differences with Taiwan, senior military and civilian leaders must accept America's obligations under the Taiwan Relations Act to provide "defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

Simply put, every Chinese offensive military action will have a Taiwan-U.S. defensive reaction. Beijing can make clear its intentions by immediately renouncing the option to use force against Taiwan, and by reducing its military deployments across the Strait.

I intend to continue to follow political and military developments not just in Taiwan and the PRC but throughout the region. I urge Beijing and Taipei to continue dialogue as the means of resolving their differences.

ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, I want to speak today in order to commemorate the Armenian Genocide. As you know, today marks the 86th anniversary of this tragic occurrence. It is important that we take time to remember and honor the victims, and pay respect to the survivors that are still with us.

April 24th marks the inception of brutal genocidal campaign to eliminate Armenians from the Turkish Ottoman Empire. From the period of 1915–1923, approximately one and a half million Armenians perished under the rule of the Turkish Ottoman Empire. During this horrific period, the Armenian people fell victim to deportation, conscription, torture, starvation and murder.

The Armenian genocide was the result of a consciously orchestrated government plan. The German Chancellor to the Ottoman Empire, Count Wolff-Metternich, stated at the time that, "In its attempt to carry out its purpose to resolve the Armenian question by the destruction of the Armenian race, the Turkish government has refused to be deterred neither by our representations, nor by those of the American Embassy, nor by the delegate of the Pope . . ."

In a century filled with loss and bloodshed, the Armenian Genocide marked the first effort of the century to systematically eliminate an entire people. Unfortunately, the world did not learn from this massacre, and the past 86 years have been stained by reminders that there are those who will stop at no means to spread their agendas of hate and intolerance.

Nobel Laureate writer Elie Wiesel has said that the denial of genocide constitutes a "double killing" for it seeks to rewrite history by absolving the perpetrators of violence while ignoring the suffering of the victims. We must acknowledge the horrors perpetrated against the Armenian people to preserve the memory of the victims and to remind the world that we cannot and will not forget these crimes against humanity. However, it is not enough to simply remember those who have perished. We must speak out against such tragedies, and dedicate ourselves to ensuring that evils such as the Armenian Genocide are not revisited on our planet. This is the highest tribute we can pay to the victims of any genocide.

The Armenian people have preserved their culture, faith and identity for over a thousand years. In the last century alone, the Armenian people withstood the horrors of two World Wars and several decades of Soviet dominance in order to establish modern Armenia. I hope all my Senate colleagues will join me in honoring and remembering the victims of the Armenian Genocide.

Mr. FEINGOLD. Mr. President, today marks the 86th anniversary of the beginning of one the great human tragedies of history, the Armenian genocide. Between 1915–1923 as many as 1.5 million Armenians were systematically murdered by the Ottoman Empire and hundreds of thousands more were forced to flee their homeland. These Armenians were victims of a policy intended to isolate, exile and even extinguish the Armenian population.

Although nearly a century has passed since this tragedy occurred, we must not wipe it from our consciousness and let it become the forgotten past. Rather, we must continually learn from mistakes of the past so that they are not repeated again and again in the future. Recent history in Bosnia, Rwanda and Kosovo tells us that systematic brutality, that the attempt to wipe out an entire population because of its ethnicity, is still possible. The atrocities that took place in these countries remind us that we still have much to learn.

The international community has made some progress, standing up for justice, holding those responsible for genocide and other serious violations of international humanitarian law accountable for their crimes. By establishing war crimes tribunals, like the International Criminal Tribunal for the Former Yugoslavia, ICTY, and the International Criminal Tribunal for Rwanda, ICTR, we have begun to send the clear message that such atrocious crimes will not go unpunished. I am pleased that the former Yugoslav leader Slobodan Milosevic, who has been wanted on international war crimes charges for his role in the campaign of violence and hate in the Balkans, has finally been arrested. I hope that his arrest marks the beginning of full justice being served with regard to him and others responsible for the unspeakable crimes committed in the Former Yugoslavia.

Each day we continue to read about and witness ethnic violence and violations of human rights in countries across the globe. Sadly, in many places this is simply the norm. Clearly there is a great deal of work that still needs to be done to prevent human tragedy. So today as we commemorate the Armenian genocide, let us honor the men, women and children whose lives were lost between 1915–1923, as well as the other countless victims of violence throughout history, and recommit ourselves to efforts that foster acceptance of others, respect for human rights, democratic principles, and peaceful relations between people and nations at all levels.

Mrs. FEINSTEIN. Mr. President, today marks the 86th anniversary of the beginning of the Armenian Genocide. I rise today to acknowledge and commemorate this terrible crime and to help ensure that it will never happen again.

On April 24, 1915, the Ottoman Empire launched a brutal and unconscionable policy of mass murder. Over an eight year period, 1.5 million Armenians were killed, and another 500,000 were driven from their homes, their property and land confiscated.

We who enjoy the blessings of freedom and liberty must commemorate this event to ensure that it does not happen again. Far too often during this century we have remained silent as men, women, and children have been singled out, rounded up, and killed because of their race, ethnicity, or religion. By acknowledging the Armenian Genocide we state loud and clear: Never again.

Never again will we let brutal violations of human rights go without condemnation. Never again will we turn our backs on the oppressed and give comfort to the oppressors. Never again will we fail to stand up for justice and human dignity. Never again will we allow genocide to be perpetrated on this Earth.

Even as we remember the tragedy and honor the dead, we also honor the living. I am proud that my home State of California is home to a vibrant Armenian American community, a half a million strong. They have enriched the culture of our state and have participated in every aspect of civic life. They are a shining example of a people who overcame the horrors of the past to create a better future.

Let us never forget the victims of the Armenian Genocide. Let us ensure that they did not die in vain. Let us come together to remember the crimes of the past and to pledge to one another that they will not happen again in the future. Let us look ahead with Armenia and the Armenian American community to a brighter tomorrow.

Mr. JOHNSON. Mr. President, I rise today to commemorate the 86th anniversary of the Armenian genocide. From 1915 to 1923, 1.5 million Armenians were executed in the first genocide of the 20th Century.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and the dismantling of Armenian culture. To those who would question these events, I refer them to numerous documents kept by the United States National Archives, which detail these horrifying events. The entire Armenian population in the Ottoman Empire was forcibly removed from their historic homeland in present-day eastern Turkey. A million and a half people were massacred and another 500,000 were exiled. As the United States Ambassador to the Ottoman State at the time, Henry Morgenthau, said, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Tragically, the Armenian genocide was the first in a series of genocides in the 20th Century. Adolf Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

And that is why we come together every year at this time to remember. The genocide of the Armenians did take place, and we do remember. That memory must be kept alive, to keep us vigilant in our efforts to prevent such atrocities from ever happening again.

Mr. REED. Mr. President, I rise to join with Armenians throughout the United States, in Armenia, and around the world in commemorating the 86th anniversary of the Armenian Genocide.

This week, members and friends of the Armenian community will gather together to remember April 24, 1915. On that day, nationalist forces of the Ottoman Empire started an eight year campaign of massacre and deportation that would impact the lives of every Armenian in Asia Minor.

Armenian men, women, and children of all ages fell victim to murder, rape, torture, and starvation. By 1923, an estimated 1.5 million Armenians had been systematically murdered and another 500,000 had their property stolen and were driven from their homeland. With World War I occupying center stage at the time, the Armenian people's situation went unaided.

Unfortunately, the residents of Armenia still suffer today. Armenian efforts at democracy and economic development have been hindered by regional conflict, natural disasters and internal strife. Yet, despite these setbacks, the Armenian people have maintained a persevering spirit that has kept hope alive. In the past few months, optimism has grown as internationally mediated peace talks between Armenian President Kocharian and Azerbaijani President Aliyev have made progress.

Commemoration of the Armenian genocide is important not to keep alive the memory of those Armenians who died, but to remind the world of its duty. As Archbishop Desmond Tutu noted in 1999, "It is sadly true what a cynic has said, that we learn from the history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were given before Hitler's madness was unleashed on an unbelieving world." It is my hope that the world has begun to pay attention to history because, unlike in 1915, the international community heeded the warning signs in Kosovo and did not sit back and watch, but reacted quickly and decisively. We must always bear witness to the terrors of yesterday so that we can respond to acts of oppression in the future, ensuring that the deaths of all victims of hatred and prejudice are not in vain.

Therefore, on the 86th anniversary of the terrible tragedy of the Armenian genocide we remember the past and rededicate ourselves to supporting Armenia as it looks to the future.

Mr. KENNEDY. Mr. President, April 24 marks the 86th anniversary of the beginning of one of the most tragic events in history, the Armenian Genocide. In 1915, the Ottoman Turkish Government embarked on a brutal policy of ethnic extermination. Over the next eight years, 1.5 million Armenians were killed, and more than half a million were forced from their homeland into exile.

In the years since then, the Armenian diaspora has thrived in the United States and in many other countries, bringing extraordinary vitality and achievement to communities across America and throughout the world. The Armenian Assembly of America, the Armenian National Committee of America, and other distinguished groups deserve great credit for their impressive work in maintaining the proud history and heritage of the Armenian people, and guaranteeing that the Armenian Genocide will never be forgotten.

One of the enduring achievements of the survivors of the Genocide and their descendants has been to keep its tragic memory alive, in spite of continuing efforts by those who refuse to acknowledge the atrocities that took place. In Massachusetts, the Armenian Genocide is part of that curriculum in every public school. Legislation was introduced last year in the U.S. House of Representatives to support recognition of the Armenian Genocide, and the French government approved a law to recognize the Armenian Genocide in January.

It is time for all governments, political leaders and peoples everywhere to recognize the Armenian Genocide. These annual commemorations are an effective way to pay tribute to the courage and suffering and triumph of the Armenian people, and to ensure that such atrocities will never happen again to any people on earth.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred in my own home State of Oregon in 1995. A twenty-seven year old Stockton, California man murdered a Medford, OR couple, Roxanne Ellis, 53 and Michelle Abdill, 42. The women, who ran a property management business, disappeared December 4, 1995 after showing the man an apartment for rent. He shot them both in the head, and the bodies were left bound and gagged in a truck bed. The Stockton man later confessed, saying he targeted the women because they were lesbians, and he figured they wouldn't have families that would miss them.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE ARKANSAS PLAN

Mrs. LINCOLN. Mr. President, today I am announcing my vision for the design of the tax cut and I am sending a message to my Chairman and to the President that I am willing to work with them on a tax cut as long as it recognizes that Arkansas taxpayers also work hard and have earned a share of the surplus in the form of a tax cut.

The President's tax rate cuts are skewed to the rich and the average Arkansan won't see a real cut, if at all, until 2006. Forty-nine percent of Arkansans have adjusted gross incomes under $20,000 and the average household income in Arkansas is $29,019. About 85 percent of Arkansas families don't make enough to qualify as one of the "model families" that President Bush has been talking about in his speeches. In other words, only about 15 percent of Arkansans would get a $1,600 tax cut. The other 85 percent of Arkansans deserve a real tax cut too.

I believe in creating a new ten percent bracket like the President, but under my plan it be fully implemented this year. That will bring thousands of dollars to Arkansas families immediately and over the next 5 years will mean significantly more to the Arkansas economy than will the Bush plan.

I also want to expand the 15 percent bracket by $10,000. This will mean that 85 percent of Arkansas taxpayers and small businesses never make it out of the 15 percent bracket and will never pay more than about an 11 percent effective Federal tax rate. Expanding the 15 percent bracket would mean that a couple earning $55,000 would get $980 more than they would under the Bush plan, regardless of whether they have children or not. The only way for average citizens to get a significant tax cut under the Bush plan is to have children. Single people and people who are no longer raising their children deserve a tax cut too, and I propose to give them one.

I do believe in doubling the child tax credit as the President proposes. However, I believe it should be partially refundable for working taxpayers as their Earned Income Tax Credit is phased out. Approximately 140,000 Arkansas families, or 37 percent of Arkansas families with children, will not benefit from the President's plan because their incomes are too low to owe federal income taxes. By making the child tax credit partially refundable, low-income working parents would get the benefits of the child tax credit just like I do. At the same time, I believe it is unfair to phase out the value of exemptions and credits for high income individuals. What's good for the goose is good for the gander. If we are going to give a $1,000 per-child tax credit to working families, then we should give that credit to all working families, rich and poor.

We also must fix the Alternative Minimum Tax, AMT. I have asked the President in person, I have asked him in writing, "How will your Administration address the AMT?" Many of you may not know that the AMT, which is designed to prevent affluent taxpayers from sheltering their tax liability in credits and deductions, will soon have an unintended consequence for 37 million Americans. These middle income workers will be paying higher rates and filing out more forms if we do not act. At a minimum, the AMT exemptions should be raised and indexed, and family credits should be protected from the AMT's bite.

With our private savings rate at a negative for the first time in our history we should encourage more private savings by increasing the IRA and 401(k) contribution limits as part of an overall retirement security and expansion act. Increasing private savings is an important way to keep capital reserve up and interest rates low. The fiscally conservative thing to do is include the pension bill in this year's tax relief.

I support eliminating the so-called marriage penalties in the tax code, but we should do it in a way that is fair to widows and singles. Taxpayers should not be punished for getting married, but nor should they be punished when their spouse dies or if they choose not to get married.

Lastly, the estate tax should be repealed within the next three years. While the revenue estimates of repealing the estate tax have been high, I believe there are many ways we can ensure that death is no longer a taxable event without breaking the treasury. In the short run, we may have to provide for a mark-to-market fee to provide for a stepped-up basis for inherited property or a higher capital gains rate for inherited property, but no tax would be paid unless the asset was sold. In short, the U.S. tax code should not be an obstacle to family farmers and small business people who want to pass on their legacy.

At the end of the day, Vice-President CHENEY would get about a $1 million tax cut under my plan, instead of the $2.4 million he would get under the Bush plan. However, average Arkansans would see thousands more and those dollars will be spent and saved in Arkansas where they belong. A family of four with a $30,000 income would get a $1,600 per year tax cut which is approximately $484 more per year than they would get under President Bush's plan. My plan would put more money in Arkansas and the South, and would cost $400 billion less than the President's $1.6 billion plan. That cost savings is important, because ultimately, I will not support any tax cut plan that would endanger the long-term solvency of Social Security and Medicare and inhibit our ability to retire the national debt.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 23, 2001, the Federal debt stood at $5,673,969,614,244.57, Five trillion, six hundred seventy-three billion, nine hundred sixty-nine million, six hundred fourteen thousand, two hundred forty-four dollars and fifty-seven cents.

Five years ago, April 23, 1996, the Federal debt stood at $5,106,372,000,000, Five trillion, one hundred six billion, three hundred seventy-two million.

Ten years ago, April 23, 1991, the Federal debt stood at $3,433,997,000,000, Three trillion, four hundred thirty-three billion, nine hundred ninety-seven million.

Fifteen years ago, April 23, 1986, the Federal debt stood at $1,959,815,000,000, One trillion, nine hundred fifty-nine billion, eight hundred fifteen million.

Twenty-five years ago, April 23, 1976, the Federal debt stood at $600,771,000,000, Six hundred billion, seven hundred seventy-one million, which reflects a debt increase of more than $5 trillion, $5,073,198,614,244.57, Five trillion, seventy-three billion, one hundred ninety-eight million, six hundred fourteen thousand, two hundred forty-four dollars and fifty-seven cents during the past 25 years.

TRIBUTE TO SENATOR ALAN CRANSTON

Mr. DURBIN. Mr. President, I ask unanimous consent that the following tributes by current and former members of the Senate and House of Representatives at the memorial service for the late Senator Alan Cranston be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORIAL TRIBUTE TO SEN. ALAN CRANSTON BY SENATOR MAX CLELAND

On February 6, over 200 admirers gathered in Hart SOB 902 to pay tribute to our dear friend Alan Cranston, who left us on the last day of the year 2000. Joining with me as sponsors of this event were the Senators from West Virginia (Mr. Rockefeller), California (Mrs. Feinstein and Mrs. Boxer), and Massachusetts (Mr. Kennedy), and the former Senator from Wyoming (Mr. Simpson). Ten members and former members spoke, and a short film about Senator Cranston's recent activities was shown. At the end of the program, Alan's son, Kim, spoke. It was a memorable afternoon for all in attendance.

The Program Cover pictured Alan and his beautiful, now seven-year old, granddaughter Evan. On the second page appeared the following words of the Chinese poet and philosopher Lao-Tzu, which Alan carried with him every day:

A leader is best
When people barely know
That he exists,
Less good when
They obey and acclaim him,
Worse when
They fear and despise him.

Fail to honor people
And they fail to honor you.
But of a good leader,
When his work is done,
His aim fulfilled,
They will all say,
"We did this ourselves."—Lao-Tzu

The program participants and sponsors were shown on the third page as follows:

Musical Prelude: United States Army Strings.

Introductions and Closing: Judge Jonathan Steinberg.

Speakers: Senator Max Cleland, Senator Alan Simpson, Senator Edward Kennedy, Senator Diane Feinstein, Senator Barbara Boxer, Representative G.V. (Sonny) Montgomery, Representative John A. Anderson, Representative George Miller, Senator John Kerrey, Senator Maria Cantwell, and Kim Cranston.

Family in attendance: Kim Cranston, Colette Penne Cranston, Evan Cranston, and Eleanor (R.E.) Cranston Cameron.

Event Sponsors: Senators Cleland, Simpson, Rockefeller, Kennedy, Feinstein, and Boxer.

The back page of the program set forth Senator Cranston's Committee assignments and the acknowledgments for the Tribute, as follows:

Senator Cranston's 24 years of service in the United States Senate exceeded that of any California Democratic Senator and was the second longest tenure of any California Senator. He was elected Democratic Whip seven times, and his service of 14 years in that position is unequaled. His Committee service was:

1969–93: Committee on Banking, Housing, and Urban Affairs.

1971–73 and 1975–79: Chairman, Subcommittee on Production and Stabilization.

1973–75: Chairman, Subcommittee on Small Businesses.

1979–85: Chairman or Ranking Minority Member, Subcommittee on Financial Institutions.

1985–87: Ranking Minority Member, Subcommittee on Securities.

1987–93: Chairman, Subcommittee on Housing and Urban Affairs.

1969–81: Committee on Labor and Public Welfare (Human Resources).

1969–71: Chairman, Subcommittee on Veterans' Affairs.

1971–73: Chairman, Subcommittee on Railroad Retirement.

1971–81: Chairman, Subcommittee on Child and Human Development.

1981–93: Committee on Foreign Relations.

1981–85: Ranking Minority Member, Subcommittee on Arms Control, Oceans, International Operations, and Environment.

1985–93: Chairman or Ranking Minority Member, Subcommittee on East Asian and Pacific Affairs.

1977–92: Committee on Veterans' Affairs, Chairman or Ranking Minority Member.

In addition, Senator Cranston served on the Committees on the Budget (1975–79) and on Nutrition and Human Needs (1975–77), and on the Select Committee on Intelligence (1987–93).

Event Planning and Arrangements: Bill Brew, Fran Butler, Kelly Cordes, Chad Griffin, Bill Johnstone, Susanne Martinez, Dan Perry, Ed Scott, Jon Steinberg, Lorraine Tong, Elinor Tucker.

As I said at the Tribute, I would not be in this body were it not for Alan Cranston. My colleague, the Senator from Washington (Ms. Cantwell), expressed that same sentiment in her remarks. Alan Cranston will always be an inspiration for us. He will live in our memories and the memories of all those who served with him and were touched by the causes he championed and in the hearts and minds of those he so ably represented in his beloved State of California. Following are the transcript of the Tribute, and the document, "Legislative Legacy, Alan Cranston in the U.S. Senate, 1969–1993," that was distributed at the Tribute.

A LEGISLATIVE LEGACY—ALAN CRANSTON IN THE U.S. SENATE, 1969–1993

AN OVERVIEW

As an eight-year-old boy, Alan Cranston lost his first election to be bench monitor in his Los Altos grammar school. As an adult, he became the state's most electable Democrat and one of the most durable and successful California politicians of the 20th Century. During decades of political and social turbulence, when no other California Democrat was elected more than once to the U.S. Senate, Alan Cranston won four Senate terms in the Capitol, serving a total of 24 years. It is a California record unmatched except for the legendary Hiram Johnson, a Republican who held his Senate seat from 1917 to 1945.

In addition, Cranston was elected to seven consecutive terms as the Senate Democratic Whip, the number two party position in the Senate. That, too, is an all-time Senate record for longevity in a leadership post. Alan Cranston is credited with rebuilding the Democratic Party in California through grass- roots activism and organization. In the mid–1950s, he organized the then- powerful California Democratic Council, a vast network of party volunteers that in 1958 helped sweep Republicans from most statewide offices. Edmund G. "Pat" Brown was elected governor, Democrats seized the California Legislature, and Cranston began two terms as State Controller of California.

Senator Cranston sought the Democratic Party nomination for President in 1984. His campaign, though ultimately unsuccessful, raised to new heights public support for international arms control and a superpower freeze on nuclear weapons.

In terms of political style, Senator Cranston drew upon an earlier Earl Warren tradition of bipartisanship, and was well served by a diversified base of political support. Representing the California mega-state in the Senate, Cranston skillfully balanced a wide array of insistent and sometimes conflicting state interests. He steered a delicate course between the state's giant agribusiness interests and those of consumers, family farmers and farm workers; he weighed the claims of home builders and growing communities with the need to preserve open space and wildlife habitats; and he nurtured and led the California epicenter of the national arms control and peace movements, while effectively representing the home of the nation's defense and aerospace industry.

The record of Congressional measures from 1969 to 1993 adds up to a catalogue of literally tens of thousands of legislative actions on which there is a Cranston imprint. These include the large events of the past quarter century—Vietnam, the Cold War, civil rights, the rise of environmentalism, conflict in the Middle East, Watergate, the energy crisis, and equal rights for women.

The Cranston mark is on thousands of bills and amendments he personally authored affecting virtually every aspect of national life. Without this legislative record, America would be a different and poorer place in the quality of life and environment for a majority of our people. Rivers would be more polluted, the air less clean, food less safe. Fewer opportunities would be open to all citizens, fewer advances made in medicine and science; there would be less safe conditions in workplaces.

Despite facile and careless cynicism about the work of government, the achievements of the nation's Legislative Branch from the mid–1960s to the early 1990s have made a distinct and meaningful difference in the lives of millions of Americans. Alan Cranston's particular contributions to progressive legislation is notable. The difference a single U.S. Senator can make is demonstrated by a study of all votes cast in the Senate over two decades in which the outcome was decided by less than five votes and often by a single vote. Between 1969 to 1989 there were over 2,500 such votes in which Alan Cranston's influence often was critical to the outcome.

The figures do not include thousands of legislative decisions reached by less narrow margins. Nor do they reflect the additional influence of Senator Cranston as a behind-the-scene strategist, nose-counter, marshaler of forces and shrewd compromiser who always lived to fight another day. The sum of thousands of "small", quiet, often little-noticed and uncelebrated legislative actions over near a quarter-century adds up to steady progress in nearly every area of American life.

As for one man's place in such a record, former Vice President Walter Mondale called Senator Cranston: "The most decent and gifted member of the United States Senate."

Even with so diverse a legislative record, certain points of emphasis and priority emerge. Although never an ideologue, Senator Cranston was passionate in pursuit of world peace, for extending opportunities for those left out of the mainstream, and for protecting the natural environment. Asked by a reporter what he "goes to the mat for," Cranston replied: "Peace, arms control, human rights, civil rights, civil liberties. If there's an issue between some very powerful people and some people without much power, my sympathies start with those who have less power."

During the eight years that remained to him after he left the Senate, Alan Cranston worked tirelessly on issues of war and peace, speaking out for human rights, and for preserving the environment of the planet for present and future generations. In 1996, he became chairman of the Global Security Institute, a San Francisco-based research organization which he founded together with former Soviet President and Nobel Peace Prize winner Mikhail S. Gorbachev to promote world peace and the abolition of nuclear weapons.

EARLY HISTORY

Few people in modern history have entered the U.S. Senate as freshmen better prepared than Alan Cranston to combine lifelong concerns over foreign and domestic policy with an understanding of the inner procedural, political and human workings of the institution. It was a preparation which made it possible to gain and hold on to Senate power as Democratic Whip for 14 of his 24 years in Congress.

In 1936, as a 22-year-old foreign correspondent he joined the International News Service (later part of United Press International), immediately after graduating from Stanford University. He was sent on assignments to Germany, Italy, Ethiopia and England in years leading up to the outbreak of World War II. He personally watched and listened as Adolph Hitler whipped his audiences into mass frenzy. He saw Mussolini strut before tens of thousands in Rome. He covered London in the fateful years "while England slept," and he watched as the world seemed helpless to act against the dark march of fascism.

Three years later, following his return to the United States, Cranston learned that an English-language version of Hitler's "Mein Kampf" was being distributed in the U.S. He was alarmed to discover that, for propaganda purposes, parts of the text had been purposefully omitted. These were passages which would have made clear the nature and full extent of Hitler's threat to the world. To warn Americans against Hitler, he wrote a complete and accurate version of the book, with explanatory notes making the Dictator's real intentions clear. It was published in tabloid form and sold a half-million copies before a copyright infringement suit brought by agents of the Third Reich put a stop to its further distribution.

Senator Cranston's strong commitment to human rights and peace, and his alertness to the dangers of totalitarian one-man rule, were clearly shaped by witnessing first hand the rise of fascism in Europe and the deadly chain of events leading to the Second World War and its Cold War aftermath. His first work in Washington, serving in 1940 and 1941 as a representative of the Common Cause for American Unity, entailed lobbying Congress for fairness in legislation affecting foreign born Americans. This activity gave him an opportunity to learn at close range the inner workings of the Senate.

With the outbreak of war, Cranston served as Chief of the Foreign Language Division of the Office of War Information in the Executive Offices of the President. When offered a draft deferment in 1944, he declined it and enlisted in the Army as a private, where he was first assigned to an infantry unit training in the U.S. Because of his experience as a foreign correspondent and journalist, he became editor of *Army Talk*. His rank was sergeant by VJ Day.

While still in the Army, he began researching and writing a book in hopes of influencing international decision-making in the post-war world. It was an account of how, in the aftermath of the first World War, a handful of willful men in the U.S. Senate, opposed to President Wilson and the 14–point peace plan, managed to prevent U.S. participation in the League of Nations, ultimately undermining the peace and setting the stage for a second World War.

In 1945, "The Killing of the Peace" by Alan Cranston was published. The New York Times rated it one of the 10 best books of the year. The book served to warn against the folly of repeating the same isolationist mistakes that followed World War I. The Cranston book also presented a meticulous description of the byzantine inner workings of the U.S. Senate during the debate over ratification of the League of Nations treaty. At age 31, the future Senator revealed a full appreciation of the critical role played by individual egos, personalities and interpersonal relationships in the legislative process, and showed how awareness to such human factors could be critical in determining the outcome of a vote.

The immediate post-war years in Washington and publication of *The Killing of the Peace* marked the real beginning of Cranston's determination to become a member of the Senate. He wanted to enter that institution where he could promote world peace and causes of social justice.

From 1949 to 1952 he served as national president of the United World Federalists, dedicated to promoting peace through world law. He was a principal founder of the California Democratic Council, established to influence the direction of the Democratic Party in the state, and was elected as the first CDC President in 1953 and served until 1958.

He was elected California state controller in 1958, which placed him among the top ranks of the party's statewide elected officials. He was reelected in 1962 and served until 1966.

SENATE ACHIEVEMENTS

Foreign affairs

Elected to the Senate in 1968, during the height of fighting in Vietnam, Senator Cranston quickly allied with so-called "doves" which were a distinct minority in Congress at that time. Together with Senator Edward Brooke of Massachusetts, Alan Cranston co-authored the first measure to pass the Senate cutting off funds to continue the war in Southeast Asia. The Brooke-Cranston Amendment paved the way to the U.S. Congress ultimately asserting its prerogatives over military spending and provided for the orderly termination of U.S. military involvement in Vietnam.

Senator Cranston played key roles in shaping the SALT and START arms pacts, and in framing debate on virtually every new weapon system, arms control issue and foreign treaty from 1969 to 1993. A recognized leader on the Foreign Relations Committee, Alan Cranston was a highly respected voice on behalf of arms control, nuclear non-proliferation, peaceful settlement of international conflict, human rights around the world, sensible and compassionate approaches to immigration and refugee issues, foreign trade and long range solutions to problems of famine, disease and oppression in the Third World.

In addition to U.S.-Soviet relations, those specific areas of foreign policy in which Senator Cranston made a significant impact include the passage of the Panama Canal Treaty, efforts to bar military aid to the Nicaraguan contras, aid to Israel and efforts toward peace in the Middle East, helping to bring a halt to U.S. involvement in a civil war in Angola, and opposition to apartheid in South Africa.

Environmental legislation

Among the legacy of Alan Cranston's years in the Senate is a wealth of parks, wilderness areas, wildlife refuges, wild rivers, scenic areas and coastline protection measures. With just two bills in which Alan Cranston and Rep. Phillip Burton of San Francisco teamed—the Omnibus Parks Act of 1978 and the Alaska Lands Act of 1980—as much acreage was placed under federal protection as all the parks lands created earlier in the 20th Century combined. Senator Cranston was the Senate sponsor of legislation creating the Golden Gate National Recreation Area, the Santa Monica Mountains National Recreation Area, the Channel Islands National Park, a 48,000 acre addition to the Redwoods National Park, and the inclusion of Mineral King into Sequoia National Park. He sponsored 12 different wilderness bills which became law between 1969 and 1982. He helped close Death Valley National Monument to open pit mining and was an architect of the

Endangered Species Act and the Marine Mammal Protection Act.

He worked diligently throughout his Senate years for the California Desert Protection Act, that called for setting aside millions of acres of desert lands as wilderness and park preserves, and creating better government conservation efforts for a vast portion of the California desert ecosystem. His efforts ultimately came to fruition when Senator Dianne Feinstein, during the first Clinton term, was able to enact into law the Cranston crusade for desert preservation.

Even this long list does not tell the complete story of Senator Cranston's environmental record, which includes clear air and clean water legislation, control of toxic wastes, liability for oil spills, restoration of fish and wildlife resources, and support for new technologies for cleaner fuels. No other period in American history has seen so much been accomplished for environmental protection as the last three decades of the 20th Century, and Senator Cranston was an essential but largely unheralded architect of these policies.

Civil rights/Civil liberties

In his first term as a Senator, Alan Cranston wrote the amendment that extended to federal workers the civil rights protections earlier mandated to private employers. He also played a key strategic role in ending a filibuster which threatened the extension of the Voting Rights Act. He authored the first Senate bill to redress grievances of Japanese-Americans interned in relocation camps during the Second World War. Cranston coauthored landmark legislation protecting the civil rights of institutionalized persons. He was the first U.S. Senator to employ an openly-gay person on his staff, and he fought official discrimination against homosexuals in immigration laws and access to legal services.

Aware from his days as a journalist of the importance of protecting news sources, Senator Cranston fought the Nixon Administration to preserve an unfettered and free press in America. He successfully blocked legislation in 1975 that would have created an Official Secrets Act threatening First Amendment freedoms.

Health care

Both on the Senate and Human Resources Subcommittee on Health and Scientific Research, and as Chairman of the Senate Veterans Affairs Committee, Senator Cranston worked to secure for all individuals access to health services necessary for the prevention and treatment of disease and injury and for the promotion of physical and mental wellbeing.

He authored the law, and extensions and refinements of it, that provided for the development nationwide of comprehensive medical services (EMS) systems and for the training of emergency medical personnel. He steered the original Emergency Medical Systems Act through Congress, then persuaded a reluctant President Nixon to sign it into law. A few years later, the Cranston measure was quite possibly responsible for saving another President's life. It was at a special trauma care unit at George Washington University Medical Center in Washington, D.C., established in part by the EMS law, where President Reagan's life was saved following an assassination attempt in 1981.

Senator Cranston also wrote laws that have made a broad range of family planning services available to individuals who cannot otherwise afford or gain ready access to them. He authored legislation that improved services to families of sudden infant death syndrome (SIDS) and encouraged expanded research efforts. Legislation to support community efforts to control venereal diseases and tuberculosis were shaped by Senator Cranston. He authored several provisions of law substantially increasing funding for AIDS research, education, and public health activities.

He wrote the law that expanded and coordinated federal research in arthritis, and he helped create the National Institute on Aging. Totally separate from his role as a federal legislator, he helped establish the private, non-profit Alliance for Aging Research to spur research scientists to find answers for the chronic disabling conditions of aging, including Alzheimer's Disease.

His commitment to healthy aging was also personal. A lifelong physical fitness buff and accomplished runner, he set a world record for his age group in 1969, running the 100-yard dash in 12.6 seconds. He broke his own record three years later running in the University of Pennsylvania Relays at age 59.

Rights for persons with disabilities

When Alan Cranston came to the Senate, disabled persons had virtually no legal protection against unjust discrimination and there had been little progress toward removing physical barriers that excluded them from public buildings and facilities. He was acutely aware of these injustices due to crippling disabilities suffered by members of his immediate family. He often characterized people with disabilities as "the one civil rights constituency any of us can be thrust into without a moment's warning." He led efforts to enact legislation in 1973 for the first time outlawing discrimination in federally-funded programs and requiring that federally-funded buildings be made accessible to disabled individuals, and promoting the employment and advancement of persons with disabilities by the federal government and federal contractors. The sloping sidewalk curbs for wheelchairs on nearly every street in the nation stem from Alan Cranston's early advocacy for disabled people.

Children and families

Senator Cranston authored a rich body of legislative reforms that humanized and vastly improved adoption assistance, foster care, child custody and child care. He was a leader in sponsoring child abuse and neglect prevention laws and in investigating the abuse of children in institutions.

He was responsible for extending the original authorization of the Head Start preschool education program. He authored successful bills extending Medicaid coverage for prenatal health care for low-income pregnant women. He co-wrote the landmark L975 law designed to provide educational opportunities for handicapped children, and he was a strong supporter and developer of children's nutrition and feeding programs throughout his time in the Senate.

Many private organizations honored Cranston for his work, including the North American Conference on Adoptable Children, which named him "Child Advocate of the Year" in 1979, the California Adoption Advocacy Network, the Child Welfare League of America, the Day Care and Child Development Council of America, the California Child Development Administrators Association, and the JACKIE organization, which cited "his leadership in obtaining national adoption and foster care reform."

Veterans

Though opposed to the Vietnam War, he was deeply compassionate toward those who fought America's most unpopular war. Able to separate the war from the warriors, he was an early champion for the Vietnam veterans, especially for improving health care in VA hospitals and clinics.

In his first year in the Senate, Alan Cranston was assigned chairmanship of a Labor Committee subcommittee dealing with veterans. He used that post to draw national attention to inadequate and shocking conditions in VA hospitals, which were overwhelmed by the returning wounded from the Vietnam war. When a full Committee on Veterans Affairs was established in the Senate, he chaired its subcommittee on health and hospitals and later chaired the full committee for a total of nine years.

Among a few highlights of this record: improvements in compensation for service-connected disabled veterans, education and training programs tailored to Vietnam-era veterans, requirements for federal contractors to give preference in hiring for Vietnam-era and disabled veterans, and a long list of initiatives to improve health care in the VA medical system.

Alan Cranston wrote the law that created a national network of VA counseling facilities known as "Vet Centers" to aid returning Vietnam veterans in coping with readjustment to civilian society, and helping to identify and treat the condition known as post-traumatic stress syndrome.

He was among the first to draw attention to the health problems believed associated with exposure to Agent Orange and he gave the VA specific authority to provide Vietnam veterans with medical care for those conditions. He also helped bring to light health problems of veterans who were exposed to nuclear radiation as part of U.S. government atomic testing in the 1940s and 50s, and he fought to allow compensation for subsequent medical effects of the exposure.

For more than a decade he fought to allow veterans legal rights to appeal VA decisions on claims for benefits and ultimately succeeded in establishing the United States Court of Veterans Appeals. His very last day in the Senate, Alan Cranston was responsible for passage of three veterans bills: Veterans Re-employment Rights, Veterans Health-Care Services, and the Veterans Health Care Act.

Women

Another constant throughout the Cranston Senate career has been his efforts aimed at eradicating sex discrimination and providing equal opportunities for women.

He worked hard, both in the U.S. Congress and in the California legislature, for passage and ratification of the Equal Rights Amendment. He authored provisions of the Equal Employment Opportunity Act precluding discrimination in hiring and retaining women employees and those who are pregnant. On the Banking Committee he pioneered laws prohibiting discrimination against women in obtaining credit and benefitting from insurance policies.

He consistently championed women's access to health care and reproductive health services. He was the Senate author of the Freedom of Choice Act to codify into federal law the *Roe* v. *Wade* court decision.

ADDENDA

Any summary of the Cranston record would be incomplete without also noting the following:

Senator Cranston helped lead the opposition in the U.S. Senate to G. Harrold Carswell and Clement Haynsworth, both nominated by President Richard Nixon to the Supreme Court. Both nominations were defeated.

When Robert Bork was nominated to the Court, it was a vote count taken by Democratic Whip Alan Cranston that first showed the nomination could be overturn. Senator Cranston skillfully used this information to persuade swing vote Senators to reject the Bork nomination.

During the Carter Presidency, when Cranston had the patronage power to recommend federal judicial appointments, he instead established a bipartisan committee with the California Bar Association to assist in screening candidates based on merit. Under this system four women, four African-Americans, two Latinos and one Asian were appointed to the U.S. District Court in California. In addition, one African-American, one woman, and one Latino were appointed as U.S. Attorneys.

He long championed federal support for mass transit, including the Surface Transit Act, which for the first time opened up the Federal Highway Act to allow mass transit to compete for federal funds on an equal basis with highways.

As Housing Subcommittee Chairman on the Banking Committee, he lead efforts to pass the Urban Mass Transit Act of 1987, the McKinney Homeless Assistance Act, and the Housing and Community Development Act of 1987 and then succeeded in gaining enactment of the Cranston-Gonzalez National Affordable Housing Act in October 1990, a landmark law that set a new course for federal housing assistance, stressing production of affordable housing units, improved FHA insurance, elderly and handicapped housing expansion, special housing for people with AIDS, and reform of public housing. Passage of the Housing and Community Development Act of 1992 culminated Senator Cranston's 24 years of major legislative achievements steadily aimed at making housing more available and fostering community economic growth.

He helped strengthen the Resources Conservation and Recovery Act, the basic law which allows the federal government to regulate hazardous waste material to insure that it is safely managed.

He headed efforts in the Senate to break the filibuster mounted against Labor Law Reform.

Over more than two decades, he provided diligent oversight and direction for all federal volunteer programs, including the Peace Corps, VISTA, the ACTION Agency, Foster Grandparents, and the Retired Senior Volunteer Program.

POST-SENATE CAREER

From 1993 until his death just hours before the first day of 2001, Alan Cranston pursued the opportunity afforded by the end of the Cold War to abolish nuclear weapons. He worked on the issue as Chairman of the Gorbachev Foundation, and then as President of the Global Security Institute in San Francisco, which he helped establish. An important accomplishment of the Institute was to put together, with a coalition of groups called Project Abolition, the Responsible Security Appeal, which calls for action leading to the elimination of all nuclear weapons. At Cranston's urging, this document was signed by such notable people as Paul Nitze, General Charles Horner, and former President Jimmy Carter. Project Abolition, founded by Cranston, promises to be the foundation for a wider nuclear abolition campaign in the years ahead.

During the decade of the 1990s, he traveled to the Indian Subcontinent, in Central Asia and elsewhere, working with national leaders to accommodate peaceful change in the world, especially the development of pluralistic, free societies in the former Soviet Union. In the very last years of his life, he was more often at home, in the sprawling Spanish Colonial style residence in Los Altos Hills, where he was surrounded by three generations of his family. He assembled a magnificent library encompassing a wide range of California, American and International history and politics, in thousands of books, artworks, memorabilia and photographs. To this library would come many friends, political allies old and new, former staff and an occasional journalist intent on an interview. Former Senator Cranston made this assessment of his priorities in one interview, just months before his death:

"I am an abolitionist on two fronts. I believe we have to abolish nuclear weapons before they abolish us, and I think we have to eliminate the incredibly important and significant role of money in politics before we're going to have our democracy working as it should work. If we blow ourselves up in a nuclear war, no other issue, no matter how important it may seem to be, is going to matter. And until we get money out of politics, money is going to affect every issue that comes along, often adversely to the interest of the public. So let's abolish both."

Years earlier, while preparing to retire from the United States Senate, he expressed gratitude for the opportunities to make a difference on behalf of California and people throughout the world:

"It has been a privilege I have cherished and for which I can never adequately thank the people of California. It is my hope that many of the accomplishments achieved over these past 24 years in the areas of world peace, the environment, and in the effort to secure a better quality of life for millions of Americans will survive and serve as the basis of continued progress by others in behalf of future generations."

FEBRUARY 6, 2001, 2:00 PM, MEMORIAL TRIBUTE TO ALAN CRANSTON, U.S. SENATOR 1969—1993, HART SENATE OFFICE BUILDING, ROOM 902, WASHINGTON, D.C.

Judge JONATHAN STEINBERG. On behalf of the sponsors, Senators Cleland, Simpson, Rockefeller, Kennedy, Feinstein, and Boxer, welcome to this Memorial Tribute to Senator Alan Cranston. At the outset, I want to express our appreciation to the U.S. Army Strings for their Prelude musical offerings today. Also, thanks to C-Span for covering this event. This turnout today is itself a wonderful testimonial to the work of this man of the Senate, Alan Cranston, and we are absolutely delighted that his family has journeyed here from California to share in this Tribute—his son, Kim, and daughter-in-law Colette, and their child and Alan's granddaughter, Evan, who graces the program cover with Alan, and we are so happy that Alan's wonderful, 91-year-old sister, R.E., who wrote a biography about Alan, is with us as well.

During his 24 years as a Senator, Alan Cranston did much to better the lives of the people of his state and the people of this country and all countries. You will hear much about those efforts and achievements today. In my role, I am a proxy for the scores of staff who worked for Alan Cranston over his Senate career. I began in March 1969, almost at the beginning, and stayed 21 and a half years. I've always thought that one could tell a great deal about the kind of person someone was by how those who worked most closely with him felt about him. I think it speaks volumes about Alan Cranston—and Alan is the way he asked his staff always to refer to him—that so many worked with him for so long. In fact, five worked for him for his full 24 years; two others worked more than 20 years; five others for 15 years or more, and three or four for 10 or more years. I doubt that any Senator has surpassed that record for staff loyalty and staff satisfaction.

Alan was wonderful to work for and with. He was not a saint, of course, but he was a gentlemen, through and through. He gave respect to get respect. To me he was a mentor, a teacher, an inspiration, and a friend. I loved him. I will always remember him. And when I do, I will think back to our last meeting—at dinner on November 13. He was strong and vibrant and full of passionate commitment to the cause of the elimination of nuclear weapons. I remember our hugging goodbye. It was a great hug, but I wish I had held on a littler longer.

A few announcements before we get to our speakers: First of all, I want to remind each of you to please sign one of the guest books in the lobby before you leave. I hope you've each gotten a program. If not, you can pick one up on the way out. And also on the way out, there is a paper on Senator Cranston's legislative legacy in the Senate.

Before I introduce our first speaker, I want to note the presence here—now or expected—in addition to those who will speak, of many distinguished members of the Senate and House: Senator Rockefeller, who is one of our sponsors; Senator Lugar, Senator Leahy, Senator Dodd, Senator Bingaman, Senator Sarbanes, Senator Dorgan, former Senator DeConcini, and Representatives Waxman, Filner, Roybal, Capps, and Harmon. Also with us is former Senator Harris Wofford, who spoke so eloquently at the Grace Cathedral in San Francisco on January 16, and Mark Schneider, former Director of the Peace Corps, which Harris Wofford was instrumental in starting, in which Senator Dodd served as a volunteer in Central America, and in which Alan Cranston believed so deeply. We are also honored to have the presence of three Cabinet members, all from California—Secretary of Transportation Norman Mineta, Secretary of Agriculture Ann Veneman, and Secretary of Veterans Affairs Tony Principi.

Our first speaker has timed it impeccably. (Laughter.) Our first speaker is, fittingly, the lead sponsor of today's tribute. Simply put, Alan Cranston loved Max Cleland—as do I. They first met in 1969, and I'm sure Senator Cleland will talk about that. Alan was truly overjoyed at Max's election to the Senate in 1996. I want to express my gratitude to Max personally and to his staff, Bill Johnstone, Farrar Johnston, and Andy VanLandingham, for all of their help with the arrangements for this event.

And now our first speaker, Senator Max Cleland of Georgia. (Applause.)

Senator MAX CLELAND. Thank you all very much and thank you Jon Steinberg for being uncharacteristically brief. (Laughter.)

I see so many of my colleagues here. Really my first real exposure to the United States Senate came about because Alan Cranston cared. He was an unusual individual. I visited the Dirksen Building here for the first time in December of 1969. I was still basically a patient in the VA hospital system when I was asked to appear before something called the Senate Subcommittee on Veterans' Affairs about how the VA was handling returning Vietnam war veterans.

That meeting was chaired by a tall, lean freshman California senator named Alan Cranston. I really didn't know him then, but it became the start of a three-decade friendship.

In 1974, I ran unsuccessfully for Lieutenant Governor in Georgia, and, other than my own priority for my own race, my second priority in the whole world in terms of politics was to make sure Alan Cranston got reelected in 1974. Actually, Alan was very kind to me, and brought me out to California, and I got a chance to campaign for him and kind of clear out some of the cobwebs that I had in my own mind about politics and about life. We campaigned together and I found him just as inspiring and invigorating in that campaign as when I had met him in '69.

It's amazing how life works. Little did I know that, as someone from Georgia, someone from California would be critical in my continued service in public life. I did lose my race for lieutenant governor in 1974 and, therefore, was unemployed. Christmas Eve, 1974, I called my friend Jonathan Steinberg, and said "I just wanted to wish you the happiest of holfdays" and said "by the way, if you're looking for anybody who wants to work, I'm available." He said, "are you serious?" And I said "I am deadly serious." Well, it was Alan Cranston that made it possible for me to get a $12,500-a-year job on the staff of the Senate Veterans' Affairs Committee in the spring of 1975. That was more money than I'd ever made in my whole entire life.

I was there a couple of years and, in the summer of 1976, when a young man from Georgia named Jimmy Carter seemed like he was destined to win the Democratic primary, Alan Cranston talked to me and said "I think you ought to be the new head of the Veterans' Administration." That scared me to death. I said, "well, if you really think I can do it, let's go for it." He talked to Senator Nunn and talked to Senator Talmadge. By the August convention of the American Legion, a convention in Seattle, Senator Cranston pulled Jimmy Carter aside and said "I have two requests." I don't know what the other one was, but he said "the second one is to make Max Cleland head of the VA." And Jimmy Carter replied, "I love Max Cleland."

So President Carter wound up in January 1977 as President of the United States, and Alan Cranston wound up as Chairman of the Veterans' Affairs Committee, and I only had two friends in Washington; one was President, and the other was Chairman of the Veterans' Affairs Committee. (Laughter.) So I was nominated in March of 1977, as the youngest head of the Veterans' Administration, and, thanks to Alan Cranston, I was confirmed in record time, and took over that agency, with really the support of Jon Steinberg and Alan. They were my constant guides, and sometimes spurs, and encouraged me all the way.

One of the things I'm proudest of that we were able to do, is put together something called the Vet Center Program. Alan Cranston, since 1971, had been introducing in the Senate something called psychological readjustment counseling for Vietnam veterans and their families. It would usually pass the Senate, die in the House, and had no Presidential support; but I was able to talk to President Carter, we were able to put the administration behind this legislation. It passed, and we were able to sign it into law, and I put together one of the very first Vet Centers in 1980 in Van Nuys, California. Now, there are some 200 scattered around the country. Some three-and-a-half million veterans and their families have received counseling through this program, and Alan Cranston was basically responsible.

Let me just say that, in 1973, he helped to pass legislation that helped the disabled in this country, that required that federally-funded buildings be made accessible, that promoted the hiring and advancement of people with disabilities by the Federal government. He established something called the Architectural and Transportation Barriers Compliance Board, which has the responsibility for setting standards for accessibility and for assisting and forcing compliance with accessibility laws. I was named to that Board by President Carter in 1979.

Throughout the remainder of the 70s, Alan worked to revamp federally-assisted state voc-rehab programs, sponsoring laws that gave priority to the most seriously disabled. In 1980, he sponsored legislation to make some improvements in that program at the VA, and in 1990 he was a leading cosponsor of the Americans with Disabilities Act, which has been a pioneer piece of legislation, as we all know.

I just want you to know that I wouldn't be in the United States Senate, I wouldn't have ever been head of the Veterans' Administration, without the mild-mannered distinguished gentleman from the great state of California. I mourn his passing, and we will miss him. God bless you. (Applause.)

Judge JONATHAN STEINBERG. Thank you very much, Max. Speaking of the ADA, I see Senator Harkin here. We welcome you.

Alan referred to our next speaker as his best friend on the Republican side. They served together as their respective party leaders on the Veterans' Affairs Committee and as Assistant Floor Leaders, or Whips, as they were also called. Another tall, lanky, hairline-challenged Alan, former Senator Alan K. Simpson of Wyoming.

Senator ALAN K. SIMPSON. Jonathan and former colleagues and friends and family, Kim, Colette, Evan, and Eleanor, and Cabinet members, including one Norm Mineta, who I met at the age of 12 in the war relocation center at Hart Mountain. He was behind wire, I wasn't, and I should have been and he shouldn't have. (Laughter.) But, anyway, it's a long, wonderful friendship, with a guy I love, and I'm so damn proud of you, pal, even when you did that when you were in Boy Scouts, I'll never forget. (Laughter.)

Well, it's a great honor and privilege to honor my old friend. To be asked is very, very moving to me, and I want to share just a few memories and thoughts about a very special friend. I came to the Senate in '79. Al was Chairman of the Veterans' Affairs Committee, and that's when I first met Max. I said, "Max, you have a wonderful job there, Secretary of Veterans Affairs; veterans never pick on each other—ha, ha, ha." Well, anyway, it was an interesting time, Max, wasn't it? Well, enough of that. Butch is here and he would correct anything that I said. But it fell to my pleasant luck to soon become the ranking member in 1980, the Reagan Administration. Well, I knew who Al was, I knew of his journalistic prowess, of his warning to his countrymen about Adolf Hitler, and the two versions of "Mein Kampf", one for domestic consumption and one for the naïve and the unwary, and Alan was sending out the alert. I knew of his athletic achievements and his stamina, and I very soon learned of his powerful loyalty to America's veterans.

He was so cordial to me, and his staff, so very helpful to this new, pea-green freshman. And what a staff it was: Jon Steinberg, Ed Scott, Bill Brew, Babette Polzer. Well, I sought their counsel, and plumbed their expertise. Al would occasionally check up on me, "how are you? Can we be of more help?" I said, "I need a lot more help." But then I built my own staff. And, oh, to all of you who will be deprived of staff one day. Staff deprivation is a serious issue (laughter); it is the most shocking of the transitions (laughter), and my wife, a beautiful woman of 46 years, she said "Alan, your staff is gone, you have no staff, they are not here, and I am not one of your staff." (Laughter.) But, there was Biblical precedent for this, you look it up in the Good Book, it says, "Jacob died leaning on his staff". (Laughter.) Now, so along came Ken Bergquist and one Tony Principi, in those early years. Tony seems to have moved along nicely in life, a wonderful human being with rare gifts, who has been bestowed again on the veterans and the people of this country. He will be serving very wisely and very well as Secretary of Veterans Affairs, and I'm damn proud of you, too, pal.

Tom Harvey then came on. But Tony and Jon Steinberg became a very dynamic duo, they worked with Tom Harvey in those early years. And, as I say then, in '80, I became in the majority, and the first call I received after the election was from Al Cranston. Of course, who else? In that cheery voice, he said "congratulations, Mr. Chairman." Well, I thought, the power, I felt the surge . . . (laughter) . . . and I thought how like him to do that. Well, we cranked out some good legislation together. With Sonny here, another dear friend on the other side of the aisle, and John Paul Hammerschmidt, then Bob Stump, those were men of my faith, my political faith. And Sonny used to sit next to me and say: "Don't do it pal. I know what you're going to do. Just shut up, won't you?" (Laughter.) I know we're not going to let that get away now, Sonny.

Anyway, the changing of the guard went well. The only hitch was that all of the veterans organizations had selected National Commanders and Officers from California. Well, you know how that goes. And now their guy was gone, and the cowboy from Wyoming was in the saddle. Well that was very much fun to watch, I loved it. It was painful for Jonathan, but I loved it. And we were able to, when I took over, we were able to get Steinberg's statutory language down to one paragraph in one page. We never let him go two pages with one paragraph. And he had a tendency to do that.

Then, in 1984, I was honored to become the Assistant Majority Leader, and who was the Assistant Minority Leader? Al Cranston. We worked closely together. We enjoyed each other, we trusted each other. We gave good support and counsel to Bob Dole and George Mitchell, and we thought it was a silly idea, but that we oughta make things work. And even when Al was running for President, imagine me, being the ranking member of a committee with Kennedy and Hart and Cranston, all three of them running for President. I went to them and I said "you cannot use these chores of mine for your great cycle, and I won't ever use the committee to embarrass you" That's the kind of friendship I had with Ted, with Al, with Gary, it was very special, and it can be that way again. I urge it upon you all. Anyway, he ran for President, he gave it his all, as he did in every phase of his life, but the brass ring eluded, eluded his grip, and he came back to his Senate home, his pride intact. The only time I really, really flustered him, I was flush with power. Now a member of the majority, the fever of the majority burned in my bosom like a hot Gospel. I ambled over to his offices, his spacious offices, great view, two fireplaces, couches, cozy chairs, comfort, oh, and I said "Al, yes I think this will do very nicely [(laughter)] for my new Whip office." And the blood drained from his face. And I said: "No, no, just kidding, Al. You represent millions, I represent thousands. But when the wind shifts around here, and you Dems have the horses, don't let 'em come around my office with a tape measure and some greedy looking guy with a clipboard." And he said, "it's a deal." And we had a handshake. Then the time came, and no one ever darkened my door, no unworthies with tape measures ever came to see me.

So, we legislated together, we argued, we collaborated, we joshed and laughed with each other, we took pleasure in confusing people. Same first name, same hairstyle; "hairing impaired" is what we called it in political correctness. Same gaunt, emaciated frame. Same gait, same grin. And, people would come up to me and say, "I just think the world of you and you ran for President, and your views on the environment and nuclear freeze thrill me to death." (Laughter.) And I'd say, "No, no; I'm Al Simpson," and they'd say "Not you!" (Laughter.) And Al said he got that in reverse about, you know, twice a month, too, so we would compare that, and our constituents were often not in alignment, you might imagine. But the best one, though, and then I'm going to stop: Cheney, Gulf War, Secretary of Defense, he called and he said, "we're going over to a game in Baltimore; bring Ann", and we went over to the game, and 53,000 Oriole fans, "Hey Cheney, we love ya! Great stuff!" You know, I said "Boy, this is getting bad in here." We left in the seventh inning and went back down through the bowels, where all the guys, the beer drinkers and the cigar smokers, were, and they went "Hey, Cheney, baby, you're all right—we love ya!" And I turned to him and I said, "You know, they never treated you like this in Casper." And a guy from the audience said "Hey, I know the big guy, too; that's Al Cranston!" (Laughter.) So, I can assure you he loved that story (laughter), when I told him that.

Well, he handled life well. Stuck to his guns, worked through pain, met life full in the face, as if in a track meet, headed for the tape, and he loved that thrill. Many would have buckled; not Al. The pain of loss of the Presidency, the pain of loss of family members, the pain of loss of Norma to Parkinson's Disease that withered her, that withered their union. The pain of cancer, the pain of accusation and assault by the media, the pain from his peers at that time; we talked about that, oh yes we did, of that sense of being singled out, very painful.

And he left the Senate and went on to vital other things, and meaningful things in his life, undaunted, head high, smile on his face, fire in the belly, finishing the course laid out. And we knew on one unknown day he would be taken from us. And we shall miss him. But not mourn him. For he was a man of vigor and joy and vision. And my life is much richer for having shared a significant piece of it with Alan Cranston. A race well run, my old friend. God rest his soul. (Applause.)

Judge JONATHAN STEINBERG. Senator Simpson, we greatly appreciate your having rearranged your schedule to come down here from New York and we know you have to leave to go back there.

We're going to show a very short film now, it's only two or three minutes, but we thought we ought to have Alan with us.

Film

NARRATOR. Moscow, Winter, 1998.

VOICE. Alan, you don't wear a coat in the Russian winter?

ALAN CRANSTON. I don't believe in them.

VOICE. He doesn't believe in them. It's like John Kennedy, it's . . .

NARRATOR. That was Alan in retirement. For most people, a time to slow down. But at 84, as he approached the Russian Duma, Alan Cranston was a man on a lifelong mission.

ALAN CRANSTON. I got into all this way back shortly after Hiroshima and Nagasaki. I met Albert Einstein. He told me, as he told others, that the whole human race could be wiped out by nuclear weapons. I've been working on it ever since.

NARRATOR. And forty years later, after trillions had been spent on weapons of mass destruction, Alan emerged with a collection of allies that astonished even him.

ALAN CRANSTON. One very dramatic moment, when Lee Butler, who had command of all of our nuclear weapons, gave his first public address at the State of the World Forum, in San Francisco, revealing the concerns he had developed about the whole deterrence policy and the ongoing dangers from reliance on nuclear weapons. And, as he spoke, presiding right next to him was Mikhail Gorbachev, the leader of the country that we would have destroyed. At the very end of this remarkable speech, Gorbachev and Butler stood up and embraced each other. That was a very dramatic moment.

Two weeks ago, General Butler and I made public a statement by 48 past and present heads of state and some 75 other national leaders from 48 nations, advocating specific steps towards abolition. Despite these and other favorable developments, there is significant doubt, skepticism, cynicism, and outright opposition to much of this. So, plainly, there is much to do, and we have a lot of hard thinking to do about what is in order. But let me say in closing that I do not believe that we need to wait, and I do not believe that we can afford to wait, until the end of the next century, to fulfill the obligation of our generation to all generations that preceded us and all generations that hopefully will follow us, to deal with the threat to all life that exists and is implicit in nuclear weapons. Thank you.

JUDGE JONATHAN STEINBERG. That film that was pulled together from a larger documentary by George Crile, a former CBS producer, who has developed documentaries on nuclear arms for "60 Minutes" and CNN. We are indebted to him and the Global Security Institute, of which Alan Cranston was President, for making that film available to us.

And now we will go a little bit out of order, and hear from one of this event's sponsors, the Senior Senator from California, whose work with Alan Cranston goes back many, many years and who, among many other achievements, carried on successfully with some very important environmental initiatives that Senator Cranston began.

Senator Dianne Feinstein of California. (Applause.)

Senator DIANNE FEINSTEIN. Thank you very much. Thank you. It's really a great honor and a privilege to be here. I just want to recognize two members of the California House delegation that came in. First is Lois Capps, from the Santa Barbara area, and Jane Harmon, from the southern Los Angeles area. And I'm not sure whether Paul Wellstone and Jeff Bingaman were introduced earlier, but I want everybody to know that they're here, too.

Alan Simpson is a hard act to follow, there's no question about that. I look at life this way: That we're here but for an instant in an eternity. No one really knows when that instant is over, and the only thing that really matters is what we do with that instant. Because, when it's over, there's nothing we can take with us other than the legacy, leave behind. Alan Cranston first came into my life in 1962, and that's when I first met his sister, R.E., and it was in his campaign for State Controller; believe it or not, it was the first campaign for which I ever volunteered, and so I've always kind of taken a special interest in a lot of his achievements. From that point on, I found this former long distance runner really to be a tireless workhorse for all Californians, and, as a matter of fact, for all Americans. This was a man who really loved the intricacies of the legislative process. He was the consummate vote counter. He possessed the uncanny ability to assess competing camps, to quickly find where votes would fall and determine whether the best course of action was to fight or compromise. Unfortunately, neither my friend Barbara Boxer nor I really had an opportunity to work with him in his nearly quarter of a century here in the Senate, but I think these traits are legendary, I think they're known by all.

Alan Cranston yielded a whole array of wonderful accomplishments, but I want to just concentrate today on a few things in the environment. And, in the true sprit of the legendary Californian conservationist John Muir, Alan Cranston became a very passionate architect of measures to preserve our God-given natural treasures. Alan Cranston was the original author of something called the Desert Protection Act. Shortly after I won in 1993, and knew I was coming to Washington, the phone rang, and Alan said, "Would you be willing to take over the effort to pass a Desert Protection Act?" And I said, "Of course." And we came back and we revised the language, rewrote the bill somewhat, changed some of the concepts, and moved it ahead. But, the basic originator of this, let there be no doubt, was Alan Cranston. The bill was filibustered, but we were lucky in the Senate, we got it through, and it became a reality in 1994. And the legislation created the largest park and wilderness designation in our nation. Over six million acres, two new National Parks, Death Valley and Joshua Tree, and one National Preserve, the East Mojave. And so because of that, we have actually protected, well I said six, but it's actually closer to seven million acres of pristine California desert wilderness for all time. Thank you, Alan Cranston.

He was also the lead sponsor of legislation which established the Golden Gate and the Santa Monica National Recreation Area, the Channel Islands National Park, a 48,000 acre addition to the Redwoods National Park, and the inclusion of Mineral King into the Sequoia National Park. He also sponsored twelve different wilderness bills that became law between 1969 and 1982. He helped close Death Valley National Monument to open-pit mining. He helped craft the Endangered Species Act, the Marine Mammal Protection Act, and with just two bills, on which he teamed with the late and wondrous Phillip Burton of San Francisco, the Omnibus Parks Act of 1978, and the Alaska Lands Act of 1980, as much acreage was placed under federal protection as all the park lands created earlier in the twentieth century combined.

So, I can truthfully say, without his service, America would have been a different, and certainly a poorer place, in terms of our environment and the quality of life for many of our citizens. Alan Cranston leaves a legacy of preservation that will be remembered and enjoyed and certainly by his beautiful seven-year granddaughter Evan, who is here today. And I think, for my granddaughter, for Barbara's grandson, and for all of us, who really look at this land and want to do what we can to protect it.

This was a very special Californian. And life wasn't always easy for Alan, either. But I think his ability to keep his eye on the goal, to establish what he established, whether it was from the translation of Mein Kampf, to his work against nuclear devastation, to his environmental record, Alan Cranston truly lived that instant in eternity, and he has truly left us a good legacy. Thank you very much. (Applause.)

Judge JONATHAN STEINBERG. I'm sure there are others that I failed to mention. I thank Senator Feinstein. I know that Senator Reid is also here, and again I apologize if I missed anyone.

No Senator has worked on more causes closer to Alan Cranston's heart and soul than has Senator Edward M. Kennedy. I am particularly grateful to him, because it was through his chief counsel, Jim Flug, who is also here today, that I was introduced to and came to work for Alan in 1969. Senator Cranston and Senator Kennedy served together for 12 years on the Labor and Human Resources Committee, which Senator Kennedy chaired from 1987 to 1995 and again for 17 days this year.

Our next speaker, Senator Ted Kennedy of Massachusetts. (Applause.)

Senator EDWARD M. KENNEDY. Thank you, Jonathan. To Kim, and Colette, and Evan, and R.E.—let me begin by saying that I loved Alan Cranston too. I will never forget the 24 years of friendship and leadership and achievement with which he graced the Senate and the nation. And so it's a special privilege and honor for me to be part of this tribute today. Alan is profoundly missed by his family and friends, his colleagues in the Congress, and by all those around the world who pursue the great goals of hope and progress and peace.

I must say—I grew up thinking Cranston was a city in Rhode Island. But Alan taught each of us that Cranston stands for something else as well—the very best in public service.

Alan loved to lead behind the scenes—for 14 of those 24 Senate years with us, he was our Democratic whip, and he wrote the book about the job. In those great years, we used to tease Alan about the position, because so few people outside Congress knew what it involved. Since Alan was from California, a lot of people thought the Minority Whip was the name of a Leather Bar in Malibu. (Laughter.)

But seriously, Alan was a giant of his day on many issues, and his concern for social justice made him a leader on them all. We served together for many years on the Labor Committee and especially the Health Subcommittee, and his insights were indispensable. I always felt that if we'd had another Alan Cranston or two in those years, we'd have actually passed our Health Security Act, and made health care the basic right for all that it ought to be, instead of just an expensive privilege for the few.

Perhaps the greatest legacy that Alan left us was his able and tireless work for democracy and world peace. Every village in the world is closer to that goal today because of Alan. No one in the Senate fought harder or more effectively for our nuclear weapons freeze in the 1980's, or for nuclear arms control. His hope for a nuclear-free future still represents the highest aspiration of millions—even billions—throughout the world.

I also recall Alan's pioneering efforts to press for Senate action to end the war in Vietnam, and his equally able leadership for civil rights at home and human rights around the world. We know how deeply he felt about injustice to anyone anywhere. And his leadership in the battle against apartheid in South Africa was indispensable.

Throughout his brilliant career, the causes of civil rights and human rights were central to Alan's being and his mission—and America and the world are better off today because Alan Cranston passed this way.

A key part of all his achievements was his unique ability to translate his ideals into practical legislation. Few if any Senators have been as skilled as Alan in the art of constructive legislative compromise that fairly leads to progress for the nation.

He was a vigorous supporter of the Peace Corps, a strong overseer of its performance, and a brilliant advocate for all the Peace Corps Volunteers. He was a champion for health coverage for returning Volunteers, and one of the first to understand that good health coverage had to include mental health services as well.

In many ways, his first love was the Peace Corps, and I know that President Kennedy would have been very proud of him. Even before he came to the Senate, he had his first contact with the Corps, as a consultant to Sargent Shriver. As Alan often said, he became involved because he was so inspired by my brother's vision of a world where Americans of all ages could work side-by-side with peoples throughout the world to put an end to poverty.

Because of Alan, the Peace Corps today is thriving as never before—free of the partisan tensions that divide us on other issues—spreading international understanding of Alan's and America's best ideals—educating new generations of young Americans about our common heritage as travelers on spaceship earth—teaching us about the beauty, the richness, and the diversity of other peoples, other languages, other cultures and about the enduring importance of the greatest pursuit of all—the pursuit of peace.

Near the end of John Bunyan's "Pilgrim's Progress," there is a passage that tells of the death of Valiant:

"Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

"When the day that he must go hence was come, many accompanied him to the riverside, into which as he went, he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."

We loved you, Alan. We miss you. And we always will. (Applause.)

Judge JONATHAN STEINBERG. Thank you, Senator.

Our next speaker was elected to the Senate seat that Alan occupied when he retired in 1993. She and Senator Cranston collaborated on many matters while she served in the House of Representatives, and she authored with Senator Feinstein a lovely resolution of tribute to Senator Cranston that was adopted by the Senate on January 22. On behalf of Alan's family and his extended family and all his friends, we express our gratitude for this most gracious action.

Senator Barbara Boxer of California. (Applause.)

Senator BARBARA BOXER. Thank you. To Alan's family, beautiful family, and to my dear colleagues who are here, it certainly has been my honor for the past eight years to serve in the seat that was held by Alan Cranston for 24 years.

Alan was a deeply caring human being and he cared even for those whose distant cries were not always heard in Washington.

From civil rights to arms control, from cleaning up the environment to improving the lives of our nation's veterans—Alan's work knew no geographic boundaries. But, sometimes Alan's legacy on women's rights gets overlooked and that is what I'm going to speak about today.

From his earliest days in the Senate, Alan made improving the lives of women a priority. In 1969, he supported the Equal Rights Amendment. Remember the ERA. It failed. But, in 1972 he became a proud cosponsor again of the ERA, and it passed. But he didn't stop there—he wrote letters and he got on the phone to California legislators considering the measure, urging their support, and his work paid off and California ratified it that same year. Unfortunately, not all the states followed suit. But Alan did not stop his advocacy. He continued over the next decade to push for the Amendment's ratification and when time ran out, he cosponsored another ERA in 1983 and another one in 1985, even before he knew he was going to have a granddaughter. Alan would not give up.

He worked to eliminate gender discrimination in the workplace. He was the principal author of the Equal Employment Opportunity Act Amendments of 1972, which extended protections against gender discrimination to federal employees in the workplace. And he was the very first member of Congress to introduce legislation aimed at eliminating wage discrimination in the federal workplace.

Alan understood the challenges faced by working mothers. He worked to provide child care for this nation's working families, introducing some of the first ever legislation to provide care both before and after school. He knew that many kids were without adult supervision, and I was so proud when under the Clinton Administration, we saw after-school funding increase from $1 million in 1997 to $845 million in 2001. Alan, you laid the ground work for that.

He also worked tirelessly to protect a woman's right to choose, authoring the Freedom of Choice Act to codify *Roe* v. *Wade*. I proudly carry that bill now. He pushed for increased access to family planning services for low-income women and teenagers, and fought to provide medical care to low-income pregnant women, who otherwise would have been left without it and would not have had healthy babies.

And he didn't stop there. He sought to level the financial playing field for women, pushing for laws prohibiting discrimination against women trying to obtain credit. And we forget today when we open our mailboxes and we keep getting all these applications for credit cards, there was a time when a woman could not get any credit. We thank you, Alan, although we have to restrain ourselves now and then. We appreciate the work you did.

Alan was responsible for the first appointment of a woman to the federal court bench in California. I've personally, and I know Dianne, we've recommended many women; five of those that I recommended to President Clinton were nominated and confirmed. Alan laid that ground work too.

An advocate for equal education for young women, he fought hard for Title IX of the Education Amendments of 1972, and you know what that is, equal opportunity for our children, for our girls in athletics.

And the list goes on and I will stop there with it, because it could go on and on. But I stand before you today, as a Senator who is carrying on the progressive work of Alan Cranston. His belief that women are equal has borne fruit.

If you look around today in the Senate, there are 13 women Senators from both parties. That's just in this building. Next door—and we have a couple here—there are 61 women in the House. We are doing better now, but as my friend Barbara Mikulski often says, it takes the "Sir Galahads," to get us there, and Alan was definitely a Sir Galahad.

I'm just going to tell you one quick personal story, and then I'll end. Alan decided to retire, I ran for the seat and won the seat, and about a year later, he made an appointment to come to see me. Now, I know this, the family must know this, but unlike the Whip's office, which someone else must have decorated, Alan's personal office here in the Hart building was not the most beautiful place, because this was not important to Alan. It was dark; it was dark leather and dark walls and the blinds were drawn, and that was it. Alan just saw it as a place to work—files all over the floor. So when I got into the office, I said: "Let's brighten it up. Let's bring California." And I ordered all of these green plants, and we opened up all the shades and we painted the walls peach and we got peach and green fabrics, and I mean, it was different. So I thought, you know, Alan was coming to see me about arms control, but I was excited that he was going to see what had happened to his office. And he came in and he sat down, and he sat there and his first thing is, "You've got to be more aggressive on arms control." Now that's the first time anyone ever told me to be more aggressive on anything. (Laughter.) But he started to lecture me and, you know, time went on, it was an hour, he still hadn't said a thing about the room. So, finally, I got up my courage, and I said, "So Alan, what do you think of the office?" And he looked around, and he looked around, and he said, "You moved my desk." (Laughter.) That was it.

Alan said about his role as Senator, and I quote him, when he retired: "It has been a privilege I have cherished and for which I can never adequately thank the people of California." Let me take this moment on behalf of the people of California to say to Alan Cranston thank you and your work lives on. (Applause.)

Judge JONATHAN STEINBERG. Thank you very much, Senator Boxer, and thank you for being with us so long. I couldn't help but note when you talked about women and forging the way for women, that the U.S. Army Strings that played at the beginning of our ceremony today was composed of four women from the U.S. Army. And no men.

I want also to acknowledge the presence here of Senator Daniel Akaka, of the Democratic Leader, Senator Tom Daschle, and of Senator Hollings of South Carolina. We appreciate their presence with us very much.

Known to all veterans' advocates as "Mr. Chairman", our next speaker was the counterpart in the House to Senator Cranston and Senator Simpson as the Chairman of the Committee on Veterans' Affairs in the other body, as it is affectionately called. He and Alan had to resolve many sticky and tricky issues over the 14 years that he led the House Committee, and they were always able to do so with congeniality and mutual respect.

He has been a great friend to me personally, as has been his Committee staff. I now introduce Former Representative Sonny Montgomery of Mississippi, "Mr. Chairman". (Applause.)

Representative G.V. (SONNY) MONTGOMERY. Thanks very much, Jon.

To the family of Senator Cranston, my colleagues on this panel, cabinet members, other distinguished guests, ladies and gentlemen.

I'd like to thank you, Judge Steinberg and others for letting me participate in the remarks of this Memorial Tribute to Senator Alan Cranston.

Alan and I became friends because he was Chairman of the Senate Veterans' Affairs Committee and I was Chairman of the House Veterans' Affairs Committee, and we both enjoyed working for veterans and their families. Alan was a veteran of World War II and had really a good feel for veterans issues.

You know, at first, I was a little uncomfortable working with the great Senator from California. I am kinda the hand-shaking, pat-on-the-back congressman whereas Alan was in great physical shape, and he would look down on me and say "I am sure we can work together" and we did.

He had a couple of veterans functions out in California and asked me to come out.

Going from one veterans meeting to another in different towns in California, we stopped at this restaurant, and he said they made the best vegetable soup in California. People recognized him when he walked in, but Alan wanted the soup and didn't work the crowd, so to speak.

I said to Steinberg, "explain to me", and he did, in California you had millions of people and you just don't work the crowds. (Laughter.) So, I found out about that.

Alan did many good things for veterans, and I will mention a few.

He was the architect of the Veterans Readjustment Counseling Act that Max Cleland mentioned. There are 206 centers to help Vietnam veterans to readjust and Alan did pass this legislation in 1979.

He had a strong interest in veterans health care and he passed legislation that gave thousands of veterans more access to health care. He pushed for more outpatient clinics, and more veterans use outpatient clinic facilities now and the VA, I'm happy to say, has been able to cut back on the number of hospital beds in our 172 hospitals, because of Alan Cranston and our outpatient clinics.

He was part of our team that established the U.S. Court of Appeals for Veterans Claims and worked very hard for the upgrade of the VA to a Cabinet department.

Some member of Congress, and what a mistake he made, introduced legislation to tax veterans disability compensation. Senator Cranston went berserk, he killed this tax legislation before it even saw the light of day, and he was right.

Alan was very helpful in establishing educational benefits for veterans who completed their military obligation, and, he saw to it that the educational benefits go to the actives as well as the National Guard and Reserve.

As big as California is and the many government programs that the state has, I believe he really enjoyed working for veterans and their families more than other issues in government.

He was a friend of the veteran and veterans organizations knew they could count on Alan, and he came through for them.

We all miss him and know even in Heaven Alan has an exercise program going. (Laughter and applause.)

Judge JONATHAN STEINBERG. Thank you very much, Mr. Chairman.

I want to note Senator Jeffords who has just joined us. We appreciate your being here.

Next, we will hear from a former colleague of Alan's who knew him long before he became a United States Senator or held any public office. He very graciously called last Thursday to offer to say a few words in tribute to Alan. I now introduce former Representative and Independent Presidential candidate, John B. Anderson of Illinois. (Applause.)

Representative JOHN B. ANDERSON. Thank you very much, Judge Steinberg, and my distinguished former colleagues in both the House and the Senate, distinguished members of the cabinet, and Alan's family. I count it an honor indeed to be included in the group that is privileged this afternoon to say just a few words about the career of this very remarkable man. You have already heard a great deal about his commitment to the cause of civil rights, women's rights, conservation, the environment, veterans' affairs. I will not attempt to repeat the comments or the praise that could continue to be heaped upon him for the efforts that he exerted in all of those fields. But, as a member of the "other body" for 12 of the 24 years that Alan Cranston served in the Senate, I was well aware of the distinguished record that he had compiled in that body. And I would simply again state what has already been remarked that earlier than most he saw the folly of our entanglement in Southeast Asia, and I remember his very clear and clairvoyant voice calling for an end to the struggle there. He called for more than that, for an end to the arms race.

And it's really to that vision that he had in this particular realm of international affairs that I wanted to direct my very brief remarks this afternoon. Because, as a very young man he was gifted with a passion for achieving peace in our time that was shaped as someone said about a former President, I forget who it was, he had a vision that enabled him to peer around a corner of history, to see what lay beyond. In short, he was, indeed, a globalist long before globalization had become a term used in common parlance.

And it was just two years after the founding of the United World Federalists in Asheville, North Carolina, that young Alan Cranston at the age of 35 became the President of that organization and served until 1951. One of his mentors was the late, distinguished Grenville Clark, who, along with Lewis B. Sonn, wrote that very magisterial work on world peace through world law. And that indeed was the vision that Alan Cranston had. He had a vision of a democratic world federation that would emerge from what was then, when he was president of the United World Federalists, still a very nascent United Nations. He maintained that interest and served on the Board of Advisors of the World Federalists Association until his recent death.

Upon his retirement from the Senate in 1994, and this is the point, I think, that I wanted the opportunity to emphasize here this afternoon, he did not regard his career as ended. I read the account of the marvelous memorial service conducted in San Francisco just three weeks ago, in Grace Cathedral, where his son was quoted as saying that he had said that "when the end comes, I want to be able somehow to still struggle across the finish line with my head up." And he added to that that when the end came, he was still sprinting; he was not merely struggling, he was sprinting in pursuit of the goals that he sought. And he became a leading and a very strong voice in civil society in the area that, at the end of his life, I am convinced, lay closest to his heart. It was the interest in disarmament, an end to the threat of nuclear war and the achievement of world peace through world law. And he believed that that could be achieved only through the application and the use of the same federalist principles that had inspired the Framers of our Constitution to write a Constitution that would bring about peace and domestic tranquillity among the then 13 independent sovereignties who had found that under the Articles of Confederation their bonds of unity had become frayed. And it was Alan's belief, building on that historical fact, that only with a restructured and an empowered United Nations, one capable of maintaining peace with justice, that we would recognize the goal that he sought, of world peace through world law.

It's been mentioned, I think, already, that he served as President of the Global Security Institute, a non-profit organization dedicated to disarmament and world peace. He saw security not simply as an issue confined within the narrow boundaries of nationalism but as an issue that required the forging of new bonds of global cooperation.

And one of the last and most vivid memories that I personally have of Alan Cranston was less than three years ago, when the Hague Appeal for Peace drew thousands of peace activists from around the world to the Hague, to celebrate, to commemorate the one-hundredth anniversary of the first Hague peace conference. Alan was there as one of the leading spokespersons from the United States. And again, one of the memorable experiences of that international meeting was to attend one of its sessions and to hear him describe how he was even then busy working on a book, a book on sovereignty, a book that would seek to explain that, in this new millennium, the old Westphalian theory of state sovereignty was simply not sufficient unto the needs of our present age, and we had to reconceptualize that term in a way that would allow the formation of democratic global institutions that would carry out the goals of disarmament and build a world in which peace could be achieved through reliance on the rule of law.

Those are the memories that I will certainly carry with me, as inspiration for the remainder of my life, and I thank you, Alan Cranston, for the things that you did, both in the Senate, and then in those very important years when you carried forth your ideas and lived for your ideals as a strong member of American civil society. (Applause.)

Judge JONATHAN STEINBERG. I think that gave us all an important glimpse of the formation of Alan Cranston's philosophy and thinking and I know that there are a number of people from those early days in the United World Federalists who are here today, including Neil Potter and Ted Waller, who worked with Alan so many years ago at the founding of that organization.

Our next speaker has served for 26 years in the House of Representatives. He worked very closely with Alan on many initiatives of significance to their California constituents and particularly to the children of their state and the children of the entire country. We are very grateful that he has taken time to be with us throughout this entire ceremony this afternoon.

Representative George Miller of California. (Applause.)

Representative GEORGE MILLER. Well thank you, and to all of you, to family and friends, and colleagues. I am very, very pleased to be able to participate in this memorial to an extraordinary life, to clearly one of the leading California statesmen of the 20th century.

My familiarity with Alan Cranston goes back long before my politics, when as a young boy, I sat in the living room of our home and listened to Alan Cranston and my father and many other California politicians plot campaigns and create and organize the California Democratic Council, which changed the politics of California, changed the Democratic Party in California, launched their careers, and later the careers of so many other progressive politicians in the State of California. It was a profound organization, in terms of its influence in California. In the post-war, in the conservative years, it was an organization, that led by Alan, would speak out on nuclear arms control, on civil rights, on the rights of labor—these issues that became the cornerstone for so many of us who later sought to run for political life in the State of California.

I think it's rather fitting that we remember Alan at this time. Because we can remember when a conservative administration came to this town twenty years ago and sought to launch an attack on programs for the poor, on women and the ill, on foster care and adoption, on child health, on handicapped education, and so many other programs that were targeted for elimination. Alan and his colleagues not only led that fight, but participated in it, stood their ground, and fought against those efforts, and today, when we see a new administration arriving in town, we're no longer talking about the elimination of these programs, we're talking about making them work better. We recognize the beneficiaries of these programs, and the benefits to our society. We now see that, in fact, because of the fight that was made a long time ago, we now have a legacy of understanding the role and the importance that government plays in so many American's lives, and the necessity of it. We've heard it with respect to veterans, we've heard it with respect to the environment, to women, and to so many others in American society.

Many of us would think that if you look at the last quarter of the 20th century in American politics, you would think of extreme ideological behavior, you'd think of political chaos, and you would suggest that not a lot got done. But, as already had been mentioned here, if you look at the legacy and the workload and the work product of Alan Cranston, you would recognize that, in fact, it was a golden age of legislation for people like Alan Cranston. He was able to put his signature and his work into so many efforts that became the law of the land. I recall two of those, working with him as a colleague in the House. One was in the 70s; in the late 70s, after five years of working together, of holding hearings, site visits, talking with families and children, we put together legislation to deal with the problems of foster care, to children who were trapped in a system from which they could not escape, families who could not get their children back from that system, and the impact that it had on these children. That law was later signed by President Carter, and it was Alan's tenacity that allowed us to get it through.

The other one of course, that's been mentioned here, is the California Desert. Alan started pioneering that effort so many years ago, so many years before we actually considered it on the floor of the House or the Senate. Where he walked over those areas, he hiked over them, he spent time with the constituents who were interested in them, with the organizations that were trying to preserve them. Kim has spent much time in that area. And, after Alan left the Senate, I managed the bill on the floor of the House. The opponents were numerous; we used to have to have security and armed guards to go into the hearings on the California Desert Bill. They held the controversial ones in Beverly Hills, so that people would have trouble getting there, it was a grand ploy. And it worked. But, in any case, the opposition in the House was incredible. We spent many, many, many, many days debating this legislation, on again, off again, part of the day, into the night. They filed numerous amendments, all of which had unlimited debate time. They had a coterie of people who would speak on every amendment for the maximum time allowed, so that they could delay this bill and not see it enacted. I called Alan and I said, "Alan, we've got to accept some amendments to speed this along. The members of the House are starting to call me Moses, they've said they've been in the desert for so long on this legislation." I said, "Some of these amendments, what can we accept to narrow this down", and he said, "None". And I said, "Alan, this is the House, it will never stop", and he said, "None". He said "We can't accept them". I talked to him about a couple of amendments to move the boundaries, he said, "No, I've been there; I've been there and if you go to the bottom of that canyon, you're going to find a little spring down there—most people don't know it exists. You can't put that outside the park, that's going to have to be in." Well, it's turned out he was right. Dianne managed the bill on the Senate floor, and Bill Clinton signed it into law, and now it's one of our leading attractions in the nation and certainly in the State of California. Those who opposed it are now seeking authorizations and appropriations for visitors centers and various support systems for the park. (Laughter.) The Chambers of Commerce now think that this is a cash register and they'd like to have it expanded, they'd like to have the boundaries expanded, they'd like to have the protections upgraded, so that more visitors would come and bless their economy. It was Alan Cranston's foresight that brought that about.

You know, the political mentor to so many of us, Phil Burton, used to say to us that when you came to the House or you came to the Senate, that it was a privilege and it was an honor, and you had to pay the rent, you had to pay the rent all the time to stay there. And I think that Alan fully understood that while this clearly was the world's most exclusive club, he still had to pay the rent, and he did over and over and over again, on behalf of so many Americans, on behalf of our environment, on behalf of world peace, on behalf of human rights. He paid the rent constantly to earn his right to stay here and to work and to work and to work on behalf of all of us. And I think we should thank him, for all of the fights that he made, and all of the ground that he stood, on behalf of America, and all of its people. Thank you very much, Alan. (Applause.)

Judge JONATHAN STEINBERG. Thank you, Representative Miller.

Next, we will hear from a Senator who served on two Committees with Alan—Banking and Foreign Relations—where they shared many common interests. Senator Kerry was a highly decorated veteran of Vietnam and a co-founder of the Vietnam Veterans of America, an organization which was to play an important role in the enactment of much legislation that he and Senator Cranston championed, particularly the Veterans' Judicial Review Act that created the Court on which I am honored to serve along with another former Member of Congress who is also with us today, Chief Judge Ken Kramer.

Senator Kerry succeeded to the Democratic leadership of the Banking Committee's Housing Subcommittee, which Senator Cranston had chaired from 1987 to 1993. Also, I know that Senator Kerry shares the passion that Senator Cranston lived and breathed for ending the threat of nuclear annihilation.

Senator John Kerry of Massachusetts. (Applause.)

Senator JOHN KERRY. Thank you, Jonathan. Kim, Colette, Evan, and R.E., it's a very special privilege to join with all of you today in remembering the remarkable life and achievements of our friend, Alan Cranston.

As we've heard today, and as we all know, Alan was a sprinter, a record-holding sprinter, who, in his sixties, was only two seconds slower than he was in his twenties when he set the records. And I think it's safe to say that those who knew him well would agree that he really sprinted through life; he sprinted through the United States Senate, always with a yellow pad in his hand and a felt-tip pen, covered with ink, with more things on that pad to do in one day than most of us would venture to accomplish in a week or a month, and he got them done. And always with this incredible, mischievous twinkle in his eye. He had fun advocating and challenging the system.

One of the most enduring images of Alan would be at the Iowa caucuses in 1984 at the Holiday Inn in Keokuk, Iowa, where he was seen sprinting barefooted down 40-meter hallways, then he'd walk back, and he'd repeat the exercise for about 40 minutes. And I think that understanding that, we can understand why it was no coincidence that Alan's favorite hotel was the Chicago O'Hare Hilton, where they had 250-meter hallways. (Laughter.)

Three weeks ago in California, we had a tender goodbye to our friend, this sprinter, at a memorial service—calling to mind the many ways in which he enriched our lives and this country.

There in the Grace Cathedral, we heard Colette Cranston say that in death Alan Cranston "has become my Jiminy Cricket—that little voice in [her] conscience that says, 'Colette, think before you leap.'" It would not be an exaggeration to say that that warning was a characteristic of Alan—think before you leap, and, most of all, he wanted us to think, he wanted us to look, and, by God, he wanted us to leap. He implored us to put a public face on policy. He wanted us to think not in terms of statistics and numbers and programs, but in terms of people; and the people he spoke of most often, as all of my colleagues who served with him will remember, were senior citizens, children, those without decent housing, immigrants, those in need of a helping hand regardless of race or religion. He was a moral voice, a voice of conscience, someone who understood that even as he remained vigilant in defending the needs and wishes of his home state of California, he was also a global citizen and he knew and felt the responsibilities of this institution, towards the rest of the world.

Through four terms as a United States Senator, he also remained a man of enormous humility—on his answering machine he was simply "Alan"—as he was to so many who worked with him and knew him. And this personal sense of place and of restraint made it easy to underestimate the contributions that he made to the Senate, and to our country. Certainly he never paused long enough to personally remind us of the impact of his service, of the history that he was a part of and the lives that he touched.

I first met Alan in 1971 when I had returned from Vietnam and many of our veterans were part of an effort to end what we thought was a failed policy in that country. In Alan Cranston we found one of the few Senators willing not just to join in public opposition to the war in Vietnam, but to become a voice of healing for veterans of the war—a statesman whose leadership enabled others, over time, to separate their feelings about the war from their feelings for the veterans of the war. At a time when too many wanted literally to disown this country's own veterans, Alan Cranston offered them a warm embrace. He was eager to do something all too rare in Washington: To listen—and he listened to veterans who had much to say, much of it ignored for too long. He honored their pride and their pain with his sensitivity and his understanding.

That's when I first came to see the great energy and the commitment that he brought to issues affecting veterans, especially those of the Vietnam era. He was deeply involved on veterans' health care issues, among the first to fight for the recognition of post-Vietnam stress syndrome, a leader in insisting, together with Sonny Montgomery, on the extension of coverage under the VA, under the GI Bill. And when the Agent Orange issue came to the fore, Alan insisted on getting answers from a government that was unresponsive. He made sure that veterans and their families got the care that they needed. Under his leadership, together with his partner in the House, they increased GI Bill benefits for Vietnam veterans—and I tell you that that was a time when veterans too often had to fight for what was their simple due, whether it was a memorial here in Washington, or simply to have the government recognize that it was a war, and not simply a conflict. Alan's leadership made all the difference. It's a sad truth in our history that a weary nation indeed seemed eager to turn its back on the entire war by also turning its back on so many veterans. It should forever be a source of pride to the Cranston family that Alan was chief among those who insisted that America honor that service and keep faith with sons who left pieces of themselves and years of their lives on the battlefield in Vietnam.

This was a man who fought with extraordinary passion for everything. And he fought at the most difficult of times. Not just for veterans, but as we've heard from others today, he fought against all that war represents—remembering that war, and the killing that follows it, is the ultimate failure of diplomacy.

Alan Cranston was above all else a man of peace. And he was a man of peace not as a matter of public policy, but as a matter of personal passion. Remember: This was a man who, in 1934, found himself in the same room as Adolf Hitler. Five years later, he wrote a critical English translation of Adolf Hitler's "Mein Kampf" in an effort to reveal the German leader's true plans. And he wore Hitler's ensuing lawsuit as a badge of honor, proud that he had stood up to try and warn the English-speaking world about the evils of Nazism.

Throughout the rest of his service he used public office to force Americans to listen to other prescient warnings—about nuclear war, about the arms race, about hopes for peace that he refused to give up even as others chose to beat the drums of war.

Senator Cranston came to his famous commitment, as we learned from the film, after meeting with Albert Einstein in 1946. And he left that meeting convinced that he had found his mission and he would indeed spend the balance of his life arguing that conviction before the world.

As a member of the Senate leadership and a senior voice on the Democratic side of the Foreign Relations Committee, he worked tirelessly to reduce the nuclear threat. Obviously, there were many of those efforts, but one of the most unpublicized was his effort through the 1970s and 80's, when he convened a unique group known as the "SALT Study Group". A senators-only gathering monthly in his office, off the record, face-to-face to define the confines of the debate. He knew the impact that quiet diplomacy could have on the issues, but on this issue above all that he cared about the most.

He loved the Peace Corps, and he fought for it. He fought to attach human rights conditions on aid to El Salvador. He was a leading national advocate for the mutual verifiable freeze. He was always an idealist whose increase in political power, gratefully, was always met by progress for the issues that he cared about so deeply. It was not just the work of a career, but the work of a lifetime—and after he left the Senate, we all know the remarkable commitment that he continued with Mikhail Gorbachev and ultimately in his founding of the Global Security Institute.

He did that because he sensed that the end of the Cold War, with all of the opportunity that it afforded, which he understood, still left us a world that was more dangerous, and he was haunted by the threat of nuclear terrorism. We missed his voice in the debate on the test ban treaty, and we miss him even more today.

When he left the Senate, Alan reflected on his service and he said of his own legacy, simply: "Most of all, I have dedicated myself to the cause of peace."

That dedication was real, it was lasting, and the legacy of peace for a good and peaceful man who gave living embodiment to Culbertson's simple, stubborn faith that "God and the politicians willing, the United States can declare peace upon the world, and win it." That belief was Alan Cranston—and it's a belief still worth fighting for. (Applause.)

Judge JONATHAN STEINBERG. Our concluding speaker from this body is also one of its newest members. She traveled to California three weeks ago, as did Senator Kerry, as he told us, to attend the ceremony attended by over a thousand persons at the Grace Cathedral in San Francisco. For reasons that I know she will share with us, she will be—along with Max Cleland—a living legacy of Alan Cranston in the United States Senate.

Senator Maria Cantwell of Washington. (Applause.)

Senator MARIA CANTWELL. Thank you. To Kim and Colette and Evan and R.E., thank you for allowing me to share this occasion to remember Alan and to have been there a few weeks ago and to see so many of the friends and faces that Alan touched.

People today have talked about Alan's legislative career—the many pieces of legislation that will live with us for a long time. But I'd like to share with you today maybe a different Alan Cranston that I knew as I worked on his Presidential campaign in 1983 and 1984. Some people might think running for President is a glorious task, but it is a very difficult one that I think Alan knew would help aid the cause and message that he wanted to fight for. In fact, I'm not from Washington state originally; it was Alan Cranston that dropped me off there in 1983. In fact, the first time I ever visited, I was a part of his presidential campaign staff, in which he left me at SEA-TAC Airport in Seattle and went on about his business to campaign. But people who knew Alan knew that he jumped into that race to deliver a message for the right reason. I was fortunate enough to have read R.E.'s book about Alan, and knew all the things that Alan had fought through in his life, some of the things that have been mentioned today. About being sued by Adolf Hitler for translating in next to no time a version of "Mein Kampf". Being a pre-World War II journalist and being smart enough to understand what was going to be advocated and running back to the United States and having that published. And all of the other wonderful things that Alan did in helping women, and on the environment; one thing I haven't heard mentioned today is his work with Native Americans, which is something that I recognize.

But what was amazing about Alan from a personal perspective, and you definitely get to know someone from a personal perspective when you travel with him on a presidential campaign, is that Alan was very self disciplined. John Kerry talked about his running, and that was something that was very important to Alan on a daily basis. And, yes, I can attest to the fact that he did sprint in the hotel corridors when you didn't schedule time for him to run outside. But, when Alan, challenged with the fact that maybe some of the other hotel guests found it shocking to find somebody so tall and long running down the halls at 7:30 in the morning, the Senator replied, "well maybe I should start at 6:30 instead." (Laughter.)

But Alan never complained about that task. And for me, in Washington state, there were lots of World Federalists, a lot of people part of the nuclear freeze movement, a lot of people very appreciative of his efforts on the environment. But Alan was also a very self-deprecating person when it came to making a moment light. And I'll never forget the time in Vancouver, Washington, where hundreds of people had showed up at eight-thirty on a Sunday morning, I think it was the Fourth of July, to hear his message about the nuclear freeze. And when he mistakenly called the host of the event, whose name was "June", "Jane", and he heard a gasp from the audience, he quickly looked down at his program and saw that he had mistakenly called her the wrong name, and all of a sudden started pounding on his chest, saying, "Me Tarzan! You Jane!" (Laughter.) Which put everybody at ease, and Alan went on to give his very important remarks to a community that I don't think has seen since the likes of Alan Cranston.

And yet, when you run a Presidential campaign, you also are a spokesperson for your issues. But I never saw Alan take advantage of that situation, where he was trying to make more than the situation called for. In fact, he was very reserved in his comments. I remember being with him on August 31, in 1983, when the Korean Airline flight 007 was shot down. We happened to be in Anchorage, Alaska, at that time, and many of you probably know the various controversies that arose out of that; 269 people were killed. And I remember waking up that morning to a press event where probably 200 different people were there, including the national press, all wanting Alan to make a statement right away; because he was a Presidential candidate, because his remarks would be all over the news. And yet Alan had the self discipline not just to say something immediately that morning, but to say, in a calming way, "let's find out the facts, first." And when I think about that as a human being, particularly in my new post and job, in which the world moves so fast and in which people go about promoting their idea and concepts, the very human side of Alan Cranston remains with me, and I hope it does with each of you.

I talked to him in October of this year, in which I was out campaigning in Bellingham, Washington, one of the last places I had to campaign with him, and I said to him, "Senator, you dropped me off here almost seventeen years ago, and you never picked me up." And Alan reminded me that is was time to work together. So I guess I say to Kim, and Colette, and R.E., and to those of you who are going to carry on the Cranston legacy, that he left in each one of us a piece of that flame that he carried for so long. You saw it on the film. It started when Albert Einstein said to him, "nuclear arms could wipe out a whole race of people." I think Alan started saying that from that moment on, and reminded people about it until his last days. And so I hope that each and every one of you, as I will, carries part of that torch and flame that Alan had of self-discipline, knowing that he was not the message, but the messenger, in helping this fight. Thank you. (Applause.)

Judge JONATHAN STEINBERG. And now we'll hear from Alan Cranston's son Kim, who I know is committed to seeing that Alan's lifelong commitment to securing world peace is carried on as his most important bequest to his granddaughter Evan and all the children of our planet.

Kim. (Applause.)

KIM CRANSTON. Thank you, all. Those of you who were familiar with the legal pads that Alan carried around and the black pens will be happy to know that Evan is over here busy making a "to do" list. (Laughter.) I'm not sure what it all includes.

Jonathan, thank you very much for helping to organize this, and everybody else who was involved in this, the Senate sponsors, and each of the other speakers; I deeply appreciate your kind and touching words about Alan and his work here. It's good to see all of you, so many old friends. It's sad under the circumstances that we come together, but it's wonderful to see you all again. I know how much Alan cherished your friendship and collaboration over the years.

I was really truly blessed, I feel, to have, through the genetic lottery, ended up as Alan's son, and had the opportunity to get to know him as my father, as my dearest and oldest friend, and as a wonderful collaborator, mentor, teacher, and leader. And I know his loss as a leader is a loss we all share.

I've been reflecting over the last month on many of the things that I've learned from Alan and our work together, living with him, and a few things stand out that I wanted to share today. One thing that stood out for me was the remarkable style of leadership he had. Inside the program is the poem that he carried, the Lao-Tzu quote, for most of his life, that really informed the style of leadership that he practiced. It concludes with:

But of a good leader,
When his work is done,
His aim fulfilled,
They will all say,
"We did this ourselves."

And so today, we're here, recognizing what we accomplished together with Alan. And so it's an opportunity not only to mourn his loss, but to celebrate what we accomplished together, and I think, beyond that, to recommit, and commit to the ongoing causes that we engaged in with him.

Another lesson that has stood out in the last month for me was something that I really remember when I first began hearing it from him. I was told the central purpose of life was to make the world a better place, or, as one of Alan's heros, Martin Luther King, Jr., once said, "life's most persistent and urgent question is 'what are you doing to serve others?'" And it was certainly in that spirit that Alan conducted his life and committed most of his public life.

And, finally, one other thing that stands out very strongly for me, both in terms of the work that he did here in Washington, and to the work that he continued to do after he left Washington, was his recognition of the extraordinary moment in history in which we all live. In that regard, I just note that a friend commented after Alan had left the Senate, that they had seen him, and they said, "Kim, you know, he doesn't seem to be slowing down, he seems to be speeding up." And I think that was true, because he said to me that he'd felt since he left the Senate that he could really focus in on the things that he was most concerned about, to devote 100% of his energy to those causes that were of greatest concern to him. And I think the cornerstone of that was an understanding that we have entered a new age during our lifetime, when we're facing global challenges that can be addressed only at the global level, and that we need to come up with effective new approaches for dealing with those challenges.

After he left the Senate, the cause did continue, most recently in the form of the Global Security Institute, which is continuing, and it has a great board, and a wonderful director, Jonathan Granoff, our CEO, who is here today. And I would really urge those of you who are here today who shared in those causes with Alan to look forward to opportunities to collaborate with us, because the work goes on, and Alan was just the messenger.

In closing, I'd just like to say something I know Alan closed most of his speeches with, which was, "I thank you for all you are doing, and urge you onward." Thank you. (Applause.)

Judge JONATHAN STEINBERG. Thank you, Kim. I know your father would be proud of your personal actions to pick up the torch and deeply moved by your words.

I want to close with some expressions of thanks to many people. Again, I want to note how grateful all of us are to the sponsoring Senators and to all who spoke so eloquently and movingly about the man who will live forever in my heart as "Alan," as the most important influence on the lives of so many of us in this room today.

The presence here throughout this entire ceremony of three Cabinet officials in this new Administration should remind us all of Alan's abiding belief that it was possible to form an alliance with every Senator on one issue or another, and of his commitment to do just that. Common ground and common sense was much more important to him than party affiliation or political philosophy. We thank the three Secretaries who joined us today and helped remind us of how important those sentiments are for the welfare of our country.

There are an enormous number of people who volunteered their time and did just incredible work to make this tribute as successful and meaningful as we hope that it has been. If I leave anyone out, I apologize—as I do, and as I did before, if I left out any former officeholder, who I should have recognized earlier. So, I offer special thanks, on behalf of the family and myself, alphabetically, to Zack Allen, Bill Brew, Fran Butler, Monique Ceruti, Kelly Cordes, Chad Griffin, Bill Johnstone, Susanne Martinez, Katie O'Neill, Dan Perry, Valerie Rheinstein, Alexandra Sardegna, Ed Scott, Martha Stanley, Loraine Tong, Joel Wood, and one most special person, Elinor Tucker, without whose highly efficient logistical support we would never have made it to this point. I thank Senator Rockefeller for allowing her to put in so much time and effort and to do so in such an effective way. Finally, an even more personal thanks to my wife, Shellie, for helping to keep me on an relatively even keel over the past month as this event was pulled together.

And, finally, thanks to all of you who joined us in tribute today to Senator Alan McGregor Cranston, a great American, who lived his life by the philosophy of a Chinese poet Lao-Tzu, whose words on leadership, printed in today's program, Alan carried with him every day.

That concludes this Tribute. Please remember to sign the guest book, and thanks again for coming. And we'll go out to the theme song from Alan's Presidential campaign, "Chariots of Fire". (Applause.)

ADDITIONAL STATEMENTS

CONGRATULATING WE THE PEOPLE PARTICIPANTS FROM WYOMING

• Mr. ENZI. Mr. President, on April 21–23, 2001 more than 1,200 students from across the United States met in Washington, D.C. to compete in the national finals of the "We the People", The Citizen and the Constitution program. I am proud to report that the class from Cheyenne Central High School from Cheyenne represented the State of Wyoming in this national event. The fine students in this class include: Joe Bergene; Skye Bougsty-Marshall; Cory Bulkley; Michelle Cassidy; Ryan Day; Sara De Groot; Chris Heald; Nat Linter; Steve Lucero; Geoff Luke; Caroline Morris; Ben Silver; and Annaliese Wiederspahn. I would also like to recognize their teacher, Don Morris, who deserves much of the credit for the class' success.

These young scholars worked diligently to reach the national finals and through their experience gained a deep knowledge and understanding of the fundamental principles of our constitutional democracy.

I am pleased to have had the opportunity to support the "We the People" program through my work on the Health, Education, Labor, and Pensions Committee and the reauthorization of the Elementary and Secondary Education Act. I am particularly proud to note that the Better Education for Students and Teachers Act will allow schools, which choose to do so, to use federal funds to incorporate the We the People program into their study of civics and American government.

I once again want to congratulate Don Morris and these students from Cheyenne Central High School.•

TRIBUTE TO STEPHEN J. RAPP

• Mr. HARKIN. Mr. President, I'd like to take a few minutes to honor Stephen J. Rapp, United States Attorney for the Northern District of Iowa.

Steve Rapp has been a trailblazer in my home state of Iowa since he began his career in public service in his early twenties. Back in 1972, he won a seat in our House of Representatives, and at the tender age of twenty-five, he came within a hair's breadth of winning the Third District Congressional seat. He did eventually join us on Capitol Hill a few years later when he served as Staff Director and Counsel of the U.S. Senate Judiciary Subcommittee on Juvenile Delinquency.

After his stint in Washington, Steve returned to Iowa and served another four years in our House of Representatives where he distinguished himself as a leader on anti-crime legislation. Steve was instrumental in passing our state's rape shield law and our strong anti-drunk driving regulation. And he wrote the law that forbids release pending appeal of criminals who are guilty of forcible felonies.

In 1993, Steve was appointed as a United States Attorney for the Northern District of Iowa, and under his stewardship, the Northern District became a national torchbearer in criminal prosecutions. Steve filed America's first prosecution under Title II of the Brady Law. He also filed the nation's first prosecution under the federal "Three Strikes" law, and the first prosecution under the Lautenberg amendment that prohibited convicted domestic violence offenders from owning a gun.

But Steve wasn't content merely to do a stellar job on the day to day duties of United States Attorney. He became a member of the Attorney Generals Advisory Committee, serving on the working Group on Interior Enforcement Immigration Law and on Subcommittees handling violence against women, organized crime, victim crime, juvenile justice and Native American issues. In addition, he served as chair of the Midwest High Intensity Drug Trafficking Area and has held forums across Northern Iowa to educate citizens and help reduce methamphetamine use.

When I think of all the work Steve Rapp has done for our state and our country, I'm reminded of the words of President John F. Kennedy who once noted, "Law is the strongest link between man and freedom." Steve Rapp has worked tirelessly to keep the people of Northern Iowa and America free, free from crime and violence, and free to raise their families and live their lives in safe, secure communities.

Steve has been honored by groups ranging from the Afro-American Community Broadcasting to the NAACP to the Black Hawk County Legal Secretaries Association. And it is my pleasure to add myself to that list and offer my deepest gratitude for his long and distinguished record of service.•

RECOGNITION OF THE 125TH BIRTHDAY OF ST. MARY PARISH OF NEW BALTIMORE, MICHIGAN

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the St. Mary Parish of New Baltimore, MI on their upcoming one hundred and twenty-fifth anniversary. Since 1876, the St. Mary's has been serving the spiritual needs of it's congregation as well as the community at large.

The history of St. Mary Parish is too long and rich for me to recount here in full, but it is important to point out that New Baltimore has been home to a Catholic community since 1805, when "horseback priests" from Canada and Detroit would come to minister in private homes. It was in 1876, as America was celebrating its centennial, that Father Aloysius Lambert was appointed the first resident pastor and the St. Mary Parish was born. Father Lambert worked to establish a church and chapel, a grade school and a rectory. Other important events in the history of the Parish include the mortgage being paid off and burned in 1938, the addition of a war memorial shrine in 1949, and the completion of a new gymnasium in 1951. This gymnasium would serve as a temporary church when the 83 year old building burned to the ground in 1958. In 1963, the cornerstone was laid in what was now to be known as St. Mary Queen of Creation.

The 1960's also saw the creation of a new mission for St. Mary Parish. A chapter of St. Vincent de Paul was opened to serve the needs of the poor in New Baltimore and seventh-grader Mary Jane Plague began a music ministry. This legacy of community stewardship grew with the addition of Sister Loretta Demick to the St. Mary Parish in 1974. Sister Demick began what was known as Sister Loretta's Closet, which helped feed the poor, elderly and infirmed of the Parish. Also in 1974, the former convent was turned into a home for women who are developmentally disabled. People with special needs are still being served in this building, and it is known as the Horizons Residential Centers. In the last decade, the St. Mary Parish has expanded outreach programs to help the homeless and those with HIV/AIDS.

Over the years, St. Mary Parish has grown from a few families to thousands of parishioners and along the way has dedicated itself to bettering the lives of everyone in its community. The community of New Baltimore and all of Macomb County have benefitted from many good deeds and continuing works of generosity that the St. Mary Parish has undertaken. I trust that my Senate colleagues will join me in wishing St. Mary Parish a happy one hundred and twenty-fifth anniversary, and hoping that the next century and a quarter are as fruitful as the last.●

RECOGNIZING THE STUDENTS FROM CENTURY SENIOR HIGH SCHOOL

● Mr. DORGAN. Mr. President, today I had the privilege to meet with twelve accomplished students from Century Senior High School in Bismarck, ND, who are in town to compete in the national finals of the "We the People. . ." competition. This competition focuses on the Constitution and the Bill of Rights, and these students have worked hard to reach the national finals.

These students are Adrienne Buckman, Nicole Elkin, Jessica Fritz, Nathan Grenz, Gwen Hobert, Chris Holzer. Reed Hushka, Whitney KreingKrairt, Rudie Martinson, Paul Nehring, Grant Neuharth, and Russel Pearson. They are ably led by their teacher, Jeff Aas, who also deserves credit for the success of the class.

I am proud of this class and their dedication to this project. The Constitution is not just a historical document; it is the basis for our entire system of government. The brilliance of the Constitution lies in its flexibility which has allowed it to stand the test of time. The Bill of Rights is a fundamental part of our national culture and has been the basis of freedom principles that have been adopted in other countries around the world.

The knowledge that these students have gained by studying the Constitution will serve them well for years to come. Congratulations to these outstanding students from my home State.●

TRIBUTE TO DENNIS H. BLOME

● Mr. HARKIN. Mr. President, I would like to take a few moments today to honor Dennis H. Blome for his outstanding work as United States Marshal for the Northern District of Iowa.

Before he even set foot in the U.S. Marshal's office, Dennis Blome had already distinguished himself with over two decades of dedicated law enforcement service. During these years, he took on just about every position in the field of law enforcement, and he performed them all with diligence, passion and honor.

Dennis started out as a Deputy in the Linn County Sheriff's Office in 1971. He then took on the positions of Jail Officer, dispatcher and patrolman before becoming First Deputy for Sheriff Walter H. Grant. And he later served as Jail Administrator, Sergeant, Lieutenant and head of Detectives for the Sheriff's Office.

In 1984, Dennis was elected as Sheriff, and he took the lead in helping build a new jail and provide critically needed training for jail personnel throughout Iowa. He was also an enthusiastic member of the legislative Committee of the Iowa State Sheriffs' and Deputies' Association and of the National Sheriffs' Association.

Dennis' passion for learning and taking on new challenges led him to continue his education at the FBI National Academy, the National Institute of Corrections and Mount Mercy College where he got his BA degree in Criminal Justice and Psychology. He also took advantage of special training seminars through the National Sheriffs' Conference and the International Chiefs of Police.

Dennis' extensive job experience and solid education served him well when he was appointed as United States Marshal for the Northern District of Iowa back in 1994. He focused his boundless energy on a number of projects, most notably, that of strengthening security in our courthouses. Today, thanks to Dennis, our courthouses in Cedar Rapids and Sioux City have interior and exterior camera systems as well as recording systems and multiple monitoring systems.

But even more important than what Dennis accomplished is how he accomplished it. Dennis never considered any job to be "beneath" him. He was always willing to pitch in whether it meant being present in court, transporting prisoners or doing anything else necessary to keep the agency in good running order. His humility and commitment to his work made him a popular leader.

Dennis Blome embodies all of the highest ideals of public service. He's served our state with honor and loyalty for thirty years, and it is my pleasure to offer my deepest gratitude for his considerable contributions.●

HONORING BILL BRADLEY

● Mr. KERRY. Mr. President, today we celebrate the long career of dedicated public service rendered by Mr. Bill Bradley of Ware, MA. His deep love of policy and politics has inspired me and many others, and I am fortunate to have Bill's friendship and counsel in my life.

This weekend, Bill's friends and colleagues will gather to look back on 25 years of service to two United States Senators, a Congressman, the U.S. Department of Agriculture and the people of Massachusetts. Bill retires from a distinguished career of government service, most recently having held the post of Regional Director for the Department of Agriculture's Rural Development Program and today I join his extended political family in this celebration.

The same interest and passion that Bill brought to his USDA service can be found in earlier chapters of his life. As a freshman in high school, he pursued an early interest in politics by working as a congressional page in Washington D.C. in 1962, and his sponsor was a son of Dorchester who went on to become the great Speaker of the U.S. House of Representatives, John W. McCormack. Bill was a page through the next two years, and capped his early Washington experience by witnessing Lyndon Johnson's inauguration in 1965. After graduating from the University of California and serving a brief stint with the U.S. Forest Service in Alaska, Bill got his first job on Capitol Hill as a Legislative Aide for Congressman Dale Milford of Texas during the Carter Administration. Soon he moved closer to his Massachusetts up north to run a mobile office for my predecessor in this chamber, the late Paul Tsongas. From 1979 to 1983, Bill traveled in this capacity through the same towns he would later serve through the USDA. Once established in Western Massachusetts with Senator Tsongas, Bill dug deeper into the issues closest to the heart of those communities, and soon his knowledge and understanding of the region and its needs was exemplary. Even greater was his passion to serve them.

Bill coordinated these cities and towns in my first Senate campaign in 1984 and later became the Director of Constituent Services for my whole state-wide operation. Throughout the nine years he spent on my staff, he held positions that ranged from Director of Western Massachusetts to Director of Local Relations. In each position, Bill demonstrated the same tenacity and dedication to improving people's lives he carries to this day.

It came as no surprise to those who worked with and knew Bill that President Clinton would recognize and embrace these same qualities as he assumed office in 1993. The President appointed Bill to the position of Regional Director for the Department of Agriculture's Rural Development Program, and the success of his tenure is well known to everyone in the three-state region he served. He oversaw more than 65 employees in six offices throughout three states. The program's successes throughout this time are numerous; he worked with other agencies and officials to obtain new fire trucks for the Palmer Fire Department, and worked with Congressman NEAL and the Ware Selectmen to help move the police station to its current location. During his eight years of directing this agency, Bill coordinated the distribution of over $870 million dollars in rural housing programs that helped rural towns foster and maintain economic development. Concurrent with this service, Bill was a Member of the Electoral College for the Commonwealth of Massachusetts, and I congratulated him along with his friends and colleagues as he cast his vote for the re-election of Bill Clinton and Al Gore.

Throughout all of these national and State-wide efforts, Bill Bradley has maintained an iron-clad commitment to community and his neighbors. He has served as Director of the Ware Cooperative Bank, and mobilized State and Federal money through the Ware Community Development Authority. His love of politics is surpassed only by music and his devotion to his wife, Linda, and I congratulate both of them as they begin this new chapter in their lives. I have been very fortunate to have some of the best people I have ever known be involved in my campaigns and on my staff. Bill Bradley is a credit to his community and the State of Massachusetts. He has performed 25 years of public service with a professionalism and dedication that is increasingly rare, and it is with great pride, respect and affection that I celebrate his contributions to the lives of people throughout Massachusetts and the United States of America.•

RECOGNITION OF THE LIGHTHOUSE OF OAKLAND COUNTY, INC. AND THE DEDICATION OF THE ROBERT H. & MARY G. FLINT CAMPUS OF CARING

• Mr. LEVIN. Mr. President, today I want to congratulate and honor the Lighthouse of Oakland County, Inc., an independent agency, that has served as a beacon of hope and opportunity for countless individuals. Residents in my home state of Michigan will be gathering this Thursday April 26, 2001 to celebrate the grand opening of the Robert H. & Mary G. Flint Campus of Caring.

The Lighthouse is a remarkable institution that began as an ecumenical ministry to assist seniors and low-income families, but has grown to become a dynamic independent agency dedicated to providing vital services that enable people to make the transition from joblessness and despair to independence and empowerment.

The mission of the Lighthouse is administered by three subsidiaries: Lighthouse Emergency Services, Lighthouse PATH and Lighthouse Community Development. Independent of one another, these subsidiaries would be an important agent for social welfare and justice. Together, these three branches are a comprehensive service provider that is able to assist individuals and communities as they strive for betterment.

Lighthouse Emergency Services provides a full range of services including food, housing, medical treatment and clothing assistance to those who require immediate assistance. The PATH program combines a full-time residency program with intensive case management that provides residents with the assistance needed to form clear and concrete goals for self-improvement. As residents complete their education or enter job training programs, the Lighthouse PATH provides an array of services such as child care, legal assistance and domestic abuse counseling. The Lighthouse Community Development program has worked, primarily in Pontiac's Unity Park neighborhood, to ensure that safe and affordable housing is available for low and moderate income families. Home ownership can ensure the economic well-being and stability of families and neighborhoods, and this program makes home ownership a reality by providing home ownership classes, rehabilitating abandoned houses and building new homes.

The Lighthouse's success at administering these myriad programs has not gone unnoticed. In 1990, the volunteers of the Lighthouse were recognized by then President Bush as the 376th Point of Light for their dedication and service to their community. Lighthouse PATH was a recipient of the Richard F. Huegli Award for Program Excellence. In addition, Crain's Business Detroit made the Lighthouse first Runner-up for best managed non-profit of 1994. In 1997, the Lighthouse deservedly won this award.

None of the Lighthouse's many awards or important programs would be possible without the dedication and sacrifice of the many staff and volunteers who have freely given of their time, talents and resources to make this program the vital community asset it is today. I have mentioned only a small portion of the dynamic history of the Lighthouse of Oakland County, Inc. and the many ways in which this organization has assisted its community. I know my colleagues will join me in honoring the Lighthouse of Oakland County, Inc. for its service to the people of Oakland County and the State of Michigan.•

TRIBUTE TO PHYLLISS HENRY

• Mr. HARKIN. Mr. President, Phylliss Henry has been a pioneer in my home State of Iowa, shattering glass ceilings, blazing a bold new trail for women in law enforcement, and reaching out to help others follow after her. Her tireless work to stamp out crime and to bring women to the table in law enforcement have made a lasting impact on our state.

Back in 1972, Phylliss became the first woman ever to receive a law enforcement degree from Des Moines Area Community College. She was then hired as the first female patrol officer in the Des Moines Department, and she remained the only female patrol officer until 1977. She later became a Sergeant with the Special Crime Unit and with the Communication Section where she helped with minority recruitment and acted as a role model for other women in law enforcement.

Phylliss then made the courageous decision to continue and expand her education, and she focused her energy on obtaining a Bachelor of General Studies degree in 1984, an MA in Communications Studies in 1986, and a PhD in Communication Research in 1988, all from the University of Iowa.

In December of 1990, she became the Support Services Manager of the Iowa State University Department of Public Safety. As in all her previous positions, she took the job to a new level, creating new crime prevention, security and assault awareness programs.

In 1994, Phylliss' outstanding record led to her appointment as a United States Marshal, the first woman ever to hold this position in the state of Iowa, and for seven years, she served with distinction. She was instrumental in leading building renovations projects in Des Moines and Davenport and in helping to finish up the Court Annex Building. She also led the initiatives to bring Iowa Communication Network access to the district.

And she was a one-woman army when it came to getting funding for critical projects in the district and to stretching every dollar to its limits. In a few years, she was able to automate the entire district with limited funding. And during a time when the district was being hit hard by increases in prisoner populations and decreases in bed space, she obtained a State of Iowa contract and greatly reduced the crisis need for federal prison beds.

In addition, throughout her career, Phylliss has never been content to use her energy only in the workplace. She has contributed to organizations ranging from the Young Women's Resource Center, the International and Iowa Associations of Women Police, Children and Families of Iowa and many more. She even managed to find the time to co-found the Iowa Association of Women Police.

She has been honored by groups ranging from the Greater Des Moines YWCA to the Des Moines Metro Women's Network to the International Association of Women police and more. And it is my pleasure to add myself to that list and offer my deepest gratitude for her long and distinguished record of service to our State.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

E–1417. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated April 19, 2000; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC–1418. A communication from the Deputy Assistant Secretary of the Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR 183, Use and Distribution of the San Carlos Apache Tribe Development Trust Fund and San Carlos Apache Tribe Lease Fund" (RIN 1076–AE10) received on April 23, 2001; to the Committee on Indian Affairs.

EC–1419. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a report relative to the proposed fiscal year 2002 budget; to the Committee on Governmental Affairs.

EC–1420. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–1421. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1422. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Wool Duty Refund Program" (RIN 1515–AC85) received on April 19, 2001; to the Committee on Finance.

EC–1423. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—May 2001" (Rev. Rul. 2001–22) received on April 19, 2001; to the Committee on Finance.

EC–1424. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 29(c)(1)(C) Solid Fuel Produced From Coal" (Rev. Pro. 2001–30) received on April 23, 2001; to the Committee on Finance.

EC–1425. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Excise Tax on Virtual Private Networks" (UIL: 4251.03–01) received on April 23, 2001; to the Committee on Finance.

EC–1426. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2001–17" received on April 23, 2001; to the Committee on Finance.

EC–1427. A communication from the Deputy Under Secretary of Defense, Technology Security Policy, transmitting, pursuant to law, the delay of a report concerning national security; to the Committee on Armed Services.

EC–1428. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, a report relating to the notification of total obligations exceeding $5.0 million in fiscal year 2001; to the Committee on Armed Services.

EC–1429. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC–1430. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols" (22 CFR Parts 41 and 42) received on April 19, 2001; to the Committee on Foreign Relations.

EC–1431. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report relative to the progress made in an investigation in Kenya; to the Committee on Foreign Relations.

EC–1432. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual SEED report for Fiscal Year 2000; to the Committee on Foreign Relations.

EC–1433. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report concerning the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–1434. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guide of Good Practices for Occupational Radiological Protection in Uranium Facilities" (STD–1136–2000) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1435. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Software Quality Assurance" (N 203.1) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1436. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Department of Energy Facilities Technology Partnering Programs" (O 482.1) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1437. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Reporting Unofficial Travel" (N 470.2) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1438. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Security Conditions" (N 473.6) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1439. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Extension of DOE O 311.1A, Equal Employment Opportunity and Diversity Program" (N 311.1) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1440. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Explosive Detection Program" (N 473.7) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1441. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN 1901–AA87) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1442. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Stabilization, Packing, and Storage of Plutonium-Bearing Materials" (STD–3013–2000) received on April 18, 2001; to the Committee on Energy and Natural Resources.

EC–1443. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Regulatory Program" (UT–038–FOR) received on April 19, 2001; to the Committee on Energy and Natural Resources.

EC–1444. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of an interim rule to change the NASA Federal Acquisition Regulation Supplement (48 CFR Parts 1812, 1823, 1852) received on April 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1445. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule "Emergency Medical Services and Evacuations" (48 CFR Parts 1842 and 1852) received on April 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1446. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC–1447. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Maritime Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC–1448. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Administrator, Maritime Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the designation of acting officer as Administrator of the Research and Special Programs Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a discontinuation of service in acting role as Administrator of the Research and Special Programs Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1451. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position as Administrator of the Research and Special Programs Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1452. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role as Administrator of the Federal Railroad Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1453. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the designation of acting officer as Administrator of the Federal Railroad Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1454. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position as Administrator of the Federal Railroad Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1455. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator of the National Highway Traffic Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1456. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the return of a nomination for Administrator of the National Highway Traffic Safety Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1457. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Deputy Secretary, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1458. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Associate Deputy Secretary, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1459. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role as Assistant Secretary for Aviation and International Affairs, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1460. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Transportation Policy, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1461. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Governmental Affairs, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1462. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the return of a nomination for Assistant Secretary for Aviation and International Affairs, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1463. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the return of a nomination for Deputy Administrator of the Federal Aviation Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1464. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Aviation and International Affairs, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1465. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role as Deputy Administrator of the Federal Aviation Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1466. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a designation of acting officer as Deputy Administrator of the Federal Aviation Administration, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1467. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1468. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position as Chief Financial Officer of the National Aeronautic Space Administration; to the Committee on Commerce, Science, and Transportation.

EC-1469. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1470. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the confirmation of the nomination for Secretary of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1471. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Secretary of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1472. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a discontinuation of service in acting role for Secretary of the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1473. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of the designation of acting officer for the position of Secretary, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1474. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Governmental Affairs, Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1475. A communication from the General Counsel for the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a designation of Acting Officer for the position of Administrator, United States Fire Administration, Federal Emergency Management Agency; to the Committee on Commerce, Science, and Transportation.

EC-1476. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Waynesboro, VA" ((RIN2120-AA66)(2001-0065)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1477. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Pollock Closure in the West Yakutat District, Gulf of Alaska" received on April 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1478. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Inseason Adjustments from Cape Falcon to Humbug Mountain, OR" received on April 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1479. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska—Closure of B Season Pollock Within the Shelikof Strait Conservation Area, Gulf of Alaska" received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1480. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Average

Fuel Economy Standards, Model Year 2003" (RIN2127–AI35) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1481. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Assistance to Firefighters Grant Program" (RIN3067–AD12) received on April 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1482. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the Capital Investment Plan for Fiscal Years 2002 through 2006; to the Committee on Commerce, Science, and Transportation.

EC–1483. A communication from the Chief of the Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. Section 1464 and Enforcement Policies Regarding Broadcast Indecency" (FCC 01–90) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1484. A communication from the Chief of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Audit Appeals; Policy and Procedure" (RIN2133–AB42) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1485. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fore River Bridge Repairs—Weymouth, Massachusetts" ((RIN2115–AA97)(2001–0007)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1486. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Mission Bay, San Diego, CA" ((RIN2115–AA97)(2001–0006)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1487. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland" ((RIN2115–AE46)(2001–0006)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1488. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Western Branch, Elizabeth River, Portsmouth Va" ((RIN2115–AE46)(2001–0005)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1489. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Crescent Beach Bridge (SR 206), Crescent Beach, FL" ((RIN2115–AE47)(2001–0027)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1490. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hackensack River, NJ" ((RIN2115–AE47)(2001–0026)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1491. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Shaw Cove, CT" ((RIN2115–AE47)(2001–0025)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1492. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, AK" ((RIN2115–AA97)(2001–0009)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1493. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, East River, New York, NY" ((RIN2115–AA97)(2001–0008)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1494. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Phillipsburg, KS" ((RIN2120–AA66)(2001–0071)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1495. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Omaha, NE; Correction" ((RIN2120–AA66)(2001–0069)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1496. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Fort Worth Carswell AFB, TX" ((RIN2120–AA66)(2001–0070)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1497. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Valdosta Moody AFB, GA" ((RIN2120–AA66)(2001–0068)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1498. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Rome, NY" ((RIN2120–AA66)(2001–0067)) received on April 16 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–1499. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A 300 B4–601, –603, –620, –605R, –622R, and –605R Airplanes" ((RIN2120–AA64)(2001–0178)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1500. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–301, –321, –322, –341, and –342 Series Airplanes" ((RIN2120–AA64)(2001–0177)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1501. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64)(2001–0167)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1502. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA 31, –300, –325, –350, –31P, –31T, –31T1, –31T2, –31T3, and –31P–350 Airplanes" ((RIN2120–AA64)(2001–0170)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1503. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF6 80A3 Series Turbofan Engines" ((RIN2120–AA64)(2001–0169)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1504. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Model 172RG Airplanes" ((RIN2120–AA64)(2001–0168)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1505. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 172R and 172S Airplanes" ((RIN2120–AA64)(2001–0172)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1506. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica, SA, Model EMB–120 Series Airplanes" ((RIN2120–AA64)(2001–0171)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1507. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowty Aerospace Propellers Model R381/6-123-F/5 Propellers, Correction" ((RIN2120-AA64)(2001-0174)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1508. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SAAB Model SF340A and 340B Series Airplanes" ((RIN2120-AA64)(2001-0173)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1509. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, -700, -700C, and -800 Series Airplanes" ((RIN2120-AA64)(2001-0176)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1510. A communication from the Program Analyst for the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes Powered by GE Engines" ((RIN2120-AA64)(2001-0175)) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1511. A communication from the Deputy Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Services; Children's Internet Protection Act" (FCC 01-120) received on April 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1512. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 730202(b), Table of Allotments, FM Broadcast Stations (Huachuca City, Arizona; Puerto Rico, Arizona; Pine Level Alabama)" (Doc. No. 00-208, 00-209, 00-211) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1513. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hinton, Whiting, and Underwood, Iowa; and Blair Nebraska)" (Doc. No. 99-94) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1514. A communication from the Acting Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Funding Availability for Research Projects of the Causes for the Decline of Steller Sea Lions in Waters Off Alaska" received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1515. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Implementing Changes in the Mackerel Catch Specifications for the Gulf Migratory Group of King Mackerel Under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region" (RIN0648-AN85) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1516. A communication from the Chief of the Market Disputes Resolution Division, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Rules Governing Procedures to be Followed When Formal Complaints are Filed Against Common Carriers" (Doc. 96-238) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1517. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Hastings, NE) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1518. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Division, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avalon, Fountain Valley, Adelanto, Ridgecrest and Riverside, California)" (Doc. No. 99-329) received on April 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1519. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65)(2001-0025)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1520. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Salisbury, MD" ((RIN2120-AA66)(2001-0073)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1521. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Seneca Falls, NY" ((RIN2120-AA66)(2001-0074)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1522. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (63)" ((RIN2120-AA65)(2001-0026)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1523. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (22)" ((RIN2120-AA63)(2001-0003)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1524. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-301; -321, -341, and -342 Airplanes; and Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes" ((RIN2120-AA64)(2001-0181)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1525. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9, 33, 42, 55, and 61 Series Airplanes" ((RIN2120-AA64)(2001-0182)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1526. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Shreveport Downtown Airport, Shreveport, LA" ((RIN2120-AA66)(2001-0072)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1527. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10 and MD 11 Series Airplanes, and KC 10A Airplanes" ((RIN2120-AA64)(2001-0179)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1528. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS 350B, BA, B1, B2, and D; and AS 355E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(2001-0180)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1529. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (24)" ((RIN2120-AA65)(2001-0024)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1530. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (41)" ((RIN2120-AA65)(2001-0022)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1531. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700, and 800 Series Airplanes" ((RIN2120-AA64)(2001-0184)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1532. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (86)" ((RIN2120-AA65)(2001-0021)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1533. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

Airbus Model A330-301, 321, 322 Series Airplanes and Model A340 Series Airplanes" ((RIN2120-AA64)(2001-0183)) received on April 23, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 763: An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes (Rept. No. 107-12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself, Mrs. LINCOLN, Mr. BREAUX, and Mr. DEWINE):

S. 758. A bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire:

S. 759. A bill to amend title 4 of the United States Code to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresidents of such State; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, Mr. CHAFEE, Mr. CRAPO, and Mr. SMITH of Oregon):

S. 760. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. INOUYE):

S. 761. A bill to provide loans for the improvement of telecommunications services on Indian reservations; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself, Ms. SNOWE, Mr. REID, Mr. DEWINE, Mr. ROCKEFELLER, and Mr. JOHNSON):

S. 762. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for information technology training expenses and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 763. An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. BINGAMAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 764. A bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 765. A bill to amend the Internal Revenue Code of 1986 to provide a carbon sequestration investment tax credit, and for other purposes; to the Committee on Finance.

By Mr. HUTCHINSON:

S. 766. A bill to impose notification and reporting requirements in connection with grants of waivers of the limitation on certain procurements of the Department of Defense that is known as the Berry amendment, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. CORZINE, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LEVIN, Mr. TORRICELLI, Mr. KERRY, Mr. CHAFEE, Mrs. BOXER, Mr. SCHUMER, Ms. MIKULSKI, Mr. WELLSTONE, Mr. GRAHAM, Mr. INOUYE, Mr. CARPER, Mr. WYDEN, Mr. SARBANES, Mr. AKAKA, and Mr. HOLLINGS):

S. 767. A bill to extend the Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 768. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 769. A bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 770. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ALLEN):

S. J. Res. 13. A joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mrs. BOXER, Mr. CRAPO, Mrs. MURRAY, Mr. JEFFORDS, Mr. AKAKA, Mr. GREGG, Mr. DODD, Ms. SNOWE, Mr. BIDEN, Mr. INHOFE, Mr. REID, Mr. TORRICELLI, Mr. FEINGOLD, Mr. KERRY, Mr. GRAHAM, Mr. BINGAMAN, Ms. MIKULSKI, Ms. LANDRIEU, Ms. STABENOW, Mr. DASCHLE, Mr. LEVIN, Mr. BAUCUS, Mrs. CLINTON, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. SARBANES, Mr. JOHNSON, Mr. CORZINE, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. KENNEDY, and Mr. BAYH):

S. Res. 72. A resolution designating the month of April as "National Sexual Assault Awareness Month"; to the Committee on the Judiciary.

By Mr. GREGG (for himself and Mr. LIEBERMAN):

S. Con. Res. 33. A concurrent resolution supporting a National Charter Schools Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 161

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. SCHUMER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 161, a bill to establish the Violence Against Women Office within the Department of Justice.

S. 170

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 206.

At the request of Mr. SHELBY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 206, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 305

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 305, a bill to amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62.

S. 311

At the request of Mr. DODD, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 345

At the request of Mr. ALLARD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 512

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 512, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 570

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 623, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a 50 percent credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes.

S. 640

At the request of Mr. THOMPSON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 640, a bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment.

S. 661

At the request of Mr. THOMPSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 673

At the request of Mr. HAGEL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 673, a bill to establish within the executive branch of the Government an interagency committee to review and coordinate United States nonproliferation efforts in the independent states of the former Soviet Union.

S. 676

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to extend permanently the subpart F exemption for active financing income.

S. 677

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 694

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. BAUCUS, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 697, supra.

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Ohio (Mr. DEWINE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 697, supra.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana

(Ms. LANDRIEU), the Senator from Michigan (Ms. STABENOW), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself, Mrs. LINCOLN, Mr. BREAUX, and Mr. DEWINE):

S. 758. A bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the legislation that I am introducing today with Senators LINCOLN, BREAUX, and DEWINE be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WETLANDS RESERVE PROGRAM.

(a) ANNUAL ENROLLMENT AUTHORITY.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended by striking paragraph (1) and inserting the following:

"(1) ANNUAL ENROLLMENT AUTHORITY.—For each of calendar years 2001 through 2005, the Secretary may enroll in the wetlands reserve program not more than 250,000 acres.".

(b) EXTENSION OF PROGRAM.—

"(1) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended by striking "2002" and inserting "2005".

"(2) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2002" and inserting "2005".

(c) COOPERATIVE AGREEMENTS.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) COOPERATIVE AGREEMENTS.—Notwithstanding chapter 63 of title 31, United States Code, for purposes of carrying out this subchapter, the Secretary may enter into a cooperative agreement with a State; a political subdivision of a State, or any organization or person, for the acquisition of goods or services (including personal services) if the Secretary determines that—

"(1) the purposes of the agreement serve wetland conservation;

"(2) all parties to the agreement contribute resources to the accomplishment of the purposes; and

"(3) the agreement furthers the purposes of this subchapter.".

By Mr. SMITH of New Hampshire:

S. 759. A bill to amend title 4 of the United States Code to prohibit a State from imposing a discriminatory tax on income earned within such State by nonresident of such State; to the Committee on Finance.

THE NONRESIDENT INCOME TAX FREEDOM ACT OF 2001

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a bill called "The Nonresident Income Tax Freedom Act of 2001."

My legislation would prohibit a state from imposing income taxes on income earned within such state by nonresidents of such state.

Simply put, my bill bans state income taxes levied on nonresident workers.

I am sure that every American has studied the Boston Tea Party.

In 1776, the 13 American colonies refused to pay unjust taxes and declared their independence from Britain.

The resulting American revolution was a revolution of ideas and together the 13 colonies created a government which derived its just authority from the consent of the governed.

In 1764, Britain imposed the Sugar Act on the American colonies, that tax was followed by the Stamp Act and the Townshend Revenue Act.

The Stamp Act was essentially a paper tax of less than one cent, but this tax inspired the formation of the Sons of Liberty, who burned the stamps in protest of the tax.

A tea tax was imposed on the American colonies of less than one cent, but this tax motivated Bostonians to protest the tax in the Boston Tea Party.

The result of these British taxes were that Americans openly rebelled in order to fight those unjust taxes.

I am not comparing the current situation to the American revolution, but I am proposing legislation consistent with the theme of the American Revolution—No taxation without representation.

When a citizen from New Hampshire goes to work in Massachusetts or Maine or Vermont and pays their income tax, it is not reciprocated. We don't have an income tax. We don't tax them. They don't live in that State, and, therefore, I don't believe they should pay that tax.

My bill will grant Federal protection for nonresident taxpayers and prohibit this taxation without representation.

I hope my colleagues will look carefully at this regardless of the tax situation in their own States. The State of Oklahoma, or the State of New Hampshire, or any other State has a perfect right to tax its citizens in whatever way the citizens allow their elected representatives. But the question is, Should the citizens of Wyoming or some other State tell another State what taxes they should pay on their citizens?

The problem exists today where workers from one State are being taxed by others, and these taxpayers have no vote. They have no say and no recourse into how their income tax money is spent. Approximately 90,000 from New Hampshire go to Massachusetts and work. The taxes are collected from them for Massachusetts income taxes. They have no recourse. They have to pay those taxes.

As a matter of fact, New Hampshire residents pay over $200 million in income taxes to Maine, Massachusetts, and Vermont, all of which have income taxes. New Hampshire doesn't. In 1999, Vermont imposed an income tax on 10,840 New Hampshire residents and raised $10.2 million in revenue off the backs of New Hampshire workers who had nothing to say about it, nor could they do anything about it.

In 1998, Massachusetts levied an income tax on 89,336 New Hampshire residents and raised $184 million, again, off the residents of New Hampshire.

And finally, in Maine, in 1998, 8,219 New Hampshire residents were taxed and $9.3 million was raised in revenue.

This is taxation without representation. I am not trying to start another Revolutionary War here, but it is not fair. I believe that whether you have an income tax or not in your State, the issue is really should you be able to levy an income tax against another citizen who lives in another State.

In New Hampshire, we have always had a keen interest in taxes, as a matter of fact, a keen interest in less taxes. One of the greatest Governors in the history of our State, Gov. Meldrim Thomson, passed away last Thursday at the age of 89. Mel Thomson was a hero to many of us in the antitax movement. His campaign theme, when he ran for Governor three times, was "ax the tax." And that he did. He fought taxes and cut taxes time and time again in our State. He helped our State to assume that true "live free or die" tradition that is so popular and so well known.

It is a strength that New Hampshire politicians have not allowed a State income tax to be levied on the hardworking residents of that State. People still do not understand it. They come to me and say: How can you do this without an income tax? How do you get along? We do it through frugality and responsibility and taking care of the hard-earned dollars of our taxpayers.

As recently as last week, my friends in the New Hampshire State House defeated a sales tax proposal. I congratulate them for it. The Republican-led legislature knocked down a 2.5-percent sales tax which would have helped Maine, Massachusetts, and Vermont to discourage their State citizens from coming across the border to shop because we would have begun to get our States equalized in their taxes.

We have this great tradition in New Hampshire of less taxes, less spending, and fiscal responsibility. That is why I was pleased and proud just today—and I know the Presiding Officer's rating is high up in this rating; and I will check the rating—I was pleased today to be told the National Taxpayers Union ranked me No. 7 in the Senate for fiscal responsibility on cutting spending, cutting taxes, and cutting regulations. It is an award of which I am very proud. But it is not so much me; it is tradition in New Hampshire.

If you advocate those sales taxes, if you advocate those income taxes, if you advocate more taxes, you won't be reelected. There are a lot of people who said, let's have a sales or income tax, and they have been defeated and have not been heard from since, and many of them had to leave town.

I think it is rather unfortunate Governor Thomson passed away at the very time President Bush—a man who Governor Thompson admired, and President Bush admired Governor Thompson as well; it was reciprocal—but at the very time President Bush is proposing a $1.6 trillion tax cut for the American people, the man who led the "ax the tax" fight in New Hampshire has passed away. So President Bush has picked up the torch from Governor Thomson, and New Hampshire is proud of that.

I am proud of President Bush's budget proposal to provide the typical family of four paying income taxes $1,600 in tax relief.

John Marshall said: "The power to tax is the power to destroy." Taxes have to be used responsibly. As I said today, when I was asked about the National Taxpayers Union rating, it does not mean we do not spend money. We do spend money. We have a responsibility to spend money for our military, for those in need, or whatever. But we have to spend it responsibly. I think that is the key issue.

The taxers in New Hampshire's neighboring States are very clever. They impose the income tax on New Hampshire residents without any fear whatsoever of any political retaliation. It is really cowardice. The officials there tax citizens from my State of New Hampshire who go into Massachusetts to work, and they cannot vote. They cannot vote. They do not have any say about it. What can they do about it? It is not fair. We ought to change it. I say that with respect to my colleagues no matter what the tax status of your own State is. Tax all you want in your State, but do not tax people from another State. And I think that is fair.

Today's average taxpayer faces a combined Federal, State, and local burden of nearly 50 percent of their income. I think that is a little too much. It is time for a change. This is one small way to help New Hampshire citizens, as I know so many are trying to help all of our citizens with tax cuts at the national level.

So I ask my colleagues to support George W. Bush's tax cut and my tax fairness initiative to give certainly New Hampshire citizens and all Americans a little boost for their pocketbooks, so they can spend some money the way they would like to spend it, to have it in their pockets. That $200 million in the pockets of taxpayers in New Hampshire can be used for a lot of things they would like to use it for, including college education, health care, putting money away for a rainy day, or whatever.

I close by saying, my bill amends chapter 4 of title 4 of the U.S. Code to add a provision that says, "a State or political subdivision thereof may not impose a tax on income earned within such State or political subdivision by non-residents of such State:" In other words, if they are not your citizens, then you cannot tax them with an income tax. It explicitly allows a State, however—and this is a very important point—if two States want to enter into a voluntary compact or agreement to tax one another—if the two States agree—they can do that. There is an exception for that if the two States agree.

This is consistent with the theme of "no taxation without representation" because residents who become angry at politicians who vote for income tax compacts can vote the offending politician out of office. That is why it is good.

I look forward to pressing hard on this and getting the attention of my colleagues. It is my hope I can be a part of the President's push to restore reason and good sense to the Federal tax law.

I ask my colleagues to support me on the Nonresident Income Tax Freedom Act of 2001 to help thousands of New Hampshire citizens who are treated unfairly by taxation without representation.

By Mr. CONRAD (for himself, Ms. SNOW, Mr. REID, Mr. DEWINE, Mr. ROCKFELLER, and Mr. JOHNSON):

S. 762. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for information technology training expenses and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, during the final months of the 106th Congress, the Senate and House completed action on the American Competitiveness in the 21st Century Act which will respond to the shortage of skilled IT workers and help ensure our nation's continued growth and leadership in the information technology field. Congress increased the cap on the number of H1B visas available for foreign workers with high-tech skills to fill the job vacancies in information technology in the US.

As important as action by Congress to permit companies to hire foreign-born skilled IT workers is, this legislation by itself will not address our long-term IT worker needs. Throughout the recent debate on the IT worker shortage, I have urged that we focus our efforts on IT training and partnerships between the business and education communities. Many excellent partnerships between the IT community, state and local government, high schools, and colleges and universities that provide individuals of all ages with education and training opportunities in information technology are already underway.

Partnerships include ExplorNet, a non-profit organization working with local community and school officials to train educators and students to rebuild computers; e-learning opportunities for IT training through more than 100 community colleges nationwide, including Bismarck State College; Cisco Systems Training Academies in many school districts; AOL/Time Warner Foundation's "Time to Read" literacy program; Green Thumb and Microsoft working with seniors to improve their IT skills; Great Plains Software's, Fargo, ND, partnership with Valley City State University; and Texas Instruments sponsored training for educators to improve technology skills in the classroom. These are excellent examples of the IT and education communities working together to meet the growing demand for information technology skills.

Although these partnerships are helping to train individuals to fill many IT job vacancies, these educational opportunities cannot keep pace with the demand for workers with advanced technical skills—a demand that continues for the long term despite our current economic slowdown and recent layoffs in the IT sector. Furthermore, continuing to rely on foreign workers who obtain H1B visas is not the answer to our shortage of skilled IT professionals.

A report of 685 companies released by the Information Technology Association of America ITAA, on April 2, 2001, confirms this continuing demand for skilled IT workers. The ITAA assessment of the current IT job market, although reporting a significant decline in the demand for IT workers because of the economic slowdown, confirms there are thousands of positions that employers are not able to fill because firms are unable to find workers with the necessary technical skills. The study estimates there are currently 425,000 vacancies in the IT field for skilled technical positions. Harris Miller, president, of ITAA, remarked, ". . . hiring has by no means halted for IT workers, rather, demand still far exceeds supply in this market. Miller continues to encourage individuals to pursue advanced technical education programs. He remarked, "this is actually the time to prepare yourself."

Mr. President, in response to this continuing long-term demand for skilled IT workers, I am introducing legislation, the Technology Education and Training Act of 2001, TETA, to provide a tax credit for businesses offering IT training and to enable individuals enrolled in certified IT training to take advantage of the Hope Scholarship and Lifetime Learning Credits. This legislation is similar to a bill that I introduced in the 106th Congress, and I am particularly pleased that Senator SNOWE is joining me again in this bipartisan effort as the principal cosponsor. Also joining me as cosponsors are Senators REID, DEWINE, ROCKEFELLER, and JOHNSON, colleagues who have taken leadership roles in focusing attention on the importance of information technology for our economy and encouraging IT education and partnerships.

I am honored that this legislation is also endorsed by a broad coalition of IT, business and educational organizations, including Computing Technology Industry Association, CompTIA, the Technology Workforce Coalition, the American Society for Training and Development, the Information Technology Association of America, the Information Technology Training Association, the Career College Association, the National Association of Computer Consultant Businesses, Cisco Systems, Novell, Compaq Computer Corporation, Gateway and Microsoft.

Under our legislation, businesses would receive a credit against taxes equal to 100 percent of the first $1,500 of information technology training expenses for non-degree IT skills certification on behalf of a current or prospective employee. The credit would increase to $2,000 if the training program is offered in an empowerment zone, an enterprise community, an area declared a disaster zone, a school district with 50 percent or more of students participating in the school lunch program, a tribal community, a rural enterprise community, involves a small business with 200 or fewer employees or involves an individual with a disability.

Additionally, this legislation would amend current law regarding the Hope Scholarship and Lifetime Learning Credits to permit individuals enrolled in non-degree IT training programs and not attending a Title IV institution to be eligible to apply for the Hope Scholarship or Lifetime Learning Credit. Under current law, individuals are not eligible to take advantage of the Hope Scholarship or the Lifetime Learning Credits unless the programs are offered through a Title IV higher education or proprietary institution.

In order to qualify for the Hope Scholarship or Lifetime Learning Credit, the IT training program must lead to certification in an IT skill similar to programs offered by Cisco, Microsoft, Novell, and CompTIA. Under the proposed changes in the Technology Education and Training Act, the certification offered by the commercial information technology training provider must be approved by the Secretary of Treasury in consultation with an Information Technology Training Certification Board.

The shortage of skilled information technology workers will continue to be a major concern for all sectors of our economy despite the current economic slowdown and the recent layoffs in the IT sector. Our continued growth and leadership in formation technology will depend on a sufficient number of highly trained workers. Additionally, as economies around the world rebound and countries, particularly in Asia, develop their own high-tech corridors, it will be difficult to continue to recruit high-tech workers from these countries to meet the needs of our own economy.

Rather than continue our dependency on the H1B program, I believe that encouraging partnerships between the IT and education communities and authorizing additional incentives for businesses and individuals to take advantage of IT skills training offers a more reasonable approach to meeting our long-term high-tech worker needs. The Technology Education and Training Act authorizes important initiatives to respond to this critical shortage. I welcome additional cosponsors of this legislation and urge my colleagues on the Senate Finance Committee to support the proposed changes in TETA during consideration of tax legislation in the 107th Congress.

I ask unanimous consent that the text of this legislation along with statements of endorsement for the Technology Education and Training Act from the Technology Workforce Coalition, the Information Technology Association of America, and the American Society for Training and Development be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Education and Training Act of 2001".

SEC. 2. CREDIT FOR INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"SEC. 30B. INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in a trade or business during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to 100 percent of information technology training program expenses of the taxpayer and any employee of the taxpayer paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATION.—

"(1) IN GENERAL.—The amount of information technology training program expenses with respect to any individual which may be taken into account under subsection (a) for the taxable year shall not exceed $1,500.

"(2) INCREASE IN CREDIT AMOUNT FOR PARTICIPATION IN CERTAIN PROGRAMS AND FOR CERTAIN INDIVIDUALS.—The dollar amount in paragraph (1) shall be increased (but not above $2,000) by the amount of information technology training program expenses paid or incurred by the taxpayer—

"(A) with respect to a program operated—

"(i) in an empowerment zone or enterprise community designated under part I of subchapter U or a renewal community designated under part I of subchapter X,

"(ii) in a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act,

"(iii) in an area designated as a disaster area by the Secretary of Agriculture or by the President under the Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years,

"(iv) in a rural enterprise community designated under section 766 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999,

"(v) in an area designated by the Secretary of Agriculture as a Rural Economic Area Partnership Zone,

"(vi) in an area over which an Indian tribal government (as defined in section 7701(a)(40)) has jurisdiction, or

"(vii) by an employer who has 200 or fewer employees for each business day in each of 20 or more calendar weeks in the current or preceding calendar year, or

"(B) in the case of an individual with a disability.

"(c) INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'information technology training program expenses' means expenses paid or incurred by reason of the participation of the taxpayer (or any employee of the taxpayer) in any information technology training program if such expenses lead to an industry-accepted information technology certification for the participant. Such term shall only include includes expenses paid for in connection with course work and certification testing which is essential to assessing skill acquisition.

"(2) Information technology training program.—The term 'information technology training program' means a program for an industry-accepted information technology certification—

"(A) by any information technology trade association or corporation, and

"(B) which—

"(i) is provided for the employees of such association or corporation, or

"(ii) involves—

"(I) employers, and

"(II) State training programs, school districts, university systems, higher education institutions (as defined in section 101(b) of the Higher Education Act of 1965), or certified commercial information technology training providers.

"(3) Certified commercial information technology training provider.—

"(A) In general.—The term 'certified commercial information technology training provider' means a private sector organization providing an information technology training program which leads to an approved information technology industry certification for the participants.

"(B) Approved industry certification.—For purposes of paragraph (1), an information technology industry certification shall be considered approved if such certification is approved by the Secretary, in consultation with the Information Technology Training Certification Advisory Board.

"(d) Denial of Double Benefit.—No deduction or credit under any other provision of this chapter shall be allowed with respect to information technology training program expenses taken into account for the credit under this section.

"(e) Certain rules made applicable.—For purposes of this section, rules similar to the rules of section 45A(e)(2) and subsections (c), (d), and (e) of section 52 shall apply.

"(f) Application With Other Credits.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under the subpart A and the previous sections of this subpart, over

"(2) the tentative minimum tax for the taxable year.".

(b) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 30B. Information technology training program expenses.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 3. INFORMATION TECHNOLOGY TRAINING CERTIFICATION ADVISORY BOARD.

(a) Establishment.—There is established an Information Technology Training Certification Advisory Board (in this section referred to as the "Board").

(b) Membership.—The Board shall be composed of not more than 15 members appointed by the Secretary of the Treasury from among individuals—

(1) associated with information technology certification and training associations and businesses; and

(2) who are not officers or employees of the Federal Government.

(c) Meetings.—The Board shall meet not less often than annually.

(d) Chairperson.—

(1) In general.—Subject to paragraph (2), the Board shall elect a Chairperson from among its members.

(2) Chairperson.—The chairperson shall be an individual who is a member of an information technology industry trade association.

(e) Duties.—The Board shall develop a list of information technology industry certifications, for approval by the Secretary of the Treasury, that qualify the provider of the certification as a certified commercial information technology training provider under section 30B(c)(3) of the Internal Revenue Code of 1986, as added by section (2)(a).

(f) Submission of List.—Not later than October 1, 2001, and each year thereafter, the Board shall submit the list required under subsection (e) to the Secretary of the Treasury.

(g) Board personnel matters.—

(1) Compensation of members.—Each member of the Board shall serve without compensation.

(2) Travel expenses.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(h) Termination of the Board.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 4. HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDITS INCLUDE TECHNOLOGY TRAINING CENTERS.

(a) In General.—Section 25A(f)(2) of the Internal Revenue Code of 1986 (relating to eligible educational institution) is amended to read as follows:

"(2) Eligible educational institution.—The term 'eligible educational institution' means—

"(A) an institution—

"(i) which is described in section 101(b) of the Higher Education Act of 1965, and

"(ii) which is eligible to participate in a program under title IV of such Act, or

"(B) a certified commercial information technology training provider (as defined in section 30B(c)(3)).".

(b) Conforming Amendment.—The second sentence of section 221(e)(2) of the Internal Revenue Code of 1966 is amended by striking "section 25A(f)(2)" and inserting "section 25A(f)(2)(A)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Technology Workforce Coalition,
Arlington, VA.

For Immediate Release

SENATE INTRODUCES TAX CREDIT TO EASE IT WORKER SHORTAGE

Washington, April 24, 2001.—Help may soon be available for companies suffering from a shortage of skilled IT workers. On Tuesday, the United States Senate introduced the "Technology Education and Training Act (TETA) of 2001," which gives individuals and employers tax credits of up to $2,000 for IT training expenses. Sponsored by Senators Kent Conrad (D–ND), Olympia Snowe (R–ME), Mike DeWine (R–OH), and Harry Reid (D–NV), TETA works to help individuals get needed IT training, thus easing America's IT worker shortage.

"Headlines may scream out high-tech layoffs, but the plain fact is that IT jobs are going empty because there are not enough skilled people to fill them," noted Grant Mydland, Director of the Technology Workforce Coalition. Mydland applauded the bill's introduction and urged Congress' quick consideration and passage of TETA.

Essentially, TETA:

Provides a tax credit of up to $1,500 for IT training expenses paid by employers

Amends the HOPE and Lifetime Learning tax credits so individuals can better access IT training courses at all of the available institutions and training centers

Allows tax credits of up to $2,000 for small businesses, as well as for people residing in and companies operating in empowerment zones and other qualified areas

"Nearly half of all IT jobs that will be created in 2001 will remain vacant," Mydland added. "IT drives our economy. TETA gives individuals and companies the necessary educational tools to meet America's rapidly evolving IT needs. The Senate should be congratulated for its foresight in addressing a significant challenge to U.S. prosperity and growth."

SUMMARY OF THE TECHNOLOGY EDUCATION AND TRAINING ACT (TETA) OF 2001

Introduced by Senators Kent Conrad (D–ND), Olympia Snowe (R–ME), Mike DeWine (R–OH), Harry Reid (D–NV), and Representatives Jerry Weller (R–IL) and Jim Moran (D–VA)

Provides a tax credit for 100% of the first $1,500 of information technology training expenses paid for by an employer.

Amends the HOPE and Lifetime Learning tax credits to make it easier for individuals to use these tax credits for information technology training expenses.

The training program must result in certification.

The allowed credit would be $2,000 for small businesses and all companies or individuals in enterprise zones, empowerment zones, and other qualified areas.

WHY THIS TAX CREDIT IS NECESSARY

According to a 1999 Comp TIA Workforce Study, as a result of unfilled IT positions, the U.S. economy lost $105.5 billion in spending that would have gone to salaries and training, this reduced household income by $37.2 billion.

An estimated 268,740 (10%) of IT service and support positions went unfilled in 1999, resulting in $4.5 billion per year in lost worker productivity.

ITAA study released April 2, 2001, predicts a shortage of 425,000 of the 900,000 new IT workers needed in 2001.

A PUBLIC-PRIVATE PARTNERSHIP

Allows the private sector to determine who, what, where and how to train workers.

Helps individuals seek the training they need to enter or re-enter the IT workforce.

Fills the IT worker pipeline with thousands of new and retrained skilled IT workers.

Helps cities all across America fill thousands of available IT jobs.

The Information Technology
Association of America

For Immediate Release, April 24, 2001.

ITAA PRAISES IT TRAINING TAX CREDIT BILL

Arlington, VA.—The Information Technology Association of America (ITAA) today hailed the Technology Education and Training Act of 2001 introduced by Senators Kent Conrad, Olympia Snowe, Mike DeWine and Harry Reid as a vital step toward a permanent fix of the current high-tech workers shortage in the U.S.

The bill would allow employers a $1500 credit against income tax for expenses incurred by high technology job training programs for employees, and a $2000 credit for small businesses or all companies in enterprise zones or empowerment zones. ITAA believes the bill would encourage companies to go the extra mile in training U.S. workers for high tech jobs.

"Tax credits for business to train and retrain workers mean more high-paying, high-tech jobs for American workers," said ITAA President Harris N. Miller. "The current high vacancy rate for IT jobs represents thousands of missed opportunities for American workers, and the impact of failing to address this shortage can be felt as we see more jobs shipped overseas. This bill is sound public policy."

ITAA is the industry leader in combating the high-tech worker shortage. In its latest study of the demand for IT workers, When Can You Start?, ITAA found that the number of needed IT positions in the U.S. had declined to 900,000 for 2001, with an expected vacancy rate of 425,000. While substantially lower than in 2000, the study shows that demand for approximately skilled high tech workers persists.

The Information Technology Association of America (ITAA) provides global public policy,. business networking, and national leadership to promote the continued rapid growth of the IT industry. ITAA consists of over 500 direct corporate members throughout the U.S., and a global network of 41 countries' IT associations. The Association plays the leading role in issues of IT industry concern including information security, taxes and finance policy, digital intellectual property protection, telecommunications competition, workforce and education, immigration, online privacy and consumer protection, government IT procurement, human resources and e-commerce policy. ITAA members range from the smallest IT start-ups to industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, telecommunications, and enterprise solution fields.

THE AMERICAN SOCIETY FOR
TRAINING AND DEVELOPMENT,
Alexandria, VA.

For Immediate Release

ASTD ENDORSES THE TECHNOLOGY EDUCATION AND TRAINING ACT (TETA) OF 2001

ALEXANDRIA, VA, APRIL 24.—The American Society for Training & Development (ASTD) today congratulated Senator Kent Conrad (D-ND) and other leading members of the U.S. Senate and House of Representatives for introducing the Technology Education & Training Act (TETA) of 2001.

The legislation would provide a tax credit for 100% of the first $1,500 of IT training expenses paid for by an employer. It also amends the HOPE and Lifetime Learning tax credits to make it easier for individuals to use these tax credits for IT training expenses.

"Given the shortage of skilled IT workers, the Technology Education & Training Act of 2001 will go a long way toward filling the gap and providing access to additional training opportunities offered by higher education institutions and training providers," said Tina Sung, President & CEO of ASTD. "Training is the key to preparing and maintaining a strong workforce."

ASTA's data shows that organizations that make the investment in training are more financially successful. In a study of 575 U.S.-based publicly traded firms during 1996, 1997, and 1998, ASTD found that companies that invested $680 more in training per employee than the average company in the study improved their Total Shareholder Return (TSR) the next year by six percentage points.

Founded in 1944, ASTD is the world's premiere professional association in the field of workplace learning and performance. ASTD's membership includes more than 70,000 professionals in organizations from every level of the field of workplace learning and performance in more than 100 countries. Its leadership and members work in more than 15,000 multinational corporations, small and medium sized businesses, government agencies, colleges, and universities.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. BINGAMAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 764. A bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, by now we know that there will not be enough electricity supply to meet demand in California this summer and that there will be significant rolling blackouts.

As the peak summer demand for power in the State kicks in over the next few months, the crisis is only going to deepen, and we may see electricity prices in California and the Northwest reach unprecedented levels.

And without intervention by the Federal Government, the price gouging that has occurred over the past 6 months will almost certainly continue.

In fact, it looks like California will spend 10 times more for power in 2001 than it spent in 1999, an increase from $7 billion to $70 billion.

And I predict that if left unchecked, these price spikes will spread to other states as well.

But despite the severity and scope of this crisis, the Federal Energy Regulatory Commission, FERC, has failed to take necessary steps to address the problem.

Since last August, I have called upon FERC to impose a temporary wholesale price cap or cost of service-based rates on energy prices in the Western market.

But FERC, an agency whose sole mission is to regulate the energy market, has refused to act. Today, we introduce this legislation to force FERC to do its job.

Some have argued that a bill to control energy prices would remove incentives for companies to build additional energy generation, exacerbating the situation.

While I agree that we desperately need new supply, I believe that a price cap would provide temporary price stability and reliability until the market returns to normal.

And quite frankly, I think that with prices for power 10 times more than they were in 1999, there is more than enough incentive for suppliers to sell into the Western market.

With cost of service based rates, energy suppliers would generate significant profits and be guaranteed a reasonable rate of return.

With wholesale price caps, companies would be able to decide for themselves whether it is profitable to produce at a given price.

In fact, the energy crisis we are now experiencing is marked much more by the withholding of energy supply from the market than an unwillingness to build additional generation.

In fact, California expects to have 20,000 additional megawatts on line by 2004, enough power for 20 million additional people.

But because it takes 2–3 years to site new power generation, not enough energy can be brought online in time to help the situation this summer.

Price controls, if done right, could actually bring more power into the market.

Indeed, the temporary cost-based rates and/or the regional price cap that Senator SMITH and I are proposing will eliminate that incentive. Thus, generators would have no reason to withhold power to the market.

With that said, let me talk briefly about what this bill would do: The bill requires FERC to set either a temporary price cap or cost of service based rates (with a reasonable rate of return). And make no mistake this bill is temporary; it is intended to get us through two summers. In order to qualify, a state must allow its utilities to recover costs from ratepayers and a state must pass electricity rates onto ratepayers. Though a state regulatory authority would still determine the manner in which wholesale rates are passed onto consumers. In addition, the bill directs FERC to end the temporary suspension of the natural gas transportation rate cap. Even today the price of natural gas in Southern California is about 3 times the cost in neighboring San Juan, New Mexico, $13 Decatherm vs. $4.50 Decatherm. The bill directs FERC to require that anyone selling natural gas in a bundled transaction into California to disclose the commodity and transportation components of the price. When a company purchases both the transportation and commodity components of natural gas, there is no reporting requirement as to the price of each transaction. The bill also requires that all future orders to sell natural gas or electricity to an affected state must include a reasonable assurance of payment.

I am deeply disappointed that FERC will not do its job and protect consumers and businesses in the West.

It is my hope that FERC will reconsider its opposition to price caps or cost-based rates. Price caps or cost-based rates may be the only way to prevent the further transfer of wealth from the Western region to energy suppliers.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 765. A bill to amend the Internal Revenue Code of 1986 to provide a carbon sequestration investment tax credit, and for other purposes; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carbon Sequestration Investment Tax Credit Act".

SEC. 2. CARBON SEQUESTRATION INVESTMENT TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45E. CARBON SEQUESTRATION INVESTMENT CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible taxpayer's investment in a carbon sequestration project approved by the implementing panel under section 2 of the International Carbon Conservation Act, the carbon sequestration investment credit determined under this section for the taxable year is an amount equal to—

"(A) $2.50, multiplied by

"(B) the number of tons of carbon the implementing panel determines was sequestrated in such project during the calendar year ending with or within such taxable year, multiplied by

"(C) the percentage of the total investment in such project which is represented by the investment in such project which is attributable, directly or indirectly, to the eligible taxpayer, as determined by the implementing panel.

"(2) AGGREGATE DOLLAR LIMITATION.—The credit determined under paragraph (1) for any taxable year, when added to any credit allowed to the eligible taxpayer with respect to the such project in any preceding taxable year, shall not exceed 50 percent of the investment attributable to the eligible taxpayer with respect to such project through such taxable year.

"(b) ANNUAL LIMITATION ON AGGREGATE CREDIT ALLOWABLE.—

"(1) IN GENERAL.—The amount of the carbon sequestration investment credit determined under subsection (a) for any taxable year, when added to all such credits allowed to all eligible taxpayers with respect to the such project for such taxable year shall not exceed the credit dollar amount allocated to such project under this subsection by the implementing panel for the calendar year ending with or within such taxable year.

"(2) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under paragraph (1) only if it is made not later than the close of the calendar year in which the carbon sequestration project proposal with respect to such project is approved by the implementing panel under section 2 of the International Carbon Conservation Act.

"(3) AGGREGATE CREDIT DOLLAR AMOUNT.—The aggregate credit dollar amount which the implementing panel may allocate for any calendar year is equal to $200,000,000.

"(e) ELIGIBLE TAXPAYER; IMPLEMENTING PANEL.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—A taxpayer is eligible for the credit under this section with respect to a carbon sequestration project if such taxpayer has not elected the application of sections 3 and 4 of the International Carbon Conservation Act with respect to such project.

"(2) IMPLEMENTING PANEL.—The term 'implementing panel' means the implementing panel established under section 2 of such Act.

"(f) RECAPTURE OF CREDIT IN CERTAIN CASES.—

"(1) IN GENERAL.—If, at any time during the 30-year period of a carbon sequestration project, there is a recapture event with respect to such project, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The credit recapture amount is an amount equal to the recapture percentage of all carbon sequestration investment credits previously allowable to an eligible taxpayer with respect to any investment in such project that is attributable to such taxpayer.

"(B) RECAPTURE PERCENTAGE.—The recapture percentage shall be 100 percent if the recapture event occurs during the first 10 years of the project, 66⅔ percent if the recapture event occurs during the second 10 years of the project, 33⅓ percent if the recapture event occurs during the third 10 years of the project, and 0 percent if the recapture event occurs at any time after the 30th year of the project.

"(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to a carbon sequestration project if—

"(A) the eligible taxpayer violates a term or condition of the approval of the project by the implementing panel at any time,

"(B) the eligible taxpayer adopts a practice which the implementing panel has specified in its approval of the project as a practice which would tend to defeat the purposes of the carbon sequestration program, or

"(C) the eligible taxpayer disposes of any ownership interest arising out of its investment that the implementing panel has determined is attributable to the project, unless the implementing panel determines that such disposition will not have any adverse effect on the carbon sequestration project.

If an event which otherwise would be a recapture event is outside the control of the eligible taxpayer, as determined by the implementing panel, such event shall not be treated as a recapture event with respect to such taxpayer.

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(g) DISALLOWANCE OF DOUBLE BENEFIT.—

"(1) BASIS REDUCTION.—The basis of any investment in a carbon sequestration project shall be reduced by the amount of any credit determined under this section with respect to such investment.

"(2) CHARITABLE DEDUCTION DISALLOWED.—No deduction shall be allowed to an eligible taxpayer under section 170 with respect to any contribution which the implementing panel certifies pursuant to section 2 of the International Carbon Conservation Act to the Secretary constitutes an investment in a carbon sequestration project that is attributable to such taxpayer.

"(h) CERTIFICATION TO SECRETARY.—The implementing panel shall certify to the Secretary before January 31 of each year with respect to each eligible taxpayer which has made an investment in a carbon sequestration project—

"(1) the amount of the carbon sequestration investment credit allowable to such taxpayer for the preceding calendar year,

"(2) whether a recapture event occurred with respect to such taxpayer during the preceding calendar year, and

"(3) the credit recapture amount, if any, with respect to such taxpayer for the preceding calendar year.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal benefits,

"(2) which prevent the abuse of the provisions of this section through the use of related parties, and

"(3) which impose appropriate reporting requirements.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) the carbon sequestration investment credit determined under section 45E(a).".

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

"(10) NO CARRYBACK OF CARBON SEQUESTRATION INVESTMENT CREDIT BEFORE JANUARY 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45E may be carried back to a taxable year ending before January 1, 2002.".

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the carbon sequestration investment credit determined under section 45E(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45E. Carbon sequestration investment credit.".

(e) Effective Date.—The amendments made by this section shall apply to investments made after December 31, 2001.

By Mr. HUTCHINSON:

S. 766. A bill to impose notification and reporting requirements in connection with grants of waivers of the limitation on certain procurements of the Department of Defense that is known as the Berry amendment, and for other purposes; to the Committee on Armed Services

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill I am introducing today be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTIFICATION AND REPORTING REQUIREMENTS REGARDING WAIVER OF THE BERRY AMENDMENT LIMITATION.

(a) Annual Report.—(1) After the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the waivers of the limitation on use of funds set forth in section 9005 of Public Law 102-396 (popularly known as the "Berry amendment") that were granted under any provision of law during that fiscal year for procurements made by the Defense Logistics Agency for the military departments.

(2) The report for a fiscal year shall include the following:

(A) The number of waivers.

(B) For each waiver—

(i) the reasons for the waiver;

(ii) the date of the notification of the military department concerned under subsection (b); and

(iii) a description of the items procured pursuant to the waiver, together with the amount of the procurement.

(C) The number of instances in which the Secretary of Defense waived the notification requirement under subsection (b).

(b) Notification.—(1) Not later than 14 days before granting a waiver of the limitation referred to in subsection (a)(1) for a procurement to be made by the Defense Logistics Agency for a military department, the Secretary of Defense shall transmit to the Secretary of the military department a notification of the determination to waive the limitation.

(2) The Secretary of Defense may waive the applicability of the notification requirement under paragraph (1) in any case in which the Secretary determines that a delay of the procurement to satisfy the requirement is not consistent with a need to expedite the procurement in the national security interests of the United States.

(c) System for Data Collection.—The Secretary of Defense shall establish a system for—

(1) monitoring the granting of waivers of the limitation referred to in subsection (a)(1); and

(2) recording the waivers and the reasons for the waivers.

(d) Definition.—In this section, the term "waiver", with respect to the limitation referred to in subsection (a)(1), means a determination authorized under section 9005 of Public Law 102-396 that a particular procurement is covered by an exception provided in that section.

By Mr. REED (for himself, Mr. Corzine, Mr. Kennedy, Mrs. Clinton, Mr. Durbin, Mrs. Feinstein, Mr. Levin, Mr. Torricelli, Mr. Kerry, Mr. Chafee, Mrs. Boxer, Mr. Schumer, Ms. Mikulski, Mr. Wellstone, Mr. Graham, Mr. Inouye, Mr. Carper, Mr. Wyden, Mr. Sarbanes, Mr. Akaka, and Mr. Hollings):

S. 767. A bill to extend the Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

Mr. REED. Mr. President, I rise to introduce the Gun Show Background Check Act of 2001. Along with twenty of my colleagues, I am offering this legislation to renew the process of bringing some sense to our nation's gun laws by closing a loophole that has allowed criminals to buy firearms at gun shows for far too long.

The Bureau of Alcohol, Tobacco and Firearms reported to Congress last year that gun shows are a major gun trafficking channel responsible for more than 26,000 illegal firearms sales during an 18-month period. The FBI and ATF tell us again and again that convicted felons, domestic abusers, and other prohibited purchasers are taking advantage of the gun show loophole to acquire firearms.

Two years ago, after Eric Harris and Dylan Klebold killed 13 people at Columbine High School with weapons purchased from a private seller at a gun show, the United States Senate passed the Lautenberg amendment to close the gun show loophole. The legislation I am introducing today is identical to that Senate-passed amendment.

Under federal law, Federal Firearms Licensees are required to maintain careful records of their sales, and under the Brady Act, to check a purchaser's background with the National Instant Criminal Background Check System before transferring any firearm. However, a person does not need a federal firearms license, and the Brady Act does not apply, if the person is not "engaged in the business" of selling firearms pursuant to federal law. These nonlicensees make up one quarter or more of the sellers of firearms at thousands of gun shows in America each year. Consequently, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchases buy firearms at gun shows.

My legislation incorporates recommendations made by the Department of Justice and the Department of the Treasury in their 1999 report on gun shows. The legislation would take several steps to make gun show transactions safer for all Americans:

Definition of gun shows: Gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. This definition includes not only those events where firearms are the main commodity sold, but also other events where a significant number of guns are sold, such as flea markets or swap meets.

Gun show promoters: Gun show promoters would be required to register with the Bureau of Alcohol, Tobacco, and Firearms, maintain a list of vendors at all gun shows, and ensure that all vendors acknowledge receipt of information about their legal obligations.

Background checks for all transactions: The bill requires that all firearms sales at gun shows go through a Federal Firearms Licensee. If a nonlicensed person is selling a weapon, they would use an FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transactions.

Improved firearm tracing: FFLs would be required to submit information necessary to trace all firearms transferred at gun shows to the ATF's National Tracing Center, including the manufacturer/importer, model, and serial number of the firearms. However, no personal information about either the seller or the purchaser would be given to the government. Instead, as under current law, FFLs would maintain this information in their files. The NTC would request this information from an FFL only in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

Some will say that this legislation is an attempt to end gun shows, but the experience of states that have closed the gun show loophole proves otherwise. California, for example, requires not only background checks at gun shows but a 10-day waiting period for all gun sales, yet gun shows continue to thrive there. No, we're not trying to end gun shows. What we are trying to end is the free pass we're giving to convicted felons when they can walk into a gun show, find a private dealer, buy whatever weapons they want and walk out without a Brady background check.

In overwhelming numbers, the American people believe that background checks should be required for all gun show sales. The people of Colorado and Oregon confirmed this last fall when they approved ballot initiatives to close the gun show loophole. I urge my colleagues to support the Gun Show Background Check Act of 2001 so that we can finally close this loophole in every state and make sure that convicted felons, domestic abusers, and other prohibited persons do not use gun shows to purchase firearms without a Brady background check.

By Mr. WARNER:

S. 768. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes, to the Committee on Governmental Affairs.

Mr. WARNER. Mr. President, I am pleased to join my colleague in the House of Representatives, Congressman JIM MORAN, in introducing legislation to correct an error in the retirement benefits calculation for certain part-time federal employees.

In 1986, Congress passed legislation to reform the retirement system for the federal workforce, establishing the Federal Employees Retirement System to replace the Civil Service Retirement System.

Provisions in this legislation also revised the formula used to determine retirement benefits for employees with full time and part time service in the federal government. Congress did not intend this change to impact the existing workers who remained under the Civil Service Retirement System.

Implementation of the provision, however, was misinterpreted by the Office of Personnel Management. Affected employees are losing hundreds, and in some cases thousands, of dollars every year of the retirement benefits they earned.

Many employees only became aware as they were about to retire that they would not receive all of the benefits they were expecting. The impacted federal workers had full-time service before 1986, and changed to part-time service for the end of their civil service career. Often these employees cut back their hours to care for their families, or even delayed retirement and worked part-time to help an office during a transition period.

The revised retirement formula calculates benefits for a federal part-time worker based on a full-time equivalent basis which is scaled accordingly. Benefits are based on a worker's high-three average salary during his or her career. This could occur during an employee's part-time service.

Civil service employees with pre-1986 full-time work and some part-time work after 1986 do not receive the proper credit for their full-time work, however, because full-time and part-time work are broken into two parts. The full-time equivalent pay for the high-three years should apply to an employees entire career. Instead, for the affected employees, their pre-1986 full-time benefits are based on actual salary. This two-step approach undervalues the worker's full-time service.

The bill I am introducing today will correct this error by allowing an employee's full-time equivalent salary for their high-three years apply to their entire careers, including pre-1986 service.

I encourage my colleagues to support this legislation and these federal employees for their dedicated service by ensuring they receive the retirement benefits they have earned.

I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

"(3) In the administration of paragraph (1)—

"(A) subparagraph (A) of such paragraph shall apply with respect to any service performed on a part-time basis before, on, or after April 7, 1986;

"(B) subparagraph (B) of such paragraph shall apply with respect to all service performed on or after April 7, 1986 (whether on a part-time basis or otherwise); and

"(C) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by this Act shall apply only with respect to an annuity entitlement that is based on a separation occurring on or after the date of enactment of this Act.

(b) RECOMPUTATION OF CERTAIN ANNUITIES.—

(1) IN GENERAL.—In the case of any individual who—

(A) before April 7, 1986, performed any service creditable under subchapter III of chapter 83 of title 5, United States Code, and

(B) was separated from the service on or after April 7, 1986, and before the date of enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code (or under chapter 84 of that title, to the extent of any portion of such annuity which is computed under subchapter III of such chapter 83) based on the service of such individual shall be recomputed to take into account the amendment made by this Act, if application therefor is made within 18 months after the date of enactment of this Act.

(2) AMOUNTS TO WHICH APPLICABLE.—Any change in an annuity resulting from a recomputation under paragraph (1) shall be effective with respect to amounts accruing for months beginning after the date on which application for such recomputation is made.

(c) NOTICE REQUIREMENT.—

(1) IN GENERAL.—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to have any annuity recomputed under subsection (b) of their entitlement to such recomputation.

(2) ASSISTANCE.—The Office shall, on request, assist any individual referred to in paragraph (1) in obtaining from any department, agency, or other instrumentality of the United States such information in the possession of such instrumentality as may be necessary—

(A) to verify the entitlement of such individual to have an annuity recomputed under subsection (b); or

(B) to carry out any such recomputation.

(3) INFORMATION.—Any department, agency, or other instrumentality of the United States which possesses any information with respect to part-time service performed by an individual shall, at the request of the Office, furnish such information to the Office.

By Mr. BROWNBACK (for himself, Mr. REID, Mr. LUGAR, and Mr. DEWINE):

S. 769. A bill to establish a carbon sequestration program and an implementing panel within the Department of Commerce to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the buildup of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Carbon Conservation Act".

SEC. 2. CARBON SEQUESTRATION PROGRAM.

(a) CARBON SEQUESTRATION PROGRAM.—Within 180 days after the date of the enactment of this Act, the implementing panel shall establish a carbon sequestration program to permit project sponsors to make carbon sequestration project proposals to the implementing panel.

(b) IMPLEMENTING PANEL.—There is established within the National Institute of Standards and Technology of the Department of Commerce an implementing panel consisting of—

(1) the Director of the National Institute of Standards and Technology,

(2) the Secretary of Agriculture,

(3) the Secretary of State,

(4) the Secretary of Energy,

(5) the Chief of the Forest Service, and

(6) representatives of nongovernmental organizations who have an expertise and experience in carbon sequestration practices, appointed by the Secretary of Agriculture.

The Chief of the Forest Service shall act as chairperson of the implementing panel.

(c) CARBON SEQUESTRATION PROJECT.—For purposes of this section—

(1) IN GENERAL.—The term "carbon sequestration project" means a project—

(A) which is located outside the United States,

(B) the duration of which is not less than 30 years,

(C) which is designed to increase the sequestration of carbon, and

(D) which is accepted by the implementing panel under the carbon sequestration program.

(2) ACCEPTANCE OF PROJECT PROPOSALS.—

(A) IN GENERAL.—Under the carbon sequestration program, the implementing panel shall accept a proposal for a carbon sequestration project from a project sponsor only if—

(i) the proposal includes a needs assessment described in subparagraph (B),

(ii) the proposal identifies the benefits of carbon sequestration practices of the sponsored project under criteria developed to evaluate such benefits under subsection (d) and under guidelines instituted to quantify such benefits under subsection (e) and includes an agreement by the sponsor to carry out such practices as described in subparagraph (C), and

(iii) the proposal includes an agreement to provide verification of compliance with an approved project as described in subparagraph (D) under standards established under subsection (f).

(B) NEEDS ASSESSMENT.—A needs assessment described in this subparagraph is an assessment of the need for the carbon sequestration project described in a proposal and the ability of the project sponsor to carry out the carbon sequestration practices related to such project. The assessment shall be developed by the project sponsor, in cooperation with the Agency for International Development, nongovernmental organizations, and independent third-party verifiers.

(C) CARBON SEQUESTRATION PRACTICES.—Under a carbon sequestration project proposal, the project sponsor shall agree to contract with other entities, including organizations based in the country in which the sponsored carbon sequestration project is located, to carry out carbon sequestration practices proposed by the project sponsor which (as determined by the implementing panel)—

(i) provide for additional carbon sequestration beyond that which would be provided in the absence of such project, and

(ii) contribute to a positive reduction of greenhouse gases in the atmosphere through carbon sequestration over at least a 30-year period.

(D) VERIFICATION OF COMPLIANCE WITH APPROVED CARBON SEQUESTRATION PROJECT.—Under a carbon sequestration project proposal, the project sponsor shall agree to provide the implementing panel with verification through a third party that such project is sequestering carbon in accordance with the proposal approved by the implementing panel, including an annual audit of the project, an actual verification of the practices at the project site every 5 years, and such random inspections as are necessary.

(d) CRITERIA FOR EVALUATING BENEFITS OF CARBON SEQUESTRATION PRACTICES.—

(1) IN GENERAL.—Under the carbon sequestration program the Chief of the Forest Service, in consultation with other members of the implementing panel, shall develop criteria for prioritizing, determining the acceptability of, and evaluating, the benefits of the carbon sequestration practices proposed in projects for the purpose of determining the acceptability of project proposals.

(2) CONTENT.—The criteria shall ensure that carbon sequestration investment credits under section 45E of the Internal Revenue Code of 1986 are not allocated to projects the primary purpose of which is to grow timber for commercial harvest or to projects which replace native ecological systems with commercial timber plantations. Projects should be prioritized according to—

(A) native forest preservation, especially with respect to land which would otherwise cease to be native forest land,

(B) reforestation of former forest land where such land has not been forested for at least 10 years,

(C) biodiversity enhancement,

(D) the prevention of greenhouse gas emissions through the preservation of carbon storing plants and trees,

(E) soil erosion management,

(F) soil fertility restoration, and

(G) the duration of the project, including any project under which other entities are engaged to extend the duration of the project beyond the minimum carbon sequestration project term.

(e) GUIDELINES FOR QUANTIFYING BENEFITS.—

(1) IN GENERAL.—Under the carbon sequestration program, the Chief of the Forest Service, in consultation with other members of the implementing panel, shall institute guidelines for the development of methodologies for quantifying the amount of carbon sequestered by particular projects for the purposes of determining the acceptability of project proposals. These guidelines should set standards for project sponsors with regard to—

(A) methodologies for measuring the carbon sequestered,

(B) measures to assure the duration of projects sponsored,

(C) criteria that verifies that the carbon sequestered is additional to the sequestration which would have occurred without the sponsored project,

(D) reasonable criteria to evaluate the extent to which the project displaces activity that causes deforestation in another location, and

(E) the extent to which the project promotes sustainable development in a project area, particularly with regard to protecting the traditional land tenure of indigenous people.

(2) BASIS.—In developing the guidelines, the Chief of the Forest Service shall—

(A) consult with land grant universities and entities which specialize in carbon storage verification and measurement, and

(B) use information reported to the Secretary of Energy from projects carried out under the voluntary reporting program of the Energy Information Administration under section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385).

(f) VERIFICATION STANDARDS.—Under the carbon sequestration program, the Director of the National Institute of Standards and Technology, in consultation with other members of the implementing panel and the National Science Foundation, shall establish verification standards for purposes of subsection (c)(2)(D).

(g) PROGRAM REPORTING.—The Administrator of the Energy Information Administration, in consultation with the Secretary of Agriculture, shall develop forms to monitor carbon sequestration improvements made as a result of the program established under this section and the implementing panel shall use such forms to report to the Administrator on—

(1) carbon sequestration improvements made as a result of the program,

(2) carbon sequestration practices of project sponsors enrolled in the program, and

(3) compliance with the terms of the implementing panel's approval of projects.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program established under subsection (a).

SEC. 3. EXPORT-IMPORT BANK FINANCING.

An owner or operator of property that is located outside of the United States and that is used in a carbon sequestration project approved by the implementing panel under section 2 may enter into a contract for an extension of credit from the Export-Import Bank of the United States of up to 75 percent of the cost of carrying out the carbon sequestration practices specified in the carbon sequestration project proposal to the extent that the Export-Import Bank determines that the cost sharing is appropriate, in the public interest, and otherwise meets the requirements of the Export-Import Bank Act of 1945.

SEC. 4. EQUITY INVESTMENT INSURANCE.

An owner or operator of property that is located outside of the United States and that is used in a carbon sequestration project approved by the implementing panel under section 2 may enter into a contract for investment insurance issued by the Overseas Private Investment Corporation pursuant to section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) if the Corporation determines that issuance of the insurance is consistent with the provisions of such section 234.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 770. A bill to amend part A of title IV of the Social security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am pleased to be joined by Senator JEFFORDS, Chairman of the Health, Education, Labor, and Pensions Committee in introducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases from 12 to 24 months the limit on the amount of vocational education training that a state can count towards meeting its work participation rate.

Under the pre-1996 Aid to Families with Dependent Children program, recipients could participate in post-secondary vocational training or community college programs for up to 24 months. While I support the new law's emphasis on moving welfare recipients more quickly into jobs, I am troubled by the law's restriction on post-secondary education training, limiting it to 12 months. One year of vocational education is an approved work activity, the second year of post-secondary education study is not.

The limitation on post-secondary education training raises a number of concerns, not the least of which is whether individuals may be forced into low-paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. According to recent studies, this is exactly what has happened in far too many cases. According to a March 13, 2001 report of the Congressional Research Service, which is based on research published in the 2000 Edition of the House Committee on Ways and Means Green Book, although the majority of recipients who have left the welfare rolls left because they became employed, most remained poor. The research also revealed that the average hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour.

Study after study indicates that short-term training programs raise the income of workers only marginally, while completion of at least a two-year associate degree has the potential of breaking the cycle of poverty for welfare recipients. According to the U.S. Census Bureau, the median earnings of adults with an associate degree are 30 percent higher than adults who have not achieved such a degree.

A majority of the members of the Senate has previously cast their vote in favor of making 24 months of post-secondary education a permissible work activity under TANF The Levin-Jeffords amendment to the 1997 Reconciliation bill, permitting up to 24 months of post-secondary education, received 55 votes—falling five votes short of the required procedural vote of 60. The amendment had the support of the National Governors Association, NGA, and NGA's support continues with the legislation Senator JEFFORDS and I are introducing today. I would also like to make note of Senator WELLSTONE's efforts on this issue. He subsequently proposed several modifications to TANF, including raising the 12 month limit to 24 months, in an amendment to the 1998 Higher Education reauthorization bill. The amendment passed the Senate but was deleted during conference negotiations.

It is my hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed State flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

In closing, I would like to present to my colleagues some examples of the earnings that can be made upon completion of two years of training in a structured vocational or community college program. The following are jobs that an individual could prepare for in a two-year community college program, including the average starting salary for each nationwide.

Average Starting Salary Nationwide

Dental Hygiene	$31,750
Physical Therapy Assistant	28,782
Computer Programing	28,000
Occupational Therapy Assistant	27,624
Respiratory Therapy	26,877
Computer Assisted Design	26,890
Drafting and Design	24,800
Electronic Technology	24,255
Culinary Arts	22,500
Early Childhood Development Assistant	18,600

Again, I urge my colleagues to act with haste. The modification embodied in this legislation can give the states the flexibility they need to help improve the economic status of families across America.

By Mr. WARNER (for himself and Mr. ALLEN):

S.J. Res. 13. A joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette; to the Committee on the Judiciary.

Mr. WARNER. Mr. President, I rise today to introduce a bill that will make General Lafayette an honorary United States Citizen. This honor has been bestowed on four other individuals including Winston Churchill and Mother Teresa.

Marie Joseph Paul Yves Roch Gilbert du Motier, Marquis de La Fayette (1757–1834) was born in France and was a wealthy French youth blessed with every advantage offered by Europe's aristocracy. Although he was wealthy and among France's aristocracy, he risked his wealth and status to aid the Americans in their revolution against Great Britain.

At the age of 19, determined to dedicate himself to the cause of our liberty, he bought a ship and sailed to the American colonies to volunteer his services. In early summer of 1777, soon after his arrival, Congress voted him the rank and commission of Major General. Just two months later, Lafayette was wounded at the battle of Brandywine, forever endearing himself to the American soldiers.

Throughout the American Revolution, Lafayette acted as a liaison between France and the American colonies. He urged influential policy makers to have France make the decisive military, naval and financial commitment to the colonists. His tireless efforts, both as a liaison and a general, aided America in her time of need.

As a general, his military tactics lured British General Cornwallis and his army to Yorktown, Virginia. The American Army, led by General Washington, along with French forces led by Rochambeau, came south and trapped Cornwallis and his troops at Yorktown. As a result, the British were forced to surrender.

Lafayette's services to America extended beyond the battlefront. He worked diligently as an advisor, helping win concessions from Britain during the Treaty negotiations. At Versailles, when negotiating with the French government, our representatives Franklin and Jefferson found him invaluable. Moreover, his impartial friendship was extended to the first eight U.S. presidents.

Despite his commitment to our Country, America did not recognize his United States' citizenship in his time of need. While crossing the French border into the Netherlands to escape arrest from the Revolutionary French Government, the Austrians captured and arrested General Lafayette. Despite his claim that he was an American citizen being illegally detained, the Austrians disagreed. General Lafayette appealed to American ministers for help, but his calls for intervention were not answered. Lafayette clearly felt that he was an America citizen, and technically he may have been under the blanket naturalization granted all citizens of each state when the Constitution was ratified. The U.S. government, however, failed to acknowledge his claim, and he spent the next five years in prison.

Although General Lafayette was made an honorary citizen by Virginia and Maryland before the United States Constitution was ratified, the United States failed to recognize his citizenship while he was imprisoned. I feel that we must set the record straight and honor General Lafayette for his commitment to the United States by making him an honorary United States citizen. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 13

Whereas the United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette or General Lafayette, voluntarily put forth his own money and risked his life for the freedom of Americans;

Whereas the Marquis de Lafayette, by an Act of Congress, was voted to the rank of Major General;

Whereas, during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to the American soldiers;

Whereas the Marquis de Lafayette secured the help of France to aid the United States' colonists against Great Britain;

Whereas the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland;

Whereas the Marquis de Lafayette was the first foreign dignitary to address Congress, which honor was accorded him upon his return to the United States in 1824;

Whereas, upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States;

Whereas an American flag has flown over his grave in France since his death and has not been removed, even while France occupied by Nazi Germany during World War II; and

Whereas the Marquis de Lafayette gave aid to the United States in time need and is forever a symbol of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette, is proclaimed to be an honorary citizen of the United States of America.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—DESIGNATING THE MONTH OF APRIL AS "NATIONAL SEXUAL ASSAULT AWARENESS MONTH"

Mr. SPECTER (for himself, Mrs. Boxer, Mr. Crapo, Mrs. Murray, Mr. Jeffords, Mr. Akaka, Mr. Gregg, Mr. Dodd, Ms. Snowe, Mr. Biden, Mr. Inhofe, Mr. Reid, Mr. Torricelli, Mr. Feingold, Mr. Kerry, Mr. Graham, Mr. Bingaman, Ms. Mikulski, Ms. Landrieu, Ms. Stabenow, Mr. Daschle, Mr. Levin, Mr. Baucus, Mrs. Clinton, Mr. Schumer, Mrs. Feinstein, Mr. Sarbanes, Mr. Johnson, Mr. Corzine, Mr. Lieberman, Mr. Wellstone, Mr. Kennedy, and Mr. Bayh) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 72

Whereas non-stranger and stranger rape and sexual assault affects women, children, and men of all racial, cultural, and economic backgrounds;

Whereas women, children, and men suffer multiple types of sexual violence;

Whereas the Department of Justice reports that a sexual assault occurs every 90 seconds;

Whereas it is estimated by the Bureau of Justice Statistics that over 70 percent of rapes are never reported to the police;

Whereas in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas it is important to recognize the compassion and dedication of the individuals who provide services to survivors and work to increase the public understanding of this significant problem;

Whereas State coalitions and local rape crisis centers across the Nation are committed to increasing public awareness of sexual violence and its prevalence and to eliminating it through education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, allied professionals, and victim services;

Whereas the Centers for Disease Control and Prevention have identified sexual assault as a significant, costly, and preventable health issue; and

Whereas the United States Government has expressed a commitment to eliminating sexual violence in society with various legislative actions and appropriations, including the Violence Against Women Act, Grants to Combat Violence Against Women on Campus, and through projects of the Centers for Disease Control and Prevention: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of April 2001, as "National Sexual Assault Awareness Month";

(2) encourages individual and collective efforts that reflect the vision of a Nation where no sexual assault victim goes unserved or ever feels there is no path to justice and where citizens work toward eliminating all forms of sexual violence; and

(3) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe "National Sexual Assault Awareness Month" with appropriate ceremonies, activities, and programs to reflect the commitment to eliminating sexual violence from society and to acknowledge the work of organizations and individuals against sexual violence.

SENATE CONCURRENT RESOLUTION 33—SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

Mr. GREGG (for himself and Mr. Lieberman) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 33

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parent flexibility, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $500,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 34 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 550,000 students in more than 2,150 charter schools during the 2000 to 2001 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of low income, minority, and disabled students;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are centers of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and commends the charter school movement for its contribution to improving student achievement and our Nation's public school system;

(2) designates the period beginning on April 30, 2001, and ending on May 4, 2001, as "National Charter Schools Week"; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe the week by conducting appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 26, 2001 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural resources, United States Senate, SH–212 Hart Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2001, at 2:20 p.m., in executive session to consider certain pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2001, at 3:30 p.m., in open session to consider the nominations of Dr. Dov S. Zakheim to be Under Secretary of Defense, comptroller; Mr. Charles S. Abell to be Assistant Secretary of Defense for force management policy; and Ms. Victoria Clarke to be Assistant Secretary of Defense for Public Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 24, 2001, to conduct a hearing on the nomination of Mr. Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade; Mr. Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration; Ms. Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; and Mr. Robert Glenn Hubbard, of New York, to be a member of the Council of Economic Advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 24, 2001, to conduct a mark-up of S. 206, "The Public Utility Holding Company Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 24, 2001 to hear testimony on the Tax Code Complexity, New Hope for Fresh Solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Protecting Small Business Rights: SBREFA on Its 5th Anniversary" on Tuesday, April 24, 2001, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMITTEE AND TOURISM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Committee and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 24, 2001, at 10 a.m. on Booster Seats and the Forgotten Child: Closing a Safety Gap.

The presiding officer. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 24, 2001, at 2:30 p.m. on NASA's Aeronautics Program.

The presiding officer. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 24, 2001, at 9:30 a.m., in open session to receive testimony on the recruiting initiatives of the Department of Defense and the Military Services and to receive an update on the status of recruiting and retention goals.

The presiding officer. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicky Yuen and Jay Barth, both fellows in my office, be granted privileges of the floor.

The presiding officer. Without objection, it is so ordered.

REPRINTING OF "WOMEN IN CONGRESS, 1917–1990"

Mr. VOINOVICH. I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 66, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) authorizing the printing of a revised and updated version of the House document entitled "Women in Congress, 1917–1990."

There being no objection, the Senate proceeded to consider the House concurrent resolution.

Mr. VOINOVICH. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 66) was agreed to.

ORDERS FOR WEDNESDAY, APRIL 25, 2001

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, April 25. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 11 a.m. with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 9:30 to 10:15 a.m.; and Senator THOMAS or his designee from 10:15 to 11 a.m.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, it is hoped that the Senate can begin consideration of S. 1, the education bill, during tomorrow's session. An agreement on the bill is being negotiated, and we are hoping to begin consideration shortly after an agreement is reached. All Senators are encouraged to come to the floor tomorrow to participate in that debate. Votes are therefore possible during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. VOINOVICH. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Wednesday, April 25, 2001, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 24, 2001*

The House met at 2 p.m.

The Reverend Michael J. Cronin, student, the Catholic University of America, Washington, D.C., and priest, Diocese of Winona, Minnesota, offered the following prayer:

Almighty and eternal God, in Your great mercy, You have revealed Your glory to all the nations. Let the light of Your divine wisdom direct the deliberations of Congress and shine forth in all these proceedings and laws framed for our government. May those who serve in this body be enabled by Your powerful protection to discharge their duties with honesty and integrity. May they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality. May all people in this great land be preserved in union and peace and, after enjoying the blessings of this life, be admitted to those which are eternal. We pray to You, who are Lord and God, forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 700. An act to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. Con. Res. 7. Concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, promote mutual understanding and cooperation among nations, and for other purposes.

S. Con. Res. 23. Concurrent resolution expressing the sense of Congress with respect to the involvement of the Government of Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 83. Concurrent resolution establishing the congressional budget for the United States Government for the fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of the fiscal years 2003 through 2011.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 83) "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. CONRAD, Mr. HOLLINGS, Mr. SARBANES, and Mrs. MURRAY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, appoints the Senator from Ohio (Mr. DEWINE) as a member of the United States Capitol Preservation Commission.

The message also announced that pursuant to Public Law 94–118, the Chair, on behalf of the President pro tempore, reappoints the Senator from Alaska (Mr. MURKOWSKI) to the Japan-United States Friendship Commission.

The message also announced that pursuant to Public Law 94–118, the Chair, on behalf of the President pro tempore, reappoints the Senator from West Virginia (Mr. ROCKEFELLER) to the Japan-United States Friendship Commission.

WELCOME TO REVEREND MICHAEL CRONIN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, we are delighted to welcome the Reverend Michael Cronin today as our guest chaplain. Father Cronin was born and raised in Rochester, Minnesota, and graduated in 1988 from St. John's University in Collegeville. After graduation, Father Cronin came to Washington, D.C. to work as a staff assistant to my predecessor, Congressman Tim Penny.

In 1990, Father Cronin returned to Minnesota to begin his studies for the priesthood. Father Cronin was ordained in June of 1995 and went on to serve as assistant pastor at his home parish, the Church of St. Pius X in Rochester.

During this time, he also served as a chaplain and instructor at Lourdes High School. In 1998, Father Cronin was assigned to the Cathedral of the Sacred Heart in Winona, Minnesota, where he also served as chaplain at the Newman Center of Winona State University.

Last year, Father Cronin began full-time studies in the Department of Canon Law at the Catholic University of America here in Washington, D.C. Upon completion, he hopes to return to the Diocese of Winona.

Permit me, Mr. Speaker, to thank Father Cronin for serving as our guest chaplain today and for his service to the young people of the First District of Minnesota.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. STEARNS) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 9, 2001 at 9:43 a.m.

That the Senate PASSED without amendment H. Con. Res. 43.

With best wishes, I am
Sincerely,

MARTHA MORRISON,
Deputy Clerk of the House.

APPOINTMENT AS MEMBERS TO UNITED STATES-CHINA SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization

Act for fiscal year 2001 (PL 106–398) and the order of the House of Wednesday, April 4, 2001, the Speaker on Thursday, April 5, 2001, appointed the following members on the part of the House to the United States-China Security Review Commission:

Mr. Stephen D. Bryen, Maryland;

Ms. June Teufel Dreyer, Florida; and

Mr. James R. Lilley, Maryland.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jill Rohret, district scheduler to the Honorable JAMES A. LEACH, Member of Congress:

CONGRESS OF THE UNITED STATES,
April 5, 2001.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JILL ROHRET,
District Scheduler.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rachel Schrepferman, staff assistant to the Honorable JAMES A. LEACH, Member of Congress:

CONGRESS OF THE UNITED STATES,
April 6, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

RACHEL SCHREPFERMAN,
Staff Assistant.

COMMUNICATION FROM THE HONORABLE BRAD SHERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BRAD SHERMAN, Member of Congress:

BRAD SHERMAN,
24th District, California, April 18, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Municipal Court for Los Angeles County, California.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

BRAD SHERMAN,
Member of Congress.

MILLIONAIRE'S TRIP TO SPACE STATION IS LATEST EXAMPLE OF RUSSIANS TAKING NASA'S MANAGEMENT TO CLEANERS

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I rise today disappointed by the news that NASA has again acquiesced to inappropriate Russian demands to the Space Station program. Russia will be sending Dennis Tito, a 60-year-old American millionaire, as one of its contributions to this week's mission to the Space Station.

What unique characteristics does Mr. Tito possess that earned his place on this mission? Cold hard cash. $20 million of it from Mr. Tito to the Russians is all it took for a rocket-powered trip to the Space Station. Unfortunately, this partnership based on a core scientific mission apparently is now the next Club Med for those able to pony up millions of dollars to the Russian Government.

So how is it that the Russians, whose Station nonperformance cost the U.S. taxpayers at least 2 years' delay and over $5 billion in cost overruns, can brazenly increase the safety risk of the entire mission? They can because NASA's management did not provide the necessary safeguards earlier in this so-called partnership. NASA's forced acquiescence to Russia regarding Mr. Tito is just the latest example of the Russians taking NASA's management to the cleaners.

AMERICA HAS BEEN BETRAYED BY JANET RENO AND FATCATS AT TOP, AND THERE HAS NOT EVEN BEEN AN INVESTIGATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, why does China really need our spy plane? Think about it. John Huang and James Riady and the Lippo Group, they already bought and sold all the secrets. What they did not buy and spy, the former administration gave it to them outright.

That is right. Let us tell it like it is. I believe America has been betrayed by Janet Reno and fatcats at the top, and there has not even been an investigation. Beam me up. If there is one good thing about all this, China is not going to learn anything because most of the equipment probably in that spy plane was made in China like everything else.

I yield back the fact that Congress should rescind and cancel permanent trade relations with China until China looks Uncle Sam in the eye and starts to get truthful.

FURNITURE MARKET FACTS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, High Point, North Carolina, is known far and wide as the furniture capital of the world. High Point is hosting this week the largest wholesale home furnishing show in the world, where approximately 80,000 industry professionals have come from 50 States and 110 countries to buy, sell, and discuss furniture.

The market was established in 1921 when 149 American companies organized their own show at a location central to the country's leading furniture manufacturers, and that is High Point, North Carolina.

We extend best wishes to those at High Point this week for a successful market and extend furthermore a cordial welcome for all to return to High Point in the fall, in October specifically, for the fall market.

AMERICA NEEDS A REAL ENERGY POLICY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I would like to welcome all my colleagues back to Washington, D.C. It is obvious that spring is here and that summer is just around the corner; and soon no doubt air conditioners will be going full force and the energy crisis that has gripped the West will only get worse.

Nevadans are well aware of the energy crisis which has overcome one of our neighbors, California. First there were rolling blackouts, now massive rate hikes, up to 46 percent for some 10 million homes and businesses.

As Californians work to solve its energy problems, this Congress must address the energy crisis looming over our entire Nation. For too long the U.S. has operated without a responsible energy policy, and now Americans are beginning to pay the price. We need a responsible and reliable energy policy.

Let us face it, Mr. Speaker, in the 21st century we expect the lights to go on and the air conditioning to work without fail. We must address the rolling blackouts, rate hikes, and consumer aggravation; and we must establish a real energy policy that meets the needs of modern America.

TUBERCULOSIS IS SPREADING RAPIDLY THROUGH THE DEVELOPING WORLD

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the threat of tuberculosis is spreading rapidly throughout the developing world, and ultimately in this country.

TB is the greatest infectious killer of adults worldwide. More than one-third of African AIDS victims actually end up, in the end, dying from tuberculosis. 1,100 people a day are dying from tuberculosis in India. It kills 2 million people worldwide per year, one person every 15 seconds.

We have a very small window of opportunity, during which stopping TB would be very cost effective.

☐ 1415

In the developing world, the cost can be as little as $20; $20 can save generally a pretty young life. If we wait or go too slowly, more drug-resistant TB will emerge. It costs billions to control with no guarantee of success. Drug-resistant TB is at least 100 times more expensive in developing countries, and is 100 times more expensive in the United States to cure than nondrug-resistant TB.

Mr. Speaker, I have introduced legislation to combat TB here and abroad. We have an opportunity to save millions of lives now and prevent millions of needless deaths, not just overseas, but ultimately in this country.

Mr. Speaker, I urge my colleagues to consider joining several dozen of us as cosponsors in our fight to eliminate tuberculosis.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 641

Mr. OSBORNE. Mr. Speaker, pursuant to clause 7 of rule XII, I ask unanimous consent to have my name removed as a cosponsor of H.R. 641.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 428) concerning the participation of Taiwan in the World Health Organization, as amended.

The Clerk read as follows:

H.R. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right.

(2) Direct and unobstructed participation in international health cooperation forums and programs is therefore crucial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS.

(3) Taiwan's population of 23,500,000 people is larger than that of ¾ of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to be rid of polio and to provide children with free hepatitis B vaccinations.

(5) The United States Centers for Disease Control and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated $200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950's.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106–137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all the benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO.

(b) PLAN.—The Secretary of State shall initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2001 in Geneva, Switzerland, and shall instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a written report to the Congress in unclassified form containing the plan required under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support this legislation which would require the administration to initiate a plan to endorse and obtain observer status for Taiwan in the World Health Organization during the May 2001 World Health Assembly meeting in Geneva.

Mr. Speaker, I would like to congratulate the gentleman from Ohio (Mr. BROWN) for initiating this resolution. I would like to stress that nothing in this bill implies a change in this country's one China policy, which has been based for over 30 years on three communiques and the Taiwan Relations Act; but care should be taken not to arbitrarily exclude the 23 million people of Taiwan from appropriate economic and humanitarian venues.

This legislation recommends a symbolic step underscoring that where sovereignty is not in question, Taiwan ought to be brought into as many international organizations as possible. It already is a member of the Asian Development Bank, as well as APEC. In this context, WHO is a constructive and thoughtful avenue for international participation by the government and people of Taiwan.

Mr. Speaker, disease and national disasters know no borders. Indeed, arguably the greatest international issue in the world today may be disease control, whether we are discussing the issue of HIV/AIDS, TB or other communicable diseases.

What the WHO issue symbolizes is a people-oriented concern for control of disease. Taiwan should not be excluded from such concern, and in fact has stepped forward to provide, in a number of instances, assistance and relief in other parts of the world, such as the recent earthquake circumstance in El Salvador.

Let me say this is a very modest step. It is a symbolic step, and it is a step towards achievement of observer status in a very appropriate humanitarian international organization. Other groups, such as the PLO and the Knights of Malta, have observer status at the World Health Assembly, and it would be very appropriate that Taiwan should accede to the same type of status.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time and for his leadership and assistance on this issue.

On May 20 of last year, Chen Shuibian was sworn in as the President of Taiwan. This was a historic event, the first major transfer of power from one political party to a rival political party in Chinese or Taiwanese history. Mature democracies like ours take such political shifts for granted, but the peaceful exchange of power in many regions of the world is a rare legacy. Taiwan now shares in it.

Taiwan has evolved into a stable, prosperous nation governed by the rule of law. Taiwan's 40-year journey toward democracy is a success story, one which we should celebrate, one which we should acknowledge, and we should reward that process.

Mr. Speaker, to that end I introduced H.R. 428 requiring the State Department to initiate a plan to endorse and obtain observer status for Taiwan in this year's World Health Assembly. Ninety-two colleagues have joined in cosponsoring this bill. Fostering Taiwan's participation in the World Health Assembly is a modest step, but a meaningful one. Observer status in the World Health Organization does not require statehood. As the gentleman from Iowa (Mr. LEACH) said, the Knights of Malta, the Palestinian Liberal Organization, the Vatican, and Rotary International all share observer status at the WHO.

Mr. Speaker, passing this bill will be a significant victory for every Taiwanese citizen, and for every American who cares about human rights. Children and families suffer from the effects of inadequate health care, whether they live in Washington or Geneva or Taipei or Beijing. With the high frequency of international travel and the increase in international trade, the risk of transmitting infectious diseases such as malaria and tuberculosis and AIDS within and across national borders is greater than ever.

Mr. Speaker, 3 years ago Taiwan suffered an outbreak of enterovirus 71, a potentially fatal disease that causes severe inflammation of muscles surrounding the brain, heart and spinal cord. Infants and children are particularly vulnerable to this highly contagious virus. Unfortunately, the Taiwanese doctors treating this virus did not have access to the medical resources because they do not have observer status at WHO. By the time the outbreak was under control, 70 Taiwanese children had died.

Mr. Speaker, had Taiwan been permitted to draw on WHO expertise, these children might still be alive. The fact that Taiwan remains handicapped in its effort to combat global illness is a tragedy. The fact that Taiwan remains handicapped in its efforts to save children is a crime, in some sense, in which we are all implicated. Our government's tacit support for the status quo, our unwillingness to fight for Taiwan's participation in the World Health Organization is not only shortsighted, it is unjustifiable.

Infectious diseases do not respect politically driven distinctions or politically drawn national borders. Infectious diseases travel. If there is TB in Taiwan, there will more likely be TB in the United States. If there is AIDS in South Africa, there will be, inevitably be, AIDS in Western Europe. Global illnesses are just that: Global. No country is immune when one country faces a health crisis.

This week, the administration decided to sell four KIDD Class destroyers to Taiwan, despite threats from China. If our commitment to Taiwan is strong enough to justify supporting its military defense, it is certainly strong enough to justify supporting access to global health resources for Taiwan's 23.5 million people.

Mr. Speaker, Taiwan is a country with a strong medical community. They have good scientific research, have a good public health community; and with their participation in WHO, they will contribute to the WHO as WHO information contributes to Taiwan.

Mr. Speaker, I appreciate the strong support that H.R. 428 has received from both sides of the aisle, and I look forward to the bill's passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER), who is a physician and has practiced medicine around the world.

Mr. SNYDER. Mr. Speaker, I support this resolution, and agree with the intent of the sponsors in bringing it forward today.

As a family doctor who has worked in medicine in several different nations, including Africa and Asia, I know that health problems and disease do not wait for political divisions to be solved or for political problems to be overcome. Ten days ago during this recess, I visited Sierra Leone and Guinea. I had worked in Sierra Leone for 6 months in 1983 and 1984. For the last 10 years, there has been a civil war going on in Sierra Leone which is now going across the border into Guinea. I was helicoptered to the site of the hospital I worked at 10 years ago. The hospital had been burned to the ground several years ago by the rebels. Some of the villagers that were there told me that there were a number of people killed by the RUF, this rebel force, when they destroyed the hospital.

Mr. Speaker, why am I bringing up this issue on this resolution with Taiwan; because the rebels in Sierra Leone have been supported by Charles Taylor, the leader of Liberia. And Taiwan, unfortunately, contrary to every nation in the world, has been developing closer ties over this last decade with Charles Taylor in Liberia. The Taiwanese government has been very clear it is because Charles Taylor has expressed support for Taiwan in their efforts to be included in the United Nations.

Mr. Speaker, while the United States has been supportive of Taiwan, I hope that the government of Taiwan will be sensitive to the international community's efforts to end support for these rebels in Sierra Leone. From press reports, Taiwanese government officials have been quoted as praising Charles Taylor for promoting peace and dialogue in West Africa. Charles Taylor has not been promoting peace and dialogue, he has been promoting violence and a brutal civil war; and I encourage our friends in Taiwan to be a part of the international community, just like they want to be a part of the WHO and end their developing relationship with Charles Taylor.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS) who has fought for justice around the world.

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to actually commend all of those who are sponsors of this bill. As a matter of fact, the gentleman from Ohio (Mr. BROWN) and others have understood the tremendous developments that are taking place in Taiwan.

Mr. Speaker, I recently had the good fortune to be in Taiwan and meet with health officials, and they have developed serious movement towards high quality health care and health services. As a matter of fact, there is much that other countries could, in fact, learn from what they have been able to do; and so I would join with those who urge that they be provided opportunity to enter into the dialogue at the World Health Organization in all of its actions and interactions so that not only will they benefit, but so that the rest of the world can benefit from what they have learned and what they are doing.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the legislation before us, H.R.

428, which calls for Taiwan's participation in the World Health Organization (WHO). To facilitate this important goal, the measure requires the Secretary of State to undertake efforts to endorse and obtain observer status for Taiwan at next month's summit meeting in Geneva of the World Health Assembly, and for the Secretary to submit the plan of action to Congress.

Mr. Speaker, I congratulate the author of the legislation, the distinguished gentleman from Ohio, Mr. SHERROD BROWN, for his leadership on this issue. I further commend the gentleman from Illinois, Mr. HYDE, the Chairman of the House International Relations Committee, and the Committee's Ranking Democrat, the gentleman from California, Mr. LANTOS, for bringing this matter to the floor. I am proud to join my colleagues as a co-sponsor of this bipartisan legislation.

Mr. Speaker, the World Health Organization (WHO) is the preeminent international health organization on the planet. In its charter, the WHO sets forth the crucial objective of attaining the highest possible level of health for all people, yet today the 23 million citizens of Taiwan are still denied appropriate and meaningful participation in the international health forums and programs conducted by the WHO. This is simply wrong and inexcusable, Mr. Speaker, and Congress has spoken out in the past that this should be corrected.

Access to the World Health Organization ensures that the highest standards of health information and services are provided, facilitating the eradication of disease and improvement of public health worldwide. The work of the WHO is particularly crucial today given the tremendous volume of international travel, which has heightened the transmission of communicable diseases between borders.

With over 190 participants in the World Health Organization, it is a travesty that Taiwan is not permitted to receive WHO benefits, especially when you consider Taiwan's 23 million citizens outnumber the population of three-fourths of the WHO's member states. This lack of access to WHO protections has caused the good people of Taiwan to suffer needlessly, such as in 1998 when a deadly, yet preventable, virus killed 70 Taiwanese children and infected more than 1,100 others.

Mr. Speaker, there is no good nor valid reason why Taiwan should be denied observer status with the World Health Organization. As a strong democracy and one of the world's most robust economies, Taiwan rightfully should participate in the health services and medical protections offered by the WHO. Conversely, the WHO stands to benefit significantly from the financial and technological contributions that Taiwan has offered many times in the past.

Mr. Speaker, I strongly urge our colleagues to adopt this worthy and important legislation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the initiative by the gentleman from Ohio, Mr. BROWN, concerning Taiwan's participation in the World Health Organization. I comment our Distinguished Chairman Mr. HYDE and our ranking Minority Member, Mr. LANTOS and the Subcommittee Chairmen and Ranking Minority Members of the International Operations and Human Rights and East Asia and the Pacific for crafting and bringing this resolution to the Floor at this time.

As Secretary Powell noted in testimony before our Committee, there should be ways for Taiwan to enjoy the full benefits of participation in international organizations without being a member. H.R. 428 only calls for the Secretary of State to initiate a U.S. plan to endorse and obtain observer status at the World Health Organization (WHO) for Taiwan.

In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO, but has not been able to render such assistance because Taiwan is not a member of the WHO.

The WHO has allowed observers to participate in the activities of the organization, including the Palestinian Liberation Organization, the Knights of Malta, and the Vatican.

Along with many of my colleagues, I am extremely disappointed that Taiwan is not a full member of the UN and all international organizations that its democratically led government wishes to join. Although this resolution does not absolutely address this concern it is nevertheless a first step in addressing the problem that confronts Taiwan.

Accordingly I strongly support H.R. 428.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 428, a bill concerning Taiwan and the World Health Organization (WHO), and commend Representative BROWN for his work on this issue. H.R. 428 would recognize that Taiwan and its 21 million people deserve an appropriate role in the WHO.

There are three things the bill seeks to promote. First, H.R. 428 puts the U.S. Congress on record, again, as strongly supporting Taiwan's request to play a more active role in international organizations. This support reflects the results of the 1994 Taiwan Policy Review conducted by the Clinton Administration which declared its intention to support Taiwan's participation in international organizations and to make every effort to make sure that this important goal is accomplished.

Second, this legislation will move Taiwan toward membership in the WHO. Such membership could benefit Taiwan tremendously. For example, in 1998, the WHO was unable to assist Taiwan with an outbreak of a virus that killed 70 children and infected 1,100 more. WHO membership could have prevented needless deaths and sickness.

Third, the WHO could benefit enormously from Taiwan's more active participation in the WHO. Taiwan has made tremendous achievements in the field of health, and the WHO should have full access to Taiwan's technical and financial assistance.

Mr. Speaker, the bill requires the State Department to initiate a plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly, next month in Geneva. I believe that this is an appropriate step for the United States to take in support Taiwan's participation in international organizations.

I urge my colleagues to support the bill.

Mr. DELAY. Mr. Speaker, this bill is a step in the right direction. It requires the Secretary of State to endorse and to work to obtain observer status for Taiwan in the World Health Organization.

The 24 million people of Taiwan are building a thriving Democracy.

It's the policy of the United States to support Taiwan's participation in International Organizations.

To lead the Free World, we must act on our responsibility by standing up for democracy and our democratic allies.

Taiwan is an island of freedom, but it is surrounded by the constant threat of Communist oppression from Mainland China.

Taiwan's participation in world organizations deserves recognition. They are one of our largest trading partners and they are a free and democratic nation that has recently undertaken a free, peaceful, democratic transition of power.

If we are going to support international organizations, we can't deny admission to free, democratic societies, with populations and economies that are larger than three quarters of the other participating nations. That would be unfair and it would constitute an abdication of American leadership.

Taiwan is a symbol of freedom and opportunity for the billion and a half Chinese held captive under communist rule.

Democracy, and the support for human rights that goes with it, is spreading throughout the world—we should reward and encourage it at every possible opportunity.

We should stand by our friends. We should stand up for freedom and democracy. We should never waiver on matters of fundamental principle. And that means we must stand with Taiwan.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 428, which states that Taiwan should have appropriate and meaningful participation in the World Health Organization (WHO). The legislation also requires the State Department to initiate a U.S. plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2001 in Geneva. In particular, I would like to commend Representative SHERROD BROWN for his leadership on this issue.

In the 1994 Taiwan Policy Review Act, the U.S. declared its intention to support Taiwan's participation in international organizations. We should abide by our intentions and support Taiwan's participation at the WHO.

The WHO is an organization dedicated to preventing the spread of disease and coordinating efforts on international health work. In a time when resources to fight global infectious diseases are scarce, we should encourage assistance and coordination from all sources. The global efforts to save lives should not take a back seat to China's global campaign against Taiwan.

Taiwan should be able to benefit from and contribute to the work of the WHO. As an official observer, Taiwan would assist in preventing the spread of global diseases. Taiwan's achievements in health are substantial, including high life expectancy levels and low maternal and infant mortality rates compared to other developed countries. Taiwan could assist both financially and technically in international aid and health activities benefiting people all over the world. Unfortunately, Taiwan has been unable to render such assistance through the WHO because it is not able to participate.

Taiwan's WHO entry is clearly being held hostage to the Chinese government. Last year, Beijing successfully blocked Taiwan's observer status in the World Health Organization. China led nine other nations—including Cuba and Pakistan in striking down Taiwan's motion "due to international political realities and China's objections." It is time for the U.S. to honor its commitments and support the right of 21 million Taiwanese people to assist and benefit from WHO participation.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

I would just like to conclude by again congratulating the gentleman from Ohio (Mr. BROWN) for this fine resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 428, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEACH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 428.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1430

URGING THE HOUSE OF REPRESENTATIVES TO SUPPORT EVENTS SUCH AS THE "INCREASE THE PEACE DAY"

Mr. McKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 113) urging the House of Representatives to support events such as the "Increase the Peace Day."

The Clerk read as follows:

H. RES. 113

Whereas in order to promote non-violence, respect and responsibility, the students of Challenger Middle School in Lake Los Angeles, California, in conjunction with the Museum of Tolerance in Los Angeles, hold each year an "Increase the Peace Day" program on April 20; and

Whereas as part of the program, students signed the following pledge:

"I will honor the memory of the victims of school violence by committing myself to finding a peaceful solution to my own conflicts with others.

"I will not hit another person for any reason.

"I will not threaten another person, even as a joke.

"I will report all rumors of violence to the nearest adult and to all adults who will listen to me.

"I will smile at students I don't know when I make eye contact.

"I will talk to my parents about what takes place in school.

"I will remind myself and others that the diversity of the United States is one of our main strengths.

"I will be aware that I have choices in life and that I am responsible for my own actions.

"I will be considerate of other people and their feelings.

"I will not spread rumors.

"I will not call other people names that are hurtful to them.

"I will help make the world a better place one smile at a time.

"I will ask for help when I am confused or lonely.

"I will make others aware of these pledges in order to spread this message of peace.

"I will take the responsibility as a citizen of this great nation to make our country a more peaceful place by doing my own part to Increase the Peace.": Now, therefore, be it

Resolved, That the House of Representatives urges schools across the United States to participate in similar "Increase the Peace Day" events.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentlewoman from California (Ms. SOLIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to support H. Res. 113, which is an important resolution that urges the House of Representatives to support "Increase the Peace Day" events throughout the country.

Just last Friday, on April 20, students, teachers, parents and community leaders from the Antelope Valley in my congressional district held an "Increase the Peace Day." This was the second "Increase the Peace Day" and coincides with the anniversary of the Columbine High School tragedy. The program featured the formation of a human peace sign, presentations by representatives of the Simon Wiesenthal Center's Museum of Tolerance and the granting of "Increase the Peace" awards to youths who have prevented violence at their schools. One of the highlights of the day was when the students signed an "Increase the Peace" pledge, outlining how they could avoid similar acts of violence on their campuses.

Among the promises in the pledge were to find a peaceful solution to conflicts, to not hit another person, to not threaten another person, to report all rumors of violence to an adult, to celebrate diversity, and to seek help when feeling lonely or confused. I was proud to join the other supporters of "Increase the Peace Day" and be a part of this incredible event.

Mr. Speaker, I would like to take a moment to recognize the outstanding efforts of teacher Bruce Galler at Challenger Middle School, who came up with the original idea for "Increase the Peace Day" because he believes that something can and should be done. Bruce uses a quote by Edward Everett Hale on literature to promote the event, and I believe it illustrates what was accomplished on "Increase the Peace Day." The quote is as follows: "I am only one, but I am one. I cannot do everything, but I can do something. I will not let what I cannot do interfere with what I can do."

At the first "Increase the Peace Day" last year, I promised to introduce a resolution in order to show that as one Member of Congress, I can do something to highlight this important event, to encourage all Americans to reject anger and hate, and to instead promote peace and community.

Mr. Speaker, I want to congratulate Bruce and his students for hosting last week's events. The first event that they held last year was at Challenger Middle School and included the students from Challenger. This year they expanded it to include the whole community, and students were bused from many schools around the area. It was an exciting event.

At the end of the event, when the different resolutions had been presented, the students all came onto the field and formed this large peace symbol, and we had a helicopter from the local Marine base that flew over and took pictures of the event. It was exciting and a great thing to be part of.

It was wonderful to see what the youth did do of a positive nature. We hear so often of the negative things and we do not hear of the positive events; and there are many great wonderful, positive events happening around this country.

In closing, I urge all of my colleagues to support this resolution and to encourage their own local communities to institute a similar program.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. McKEON).

Mr. Speaker, I rise today to talk about a subject close to my heart, and that is promoting tolerance and diversity. I commend the gentleman from California (Mr. MCKEON) for introducing House Resolution 113, which urges us to recognize events such as "Increase the Peace Day," which promotes the kind and thoughtful treatment of all people.

As adults, we have a responsibility to show our children the importance of compassion and tolerance. It is up to us to set an example for all of our young people to show them how to consider other people's feelings and how to be respectful of different points of view. We must take time to listen to our children and teach them to appreciate those who are different from us. Our children must learn that there is strength in diversity.

My home State of California and my congressional district are incredibly diverse, and I am proud to say that, where we have many Hispanic Americans, we have Asian Americans, and different people from all walks of life. Over 72 different languages are spoken and taught within our schools there. I cannot imagine Los Angeles or California without the incredible mix of people and backgrounds that we have. The State just would not be the same.

In addition to embracing our diversity, we must also teach our children how to solve conflicts peacefully. In a country as diverse as ours, there are bound to be differences of opinion. It is important that we teach young people how to express those differences without violence.

Many schools are already working to promote the benefits of diversity and the importance of peaceful conflict resolution. We know this is necessary because so many children across America dread going to school because of the harsh social pressures that they face simply by being themselves. Some students cannot talk to others for fear of being chastised by their peers. They feel embarrassed if they do not have the right clothes on or right colors or right shoes. If parents and schools work together, we can help young people feel good about themselves and show compassion for others.

A simple smile, a warm greeting, open communication, these are the things that help us live together peacefully. We must educate our parents about the importance of communicating one-on-one with their children, setting a good example, and promoting tolerance. Programs which help parents communicate with their children will truly be a good step in the right direction.

In Los Angeles, we have seen the tragedy of violent crimes committed against people simply because of the color of their skin. It is my hope that conflict resolution and parental involvement will help prevent this sort of tragedy in the future. If we can teach people when they are still young to embrace diversity and resolve their differences peacefully, we will increase our Nation's strength and unity.

Mr. Speaker, I urge my colleagues to also support this resolution and support events like "Increase the Peace Day."

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding me this time. I also want to commend the gentleman from California (Mr. MCKEON) for introducing this resolution.

It seems to me that this resolution is an indication that we can, in fact, learn behavior. I have always been told that people have a tendency to learn what they live and live what they learn, and if we begin to focus seriously on conflict resolution, on the development of peaceful approaches to finding solutions to problems that people might have, then I think we can seriously reduce violence, and I think we can create for ourselves a saner, better world in which to live.

So I want to commend the University of Illinois for its violence prevention efforts and programs, the Chicago public school system, and also Prevention Partnership, a local community organization, and a program called Hands Without Guns, where children are taught that there are other things that they can do with their hands than put a gun in them. If one always has something else in one's hands, then, of course, there is no room for a gun.

So I commend all of those, once again, who would promote this approach to curbing violence in our society.

Mr. Speaker, I urge strong support for the resolution.

Ms. SOLIS. Mr. Speaker, I would just conclude by also providing my support and urging other Members to support this House resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I want to thank my colleagues for their comments and for their support on this issue. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 p.m.

APPOINTMENT OF CONFEREES ON H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the concurrent resolution H. Con. Res. 83 be instructed, within the scope of the conference:
>
> (1) to increase the funding for education in the House resolution to provide for the maximum feasible funding;
>
> (2) to provide that the costs of coverage for prescription drugs under Medicare not be taken from the surplus of the Federal Hospital Insurance Trust Fund;
>
> (3) to increase the funding provided for Medicare prescription drug coverage to the level set by the Senate amendment; and
>
> (4) to insist that the on-budget surplus set forth in the resolution for any fiscal year not be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

The SPEAKER pro tempore. Under rule XXII, the proponent of the motion and a member of the other party each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to explain the motion.

Mr. Speaker, this motion has four purposes. First of all, it says to the conferees on the budget resolution, go as close as they can to what the Senate provided for education.

Basically, the House resolution endorses and puts forth the President's budget. The President's budget provides an increase in education next year, fiscal year 2002, of 5.8 percent. That is an increase, but it pales in comparison with last year where the increase was 18 percent and the last 5 years over which the increase in education has averaged 13 percent.

The Senate, given a choice, a choice we did not have here on the House floor, between a higher tax cut and less for education, opted to do more for education on four different occasions. As a consequence, their plus-up for education over and above the President's baseline budget is nearly $300 billion. We are simply saying go as far as they feasibly can toward the Senate on education.

Second, with respect to Medicare, and in particular with respect to Medicare prescription drugs, the President's proposal again was to put $147 billion out for the next 10 years to provide for a temporary helping-hand benefit and eventually to have some kind of benefit possibly integrated with Medicare. Over 10 years the amount he provided for this purpose was $147 billion, but when that proposal came from the House and to the Senate, Members in both bodies said it is totally unrealistic. It will not even get Medicare prescription drugs off the ground.

The Senate, once again, had a choice. They had an amendment on the Senate floor. The Senate plussed-up its allocation for Medicare prescription drugs to $300 billion, a minimum amount that is realistic to provide for a decent benefit.

We say go to the Senate, be realistic, be faithful to their commitments about providing prescription drug coverage under Medicare; provide the full amount that the Senate allocates in its budget resolution.

Third, Mr. Speaker, we say with respect to funding that new benefit, this money should not come out of the Medicare part A trust fund. It is already obligated, over-obligated, scheduled to run short of funds in the second decade of this century. Rather than putting another obligation on funds that are already short and over-obligated, we think that the funding for the Medicare prescription drug benefit should come from the general fund of the Treasury and not from the hospital insurance trust fund of Medicare.

That is what this budget resolution provides. Take the money out of the general fund to pay for Medicare prescription benefits so that the HI trust fund is not made insolvent any sooner.

Finally, we say as to the HI trust fund, the hospital insurance trust fund generally, protect it. Go to the language that we passed here on the House floor, where we said that Medicare should be treated just the same as the Social Security surpluses; that is to say, it will be used only for benefits provided under those two programs, and in the meantime to buy up outstanding debt in which the trust fund surpluses will be invested.

This is not an idle concern. The President's budget came to us claiming that it had unprecedented reserve funds or contingency funds. In one place it says it is providing a contingency fund of a $1.2 trillion. Towards the end, that contingency fund is whittled down to $842 billion. When one looks more closely at the $842 billion, they find that of that amount $526 billion comes from the consolidation of what is left over with what is in the surplus, the surplus accumulating and the HI trust fund. Those two numbers add up to $842 billion.

□ 1715

We say that the contingency fund should not include the Medicare trust funds. In keeping with the resolution that this House passed by an overwhelming margin, that money should be confined exclusively to Medicare.

Mr. Speaker, these are the four principles that we raise in our motion to the conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I claim the time in opposition and yield myself such time as I may consume.

Mr. Speaker, first of all, it is good to have the opportunity to discuss some of the budget issues with the gentleman from South Carolina. I would have thought over the last couple of weeks some issues would have resolved themselves, but we find ourselves debating some of the same issues that we were debating prior to the Easter recess. It is good to engage in these discussions again.

Mr. Speaker, I would say that the gentleman's motion to instruct conferees to some extent is asking for the second bite of the apple. What could not be won on the floor as an alternative is being requested as a motion to instruct. I have to reluctantly oppose the instruction. Most are noncontroversial. Certainly motions to conferees are nonbinding on the conferees themselves. It gives an opportunity for Members to make a few points that they would like to make, and I certainly respect that opportunity; but let us go through the motion to instruct conferees.

First, to increase the funding for education in the House resolution to provide for maximum feasible funding. I do not think that there is much controversy there. If Members of Congress had the opportunity to hold meetings such as I did, for example I held a youth summit in Dubuque, Iowa, to talk about education and met with special educators, people involved in special education, people involved in college education and higher education, early childhood education, reading, teacher training, administrators, principals, they all tell us anything we can do to improve education in this country is something that we should go back to Washington and get working on. Certainly one of the areas where we can help in education is to increase funding. That is why we made those increases, 11 percent; and we will hold to those. We will cheerfully continue to support those major increases in funding for education.

Mr. Speaker, certainly people say we can do more. I might add in that chorus. While we added $1.25 billion in special education in this resolution, I personally, as well as professionally, know we should do more; but this fits within a balanced budget and a balanced approach towards making sure that our kids have the best education possible.

Number two says to provide that the cost of coverage for prescription drugs under Medicare not be taken from the surplus in Medicare.

What we are saying is even though we collect taxes to provide for a Medicare benefit, you cannot use those tax dollars to either modernize Medicare or provide a prescription drug benefit. I do not think I understand.

We ask the American people for their hard-earned money to pay for a Medicare benefit; and then we say even though there are some obvious reforms, we cannot use the surplus to reform Medicare or modernize Medicare or provide a prescription drug benefit, we have to find money elsewhere, which is a little bit suspicious because we know our friends on the other side do not support tax relief, and it is probably a juxtaposition of tax relief versus Medicare benefits when all of us know that we can provide those benefits from the surplus in Medicare as well as possibly adding additional funds as necessary.

It does not all have to come from the HI Trust Fund. We have made that very clear within our budget. We certainly do believe and we all voted on that as I believe one of the first resolutions of this year that we were going to lock away that money for Medicare and allow it for modernization and for adding the prescription drug benefits. So number two flies in the face of what the House has already done.

On three, it says to increase the funding provided for Medicare prescription drug benefit to the amount set by the Senate. I am not going to presuppose or prenegotiate this item today, but I think that is probably something that is at least a reasonable request. I think we had that debate on the floor here. While the President's proposal was 153, it probably is going to be scored slightly more than that; and, therefore, we may have to make an adjustment there. So number three is not that controversial.

Number four says to insist that the on-budget surplus set forth in the resolution for any fiscal year not be less than the surplus of the HI Trust Fund for that fiscal year. I think again this goes back to number two. What this is basically saying is that we are presupposing that you cannot use the trust fund that we collect the taxes from for Medicare in order to modernize or provide a prescription drug benefit for Medicare.

Mr. Speaker, two and four are really the controversy. One and three, I think, are easily supported or at least certainly not controversial on both sides.

Mr. Speaker, I would oppose the instruction for those two reasons. We should be able to, as we have already voted almost unanimously in this House in a bipartisan way, be able to provide the surplus from Medicare to provide a prescription drug benefit as well as to modernize Medicare. Those funds should be available. Since they are paid for Medicare, they should be allowed to modernize Medicare and improve Medicare and provide a prescription drug benefit for Medicare.

Therefore, I believe it would not be a good idea for us to instruct our conferees just now appointed to hold that kind of position as we begin our negotiations with the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, just in response, what we are trying to do here is make a decision as to which is better. The Senate had a choice. They could do more for tax cuts and less for education, or more for education and less for tax cuts. They decided to do substantially more for education. By the same token, they decided to adequately fund a Medicare prescription drug benefit.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN) to talk about double counting and overobligation of the Medicare Trust Fund.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, like my colleagues, and in particular the chairman of the Committee on the Budget, I just returned from my district where I had a number of town meetings with my constituents. We talked about the budget, and we talked about the budget not just being a 1-year budget, but the decisions we might make this year would have implications far beyond the next fiscal year, implications far beyond the next 10 fiscal years.

What we are saying with respect to the Federal Hospital Insurance Trust Fund, the Medicare Trust Fund, is it is not so simple that we can take that money today and spend it on something else and not have to make it up later. My colleague from Iowa uses the do-not-worry, be-happy defense, that we can add prescription drug benefits using this money, we can modernize Medicare and use this money, and it will all work out in the wash. But the fact is that it will not work out in the wash because the money that you want to use, the trust fund money, is already obligated. It is already obligated to pay Hospital Insurance Trust Fund benefits.

Mr. Speaker, we all know that the demand on that money is not declining, it is increasing as America ages. It is interesting because my colleagues some years back, in fact my first year in the House when we went through all of the debates over the budget and whether we were going to cut Medicare or not, and the Speaker of the House at that time said we needed to cut Medicare in order to save it because the trust fund was going bankrupt; and yet today the Republican Party has brought a budget to the floor that would in fact shorten that trust fund, shorten the life span of that trust fund after all of the work we have gone to to extend the life span of that trust fund.

Legally and logically it is not correct that you can take Medicare Trust Fund moneys and spend them on anything, whether it is prescription drugs or highways or Howitzers or whatever. Those moneys are obligated to the beneficiaries currently and those in the future who will enjoy the benefits of the inpatient hospital trust fund.

Mr. Speaker, all we are saying is let us use some honest bookkeeping and set those funds aside. If we do not do that, what we are going to end up with in this budget, not just in fiscal year 2002, but for many years to come, is a budget which is borrow and spend. We are going to spend today, and then we are going to borrow tomorrow much deeper than we would otherwise.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time and also thank the gentleman for the instruction to the conferees.

Mr. Speaker, I want to understand the message. I think I heard the gentleman from Iowa, the chairman of the Committee on the Budget, say that one of these points he had some problem with. I do not know why my colleagues would have any problem with any of the points.

First of all, we are trying to make sure that we have a minimal amount of moneys, and that is the same amount that the Senate put for Medicare. We are trying to make sure that at least that amount of money, which has been recognized by both Republicans and Democrats, on this floor as well as in the Senate bicamerally, that the 147 was an insufficient number, and that $300 billion is closer.

Mr. Speaker, so first, it is to make sure that we have adequate amounts of money for prescription drugs. Is that what we are trying to achieve?

Mr. SPRATT. Mr. Speaker, if the gentlewoman would yield, that is correct.

Mrs. CLAYTON. Mr. Speaker, I do not know anyone in the House who would disagree with that. The Republicans say maybe they will do it.

The second one, there was a resolution at the beginning of the session that said we will not take any moneys out of the Social Security Trust Fund or the Medicare Trust Fund; so we are simply saying those dollars should not be financed out of the Medicare Trust Fund. The Medicare Trust Fund, as the gentleman from Texas (Mr. BENTSEN) said, has already been pledged. It has been obligated. You cannot obligate it two and three times.

Mr. Speaker, is that the second point?

Mr. SPRATT. Mr. Speaker, if the gentlewoman would yield, that is correct.

Mrs. CLAYTON. Mr. Speaker, why should the Republicans disagree with that? We are on record as saying we do not want to raid the Medicare Trust Fund, and this simply says it cannot be raided to pay for the additional moneys needed for prescription drugs.

Mr. Speaker, I want to commend the gentleman from Iowa for putting forward a very practical and a very consistent bill. I must say I wish we had more money for education. I wish we would go all of the way to where the Senate is. The second point is to go as close as possible to the Senate bill.

Mr. Speaker, I commend the gentleman from South Carolina (Mr. SPRATT) for a very practical motion to instruct, and I hope all of my colleagues vote for the motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from South Carolina for his work all along, and for bringing up these instructions.

Mr. Speaker, the House-passed budget is really full of irresponsible tax cuts and fuzzy math; and it should be adjusted to match closely what has been reached in compromise in the other body.

As a teacher, I am particularly disappointed that the budget resolution fails to deal adequately with the many urgent needs for our children in public education. At a time when more is demanded of our schools through higher standards, annual assessments, "increased accountability" is the phrase we are using this year, we risk failing too many children by not providing greater resources to turn around low-performing schools.

Mr. Speaker, the House-passed mark falls short of providing adequate help for teacher training, recruitment, for school construction and modernization, for meeting Federal obligations to assist local schools in providing excellent education for students with special needs. The average age of public schools in this country is 40 years old. We have to get the students and their facilities into the 21st century.

Mr. Speaker, estimates are quite clear that we will need 2.2 million new teachers over the next 10 years to keep up with attrition. This is not even to get smaller class sizes; this is just to keep up.

□ 1730

Too often, I hear stories of teachers with history degrees teaching science and math because the schools have trouble finding qualified teachers. Having spent a year on the National Commission on the Teaching of Mathematics and Science, the John Glenn Commission, I have offered a bill to help schools recruit and retain qualified science and math teachers.

Mr. Speaker, we have to do that. The chairman of the Committee on the Budget said a few moments ago that they have provided, at the President's request, an 11 percent increase in education spending. No, it is about half that; it is 5.8 percent. The total increase in the President's budget, as in the House-approved budget, would not cover even half of the cost of meeting our needs in special education, of meeting our obligation, our Federal obligation to assist the local schools with special education.

Mr. Speaker, I urge my colleagues to join in supporting the motion to instruct conferees.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to engage the ranking member of the Committee on the Budget and perhaps also the gentleman from Washington (Mr. McDERMOTT) in a discussion of the situation we are facing with respect to the Medicare Part A Trust Fund.

We have had for some years in this body, although sometimes the political rhetoric would not indicate it, an agreement between the parties that the Social Security Trust Fund ought to be off limits, that we ought not to be using the Social Security surplus to cut taxes or to increase spending or for any other purpose, other than to reduce the debt and ensure the future of Social Security, to make certain that those benefits will be there when the baby boomers retire, when that program's cash flow reverses.

I would like to ask my colleagues if there is any principled reason why we should treat the Medicare Trust Fund any differently from the Social Security Trust Fund. If anything, the Medicare Trust Fund is facing even more severe problems, even earlier than we face with Social Security.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, the Medicare Trust Fund is currently slated to become insolvent in 2028 or 2029. Social Security, fortunately, could last until 2038, 2039, for 10 more years. So the Medicare Trust Fund is intended, for the same reason, to sequester these funds, to confine them for use for Medicare; and we have reached certainly an accord on both sides of the aisle, both Houses and the White House as to Social Security, and I think the same logic applies to Medicare. It is not an idle concern.

We have a handout, if anyone cares to see it, and they will see that under the House resolution, as early as 2005 by our calculation, that resolution will take us back into the Medicare Trust Fund. The Senate resolution is even worse. By our calculation, in 2002 the Senate resolution would lead us into the trust fund to the tune of $11 billion, that soon, and we will be invading the trust fund in Medicare again.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, we are at present running a slight surplus in Medicare, but the Medicare Trust Fund is accumulating assets which we will need to draw on later. If we, instead, take those funds and use them for prescription drug benefits, as badly as that is needed, would that not reduce our ability to meet our basic Medicare obligations, the prescription benefit aside?

Mr. SPRATT. Mr. Speaker, if the gentleman will again yield, that is the very point we are trying to make. The fund as it is is overobligated from beneficiary expectations, so we are simply saying, do not overload another obligation on top of a fund that is already short of meeting its scheduled obligations.

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, having sat on the Medicare Commission for a year and looked at the future of Medicare, and having realized that beginning in 2010, we are going to double the number of people on Medicare as the baby boomers move into that stage of their life, we cannot realistically argue against putting money in advance of that big deficit that is coming. Even more important, it is taken out of people's paychecks under the HI, the health insurance. If that money is not used for Medicare, it is breaking the trust with the workers who put it in.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time. I want to also thank him for all of his work on our behalf as the ranking member of the Committee on the Budget.

We all recognize that we have an urgent national need in this country to make a greater investment in our education system so that we can help a greater number of our children succeed within that system. I had the honor and the pleasure of meeting with President Bush before he was sworn in to talk with him and a number of our colleagues about education reform in this country. We talked about the things that needed to be done: to make schools more accountable, to make teachers more accountable, to improve the professional development of teachers, to make sure that we could direct the resources, as he said, to the poorest children in the poorest performing schools. But we also said in that meeting that it was very clear that those things would not happen unless we had the resources that were necessary to provide those schools the quality education that we all want.

I had an opportunity to meet several other times with him and with Senator KENNEDY and Senator JEFFORDS and with the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, and again we talked about the kinds of reforms and the results that this President genuinely wants. We said again, Mr. President, if we are going to have testing and we are going to require all of the States to go about this, we are going to have to provide the resources. We are going to provide the resources so that, in fact, it can be done in the right way, not in the wrong way, not in a way that is harmful.

If we are really going to help these children and we are going to get qualified teachers in front of them on a daily basis, we are going to have to improve the quality of these teachers. It is going to take resources. He assured us that he recognized that and he understood that.

Now, when I see the budget, I am deeply disappointed, because a decision was made here between the times of those meetings and the times of this budget that those resources would be put off into the tax cut. Now we find that the amount of the tax cut that goes to the richest 1 percent of the people in this country is 13 times the amount we would spend on education in this budget, 13 times the amount on the richest 1 percent, and yet we have a huge number of children who are not getting access to a decent, first-class education, who are not having the kinds of reforms that the President wants, that I want, and that many of my colleagues in the Congress want, will not bring about the results that we want, that every parent wants for their child in the American education system.

Mr. Speaker, we urgently need these resources. We urgently need these resources because our schools are educating more children now than at any time in our history. They are educating more children with English as a second language, children with disabilities. These are expensive items, and we owe these children an education, and we have to make sure that they have an opportunity to participate in it.

That is not what this budget does. It is not an 11 percent increase, as is well documented by the minority on the Committee on the Budget and our committee and the Committee on Education and the Workforce. We are talking about a 5-percent increase. We are talking about the smallest increase in many years, and that is simply not adequate to get the results that the President says he wants and to get them for the children that he has quite properly focused on in his discussion of education, the children that are in most need of these resources so that they can get the same access to an education that children get in the wealthier schools and in the middle-class schools. But we cannot do it on this budget. We cannot do it on this budget.

This budget suggests that we are going to try to get first-class, world-class standards in education attainment on behalf of America's children, but we are going to do it on the cheap, and that would be a horrible mistake, because that will lock us into another 5 years of spending without getting the results that the taxpayers deserve and that the children deserve in terms of their educational opportunity.

So I commend the gentleman for the motion to instruct, to say that we should move toward the figures that the Senate has talked about and has suggested in their budget resolution, figures that will, in fact, provide us the kind of resources that are necessary for special education, for Title I, for English as a second language, so that we can hire the 100,000 counselors that are necessary, so that we can finish hiring the 100,000 teachers that have allowed us to reduce class sizes. Those are the urgent needs of the American education system, but they cannot be met in this budget without going with the numbers that are suggested in the motion to instruct.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume to read the motion to instruct to the gentleman from California when he is referring to numbers in the motion to instruct: "To increase the funding for education in the House resolution to provide for maximum feasible funding."

Now, the gentleman from California is a Member of the House who stands behind no one when it comes to his advocacy of education and education funding and for our students. He is a friend, he is someone who has always tried to responsibly put forward reforms and proposals on education. But to suggest that this motion to instruct somehow provides more money than what the House resolution provided is just simply not the case.

Let me review with the gentleman from California and others what is in the budget that has been passed that we are defending here today. The House-passed budget accommodates not only the President's "no child left behind" education reform, which links dollars to accountability. Simply throwing more money at the programs will not make them better. The gentleman from California even testified to that fact before me and the Committee on the Budget. It increases elementary and secondary education funding by 10 percent. It triples funding for reading programs. It improves by increasing IDEA by $1.25 billion to ensure that every child, particularly children with special needs, have access to the best possible education. It increases education savings accounts from $500 to $5,000 and makes them available not only for their original intent, but expands them to K through 12 education. It provides a full tax exemption to students using qualified prepaid tuition for college, and it provides $60 million to help older children in foster care transition to adulthood, including providing vouchers to cover tuition and vocational training costs.

Now, the gentleman says that we do not really have, if we take this out and we move this over and we minus this off the top, it is not really an 11 percent increase. One cannot do that. It is an 11 percent increase in this budget. One cannot say, if we do not include this, we do not include that; it is all part of the budget, it is all in here, that it is somehow some other percentage.

It is an 11 percent increase. We believe that is a responsible increase.

Are there more ways that we can improve education in this country? You bet. Is throwing money at it the only answer? No. That is why we need to move through this budget as quickly as possible, give these instructions to the committee, give these resources to the committees so that they can begin to reform our education programs in this country and begin to make sure that no child is left behind. Just simply to come in here and say, it is not enough money without the reforms, it is not enough money without proposals, it is not enough money just because somebody says it is not enough money does not mean it is not enough money.

Mr. Speaker, 11 percent over and above the huge increases we have provided for education has not necessarily solved the education concerns of America, and just providing a rhetorical response on the floor as a motion to instruct conferees, saying the maximum feasible funding, is not a way to do it either.

We believe this is a responsible budget, it is responsible in the context of overall reform of education. It will help us to ensure that no child is left behind.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume just to respond to the gentleman before yielding to the gentleman from Florida.

Let me make clear that this budget passed by the House provided a 5.8 percent increase for fiscal year 2002 in education. In over 10 years, the President's budget, which was basically endorsed, provides just above the rate of inflation. Now, 5.8 percent is an increase, but it is less than half the increase of last year and less than half the increase of the last 5 years, and less than a third of the increase of last year.

Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I would like to speak in support of the motion to instruct conferees with respect to the education increase that has been proposed.

The Senate has finally started to take us in the direction we need to go, an additional $300 billion increase, supported by Democrats and Republicans, to begin to put our money where our mouth is. I applaud the chairman of the House Committee on the Budget putting emphasis on increased funding for special education. But most of what we have said about doing that are promises. This is a chance for us today to put that into action and to begin to move in the direction of more funding for both special education and general education.

□ 1745

We know what works. We know what we need to do: we need to fix up some of our crumbling schools. We need to fix our schools that are overcrowded.

We have a class-reduction program at the Federal level that has paid huge dividends. In my community in Florida, in the Tampa Bay area, in Hillsboro County, $8 million has gone into reducing class size in some of our most struggling schools. It has given control of the classroom back to the teacher to reach those kids in the back row like me that needed some special attention to get engaged in learning.

As the teaching shortage begins to grow, we are going to have to pay more attention to attracting qualified teachers.

The Senate recognized these things when they increased education spending on a bipartisan basis. There is no reason why we should not do the same thing here today.

We are about to debate finally the President's proposal to provide more accountability and more resources to education. Many of us applauded him during the campaign for taking that position, both on the accountability and on the spending.

Guess what: unless we take the step today of adopting this motion to recommit conferees, those are hollow words, because this is the spending blueprint. This is the way we begin to back up with actions the words of the President, the words of the Congress, that we all want to do more for education. So I would urge adoption of the motion to instruct conferees with respect to education as well as the other points that have been made today.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, I appreciate the gentleman outlining some of the implications for elementary and secondary education on this budget.

Is it not true that President Bush campaigned on getting the Pell grants, in opening up opportunities for students on higher education, getting those Pell grants over $5,000?

Mr. DAVIS of Florida. Yes, he did.

Mr. PRICE of North Carolina. This budget would keep the maximum Pell grant well under $4,000. It is simply not adequate to do what we need to do to open the doors to opportunity in higher education.

We have been increasing Pell grants several hundred dollars a year for several years. This would increase the Pell grant, as I understand it; and this has been borne out by CBO, only by $150. That is totally inadequate. It really falls over $1,000 short of what President Bush himself promised.

Mr. DAVIS of Florida. Mr. Speaker, I think the incredibly meager increase in the Pell grants cited by the gentleman from North Carolina (Mr. PRICE) is really a pitiful example of how little we are doing and how much more we can do.

I would urge that we adopt this motion to recommit conferees today. Let us begin to put our actions where our words have been. Mr. Speaker, let us start to live up to what we know are the Chair's intentions to do more for special education in Congress. Let us lay the floor for the groundwork that is going to be done in the House and Congress in the next several years to do more for our schools and to let them make their decisions at home, let them reduce class size, fix up the schools, hire qualified teachers, and make sure we leave no children behind.

Mr. NUSSLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just again refer the gentleman to the first paragraph. It is kind of hard for me to disagree with the first paragraph.

It says: "To increase the funding in the House Resolution to provide" not so much money for IDEA, not so much money for reading, not so much money for Pell grants, as has been argued on the floor here today, but just "maximum feasible."

We are all for that. My goodness, we go out and swing a dead cat and we could probably hit everybody who would be for maximum feasible everything in the budget. That is not what a budget is all about. A budget is putting numbers in here.

We put a number in here. I think our number is very responsible when looked at in the context of all of the numbers that are in the budget. So to come in here and say we want to instruct the conferees, here is a very specific instruction: get in there and do something really good for education. Okay, we will do that.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU), the vice-chairman of the Committee on the Budget.

Mr. SUNUNU. Mr. Speaker, I am not quite sure where to begin.

First and foremost, it is interesting to sit in the Chamber today, to sit in the Chamber today and hear so much happiness and joy over something that has been done in the other body. I do not think I have heard this much excitement about legislation in the other body since I have been a Member of Congress, though admittedly, that has been for only two terms.

There has been a lot of discussion about education. Education is important. The chairman of our committee just talked about the instruction here to provide the maximum feasible amount for education.

I am all for good and I am opposed to evil; and I think it is nice that we have a motion to recommit conferees that says, let us provide more money for good things. They did not actually write in "less money for bad things," but they might as well have.

But the fact of the matter is, if we go through what we passed on the floor here, what came out of our Committee on the Budget, I think we do have a very strong budget resolution. That is one of the reasons, for anyone listening to this debate, that we see so many numbers being thrown around: $1 billion here, $1 trillion of this, $10 billion here, 5, 18 percent. Because when we are not really able to argue about good policy reform and good legislation, we try to blind people with numbers.

I make that comment as a former engineer who maybe tried once or twice to do the same, but I do not think it is appropriate for the floor of the House.

Let me talk a little bit about what is in the budget resolution that came out of committee. First, overall, we increase the size of the government by about 4 percent, increase discretionary spending 4 percent.

I think most Americans looking at this blueprint would say well, we are going to increase our household budget by about the level of inflation. We are not going to live beyond our means. There is no reason whatsoever that this Congress or any Congress should force Americans to live beyond their means, should collect more in taxes than we need, or should spend at 6 or 8 or 12 percent increases per year, because everyone here knows that is the quickest way to drive us into deficit.

A 4 percent increase in government, I certainly understand for a lot of people in this Chamber that is not enough government. Increasing spending 4 percent is not nearly enough government for some people here. But I think for most Americans to have the government grow by 4 or 5 percent would be plenty.

What do we do on the debt? We pay down $2 trillion in debt over the next 10 years. Everyone wants to see us retire public debt. We are paying it down at a record level. We have not heard much discussion about debt repayment in the debate tonight, and that is because the focus is on more spending. We are not going to be able to pay down $2 trillion in debt if we just start allowing the budget resolution to spend more and more and more.

We heard a discussion about education. We are increasing funding for education by 11 percent, as the chairman described, 10 percent for K through 12, tripling funding for literacy.

We have committed in the House budget resolution to a record increase in special education funds, which is the largest unfunded Federal mandate that I know of on the books.

But for some on the other side, it is never enough. It is all about resources, resources, resources. How many times did we hear that word tonight in talking about education? It is about resources, resources, resources.

If money was the answer to improving education, then we could go to those school districts in the country that were spending the most on education, some of them perhaps here in Washington, DC., some perhaps in New York City, and there we should find the best schools in the country; and we do not, because it is not all about resources. It is about how we deliver the education, it is about how we structure the competition, it is about the needs of the student and whether or not they are being met at the local level.

So much discussion has been held about resources; but there has been no discussion about reform tonight, no discussion about accountability and standards and all of the keystones that are in the President's reform bill, and certainly no discussion about the importance of giving those students in the failing schools in this country, so many of them in economically depressed areas of America, give those students a chance to get out of those failing schools, give them the economic power of a grant of school choice, and let their parents take them to a school that is safe, that is reliable, and that can deliver their children with the education that they deserve.

Education accountability and education choice is something the other side does not want to discuss because, one, it means empowering families to make a real decision; and two, because it means attacking a base, a status quo base that wants no competition in the public schools, no public school choice whatsoever.

I think that is outrageous. I think it is outrageous for people, certainly not all the opponents of school choice, but for many of them in the Senate and some here in the House who send their children to the best private schools in the country, to then come and say, well, we certainly do not want someone in a public school to have the power of choice, to take their child out of a failing school and give them an education and a safe setting that they deserve. But we hear about spending. It is all about spending.

That brings us to the other portions of this motion to instruct, to provide the cost of coverage for prescription drug benefits, not within the hospitalization trust fund; in other words, to pay for Medicare, but do not pay for Medicare with Medicare taxes.

That does not make sense to me. I do not think it makes sense to most Americans. I would love to add a prescription drug benefit to Medicare. I voted for legislation on the floor last year to add a prescription drug benefit to Medicare. But we have in the instructions here, if we add a prescription drug benefit under Medicare, we do not take it out of the Medicare Trust Fund.

Why would anyone want to do that? I think there is one answer that I can think of. It is because they do not want to cut taxes. It is because they want to increase the size of government. It is because they want to find any excuse not to have to support tax relief.

Three years ago, 4 years ago, when I first came to Congress, they said, we cannot cut taxes until we balance the budget. We enacted balanced budget legislation in 1997.

Then they say, well, we cannot support cutting taxes because we have not started paying down the debt. And we started paying off the Federal debt.

Then they said, we cannot support any tax cuts until we set aside every penny of the Social Security surplus. We did that.

Now tonight we are hearing, well, if we set aside the Social Security surplus, let us also set aside the Medicare Trust Fund surplus.

We have actually done that in this budget, so now they are trying to find ways to force spending even higher, to drive us back to a point where, for some reason, we are not giving back that tax surplus to Americans.

I think that is unfortunate. Some people will look for any opportunity to vote against the tax cut. In the end, that is because there are some for whom this is not nearly enough government, and only by keeping all of the revenues that are coming into Washington in Washington will they have the resources to increase the size and scope of government to an untenable level.

I think that is unfortunate. Taxes today are higher than they have been at any point since World War II. Almost 21 percent of our economy is consumed in taxes. We wake up, we are paying energy taxes; we go to work, we are paying gasoline taxes; we make a phone call, we are paying 3 percent in telecommunications taxes that were put in place in 1899 to fund the Spanish-American war; of course, we pay income taxes; we pay Medicare taxes; we pay Social Security taxes.

There is very little in our life that is not taxed today, and when we are collecting more in taxes than in our history, and after we have paid for all of the essential operations of government, expanded discretionary spending 4 percent, invested in education and national defense, added $2.8 billion to the National Institutes of Health, if we have money left over, we ought to give it back to the American taxpayer by letting them keep more of what they earn every week.

We do not say it nearly enough, but the reason we have record tax collections is because Americans are working more productively and harder and more efficiently, earning more. We ought to send a little bit of that back.

I urge my colleagues to vote against this motion to instruct. It is all about the size of government. It is all about trying to keep it here in Washington. But I say when we take money out of Washington and give it back to families, we are making Washington a little less important and we are making those families and those American workers more important. That is what I came here to do.

Mr. SPRATT. Mr. Speaker, I yield myself 2½ minutes.

□ 1800

Let me say in response to the gentleman's statement about the bite the government is taking out of our economy. In 1984, 1985, the peak of the Reagan years, the government was consuming 23.5 percent of the national pie known as GDP, gross domestic product. Peak of the Reagan years, 23.5 percent of GDP being consumed by the government.

Today, under this budget, the budget we have this year, which is the Clinton administration budget, less than 18½ percent of our GDP is devoted to government spending. That is five full percentage points, five full percentage points less than in the peak of the Reagan years.

In addition, let me clarify where we are with respect to education. The President came here to this House and made his State of the Union. He said the account plussed-up by the most in our budget will be education, 11.4 percent. Our spirits were lifted.

We got the budget and started looking at it, started dissecting it; and we saw that he was claiming for his increase for next year $2.1 billion that the House appropriated last year for 2002. When we back that out, because he is not providing, it was previously provided, when we back that out, we saw that the increase was 5.8 percent. As I have said, 5.8 percent is an increase; I will grant one that. But it is nothing compared to last year, 18 percent. It is nothing compared to the last 5 years, 13 percent.

Furthermore, when the Senate had an opportunity, amendment by amendment, to add to education, they added through four amendments $300 billion. When we say in this motion to instruct conferees provide the maximum feasible funding for education, we also say within the scope of conference, the text of the resolution. What does that mean? Get as close to that $300 billion increase as you possibly can. We will not dictate it in numerical terms. But within the scope of conference, that means you can go up to $300 billion plus-up in education, provide the maximum feasible funding for education.

Mr. SUNUNU. Mr. Speaker, will the gentleman yield for a question; and it will be a short one.

Mr. SPRATT. Yes, I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Speaker, the gentleman from South Carolina indicated that the Federal spending is 18.3 percent of GNP today.

Mr. SPRATT. Mr. Speaker, that is correct.

Mr. SUNUNU. Mr. Speaker, we are collecting almost 21 percent in taxes.

Mr. SPRATT. That is correct, Mr. Speaker.

Mr. SUNUNU. Mr. Speaker, what is the justification for collecting so much more in taxes than the Federal Government is spending?

Mr. SPRATT. The difference is, the surplus is——

Mr. SUNUNU. I know what the difference is. What is the normal justification for collecting so much more in taxes than we spend in government?

Mr. SPRATT. Mr. Speaker, it is this: From 1982 to 1992, we increased the national debt of this country, which we will leave to our children, by more than $4 trillion. It is time we paid some of that off, and the budget we brought to the floor would have done that.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I want to thank the gentleman from South Carolina for his motion to instruct because it is clear that the massive tax cut package pushed through the House earlier this year was financed by cutting much-needed programs, particularly as it regards to education.

There are devastating cuts in education spending affecting areas where continued progress relies on at least maintaining current levels of funding. Where the President proposes an increase in funds to disadvantaged students and programs, he proposes major cutbacks in educational technology programs and a decrease in funds for vocational educational programs.

This budget does not provide the necessary increases to the Safe and Drug Free Schools and Communities Program or the 21st Century Community Learning Centers, programs which have been proven to work and be successful. This is a major blow to all urban and rural communities. These programs are vital to providing a safe and stimulating academic environment for students, both while they are in school and during after-school hours. We need these programs, and we need them at full funding, which covers real operating costs.

Despite campaign promises to increase the average Pell grant to $5,100, this budget proposes approximately $3,800, a $100 increase per student. The President then freezes all other critical student aid programs, making it almost impossible for working families and students to finance the higher education, to keep us moving on and keep us ahead of the curve.

The elimination of the budget line for school renovation is ill-advised and absolutely devastating to restoring and modernizing our schools and bringing them up to the 21st century standards. This must be reversed.

Mr. Speaker, my constituents need each and every dollar of this Nation's education budget to provide a safe and competent educational experience. The President's budget stops short of providing real educational relief.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the gentleman from New Hampshire (Mr. SUNUNU) says he does not know why we could possibly have ever seen anything good about the other body. The fact is that even a stopped clock is right twice a day. The question is: Do you know when it is? In this instance, their budget makes more sense.

I went back to my district for 2 weeks, and I had four community meetings with an average of 150 people in each meeting; 600 people. Seventy-five percent of them, after you go through the budget and explain what the tax cut does to all of it, said we do not want the tax cut. We would rather have you pay down the debt. We would rather you protect Social Security and protect Medicare. They understand.

Now, my colleagues say, well, you are from Seattle. You are from that liberal district out on the Left Coast. The district of the gentleman from Texas (Mr. TURNER) right on the border between Texas and Louisiana was reported in the New York Times as having exactly the same result.

The people understand that education is the future of this country, that also the future is the security that comes with Medicare and Social Security.

Now, for us to say that we cannot support the Senate, they in fact are much more in tune with the people than are the House of Representatives who rammed this budget through with very little discussion about what it actually does in the long-term.

This resolution supports what the people support. They are not asking for tax relief. They are not begging. When one explains in the meetings who gets the tax cut and where it goes and what it means when we do not pay down the debt and we have to pay an extra $500 billion in interest, they say: Why do not you just keep the money, pay the debt down and save the interest. You can use that on education.

People, they do not need to be rocket scientists. If one can add and subtract, one can see what the Senate did. If my colleagues allowed us to have the kind of amendments over here that they had in the other body, we would have a much different resolution on the floor, because they would have found there is much more support in this body for education. But they would not allow it. So that is why they have to have this resolution passed.

Mr. SPRATT. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from South Carolina (Mr. SPRATT) has 1 minute remaining and the right to close. The gentleman from Iowa (Mr. NUSSLE) has 9½ minutes.

Mr. NUSSLE. Mr. Speaker, I yield myself 3 minutes to close our portion of the debate.

Let me just reiterate that certainly we have tried and we will continue to try and reform our education system. Part of that reform requires us to consider new funding. Part of that reform requires us to consider that we are not paying the bills that have been promised under the Individuals with Disabilities Education Act. Part of that is to recognize that, as people continue a lifetime of learning, that we have to find new ways to pay for higher education; that we recognize that reading programs in this country need additional assistance.

But in part, that is the reason why our budget lays out for education those many different priorities we believe so succinctly and with so much of a priority.

I think it is wrong to assume that because we have over the course of our appropriations passed some advanced appropriations that all of a sudden now that that should not be included as a priority for this year's budget or beyond. We have increased budgets for education in the past. We will do so in the future. This year's is 11 percent. We are proud of that. If there are ways that we can help improve that in the future with reform, we will consider that.

As far as reform and modernization of Medicare, we believe based on the 407 to 2 vote earlier this year that the House of Representatives is clearly on record that not one penny of Social Security or Medicare ought to be used for anything else except Social Security or Medicare. Finally we have done that.

I do not want to recall history, but the gentleman from South Carolina (Mr. SPRATT), my good friend, knows that this is a very brief history involved in any side coming forth with a budget that does not touch the trust funds and the surpluses for Medicare and Social Security. Finally, in a bipartisan way, this year, we were able to say do not touch it, only use it for its intended purpose.

But this is its intended purpose. If one cannot use Medicare Trust Fund dollars for Medicare, for modernization of Medicare, for improving Medicare and providing Medicare recipients more Medicare, what is one going to use the money for? I mean, I do not quite understand that.

This desire to run to the floor and to say every penny you use from the Medicare Trust Fund automatically takes a penny away from its solvency in the future is just not factually correct. Modernization is intended for and we will pass modernization that needs to extend the life of Medicare.

I just say the following: If one cannot use Medicare Trust Fund dollars for Medicare, if one cannot use Medicare surpluses for Medicare, what can one use it for? We believe we have finally arrived at a bipartisan principle on that issue. We believe that is embodied in this budget that has already passed the House.

I believe it would be a grave mistake to change that tact now and to instruct our conferees, albeit it is not binding, I realize that, and maybe we should not make a controversy out of it, but I believe it is a mistake for us to bind our conferees or instruct our conferees by suggesting to them that now, all of a sudden, we are going to reverse that 407 to 2 vote and say that one cannot use Medicare now for anything, one cannot use it for prescription drugs, one cannot use it for modernization. I believe that would be a mistake.

Therefore, I urge Members not to adopt the motion to instruct offered by the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. Speaker, I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, basically this is what this motion to instruct does: The Senate has added $300 billion to education. We say go as far as you can, conferees, as far as feasible in the direction of the Senate's plus-up for education.

Second, the Senate has provided $147 to $153 billion provided in the House for a Medicare prescription drug benefit. That is the minimum amount that will actually provide the benefit. We say adopt the Senate provision.

Third, we say as to Medicare, do not double count. Do not take these overobligated underfunded trust funds and use them for new obligation. Take the money out of the general fund to provide for the Medicare prescription drug benefit.

If one is for education, if one is for Medicare prescription drugs, if one is for making Medicare sound and solvent far into the future, one should vote for the motion to instruct conferees because that is what it does.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SPRATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on the motion to suspend the rules and pass the bill, H.R. 428, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 207, not voting 24, as follows:

[Roll No. 85]

YEAS—200

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—207

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Abercrombie
Brown (FL)
Cantor
Capps
Davis (CA)
Filner
Holden
Hunter
Istook
Linder
McHugh
McKinney
Mica
Moakley
Myrick
Payne
Roybal-Allard
Schiff
Smith (TX)
Stark
Taylor (NC)
Vitter
Weller
Whitfield

☐ 1835

Mrs. CUBIN, Mrs. JOHNSON of Connecticut, Messrs. OXLEY, GOSS, WATTS of Oklahoma, SKEEN, HOBSON, WALDEN of Oregon, and NEY changed their vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 85, I was unavoidably detained due to flight cancellations. Had I been present, I would have voted "yea".

The SPEAKER pro tempore (Mr. GIBBONS). Without objection, the Chair appoints the following conferees:

Messrs. NUSSLE, SUNUNU, and SPRATT.

There was no objection.

CONCERNING PARTICIPATION OF TAIWAN IN WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 428, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 428, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 86]

YEAS—407

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Abercrombie
Berman
Brown (FL)
Cantor
Capps
Davis (CA)
Filner
Holden
Hunter
Linder
McHugh
McKinney
Mica
Moakley
Myrick
Payne
Roybal-Allard
Schiff
Smith (TX)
Stark
Taylor (NC)
Vitter
Weller
Whitfield

☐ 1845

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 86, I was unavoidably detained, due to flight cancellations. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcall Nos. 85 and 86. Had I been present, I would have voted "no" on rollcall No. 85 and "yes" on rollcall No. 86.

PERSONAL EXPLANATION

Mr. CANTOR. Mr. Speaker, I was unavoidably detained and was not able to cast my vote on rollcall Nos. 85 and 86.

Had I been present, I would have voted "nay" on rollcall 85, a motion to instruct conferees with respect to House Concurrent Resolution 83, and "aye" on rollcall No. 86, H.R. 428, Concerning the Participation of Taiwan in the World Health Organization.

☐ 1845

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 41, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–49) on the resolution (H. Res. 118) providing for consideration of the joint resolution (H.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–50) on the resolution (H. Res. 119) providing for consideration of the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1310

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1310.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentlewoman from New York.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GAINESVILLE-HALL COUNTY JUNIOR LEAGUE CELEBRATES 50TH ANNIVERSARY OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, I rise today to recognize and commend the Junior League of Gainesville-Hall County, Georgia as that group celebrates its 50th anniversary of service to our community. The Junior League is an organization of women committed to promoting volunteerism, developing the potential of women, and improving the community; and the women of Gainesville and Hall counties have certainly demonstrated during the past half century that hard work and good spirits can make a powerful difference in the community that we live in.

The Gainesville-Hall County chapter of the Junior League was founded by Ms. Idalu Haugabook Slack and chartered on May 21, 1951. The group began making a strong impact then, and I am proud to report that their work has not only continued but has intensified since that time. In 1951, the 21 charter members donated some 515 hours of community service. This year's membership donated over 8,000 hours, all while raising some $80,000 in a single year.

Early projects from the Gainesville-Hall County Junior League included services to the Boy Scouts and Girl Scouts, a story hour for children at the Hall County Library, and school lunches for less fortunate children. In 1952, this strong group of women began two permanent projects as well, the Green Hunter Homes Nursery, and the Charity Ball. Their list of accomplishments continued through the years, and in 1954 the first "Fall Thrift Sale" began.

The Junior League of Gainesville-Hall County has a special tradition of helping children with speech problems. After spending 4 years transporting children to the Atlanta Speech School, the members retained a speech correctionist to allow the children of Gainesville and Hall counties to get help closer to home. In the early 1970s, the Northeast Georgia Speech and Hearing Center was opened, and I had the honor of serving on that first board of directors. The Junior League also donated money for newborn intensive care equipment.

In recent years, the Junior League of Gainesville-Hall County underwrote a $30,000 grant to help open a new child advocacy center and has participated in the massive restoration of the Gainesville Civic Center. Joining with the Association of Junior Leagues International, health concerns emerged as major initiatives and projects were begun, including the creation of a mobile health van and the hosting of a Child Welfare Forum. History shows that the women of Gainesville-Hall County Junior League are able to continue old projects even as they engage in new endeavors that help our community.

Mr. Speaker, one of the main problems of the Junior League is demonstrating the effectiveness of trained volunteers, and they are certainly doing a great job at it. League members have a strong history as State and community leaders, and I commend the Gainesville-Hall County Junior League for their continuing legacy of service and achievement.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, earlier today tens of thousands of Armenian mourners gathered on the hilltop over the city of Yerevan, the capital of Armenia, to remember the Armenian genocide.

Here in the United States, in the Capitol, we also are remembering. It often seems that the world has not learned the crucial lessons of the past. We have witnessed awful genocides in nearly every corner of the globe, including the Holocaust of the Jews in Europe, and genocides in Cambodia, Rwanda, and Bosnia.

We must pause today and say, "Never again." We must, because the cost of the alternative is too high.

Eighty-six years ago in 1915, 1.5 million Armenians were killed; 300 Armenian leaders, writers, thinkers and professionals in Constantinople, modern day Istanbul, were rounded up, deported and killed. 5,000 of the poorest Armenians were butchered in the streets and in their homes.

Most Armenians in America are children or grandchildren of those survivors although there are still many survivors amongst us today. I sometimes hear voices that ask, "You know, after all of these years, why do we need to keep addressing this?" After all, some of the skeptics say, this was something that ended back in 1915 and the 1920s.

I suppose that someone who thinks of genocide with that kind of detachment, as if it were just something in a textbook, some distant memory, as something that happened far away and long ago to a people that they never knew, that argument might sound reasonable. But the reason we are here today with my colleagues is because we know better, because we know that 1.5 million men, women and children who were murdered in the genocide are not some abstraction, are not some number in a textbook. To those who survived them, they were beloved family members and dear friends. They were our fathers and mothers and grandparents and uncles and aunts and confidants and neighbors. They were individuals who were robbed of their dignity, they were robbed of their humanity; and finally, they were robbed of their lives.

While time has made the events more distant, the pain is no less real today than it has ever been. How can it be otherwise when we hear the stories of the survivors. How can it be when we are haunted by the words of women like Katharine Magarian. Just listen. Three years ago she said, "I saw my father killed when I was 9 years old. We lived in an Armenian enclave in Turkey in the mountains. My father was a businessman. The Turks, they ride in one day, got all of the men together and brought them to the church. Every man came out with hands tied behind them. They slaughtered them, like sheep, with long knives.

"They all die. Twenty-five people in my family die. You cannot walk, they kill you. You walk, they kill you. They did not care who they killed. My husband, who was a boy in my village but I did not know him then, he saw his mother's head cut off," and she goes on describing the atrocities that befell her and her family.

To most Americans these stories are things that, maybe, you have heard about or read about. But anyone who grew up in an Armenian American family will tell you they knew about these stories their whole life. They may not have always known the specifics, but they always knew about the pain and hurt and tears. They know there were members of their family who died. Why did they die? Because they were Armenian.

Mr. Speaker, that is why we commemorate the genocide. It is not because we cannot let go of history, it is because history will not let go of us. We know that silence does not bind up wounds, it only leaves those wounds to fester. Because we understand if Turkey is never held accountable for the crimes it committed in the past, it only becomes more certain that those crimes will occur again in the future.

Some in Congress and the White House believe that by speaking out on the genocide, America would be betraying the Turkish government. By failing to speak out, we are betraying our own principles as a free people. We cannot sit idle. We cannot let Turkey hide within a fortress of lies.

Mr. Speaker, that is why we will be introducing our resolution on the Armenian genocide. I would like to share an old Armenian saying with you. The saying is: "Many a molehill thinks it is a mountain. But the mountain? Mountains are too busy being mountains, doing mountain-type things and thinking mountain-type thoughts to worry about what being a mountain means."

I think of America as sometimes being a bit like that mountain. We are a Nation that is so busy with our economy, our culture and politics, we sometimes forget what it is like to be really an American, what it means to be an American. And the way I see it, America means standing up for justice. America means speaking out against injustice.

□ 1900

That is what I urge all of my colleagues to do, and join me in recognizing the Armenian genocide and supporting the resolution.

Recognizing inhumanity is the first step toward healing and understanding. The current tensions between Turkey, Azerbaijan, and Armenia are deeply rooted in its history, and achieving a just and lasting peace and cooperation will only be possible if the past is acknowledged. But it will not happen on its own. That's why congressional action on the Armenian Genocide resolution is so important.

I believe that those of us who stand for human rights and dignity have a responsibility to remember the victims and the survivors. We have a responsibility to speak out and to make sure that tragedies like this are never allowed to happen again.

In remembering the Armenian Genocide, we are making a commitment against genocide and discrimination. We are making a personal commitment to speaking out against injustice wherever we see it.

COMMEMORATING ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I am proud to be here this evening to honor my Armenian friends, particularly on the eve of the 86th anniversary of the Armenian Genocide.

The 20th century was one of historic progress, but also horrible brutality. Throughout the century, America has also been the source of this progress, as well as the nation of first resort to combat brutality around the world. The first great American diplomatic and humanitarian initiative of the 20th century was in response to the attempted extermination of the Armenian people.

As I did last year on this date, I want to associate my comments with the comments of the Jerusalem Post which said, "The 1915 wholesale massacre of the Armenians by the Ottoman Turks remains a core experience of the Armenian nation. While there is virtually zero tolerance for Holocaust denial, there is tacit acceptance of the denial of the Armenian Genocide, in part because the Turks have managed to structure this debate so that people question whether this really did happen."

It is fact that the death of 1.5 million Armenians by execution or starvation really did happen, and we must not tolerate this denial.

Mr. Speaker, I say we must affirm history, not bury it. We must learn from history, not reshape it according to the geostrategic needs of the moment, and we must refuse to be intimidated or other states with troubled pasts will ask that the American record on their dark chapter in history be expunged.

As Members of this body, we have an obligation to educate and familiarize Americans on the Armenian Genocide. In fact, we must assure that the genocide is remembered so that this human tragedy will not be repeated.

As we have seen in recent years, genocide and ethnic cleansing continue to plague nations around the world and, as a great nation, we must always be attentive and willing to stand against such atrocities. We must do the right thing and call upon our human decency to commemorate the Armenian Genocide. We must take our role as the leader of the Free World seriously and educate people on the systematic and deliberate annihilation of 1.5 million Armenians. We must characterize this as genocide.

A key element of the record of the American response to this crime against humanity consists of the reports of our ambassador and his consular officials throughout what are now central and eastern Turkey. This record is a priceless tool in the hands of any American concerned with or responsible for our Nation's ongoing global role to prevent genocide and ethnic cleansing. Therefore, I will tomorrow will be introducing a strong bipartisan resolution to bring together all of the U.S. records on the Armenian Genocide and to provide this collection to the House Committee on International Relations, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan, Armenia.

U.S. Archives contain extensive documentation of the widespread opposition to Ottoman Turkey's brutal massacres and deportations. They also contain records of the unprecedented efforts of the American people to bring relief to the survivors of the 20th century's first genocide. In introducing this legislation, we challenge those who will deny the genocide, past or present. I urge my colleagues to please add their names as an original cosponsor.

Finally, I would like to close by expressing my sincere hope that we will have President Bush's support on this initiative. During his campaign he pledged to properly commemorate the Armenian Genocide. I have every reason to believe that he will honor that pledge and do what is right for both the Armenian people and for our historical record.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in commemorating one of the most appalling violations of human rights in all of modern history—the eighty-sixth anniversary of the Armenian genocide.

I want to commend my colleagues Representative JOE KNOLLENBERG of Michigan and Representative FRANK PALLONE of New Jersey, the co-chairs of the Congressional Caucus on Armenian Issues, for sponsoring this special order.

Today, I want to acknowledge this dark moment in history and remember the Armenian people who tragically lost their lives. We must always remember tumultuous moments in history when people suffered because they were different.

The Armenian genocide lasted over an eight-year period from 1915 to 1923. During this time, the Ottoman empire carried out a systematic policy of eliminating its Christian Armenian population. The Armenian genocide was the first of the 20th century, but unfortunately, not the last.

The atrocious acts of annihilation against the Armenian people were denounced by Paris, London and Washington as war crimes. Even the Germans, the Ottoman Empire's ally in the First World War, condemned these heinous acts. Henry Morgenthau, the U.S. Ambassador to Constantinople at the time, vividly documented the massacre of 1.5 million Armenians.

Winston Churchill used the word "holocaust" to describe the Armenian massacres when he said: "in 1915 the Turkish government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia minor . . . [the Turks were] massacring uncounted thousands of helpless Armenians—men, women, and children together; whole districts blotted out in one administrative holocaust—these were beyond human redress."

This orchestrated extermination of a people is contrary to the values the United States espouses. We are a nation which strictly adheres to the affirmation of human rights everywhere and cannot dispute a horrendous historical fact by ignoring what so many witnessed and survived.

Recognition and acceptance of any misdeed are necessary steps towards its extinction. Without acceptance there is no remorse, and without remorse, there is no catharsis and pardon.

Even as recently as the last year of this millennium, the United States, together with many European nations, took active part in putting a stop to the genocidal events in Kosovo. It demonstrates that we are willing to risk our lives in order to remain true to our long tradition of intolerance to tyranny and injustice. We cannot remain silent and turn our face away from similar events that took place against the Armenian people.

Of course, we all want to forget these horrific tragedies in our history and bury them in the past. However, it is only through painful process of acknowledging and remembering that we can keep similar dark moments from happening in the future.

At the end of my statement, I have included several quotes from prominent world leaders and political figures, including several U.S. presidents, who describe and sadly affirm what happened to the 1.5 million Armenians in the Ottoman Empire eighty-six years ago.

In closing, Mr. Speaker, I would like to ask that as we take a moment to reflect upon the hardships endured by the Armenians, we also acknowledge that in the face of adversity the Armenian people have persevered. The survivors of the genocide and their descendants have made great contributions to every country in which they have settled—including the United States, where Armenians have made their mark in business, the professions and our cultural life.

QUOTES REGARDING THE ARMENIAN GENOCIDE FROM VARIOUS WORLD LEADERS AND PROMINENT POLITICAL FIGURES

"The twentieth century was marred by wars of unimaginable brutality, mass murder and genocide. History records that the Armenians were the first people of the last century to have endured these cruelties. The Armenians were subjected to a genocidal campaign that defies comprehension and commands all decent people to remember and acknowledge the facts and lessons of an awful crime in a century of bloody crimes against humanity. If elected President, I would ensure that our nation properly recognizes the tragic suffering of the Armenian people."—George W. Bush Jr., June 2, 2000, letter to the members of the Armenian Assembly.

"[We join] Armenians around the world [as we remember], the terrible massacres suffered in 1915–1923 at the hands of the rulers of the Ottoman Empire. The United States responded to this crime against humanity by leading diplomatic and private relief efforts."—George W. Bush Sr., April 20, 1990, speech in Orlando, Florida.

"Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it, . . . the lessons of the Holocaust must never be forgotten."—Ronald Reagan, April 22, 1981, proclamation.

"It is generally not known in the world that, in the years preceding 1916, there was a concerted effort made to eliminate all the Armenian people, probably one of the greatest tragedies that ever befell any group. And there weren't any Nuremberg trials."—Jimmy Carter, May 16, 1978, White House ceremony.

"The association of Mount Ararat and Noah, the staunch Christians who were massacred periodically by the Mohammedan Turks, and the Sunday School collections over fifty years for alleviating their miseries—all cumulate to impress the name Armenian on the front of the American mind."—Herbert Hoover, The Memoirs of Herbert Hoover, 1952.

". . . the Armenian massacre was the greatest crime of the war, and the failure to act against Turkey is to condone it . . . the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense."—Theodore Roosevelt, May 11, 1918, letter to Cleveland Hoadley Dodge.

"When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."—Henry Morgenthau, Sr., U.S. Ambassador to the Ottoman Empire Ambassador Morgenthau's Story, 1919.

"These left-overs from the former Young Turk Party, who should have been made to account for the millions of our Christian subjects who were ruthlessly driven en masse, from their homes and massacred, have been restive under the Republican rule."—Mustafa "Ataturk" Kemal, founder of the modern Turkish Republic in 1923 and revered throughout Turkey, in an interview published on August 1, 1926 in The Los Angeles Examiner, talking about former Young Turks in his country.

"Who, after all, speaks today of the annihilation of the Armenians?"—Adolf Hitler, while persuading his associates that a Jewish holocaust would be tolerated by the west.

"It was not war. It was most certainly massacre and genocide, something the world must remember . . . We will always reject any attempt to erase its record, even for some political advantage."—Yossi Beilin, Israeli Deputy Foreign Minister, April 27, 1994 on the floor of the Knesset in response to a TV interview of the Turkish Ambassador.

"Mr. Speaker, with mixed emotions we mark the 50th anniversary of the Turkish genocide of the Armenian people. In taking notice of the shocking events in 1915, we observe this anniversary with sorrow in recalling the massacres of Armenians and with pride in saluting those brave patriots who survived to fight on the side of freedom during World War I."—Gerald Ford, addressing the U.S. House of Representatives.

"Turkey is taking advantage of the war in order to thoroughly liquidate (grundlich aufzaumen) its internal foes, i.e., the indigenous Christians, without being thereby disturbed by foreign intervention."—Talat Pasha, one of the three rulers of wartime in the Ottoman Empire in a conservation with Dr. Mordtmann of the German Embassy in June 1915.

"What on earth do you want? The question is settled. There are no more Armenians."—Talat said this after the German Ambassador persistently brought up the Armenian question in 1918.

"In an attempt to carry out its purpose to resolve the Armenian question by the destruction of the Armenian race, the Turkish government has refused to be deterred neither by our representations, nor by those of the American Embassy, nor by the delegate of the Pope, nor by the threats of the Allied Powers, nor in deference to the public opinion of the West representing one-half of the world."—Count Wolff-Metternich, German Ambassador to the Ottoman Empire, July 10, 1916, cable to the German Chancellor.

Mr. DOOLEY of California. Mr. Speaker, as a proud member of the Congressional Armenian Caucus and the representative of a thriving community of Armenian-Americans, I join many of my colleagues today to recognize the 86th anniversary of the Armenian Genocide.

This terrible human tragedy must not be forgotten. Like the Holocaust, the Armenian Genocide stands as a tragic example of the human suffering that results from hatred and intolerance.

One-and-a-half-million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from their ancestral homeland. A race of people was nearly eliminated.

It would be an even greater tragedy to forget the Armenian Genocide. To not recognize the horror of such events almost assures their repetition in the future.

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish government still refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

I would like to commend the Armenian-American community as it continues to thrive and provide assistance and solidarity to its countrymen and women abroad. The Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer, we do.

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the victims of one of history's unacknowledged tragedies—the Armenian Genocide. Today marks the 86th anniversary of this tragedy that lasted from 1915 to 1923.

April 24, 1915 is remembered and commemorated each year by the Armenian community and by people of conscience throughout the world. On this day, the rulers of the Ottoman empire began the systematic and ruthless extermination of the Armenian minority in Turkey. By the end of the Terror, more than a million Armenian men, women, and children had been massacred and more than half a million others had been expelled from the homeland that their forbears had inhabited for three millennia.

The Armenian Genocide is a historical fact. The Republic of Turkey has adamantly refused to acknowledge that the Genocide happened on its soil but the evidence is irrefutable. In 1915, England, France and Russia jointly issued a statement charging the Ottoman Empire with "a crime against humanity." Professor Raphael Lemkin, a holocaust survivor, is the key historical figure in making genocide a crime under international law. He coined the term "genocide" and was the first to characterize the atrocities of 1915–1923 as the "Armenian Genocide."

We understand that there is a difference between the Turkish people and the government of the Ottoman Turks. In fact, we know that during the massacres there were Turks who tried to save Armenians at the cost of their own lives. But our alliance with Turkey should not deter us from learning the lessons of past mistakes.

If we ignore the lessons of the Armenian Genocide, we are destined to repeat those same mistakes. The horrible conflicts in Sudan, Sierra Leone, and East Timor remind us that we must do more to prevent the systematic slaughter of innocent people. We must learn from the past and never forget the victims of the Armenian genocide.

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the U.S. National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. Most Armenians in America are children or grandchildren of the survivors, although there are still survivors amongst us. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband Dr. Raffi Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the life in Armenia, as well as in Northwest Indiana. Three other Armenian-American families in my congressional district, Dr. Aram and Seta Semerdjian and Sonya Doumanian, and Ara and Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This past year, with my support, Armenia received over $90 million of the $219 million in U.S. aid earmarked for the Southern Caucasus. In addition, on April 6, 2001, I joined several of my colleagues in signing the letter to President Bush urging him to honor his pledge to recognize the Armenian Genocide.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan, over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

On March 28th of this year, I testified before Foreign Operations Appropriations Subcommittee on the important issue of bringing peace to a troubled area of the world. I continued my support for maintaining of level funding for the Southern Caucasus region of the Independent States (IS), and of Armenia in particular. I also stressed the critical importance of retaining Section 907 of the Freedom Support Act that restricts U.S. aid for Azerbaijan as a result of their blockade. Unfortunately, Armenia is now entering its twelfth year of a blockade, and Section 907 is the one protection afforded it by the Congress. The flow of food, fuel, and medicine continues to be hindered by the blockade, creating a humanitarian crisis in Armenia. A repeal of Section 907 would only serve to legitimize Azerbaijan's illegitimate acts of aggression. I stand in strong support of Section 907, which sends a clear message that the United States Congress stands behind the current peace process and encourages Azerbaijan to work with the Organization for Security and Cooperation in Europe's Minsk Group toward a meaningful and lasting resolution. In the end, I believe Section 907 will help conclude a conflict that threatens to destabilize the entire region and places the Armenian nation in distinct peril.

Mr. Speaker, I would like to thank my colleagues, Representatives JOE KNOLLENBERG and FRANK PALLONE, for organizing this special order to commemorate the 86th Anniversary of the Armenian genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

Mr. SMITH of New Jersey. Mr. Speaker, as we do every year, I rise to mark April 24, the somber anniversary of one of the great crimes of modern history: the beginning of the genocide perpetrated against the Armenians of the Ottoman Empire. During and after World War I, a government-orchestrated campaign to eliminate the Armenians under Ottoman rule led to the slaughter of about one and a half million people. Entire communities were uprooted, as survivors fled their homes and were forced into exile.

Fortunately for them, the United States offered a haven. In turn, Armenian refugees gave this country the best they had to offer. Their contributions in many fields of endeavor have energized and enriched American culture and politics. Surely Turkey's loss has been America's gain, as Armenian refugees in the early part of the 20th century and their progeny have become an inspiring success story.

Turkey has lost in another way: its long-standing campaign of denial that the atrocities perpetrated during 1915–1923 were a genocide has not convinced anyone. More and more representative institutions across the world have openly declared their recognition of the genocide, and their number will grow. By refusing to acknowledge what the rest of the world sees, Turkey has stunted its own development and complicated its ability to come to terms with its own past, present, and future.

As we soberly mark April 24 this year, there is at least reason to hope for progress on a front important to all Armenians. The OSCE-brokered negotiations over Nagorno-Karabakh finally seems to be making headway. Though the details remain confidential, the recent meeting between Armenia's President Kocharian and Azerbaijan's President Aliev in Key West, Florida apparently went well enough for the OSCE Minsk Group to prepare a new peace proposal that will be presented to the parties in Geneva in June. Much hard bargaining surely lies ahead. Nevertheless, for the first time in years, we can allow ourselves of bit of optimism about the prospects for peace in a very troubled and important region.

Mr. Speaker, nothing can compensate for the loss of so many Armenians last century. But a prospering Armenia, at peace with its neighbors, and giving free rein to the natural abilities of this talented people, would mitigate the pain and sorrow we feel today.

Mr. CUNNINGHAM. Mr. Speaker, I rise today, on the 86th anniversary of the Armenian Genocide, to lend my voice to this important debate remembering the Armenian Genocide. While Turkey's brutal campaign against the Armenian people was initiated almost a century ago, its impact lives on in the hearts of all freedom-loving people. That is why we must continue to speak about it. We must remind the American people of the potential for such atrocities against ethnic groups, because history lessons that are not learned are too often repeated.

The Armenian Genocide, conceived and carried out by the Ottoman Empire between 1915 and 1923, resulted in the deportation of 2 million Armenians from their homeland and the ultimate slaughter of 1.5 million of those people. The continued tensions in the Caucasus region are rooted in this history, and until they are forthrightly acknowledged among world leaders, the prospects for resolution remain dim.

And so, Mr. Speaker, I rise today to recognize history, and to demonstrate that history is unkind to that abuse either rules of war or basic human dignity. I have fought in a war and understand each side feels compelled for its own reasons to fight. When that fight extends to civilian populations it is justifiable to both examine and condemn such occurrences.

The U.S. has some of the most extensive documentation of this genocide against the Armenian people, and there has been no shortage of corroboration by other countries. The Armenian genocide has been recognized by the United Nations and nations around the globe, and the U.S. came to the aid of the survivors. But perhaps we were not vociferous enough in holding the perpetrators of this genocide accountable, and for shining the light of international shame upon them. For it was only a few decades later that we saw another genocide against humanity: the Holocaust. That is why we must continue to tell the story of Armenian genocide. It is a painful reminder that such vicious campaigns against a people have occurred, and that the potential for such human brutality exists in this world. We must remain mindful of the continued repression of Armenians today, and challenge those who would persecute these people. If we do not, future generations may be destined to relive such horrors against humanity.

Mr. THOMAS. Mr. Speaker, today, I join my colleagues in commemoration of the 86th anniversary of beginning of the Armenian genocide. On April 24, 1915, under the direction of the Turkish Ottoman Empire, a campaign of Armenian extermination began. Armenian religious, political, and intellectual leaders from Istanbul were arrested and exiled—silencing the leading representatives of the Armenian community in the Ottoman Empire. From 1915 until 1923, 1.5 million Armenians were murdered, with another 500,000 forced into exile in Russia, ending a period of 2,500 years of an Armenian presence in their historic homeland. Today we remember this terrible period in human history, and commend the Armenian people for their ongoing struggle to live peacefully in their historic homeland.

Like the Jewish and Cambodian holocausts, and more recently, the Serbian ethnic cleansing in Kosovo, the Armenian genocide stands out as one of the world's most morally reprehensible acts. Unfortunately, some American Presidents have chosen not to recognize this atrocity as what it truly was—the attempted extermination of an ethnic group. Continuing our good relationship with Turkey has repeatedly been cited as the reason not to use the word genocide. Mr. Speaker, there is no word other than genocide to describe the systematic murder of a million-and-a-half people.

Earlier this month, I joined 107 of my colleagues in asking President Bush to properly recognize the Armenian Genocide by using the word genocide, and I hope that Mr. Bush will become the first American president in 20 years to do that.

On this day, we remember those Armenians who died 86 years ago and send a message to the world that we will never forget what happened during that terrible period in history and that we reaffirm our resolve to ensure that no nation will ever again have the opportunity to participate in mass genocide.

Mr. GEKAS. Mr. Speaker, today, April 24, 2001, we solemnly mark the 76th anniversary of the Armenian Genocide. On this day in 1915, three hundred Armenian leaders, writers, thinkers and professionals in Constantinople (present day Istanbul) were rounded up, deported and killed on the orders of the Ottoman Imperial Government. By 1923, one and a half million Armenians had been killed and roughly two million deported.

Our country was one of the first major powers of the day to condemn the acts of the Ottoman Empire. Other nations lent their voices to the outcry. Nations allied to the Ottoman Empire, such as Germany and Austria, and those who found themselves politically opposed to the Empire, like Great Britain, France, and Russia, expressed their consternation at the clear policy of genocide.

Today, the United States should reassert its condemnation of the ignominious acts of over three quarters of a century ago. The Armenians Genocide has an infamous place in history as the first mass genocide of the 20th century. Tragically, it was not the last act of genocide the world witnessed that century. Had the Armenians Genocide been fully investigated and condemned in the years after its duration, perhaps. citizens of the world would have reacted sooner to the mass ethnic cleansings that followed.

I am sure that the victims of the Armenian Genocide would want us to not simply remember the historic travesty that befell them, but would want us to learn from these lessons of xenophobia and inhumanity. We remember the Armenian genocide, today, and we affirm its historical existence, not to inflame the passions of our friends in the modern day Republic of Turkey, but to remind all Americans of the horrible consequences of ethnic violence. Turks of all backgrounds heroically fought against the policy of genocide adopted by extremist elements controlling the Ottoman government during World War I. We commemorate their heroism and humanity just as firmly in our act of remembrance today.

Mr. Speaker, we must hope and pray that genocide never again is visited upon the human race. As we grow closer in commerce and communication, may we also grow wiser in our understanding of world history. May we heed the lessons that are there to be learned. And may we never forget the worst aspects of that history, so that tomorrow's history may be all the better.

Mr. CAPUANO. Mr. Speaker, I rise today, for the third consecutive year, to commemorate a people who despite murder, hardship, and betrayal have persevered. April 24, 2001, marks the 86th anniversary of the Armenian Genocide; unbelievably, an event that many still fail to recognize.

Throughout three decades in the late nineteenth and early 20th centuries, millions of Armenians were systematically uprooted from their homeland of three thousands years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery, and torture. Most were ultimately murdered.

I have had the privilege of joining my colleagues in a letter to the President asking that the U.S. officially commemorate the victims of the Armenian Genocide and honor its 1.5 million victims. As a cosponsor and proponent of H. Res. 596 during the 106th Congress, I was deeply disturbed by the decision that prevented the House of Representatives from considering this resolution last October. This resolution recognized the suffering of nearly two million Armenians from 1915 through 1923, as the Ottoman Empire strove to wipe out an entire race of men, women, and children. Those who were not murdered were effectively removed from their homes of 2,500 years in what is now modern day Turkey.

The resolution called upon the President of the United States to do three things: (1) Ensure that U.S. foreign policy reflects consideration and sensitivity for human rights, ethnic cleansing, and genocide documented in U.S. records relating to the Armenian Genocide and the consequences of the Turkish court's failure to enforce judgments against those responsible for committing genocide; (2) recognize, during his annual commemoration of the Armenian Genocide on April 24th, that this was a systematic and deliberate annihilation of 1.5 million people, and reflect upon the United States' effort to intervene on behalf of Armenians during the genocide; and (3) in his annual commemoration of the Armenian Genocide, emphasize that the modern day Republic of Turkey did not conduct the Armenian Genocide, which was perpetrated by the Ottoman Empire. This was the second time H. Res. 596 had been pulled from consideration, despite pledges by the leadership that the U.S. would go on record to affirm their support for the Armenian genocide.

We should exhibit the same support as many of our friends in the international community who have refused to be bullied into silence. The European Parliament and the United Nations have recognized and reaffirmed the Armenian genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies, and the French National Assembly. It is time for America to venerate Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district to promote investment and prosperity in Armenia. And, I sincerely, hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

Mr. ACKERMAN. Mr. Speaker, I am honored to take part in an important annual event in the House of Representatives, the commemoration of the Armenian Genocide. I am proud that dozens of Members gather each year to mark this dark chapter in human history. Such devotion to memory is not a trivial matter. We know this to be true because, even today, there are those who would vainly try to deny the past, in order to influence the future.

We, as a moral people, cannot allow such wicked efforts to prosper. Even passive acceptance of such lies would be tantamount to participating in a second genocide. As we all know, surely and irrefutably, the first Armenian Genocide, occurred between 1915 and 1923, and resulted in the deliberate death of 1.5 million human souls, killed for the crime of their own existence. The second Armenian Genocide, which every year we must struggle against, is the ongoing effort by some to deny reality, to deny history, to deny one of humanity's darkest hours.

Mr. Speaker, the Armenian Genocide marked a critical point in history. We can look back now, with the wisdom of hindsight, and see in the deaths of a million and a half Armenians the first signs of the breathtaking cruelty of the last century. We can see technology and hatred converging toward the creation of a new phenomenon in human history, the apotheosis of evil, the creation of genocide, the organized attempt to annihilate an entire people.

The Ottoman Empire's campaign to eliminate the entire Armenian population existing within its borders was no accident, no mistake made by a bureaucrat. Genocide was official policy and 1.5 million Armenians died as a result. They were starved and shot, deported and humiliated. They were old and young, innocent and blameless. They were killed, not for what they had one, but for who they were.

Mr. Speaker, when we assemble here, in the House of Representatives, and remember the Armenian Genocide, we stand as witnesses to humanity's worst potential and promise to do better. To not stand by, impassive and confused in the face of horror. We commit ourselves to our common humanity and the precious rights enshrined in the U.S. Constitution. Genocide is incomprehensible, but not unstoppable.

For genocide to be removed from our world and banished forever, we must begin with teaching our children what has happened, and recalling, publicly and clearly, the unprecedented slaughter of the innocent in the 20th century; first in Armenian and then throughout Europe. As a just and honorable nation, we must do more than shrug our shoulders at atrocities. We must bear witness, year after year, and in doing so, commit ourselves to preventing history's repetition.

Mr. Speaker, my colleagues and I are here today for one simple reason: to remind our nation that eighty-five years ago one-third of the Armenian people, 1.5 million men, women and children, were put to death for the crime of their own birth. To deny this reality is to deny that genocide can happen again.

I want to thank America's citizens of Armenian descent for their unfailing commitment to their people's history and their unwavering struggle to ensure that the memory and history of their peoples' darkest hour is never lost. Thanks to them, the Armenian Genocide and its lessons will not be forgotten in our time and in our nation.

Finally, Mr. Speaker, I would be remiss if I didn't thank and commend my colleagues, Congressmen JOE KNOLLENBERG and FRANK PALLONE, the co-Chairmen of the Congressional Caucus on Armenian Issues. Thanks to their leadership, this House will again honorably fulfill America's commitment to memory and justice.

Mr. MEEHAN. Mr. Speaker, I join my colleagues in this commemoration of the anniversary of the Armenian Genocide. Each year, I join Members of Congress from both sides of the political spectrum to take part in this commemoration. We join together to raise awareness of a chapter in history so brutal and violent that it sadly deserves the horrific title of "Genocide."

Each year, as I rise to pay tribute to over 1.5 million Armenians who were killed in this tragedy, I am amazed at how the news of the Armenian Genocide was suppressed at the time and then shrouded from public view for generations. We all remember the question posed by Adolf Hitler at the beginning of World War II—he said "who remembers the Armenians?" Today, for the sake of justice and human rights, we answer: "We do."

The events that took place between 1915 to 1923, when Armenian men, women and children were systematically mistreated and killed, represent one of the darkest chapters of human history. Armenians were tortured, had their property confiscated, and died from malnutrition and starvation during long, forced marches from their homeland in Eastern Turkey.

When tragedies of this magnitude take place, we must ensure that they are not forgotten. Let us teach our children that attempted systematic annihilation of a people must be a fixture of the past. Let us teach our children to value diversity and promote peace and understanding. Theirs can be a better world than the world of the Armenians between 1915 and 1923—but only if they truly understand the cruelty that humankind can wreak upon its own.

There are survivors of the Armenian Genocide in my district, and the horror of this ordeal is forever etched in their collective memories. Every year, survivors participate in commemoration ceremonies in Boston, Lowell, and other parts of Massachusetts' Merrimack Valley. The commemoration offers participants an opportunity to remind the media and citizens around the world of the tragedy suffered by the Armenians at the hands of the Turkish empire.

I represent a large and active Armenian community in my Congressional district. They are hard-working and proud of their heritage. With great respect for them and for Armenians throughout the world, let us renew our commitment here today that the American people will oppose any and all instances of genocide.

Mr. KENNEDY of Rhode Island. Mr. Speaker, we join here today to honor the memory of the Armenians who were massacred and the Armenian survivors who fled into exile during the Ottoman Empire's genocide from 1915 to 1923. On April 24, 1915, the Ottoman Empire began what can be called nothing less than a policy of ethnic cleansing. The U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, stated that he was confident the treatment he observed of the Armenian people from 1915 to 1923 was the greatest atrocity the human race had ever seen. "I am confident that the whole history of the human race contains no such horrible episode as this," Morgenthau stated.

We are very fortunate and blessed to have so many Armenian people connected to our Nation. In my home state, the Armenian community is great, and so too are the gifts and talents they bring to Rhode Island. Our Nation must continue to take the time to educate and remember the atrocities suffered by over one and a half million Armenians during the Armenian Genocide. Future generations must understand what the community has been through to truly appreciate and honor all the talents they share with our Nation.

Over 86 years later after the tragedy began, Turkey still denies the Armenian Genocide despite overwhelming documentation of these atrocities. We cannot allow such ethnic violence and genocide to simply be covered up or ignored. Continued Congressional support to provide assistance to the people residing in Nagorno-Karabagh and upholding section 907 of the Freedom Support Act sends a strong, powerful message to Turkey that we will not allow Armenian communities to be threatened again.

The Armenian Genocide serves as a reminder to us all that we must do more to protect peace and human rights for all those around the world.

Mr. LEVIN. Mr. Speaker, I join voices with my colleagues today to recognize the 86th Anniversary of the Armenian Genocide.

Between 1894 and 1923, approximately two million Armenians were massacred, persecuted,and exiled by the Turk government of the Ottoman Empire. Despite all the facts, eyewitness accounts, recognition by countries throughout the world, and the findings of their own post-war courts, the government of Turkey still refuses to acknowledge the genocide ever occurred. We cannot allow such blatant disregard and denial to go on. Earlier this year, France's National Assembly passed legislation labeling the Armenian Genocide as genocide. We in the United States should do no less.

I well remember a speech made by Elie Wiesel at the White House in which he described the perils of indifference to suffering: "In a way, to be indifferent to that suffering is what makes the human being inhuman. Indifference, after all, is more dangerous than anger or hatred. Anger can at times be creative. One writes a great poem, a great symphony . . . because one is angry at the injustice that one witnesses. But indifference is never creative. Even hatred at times may elicit a response. You fight it. You denounce it. You disarm it. Indifference elicits no response . . . Indifference is always the friend of the enemy, for it benefits the agressor—never his victim, whose pain is magnified when he or she feels forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own.

Let us all take a moment to reflect on the anniversary of the genocide of the Armenian people. We have a duty to those who have died and to those who survived to help preserve this memory forever. We must raise our thoughts and our voices on behalf of those who have suffered and died, and pray that such suffering is never again visited on any people anywhere on the Earth.

Mr. DINGELL. Mr. Speaker, I rise today to recognize and remember the 1.5 million victims of the Armenian genocide, who were systematically slaughtered solely because of their race. While there is never a justification for genocide, in this case there also regrettably has never been an apology, and the criminals were never brought to justice. Such an unconscionable act, however, can never be forgotten. It is our duty to remember.

I also rise in tribute to the Armenian people who have fully recovered from this atrocity by maintaining their proud transitions and culture, becoming an integral part of America, and nine years ago, forming the Republic of Armenia.

The Ottoman Empire's last, desperate act was one of profound cruelty, tragic and gruesome beyond description. During World War I—a tumultuous, revolutionary time of great societal transformations and uncertain futures on the battlefields and at home—desperate Ottoman leaders fell back on the one weapon that could offer hope of personal survival. It is a weapon that is still used today, fed by fear, desperation, and hatred. It transforms the average citizen into a zealot, no longer willing to listen to reason. This weapon is, of course, nationalism. Wrongly directed, nationalism can easily result in ethnic strife and senseless genocide, committed in the name of false beliefs preached by immoral, irresponsible, tyrannical leaders.

Today I rise not to speak of the present, but in memory of the victims of the past, who suffered needlessly in the flames of vicious, destructive nationalism. On April 24, 1915, the leaders of the Ottoman government tragically chose to systematically exterminate an entire race of people. In this case, as in the case of Nazi Germany, nationalism became a weapon of cruelty and evil. Let us never forget the 1.5 million Armenians who died at the whim of wicked men and their misguided followers.

The story of the Armenian genocide is in itself appalling. It is against everything our government—and indeed all governments who strive for justice—stands for; it represents the most wicked side of humanity. What makes the Armenian story even more unfortunate is history has repeated itself in all corners of the world, and lessons that should have been learned long ago have been ignored. We must not forget the Armenian genocide, the Holocaust, Cambodia, Rwanda, or Bosnia. It is our duty that by remembering the millions who have been victims of genocide, we pledge ourselves to preventing such acts from repeating themselves.

It is an honor and privilege to represent a large and active Armenian population, many who have family members who were persecuted by their Ottoman Turkish rulers. Michigan's Armenian-American community has done much to further our state's commercial, political, and intellectual growth, just has it as done in communities across the country. And so I also rise today to honor to the triumph of the Armenian people, who have endured adversity and bettered our country.

The Armenian people have faced great trials and tests throughout their history. They have proved their resilience in the face of tragedy before, and I have no doubt that they will endure today's tragic occurrence, recognize that a madman's bullet can never put an end to a people's dreams, and keep moving forward on the path of peace and freedom.

Mr. Speaker, let no one, friend or foe, ever deny that the Armenian genocide occurred. Let us not forget the heinous nature of the crimes committed against the Armenian people. Let us promise to the world, as American citizens and citizens of the world, that we will never again allow such a crime to be perpetrated, and will not tolerate the forces of misguided nationalism and hate.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to honor the memories of those who perished in the Armenian Genocide.

April 24, 1915 is remembered and solemnly commemorated each year by the Armenian community. On this date, eighty-six years ago, a group of Armenian political, religious, and intellectual leaders were arrested in Constantinople, sent further inland, and killed. In the following years, Armenians living under Ottoman rule were deprived of their freedom, property, and ultimately, their lives. By 1923, over a million Armenians had been massacred, and another half a million more people had been deported.

This genocide, which was preceded by a series of massacres in 1894–1896 and in 1909 and was followed by another series of massacres in 1920, essentially dispersed Armenians and removed them from their historic homeland. The persecution of the Armenian people left psychological scars among the survivors and their families. No person should have to endure the trauma and horrors that they did.

On May 2, 1995, I had the honor of meeting the former Armenian Ambassador to the United States, Rouben Robert Shugarian, at a Congressional reception commemorating the 80th anniversary of the Armenian genocide. Ambassador Shugarian introduced me to several survivors of the 1915 genocide. This experience was a deeply moving and personal reminder of the 1.5 million Armenians who perished during the systematic extermination by the Ottoman Empire.

It is important that we not only commemorate the Armenian Genocide, but also honor the memory of others who lost their lives during this time. We must remember this horrific and shameful period in world history so that it will never be repeated again.

Mr. BERMAN. Mr. Speaker, today marks the 86th anniversary of the beginning of the Armenian genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Soon after the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

The U.S. Ambassador in Constantinople at the time, Henry Morgenthau, stated "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

We mark this anniversary of the start of the Armenian genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

Sadly, we cannot say that such atrocities are history. We have only to recall the "killing fields" of Cambodia, mass killings in Bosnia and Rwanda, and "ethnic cleansing" in Kosovo to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on humanity.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The Armenian struggle continues to this day. But now with an independent Armenian state, the United States has the opportunity to contribute to a true memorial to the past by strengthening Armenia's democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

Mr. WAXMAN. Mr. Speaker, I join my colleagues in commemorating the Armenian Genocide.

Today we solemnly remember the April 24, 1915 onslaught of the Ottoman Government's 8-year campaign of terror against its Armenian population. We mourn the systematic destruction of Armenian communities, the murder of one- and-a-half-million men, women, and children, and the forced deportation of over nearly one million others.

This somber anniversary, however, also bears a stark warning. Eighty-six years ago, the world's willingness to ignore the bloodshed against Armenians set the stage for its complacency during Hitler's attempt to annihilate the Jews. Today, the world's resolve against historical revisionism of the Armenian Genocide will be a key determinant of our ability to stand against similar attempts at Holocaust denial.

I am proud to acknowledge the Armenian Americans in my district and across the country who have dedicated themselves to preserving the memory of those who were persecuted, and to publicizing the United States records documenting this period. I join them and my colleagues in renewing our commitment to stand against governments that persecute their own people, and to insuring that no act of genocide will ever again go unnoticed or unmourned.

Ms. LEE. Mr. Speaker, I rise this evening to join my colleagues in commemorating the Armenian Genocide, one of the great tragedies of the twentieth century. I also want to thank Representatives Pallone and Knollenberg for calling special orders tonight to remember this terrible event.

Eighty-six years ago, in the Ottoman Empire, the Armenian Genocide began with the arrest and murder of many of the Armenian community's religious, political, and intellectual leaders. Their deaths would be followed by the massacre of one-and-a-half-million men, women, and children, and the displacement and deportation of hundreds of thousands more.

Today, we pause to remember and mourn their loss. As we enter a new century, we carry with us, seared into our memories, the bloodshed of the last hundred years. That century added a new and terrible word to our vocabularies—genocide, the attempt to wipe out not merely a life, but a people and a culture. The Armenian Genocide stands as the first chilling example of that crime against humanity.

History matters. It must be remembered, and it must be acknowledged. If our past is a blank slate, we have no identity, no sense of place or of self, and nothing from which to learn. Failure to remember, acknowledge, and learn from the Armenian Genocide would only increase the scope of this terrible tragedy. The murders of a million-and-half people must not be compounded by the erasure of their memory. That would be one more act of genocide, and that we can never allow.

Mr. LANGEVIN. Mr. Speaker, I rise today to remember the Armenian victims of the genocide brought upon them by the Ottoman Turkish Empire and to commend my colleagues, the gentleman from New Jersey, Congressman FRANK PALLONE, and the gentleman from Michigan, Congressman JOE KNOLLENBERG, for organizing this special order today so that Members of the House may take the time to remember this solemn occasion.

April 24 marks the beginning of the systematic and deliberate campaign of genocide perpetrated by the Ottoman Turkish Empire in 1915. Over the following 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile. Regrettably, in the years since, the Turkish Government has refused to apologize for these atrocious acts, or even acknowledge the Armenian Genocide, despite overwhelming documentation.

By recognizing the victims of the genocide, we commemorate both those who perished and those who were able to begin a new life in communities like my home State of Rhode Island, where many Armenian families continue to thrive today. I hope that recognition of this atrocity will help erase the remnants of an era in which propaganda and deceit held precedence over truth and human dignity. Our nation must never allow oppression and persecution to pass without condemnation.

Armenians are a strong, resilient people, struggling to heal the wounds of the past. However, until the Armenian genocide is officially acknowledged, these wounds will remain. We should not deny the Armenian people their rightful place in history. To do so would dishonor them, and blight our understanding of the past. It is the best interests of our nation and the entire global community to remember the past and learn from history.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all across the world have clung to their identity and have prospered in new communities. The State of Rhode Island is fortunate to be home to such an organized and active community, whose members contribute and participate in every aspect of civic life.

As an ardent supporter of the Armenian-American community throughout my public service career, I am proud to honor the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such heinous prejudice, and never forgetting the pain that they have endured. Let us never forget their tragedy, and ensure that such crimes are never repeated.

Mr. GILMAN. Mr. Speaker, I want to thank our two distinguished cochairmen of the Caucus on Armenian Issues, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from New Jersey (Mr. PALLONE) for arranging this special order today. I also want to extend my concerns to the Armenian-American community on this somber occasion.

Armenian-Americans have every reason to be proud of their heritage and their accomplishments in this country as well as their efforts in preserving their culture their attention to the memory of their matryrs. I join Armenians and their friends throughout the world who gather this week to honor the memories of the countless men, women, and children who perished 86 years ago in the Armenian Genocide.

Future generations should not be around to forget such horrible crimes, much less to deny their existence. Moreover, we can not say with any certainty that the atrocities of the American Genocide are left to history. We only have to recall the Holocaust, the killing fields of Cambodia, the massacres in Rwanda, and the ethnic cleansing in Bosnian and East Timor. That is why, in addition to never forgetting the first genocide of the 20th century, we must make certain that the fate that befell the Armenian people will never again be repeated.

Yet there are many governments which fail to acknowledge the existence of the Armenian Genocide which is a great disservice to all peoples who have suffered persecution and attempted annihilation. It is important therefore that our nation recognizes the Armenian Holocaust as an historical fact and history is preserved.

Accordingly, it is fitting that we pause and join in this commemoration, and asking all Americans to join in it. We must understand the lessons of the tragedies of this century such as the Armenian Genocide, and most important to resolve to prevent their repetition.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

The Armenian community commemorates this atrocity each year on April 24, the day in 1915 when 300 Armenian leaders, intellectuals, and professionals were rounded up in Constantinople, deported, and killed. From 1915 through 1923, one-and-a-half-million Armenians had been massacred, 500,000 more had been deported, and the survivors were systematically deprived of their property, freedom, and dignity.

In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and will to survive in the face of horrendous obstacles and adversities. These survivors are an important window into the past. It is through their unforgettable tragedy that we are able to share in their history and strong heritage.

Mr. Speaker, in the Armenian consciousness, the events of 1915 through 1923 are a vivid and constant presence. I am pleased my colleagues and I have the opportunity to pay tribute to the Armenian community in order to ensure the legacy of the genocide is remembered.

Mr. KIRK. Mr. Speaker, today, we remember April 24, 1915 as one of the darkest days of the 20th century. It was on this day that 300 Armenian leaders, writers, religious figures and professionals in Constantinople were gathered together, deported, and brutally murdered. In addition, thousands more Armenian citizens were dragged out of their homes and murdered in the streets. Remaining citizens were taken from their homes and marched off to concentration camps in the desert, where many died of starvation and thirst. Following the horrific events of April 24, 1915, the Ottoman Empire systematically deprived Armenians of their homes, property, freedom, and ultimately, their lives. By 1923, 1.5 million Armenian citizens had been murdered, while half a million had been deported.

Today, we must overcome the obstacle of denial. To this day, the Turkish Government continues to deny that the Armenian genocide ever took place. It is the responsibility of the United States and the international community to overcome this denial and recognize the horror that took place between 1915 and 1923. In addition, it is the duty of all nations of the world to ensure that such atrocities are never repeated.

The Armenian people have spent the last 10 years courageously establishing an Independent Republic of Armenia. These efforts are a testament to the strength and character of the Armenian people. The United States will continue to work with Armenia to ensure the establishment of a safe and stable environment in the Caucasus region. Recently, President Robert Kocharian met with Azerbaijani President Heydar Aliyev and international mediators from France, Russia and the United States to discuss peace options on the Karabagh conflict. I am confident that Albania will work towards a positive outcome in the Nagorno Karabagh Peace Talks.

Today, I join my colleagues in recognizing the Armenian Genocide of 1915, and while this is indeed a day of mourning, we must also take this opportunity to celebrate Armenia's commitment towards democracy in the face of adversity.

Mr. WEINER. Mr. Speaker, I rise today to join my colleagues in commemorating the 86th anniversary of the Armenian Genocide.

On this day I call on my colleagues and on the President to remember the words of author, Holocaust survivor, and Nobel Peace Prize winner Elie Wiesel, ". . . to remain silent and indifferent is the greatest sin of all . . ."

While few would disagree with these words, we in the U.S. Government have failed to heed the warning contained within. It is time for the Government of the United States to do what it failed to do 86 years ago and to officially recognize the slaughter of more than 1.5 million Armenians by the Ottoman-Turkish Empire from 1915 to 1923 as a deliberate and systematic attempt to destroy the Armenian people, their culture and their heritage, as genocide.

It began with the killing of the community leaders and intellectuals 86 years ago today. That was followed by the disarming and murder of Armenians serving in the Ottoman-Turkish army. And this was followed by attacks on Armenian men, women and children, whom the Ottoman-Turks drove into the desert where they were left to either die of dehydration or starve.

This deliberate and systematic assault on the Armenian population would continue for 8 years. Then-U.S. Ambassador to the Ottoman-Turkish Empire, Henry Morgenthau, Sr., witnessed these events first hand and reported them back to Washington. Later he would write that "the great massacres and persecutions of the past are insignificant when compared to the sufferings of the Armenian race in 1915."

Despite reports such as this, the United States failed to intervene. As horrible as not coming to the aid of the Armenian people in 1915 was, what strikes me today is that the United States, 86 years later, still fails to recognize these events for what they were, genocide.

Last year I joined with 143 of my colleagues in sponsoring H. Res. 398, which would have acknowledged the events in Turkey of 1915 to 1923 as genocide and called on the President to do the same. Yet this resolution was not allowed to come to a vote on the floor. Even today, when President Bush issued a statement to commemorate what he called "one of the great tragedies of history," he did not use the word genocide.

Mr. Speaker, if we fail to acknowledge these events for what they truly were, we are, as Elie Wiesel has said, "committing the most dangerous sin of all." In Turkey, Germany, Yugoslavia and Rwanda, we have either acted too slowly or failed to act at all. How many more genocides are going to occur before we raise our own awareness of these events and condemn them for what they truly are.

Mr. Speaker, finally I would like to thank Mr. KNOLLENBERG and Mr. PALLONE, the co-chairs of the Congressional Caucus on Armenian Issues, for organizing this special order tonight. Recognition and acknowledgment of the Armenian Genocide is an important step toward defeating that indifferent spirit which has allowed events such as these to occur again and again. I am glad that I am joined by so many of my colleagues who share this view tonight.

Mr. SHERMAN. Mr. Speaker, I join with my colleagues tonight in somber remembrance of the Armenian Genocide. Early in the 20th century, during World War I and its aftermath, the Ottoman Empire attempted the complete liquidation of the Armenian population of Eastern Anatolia.

We must come down to the House floor tonight not only to remember this tragic event, but we must also proclaim that the Armenian Genocide is an historical fact. There are many who deny that this first genocide of the 20th century actually took place.

The American Ambassador to the Ottoman Empire in 1919 was an eyewitness. In his memoirs, he said, "When the Turkish authorities gave the order for these deportations they were merely giving the death warrant to an entire race. They understood this well and in their conversations with me made no particular attempt to conceal this fact."

He went on to describe what he saw at the Euphrates River. He said, as our eyes and ears in the Ottoman Empire, "I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which they, the Armenian men and women, are victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortune of the Armenian people."

We can never forget that 8 days before he invaded Poland, Adolf Hitler turned to his inner circle and said, "Who today remembers the extermination of the Armenians?" The impunity with which the Turkish Government acted in annihilating the Armenian people emboldened Adolf Hitler and his inner circle to carry out the Holocaust of the Jewish people.

It is time for Turkey to acknowledge this genocide, because only in that way can the Turkish Government and its people rise above it. The German Government has been quite forthcoming in acknowledging the Holocaust, and in doing so it has at least been respected by the peoples of the world for its honesty. Turkey should follow that example rather than trying to deny history.

It is also time—indeed it is far overdue—for our Congress to recognize the Armenian Genocide.

Mr. Speaker, I again call on my colleagues to recognize the Armenian Genocide and to urge my fellow Americans to remember this tragic event.

EARTH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I take this moment to acknowledge Earth Day. We have made great strides in protecting our treasures, protecting our natural resources, and in protecting our environment. So, Mr. Speaker, since the first Earth Day in 1970, Americans have found many ways to promote the preservation of our environment and to focus a great deal of attention on the work that is left to be done.

Earth Day has always been a day to celebrate the environment and our natural heritage. It has also served to mark the importance of environmental protection and responsible living. As the leaders of this great Nation, we must collaborate in a bipartisan fashion to promote environmental policies that make sense to this country. We do not want to continue to drink water that is contaminated and polluted. We do not want to breathe smoke-filled air. We do not want to develop life-threatening diseases from water, air, and other environmental hazards. Poor environmental management affects everyone, and environmental justice does, in fact, matter.

We ask, how many children must develop lead poisoning before we get serious about that issue. Do we want the Nation's most precious animals to perish from the Earth? Do we want to live in neighborhoods that are surrounded by nuclear power plants? Do we want to breathe a thick layer of smog from contaminated air before we feel that a clean air policy is important? Will there come a time when we must go to the local grocery store and purchase bottled air?

Many of our urban communities are currently in serious unrest due to many different environmental problems. Today we must make a new dedication toward bringing a more proper balance to the widening gap between community standards based upon their economic status. People in our poorest communities are struggling for environmental justice, from Louisiana's "Cancer Alley" to the Native American reservations' nuclear problems to the people along the border in the maquiladora region, and for the communities where I live on the south and west sides of Chicago.

Furthermore, millions of people live in housing surrounded by physical environments that are overburdened with environmental problems and hazards untold, waste, toxins, dioxins, incinerators, petrochemical plants, polluted air and unsafe drinking water. These factors all combine to pose a real and grave threat to the future of our Nation's public health.

So, as we mark the 31st anniversary of the first Earth Day, we glory in the progress that has been made, but must strive to continue to develop strong environmental policies that help protect our Earth.

COMMEMORATION OF ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I come to the floor on this very special and important day to join my colleagues and individuals throughout the world in commemorating the 86th anniversary of the Armenian Genocide. We must never forget the tragedy of the Armenian Genocide, and this commemoration makes an important contribution to making sure that we never do.

When most people hear the word "genocide" they immediately think of Hitler and his persecution of the Jews during World War II. Many individuals are unaware that the first genocide of the 20th century occurred during World War I and was perpetrated by the Ottoman Empire against the Armenian people.

Concerned that the Armenian people would move to establish their own government, the Ottoman Empire embarked on a reign of terror that resulted in the massacre of over 1.5 million Armenians, men, women and children. This atrocious crime began on April 15, 1915, when the Ottoman Empire arrested, exiled, and eventually killed hundreds of Armenian religious, political, and intellectual leaders.

Once they had eliminated the Armenian people's leadership, they turned their attention to the Armenians that were serving in the Ottoman army. These soldiers were disarmed and placed in labor camps where they were either starved or executed. The Armenian people, lacking political leadership and deprived of young, able-bodied men who could fight against the Ottoman onslaught were then deported from every region of Turkish Armenia. The images of human suffering from the Armenian Genocide are graphic and as haunting as the pictures of the Holocaust.

Why, then, it must be asked, are so many people unaware of the Armenian Genocide? I believe the answer is found in the international community's response to this disturbing event or, I should say, lack of response. At the end of World War I, those responsible for ordering and implementing the Armenian Genocide were never brought to justice, and the world casually forgot about the suffering and pain of the Armenian people, and that proved to be a grave mistake. In a speech that is now recorded, a speech made by Adolf Hitler just prior to the invasion of Poland in 1939, he justified his brutal tactics with the infamous statement, "Who remembers the extermination of the Armenians?"

Tragically, 6 years later, the Nazis had exterminated 6 million Jews. Never has the phrase, "those who forget the past will be destined to repeat it" been more applicable. If the international community had spoken out against this merciless slaughtering of the Armenian people instead of ignoring it, the horrors of the Holocaust might never have taken place.

Mr. Speaker, as we commemorate the 86th anniversary of the Armenian Genocide, I believe it is time to give this event its rightful place in history. This afternoon and this evening, let us pay homage to those who fell victim to the Ottoman oppressors and tell the story, the story of the forgotten genocide. This, for the sake of the Armenian heritage, is certainly a story that must be heard.

ARMENIAN ASSEMBLY OF AMERICA
Washington, DC.

The Armenian Assembly of America, Commemoration of the Armenian Genocide

On April 24, we remember and mourn the victims of the Armenian Genocide of 1915. Not a single family went untouched; none were spared the pain of that brutal slaughter. Because its victims and witnesses were ignored and its lessons unlearned, the Genocide set the stage for the Holocaust and the genocides that followed. The 20th century's first genocide continues to cast its dark shadow over the 21st century.

The Turkish people and the Republic of Turkey should recognize that it is in their own best interest to come to terms with the role their Ottoman predecessors played in the Armenian Genocide and reject denial. No other country in the world should support Turkey's indefensible position. There is a growing awareness and understanding of this fact, even within Turkey itself. We were encouraged this year by reports from Turkey that public discussion of the topic has increased significantly.

It is our hope that the Turkish people, confronted with international recognition and spurred by desire to finally join the European family of nations, will reconcile with their past. Such reconciliation will lay the groundwork to build a better future.

HIRAIR HOVNANIAN,
Chairman, Board of Trustees.
VAN Z. KRIKORIAN,
Chairman, Board of Directors.

REMEMBERING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, I would like to commend those who join me tonight in educating the world about the Armenian Genocide. I think I bring some special province to this occasion in that I am the grandson of Oscar Chaderjain, a first-generation Armenian American, and the son of Mary Chaderjain. So therefore, this is an issue that is near and dear to my heart.

Mr. Speaker, for those who question whether the genocide ever occurred in the first instance, I must say that I have no doubt that it did. My grandfather was a first-hand witness to the bloodshed. He often told us of his experience of holding his uncle's arms, with his cousin, as Turkish soldiers executed that grammar school teacher. He also told us that the world first took notice of the genocide on April 24, 1915, when 254 Armenian intellectuals were arrested by Turkish authorities in Istanbul and taken to the distant provinces of Ayash and Chankiri, where many of them were later massacred.

Throughout the genocide, Turkish authorities ordered the evacuation of Armenians out of villages in Turkish Armenia and Asia Minor. As they were evacuated, the men were often shot immediately. Prisoners were starved, beaten, and murdered by unmerciful guards.

This was not the case for everyone, though. Not everyone was sent to concentration camps. For example, in Trebizond, many innocent people were put on ships and then thrown overboard into the Black Sea.

The atrocities of the Armenian Genocide were still being carried out in 1921 when Kemalists were found abusing and starving prisoners to death. In total, as has been pointed out, over 1.5 million Armenians were killed. This does not include the half a million or more who were forced to flee their homes and flee to foreign countries.

Mr. Speaker, together with Armenians all over the world and people of conscience, I would like to honor those who lost their homes, their freedom and their lives during this dark period. Many survivors of the genocide came to the United States seeking a new beginning, my grandfather among them. The experiences of his childhood so fueled his desire for freedom for his Armenian homeland that in the first world war he returned there where he was awarded two medals of honor for bravery in his fight against fascism.

It is important that we do not forget about these terrible atrocities because, as other speakers have said and as Winston Churchill said, "Those who do not learn from the past are destined to repeat it."

For those in America who think this is only a sad story, and it certainly is a sad story, they need to take note that Armenia has taken great strides in achieving its independence over the past 8 years.

☐ 1915

Once it was a captive nation struggling to preserve its centuries-old customs. Today the Republic of Armenia is an independent, freedom-loving nation and a friend to the United States and to the democratic world.

Let us remember today, April 24, 2001, marks the 86th anniversary of one of the most gruesome human atrocities of the 20th century. Sadly, it was the systematic killing of 1.5 million Armenian men, women, and children.

Let us remember that prior to his invasion of Poland in 1939 and subsequent Nazi oppression, Adolph Hitler attempted to justify his own actions by simply stating, "After all, who remembers the Armenians?" As we do not ignore the occurrence of the Nazi Holocaust, we must not ignore the Armenian genocide.

I believe many people across the world will concede this is a very tender and difficult event to discuss. What we do tonight is not to condemn the Turkish people. Rather, it is to recognize the actions of the past and past wrongs in order to ensure that we do not repeat them.

However, as a strong, fervent supporter of the Republic of Armenia, I am alarmed that Turkish Government officials still refuse to acknowledge what happened, and instead are attempting to rewrite history.

It is vital that we do not let political agendas get in the way of doing what is right. I will continue to call upon the Turkish Government to accept complete accountability for the Armenian genocide. To heal the wounds of the past, the Turkish Government must first recognize its responsibility for actions of past leaders.

Nothing we can do or say, Mr. Speaker, will bring back those who perished; but we can honor those who lost their homes, their freedom, and their lives by teaching future generations the lessons of the atrocities.

PAYING TRIBUTE TO THOSE LOST IN THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. Rogers of Michigan). Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening, as my colleagues and I do every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1929 through 1933.

The genocide began 86 years ago today. Mr. Speaker, I have long supported legislation that would put the U.S. House of Representatives officially on the record in recognizing the Armenian genocide.

Last fall, the bipartisan Armenian genocide bill was approved by the Committee on International Relations by a vote of 24 to 11. On October 19 of last year, the legislation was finally scheduled for a vote on the House floor. I am confident that if the vote had ever occurred, the Armenian genocide legislation would have passed with overwhelming bipartisan support.

In a last-minute effort to ensure the legislation never came to the floor for a vote, the Turkish Government sent a threat to President Clinton that American soldiers stationed in the region would be in jeopardy if a vote ever took place. This threat was enough for President Clinton to send a letter to the Speaker of this House requesting that the legislation be pulled from the schedule.

Essentially, the Speaker and President Clinton, and therefore the government of the United States, both executive and legislative, succumbed to the threats of the Turkish Government. I believe this was shameful. Italy and France did not give in to the Turkish Government last year when both these nations approved an Armenian genocide resolution.

I am also proud that State and local governments here in the United States are stepping out in front of the Federal Government on this issue. Earlier this month, Maryland approved an Armenian genocide resolution, becoming the 27th State to make such a recognition.

Congress, Mr. Speaker, should not be forced by a foreign government to deny or ignore the U.S. record and response to the events that took place in the Ottoman Empire from 1915 to 1923. Those of us who have been fighting for this recognition will not give up. We are committed, and we will not quit fighting until this Nation finally recognizes the Armenian genocide as genocide.

President Bush had a golden opportunity, Mr. Speaker, to recognize the genocide today in annual statements made by the President. From statements that candidate Bush made, one would have believed as President he would use the word "genocide" today. But sadly, today, the President chose not to use the word "genocide," thus minimizing the events from 1915 to 1923 that we commemorate this evening.

I know many Armenian-Americans will feel betrayed because of President Bush's inaction today. In public statements and letters to Armenian organizations and individuals during his Presidential campaign, Bush said, "The 20th century was marred by wars of unimaginable brutality, mass murders, and genocide. History records that the Armenians were the first people of the last century to have endured these cruelties."

Bush went on to say, "If elected President, I would ensure that our Nation properly recognizes the tragic suffering of the Armenian people." But it is unfortunate that the President did not stand by these words today.

I am trying not to be partisan here, Mr. Speaker. Obviously, I am disappointed with President Bush, as I was disappointed with President Clinton before him.

For anyone who has any doubts about the truth of the Armenian genocide, they can just go down the street to the National Archives, where volumes of historical records prove what really happened. Five years from now, we will have the opportunity to visit a genocide museum here in Washington. The museum, which will be located at 14th and G Streets in the Northwest area of our Nation's Capital, will be a permanent reminder of the atrocities of 1915 to 1923.

Mr. Speaker, I include for the Record the remarks of my friend, Ross Vartian, the director of planning for this new museum, who discussed this issue.

The statement by Mr. Vartian is as follows:

Statement by Ross Vartian, Director of Planning, Armenian National Institute, Knights of Vartan Times Square Martyr's Day Event, April 22, 2001

The Armenian National Institute, or ANI, extends its deep appreciation to the Knights of Vartan for once again organizing this year's Martyr's Day Commemoration. We recognize the leadership of Grand Commander Robert Barsam, this event's Chairman Sam Azadian, Martyr's Day Committee members Hirant Gulian & Leon Nigogosian, and all the other dedicated volunteers who made it possible for us to be here today to remember our losses, celebrate our survivors and commit to a future without Genocide.

I am here today to talk about the future Armenian Genocide Museum and memorial. When complete, this complex in our nation's capital just two blocks from the White House will be the first ever Museum and Memorial about the Armenian Genocide anywhere in the Diaspora.

On behalf of the Armenian National Institute, I am pleased to outline our vision for what will be in the not too distant future a state of the art museum and memorial complex dedicated to Armenian Genocide remembrance, research and education, as well as serving as another powerful voice for Genocide prevention.

Washington is justifiably renown for the quality of its museums, and we have set as our standard to match the best that our nation's capital has to offer. Therefore, we warmly welcome the solidarity and support of the U.S. Holocaust Memorial Museum, whose superb exhibits and programs have inspired and empowered millions.

In all candor, we have just begun our work. The acquisition of this marquee property in the heart of Washington, DC has served as the catalyst to undertake a comprehensive, multi-year planning,design and development process. We are currently reviewing proposals from competitive teams or architects, museum designers and property developers to recommend the best space utilization option for the properties we have acquired. We are aware that only the best professional talent will suffice for our purposes.

The Armenian National Institute accepts the privilege and responsibility of creating a physical complex second to none and of creating exhibits and programs that will be as inspirational and empowering as those in the Holocaust Memorial Museum and other leading interactive museums around the world.

ANI is also aware of the special responsibility of completing the first ever Armenian Genocide Museum and Memorial outside Armenia. Fully recognizing that the entire community will wish to engage, ANI will seek the active participation of our incredibly diverse Armenian Diaspora and ancestral homeland. This is, after all, a presentation about all Armenians for humankind. No organization would have the right to present the modern Armenian saga without first seeking out the resources and perspectives of the entire community.

The museum and memorial complex will be a permanent place for generations of visitors that will be made possible by all Armenians, joined by others of good will who appreciate its universal moral implications.

Our project is timely. Those who would deny the Armenian Genocide are now limited to Turkish officials and those beyond Turkey who invoke political and economic rationales for their support.

In the academic arena, the uncontestable fact of the Armenian Genocide has been overwhelmingly affirmed. Similarly, in secondary schools and universities throughout the western world, students of Holocaust and Genocide studies routinely examine the case of the Armenian Genocide to learn its specific and universal lessons.

Nevertheless, the struggle continues between remembrance and denial—and remembrance and indifference.

It is our hope that this center will serve as the nexus to broaden awareness of the Armenian Genocide throughout the academic and educational communities whose focus is human rights, the responsibility of majorities towards minorities, and the horrified consequences for peoples and groups at risk in the absence of safeguards.

But it is also our hope that this place will provide public officials with a greater degree of moral conviction, courage and vision so that they summarily reject the incessant threats that emanate from Turkish officials to sever diplomatic and economic relations when any government dares to affirm the Armenian Genocide. The public officials with you today have demonstrated by their presence and other official actions that they reject Turkey's denials and threats.

Ladies and gentlemen . . .

Through this facility, we will remind the world of Hitler's chilling cynicism on humankind's predilection to forget.

Through this facility, we will enthusiastically support collaborative work between turks and Armenians. We have seen in this great country the redemptive value of facing history squarely, and we will promote a dialogue to secure the same benefits for our two peoples.

Through this facility we will promote international condemnation of and action against any government of people that attempts to do what was done to our people at the beginning of the last century.

We must succeed in this unprecedented effort in the name of our martyred millions, in tribute to those who survived and established new Armenian communities throughout the world, and in honor of countless non-Armenians who protested this crime against humanity and who saved tens of thousands from oblivion.

Finally ladies and gentlemen, we will succeed not only to remember the past but also to enhance the security of the people of Armenian and Karabagh—and to help insure that the world never forgets the cataclysmic price of indifference and inaction.

We look forward to this historic challenge and we welcome all who wish to join us. Thank you in advance for your generous support.

Mr. Speaker, the Armenian genocide is a painful subject to discuss for me and others. We must never forget, though, what happened, and never cease speaking out. We must overcome the denials and the indifference, and keep alive the memory and truth of what happened to the Armenian people in the past, as we work to see in this tragic history that it never be repeated.

RECOGNIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I also rise here this evening to speak of one of the great horrors of our century, and that is the Armenian genocide. As a member of the Congressional Caucus on Armenian Issues, I once again join a large number of colleagues in recognizing the great tragedy of the Armenian people.

As we all know and has been stated here several times tonight, this genocide occurred in 1915 when the Ottoman Empire began to force Armenians from their homeland, and it lasted until 1923. These 8 years saw the deaths of 1.5 million innocent victims and 500,000 exiled survivors.

Despite the tremendous magnitude of the genocide, the world stood by as families were torn asunder and millions of lives were taken. Therefore, today, as we stand in recognition of the victims of this Armenian genocide, we also stand in recognition of the guilt of complicity of all nations that turned away when faced with this great tragedy.

There is no doubt that calling events by their rightful name, genocide, is an important element of this recognition of responsibility.

Had we heeded the lessons that emerged from the massacre, perhaps we could have avoided other great tragedies in this century. In quietly letting the sorrow of the Armenian people go unresolved, however, we allow their tragedy to repeat itself over and over again in Germany in the 1930s and 1940s, in Rwanda in the 1990s, and elsewhere throughout the world.

Today, as we once again honor the victims of the Armenian genocide, on behalf of the Sixth District of Massachusetts, I also honor the commitment and perseverance of Armenian-Americans who have tirelessly struggled to ensure that the great sorrow of their people becomes known to all people.

As we in Congress continue to confront issues of international peace and security, we would do well to remember this message: never forget.

HONORING THE MEMORY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I would like to begin by thanking the Armenia caucus for bringing us together to honor the memory of the greatest tragedy of Armenian history. This tragedy holds a valuable historical lesson for all of us.

I myself in California growing up got to know several Armenian families. One man, one elderly man in one of the families that I knew, he was the sole survivor of the Armenian genocide. So the lessons are not just for those that were directly involved; it is for all of us. It is for all of us to know it is important that we as Americans acknowledge this genocide. That is what we are talking about today.

Some 56 years ago, my father entered Dachau concentration camp in Germany with the Seventh Army. He took photographs there that day of those surviving that genocide, those starving people that the American troops fed and liberated.

He remembers the quote from Adolph Hitler when Hitler was cautioned by the German chiefs of staff about his genocidal plans. Of course, as we have heard tonight, Hitler's retort was, "Who remembers the Armenians?"

Well, 86 years ago today, the Ottoman Empire set out on a well-orchestrated campaign to exterminate a race of people. On that day, they began the campaign by focusing on the Armenian religious and political and intellectual leaders that they arrested in Constantinople, and they murdered them.

In the years that followed, Armenians living under Ottoman rule were systematically deprived of their property, their individual rights, and ultimately, of their lives. As we have heard, between 1915 and 1923, the number of deaths was horrific. Some 1.5 million Armenians were murdered and 500,000 were deported from their homeland; and at the end of these 8 years, the Armenian population of Anatolia and western Armenia was virtually eliminated.

Henry Morgenthau, the U.S. ambassador to the Ottoman Empire at the time, characterized this as a death warrant to a whole race. Morgenthau recognized that this campaign was ethnic cleansing. It is unfortunate that the Turkish Government to this day does not recognize this. Willful ignorance of the lessons of history all but ensures that those mistakes can be made again.

In the last Congress, I joined 143 of my colleagues to cosponsor a congressional resolution recognizing the Armenian genocide. The resolution expressly differentiated between the Ottoman Empire and the modern day Republic of Turkey. We understand these are not the same governments.

Unfortunately, despite hard-fought efforts, the resolution was never able to come to the House floor last Congress because of concerns, in my mind concerns without merit, with Turkey's reaction. I believed then, as I do now, that it remains important for the Congress to go on the record.

Beyond affirming the U.S. record on the Armenian genocide, the resolution encouraged awareness and understanding of what genocide is, and this crime against humanity has been compounded to this day by those who refuse to recognize it. The victims and their families, many of whom live in the United States, are owed this recognition. That is why we must have this resolution pass this floor.

In my home State of California, the State Board of Education has incorporated the story of Armenian genocide in the social studies curriculum. California is doing the right thing.

As of last September, California law now permits victims of the Armenian genocide and their heirs to use California courts to pursue unpaid insurance claims. The tentative settlement reached between heirs of Armenian genocide victims and New York Life Insurance over claims that New York Life failed to honor are an estimated 2,500 valid insurance claims. That is a good start.

The Armenian genocide is not simply a problem of the past; it has implications for the future. Our actions now will lay the groundwork for addressing genocide whenever it threatens to erupt again.

Many of the survivors of the genocide and their descendents now live, as I say, in the United States, many in California. This 85-year-old tragedy is more than an event in history. By recognizing and learning about the crime against humanity, we can begin to honor the courage of its victims and commemorate the strides made by its survivors.

□ 1930

HIV AND AIDS PANDEMIC HAS DEVASTATED MANY COUNTRIES IN AFRICA

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise before my colleagues to talk about the HIV and AIDS pandemic. The AIDS pandemic has devastated many countries in Africa, leaving few men and women and children untouched. Sub-Sahara Africa has been far more severely infected by AIDS than any other part of the world. In 16 countries, all in sub-Sahara Africa, more than 1 in 10 adults is affected by the HIV virus.

According to a joint report issued by the United Nations Program on HIV and AIDS, one-half or more of all 15 year-olds will eventually die of AIDS in some of the worst areas affected such as Zambia, South Africa, and Botswana. Over 34 million HIV/AIDS cases are in the world, and 24 million or 70 percent are in Africa.

I recently visited Botswana to see up close the destruction this disease has caused. Approximately 35 percent of Botswana's adult population is affected by HIV. AIDS has cut the life expectancy in Botswana from 71 years to 39, according to Karen Stanecki of the United States Census Bureau during an appearance at an international AIDS conference held in South Africa in July 2000.

The visit that I made strengthened my conviction to do my part in bringing the awareness to this issue and to work with my colleagues in Congress, national governments, State and local governments, and activists around the world to do more for the people who have the virus and to do more to stop the spread of the disease.

Soon after I returned from Botswana, I sponsored an HIV/AIDS roundtable discussion in my district that consists of public health officials, community activists, HIV/AIDS case managers, community health providers, doctors, individuals suffering from HIV/AIDS. I sponsored this roundtable because my district in eastern North Carolina has a high incidence of HIV/AIDS.

Eastern North Carolina, which includes more than my district, all on the south side of 95 North, the Interstate, about 25 counties indeed have 30 percent of the State's HIV disease. That only represents, by the way, only 20 percent of our population. Clearly this is an issue that is affecting us both domestically as well as internationally.

Given the loss of lives AIDS has caused, the destruction of entire communities, the long-term impact of economic growth, we must step up our effort to fight the devastating disease. With children dying at the age of 15 and the life expectancy in most of Africa of 45 years for children born in some countries, something must be done. Indeed, children being born in these countries cannot expect to live long. There is very little future.

To ignore the problem is to our own peril, but to know the impact of AIDS and then to ignore it is to our own shame.

I applaud the pharmaceutical companies for dropping the lawsuit to prevent South Africa from importing cheaper anti-AIDS drugs and medicines. Now we must increase efforts to provide affordable anti-AIDS drugs to all who need them. I challenge the pharmaceutical industry, countries worldwide, and the United States government to engage in a collected effort to get the necessary drugs to people infected with HIV/AIDS.

Mr. Speaker, I include for the RECORD two publications on this issue, one from The New York Times and the other from The Washington Post, as follows:

[From the New York Times, Apr. 21, 2001]

DESPITE LEGAL VICTORY, SOUTH AFRICA HESITATES ON AIDS DRUGS

(By Rachel L. Swarns)

JOHANNESBURG, April 20.—With the Champagne consumed and the celebration over, advocates for AIDS patients today turned their attention from the South African government's legal victory over the drug industry and looked to the future.

With sinking hearts, many concluded that the next big barrier to expanding access to AIDS drugs might well be the government itself.

The drug industry conceded South Africa's right to import cheaper brand-name medicines, but the governing African National Congress was not aggressively charting the way forward.

Instead, in its online newspaper, the party was ticking off countless reasons why the country should think twice about providing lifesaving AIDS cocktails.

In this, the ruling party was echoing the health minister, Dr. Manto Tshabalala-Msimang, who dashed the hopes of her allies on Thursday when she made it clear that providing AIDS drugs was not a government priority, even though the drug industry had just dropped its objections to a law that allows South Africa to import brand-name drugs at the lowest prices available.

When pressed about her plans for treating the nation's 4.7 million people infected with H.I.V., Dr. Tshabalala-Msimang insisted that the government was already offering adequate care without costly AIDS drugs.

Mark Heywood, a lawyer who helped organize the street protests that applied pressure on the drug industry to drop its lawsuit against South Africa, said today that the minister's remarks felt "like a stab in the back." And her comments and those from the A.N.C. have revived concerns about the government's commitment to providing the medicines in a country with more people infected with H.I.V. than any other.

This morning, Mr. Heywood and other advocates for AIDS patients gathered to consider a new campaign to pressure drug companies to lower prices of AIDS drugs in the private sector. But they also decided to focus on the government, and to turn up the heat if necessary, to persuade health officials to work harder to bring the AIDS drugs readily available in the West to the poor in South Africa.

"Our work on the court case shows our willingness to enter into partnership, but we will not shirk from very difficult engagements with the government," Mr. Heywood said. "Yesterday was an important and empowering victory. But we're measuring success by bringing real medicines to real people."

On Thursday, 39 drug companies agreed to drop a lawsuit intended to block a law that would expand access to cheaper medicines. Among other things, it would allow the government to buy brand-name drugs that advocates say are sold more cheaply in India and Brazil than in South Africa.

But the law, which will take effect in several months, is unlikely to expand access significantly. The drugs are still expensive for South Africa, and the health care system here, particularly in rural areas, is still largely unprepared to administer such complicated medicines and to monitor patients.

Advocates for AIDS patients acknowledge those obstacles. Still, many had hoped to hear a sense of urgency from the government about addressing them.

Other African countries that are poorer than South Africa and that have even weaker health systems have already moved ahead with pilot programs that provide antiretrovirals at a low cost. The countries include Ivory Coast, Uganda and Senegal.

Botswana, a relatively wealthy African country, hopes to provide the medicines to all of its citizens who need them by the end of the year.

Many people here hoped South Africa would be next. AIDS activists want the government to consider financing plans, to start training nurses and doctors and upgrading local hospitals and to put together a national treatment plan.

Other activists are pressuring the government to apply for special permission to import cheap generic versions of the patented AIDS drugs, which would finally bring the "cocktails" within reach.

But the government is clearly reluctant to take the preliminary steps to get those drugs to the dying.

Some suspect this reluctance may come from President Thabo Mbeki, who has publicly questioned the safety of the drugs and whether H.I.V. causes the disease. After being assailed here and abroad for his stance, Mr. Mbeki withdrew from the AIDS debate last year.

And in recent months, the government has taken positive steps, announcing a pilot program to distribute anti-retrovirals to pregnant women to prevent transmission to newborn; accepting a drug company donation to treat opportunistic infections; and developing guidelines for the proper use of anti-retrovirals in the private sector.

But Dr. Thabalala-Msimang emphasized that programs to provide anti-retrovirals for adults were not coming anytime soon.

"For the moment, the best advice is to treat opportunistic infections," she said on Thursday. She added that such treatment, along with improved diet and counseling, would "allow people with H.I.V. to manage their lives and participate adequately."

"We are indeed treating people who are H.I.V. positive," Dr. Thabalala-Mismang continued, in response to repeated questions about when anti-retroviral programs might be available. "It is not correct to say that just because we do not provide anti-retrovirals that we are not treating people."

[From the Washington Post, Apr. 23, 2001]

Global AIDS Strategy May Prove Elusive; More Funds Available, But Consensus Lacking

(By Karen DeYoung)

After a string of victories in the long battle for lower-priced AIDS drugs in poor countries, health care experts, AIDS activists and major donors are facing what might be an even tougher challenge—agreeing on a unified strategy to fight the pandemic.

"Now is when the hard part starts," said Johnathan Quick, head of the essential medicines division of the Geneva-based World Health Organization.

One debate among health experts and activists concerns whether to concentrate new resources on sophisticated treatment—even at newly reduced prices—to improve and prolong the lives of those in advanced stages of the disease, or on AIDS prevention, less expensive treatment of AIDS-related diseases and basic health programs aimed at stopping the disease's spread. More than 36 million people worldwide, the vast majority of them in sub-Saharan Africa, are infected with the human immunodeficiency virus (HIV), which causes AIDS.

Resolving this and other differences has taken on new urgency as donors have indicated willingness to provide substantial new funds for a global AIDS campaign. Uneasy about a lack of coordination, some donors, led by Britain's Department for International Development, this month issued what some described as an ultimatum to UNAIDS—the consortium of U.N. agencies and the World Bank that oversees international AIDS efforts.

"They told us they want something put on the table," said a senior representative of a UNAIDS member. "They challenged us to have a common view."

At a meeting in London today, members of UNAIDS are scheduled to present a broad proposal for an international AIDS trust fund administered by both contributing and recipient countries. Participating in the meeting will be delegates from the United States, Britain and other members of the Group of 8; the Scandinavian countries and the Netherlands; and major private donors, including the Gates Foundation. Questions about how to spend the money would be decided by a joint governing committee formed of donors and aid recipients.

Getting various organizations and countries in line for a common approach has not been easy. The United Nations was thrown into an uproar late last month when Carol Bellamy, executive director of the U.N. Children's Fund, declared in a New York Times op-ed article that "UNICEF is prepared to step forward as the lead United Nations agency in the procurement of anti-retroviral drugs on behalf of individual countries."

That offer, reportedly not cleared with U.N. Secretary General Kofi Annan, upset WHO Director General Gro Harlem Brundtland, who saw it as a premature policy proposal, as well as a public challenge to WHO's primacy on AIDS. U.N. agencies in charge of development and population, among others, voiced disapproval, even as they, too, clamored to claim a share of money that is not yet available.

"They are sort of like sharks when there's blood in the water," said one close observer of the U.N. process. "There is money in the air."

Apart from the United Nations, others have proposed uses for new funding. Early this month, Harvard economist Jeffrey Sachs proposed establishment of a massive global AIDS fund to purchase anti-retroviral drugs for Africa. AIDS activists criticized the proposal, which would involve patent-holding pharmaceutical companies, for not favoring generic producers who have offered even cheaper prices.

Two days later, Microsoft founder Bill Gates called a news conference to warn that the treatment emphasis risked undermining prevention efforts. Gates's family foundation has given hundreds of millions of dollars to the international fight against AIDS—the most of any single donor.

After years of being shamed by international pressure, the major pharmaceutical companies are now offering the three-drug anti-retroviral AIDS "cocktail" to some poor countries for less than a tenth of the developed world's $10,000 per patient per year starting price. Patent-busting generic producers have offered even lower prices.

Nongovernmental activists riding high after humbling the pharmaceutical industry on the price issue are calling on African governments to immediately start positioning themselves to provide the drugs. They point to Brazil, whose government produces its own anti-retrovirals and distributes them for free.

"I think the big decisions are not with the co-opted northern bureaucrats," said James Love of the Washington-based Consumer Project on Technology, a Ralph Nader-affiliated group that analyzes drug pricing. Love, who along with other activists advocates bypassing the big companies and going straight into import and production of generic drugs, called on African governments to "have the guts" to move forward with new authorizing laws.

But some have warned that such a strategy is ultimately counterproductive. They point out that Africa has neither the health infrastructure nor the personnel to support widespread use of the complicated treatment regime. There are currently 14 anti-retroviral drugs, patented by a handful of major companies, used in various combinations to compose the three-drug cocktail. New drugs will be needed as existing compounds become less effective, and many companies are involved in the search for a vaccine.

The companies have argued that generic producers do not pay for research and development, and unless the world trade system can guarantee that future patents will be protected, research funds will be diminished.

Many Africans say they don't want to be pushed. "We wouldn't like any further delay" in caring for South Africa's more than 4 million HIV-infected people, Foreign Minister Nkosazana Dlamini-Zuma said last week as the major pharmaceutical companies withdrew from a three-year lawsuit to prevent her government from authorizing import and production of generic drugs. "But regulations have to be done before any laws can be implemented. We'll do what we can, not because of pressure, but because we think it's right."

Other African seemed caught between their desire to get to the front of the line for new funding and early resentment of the expected new onslaught of advice and dictates from developed countries. "A Ugandan colleague told me that the biggest epidemic lately is the epidemic of initiatives," one European aid official said.

The proposal that was to be outlined today in London leaves open the question of how much should be spent on drugs. UNAIDS has estimated that a minimum of $3 billion a year is needed to establish basic HIV prevention and non-anti-retroviral treatment in sub-Saharan Africa alone. Adding the anti-retroviral drugs, even at bargain-basement prices, would bring that total to about $10 billion.

International contributions currently total less than $1 billion a year. According to a General Accounting Office report released last month, Africa expenditures in the fight against HIV/AIDS in fiscal 2000 by the U.S. Agency for International Development—the largest national donor—totaled $114 million. The GAO report noted that amount "translated into per capita expenditures for 23 sub-Saharan African countries" ranging from $0.78 in Zambia to $0.03 in the Democratic Republic of Congo.

In its budget resolution passed this month, the Senate voted to increase total international AIDS spending to $1 billion over the next two years, although President Bush's budget proposes only a small fraction of that amount.

The European Union, as well as its individual members, and Japan have said they are prepared to provide major new funds.

But nobody believes that $10 billion is a realistic expectation for the near or middle term, and choices will have to be made.

"The exclusive focus on the issue of patent rights and prices of drugs really has overridden the much more fundamental question of how you actually get these services out and how you blunt the epidemic itself," said one international health official who asked not to be identified. "If all of these resources go to treating the terminally ill, then we can in fact see this process turn into one that's really negative for the development of effective prevention programs.

"It's so politically incorrect to say, but we may have to sit by and just see these millions of [already infected] people die," he said, acknowledging that this was an option that would be considered unacceptable in the developed world. "Very few public health professionals are willing to take on the wrath of AIDS activists by saying that. But a whole lot of them talk about this in private."

Mr. Speaker, I mentioned the life expectancy of some in Africa of 45. To continue to watch this disease shorten the lives of most people, again, is a challenge to us morally; and it is to our peril if we do not understand the implication it has, not only on global trade, but also in national security.

South African government also now has an opportunity and also a challenge. They must respond to the victory of the pharmaceutical companies withdrawing their lawsuit by seeking medications for the 4.3 million people. They cannot stand by and do nothing.

In the United States, people have been living longer with HIV virus and with AIDS. While not a cure for AIDS, certainly the drugs have allowed many American citizens and citizens living in developing countries to live longer. These drugs are out of reach to most in Africa. Until we find a cure for AIDS, treatment must be affordable and accessible. Treatment can prolong life, indeed give substantially more quality of life. In the United States, we now have AIDS-related treatments and that has added to the mortality.

Mr. Speaker, I urge my colleagues to act on this.

TRIBUTE TO WEST POINT CADET JOHN HEINMILLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, the people of Eden Prairie, Minnesota are in mourning today as they grieve the loss of a favorite son, West Point Cadet John Heinmiller.

There are no words to adequately convey our sympathy to Cadet Heinmiller's family. Our hearts and prayers go out to John's father John, his mother Julie, and younger brothers and sister Joe, Jimmy and Sue, on Cadet Heinmiller's tragic death early Sunday in Garrison, New York.

John's loving family and countless friends are in shock over the passing of this remarkable young man who "left an indelible mark on friends, coaches and teachers," to quote from today's front page article in the Star Tribune.

Mr. Speaker, John's death is not only a great tragedy for his wonderful family, but also a great tragedy for Eden Prairie High School and the United States Military Academy. John was loved and respected by everyone who knew him. Of the several hundred service academy nominations that I have made over the past decade, John truly stands out for his remarkable personal qualities.

John was not only a star in hockey, football and the classroom, John was a star in the way he conducted his life. As I said, when I nominated John to West Point: "John Heinmiller is destined for success at the Military Academy and beyond because he has it all: highly intelligent, a great student athlete, personally charming, a quick wit and, most importantly, integrity and character that we need in our future leaders."

It is not easy to stand out, Mr. Speaker, the way John Heinmiller did at a high school renowned for its athletics with more than 3,000 students. An honors student, John was so highly respected for his leadership qualities that his teammates at Eden Prairie High School voted him senior captain of both his football and hockey teams. He also earned his school's highest athletic honor the Scott Ryski Award.

As his Eden Prairie High School football coach Mike Grant put it best, "John was a good football player, but above that, he was an outstanding person. This is a devastating loss to our school, our community and our city. This is a kid who would have been leading our country someday."

Eden Prairie's boys' hockey coach, Lee Smith, also coached John and said, "He was also the kind of person that if you spent 2 minutes around, you would see dedication, love, charisma and energy. John was one of the greatest role models who has ever gone through our high school."

At West Point, John was a freshman hockey player and was called up to play with the varsity this past season. From all reports by West Point officials and coaches, John had already distinguished himself and was headed for great success.

Above all, Mr. Speaker, John Heinmiller loved his family very dearly. His younger brothers and sister were his best friends. As John's dad told me yesterday, "His mother and I could not have asked for a better son in every way."

Mr. Speaker, my prayer today is that Cadet John Heinmiller's legacy will inspire all of us to greater heights. We thank God for the wonderful way John lived his life and the wonderful role model he was. We are also grateful to John for his service to country at West Point.

May John Heinmiller's spirit continue to live in each of us and may God bless his family and friends.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise this evening to once again reflect on the atrocities suffered by the Armenian people at the hands of the Ottoman Turks 86 years ago.

Little did anyone know that, on this very day, April 24, 1915, that day would forever signify the beginning of a Turkish campaign to eliminate the Armenian people from the face of this Earth.

Over the following 8 years, 1.5 million Armenians perished. Hundreds of Armenian religious, political, and intellectual leaders were massacred. More than 500,000 were exiled from their homes. Armenian civilization, one of the oldest civilizations, virtually ceased to exist.

Sadly, little attention is paid to this tragic episode of 20th century history. But that is why I join my colleagues, as I have each year since I was elected to Congress, to remember one of the most tragic events that humankind has ever witnessed.

But, unfortunately, as time wears on, so much of it has faded into memory, and people begin to forget what occurred during that horrific time. Even worse, as time passes, and people are distracted from the atrocities, naysayers and revisionists have the opportunity to change this generation's understanding of the Armenian genocide.

Just as outrageous is that this genocide has gone unpunished, and an international court has yet to condemn the massacre of an entire nation. In part, this is because the current leaders in Istanbul will not acknowledge the crime committed.

That is why it is imperative that the United States House of Representatives becomes a voice in the campaign to recognize and acknowledge the Armenian genocide. That is why we must support the Bonior-Radanovich resolution.

Mr. Speaker, despite the unspeakable tragedy, Armenians remain a compassionate, proud, and dignified people. An Armenian civilization lives on and thrives. In fact, every proud Armenian that walks the Earth worldwide is the product of generations of perseverance, courage and hope. Thankfully, this Armenian spirit lives on within our own borders, especially in my home State of California.

On behalf of Armenia and on behalf of all of our Armenian friends, neighbors, and colleagues, I urge the House of Representatives to recognize our responsibility to learn from the past and to speak out in order to prevent similar atrocities in the future.

This could well be the most important lesson each of us takes away from such an atrocious global experience.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Armenian Congressional Caucus here in Washington, and we have over 90 members, and as a representative of a very large and vibrant community of Armenian Americans, I rise today to join many of my colleagues in the sad commemoration of the Armenian genocide.

Today we remember the tragedy where more than 1.5 million Armenians were murdered at the hands of the

Turks and more than 500,000 others were deported.

□ 1945

Unfortunately, there were others included in this massacre, including Assyrians and Pontic Greeks, bringing the number to well over 3.5 million lost lives.

Today, April 24, marks the 86th anniversary of the beginning of the genocide. It was on this day in 1915 that more than 200 Armenian religious, political and intellectual leaders were gathered together and murdered in Constantinople. This was the beginning of an organized, brutal campaign to eliminate the Armenian presence from the Ottoman Empire. This campaign lasted for over 8 years. During this time, Armenians were systematically uprooted from their homeland of over 3,000 years and eliminated through massacres or deportation. But Armenians are strong people, and their dream of freedom did not die. More than 70 years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled.

Today, we pay tribute to the courage and strength of people who would not know defeat. I was privileged to meet with many of these people this past weekend on Sunday in my district where Sam Azadian along with Archbishop Barsamian and many others held a meeting where we remembered the massacres. One of the survivors, Sano Halo, was there. Her daughter has written a book about her life entitled "Not Even My Name." It tells the story of Ms. Halo who, at the age of 10, was uprooted with her family with thousands of Pontic Greeks and forced by the Turks on a brutal death march. Ms. Halo saw her entire family die of starvation and disease in front of her eyes, or assault and murder by the Turks. Through circumstances, she was able to survive and has come to the United States and now lives in my district.

Unfortunately, even with the truthful, thoughtful accounts from people who experienced the genocide such as Ms. Halo, there are those who question the reality of the Armenian slaughter. That is why it is so important that in this Congress we must finally pass the resolution documenting the Armenian genocide. We must follow the moral leadership of France and Italy whose national assemblies unanimously passed a bill that officially recognizes the genocide of 1.5 million Armenians in Turkey during and after World War II. And we must follow the leadership of many of our State legislatures. Over 27 legislatures have passed proclamations, resolutions, bills recognizing the genocide.

For the people of Armenia, the fight still continues today, particularly for the Armenians of Nagorno-Karabakh, who are impacted by modern day Turkey and Azerbaijan's aggression toward Armenia in the continued blockade. I am hopeful that the recent talks in Key West between the Armenian and Azerbaijan presidents will move them one step closer toward peace. A peaceful solution is important to United States interests.

We have supported Armenia with direct assistance and with confidence-building allocations. I strongly support the efforts of the Armenian community to dedicate a museum and memorial commemorating the victims of the Armenian genocide. This year, their dream became a reality with the purchase of a building near the White House. Nothing we can say will bring back those who perished, but we can honor their memories with everlasting meaning by teaching the lessons of the Armenian genocide to the next generation.

As the great philosopher George Santayana once said, "Those who do not remember the past are condemned to repeat it." Let us learn our lesson and never forget the Armenians.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. KIRK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I would like to take a few minutes to add my voice and join my colleagues in remembering and paying tribute to those Armenians who lost their lives and national identity during one of the 20th century's tragic examples of persecution and intolerance, the Armenian genocide of 1915–1923.

Many Armenians in America, particularly Indiana, are the children and grandchildren of survivors. In fact, tonight I may represent the fewest number here. I think I have either two or six Armenians in my district. But some 20 years ago my friend, Zohrab Tazian, did a presentation to a Rotary Club as I watched the historical film in the background of how the Armenians were destroyed and chased, and listened to his personal story of how his family fled down to Lebanon; and eventually he made his way to the United States. It touched me, as do other human rights tragedies such as this.

We commemorate this tragedy because it marks the beginning of the persecution, ethnic cleansing of the Armenian people by the Ottoman Turks on April 24, 1915. Armenian political, intellectual and religious leaders were arrested, forcibly moved from their homeland and killed. The brutality continued against the Armenian people as families were uprooted from their homes and marched to concentration camps in the desert where many would eventually starve to death.

In 1919 when recalling the event, the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. said, "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915." As we heard Hitler say when he moved into the Holocaust period, "Who remembers the Armenians?"

By 1923, the religious and ideological persecution by the Ottoman Turks resulted in the murder of 1.5 million Armenian men, women and children and the displacement of an additional 500,000 Armenians.

The 20th century has borne witness to many acts of brutality and savagery by despotic regimes who sought to deny people human rights and religious freedoms. Examples abound, such as Stalin against the Russians, Hitler against the Jews, Mao Tse-tung against the Chinese, Pol Pot against the Cambodians, and currently Bashir against the Sudanese.

Genocide has devastating consequences for society as a whole because of the problems created by uprooting entire populations. It is bad enough to see the persecutions that we see in Tiananmen Square, where governments do not acknowledge the shooting of civilians; but when you uproot entire subgroups based on their background, as has happened in Bosnia, as Serbia was trying to do, and clearly on a massive scale in Turkey vis-a-vis the Armenians, it is tragic. The survivors become the ones who carry the memory of the suffering and the realization that their loved ones are gone. They are the ones who no longer have a home and may feel ideological and spiritual abandonment.

Part of the healing process for any victims of genocide, including Armenian survivors and families of survivors, involves acknowledgment of the atrocity and the admission of wrongdoing by those who perpetrated the persecution. It is only through acknowledgment and forgiveness that it is possible to move beyond the past.

Unfortunately, those responsible for ordering the systematic removal of the Armenians were never brought to justice, and the Armenian Genocide has become a dark moment in history, even an unacknowledged moment.

It is important that we remember this tragic event and show strong leadership by denouncing the persecution of people due to their differences in political and religious ideology. Who can visit the Holocaust Museum and not be personally touched? By establishing and continuing a discourse, we are acknowledging the tragedies of the past and remembering those awful moments in history so they will not be repeated.

As my friend the gentleman from Arizona (Mr. SHADEGG) says, history may not repeat itself but often it rhymes. Acknowledgment of the Armenian Genocide by Turkey will help to remove this decades-old barrier and allow greater cooperation and understanding between these two people.

Mr. Speaker, I want to thank all those Members who have come down here tonight to recognize and make sure that regardless of what Turkey does and regardless of what this Congress does, that the American people still hear a voice on behalf of the Armenians in this country and remember the Armenian Genocide of 1915 to 1923, as well as our thanking all the Armenian organizations who have worked so hard to keep this issue at the forefront of our minds to serve as an example of the brutality of man against man.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. VISCLOSKY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REMEMBER THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, each year I am deeply humbled when we gather in the United States House of Representatives to honor the memory of the 1.5 million Armenians who perished and the 500,000 survivors who were forcibly exiled from their ancestral homes in Ottoman Turkey during the years 1915 to 1923. Some of those survivors, Mr. Speaker, are part of my own community in Worcester, Massachusetts. I had the opportunity to meet with several of them on Sunday during a special program in the historic Armenian Church of Our Savior.

It is difficult to fathom a greater evil than the massacre and willful destruction of a people. Those who deny that a holocaust took place when there are recorded accounts of the barbarity are complicit and often perpetuate a cycle of violence. This is the injustice much of the world has committed against the Armenian people.

Elie Wiesel, Nobel laureate and Holocaust survivor, has called denial of genocide a double killing: The denial of genocide seeks to reshape history in order to demonize the victims and rehabilitate the perpetrators and is, in effect, the final stage of genocide. Nobel laureate and South African Archbishop Desmond Tutu in the Preface to the Encyclopedia of Genocide, which was published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes, "It is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the 20th century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world."

And last year, Mr. Speaker, Israeli Minister of Education Yossi Sarid said publicly, "I will do everything in order that Israeli children learn and know more about the Armenian Genocide. Something happened that cannot be defined except as genocide; 1.5 million people disappeared. It was not negligence. It was deliberate."

And so scholars and eyewitnesses, Nobel laureates and Armenian survivors have spoken for 86 long years. And now we have entered the 21st century. After a long silence, governments are beginning to respond. They are beginning to acknowledge formally the Armenian Genocide. The European Parliament, the Parliamentary Assembly of the Council of Europe and the United Nations now recognize and reaffirm the Armenian Genocide as historical fact. In the last 5 years alone the parliaments of Belgium, Canada, Cyprus, France, Greece, Italy, Lebanon, Russia and Sweden have passed resolutions officially recognizing the Armenian Genocide.

Last November, Pope John Paul II issued a communique condemning the Armenian Genocide as a "prologue to horrors" that would follow in the 20th century. Earlier this year, French President Jacques Chirac signed into law a bill stating that France publicly recognizes the Armenian Genocide of 1915. And authorities in Paris have voted to erect a memorial to the genocide of the Armenian people.

Sadly, Mr. Speaker, France has achieved the moral leadership that the United States Congress and the White House have failed to fulfill. Last year, for the first time, the Congress moved forward on a resolution officially recognizing the Armenian Genocide, a resolution I proudly cosponsored. Unfortunately, the politics of denial and political expediency combined to thwart that effort. Bowing to pressure from the current Turkish Government, the measure was kept from coming to the House floor.

So, we begin again this year. In the House, I am an original cosponsor of a new resolution to have the United States officially recognize the Armenian Genocide. Thirty of our States, including Massachusetts, have passed resolutions officially recognizing the Armenian Genocide. We have a new President, who pledged during his campaign that he would officially recognize the Armenian Genocide. I have joined with over 100 of my colleagues, Republicans and Democrats alike, in sending a letter to President Bush asking that he honor his pledge. I believe in my heart that we can build on the progress made last year and perhaps this year, 2001, will be seen as the year when Congress finally debated and approved this legislation.

Mr. Speaker, I am blessed to represent a district that includes a vibrant Armenian American community. They have educated the broader Worcester community and indeed all of Massachusetts about the history and heritage of Armenian Americans, for out of one of the greatest tragedies of the 20th century came this community, made up of survivors of the genocide and the families and children of survivors. They have created houses of worship, community centers, neighborhood activists and dedicated workers in every profession. They are the living legacy. The Armenian nation survives in Europe, and the heritage of Armenia thrives in America.

I will work with my colleagues to make sure that the United States will officially recognize the Armenian Genocide and that all of our children will learn this history and understand why it is part of America's history and culture.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Madam Speaker, I rise this evening as a member of the Congressional Caucus on Armenian Issues, as have many of my colleagues, to commemorate and affirm the Armenian Genocide, one of the darkest chapters of the 20th century.

□ 2000

We have heard this repeated, and I think it is worth repeating because it is important that it is indelibly implanted in our minds. April 24, 1915, is remembered and solemnly commemorated each year by the Armenian community and people of conscience throughout the world. On that day, a group of Armenian religious, political and intellectual leaders were arrested in Constantinople, taken to the interior of Turkey and murdered. In the 8 years that followed, 1.5 million Armenians were murdered and 500,000 were deported because of the Ottoman Empire's decision to attempt to eliminate the Armenian people living under their rule.

Through our bipartisan congressional efforts, we have and we must continue to acknowledge and to remember the killing and the suffering inflicted on the Armenian people during those 8 years at the beginning of the last century. Real people died and the results were and are still shocking.

The Armenian genocide is a historical fact. There is a nonpartisan academic consensus that between 1915 and 1923, 1.5 million Armenians perished at the hands of the crumbling Ottoman Empire. I deeply regretted the decision made by this body last year not to consider House Resolution 596, legislation recognizing the Armenian genocide. If we in the Congress continue to react with silence regarding these events and are unwilling to stand up and publicly condemn these atrocities, we effectively give our approval to abuses of power such as the Armenian genocide.

We must let the truth about these events be known and continue to speak out against all instances of inhumanity against one another. To this day it is still denied by the Turkish Government, just as the Nazis 2 decades later denied the Holocaust. Both of these atrocities could have been prevented or at least mitigated if the public had been aware of them. Sadly, it was only after the world learned of the Holocaust and the depths to which human beings could sink in their treatment of each other that the massacre of the Armenian population of Turkey gained attention as genocide.

Responding to this horror, governmental bodies throughout the world have passed resolutions and declarations affirming the Armenian genocide, including Canada, Argentina, Belgium, Lebanon, Vatican City, Uruguay, the European Parliament, the Russian Duma, the Greek Parliament, the Swedish Parliament and the French National Senate.

Additionally, 27 States, more than half, have also passed resolutions condemning the Armenian genocide. I am very pleased that on April 9 of this year my own State of Maryland enacted the Maryland Day of Remembrance of the Armenian Genocide. I, as had some others, had written to members of the Maryland Assembly urging their support of the resolution. I believe this measure will help educate others about this crime against humanity and send an appropriate message to the thousands of Maryland residents of Armenian descent who have been profoundly and personally affected by the Armenian genocide and who have made tremendous contributions to our State in the areas of business, agriculture, academia, government, and the arts.

We salute the proud people of Armenian who spent 70 years fighting Stalinist domination and who have finally, in the past decade, achieved freedom. However, these freedoms must never allow them or us to forget the hardships suffered by their ancestors. Our universal respect for human rights must instill in all of us the continued condemnation and acknowledgment of the Armenian genocide, one of history's darkest chapters of the 20th century.

THE PRESIDENT HAD IT RIGHT THE FIRST TIME, THAT OUR COMMITMENT TO OPEN TRADE MUST BE MATCHED BY A STRONG COMMITMENT TO PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this morning constituents of our Ninth District of Ohio woke up to reports of more job cuts at our local Jeep plant. The Toledo Blade ran two headlines. One reads, "Jeep reductions: Firm warns up to 2,035 Toledo jobs to be cut." The second headline read, "Expanded PT Cruiser Output Bypasses City of Toledo for Mexico."

Welcome to post-NAFTA America. Here we have a company shifting production from the United States at the expense of our workers. Make no mistake, these are excellent jobs we are talking about. These are not minimum-wage jobs with no benefits. These are not low-tech jobs. They are the type of jobs that any community in America would fight for. These are middle-class jobs. That is what Toledo and the State of Ohio did, in fact. They went out and fought for the Jeep jobs. The taxpayers invested hundreds of millions of dollars to keep those jobs in Ohio and in the United States, and now Chrysler is cutting 2,000 jobs in Toledo at the same time as it is adding production lines in Mexico to make the popular PT Cruiser.

Now President Bush wants to expand NAFTA, he tells us. Is this the promise of NAFTA, 2,000 more families out of work and good jobs in our country? Is this what the future looks like under a hemispheric NAFTA known as Free Trade of the Americas, FTAA? Is this what you get with Fast Track?

President Bush went to Quebec City last week to push for NAFTA's expansion to the free trade of the Americas. He made some interesting claims about what his version of free trade envisions. There was some talk about labor rights and environmental standards and democracy. That sounds well and good, but we need to see concrete action to back up the rhetoric.

In Quebec City, President Bush said it is clear to me that ours is a hemisphere united by freedom. How about the freedom of workers to earn a living wage and to know that they are protected against workplace injury and guaranteed the right to organize the worth of their labor? How about the freedom for families to know what is in their food? How about the freedom of a mother on the border in Mexico knowing that the water is safe to drink and the air fit to breathe? How about the freedom for Members of Congress to have access to all the working documents and drafts of these agreements, not only the multinational giants that helped to negotiate the agreement that we are likely to consider?

In Quebec City, President Bush said, "Our commitment to open trade must be matched by a strong commitment to protecting our environment and improving labor standards." But then he did a pirouette and he said, "We should not allow labor and environmental codicils to destroy the spirit of free trade."

He had it right the first time.

Those of us on the other side of the argument have been saying for years that these trade agreements should give individuals the same rights as multinational corporations. The President was wrong when he said labor and environmental provisions would destroy free trade. If free trade cannot accommodate labor and environmental concerns, it does not deserve to be known as free.

If the extension of the right for labor to organize, the right to free speech and the right to a safe and livable environment are things that would destroy a trade regime, maybe we should reconsider our trade priorities. Adding labor and environmental rights as a side agreement or included with fig-leaf compromises is completely unacceptable. We learned our lesson with NAFTA, the hard way.

President Bush said, and I quote, "I am confident I will have trade promotion authority by the end of the year because I think most people in the United States Congress understand that trade is beneficial to our hemisphere.

"It is in our Nation's best interest to have the President have trade promotion authority," he said.

Congress does understand that trade can be beneficial to our hemisphere. We also know it can be unbeneficial. We do not need Fast Track to create a trading system that is fair to all nations and workers. We need a trading system that will lift up workers everywhere and help us maintain our standard of living in America. We need a trade agreement that will lift workers up, not leave behind 2,000 more families in Toledo while factories in Mexico gear up to meet a demand for a very popular vehicle on the backs of an exploited workforce that works for slave wages.

Madam Speaker, our rallying cry as we approach the Free Trade Agreement of the Americas debate must be free trade among free people and no less.

WE MUST CONTINUE TO STRUGGLE AGAINST FORGETTING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, I stand in strong support of the Special Order commemorating the Armenian genocide; and I commend my colleagues, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Michigan (Mr. KNOLLENBERG), for putting this Special Order together and for keeping the issue of the Armenian genocide at the forefront here in Congress.

The tragic occurrence perpetrated against the Armenian people between 1915 and 1925 by the Ottoman Turkish Empire is of great concern to me and members of my constituency. During this relatively brief time frame, over 1.5 million Armenians were massacred and more than 5,000 were exiled. Unfortunately, the Turkish Government has not recognized these brutal atrocities as acts of genocide. Nor is it willing to come to terms with these horrific events of the past that many of their ancestors participated in.

Prior to the Armenian genocide, these brave people with a history of over 2,500 years in the region were subject to numerous indignities and periodic massacres by the sultans of the Ottoman Empire. The worst of these massacres prior to 1915 occurred in 1895 when as many as 300,000 Armenian civilians were murdered, and those who survived were left completely destitute.

Despite these events, Armenians have survived as a people and a culture throughout Europe and now throughout the United States. The Turkish Government needs to come to terms with the past and work towards improving the future. Turkish groups have suggested that since Turks were also killed during that time frame it should not be considered a genocide.

Genocide is the systematic, planned annihilation of a racial, political, or cultural group. It happened to the Jews in Germany, and it did happen to the Armenians in the Ottoman Empire.

I am well aware of the importance of Turkey as an ally in an unstable region and a frontline NATO state. However, the Turkish Government must officially recognize the atrocities of its predecessors in the Ottoman Empire. I believe that by failing to recognize such barbaric acts one becomes complicit in them.

Milan Kundera, the once-exiled Czech novelist, has written, "The struggle of man against power is the struggle of memory against forgetting."

I believe that we, too, must continue to struggle against forgetting. This Special Order begins that process. This genocide and its lessons must never be forgotten.

APRIL 24, 1915, ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FERGUSON) is recognized for 5 minutes.

Mr. FERGUSON. Madam Speaker, I join my colleagues today to remember a horrific atrocity in history, the Armenian genocide. April 24 is recognized as the anniversary date of this genocide, when Armenian intellectuals and professionals in Constantinople were rounded up and deported or killed.

From 1915 to 1923, a million and a half Armenians were killed and countless others suffered as a result of the systematic and deliberate campaign of genocide by the rulers of the Ottoman Empire.

Half a million Armenians who escaped death were deported to the Middle East. Some were fortunate enough to escape to the United States.

Madam Speaker, I am thankful that more than a million Armenians managed to escape the genocide and establish a new life here in the United States. In my Seventh District in New Jersey, I am proud to represent a number of Armenian-Americans. They have enriched every aspect of New Jersey life, from science to commerce to the arts.

Our statements today are intended to preserve the memory of the Armenian loss and to honor those descendants who have overcome the atrocities that took their grandparents, their parents, their children, and their friends. We mark this anniversary each year to remind our Nation and to teach future generations about the horrors of genocide and oppression endured by the Armenian people.

We must commit ourselves to ensuring that America remains a beacon of tolerance and openness and diversity.

Madam Speaker, I commend the commitment of Armenian-Americans who continue to strive for world recognition of one of the greatest atrocities of the 20th century.

EARTH DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Madam Speaker, as one who came to Congress committed to having the Federal Government be a better partner in making our communities more livable, making our families safe, healthy and economically secure, this last weekend in the celebration of Earth Day was a special time.

Every April 22, around the world, there is recognition of the Earth Day celebrations. This was an undertaking that was founded in 1970 by then U.S. Senator Gaylord Nelson, who proposed a nationwide environmental protest to, quote, shake up the political establishment and force this issue onto the national agenda.

Well, Senator Nelson succeeded, I think, even beyond his expectations, as he was able to encourage this recognition internationally. I think it was appropriate that he was awarded the Presidential Medal of Freedom for his role as the founder of Earth Day.

This year, as we reviewed the news accounts, there was a great deal of energy, excitement and indeed some good news for the environment around the world. Part of it was the environmental activism itself. There were over 800 rallies held across the United States, and internationally there were more than 100. In honor of Earth Day, the Wilderness Society named the White House as an object of their future concerns about national parks and monuments.

There was in Washington, D.C. a forum on solar energy held to celebrate the advances made in the technology, economics and prospects for the use of solar energy. There was a massive Trees Are My Friends campaign that helped to educate urban residents about the value of street trees in the urban forest canopy, helping residents connect with tree care and planning activities in their community.

This last weekend, I joined with people in my community in Portland, Oregon, to celebrate a successful tree-planting undertaking. They have successfully planted now 207,000 trees. During the month of April, citizens in a variety of cities in the West, including Portland, Seattle and Denver, were engaged in races and walks to raise the awareness of climate change, to help stop global climate warming.

☐ 2015

There were rallies in India by cycling organizations to push for the creation of no vehicle zones in major cities. Additionally, there were events to protest deforestation in Mexico, children rallying for the protection of endangered species in Estonia and Russia; and there were tree plantings in Burmese refugee camps in Thailand.

There was good news on the State level. One in particular that caught my attention was in the State of California where the Department of Fish and Game has issued draft regulations to protect sea otters and other marine mammals from deadly gill nets. These regulations are going to make a huge difference in the protection of marine mammals.

In Massachusetts, that State will become the first on a State level to limit carbon dioxide emissions from power plants under their own clean air rules. The new standard, which will go into effect in June, will also limit mercury emissions, acid rain causing sulfur dioxide, and smog-causing nitrogen oxide. It will apply to the State's dirtiest power plants that are contributing to global warming.

There were very significant developments in the Pacific Northwest, including in British Columbia where the government of that province, in coordination with environmental groups, logging companies and the first nations of Canada announced the plan to prohibit or defer logging on 3.5 million acres of the Great Bear Rain Forest, an area 4 times the size of Rhode Island.

This is one of the largest rain forest conservation efforts in North American history and will protect the only home of the white Spirit Bear, a rare subspecies of the black bear.

Madam Speaker, on occasion I have taken to this floor because I have taken offense with some of the activities of this administration as it relates to the environment. Admittedly, I was more than a little concerned when some of our predictions were borne out with the release of President Bush's recommended budget. He has decided to recommend major cuts in the EPA enforcement budget and to slash by 87 percent a global tropical forest program which he had endorsed on the campaign trail, I believe pledging $100 million.

The budget also shows that the President has a mixed reaction to what is proposed as an energy crisis by recommending that the Department of Energy research on renewables be slashed by nearly 50 percent and that energy efficiency funding be cut by 23 percent. It simply, from where I stand, is a little disappointing to say the least; but I must confess that there have been a number of announcements and activities from this administration in the course of Earth Day, Earth Week activities that do, I think, bear commendation; and I think we should come forward and express appreciation for steps that are, in fact, positive.

The President announced that he will sign the international agreement on persistent organic pollutants to halt the worldwide spread of these dangerous chemicals, such as dioxins. I think that is a positive step.

On Saturday, April 21, the day before Earth Day, at a meeting on free trade in Quebec, the President promised to link trade with a strong commitment to protect our environment, a movement that reinforces the work done by his trade representative, Ambassador Zoellick, who is working hard to see if we can reach some bipartisan accord to protect environmental values in the area of trade, and I commend them.

The administration has at least agreed to attend the next round of international talks on global climate change, even though they continue their opposition to the Kyoto protocol and have not expressed a willingness to compromise and a willingness to move forward. I hope cooler heads will prevail because it is inappropriate for the United States to abrogate leadership in the international arena.

I appreciated the fact that the President has decided to allow a ban on snowmobiles in Yellowstone and Grand Tetons National Park to take effect. It was my pleasure recently to meet with Mike Finley, the outgoing superintendent of Yellowstone National Park, who has done an outstanding job for the Park Service. This ban was an important part of Mike's legacy and will phase out snowmobiles in these critical parks in the next 3 years.

The administration has also decided to uphold a Clinton administration rule to dramatically expand reporting requirements for the emissions of lead. This is a step in the right direction to deal with a serious toxic metal which is linked to learning and behavior problems.

In the area of wetlands, the administration announced last week that it will uphold a wetlands development regulation that requires developers to get an Army Corps of Engineer's permit for various activities that would modify the wetlands.

And in the area of home appliances, the White House will keep Clinton administration energy conservation rules on washing machines and water heaters, measures which will make clothes washers become 22 percent more efficient by 2004; 35 percent more efficient by 2007, and will make a big difference in terms of saving energy and conserving water.

While I was disappointed that the administration is weakening the air conditioning rule by some 50 percent, nonetheless it still represents a substantial improvement and a move in the right direction.

Madam Speaker, I notice that I have been joined by my colleague, the gentleman from New Jersey (Mr. PALLONE), a gentleman known for his zeal and concern for protecting the environment and his environmentally sensitive State, and I would yield to the gentleman for some comments.

Mr. PALLONE. Madam Speaker, I want to thank my colleague from Oregon who has always played such a leadership role on environmental issues for organizing this special order this evening. It is 2 days after Earth Day, but this is the first day that we have been back and can talk about Earth Day.

I want to express my disappointment with the Bush administration and what has been happening for the last 3 or 4 months since President Bush took office with regard to environmental issues. Sunday was the 31st anniversary of Earth Day, and I took part in those first Earth Day celebrations when I was in college at that time in Vermont.

I have watched pretty much over the 30 or 31 years since the first Earth Day, we have seen significant progress on environmental concerns. I know in my own district we have done a lot to clean up the ocean along the Jersey shore. We have seen the Clean Air Act and the Clean Water Act, Endangered Species Act, all of these major pieces of legislation which have made significant progress in cleaning up the environment.

So it is very disappointing to see President Bush in the actions that he has taken in the last few months basically, I think, trying to reverse that trend in very negative ways. I am joining the gentleman from Oregon tonight in saying that not because I am looking to attack President Bush and just say the Republicans are bad and be partisan about it, that is not my goal.

Madam Speaker, what I want to do is see this administration change course and basically recognize that the environment is a major concern of the American people and that these problems are not going to go away and we need to take progressive steps to improve the quality of our environment.

But it is disappointing, and I want to outline if I could maybe in 5 minutes or so where I see major problems in what the President has done in the last few months, but at the same time kind of show a bit of optimism about what I think we can do to change it so that he does not continue on this course. And I want to talk about energy policy first and then talk about some other environmental issues.

With regard to energy policy, and you already mentioned it, this signal about not really caring about global climate change, scrapping the Kyoto treaty and maybe suggesting that we not talk about it much in the future, I think is a grave concern.

Also the President's switch on carbon dioxide, to say that is not one of the air emission controls that we are going to put in place. And although we have not really received the report, I guess, of Vice President CHENEY's energy task force, that is going to come around mid-May, we keep hearing that the energy goals of this administration are more production of fossil fuels rather than conservation, and they do not talk about increased technological efficiency or much about the use of renewables.

Much attention has been focused on ANWR, that we should start drilling in ANWR and possibly other offshore areas around the United States.

□ 2030

Mr. Speaker, I find it particularly unfortunate, because we keep seeing signals at the same time that President Bush is saying these things and doing these things, these negative things, we keep seeing signals that the consensus, not only the American people, but the Congress I think, is very much to the contrary of most of his public pronouncements.

I got a little whiff of that again, if you will, this weekend when my former governor, now the EPA Administrator, Christie Whitman, suggested that the Bush administration may be backing off from drilling in ANWR. But as has been the case so often with Mrs. Whitman, the White House came back after she made those statements and sort of scolded her for her comments and said that they are going to continue the effort to try to drill in ANWR and to get congressional authorization to do so.

I think that Whitman was really basically commenting on the political reality, that the votes are really not there for ANWR in the Senate and probably not in the House as well. Basically, I think she was indicating that there really is a consensus in the Congress, I believe in both Houses, not to drill in the Arctic National Wildlife Refuge.

I see so many things like that, when we think about every one of Bush's major pronouncements that I have been critical of: the Kyoto Treaty, the CO2 emissions. We have to realize that over the last 6 months or over the last year, there has really been a bipartisan consensus of most Democrats and some pro-environment Republicans, who have expressed support for the global climate change talks. We have recognized that this is an issue that we have to deal with.

With regard to CO2 emissions, we have had a number of pieces of legislation introduced in this House on a bipartisan basis that would address the CO2 emissions through market trading legislation. I have introduced a bill like that. I think also, if we look around at some of the utilities in various parts of the country, including in my home State of New Jersey, we have seen them start to implement new technologies that would actually cut down on carbon dioxide emissions. So it is just very unfortunate.

Mr. Speaker, I believe that these positive forces, these pro-environmental forces here in the Congress, have not gone away, and maybe they are underground right now; but hopefully, over the next few months or certainly this session of Congress, we will see them come forward with the support of the American people, and demand that we address global climate change, demand that we address CO2 emissions, and not allow drilling in the ANWR.

I just wanted to express to my colleague with regard to those energy issues that I really am a lot more optimistic about what is going to happen here, even though I keep hearing these negative pronouncements on the environment from the Bush administration.

Mr. Speaker, I just wanted to talk about a couple of other areas that are not energy-related, but fall within the rubric of my subcommittee. I am the ranking member on the Subcommittee on Commerce, Environment and Hazardous Materials, and we have jurisdiction over Superfund, over Brownfields, over safe drinking water, and if I could just comment briefly on some of those issues. It was very disappointing to me to see President Bush's efforts to tear down the environment and the good legislation and the good initiatives that we have had in the past also translated into his budget. I mean, if we look at the budget, it is a cutback in the Department of Energy, it is also a cutback in the EPA, the Environmental Protection Agency. In my home State, we have more Superfund sites than any other State in the country, so we really care about Superfund and whether the funding is going to be there to actually do cleanup.

What President Bush proposed in his budget is that for the next fiscal year, we could clean up only 65 Superfund sites as opposed to the 85 sites on the average that we have cleaned up in the last 4 years under the last administration. But even more important, he did not include the Superfund corporate tax in the budget as a method of paying for cleanup.

Now, that may have been okay in the last few years when the Republicans cut it out of the budget that President Clinton submitted, because we still have money in the trust fund to pay for a significant portion of Superfund cleanups. But if we do not reauthorize the corporate tax this year or even next year, we are simply going to run out of money in 2003. There will not be any money from the Superfund Trust Fund to pay for cleanups. I do not see us going ahead and allocating money out of general revenue sources to pay for it. So that program is also seriously threatened.

Mr. Speaker, I know the gentleman from Oregon mentioned our problem with safe drinking water. Again, I could talk about what this administration is doing not only with standards with regard to arsenic, but also with the infrastructure. We have heard about the way he just threw out the arsenic standard and basically was not willing to change the status quo down to the 10 parts per billion that was recommended by President Clinton and also by the National Academy of Sciences. Well, again, I guess in part because the President and this administration realize that this is a problem that the American people do not like to ingest arsenic, over the last week or so we have seen the EPA Administrator, Mrs. Whitman, come out again and say, oh, no, we are going to set up a new rule, we are going to take a year and study this, but I promise that by the next year, we will impose a rule that cuts back at least 60 percent on the existing standard.

Well, I can figure out what 60 percent is of 50 parts per billion, but I know it does not get down to the 10 parts per billion that President Clinton proposed. So, again, they are playing games.

She came out and said that she has convened this new panel at the National Academy of Sciences and asked them to look at the arsenic standards, but again, I get the impression from what I read and from what people tell me that this panel is somewhat rigged and that it is not inclined to adopt a more strict standard.

In the same way, I saw Mrs. Whitman come before our subcommittee a couple of weeks ago and talk about the tremendous need for resources, Federal or otherwise, to address the backlog of infrastructure needs for clean water in various States and various communities around the country. There was a report that she mentioned actually that came out in February that identified $102.5 billion in infrastructure needs for safe drinking water. But when we looked at the Bush budget and when it came out a couple of weeks ago while we were back in our districts, it actually level-funded the amount of money that would be available for these infrastructure needs. So we have $102.5 billion in needs and authorization in Congress for $1 billion, and Bush's budget comes in at $823 million.

So needless to say, there is a real gap between what the Bush administration has said in the past or during the campaign about environmental issues and what the EPA Administrator continues to say about concerns that she has for environmental issues, and what this administration actually does and its actions to address those issues.

I am also concerned about the fact that we have reduced the amount of funding at the EPA. We are not going to see enforcement of a lot of the good environmental laws that are on the books. However, again, I do not think the public is going to stand for this.

I really believe that ultimately this Congress will heed the public's wishes and not go along with a lot of these pronouncements that are coming out of the White House. But I know that we have to continue to identify all of these different negative actions that are being taken by this administration against the environment, and we have to speak out and we have to tell people over and over again what they mean, because a lot of them are not easily explainable and they are happening so quickly over the last 3 or 4 months of this administration that it is even hard to keep track of them.

Mr. Speaker, I want to thank the gentleman from Oregon again for his part and what he is doing to try to bring attention to this. I think we have an obligation not only today in remembering Earth Day, but throughout the next 2 years of this session, to constantly focus on what this administration is doing to gut environmental concerns.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's observations, the hard work that he has done in protecting the environment, and the admonition that we need to be vigilant not just on Earth Day, but this is an ongoing effort. I must confess that I share the gentleman's observation. My assessment is that our commitment is to protect the environment. I have deep concerns about some of the administration's policies, as the gentleman mentioned. I hope, however, that we can on this floor reach common cause across party lines, geographic and philosophical divides, because the American public desires that we are able to move forward and be productive in this fashion.

Mr. Speaker, I came from a very environmentally aware State. I think we both share that kinship and that consensus. In our State, in Oregon, much of the environmental leadership transcended party politics. It came from an era, particularly in the 1970s, where half the time there was a Republican governor who was working with Democrats in the legislature; and when the Democrats took control of the State house, the governorship, it continued on.

Most of the major pieces of legislation that we are working on actually have bipartisan support, and if we could ever get them to the floor of this chamber, I think we would find that there would be strong votes, including significant Republican support.

I think it is important for us to walk that line, to fight back when there are items that are at odds with what the American public wants. As the gentleman pointed out with the budget, we need to acknowledge some of the positive things that are not where that takes place, and Congress must be willing to step up and lead by example in terms of walking the walk.

I had a couple of other observations that were positive in nature that I wanted to share, because I thought they were very significant. Joe Albaugh, the new director of the Federal Emergency Management Agency, FEMA, maybe created some waves the last couple of days when there was high water around Davenport, Iowa, but I think he raised an important issue about the responsibility of the Federal Government to help, but not to continue to step in and subsidize areas where it appears as though people are not moving out of harm's way. There are in this country over 8,000 properties that have a history of repeated loss claims from floods. Over the last 8 years, we have lost over $89 billion of damage as a result of flooding. We have lost over 800 lives. And there are still a number of people who live with Federal subsidy in places where God has repeatedly shown that he does not want them to live.

I appreciate that this administration is willing to raise the issue. In the budget there are some budget savings that have been claimed as a result of modifying and reforming the Federal flood insurance program. The gentleman from Nebraska (Mr. BEREUTER) and I have legislation that we have introduced, the "Two Floods and You're Out of the Taxpayer Pocket," which would help provide a mechanism to claim the savings that the administration is interested in; and I appreciate what the FEMA Director is doing, and I know there will be support in Congress to come forward to try and make that important reform.

Mr. Speaker, it was my pleasure earlier this week to share a platform with General Robert Flowers, the head of the Corps of Engineers, who made, I thought, an extraordinary, extraordinary statement. I commend people to perhaps go to the Web site, to the Corps of Engineers, look at General Flowers' statement. It was one that I think any Member of the House of Representatives would have been proud to make. The General committed to environmental sustainability, that all Corps of Engineers work will be based on the need for people and nature to coexist in a healthy, supportive, diverse and sustainable condition; to recognize the interdependence of activities, that we will recognize interdependence with nature, we will consider the possibility of second- and third-order effects on his projects; that the Corps would be responsible for cumulative impacts.

The Corps would accept responsibility for the consequences of planning, design, and construction decisions upon the continued viability of natural systems and human life. The Corps would be committed to long-term public safety, creating engineered objects of long-term value; that it would support a systems approach in all aspects of design and construction.

The Corps will evaluate and optimize the life cycle of products and processes so that as much as possible, we approach the natural state of systems in which there is no waste; to understand and utilize the dynamic nature of the environment. Their products will continue to rely to the fullest extent possible on renewable energy sources and recyclable products, and to seek continuous improvements, seeking constant improvements by sharing, promoting, collaborating and integrating knowledge.

Mr. Speaker, I thought it was an outstanding statement by General Flowers, and I, for one, am standing willing to help him achieve that with the Corps of Engineers in terms of policy and budget and to make sure that Congress is supporting, rather than interfering.

□ 2045

I wanted to acknowledge that as, I thought, one of the most important statements that I had heard in the course of the week of Earth Day celebrations.

Mr. PALLONE. Madam Speaker, if the gentleman will continue to yield, he is bringing up, I think, a very important issue. In sort of a general sense, when we talk about the environment, there are a lot of new technologies and new ways of doing things that really can make a difference.

That is one of the reasons I find what I have been seeing from this administration so disappointing, because I really believe that the environment and industry or business can work together, and that there is no reason why a pro-environment position cannot be also a pro-jobs creation, or a pro-economic development position.

Certainly, when we talk about new technologies, that is so true. Last week during the congressional recess we did a bus tour, I guess it was last Wednesday, where myself and the gentlemen from New Jersey, Mr. HOLT and Mr. PASCRELL, went to various parts of the State to highlight some of the concerns we had with what the Bush administration was doing.

One of the stops was in Linden, New Jersey, which is a town that has a number of utilities and also refineries. We were there with Public Service Electric and Gas, which is one of our major utilities in the State. They were actually building a new plant that was going to be gas-fired, natural gas-fired, and that was replacing some older oil-burning plants to generate electricity. They estimated that the new plants would cut down on the amount of carbon dioxide by one-third.

I just could not help it, I am standing there and talking to these business leaders, people representing the utility, who by no means would be perceived as Democrats or liberals or anything like that, and they are just explaining why this can be done and how easy it is to do, how it saves money and cuts down on carbon dioxide.

For the life of me, I do not understand the theory of this administration. The gentleman talked about the energy efficiency of air conditioners, as the gentleman mentioned before. We can talk about so many ways. In fact, the United States really is taking the leadership in terms of new technologies that would cut down on air emissions, and make it so that not only us but other countries would not continue to contribute so much to the problem of global climate change.

These are new technologies that we can sell to other parts of the world that would create jobs here at home because they are high-tech. There is absolutely no reason to perceive that environmental initiatives are somehow going to be too expensive or lose jobs or hurt industry. I think it is just the opposite. It is just another reason why I am very concerned about what is happening with this administration.

We talked about the budget. I think the gentleman mentioned renewables. I believe that with regard to research on renewable resources, solar power, wind power, that the budget the President came in with cuts the amount of research money in half.

This morning I was down with the group of American Indians that are concerned about the environment, I think it is called the National Tribal Environmental Council. I spoke with them. It is amazing to me, they were talking about how, with wind resources in the Great Plains area, we would actually be able to generate enough power through wind on the Great Plains to produce enough electricity for the whole continental United States, the 48 States outside of Alaska and Hawaii, if we were to take that initiative.

The ability and the will is there if only this administration would wake up. I do not want to keep harping on it, but the gentleman said it when he pointed out that historically these issues, these environmental concerns, have been bipartisan.

The great conservationist leader was Teddy Roosevelt. It was Richard Nixon who signed so many of the environmental laws that we have talked about tonight in the seventies.

I think what happened, and frankly I am going to be partisan, now, when we had the changeover in the Congress from Democrat to Republican and we had Newt Gingrich come in as the Speaker, all of a sudden there was this great interest on the part of the Republican leadership to do the bidding of big business, big oil, big mining companies.

That is what we are seeing with President Bush as well. Most of the decisions that he is making seem to be contrary to a lot of the Republicans in his own party, but he is catering to the big oil and the big mining and these other special interests that are very shortsighted about the future and what can be done.

So again, I know we have to keep up the effort here, but I think there is good reason to feel that we can change things, because what is being done by this administration is not only not in the best interests of the country, but it does not even make sense from an economic development point of view or a money point of view, ultimately, I do not think.

Mr. BLUMENAUER. I thank the gentleman, Madam Speaker.

I was particularly taken by a comment the gentleman made about the opportunities to build the environment, to create jobs, to build the economy; that these are things that can be done concurrently and actually add value, being able to help make our families safe, healthy, and economically secure.

I had an opportunity this last week to tour a location where actually what the gentleman is talking about could have a tremendous effect. In the metropolitan Portland area, across the river, it is not in my district or in my State but it is a very short journey, there is a large formerly-used defense facility called Camp Bonneville, 3,800 acres that has been used for the better part of this last century for military purposes.

The community has a plan where they would like to take this area that has been off limits, that has not been subjected to development. It has a potential for wildlife, for recreation, that is almost unsurpassed, just a few minutes from the core of a major metropolitan area, but it is going to require that the Department of Defense step up and provide the resources to decontaminate the area.

We do not know what is on the 3,800 acres. There is not money budgeted, although we recently had a reversal of a decision by the Department of Defense to go in and help us with that survey. It is critical that we examine areas like this.

When they first went in, there were 105-millimeter shells on the ground that they could find. These are items of high explosives, 7½ pounds of blasting powder, that could do tremendous damage. Now we have an opportunity perhaps, if the Department of Defense, the Corps of Engineers, and this Congress steps forward, to be able to make a difference for the people in the metropolitan area of Portland-Vancouver-Washington. But it is an example of what we can do to balance the environment, provide jobs, and give back precious resources in terms of open space and redevelopment possibilities.

But while we were on recess this last week, there was finally the long-awaited report from the General Accounting Office that deals with the environmental liabilities of just training range cleanup costs. The report was rather startling. It indicated that while the Department of Defense thought that its liability for the cleanup of training ranges was about $14 billion, they find that other estimates show that liability could well exceed $100 billion just for training range cleanup. Without complete and accurate data, it is impossible to determine whether these amounts represent a reasonable estimate, or what the implications are.

We have not performed a complete inventory of the ranges, identifying the types and extent of the unexploded ordnance and the associated contamination. We have a long list of areas that are formerly-used defense sites, training sites, base closures. We do not have the top management focus and leadership necessary even to get reliable report estimates at this point, and sadly, there is no specific program for unexploded ordnance remediation policy, goals, or program.

Now, we have been writing as Members of Congress, bringing this to the attention of the appropriators, to our fellow Members of Congress. This is a situation that affects not just metropolitan Portland, but it is something that touches people all across the country.

Two weeks ago, the gentlewoman from the District of Columbia (Ms. NORTON) and I led a trip to the American University campus and Spring Valley residential development here in the District of Columbia, where they are still excavating the hillside, removing arsenic. There is a child care center on the campus of American University that was closed because of intolerably high arsenic levels.

In our Nation's Capitol, from coast-to-coast, border to border, we have over 1,000 of these sites that need to be addressed that represent a threat to the public safety and health, and if done properly, represent an opportunity to have a transformational effect on communities in terms of the economic activities associated with cleanup and then the reuse of these facilities.

Mr. PALLONE. Madam Speaker, if the gentleman will yield further, in my State, of course, we have so many opportunities like that. The list is endless.

I mentioned that we have more Superfund sites than any other State. I think we have over 6,000 hazardous waste sites that have been identified by the State of New Jersey outside of Superfund, most of which would be eligible for a brownfields initiative. Obviously, the Federal government needs to do more in that respect, as well.

I would like to think of ways, as the gentleman is pointing out, to do progressive things on Superfund, on brownfields, on other hazardous waste and other types of environmental cleanup. That is really what I hope that the gentleman and I and others who are concerned about the environment would be concentrating on. We do not want to spend our time trying to prevent good laws from being gutted, which is essentially what we have been doing for the last couple of months.

My district, I think the gentleman knows, a significant part of it is along the Jersey shore, along the ocean. When I was first elected in 1988, I was really elected on an environmental platform, because that was the year when all of the beaches were closed. The tourism industry is number one in New Jersey. People think of New Jersey as the petrochemical State, but we actually earn more dollars in New Jersey from tourism than even from the petrochemical industry. I think we were losing $5 billion that summer because the beaches were closed.

A number of initiatives have been taken since then in Congress on a bipartisan basis, as well as in the State legislature. When the current EPA administrator, Ms. Whitman, was the

Governor of New Jersey, she presided over a lot of these initiatives to clean up the ocean. Yet now we see the opposite happening here on the Federal level.

One of the things that happened in New Jersey that was used as an example nationally, and now faces a budget cut, was the Beaches Act. New Jersey was the first State in the country that passed a law that said that we had to do testing on a regular basis during the summer months when people can swim at the Jersey shore. We have to test the beaches, and if they do not meet a certain Federal standard, then the beach has to be closed. Rather, we have to test the water, and if it does not meet a certain standard, the beach has to be closed and it has to be posted that one cannot bathe. This was a result of the wash-up of all the debris in 1988.

We put this into effect, and I and some Republicans on the other side, the gentleman from California (Mr. BILBRAY) was a sponsor with me, we actually moved a bill in the last session of Congress called the Beaches Act that implemented that nationally. It was signed by President Clinton I guess in October, before the end of the last session.

That said that now every State would be mandated to do the same type of testing for water quality, and close beaches and post signs and publicly announce if the water quality was not up to snuff.

We authorized $30 million under that legislation that was signed last fall to implement that program. Again, our EPA administrator, Ms. Whitman, was touting that program early in this administration, about how it was a great program and it was modeled after New Jersey. Then when I saw the budget a couple of weeks ago, I saw that the President's budget, instead of appropriating $30 million, it appropriated something like $2 or $3 million, which would not even allow more than a handful of States to implement the program.

So again, it just seems so unfortunate. I do not want to keep harping and being so partisan about it, but it just seems so unfortunate that at a time when there are a lot of progressive things that could be done, proactive things that could be done around here, like what the gentleman just described, we still have to talk about just trying to make sure that things do not get worse.

I do not want to be pessimistic because I am still optimistic, but it is unfortunate to see what we have had to contend with in the last few months.

□ 2100

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's somber reflections because we need to look at this in a balanced and objective fashion. I would just conclude my remarks this evening on a note of optimism and hoping that we will be able to work in a bipartisan fashion to do something about having the Federal Government step up and lead by example.

The United States Government is the largest Superfund polluter in the United States, the government itself. The military waste, the toxics and explosives that we have littering the landscape constitute a battle right here on American soil 26 years after the Vietnam war, 56 years after the conclusion of World War II, 83 years after World War I. It involves mines and nerve gases and toxics and explosive shells. It has claimed at least 65 lives that we know of, most of them since World War II.

There is a strong likelihood, I am told, that there are more people who have lost their lives that we just as yet do not know about, and there are many more who have been maimed and injured.

What, I guess, shocked me the most were two young boys who were killed as a result of an explosive shell that they found in a field in a subdivision in their hometown of San Diego that was a formerly used military defense site. Three boys found the shell. They were playing with it. They detonated it, and two of them were killed. This danger continues every day. If we are not careful, at the rate we are going, it could last for another 500 or 1,000 years.

Now, this toxic waste of military activities in the United States could potentially contaminate 20 to 25 million acres, and some estimates are as high as 50 million acres. As I pointed out, we do not have a good inventory. We do not know. But what we do know is, at the current rate of spending in a budget that is not yet adequate, it will take centuries, potentially 1,000 years or more to return the land to safe and productive use and to protect children who may be playing, wildlife.

Fire fighters in the forests who were a couple of summers ago in a forest fire in New York State, all of a sudden they were out in the forest, and there were huge explosions because buried shells from artillery practice that did not explode were suddenly being detonated by the forest fire.

Congress needs to report for duty. It needs to provide the administrative and financial tools that are necessary. What I am talking about here is not going to affect active ranges and readiness. My concern is for closed, transferred, and transferring ranges where the public is already exposed or soon will be.

I hope that we can make every Member of Congress, every aspect of the Department of Defense, the Corps of Engineers understand what is going on in each and every one of our States, because every State is at risk.

We can make sure that somebody is in charge, that there is enough funding, and that we get the job done so that no child will be at risk of death, dismemberment or serious illness as a result of the United States Government not cleaning up after itself.

In the course of our conversation this evening, we have talked about some positive elements and some that were perhaps a little disconcerting, but I think this is an area that we can commit ourselves to working in a bipartisan way. I can think of no more positive aspect for claiming the true purpose and spirit of Earth Day than acting to make sure that the Federal Government is doing all it can in this important area.

Mr. PALLONE. Madam Speaker, if the gentleman will yield a little time, I would say this. The gentleman from Oregon talked about optimism. I am going to be optimistic in the last thing that I say here this evening. When I mentioned over the weekend to my children who are fairly young, I have a daughter who is 7 and a son who just turned 6 and another daughter who is 3, and when I mentioned to them that it was Earth Day on Sunday, of course they got all excited about it.

But it really dawned on me that they are all in school in some way, either school or preschool at this point. I have watched over the last few years that they just have an incredible sort of environmental consciousness, more so than I do. I do not think it comes from me. I think it mostly comes from what they learn in school and what they see on TV. They remind me that one has to recycle this or that. They talk about the ocean and how it has got to be kept clean. They participated in a couple of cleanups that we have at this time of year, either along the beach or in some of the wooded areas.

So I mean there are many things that came out of Earth Day since 1970, the last 31 years, but I think maybe the most important thing is the education aspect that people, particularly the younger generation, younger than me, are very environmentally conscious. We talk about how younger people maybe are not as conscious or politically conscious, but I definitely believe that they are environmentally conscious.

So I just think that any effort to try to turn back the clock on the environmental movement is ultimately doomed to failure. So that is my optimism, and I know that we are here to make sure it is not doomed to failure, and we are going to keep it up.

Mr. BLUMENAUER. Indeed.

ECONOMY, ENERGY, AND THE DEATH TAX

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado

(Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Madam Speaker, good evening. Welcome back to Washington. As my colleagues know, we have all had about a 2-week recess. I spent my recess back in the district going around, as many of my colleagues have done, to town meetings, talking with people on the street and talking with the different interest groups out in our district and taking kind of a general overview of several things.

One of them of course is our economy. I had plenty of opportunity to discuss with people our economy.

I also discussed with many of my constituents our situation with the energy crisis that we are coming upon. As many of my colleagues know from their own constituents, we have seen gasoline prices just explode in the last couple of weeks.

Then of course I heard from a number of people in regards to the death tax. I went out firsthand and again witnessed the punitive action that the estate tax, the death tax, has worked upon people of this country, that has worked upon people of my district, the devastating results of people who have already paid their tax, who have the unfortunate situation of a death in their family, and here comes Uncle Sam to finish the devastation as if the family had not had enough.

So I want to visit about these three issues tonight, about the economy, about energy, and about the death tax.

Let me start off, first of all, talking on the economy. We have seen a lot of criticism lately about President Bush. I was listening to public radio. I listen to public radio quite a bit. I was driving in my district. Now, mind you, my district is larger geographically than the State of Florida so I do a lot of drive time in my district. I was listening to public radio. It is interesting. One of the commentators on public radio or one of the guests on public radio was talking very critically of President Bush and how he has soured the economy. President Bush has been in office, what, 12, 13 weeks. President Bush was handed this bad economy.

Now, this economy could get a lot worse if we do not do something pretty quickly. Frankly, I think the responsibility to do something about this economy falls to some extent on our shoulders in these Chambers. It falls to also an extent on the shoulders of the President of the United States. I do not think this President has shunned that responsibility. In fact I think President Bush has stood up to the challenge. He started off by proposing a tax cut.

Let me tell my colleagues this tax cut that the President has proposed, let us put it in its proper proportions. The President has proposed over a 10-year period, not a 1-year period, over a 10-year period, a $1.6 trillion tax reduction. Now in addition to that, what he said is that this tax reduction should benefit the people who pay taxes. It is not a welfare program intended to go to people who do not pay taxes. It is a tax reduction program intended to be more equitable and fair to the taxpayer of this country.

As all of my colleagues and I know in these Chambers, we do not earn that money. We do not go out and create capital. We do not come up and figure out a better idea or a better mousetrap. All we do is go out to those people who toil, who come up with a better mousetrap, who come up with a better idea, all we do is go out, reach into their pockets, and tax them. That is where the revenue in here comes.

When we have reached too deep into their pocket, which we have done over the last few years, do not my colleagues think they ought to be considered? That is what this tax cut does. It considers that. It says, if one is a taxpayer, we think there ought to be a little something in it for one. Now, one does not get the whole piece of pie. That would be much too imaginative for someone to think that, when the government taxes one, one is going to get a big chunk of the pie as a taxpayer. But the President has said one deserves a part of the pie.

Now, what part of the pie is that. Over the next 10 years, to put this in proportion, over the next 10 years, and the estimates vary a little bit, but approximately there is going to be $33 trillion coming to the government from these people out there, the taxpayers, the citizens of this country who go to work every day, who come up with a better idea, who put in their shifts, who pay their taxes fairly and pay their taxes on a timely basis. $33 trillion will be gathered from those people in the next 10 years.

Of that, if we take a look at the spending that we now have, we take a look at the spending that is forecast, our guess is we are going to spend about $28 trillion of that.

So if we have about $33 trillion, and we are going to spend about $28 trillion, that leaves us about $5 trillion in surplus. Of that, the President has asked for 1.6, $1.6 trillion. About a third of that goes back to the taxpayer. Now is that too much to ask?

When I was out there visiting with my constituents over this last recess, I do not think my constituents thought that was too much to ask. In fact, I found my constituents saying, how do you justify the level of taxation that you have placed upon us, especially when we talk about things like the marriage penalty, especially when we talk about things like the death tax. Are we getting a bang for our dollar back there in Washington, D.C., Mr. Congressman? That is what those people wanted to know.

Now as we know, the President's tax policy is a long-term policy. This plan was designed when he was running for President. It has been fine-tuned since he has been elected to President. But as we know, we also need, on top of that, we may need an additional stimulant to put into the economy.

In order for us to avoid a downward or a spiral so to speak that gets out of control and takes this economy into a recession, we need to come up with a strategy. That strategy really is multileveled.

The first level of that strategy is the President's tax reduction, and everybody in these Chambers ought to be giving serious consideration to it. I would tell my colleagues, especially the liberal side of the Democratic Party that opposed any kind of tax reduction, then came out with their Presidential candidate, and I think the gentleman proposed a $400 billion tax reduction. Then the next level was $600 billion. My guess is that before this is over, especially in light of the current economic situation, that even the liberal Democrats are going to have to step forward; they are going to have to step forward and help us institute a tax credit or a tax reduction back into this economy. We have got to get some stimulation.

On top of that, if this economy continues to sour on us, I think there is a very justifiable basis for a capital gains reduction; and many, many millions and millions of people in this country will benefit almost immediately from a reduction in capital gains taxation, say, from 20 percent down to about 15 percent.

So the first strategy that we need to invoke to take on this souring economy is some type of tax reduction.

Now, some of my constituents actually were swayed by this; they have been swayed by the argument that leaves the money in Washington, D.C., that all of us sitting in these Chambers will leave our hands off it. As I said in countless meetings, it is like leaving a jar of Girl Scout cookies in the room with me, and I am hungry, and telling me not to touch them while you go out for a couple of days. Of course they are going to get eaten. Any money left in Washington, D.C., I guarantee you, do not let them try to persuade you that it will go to additional expenditures like education.

□ 2115

This money will be utilized to provide more pork. This money is being heavily lobbied for right now, as we speak, by special interests in this city. Throughout the rest of America where you are providing these tax dollars for the city of Washington, DC, where your Federal Government is located, I can assure you that a lot of those tax dollars are funding, in fact, lobbyists of special interest organizations who want to spend those dollars.

Do you think there are a lot of people in Washington, DC that want to see the taxpayer get some of those dollars back? Of course they do not. They want to take those dollars and enhance their special interests. And they know that in order to convince the American public that those dollars ought to stay in Washington, DC, instead of a small fraction of those dollars going back to the people that paid them and sent them here to Washington, DC, in order to do that, they put up very persuasive marketing efforts. Do not kid yourself; they are not going to come out to the taxpayers in Colorado or Wyoming or Utah or California or Washington; they are not going to come out to those taxpayers and say, "Hey, we've got a bad program in Washington, DC we want you to fund. We want to buy drunks a new car or we want to tear down the forest with a bunch of money." That is not what these programs are like.

These programs sound good, education, this, that, motherhood and apple pie. Frankly one of the problems we face back here is a lot of these programs are in fact good. But the reality of the situation is, we do not usually have a lot of choices between good and bad programs back here in Washington. Our choices are generally between good programs and good programs, and it is a tough decision. But we, in fact, have to say no. We cannot fund everything that comes into our office.

As many of my colleagues know on a daily basis, we have requests for lots and lots of money. We have got to take a serious look. We have got to tighten our belts just like everybody else, just like the working families of America have to tighten their belts with this economy beginning to slow down as it has.

So the first strategy, the first layer of that multilayered strategy that we must put into place is some type of tax cut that means something. While we are on that point, do not send out a $300 billion tax cut to the American taxpayers. That does not do any good for the economy. You have got to have a tax reduction that means something. You have got to have something like a capital gains reduction that means something, getting rid of the marriage tax, which means something out there, eliminating the death tax which means something out there. A tax cut that reduces the liability of the taxpayer, not the person that does not pay taxes but of the taxpayer; make it mean something. That is how your first layer of a tax cut will help impact this economy in a positive fashion.

The second thing we have got to see happen, and it is happening as we speak, is reduction of the interest rate. Now, Alan Greenspan and the Fed surprised everyone last week with a half a percent reduction in the prime lending rate, in the prime rate that the Feds put out. Why is that a surprise? Why do you think it was handled over a telephone call? Why do you think it was unexpected? Because the Feds, they sense we have got problems ahead and we need to address it now and we need to put stimulation into the economy now. So those interest rates are going to have to come down again.

But how much more room do we have on the interest rates? You can continue to lower the rates, but at some point the lending institutions in this country have to have a margin. They cannot loan at zero. Who is going to put their money out there to loan it at 2 percent where it has got risk? So at some point the banks, instead of loaning at prime, will have to loan at prime plus 1 or prime plus 1½, *et cetera*. So the advantage of the reduction in rates can only go so much further. But so far I think Greenspan is doing a good job.

Now, some will say he should have done it 6 months ago. But I can tell you 6 months ago, a lot of people were thinking that everything Greenspan was doing was perfect. So in the world of finance, hindsight is always perfect. The fact is, Alan Greenspan is participating, he is addressing this thing I think in a fashion that will help us slow down this slowdown or level off this slowdown and put us back into a recovery stage.

The third step that we have to take on this multilayered strategy is that we have got to control spending. We cannot allow the government to continue to spend as we spent last year. The 11, 12 percent spending rate, which by the way is a much higher spending rate than almost every tax-paying family in America got to enjoy last year, cannot continue forward with this government. This is not a government that should continue to spend and spend and spend and spend.

Many of the critics of President Bush's budget and many of the critics of President Bush's tax reduction are special interest groups in Washington, DC. Do not kid yourself. Everybody has got special interests. I have special interests. Water, I worry about water in the West. I worry about land issues in the West. I worry about education for my three children. I have a special interest in those areas.

But every special interest is going to have to help participate in our government attempt to try and level off this slowdown in our economy. I do not think it is too much to go out, and President Bush has not gone out and asked a lot from the government. President Bush has gone out to the government and said, Look, you get to keep all the money you had last year, Government. But as your leader, as the President of the United States, I am telling you we cannot continue on this spending spiral. We cannot go on like that.

I am not asking you to go down. I am asking you at the government level, let's just knock it down a little. You can go ahead and have everything you have this year, governmental agencies, but next year we are going to keep it to a 4 percent increase, 4 cents on the dollar.

I asked when I was in my district how many of my constituents were going to have a 4 percent increase in their budget next year from their employer. I did not have very many of them that said they would. I did not have very many of them that expected they would. So I think it is entirely reasonable that the President ask that the government agencies, they too tighten their belts and they too live within a reasonable spending increase.

Let me tell you one of the favorite ploys that is utilized by special interests in Washington, D.C. I will use the board here as an example. This is an old-time trick used in budgeting and used by special interest groups. Let us say, for example, agency X received $10 in last year's budget and let us say that agency X this year asked for $20. They got $10 last year. This year they are asking for $20. Let us say that the President comes out with his budget and says that agency X should get $15. They got $10 last year, agency X, they are going to get $15 this year under the proposed budget, but they wanted $20.

Now, the average American out there calls that a $5 increase. Last year they got $10; this year they are going to get $15. Do you know what they do, the lobbyists and the special interests for agency X? They go out and say, wait a minute, they go out to our constituents, they go out to the general public and they say, We are getting our budget cut. You have got to write your Congressman. You have got to call your Congressman. They are cutting education or they are cutting water or they are cutting highways or they are cutting the school lunch program. You name it. You have got to call them. They are cutting us.

Ask them what they really mean by cutting. Has the President in his budget and have we in Congress really cut their budget or have we reduced what they have asked for? I think you will find in most cases the reductions they are talking about are reductions in what they have asked for, not reductions in what they actually received last year. In fact, in many of those cases, you will find they actually got an increase over last year.

Again, there are really three strategies that we have to deploy now. Again, one of them is to reduce those Federal interest rates. That is happening.

The second one is to put into place the President's tax cut proposal. It is going to be modified, but we have got to have it close enough to his proposal that it is going to make a difference in our economy. And I think that is going to happen.

And the third thing that we have to do is control government spending.

That is going to be our challenge on this House floor. That is the one burden that is on the shoulders of each and every one of us. We have got to have enough leadership on both sides. Both sides of the aisle have to come together.

Now, I realize that the Democrats, especially the liberal leadership of the Democratic Party, the liberal side of that party, feels that they are an opposition government and may not join with us; but I can assure you that there are a number of conservative Democrats, as well as the Republicans, that will come together to try and control that government spending. We have got to do it, because if we do not, everyone in this Nation suffers as a result of this economy slowing down worse.

The last thing you want this economy to do is to slow down to the extent that we begin to lose consumer confidence. Last month consumer confidence was up, but the news released today tells us that consumer confidence is back down. The consumers have confidence when they have trust in their government, that government is going to control spending, when they know they are going to have more dollars in their pocket as a result of a tax cut and when they know that the interest rate that they finance their home, that they pay their credit cards, that they pay for their new car, that that interest rate is going down. That is what restores or holds consumer confidence. That is the key ingredient out there for this economy.

Now, let me tell you about a missile we have got in the air. We really have two missiles right now in the air dealing with the economy. One is the hoof and mouth disease. Many of you have heard about the hoof and mouth disease. Let me tell my colleagues, let me distinguish at the very beginning of these remarks about the hoof and mouth disease. That is not the mad cow disease. There is a distinct difference between the mad cow disease and the hoof and mouth disease. The mad cow disease is a terrible disease. But the hoof and mouth disease, which is the one we are expecting sooner than later to appear somewhere in this country, humans do not contact it.

Now, humans can spread it. Humans can spread it simply through touch. It can be on the bottom of their shoes. This disease can actually spread through the air for, I think, 10 or 15 miles. But the hoof and mouth disease is not the deadly mad cow disease.

So when—I am not saying "if" because I think it is going to happen, but when there is an outbreak in this country of the hoof and mouth disease, the citizens of this country and our constituents should not panic. We have our Federal agencies coordinating. We have Joe over at the FEMA, we have the Department of Agriculture, we have the CIA, we have the Department of Interior. We are putting a lot of resources into trying to figure out when it hits, how to attack it, how to eliminate it, how to localize it and how to keep the public relations on it in such a way that people do not think it is the mad cow disease that has come into our country.

Now, if in fact we have that hoof and mouth disease and if in fact we let a phobia come out of that that creates some kind of lack of consumer confidence or some kind of panic amongst our consumers in regards to the beef industry, it could have a very negative, dramatic impact on our economy. I think it is incumbent upon all of us out there, and our constituents, not to panic if that hoof and mouth disease ends up in this country, to address it.

It is kind of like responding to a fire. I used to be a volunteer fireman and I used to be a police officer. The worst thing you can do as a police officer or a volunteer fireman, or any fireman, is to panic when you go to the scene of an accident or you go to the scene of a fire. We have got to remain calm.

Do not panic if this hoof and mouth disease shows up. One, you should rest assured that at least the government is going to do what we can do. What we are learning from what is happening over in the United Kingdom, fortunately we were not the first ones out of the chute this time. We are learning from their trials and tribulations dealing with this hoof and mouth. So I think we are going to be able to address it. But we need help from you, we need help from your constituents and we need help from the consumers of America. Do not panic. Understand what it is.

Now, this leads me into the second so-called missile we have in the air. That is our energy crisis. During my meetings, and even the preceding speakers before I arrived here this evening, I heard criticizing the President about the energy policy. What kind of energy policy did Clinton have? He did not have an energy policy. There has not been an energy policy in this country for years. President Bush has only been in office for, what, 12 or 13 weeks and one of the first mandates this President placed on the American people was the fact we have to have an energy policy.

□ 2130

There are some things we should take a look at. We should have a big table, and we should place everything on the table. It does not mean it is going to happen, but it means we ought to talk about it. It means energy ought to be in most discussions we have in this country when we talk about the economy, when we talk about the health of the country.

What are our energy needs today? What are our energy shortages today? How are we going to mesh the two of these into the future? What are we going to do about California?

President Bush on a number of occasions has talked about California. Now I will say, I do not have a lot of sympathy for California. They have not allowed a power plant out there for 15 years. They have not allowed a natural gas transmission line for 8 years, 10 years. Some of the hardest-hitting radical environmental organizations in the country come out of California.

We have not had an inland refinery, which these organizations have opposed, built in this country for 25 years. I do not know how many years ago a nuclear facility was built.

My point is this: while you may not feel much sympathy for California, and I do not because they have kind of adopted the not-in-my-back-yard theory, the fact is that we have to put those emotional angers or lack of sympathy for a State like California aside. California is a State in the United States, and a lot of times what hurts California is going to hurt the rest of us. A lot of times what is bad for California is bad for the United States. We have to stand side by side with California. We have to stand side by side with every State in this Union and, as a team, determine what our energy policy will be.

That is exactly what the President of the United States has said. This is the United States. This is a country which as a country must come up with some type of energy policy. One does not come up with a credible energy policy by pretending to address things, and not addressing them, that are somewhat painful. The fact is we are going to have to explore for more resources.

Conservation is an important issue and conservation can provide some of that gap that we have today, some of it, but not all of it. When we sit down and we talk frankly with each other, we know that we have to find some additional supplies of energy.

Now I heard a quote, I even wrote it down, from one of the previous speakers. Apparently he has visited some farm where they have enough wind generation; and he said if we could put this wind generation in place, it would supply the energy for all of the United States.

Come on. Give me a break. Show me where that is going to happen. If we had that capability, you do not think we would not have wind generation in this country right now in vast quantities?

I read an interesting thing, I think in the Wall Street Journal, today about wind generation. Some of our environmental organizations, and I think justifiably, are saying about wind generation, you are killing birds. Unfortunately, you are in a migration path and a lot of birds are going into your propellers on the wind mills and you can have acres and acres and acres and acres of wind mills and we are not producing much energy. Now that is not to say that we should not consider wind mill-generated power. We should. We should consider solar-generated power.

The fact is, we have a gap that we have to fill fairly quickly. The first way to begin to close that gap is conserve. We all are conserving right now.

The second way is to put an energy policy in place. Now let me mention to you why I am saying we are all conserving right now. I do not know about you, but a year and a half ago at my house, and I live high in the Rocky Mountains so in the winter it is cold, we need that heat, I can say that a year and a half ago, I admit it, I probably had my temperature on 68 degrees, 70 degrees in most of my house; and if I was chilled, I went into my house, and I did not think anything about moving the gas thermometer up to 80 or 85 to warm up for 30 minutes or so.

Well, that is not happening today. In fact, my wife just called me. She just called me about 2 hours ago and she said, Guess what our public service utility bill was for last month? 130 bucks.

A month ago it was 500-and-some dollars. We have changed our policies at our house, at my own home. Now when you go in a room in our house, we have thermometers that are set at 50 degrees, and maybe one is at 68 degrees. So I think across America all of us are beginning to conserve. It is an important part of it.

As the President has said, we need to figure out a new source of energy. Now the President says put it on the table. Let us talk about ANWR. Let us talk about drilling off the Florida coast. Let us talk about where we can go and what can the Federal Government do to help with this energy crisis. Let us talk about lifting sanctions off Iraq and sanctions off some of the other countries we have that are oil-producing countries, that might put more oil on to the market as a result of those sanctions being lifted.

The President did not say let us adopt it. The President did not issue an executive order which were the favorites of the last administration we have, I might remind my liberal colleagues. The President did not say put it in place. He did not issue an executive order that said do it. He said let us consider it, put it on the table, put it up for debate.

What happens? How interesting. He puts it on the table, the President puts it on the table for debate; and the first thing we do is hear criticism after criticism. Worst environmental President we have ever had; it is a damage to the environment.

How interesting. These people that are screaming the loudest probably have their thermometers at 70 degrees at their house. They probably drive a car. They are probably wearing clothes that were produced by machinery. I mean, there is lots of energy consumption in this country by the very people that are being the most critical of this President who is saying, look, I am not saying we necessarily have to go with ANWR. I am not saying we necessarily should go off the coast of Florida. I am saying put it on the table and let us discuss it, because reasonable people can come to reasonable conclusions and reasonable conclusions lead to reasonable solutions. That is what we have to do.

This energy thing is nothing to laugh about. The situation in California, sure a lot of us may have chuckled about, well, California they got what they deserved; but the fact is it hurts California and it hurts the United States. We need to help California because, in turn, it helps us.

Take a look at the amount of agriculture that comes out of the State of California. I read a statistic the other day, and I think my recall of it is that if California were a country it would be like the third economic power in the world if it was a country of its own. We cannot simply disregard California. We cannot discount the problems that California is having. Nor can we discount the problems of the smallest State in the Union.

The fact is, we are a Union and we have to come together with an energy policy; and we expect our President to put forward some kind of structure so we can have that energy policy, and that is exactly what this President is doing.

Do you think the liberal Democrats are giving him credit for that? No, of course they are not. Do you think some of these environmental organizations, Earth First and some of those type of characters, are giving him credit? No. They are out there fund-raising by screaming wolf, crying wolf.

Look, this is going to be a disaster. Where the disaster is going to come is if we sit and we do not put anything on the table for discussion and as a result we do not end up with an energy policy. This country needs it, and I think the President is exercising sound leadership in going forward.

I noticed a couple of my colleagues criticized, for example, the Kyoto Treaty. A lot of us now have heard about the Kyoto Treaty. This is not something that is new, by the way. What should be pointed out, President Bush did not kill the Kyoto Treaty. The Kyoto Treaty went down on a 99 to 0 vote. There was not one Democrat Senator, there was not one Republican Senator, who voted on Kyoto last year or the year before when it came up for a vote. Ninety-five to 0 is my understanding, or maybe it was 95 to 0; but I think it was zero in support of Kyoto.

Why? Because it was not balanced. Why? Because it was not fair to the United States. Why? Because it put such a burden on the United States that the United States would be at a distinct disadvantage in this world. That is why.

So the President, in talking about this, all of a sudden they see an opportunity to hang something on the President as being anti-environment. The people out there that are crying against the President on this environment, they better be prepared to come forward and have something to put on the table for our energy policy. I invite them to do that, by the way. I think all of us need to come to that table, but have something that is going to work.

I noticed that some people criticized the President's reduction in research in some alternative energy methods. Do you know why? They are not producing. Research is a nice, magical word; but after all of these years, after all of the billions of dollars they have put into particular research, if it is not giving production, if results are not received out of it, something different has to be done. That is what the President is proposing.

The easiest thing to do is say, well, I am for more research. It is easy for every one of us to go back to our districts and say, I am for more research. I am going to vote for more research for alternative energy. Count on me. I am going to solve the problem.

That is nothing but a stall. Every one of your constituents ought to say to you, hey, if you are going to support this research, what research are you supporting? What kind of results have you gotten? What kind of date in the future are we going to have this product? What is it going to mean to the energy gap that we have today? What is it going to mean for the energy gap that we are going to have tomorrow? You ought to be able to justify, you ought to be required to justify, the research dollars that you are spending out there. If you cannot justify it, stand up.

That is how we got to the car, that is how we got to the airplane, that is how we got a person to the Moon, that is how we developed medicine, through research. But many people in the history of this country have had enough guts to say, look, the money we are spending on research today is not giving us what we need. Let us try a different path. Let us use a different approach. Do not keep throwing good money after bad money.

I think this President has stood up and taken leadership in that regard.

Now the easiest thing to do would be for the President to say, well, let us just do like the previous administration, no energy policy. Let us just pretend that California can work out of this on their own and it is not going to be a crisis. Let us just pretend that the research is going to give us the answers, because certainly I can stall it through the next 8 years of the Presidency. But this President is not that way. This President is a doer, and he wants something done about the energy crisis, and many of my colleagues on this House floor want something done about this energy crisis. But we better take it serious because it is serious out there. The disease, the energy disease, or whatever you want to call it, the energy shortage or the energy crisis that is in California today could be on your doorsteps tomorrow.

We need to conserve and we need to explore. We need to find other sources of energy. We need to look for alternative energy. There has got to be a combination, and you begin that with a map. It is just like a road map. We need to take a trip, and we have some pretty tough terrain to get over. The easiest way for us to take that trip is to have a road map; and if we do not have a road map, and in this case we do not have a road map, we do not have an energy policy, we need to make a road map. That is exactly what this President is proposing. It does not mean we are going to go over this mountain or that mountain, but every mountain ought to be laid out on our map. Every mountain ought to be laid out. Every trail ought to be looked at, to see whether that is the trail that we should take. That is exactly what the President is saying we should do. I support the President in regards to those efforts.

THE DEATH TAX SHOULD BE ELIMINATED

Mr. McINNIS. Madam Speaker, I have talked about the economy. I have talked about the hoof and mouth disease, and we visited a little about energy. Let me visit a little about another issue that has come up consistently throughout my district, consistently in my travels throughout this Nation, and I think most of my colleagues have experienced it as well. I intend to follow up on my remarks tomorrow evening from the House floor here, but that is this death tax.

Now some may think that I am being repetitive about this, but there are some people out there that just do not get it. There are some people out there that are being swayed by the advertising of the billionaires who, by the way, not all billionaires but a select group of billionaires who have taken out ads in the Wall Street Journal and said we do not need this. To the person, every one of those people that signed on that Wall Street Journal article or advertisement that there should be a tax on death, every one of those families has already done their trust planning, their legal planning. They have had their attorneys figure out how they pay the least amount, how to protect them from those taxes upon their death.

□ 2145

In my opinion, they are acting very hypocritically. After they have provided protection for themselves and the death tax, they turn around to us representing the government, they say you should continue this tax against the rest of America. That is pretty inequitable.

Madam Speaker, I think when you talk about the death or estate tax, the first step you need to take is ask what is its history. What is its justification? Should death be a taxable event? Because somebody dies, should that be a reason for the government to jump in and tax on property, by the way, which has already been taxed. This property that we are talking about in my discussions on the death tax, this is not property which has escaped taxation, this is property which has been taxed already once but in some cases, two or three times; in some cases, for multigenerations.

So the first question you ask, should death be a taxable event. I venture to say that it should not be, no more than we should have a marriage penalty tax because you get married. This should be a country that encourages marriage. This should be a country that encourages one family farm, one generation to move it to the next generation, that one family business go to the next generation. That is what this country is about. This country, after all, is built on capitalism. This country is built on private property rights. This country is built on the concept that the government works for the people, the people do not work for the government.

So I do not think that you can justify death as a tax. Do you know where the history of this came about? It was in the days when people wanted to move this government towards a socialist-type of domineerance, to punish the people that were successful, to go after the Carnegies and the Rockefellers that amassed all of this wealth, and take that money back for redistribution of wealth. The old theory that you do not allow a person to be paid based on what they are worth, they are paid on what they need.

It brings to mind the Ayn Rand book, Atlas Shrugged. Read that book, colleagues, or listen to Books on Tape. Is that the direction that we want to go with this death tax. It has certainly been the direction we have gone since the death tax has been put into place.

Let me say I was at a meeting the other day, and a gentleman asked, Why do you worry so much about the death tax. Those kids are taken care of anyway. They do not need all of that money.

That is exactly the point. I am not talking about the billionaires that signed the ad in the New York Times, I am talking about the family, the small contractor who owns a pickup, a backhoe, maybe a shed to do his maintenance in and if he is killed on the job, what about the family's opportunity the next day to continue that small business. That is who I care about. That is who I am talking about. And the very point is those people do need it. Those people do need that business to continue on to the next generation, and in many cases the families are dependent upon that business.

I have an entire group of letters here, some of which I am going to read this evening who are impacted, not billionaires, how this has affected a lot of your neighbors, especially in an area like my district. In the Colorado mountains, our real estate values have continued to spiral at an increasing rate. So we have seen a challenge the likes we have never seen in the past on our family farms and our family ranches.

This death tax is not right. I was at another meeting and I had a lady who was very justified in her thoughts and very professional in her approach. She said what right do the children have to inherit this property. I said they have every right, but now I have had second thoughts about it. Under our concept of government, it is not the children's right to inherit, it is the parents' right to determine where their property, which they have accumulated by following the laws, by working hard, they have accumulated property, it is their right of private property which is a basic, fundamental part of our Constitution, a fundamental part of the government that we enjoy is the right of private property. It is without question, in my opinion, the right of the person who owns the property to determine where property will go after their death.

I do not think the government, who did not put out the risk, and the government had something to do with somebody obtaining property, I admit that, we have a government of laws, you do not have to worry about somebody stealing, but that is why you pay taxes. So the government has already gotten its share of taxes off the private property. I think it is the right of the owner of that property to determine to whom and in what amounts that property should pass after that person's death.

Let me tell you that the hardships, and I have experienced some of those hardships, I have seen them in the communities, the hardships that are put on communities cannot be overlooked in this argument of whether or not a death tax is justified.

These people will argue, this New York Times ad and some of these multibillionaires that signed this ad, who have already protected or minimized the impact on their wealth, one of the points they make is that it only impacts the upper 2 percent of our society.

Let us put aside my arguments, do you have a right to tax death. Let us put that aside. Let us put aside the inequity of that, and let us say that 2 percent actually pay it. Take a look at what it does to the communities that those 2 percent live in. That money leaves those communities. If you have a small community in Iowa, and you have a family who has had a family farm for a couple of generations and they have seen a small escalation in property values, and the husband and the wife team that have made that farm a going operation pass away, and the government comes in and taxes that property and forces the sale of the farm, what do you think happens to that money of those 2 percent. Do you think that it stays in that small town in Iowa? Of course it does not. It is sucked out of that town in Iowa to Washington, D.C. A small percentage of it may stay with the State of Iowa. But by far the largest chunk, 75 percent or greater, goes to Washington, D.C.

Do you think the people in these Chambers or these Federal agencies put those dollars back into that farming community in Iowa? Of course they do not. That money is taken out of these communities. For all practical purposes, it is taken from the community forever. Those are local dollars that go to local charities that provide savings in our local banks, that allow for productivity, for creation of capital.

Why should the government come in after they have taxed these people during their entire lifetime, come back and once again upon their death seize this money. I do not think that you can justify it.

Let me read you a couple of letters that I think kind of hit home.

"Dear sir, My name is Chris Anderson. I am 24 years old, and I currently run a small mail-order business. I am not a constituent of yours. I currently reside in New Jersey." That is interesting because the previous speaker was from New Jersey.

"However, I have listened with great interest as you spoke this evening on the topic of the death tax, as you called it. I in all likelihood will not face, will not be impacted by the problems you were outlining, at least not in the near future. I am not in line to inherit a business. However, I am soon to be married, and I look forward to having a family and perhaps one day my children will want to follow in my footsteps with my business. I hope and pray that they will not face the additional grief caused by the death tax.

"A 55 percent tax is, at best, a huge burden on a family business and the loved ones of the deceased. At worst, it can be a death blow that ruins what could otherwise have been the future of yet another generation. This letter is not a plea for help. I just want to let you know that although I am not a victim of this tax, I appreciate and applaud your efforts against it. I firmly believe that Congress and the government at large needs to recognize that America's future is and will always be firmly rooted in the success of small business. Many of these businesses are family owned and need the next generation to continue them into the future. I spent a few years working for a small family-owned business, and not just myself but several workers depended on the income that they derived from working for this small business. I fear for those workers when the tax man comes knocking.

"This tax has claws that rip at many people, and many more people than the immediate family of the deceased. It is also a huge impact on the employees of small businesses. I hope you do the best you can to eliminate or to do something about this death tax."

Now, let me read another one. Tomorrow evening, by the way, I want to go into much more detail about the death tax and other impacts that it has on a community.

This evening as I read these letters, I begin to feel the hardships that these families have out there. And every one of you here, you know of an example where the death tax has devastated a community or devastated a family. You know how unjustified it can be.

Let me read another letter. "Roberta and I just finished watching your death tax speech. We were both very proud to watch you as you stated some real concerns and problems that we face with this unfair taxation."

I want to tell you, Mr. and Mrs. Schaffer, it is an unfair taxation. It is not only an unfair taxation, it is the most unjustified taxation in our entire system.

"As you so well know, farming and ranching out here is no slam-dunk. If our farm is ultimately faced with this death tax, there is absolutely no way that we could ever afford and justify holding on to our family farm. This in turn will prevent us from allowing this farm to go on to future generations. It will keep our farm from becoming one more development out in the country. In other words, keep it as open space, and most of us have deep appreciation for open space. It will not keep it available to the wildlife, the deer and the elk. In fact, for your interest, we saw over 600 head of elk on the farm this morning. It will not keep it available for unencumbered natural gas productions.

"Scott, we are only able to meet the daily operating costs of our farm under the present economic conditions of agriculture. Unless there is a positive action taken by Congress on this death tax problem, we will start having to make necessary plans to arrange our affairs so that our family can somehow struggle to make it to the next generation. By the way, there is no way we are going to let you," meaning Washington, "and the IRS come and take it from us. The government does not deserve it. Of course, in order to protect our land, it will make it necessary to begin destruction of the land: The development of one of the largest open space areas of our county. Our land is quite valuable if it were broken up into subdivisions, and the only way we can keep the government's hands off it, if you do not do something about this death tax, is to break up our farm and sell it as a subdivision; therefore, having the money to once again pay taxes to the government on property which has already been taxed."

Let me read you the next one. Mr. Allen says, "I am writing to encourage you to keep up the repeal of the death tax on the front burner."

Mr. Allen goes on to say, "As the owner of a family business, it is extremely important that upon our death, the business be able to be passed on to our son and daughter, both of whom work in this business, without the threat of having to liquidate our business, to sell our business off to pay inheritance taxes on assets which have already been taxed by the government. Of all of the taxes we pay, the death tax truly represents double or triple taxation.

"I am aware that several wealthy people, i.e. William Gates, Sr., George Soros, and other multibillionaires, have come out against a repeal of the death tax. This is one of the most self-serving demonstrations I have ever seen. They have theirs in trusts. They have theirs in foundations. They have theirs in offshore accounts. They have hired a fleet of attorneys to protect their interests; and of course they will pay little or no tax because they have protected their assets. Whatever their political motivations are, they certainly do not represent or speak for the vast majority of small farmers and business owners in this country. Again, I urge you to push for repeal of the death tax."

□ 2200

This is from Mr. Happy. "I am watching you as you are talking about the death tax and the marriage tax. I wish there was some way I could help you to get these taxes eliminated."

Mr. Happy goes on to say, "They are the most discriminatory taxes and socialistic taxes that our entire system could envision. I can't for the life of me understand how they got put into place to start with."

Well, as I mentioned, Mr. Happy, they got put into place because it was a way to go after the Carnegies and the Rockefellers. It was when this country was moving towards a socialistic government. They certainly did not go into place, Mr. Happy, as a result of the theory of capitalism.

"How could anyone advocate taxing somebody twice and three times. I don't care if it is a millionaire or a pauper. It is not the government's money." And in this letter, Mr. Happy has in this, "It is not the government's money" in capital letters.

Let me repeat what he said: "How could anyone advocate taxing someone two or three times. I don't care if it is a millionaire or a pauper. It is not the government's property. The taxes have been paid," and once again, in full capital letters, the word "paid." "The taxes have been paid. I have been considering divorcing my wife of 48 years and just living together, filing single tax returns because of the marriage penalty, or just filing separately. Why should a family who have been together for 45 years, who have paid taxes on time every year, be forced into the position of losing the property that they have spent their entire life accumulating, or be penalized because they have a marriage of 48 years? Can you answer that?"

Mr. Happy, I cannot answer it, other than the fact to tell you that there are some people here who believe in the redistribution of wealth, who believe somehow in justification of a death tax or tax upon somebody's death.

Let me just wrap this up with one other letter, and then I intend to continue this later this week, because I feel so strongly about the fact that the government should not be taxing death. Mr. Frazier writes me: "I was encouraged by the State of the Union and the President's $1.6 trillion in tax relief. We have operated a family partnership since the 1930s," that is what Mr. Frazier says, since the 1930s they have operated a family ranch. "My parents died about 5 years apart in the 1980s and the estate tax on each of their one-fifth interest was three to four times more than what they paid for the ranch when they purchased it in 1946." In other words, his father and mother, who only owned one-fifth interest in this ranch, each paid more taxes on their one-fifth interest than they paid when they originally bought the ranch.

"Eliminating the death tax and the marriage penalty and reducing tax rates across the board will go a long ways in providing jobs. This, in turn, will enable hard-working families in our cattle country to pass their heritage on to the next generation and to continue to provide safe, wholesome beef to consumers around the world."

Remember, a lot of these people, they are not so interested in the business, it is the heritage of their farms, the heritages of their businesses that they want to pass to the next generation. That is something our country should encourage. Heritage has a lot of value. "I have three sons involved in our operation and a grandson starting college next fall, and it is important that we keep agriculture viable, to keep our beef industry from becoming integrated. We need to make it possible for our youth to be able to stay on our ranches and farms."

These are not letters that I put together over at my office. These are letters that have been sent to my office by families in America, not the multibillionaires that signed that New York Times ad who have already protected their wealth from government taxation. These are people whose lives will be devastated because the government continues on its path of considering death a taxable event.

Well, I have enjoyed my time this evening. We started out by discussing the economy and we have a multistage strategy that we must deploy in regards to our economy. We have to continue to have Mr. Greenspan lower the rates. He is going to do that to the extent that he can. We have to put a tax cut into place, and we have got to control government spending.

I moved from our economy to our energy policy this evening. I said that we need an energy policy. The previous administration did not have one; this administration in its first few days in office said, we need an energy policy, and they are willing to stand up and put everything on the table. Now, that does not mean it is going to be utilized, but it does mean we can discuss it and we, all of us as a team, Democrats and Republicans, must come together for an energy policy.

Finally, I have wrapped up with the discussion on the death tax. I intend later this week when I have an opportunity to speak again to go into more detail on the severe impact that this death tax has on American families. It is severe.

WAKE UP, AMERICA: ENGAGEMENT WITH CHINA HAS FAILED

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for half of the remaining time until midnight, approximately 58 minutes.

Mr. ROHRABACHER. Mr. Speaker, one month ago, the Communist regime that controls the mainland of China attacked an American surveillance aircraft while it was in international waters. After being knocked out of the sky, 24 American military personnel, the crew of the surveillance craft, were held hostage for nearly 2 weeks. The Communist Chinese blamed us and would not return the crew until the United States was humiliated before the world.

Wake up, America. What is going on here? Large financial interests in our country whose only goal is exploiting the cheap, near-slave labor of China have been leading our country down the path to catastrophe. How much more proof do we need that the so-called engagement theory is a total failure? Our massive investment in China, pushed and promoted by American billionaires and multinational corporations, has created not a more peaceful, democratic China, but an aggressive nuclear-armed bully that now threatens the world with its hostile acts and proliferation. Do the Communist Chinese have to murder American personnel or attack the United States or our allies with their missiles before those who blithesomely pontificate about the civilizing benefits of building the Chinese economy will admit that China for a decade has been going in the opposite direction than predicted by the so-called "free traders."

We have made a monstrous mistake, and if we do not face reality and change our fundamental policies, instead of peace, there will be conflict. Instead of democratic reform, we will see a further retrenchment of a regime that is run by gangsters and thugs, the world's worst human rights abusers.

Let us go back to basics. The mainland of China is controlled by a rigid, Stalinistic Communist party. The regime is committing genocide in Tibet. It is holding as a captive the designated successor of the Dalai Lama, who is the spiritual leader of the Tibetan people. By the way, this person, the designated new leader, is a little boy. They are holding hostage a little boy in order to terrorize the Tibetan people. The regime is now, at this moment, arresting thousands of members of the Falun Gong, which is nothing more threatening than a meditation and yoga society. Christians of all denominations are being brutalized unless they register with the state and attend controlled churches. Just in the last few days, there has been a roundup of Catholics who were practicing their faith outside of state control. Now they are in a Chinese prison.

There are no opposition parties in China. There is no free press in China. China is not a free society under anyone's definition. More importantly, it is not a society that is evolving toward freedom.

President Richard Nixon first established our ties with the Communist Chinese in 1972 at the height of the Cold War. That was a brilliant move. At that particular moment, it was a brilliant move. It enabled us to play the power of one dictatorship off the power of another dictatorship. We played one against the other at a time when we had been weakened by the Vietnam War and at a time when Soviet Russia was on the offensive.

During the Reagan years, we dramatically expanded our ties to China, but do not miss the essential fact that justified that relationship and made it different than what has been going on these last 10 years. China was at that time, during the Reagan administration, evolving toward a freer, more open society, a growing democratic movement was evident, and the United States, our government and our people, fostered this movement. Under President Reagan, we brought tens of thousands of students here, and we sent teams from our National Endowment for Democracy there. We were working with them to build a more democratic society, and it looked like that was what was going to happen. All of this ended, of course, in Tiananmen Square over 10 years ago.

Thousands of Chinese gathered there in Tiananmen Square in Beijing to demand a more open and democratic government. For a moment, it appeared like there had been an historic breakthrough. Then, from out of the darkness came battle-hardened troops and tanks to wipe out the opposition. The people who ordered that attack are still holding the reins of power in China today and, like all other criminals who get away with scurrilous deeds, they have become emboldened and arrogant.

My only lament is that had Ronald Reagan been President during that time of Tiananmen Square, things, I think, would have been different; but he was not. Since that turn of events about 12 years ago, things have been progressively worse. The repression is more evident than ever. The belligerence and hostility of Beijing is even more open. Underscoring the insanity of it all, the Communist Chinese have been using their huge trade surplus with the United States to upgrade their military and expand its warfighting capabilities.

Communist China's arsenal of jets, its ballistic missiles, its naval forces have all been modernized and reinforced. In the last 2 years, they have purchased destroyers from the former Soviet Union. These destroyers are armed with Sunburn missiles. These were systems that were designed during the Cold War by the Russians to destroy American aircraft carriers.

Yes, the Communist Chinese are arming themselves to sink American aircraft carriers, to kill thousands upon thousands of American sailors. Make no mistake about it, China's military might now threatens America and world peace. If there is a crisis in that part of the world again, which there will be, we can predict that some day, unlike the last crisis when American aircraft carriers were able to become a peaceful element to bring moderation of judgment among the players who were in conflict, instead, American aircraft carriers will find themselves vulnerable, and an American President will have to face the choice of risking the lives of all of those sailors on those aircraft carriers.

Mr. Speaker, how is it, then, that a relatively poor country can afford to enlarge its military in such a way, to the point that it can threaten a superpower such as the United States of America?

□ 2215

Even as China's slide into tyranny and militarism continued in these last 12 years, the United States government has permitted a totally indefensible economic rules of engagement to guide our commercial ties with the mainland of China.

While China was going in the right direction, permitting that country to have a large trade advantage and thus providing a large reserve of hard currency may or may not have made sense, as long as China was going in the right direction and going towards democracy. Maybe we would like to build up a freer China that way.

But it made no sense, and it still makes no sense, for the United States to permit a country that is sinking even deeper into tyranny and into anti-Western hostility to have a huge trade surplus as a resource to call upon to meet their military needs.

In effect, the Communist Chinese have been using the tens of billions of dollars of trade surplus with the United States each year to build their military power and military might so some day the Communist Chinese might be able to kill millions of our people, or at least to threaten us to do that in order to back us down into defeat without ever coming to a fight.

We have essentially been arming and equipping our worst potential enemy and financing our own destruction. How could we let such a crime against the security of our country happen? Well, it was argued by some very sincere people that free trade would bring positive change to China, and that engagement would civilize the Communist regime.

Even as evidence stacked upon more evidence indicated that China was not liberalizing, that just the opposite was happening, the barkers for open markets kept singing their song: "Most-favored-nation status, just give us this and things will get better." It was nonsense then and it is nonsense today. But after all that has happened, one would think that the shame factor would silence these eternal optimists.

Perhaps I am a bit sensitive because, first and foremost, let me state unequivocally that I consider myself a free trader. Yes, I believe in free trade between free people. What we should strive for is to have more and more open trade with all free and democratic countries, or countries that are heading in the right direction.

I am thus positively inclined towards President Bush's efforts to establish a free trade zone among the democratic countries in this hemisphere. I will read the fine print, but my inclination is to facilitate trade between democracies.

When I say, "I will read the fine print," I will be especially concerned with a free trade agreement, and I will be looking to that free trade agreement to make sure that we have protection that our sensitive technologies, which can be used for military purposes, will not be transferred from the countries in our hemisphere, democratic countries in our hemisphere, to China or to any other countries that are potential enemies of the United States. This will have to be in that free trade agreement.

There will have to be protections against the transfer of our technology to our enemies. This is more of a concern following new science and technology agreements that were signed by China and countries like Brazil and Venezuela recently. Dictatorships are always going to try to gain in any agreement that they have with us, and they are always going to try to manipulate other agreements and the rules of the game so they can stay in power.

When one applies the rules of free trade to a controlled society, as we have been told over and over again, more trade, and let us have free trade with China, that is going to make them more dependent on us and they will be freer and more prosperous, more likely to be peaceful people, well, if we apply the rules of free trade to a dictatorship, ultimately what happens is that it is only free trade in one direction.

On one end we have free people, a democratic people who are not controlled by their government, and thus are basically unregulated and are moving forward for their own benefit. But on the other end, the trade will be controlled and manipulated to ensure that the current establishment of that country stays in power.

Never has that been more evident than in America's dealing with Communist China. In this case, it is so very blatant.

Those advocating most-favored-nation status, or as it is called now, normal trade relations, have always based their case on the boon to our country represented by the sale of American goods to "the world's largest market." That is their argument. Here on this floor over and over and over again we heard people say, "We have to have these normal trade relations because we have to sell our products, the products made by the American people, to the world's largest market."

That is a great pitch. The only problem is, it is not true. The sale of U.S.-produced vacuum cleaners, refrigerators, autos, you name the commercial item, are almost a non-factor in the trade relationship between our countries. They are a minuscule amount of what is considered the trade analysis of these two countries.

During these many years that we have given China most-favored-nation status or normal trade relations, the power elite there never lowered China's tariffs, and in fact increased the tariffs in some areas, and erected barriers to prevent the sale of all but a few U.S.-made products.

So while we had low tariffs, and intentionally brought our tariffs down by most-favored-nation, for over a decade, even as China was slipping more into tyranny, they were permitted to have high tariffs and block our goods from coming in.

Beijing would not permit its own people to buy American-made consumer items. They were not looking for a trade relationship with the United States for their people to be able to buy American products. That is not what they were looking for. That is not what it was all about. They knew it, but yet our people were told over and over and over and over and over again, "Oh, we have to have most-favored-nation status and normal trade relations in order to sell American products to the world's largest market."

That is not what was going on. It is not what the reality was. Instead, the Communist Chinese were out to get American money, lots of it, and American money to build factories, and they wanted the Americans to build the factories with our technology and our money in their country.

By the way, many of the factories that were built there were not built in order to sell products to the Chinese people. Those factories were built to export products to the United States.

The system that developed with the acquiescence of our government, and this is no secret, what I am talking about tonight is no secret to anyone except to the American people, our government acquiesced to this for years, this policy put the American people, the American working people, on the losing end of the transformational action in the long run and sometimes even in the medium run.

The Chinese, because of our low tariffs, flooded our market with their products, and blocked our goods from entering China, and all the while we were hearing over and over again, "We must have most-favored-nation status in order to sell American products in the world's largest market."

They droned on year after year that most-favored-nation status was so important to selling our products in the world's largest market. I will just repeat that four or five times, because we must have heard it a thousand times on this floor, and every time said, I am sure, in complete sincerity by the people who were expressing it, but were totally wrong. A very quick look into the statistics could have indicated that.

By the way, just to let Members know, the people of Taiwan, numbering 22 million people, buy more from us annually than the 1.2 Chinese on the mainland. The Taiwanese, with 22 million people, buy more consumer products from us than do 1.2 billion Chinese in the mainland.

What has happened? What has happened as a result of these nonsensical counterproductive policies, anti-American policies to some degree, even though our own government has acquiesced in them? It has resulted in a decline in domestic manufacturing facilities in the United States. In other words, we have been closing down our factories and putting our people out of work.

By the way, that does not mean the company is put out of business. Those factories spring up someplace else. There is this flood of Chinese products, the factory closes down, and guess where it reopens? It reopens, yes, in Communist China, using our modern technology and our capital, which is what the Chinese want to have invested in their country.

Adding insult to injury, our working people, some of them, whose jobs are being threatened by imports, our working people are being taxed in order to provide taxpayer-subsidized loans and loan guarantees for those corporate leaders wishing to close down their operations in the United States and set up on the mainland of China.

Even if China was a free country, that would not be a good idea. I do not believe we should be doing that even for democratic countries. But for us to do that to a Communist dictatorship or any kind of dictatorship, to have the American taxpayer subsidize these investments, taking the risks on the shoulders of the American taxpayer in order to build the economy of a vicious dictatorship, this is insane. This is an insane policy. This is not free trade between free people. It has nothing to do with free trade. It is subsidized trade with subjugated people.

Companies that were permitted to sell their product to the Chinese in these last 10 years, and there have been a few, companies like Boeing who have attempted to sell airplanes to China, have found themselves in a very bad predicament. As part of the deal enabling them to sell planes now to Communist China, they have had to set up manufacturing facilities in China to build the parts, or at least some of the parts for the airplane.

Thus, over a period of time, what the Chinese have managed to do is to have the United States just build factories and pay for them. Or, as part of an agreement to sell the airplane, we have set up an aerospace industry in China that will compete with our own aerospace industry.

I come from California. I come from a district in which aerospace is a mighty important part of our economy. I just want to thank all the people who have permitted this policy, this blackmail of American companies, to go on under the name, under the guise of free trade. It is going to sell out our own national interest 10 years down the road when these people will have a modern aerospace industry building weapons and being able to undercut our own people. Gee, thanks.

Making matters worse, many of the so-called companies in China that are partnering with American industrialists, and American industrialists, when they are going to build in China, are often required to have a Chinese company as their partner as a prerequisite to them investing in China, in short order these so-called partners end up taking over the company. So many of American companies have been there and have been burned.

Guess what, we look at these private Chinese companies that were partners with our American firms, we look at them, and what do we find out? They are not private companies at all. Many of them are subsidiaries of the People's Liberation Army. That is right, the Communist Chinese army owns these companies. These are nothing more than military people in civilian clothing. Their profits end up paying for weapons targeting America, and we are paying them to build the companies that make those profits.

Perhaps the most alarming betrayal of American national security interests surfaced about 5 years ago when some of America's biggest aerospace firms went into China hoping to use Chinese rockets to launch American satellites.

□ 2230

They were trying to make a fast buck. It did not cost them a lot more to launch satellites here.

Yes, the Chinese were insisting that any satellites we put up for them be put up on their rockets. I personally thought that, as long as we made sure there was no technology transfer, that was an okay policy. As long as we just launched our American satellite which helped them set up a telephone system or something in China, that is fine if they never got ahold of it, and that would be okay.

I was guaranteed, along with the other Members of this body, there would be incredible safeguards. The last administration briefed us on the safeguards. Then as soon as we approved of letting these satellite deals go through and our satellites be launched on Chinese rockets, the administration trash canned all of the safeguards. I do not understand it. I do not understand why people did this.

But when all was said and done, the Communist Chinese rocket arsenal was filled with more reliable and more capable rockets, thanks to Loral, Hughes and other aerospace firms. Communist Chinese rockets, which were a joke 10 years ago, when Bill Clinton became President of the United States, they were a joke, 1 out of 10 failed, exploded before they could get into space. Today they are dramatically more likely to hit their targets, and they even carry multiple warheads. Where before they had one warhead and 9 out of 10 would explode, now about 9 out of 10 get to their target, and some of them are carrying multiple warheads.

The Cox report detailed this travesty. We should not forget the Cox report. Unfortunately, there has been innuendo after innuendo as if the Cox report has in some way been proven wrong. There are no reports that indicate that what the gentleman from California (Mr. COX) and his task force proved has in some way been discredited. In fact, there was a transfer of technology to the Communist Chinese that did great damage to our national security and put millions of American lives at risk that did not have to be put at risk.

Yet, even with all this staring Congress in the face, we have continued to give Most Favored Nations status to China and even now vote to make them part of the World Trade Organization. Why? One explanation, well just bad theory. Expanding trade, of course, they believe will make things better. But expanding trade did not make things better. Expanding trade with a dictatorship, as I have mentioned, just expands the power base and solidifies the bad guys in power.

Of course the other explanation of why all this is going on, why we end up seeing our national security trashed is pure greed on some individuals' parts.

Our businessmen have been blinded, not by the dream of selling U.S.-made products to China as they would have you believe in the debates here on the floor of the House, but rather blinded by the vision of using virtually slave labor for quick profits on the mainland of China.

With little or no competition, no negotiators, no lawyers, no environmental restrictions, no unions, no public consent, it sounds like a businessman's dream to me. Yes, it is a businessman's dream if you just blot out the picture of a grinding tyranny and the human rights abuses that are going on and the horrible threat to the United States of America that is emerging because of the things that are going on and the things that are being done.

Because you are a businessman, because you are engaged in making a profit as we are free to do in the United States does not exempt you from being a patriot or being loyal to the security interests of the United States of America.

Today's American overseas businessman quite often is a far cry from the Yankee clipper captains of days gone by. In those days, our Yankee clipper ships sailed the ocean, cut through those seas, the Seven Seas. They were full going over, and they were full coming back. They waived our flag. Our flag was flying from those clipper ships, and our flag stood for freedom and justice. Those Yankee clipper captains and those business entrepreneurs were proud to be Americans.

Today, America's tycoons often see nationalism, read that loyalty to the United States, as an antiquated notion. They are players in the global economy now, they feel. Patriotism they believe is old think.

Well, we cannot rely on the decisions of people like this to determine what the interests of the United States of America is to be. Yet, the influence of these billionaires and these tycoons, these people who would be willing to invest in a dictatorship or a democracy, they could care less which one, they do not care if there is blood dripping off the hand that hands them the dollar bills, those individuals influence our government. Their influence on this elected body is monumental, if not insurmountable at times.

I believe in capitalism. I am a capitalist. I am someone who believes in the free enterprise system, make no mistake about it. But free is the ultimate word. People must be free to be involved in enterprise. We must respect the basic tenets of liberty and justice that have provided us a country in which people are free to uplift themselves through hard work and through enterprise.

Today, more often than not, we are talking about how people are trying to find out ways of manipulating government on how to make a profit, not how to build a better product that will enrich everyone's life and make a profit by doing that, which is the essence of the free enterprise system.

More and more people are not even looking again to this great country and considering this great country for the role that it is playing in this world and how important it is and how we should never sacrifice the security of this country. Because if this country falls, the hope for freedom and justice everywhere in the world falls. No, instead they have put their baskets, not in the United States of America, put their eggs in the basket of globalism. Well, globalism will not work without democratic reform.

China will corrupt the WTO, the World Trade Organization, just as it has corrupted the election processes in the United States of America. You can see it now 20 years from now, maybe 10 years from now, the panels of the WTO, you know, made up of countries from all over the world, Latin America, Africa, Middle East. There are members of those panels making these decisions, they will not have ever been elected by anybody, much less the people of the United States of America, yet we will be expected to follow their dictates. Communist China, they will pay those people off in a heartbeat. Why not? They did it to our people.

Remember the campaign contributions given to Vice President Gore at the Buddhist Temple? Remember the money delivered to the Clinton's by Johnny Chung? Where did that money come from? We are talking about hundreds of thousands of dollars. Where did it come from? It originated with Chinese military officers. These military officers were wearing civilian clothes. They were top officers in that part of the People's Liberation Army that produces missiles. That is where the money came from, all this while our most deadly missile technology was being transferred to Communist China. One wonders why the Communist Chinese leaders are arrogant and think that American leaders are cowards and corrupt when we let this happen.

Our country has, in short, had a disastrously counterproductive policy. We have, over the last 10 years, built our worst potential enemy from a weak, introverted power into a powerful economic military force, a force that is looking to dominate all of Asia. When I say worst potential enemy, that is not just my assessment. That is what the Communist Chinese leaders themselves believe and are planning for.

Why do you think Communist Chinese Boss Jiang Zemin recently visited Cuba? He was in Cuba with Fidel Castro who hates our guts when he released the hostages, the American military personnel that he was holding hostage. What do you think that was all about? He was telling the whole world we are standing up to the United States of America, and they are our enemy. He was involved with an activity that was declaring to the world his hostility towards the United States.

Why, when you have a country like this who are professing hostility to the United States and doing such as this, why are we permitting them to buy up ports that will effectively give them control of the Panama Canal, which is what they did a year and a half ago.

The Panama Canal, the last administration let the Chinese, the Communist Chinese, through bribery, tremendously expand its power in Panama and, through bribery, let it get control of the port facilities at both ends of the Panama Canal. Why would we let such a thing happen?

In many ways, we are repeating history. In the 1920s, Japanese militarists wiped out Japan's fledgling democratic movement. That it did. In doing so, it set a course for Japan. Japan then was a racist power which believed it, too, had a right to dominate Asia. Japanese militarists also knew that only the United States of America stood in their way. This is deja vu all over again as Yogi Berra once said.

The Communist Chinese, too, are militarists who seek to dominate Asia. They think they are racially superior to everyone. They are unlike their Japanese predecessors, however, willing to go slow, and they have been going slow. But make no mistake about it, they intend to dominate Asia, all of it. And even know, their maps claim Siberia, Mongolia and huge chunks of the South China Sea.

The confrontation with our surveillance plane must be reviewed in this perspective if the damage to the United States and the imprudence and arrogance on the part of the communist Chinese are to be understood.

China's claim on the South China Sea includes the Spratley Islands. I have a map of the South China Sea with me tonight. Hainan Island. Our airplane was intercepted, knocked out of the sky somewhere in here. But what we are not told about and what the media is not focusing on and no one has been talking about is this plane was precisely in the waters between Hainan Island and the Spratley Islands.

For those who do not know what the Spratley Islands are, they are just a series of reefs that are under water at high tide and at low tide above water. They are just a short distance, as you can see, this is here, this is the Philippines; and right about 100 miles offshore, the Spratley Islands. Yet they are several hundred miles from China. Yet the Chinese are trying to claim these islands. That is what this was all about. Not only are these islands, the Spratley Islands, the home of natural gas and oil deposits, but they are also in a strategic location.

□ 2245

The Spratly Islands, having them in China's power, having them being recognized as part of China, would, of course, be a disaster to the Philippines whose oil and gas that belongs to, but also it would give the Communist Chinese sovereignty rights which would permit them to bracket the South China Sea. China, Hainan Island, the Spratlys would bracket the South China Sea, from this land point to this land point. Thus, we have a situation where when China claims, which it does, a 200-mile zone, that would leave China with a stranglehold on the South China Sea which is one of the most important commercial areas on this planet. It would have a stranglehold on Japan and Korea.

What do you think our friends in the Persian Gulf, for example, would think about it if they understood that this was a power play, that what we had with the surveillance aircraft was a power play? The reason why the Communist Chinese were demanding an apology then, they were demanding an apology because supposedly we were in their airspace. If we apologized, that was a recognition of their sovereignty in bracketing with the Spratly Islands on one side and Hainan Island on the other side, bracketing the South China Sea. If we ended up apologizing to the Communist regime, it would have been taken as a legal recognition, a small one, of their sovereignty and their 200-mile limit. That is what this was all about. That is why they were playing hardball with us.

The American people and our allies are not being told that that is what the stakes were. This is a long-term effort on the part of the Communist Chinese to dominate the South China Sea and expand their power so they could call it maybe the Communist China Sea rather than the South China Sea. It behooves us to face these facts. That is what it was all about. That is why they wanted an apology and that is why they should not have gotten an apology.

I applaud this administration for wording its letter in a way that was not and could not in any way be interpreted as a recognition of the Chinese sovereignty over that airspace. An accommodationist policy toward Communist China, ignoring this type of aggression, ignoring human rights and democracy concerns while stressing expanded trade, and even through all this you have a bunch of people saying, "Oh, isn't it lucky we have trade relations or we would really be in trouble with the Communist Chinese." Give me a break. But ignoring those other elements and just stressing trade as part of a so-called engagement theory has not worked.

The regime in China is more powerful, more belligerent to the United States and more repressive than ever before. President Bush's decision in the wake of this incident at Hainan Island to sell an arms package to Taiwan including destroyers, submarines and an antiaircraft upgrade was good. At least it shows more moxie than what the last administration did.

I would have preferred to see the Aegis system be provided to our Taiwanese friends. But at least we have gone forward with a respectable arms deal that will help Taiwan defend itself and thus deter military action in that area.

But after the Hainan Island incident, the very least we should be doing is canceling all U.S. military exchanges with Communist China. I mean, I do not know if they are still delivering us those berets or not, but that is just ridiculous to think that we are getting our military berets from Communist China. We should cancel all military exchanges.

The American people should be put on alert that they are in danger if they travel to the mainland of China. And we should quit using our tax dollars through the Export-Import Bank, the IMF and the World Bank to subsidize big business when they want to build a factory in China or in any other dictatorship.

Why are we helping Vietnam and China? Why are we helping those dictatorships when nearby people, the people of the Philippines, whom I just mentioned, who are on the front line against this Communist aggression, who China is trying to flood drugs into their country. The Chinese army itself is involved in the drug trade going into the Philippines.

The Philippines are struggling to have a democracy. They have just had to remove a president who is being bribed. Bribed by whom? Bribed by organized crime figures from the mainland of China. When those people in the Philippines are struggling, why are we not trying to help them? Let us not encourage American businesses to go to Vietnam or to Communist China, when you have got people right close by who are struggling to have a democratic government and love the United States of America. The people of the Philippines are strong and they love their freedom and their liberty, but they feel like they have been abandoned by the United States. And when we help factories to be set up in China rather than sending work to the Philippines, and they do not even have the money to buy the weapons to defend themselves in the Philippines. That is why it is important for us to stand tall, so they know they can count on us. But they can only count on us if we do what is right and have the courage to stand up.

The same with China and India. India is not my favorite country in the world, but I will tell you this much, the Indians are struggling to have a free and democratic society. They have democratic institutions, and it is a struggle because they have so many varied people that live in India. But they are struggling to make their country better and to have a democratic system and to have rights and have a court system that functions, to have opposition newspapers. They do not have any of that in China. Yet instead of helping the Indian people, we are helping the Communist Chinese people? This is misplaced priorities at best.

Finally, in this atmosphere of turmoil and confrontation, let us never forget who are our greatest allies, and that is the Chinese people themselves. Let no mistake in the wording that I have used tonight indicate that I hold the Chinese people accountable or synonymous with the Chinese Government or with Beijing or with the Communist Party in China. The people of China are as freedom-loving and as pro-American as any people of the world.

The people of China are not separated from the rest of humanity. They too want freedom and honest government. They want to improve their lives. They do not want a corrupt dictatorship over them. And any struggle for peace and prosperity, any plan for our country to try to bring peace to the world and to bring a better life and to support the cause of freedom must include the people of China.

We do not want war. We want the people of China to be free. Then we could have free and open trade because it would be a free country and it would be free trade between free people instead of this travesty that we have today, which is a trade policy that strengthens the dictatorship.

When the young people of China rose up and gathered together at Tiananmen Square, they used our Statue of Liberty as a model for their own goddess of liberty. That was the statue that they held forth. That was their dream. They dreamed that her torch, the goddess of liberty, would enlighten all China and they dreamed of a China democratic, prosperous and free. Our shortsighted policy of subsidized one-way trade crushes that goddess of liberty every bit as much as those Red Army tanks did 12 years ago.

Let us reexamine our souls. Let us reexamine our policies. Let us reach out to the people of China and claim together that we are all people of this planet, as our forefathers said, we are the ones, we are the people who have been given by God the rights of life, liberty and the pursuit of happiness. That is not just for Americans. That is for all the people of the world. And when we recognize that and reach out with honesty and not for a quick buck, not just to make a quick buck and then get out, but instead to reach over to those people and help them build their country, then we will have a future of peace and prosperity.

It will not happen if we sell out our own national security interests. It will not happen if we are only siding with the ruling elite in China. We want to share a world with the people of China. We are on their side.

Let me say this. That includes those soldiers in the People's Liberation Army. The people in the People's Liberation Army come from the population of China. They and those other forces at work in China should rise up and join with all the other people in the world, especially the American people, who believe in justice and truth; and we will wipe away those people at the negotiating table today that represent both sides of this negotiation, and we will sit face-to-face with all the people in the world who love justice and freedom and democracy, just as our forefathers thought was America's rightful role, and we will build a better world that way.

We will not do it through a World Trade Organization. We will do it by respecting our own rights and respecting the rights of every other country and every other people on this planet.

I hope that tonight the American people have heard these words. The course is not unalterable. This is a new administration. And in this new administration, I would hope that we reverse these horrible mistakes that have compromised our national security and undermined the cause of liberty and justice.

I look forward to working with this administration to doing what is right for our country and right for the cause of peace and freedom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today and until 1:00 p.m. April 25 on account of official business.

Mr. HOLDEN (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. ROYBAL-ALLARD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CROWLEY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

(The following Members (at the request of Mr. RADANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. RADANOVICH, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. SWEENEY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, April 26.

Mrs. KELLY, for 5 minutes, May 1.

Mr. KIRK, for 5 minutes, today.

Mr. FERGUSON, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, on April 25.

SENATE CONCURRENT RESOLUTION REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 7. Concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, promote mutual understanding and cooperation among nations, and for other purposes; to the Committee on International Relations; in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 23. Concurrent resolution expressing the sense of Congress with respect to the involvement of the Government of Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes; to the Committee on International Relations.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 5, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 132. To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building."

H.R. 395. To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office of West Melbourne, Florida."

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 25, 2001, at 10 a.m.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR THE 106TH CONGRESS PRIOR TO SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that the committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On December 15, 2000:

H.R. 1653. To complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 2903. To reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 4577. Making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4656. To authorize the Forest Service to convey certain lands in the lake Tahoe Basin to the Wahoe County School District for use as an elementary school site.

H.R. 4942. H.R. Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5016. To redesignate the facility of the United States Postal service located at 514 Express Center Road in Chicago, Illinois, as the "J.T. Weeker Service Center".

H.R. 5210. To designate the facility of the United States Postal Service located 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building".

H.R. 5461. To amend the Magnuson-Stevens Fishery Conservation and Management eliminate the wasteful and unsortmanlike practice of shark finning.

H.R. 5528. To authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierce, South Dakota, and for other purposes.

H.R. 5630. To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability, and for other purposes.

H.R. 5640. To expand homeownership in the United States, and for other purposes.

H.J. RES. 133. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT FOR THE 106TH CONGRESS SUBSEQUENT TO SINE .DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that the committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On December 20, 2000:

H.R. 207. To amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physician retirement purposes.

H.R. 1795. To amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

H.R. 2570. To require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

H.R. 2816. To establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3594. To repeal the modification of the installment method.

H.R. 3756. To establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4020. To authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 4907. To establish the Jamestown 400th Commemoration Commission, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1527. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV01–916–1 IFR] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1528. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenpyroximate; Time-Limited Pesticide Tolerance [OPP–301109; FRL–6773–2] (RIN: 2070–AB78) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1529. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP–301114; FRL–6777–6] (RIN: 2070–AB78) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1530. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zoxamide 3, 5-dichloro-N- (3-chloro-1-ethyl-1-methyl-2-oxopropyl) -4-methylbenzamide; Pesticide Tolerance [OPP–301110; FRL–6774–8] (RIN: 2070–AB78) received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1531. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Federal Agricultural Mortgage Corporation; Risk-Based Capital Requirements (RIN: 3052–AB56) received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1532. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 2001, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107—58); to the Committee on Appropriations and ordered to be printed.

1533. A communication from the President of the United States, transmitting a request to make funds available for the Disaster Relief program of the Federal Emergency Management Agency, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 107—59); to the Committee on Appropriations and ordered to be printed.

1534. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting an Annual Report for FY 2000; to the Committee on Financial Services.

1535. A letter from the Deputy Director, National Institute on Disability and Rehabilitation Research, Department of Education, transmitting Final Priorities—Recreational Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1536. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Software Quality Assurance—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1537. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Reporting Unofficial Foreign Travel—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1538. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule— Stabilization, Packaging, and Storage of Plutonium-Bearing Materials [DOE-STD–3013–2000] received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1539. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Light Truck Average Fuel Economy Standard, Model Year 2003 [Docket No. NHTSA–2001–8977] (RIN: 2127–AI35) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1540. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [FRL–6965–5] (RIN: 2060–AH22) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1541. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial—Commercial—Institutional Steam Generating Units [FRL–6965–4] (RIN: 2060–AE56) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1542. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Transportation Conformity: Idaho [ID–00–001; FRL–6957–1] received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1543. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avalon, Fountain Valley, Adelanto, Ridgecrest and Riverside, California) [MM Docket No. 99–329; RM–9701] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1544. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Hastings, Nebraska) [MM Docket No. 00–241; RM–9968] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1545. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Huachuca City, Arizona) [MM Docket No. 00–208; RM–9977]; (Rio Rico, Arizona) [MM Docket No. 00–209; RM–9978]; (Pine Level, Alabama) [MM Docket No. 00–211; RM–9993] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1546. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hinton, Whiting, and Underwood, Iowa; and Blair, Nebraska) [MM Docket No. 99-94; RM-9532; RM-9834] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1547. A letter from the Chief, Market Disputes Resolution Division, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996 [CC Docket No. 96-238] Amendment of Rules Governing Procedures to be Followed When Formal Complaints are Filed Against Common Carriers—received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1548. A communication from the President of the United States, transmitting progress toward a negotiated settlement of the Cyprus question covering the period February 1 through March 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1549. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with various resolutions adopted by the United Nations Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 107—56); to the Committee on International Relations and ordered to be printed.

1550. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107—57); to the Committee on International Relations and ordered to be printed.

1551. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 01-06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1552. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability (Transmittal No. 0A-01), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

1553. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability (Transmittal No. 0B-01), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

1554. A letter from the Lieutentant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 01-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1555. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the Republic of Korea [Transmittal No. DTC 132-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1556. A communication from the President of the United States, transmitting the second report on the Status Of The Ratification Of World Intellectual Property Organization Copyright Treaty and The World Intellectual Property Organization Performances and Phonograms Treaty; to the Committee on International Relations.

1557. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Entity List: Revisions and Additions [Docket No. 9704-28099-0127-10] (RIN: 0694-AB60) received April 9, 2001; to the Committee on International Relations.

1558. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-580, "Storm Water Permit Compliance Amendment Act of 2000" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1559. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-26, "Motor Vehicle Excessive Idling Exemption Temporary Amendment Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1560. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-27, "Eastern Avenue Tour Bus Parking Prohibition Temporary Amendment Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1561. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-28, "Medicaid Provider Fraud Prevention Temporary Amendment Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1562. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-29, "Homestead and Senior Citizen Real Property Tax Temporary Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1563. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-35, "Closing of a Public Alley in Square 873, S.O. 99-68 Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1564. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-36, "Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Temporary Amendment Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1565. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-37, "Attendance and School Safety Temporary Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1566. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-38, "Real Property Tax Clarity and Litter Control Administration Temporary Amendment Act of 2001" received April 19, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1567. A letter from the Comptroller General, General Accounting Office, transmitting a report on the failure of the Department of Defense to provide access to certain records to the General Accounting Office, pursuant to 31 U.S.C. 716(b)(1); to the Committee on Government Reform.

1568. A letter from the Secretary, Department of Agriculture, transmitting the FY 2000 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1569. A letter from the Secretary, Department of Commerce, transmitting the Department's FY 2000 Annual Program Performance Report and FY 2002 Annual Performance Plan; to the Committee on Government Reform.

1570. A letter from the Associate General Counsel for General Law, Federal Emergency Management Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1571. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's FY 2000 performance report; to the Committee on Government Reform.

1572. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 032101H] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1573. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Steller Sea Lion Research Initiative (SSLRI) [Docket No. 00-1220361; I.D. 022801A] (RIN: 0648-ZB03) received April 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1574. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 107—60); to the Committee on the Judiciary and ordered to be printed.

1575. A letter from the the Chief Justice, the Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 107—61); to the Committee on the Judiciary and ordered to be printed.

1576. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Nonimmigrant Classes; Legal Immigration Family Equity Act Nonimmigrants, V and K Classification—received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1577. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on the construction of a flood damage reduction project for the Upper Des Plaines River, Illinois; to the Committee on Transportation and Infrastructure.

1578. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on the recreation and commercial navigation project at Ponce de Leon

Inlet, Volusia County, Florida; to the Committee on Transportation and Infrastructure.

1579. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Prohibited Area P-49 Crawford; TX [Docket No. FAA-2001-9059; Airspace Docket No. 01-AWA-1] (RIN: 2120-AA66) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1580. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: Harrisonburg, VA [Airspace Docket No. 00-AEA-13FR] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1581. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: Waynesboro, VA [Airspace Docket No. 01-AEA-14FR] received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1582. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Cooperative Research and Development Agreements—received March 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1583. A letter from the Co-chair, National Assessment Synthesis Team and Co-director, The Ecosystems Center, Marine Biological Laboratory, transmitting a report entitled, "Climate Change Impacts On The United States: The Potential Consequences Of Climate Variability And Change"; to the Committee on Science.

1584. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Emergency Medical Services and Evacuation— received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1585. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Safety and Health (Short Form)—received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1586. A letter from the Chief, Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting the Department's final rule—Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States [T.D. ATF-444] (RIN: 1512-AC24) received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1587. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Announcement and Report Concerning Pre-Filing Agreements—received April 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1588. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2000—received April 5; 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1589. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-22] received April 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1590. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN member states in the General Assembly and Security Council for 2000, and evaluating the actions and responsiveness of those governments to United States policy on issues of special importance to the United States, pursuant to Public Law 101-167, section 527(a) (103 Stat. 1222); Public Law 101-246, section 406(a) (104 Stat. 66); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 3, 2001, the following reports were filed on April 20, 2001]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 503. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 107-42 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.J. Res. 41. A resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; with an amendment (Rept. 107-43). Referred to the House Calendar, and ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 392. A bill for the relief of Nancy B. Wilson (Rept. 107-44). Referred to the Private Calendar and ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1209. A bill to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes (Rept. 107-45). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 863. A bill to provide grants to ensure increased accountability for juvenile offenders; with an amendment (Rept. 107-46). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[Submitted April 24, 2001]

Mr. HANSEN: Committee on Resources. H.R. 146. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes (Rept. 107-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 309. A bill to provide for the determination of withholding tax rates under the Guam income tax (Rept. 107-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. H. Res. 118. A resolution providing for consideration of the joint resolution (H.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limitations. (Rept. 107-49). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. H. Res. 119. A resolution providing for consideration of the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 107-50). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration of H.R. 503. Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on April 20, 2001]

H.R. 503. Referral to the Committee on Armed Services extended for a period ending not later than April 24, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself, Mr. PALLONE, Mr. GUTIERREZ, and Ms. MCKINNEY):

H.R. 1540. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EVANS (for himself, Mr. REYES, and Ms. BROWN of Florida):

H.R. 1541. A bill to amend title 38, United States Code, to provide the Secretary of Veterans Affairs authority to furnish certain benefits for certain diseases occurring in children of Vietnam-era veterans upon a determination that such diseases have a positive association with parental exposure to a herbicide agent; to the Committee on Veterans' Affairs.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. GOODLATTE, Mr. BOUCHER, Mr. ENGLISH, Mr. FROST, Mr. SMITH of Washington, Mr. LUCAS of Kentucky, Mr. WHITFIELD, Mr. MURTHA, Mr. COLLINS, Mr. BLAGOJEVICH, Mr. FOSSELLA, Mr. DICKS, Mr. GILLMOR, Mr. BARTON of Texas, Mr. KIND, Mr. GREENWOOD, Mr. MEEKS of New York, Mr. CAMP, Mr. BALDACCI, Mr. RAHALL, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. SIMPSON, Mr. BOYD, Mrs. NORTHUP, Mr. ENGEL, Mr. SANDLIN, Mr. EVERETT, Mr. BOEHNER, Mr. REYNOLDS, Mr. WELDON of Pennsylvania, Mr. SESSIONS, Mr. BONIOR, Mr. MALONEY of Connecticut, Mr. BUYER, Mr. CUNNINGHAM, Mr. MCCRERY, Mr. BISHOP, Mr. LAMPSON, Mr. VITTER, Mr. BASS, Mr. ACKERMAN, Mr. BLUNT, Mr. MCHUGH, Mr. RYAN of Wisconsin, Mr. Quinn, Mr. Baca, Mr. Gonzalez, Mr. Baker, Mr. Walsh, Mr. Green of Texas, Mr. Wexler, Mr. Oxley, Mr. Radanovich, Mr. Diaz-Balart, Mr. Cooksey, Mr. Clement, Mr. Larsen of Washington, Mr. Schrock, Mr. Petri, Mr. Watkins, Ms. Ros-Lehtinen, Mr. Hilliard, Mr. Otter, Mr. Shadegg, Mr. Bryant, Mr. Platts, Mr. Putnam, Mr. Cummings, Mr. Rodriguez, Mr. Condit, Mr. Burr of North Carolina, and Mr. Wynn):

H.R. 1542. A bill to deregulate the Internet and high speed data services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself and Ms. Jackson-Lee of Texas):

H.R. 1543. A bill to amend the Fair Credit Reporting Act to exempt certain communications from the definition of consumer report, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Texas:

H.R. 1544. A bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from duplicative notification and reporting requirements made applicable to political organizations by Public Law 106-230; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. Graham):

H.R. 1545. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain computer professionals; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1546. A bill to allow States to spend certain funds to establish and maintain peer mediation programs; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1547. A bill to establish a grant program in the Department of Defense to assist States and local governments in improving their ability to prevent and respond to domestic terrorism; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1548 A bill to phase out the incineration of solid waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1549. A bill to establish a demonstration program to provide comprehensive health assessments for students; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 1550. A bill to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 1551. A bill to amend the National Flood Insurance Act of 1968 to reduce losses caused by repetitive flooding, and for other purposes; to the Committee on Financial Services.

By Mr. COX (for himself, Mr. Goodlatte, and Mr. Tom Davis of Virginia):

H.R. 1552. A bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself, Ms. Lofgren, Mr. Flake, and Mr. Honda):

H.R. 1553. A bill to repeal export controls on high performance computers; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1554. A bill to provide for a one-year procurement moratorium for the Marine Corps V–22 Osprey tilt-rotor aircraft program in order to provide a needed time out and to allow for a safety and performance reliability evaluation of that aircraft; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. Tanner, and Mr. McCrery):

H.R. 1555. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. Neal of Massachusetts):

H.R. 1556. A bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the Medicare Program, and to freeze the reduction in payments to hospitals for indirect costs of medical education; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM:

H.R. 1557. A bill to amend the Elementary and Secondary Education Act of 1965 to permit local educational agencies to use funds made available under the innovative education program to support certain community service programs; to the Committee on Education and the Workforce.

By Mr. HILLIARD (for himself, Mr. Filner, Mr. McGovern, Mr. Clyburn, Mrs. Jones of Ohio, Mr. Frank, Ms. Carson of Indiana, Mr. Clay, Mr. Kucinich, Mr. Jefferson, Mrs. Meek of Florida, Mr. Rangel, Mr. Wynn, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Ms. Lee, Ms. McKinney, Mr. Nadler, and Mrs. Christensen):

H.R. 1558. A bill to prohibit States from denying any individual the right to register to vote for an election for Federal office, or the right to vote in an election for Federal office, on the grounds that the individual has been convicted of a Federal crime, and for other purposes; to the Committee on the Judiciary.

By Mr. HILLIARD (for himself, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Mr. Filner, Mr. Rangel, Mr. Wynn, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Ms. Lee, Ms. McKinney, Mrs. Christensen, and Mr. Jackson of Illinois):

H.R. 1559. A bill to require that general Federal elections be held over the 48-hour period that begins with the first Saturday in November, to prohibit States from preventing citizens who are registered to vote from voting in Federal elections and from carrying out certain law enforcement activities which have the effect of intimidating individuals from voting, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 1560. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Serrano):

H.R. 1561. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 1562. A bill to replace the Immigration and Naturalization Service with the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Immigration Services, and the Bureau of Immigration Enforcement, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Serrano):

H.R. 1563. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mrs. Jones of Ohio, Mr. LaTourette, Mr. Frost, Mr. Brown of Ohio, Mr. Sawyer, and Mr. Hinchey):

H.R. 1564. A bill to fund capital projects of State and local governments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaHOOD:

H.R. 1565. A bill to award a congressional gold medal to Brian Lamb; to the Committee on Financial Services.

By Mr. LEACH:

H.R. 1566. A bill to urge the President to initiate consultations with the Governments of Singapore, Australia, and New Zealand to determine the feasibility and desirability of negotiations to create a free trade area between the United States and those countries; to the Committee on Ways and Means.

By Ms. LEE (for herself and Ms. Waters):

H.R. 1567. A bill to encourage the provision of multilateral debt cancellation for countries eligible to be considered for assistance under the Heavily Indebted Poor Countries (HIPC) Initiative or heavily affected by HIV/

AIDS, and for other purposes; to the Committee on Financial Services.

By Mr. McDERMOTT (for himself, Mrs. Mink of Hawaii, Mr. Kleczka, Mr. Gilchrest, Mr. Frost, Mr. Brown of Ohio, Mr. Frank, Mr. Matsui, Mr. Brady of Pennsylvania, Mr. Wexler, Ms. Rivers, Mr. Bonior, Mr. Hinchey, Mr. Moakley, Mr. Evans, Mr. Boucher, Mr. Sanders, Mr. Clay, Ms. Carson of Indiana, Mr. Kucinich, Mr. Rush, Mr. Stark, Mr. Baldacci, Mr. Sandlin, Mrs. Thurman, Mr. LaFalce, Mr. McGovern, Mr. Stupak, Mr. Kildee, Mr. LaTourette, Mr. George Miller of California, Mr. Hilliard, and Mr. Moran of Virginia):

H.R. 1568. A bill to amend title XVIII of the Social Security Act to remove the restriction on coverage of periodic health examinations under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 1569. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 1570. A bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 1571. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 1572. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 1573. A bill to amend the Internal Revenue Code of 1986 to provide more revenue for the Social Security system by imposing a tax on certain unearned income and to provide tax relief for more than 80,000,000 individuals and families who pay more in Social Security taxes than income taxes by reducing the rate of the old age, survivors, and disability insurance Social Security payroll tax; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 1574. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1575. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes for six months, and to permanently repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1576. A bill to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA (for himself, Mr. Frank, Mr. Collins, Mrs. Maloney of New York, Mr. Sensenbrenner, Mr. Coble, Mr. Hilleary, Ms. Baldwin, Mr. Jenkins, Mr. Kleczka, Mr. Tom Davis of Virginia, Mr. Rahall, Ms. Hart, Mr. McGovern, Mr. Blunt, Mr. Gordon, Mr. Burr of North Carolina, Mr. Smith of Washington, Mr. LaHood, Mr. Ney, Mr. Hilliard, Mr. LoBiondo, Mr. Jones of North Carolina, Mr. English, Mr. Doyle, Mr. McHugh, Mr. Ehlers, Ms. Carson of Indiana, Mr. Sessions, Mr. Camp, Mr. Kucinich, Mr. Royce, Mr. Souder, and Mr. Tanner):

H.R. 1577. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with non-inmate workers and the firms that employ them and increasing the likelihood that Federal agencies get the best value for taxpayers dollars, to require that Federal Prison Industries fully and timely perform its Government contracts by empowering Federal contracting officers with the contract administration tools generally available to assure full and timely performance of other Government contracts, to enhance the opportunities for effective public participation in decisions to expand the activities of Federal Prison Industries, to provide to Federal agencies temporary preferential contract award authority to ease the transition of Federal Prison Industries to obtaining inmate work opportunities through other than its mandatory source status, to provide additional work opportunities for Federal inmates by authorizing Federal Prison Industries to provide inmate workers to nonprofit entities with protections against commercial activities, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS:

H. Con. Res. 105. Concurrent resolution expressing the sense of the Congress that the Congress should have the power to prohibit desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. GRUCCI (for himself and Mr. English):

H. Res. 120. Resolution urging cemeteries to maintain the flags placed on the grave sites of American veterans on Memorial Day through at least May 31; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Abercrombie, Mr. Bonior, Mr. Coyne, Mr. Evans, Mr. Filner, Ms. Kaptur, Mr. Kildee, Ms. McKinney, Mr. Nadler, Mr. Payne, Ms. Sanchez, Mr. Shows, Mr. Ms. Solis, and Mr. Stark):

H. Res. 121. Resolution expressing the sincerest condolences of the House of Representatives to the families of the 42 people, including 37 children, killed in the March 6, 2001, explosion of the Fanglin elementary school in the Jianxi province of the People's Republic of China, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H. Res. 122. Resolution expressing the sense of the House of Representatives that India should be a permanent member of the United Nations Security Council; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

24. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Resolution 8 memorializing the United States Congress to enact H.R. 1041 that amends section 1917(b)(1)(c) of the Social Security Act by deleting the date of May 14, 1993, for states to have long term care partnership plans approved, affording states throughout the nation the ability to give their citizens the same rights to participate in these types of programs; to the Committee on Energy and Commerce.

25. Also, a memorial of the General Assembly of the State of North Dakota, relative to Resolution No. 4028 memorializing the United States Congress to call a convention pursuant to Article V of the United States Constitution; to the Committee on the Judiciary.

26. Also, a memorial of the House of Representatives of the State of Indiana, relative to Resolution 22 memorializing the United States Congress to rename the Federal Building in New Albany, Indiana, in honor of former Congressman Lee Hamilton; to the Committee on Transportation and Infrastructure.

27. Also, a memorial of the House of Representatives of the State of Ohio, relative to Resolution 8 memorializing the United States Congress to take all actions that are necessary to stop the dumping of foreign steel in the United States, including the amendment of existing foreign trade laws or the enactment of new foreign trade law to address the crisis in the steel industry; to the Committee on Ways and Means.

28. Also, a memorial of the House of Representatives of the State of Michigan, relative to Resolution 40 memorializing the United States Congress to repeal the federal excise tax on telephone and other communications services; to the Committee on Ways and Means.

29. Also, a memorial of the Legislature of the State of Wyoming, relative to a Resolution memorializing the United States Congress to immediately secure the construction of critically needed new electric generation facilities, oil, and gas pipeline and transmission facilities using Wyoming Power River Basin super compliant coal, Wyoming gas and other available Wyoming natural resources; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 1578. A bill for the relief of Abecnego Monje Ortiz, Dolores Ortiz, and Eneyda

Monje Ortiz; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 1579. A bill for the relief of Juan Gonzalez and Mayra Valenzuela; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Pitts, Mr. Kolbe, Mrs. Northup, Mr. Green of Wisconsin, Mr. Bachus, Mr. Tiahrt, Mr. Barr of Georgia, Mr. Brown of South Carolina, Mr. Smith of New Jersey, and Mr. Crenshaw.

H.R. 10: Mr. Hostettler, Mr. Shimkus, Mr. Peterson of Minnesota, Mr. Hansen, Mrs. Clayton, Mr. Tierney, Mr. Abercrombie, Mr. Grucci, Mr. Gilman, Ms. McCollum, Ms. Ros-Lehtinen, Mr. Rehberg, Mrs. Napolitano, and Mr. Johnson of Illinois.

H.R. 13: Mr. McHugh and Mr. Sweeney.

H.R. 17: Mr. Waxman, Mr. LaHood, Mr. Blagojevich, Mr. Petri, and Mr. Ford.

H.R. 25: Mrs. Roukema.

H.R. 28: Mr. Rahall and Mr. Weiner.

H.R. 31: Mr. Whitfield, Mr. Gibbons, Mr. Taylor of North Carolina, Mr. Condit, Mr. Taylor of Mississippi, Mr. Watkins, and Mr. Bilirakis.

H.R. 36: Mr. Blumenauer and Mr. Ehlers.

H.R. 37: Mr. Cannon and Mr. Boehlert.

H.R. 39: Mr. Tiahrt Mr. Vitter, and Mr. Shimkus.

H.R. 41: Mr. Cardin, Ms. Woolsey, and Ms. Roybal-Allard.

H.R. 46: Mr. Sanders.

H.R. 65: Mr. Brown of Ohio.

H.R. 68: Mr. Goode, Mr. Stenholm, Ms. Lee, and Mr. Price of North Carolina.

H.R. 80: Mr. Cox.

H.R. 82: Mr. LaTourette.

H.R. 115: Mr. Meeks of New York.

H.R. 117: Mr. Kildee, Mr. Wu, and Mr. Kucinich.

H.R. 144: Ms. Rivers.

H.R. 162: Mr. Luther, Mr. Brown of Ohio, Mr. Cardin, Ms. Eshoo, Mr. Langevin, Mr. Bishop, Mr. Carson of Oklahoma, Mr. Hoeffel, Mr. Cramer, Mr. Inslee, Mr. Towns, Mrs. Tauscher, Ms. Hooley of Oregon, Mr. Borski, Mr. Ackerman, Ms. Jackson-Lee of Texas, Mr. Greenwood, Mr. LaTourette, Mr. Pascrell, Mr. Costello, and Mr. Blagojevich.

H.R. 168: Mr. Crenshaw and Mrs. Jo Ann Davis of Virginia.

H.R. 175: Mr. Hefley, Mr. Radanovich, Mr. Souder, Mr. Blunt, and Mr. Culberson.

H.R. 179: Mr. Gibbons, Mr. Ryan of Wisconsin, Ms. Eshoo, Mr. Gordon, and Mr. Price of North Carolina.

H.R. 187: Mr. Bereuter.

H.R. 214: Mr. Honda.

H.R. 218: Mr. King, Mr. Burr of North Carolina, Mr. Hostettler, Mr. Hall of Texas, Mr. Pickering, Mr. Gordon, Mr. Clement, Mrs. McCarthy of New York, Mr. Bonilla, Mr. Sherman, Mr. Peterson of Pennsylvania, Mr. Strickland, Mr. Maloney of Connecticut, and Mr. Cox.

H.R. 250: Mr. Snyder, Ms. Ros-Lehtinen, Mr. Nadler, Mr. Matheson, Mr. Osborne, Mr. Markey, Mr. Kennedy of Rhode Island, Mr. Sabo, Mrs. Capito, Mr. Lewis of Georgia, Mr. Peterson of Pennsylvania, Mr. LaFalce, Mr. John, Mr. Duncan, Mr. Ryan of Wisconsin, and Mr. Capuano.

H.R. 259: Mr. Bartlett of Maryland.

H.R. 261: Mr. Lewis of California and Mr. Cox.

H.R. 267: Mr. Hobson, Mr. Lucas of Oklahoma, Mr. Young of Alaska, Mr. Lewis of Kentucky, Mr. Davis of Florida, and Mr. Hilliard.

H.R. 280: Mr. Bartlett of Maryland and Mr. Linder.

H.R. 281: Mr. Hilleary.

H.R. 293: Mr. Larsen of Washington, Mr. McDermott, Ms. Sanchez, Mr. Udall of New Mexico, Mr. Bonior, and Ms. Slaughter.

H.R. 294: Mr. Rehberg.

H.R. 296: Mr. Payne.

H.R. 298: Mr. Souder, Mr. Frank, Ms. Hart, and Mr. Costello.

H.R. 303: Mr. Burton of Indiana, Mr. Inslee, Mr. Goss, Mr. Rogers of Kentucky, Mr. Largent, Mrs. Johnson of Connecticut, Mr. Reynolds, Mr. Gary G. Miller of California, Mr. Price of North Carolina, Mr. Hinojosa, Mrs. Davis of California, Mr. Langevin, Mr. Honda, Mrs. Lowey, Mr. Israel, and Mr. Dooley of California.

H.R. 318: Ms. Schakowsky, Mrs. Morella, Mr. Gilchrest, Mr. Ferguson, and Ms. Lofgren.

H.R. 336: Mr. Faleomavaega and Mr. Udall of Colorado.

H.R. 348: Mr. Deutsch.

H.R. 429: Ms. Waters.

H.R. 436: Mr. Platts, Mr. Bentsen, Mr. Hoeffel, and Mr. Capuano.

H.R. 458: Mr. Miller of Florida, Mr. English, and Mr. Sessions.

H.R. 476: Mr. Tiahrt and Mr. Blunt.

H.R. 478: Mr. Boyd.

H.R. 500: Ms. McKinney, Mr. Engel, and Mr. Capuano.

H.R. 503: Mr. Wolf, Mr. Wicker, Mr. Graves, Mr. Pickering, Mr. Ryan of Wisconsin, and Mr. Kingston.

H.R. 510: Mr. Faleomavaega and Mr. Berry.

H.R. 512: Ms. Hooley of Oregon, Mr. Bonior, and Mr. Boehlert.

H.R. 513: Mr. Faleomavaega, Mr. Boehlert, Ms. Norton, and Mr. LaFalce.

H.R. 516: Mr. Murtha.

H.R. 525: Mr. Tom Davis of Virginia.

H.R. 526: Mr. Snyder, Ms. McCollum, Mr. Ross, Mr. Davis of Illinois, Mr. Maloney of Connecticut, and Ms. DeLauro.

H.R. 527: Mr. Herger, Mr. Hostettler, and Mr. Simpson.

H.R. 542: Mr. Sessions.

H.R. 548: Mr. Watts of Oklahoma, Mr. Doyle, Mrs. Wilson, Mr. Graham, Mr. Jones of North Carolina, Mr. Boyd, Mr. Carson of Oklahoma, Mr. Miller of Florida, Mr. Mollohan, Mr. Wicker, Mr. Holt, Mr. Inslee, Mr. Stearns, Mr. Hutchinson, Mr. Frank, Mr. Paul, Mr. Cunningham, Ms. Hooley of Oregon, Mr. Young of Alaska, Mr. Spratt, Mr. Baird, Mr. Coyne, Mr. Filner, Mr. Tancredo, Mr. Hayes, Mr. Duncan, Mr. Walden of Oregon, Mr. Isakson, Mr. Bonilla, Mr. DeFazio, Mr. Blumenauer, Mr. Smith of New Jersey, Mr. Jefferson, Ms. McCarthy of Missouri, Mr. Crenshaw, Mr. Baca, Mrs. Emerson, Mr. Ross, Ms. Pelosi, Mr. Lantos, Mr. Gordon, Mr. Blunt, Mr. Sanders, and Mrs. Thurman.

H.R. 549: Mr. Houghton, Mr. Ney, and Mr. Gekas.

H.R. 566: Mr. Langevin.

H.R. 572: Mr. Manzullo, Mr. McIntyre, and Mr. Conyers.

H.R. 582: Ms. Millender-McDonald, Mr. Holden, and Mrs. Thurman.

H.R. 586: Mr. Osborne, Mrs. Clayton, and Mr. Udall of Colorado.

H.R. 595: Ms. McKinney, Mr. McIntyre, Mr. King, Mr. Schiff, Mr. Wexler, Mrs. Thurman, Mr. Langevin, and Mr. Evans.

H.R. 599: Ms. Kaptur, Ms. Woolsey, Mrs. Davis of California, Ms. Baldwin, Mr. Langevin, Mr. Bonior, Mrs. Morella, Mr. Pascrell, and Mr. Rothman.

H.R. 602: Ms. Hart, Mr. McIntyre, and Mr. Rothman.

H.R. 604: Mr. Blagojevich, Mr. Davis of Illinois, Mr. Kildee, Mr. Lantos, and Ms. McKinney.

H.R. 606: Mr. Kennedy of Rhode Island, Mr. Becerra, Mr. Dingell, Mr. Kildee, Ms. Pelosi, Mr. McNulty, Mr. Owens, Mr. McGovern, Mr. Abercrombie, Mr. Udall of New Mexico, Mr. Berry, Mr. Neal of Massachusetts, Mr. Costello, and Mr. Hutchinson.

H.R. 608: Mr. Strickland.

H.R. 612: Mr. Jones of North Carolina, Mr. Kucinich, Mr. Larson of Connecticut, Mr. Ney, Mr. Frelinghuysen, Mr. Conyers, Mr. Neal of Massachusetts, and Ms. Jackson-Lee of Texas.

H.R. 619: Ms. Lofgren.

H.R. 623: Mrs. Tauscher.

H.R. 631: Ms. Slaughter.

H.R. 639: Mr. Foley, Ms. Carson of Indiana, Mrs. Thurman, Ms. Slaughter, Mr. Lantos, and Mr. Diaz-Balart.

H.R. 661: Mr. Ganske, Mr. Pomeroy, and Mr. Portman.

H.R. 663: Mr. Gonzalez, Mr. Holden, and Ms. McKinney.

H.R. 665: Mr. Bishop, Mrs. Clayton, Mrs. Davis of California, Ms. Harman, Mr. Israel, Mr. Levin, Ms. Lofgren, and Mr. Stupak.

H.R. 682: Mr. Sabo.

H.R. 687: Mr. Engel, Mr. Waxman, and Mr. Honda.

H.R. 730: Mr. Boucher and Ms. Millender-McDonald.

H.R. 737: Ms. Millender-McDonald, Mr. Johnson of Illinois, Mr. Honda, Mr. Price of North Carolina, Mr. Berry, and Mr. Holden.

H.R. 746: Mr. Kerns and Mr. Tiahrt.

H.R. 747: Mr. Cox.

H.R. 752: Mrs. McCarthy of New York.

H.R. 755: Mr. Sabo, Ms. DeGette, Mr. Becerra, Mr. Boucher, and Ms. Eddie Bernice Johnson of Texas.

H.R. 760: Mr. Holden and Mr. Shays.

H.R. 762: Mr. Baca.

H.R. 770: Ms. Sanchez, Ms. Kaptur, Mrs. Jo Ann Davis of Virginia, Mr. Visclosky, Mr. Gutierrez, and Mrs. McCarthy of New York.

H.R. 778: Mr. Blumenauer, Mr. Calvert, Mr. Udall of Colorado, Ms. DeGette, Ms. Harman, Ms. Slaughter, and Ms. McCollum.

H.R. 782: Ms. Hart, Mr. Schiff, Mr. Farr of California, Mr. Stark, and Mr. Boucher.

H.R. 783: Ms. McKinney.

H.R. 786: Mr. Gonzalez and Ms. Pelosi.

H.R. 792: Mr. Kennedy of Rhode Island, Ms. Rivers, Mr. McDermott, and Mr. Stark.

H.R. 805: Mr. Tiahrt and Mr. Hill.

H.R. 817: Mr. Doolittle, Mr. Jenkins, Mr. Gary G. Miller of California, and Mr. Hastings of Washington.

H.R. 822: Ms. Eshoo, Mr. Langevin, and Mr. Kennedy of Rhode Island.

H.R. 826: Mr. Hayworth, Mr. Goode, Mr. Souder, Mr. Ryun of Kansas, and Mr. Smith of Michigan.

H.R. 827: Mr. Hilleary, Mr. Gonzalez, and Mr. Souder.

H.R. 831: Mr. Baldacci, Mr. Horn, Mr. McHugh, Mr. McGovern, Mr. Rahall, Mr. Davis of Florida, Mr. Coyne, Mr. Ramstad, Mr. Hobson, Mr. Hilliard, MR. Sandlin, Mr. Ganske, Mr. Gordon, Mr. Baca, Mr. Abercrombie, Mr. Gonzalez, Mr. Wexler, Ms. Hart, Mr. Hall of Ohio, Ms. Slaughter, Mr. Holden, Mr. Ehrlich, Mr. Moakley, Mr. Price of North Carolina, Mr. Moran of Kansas, and Mrs. Napolitano.

H.R. 840: Mrs. MORELLA, Mr. RAMSTAD, and Mrs. THURMAN.

H.R. 844: Mr. KING, Mr. FRANK, Mr. MCNULTY, Mr. ENGLISH, Ms. VELÁZQUEZ, Mr. BOEHLERT, and Mr. WEINER.

H.R. 862: Ms. LOFGREN.

H.R. 868: Mr. NUSSLE, Mr. PENCE, Mrs. EMERSON, Mr. TRAFICANT, Mr. PHELPS, Mr. BARTLETT of Maryland, Ms. DELAURO, Mr. FERGUSON, Mr. FARR of California, Mr. WAMP, Mr. HOLDEN, Mr. STUMP, Mr. LANTOS, Mr. LATOURETTE, and Mr. PUTNAM.

H.R. 869: Mr. GREEN of Wisconsin, Mrs. MORELLA, and Ms. HART.

H.R. 876: Mr. GONZALEZ, Mr. DICKS, Ms. BERKLEY, Mr. STENHOLM, and Mr. INSLEE.

H.R. 877: Mr. RYUN of Kansas and Mr. TIAHRT.

H.R. 885: Mr. RUSH.

H.R. 906: Mr. GILCHREST, Mr. GRUCCI, Mr. HOEFFEL, and Mr. BLUMENAUER.

H.R. 912: Mr. PORTMAN, Mr. KLECZKA, Mrs. DAVIS of California, Mr. RUSH, and Mrs. THURMAN.

H.R. 917: Mr. SABO.

H.R. 921: Mrs. THURMAN.

H.R. 931: Mr. ARMEY, Mr. BLUNT, Mr. MCGOVERN, Mr. SHAYS, Mr. ROHRABACHER, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. DOYLE, and Mr. SOUDER.

H.R. 933: Mr. BONIOR, Mr. DAVIS of Illinois, and Mr. PALLONE.

H.R. 937: Mr. STUMP.

H.R. 948: Mr. RODRIGUEZ, Mr. BALDACCI, Mr. FRANK, Mr. LANTOS, Mr. RAHALL, Ms. ESHOO, Mr. LAFALCE, Mr. MCNULTY, Mr. LOBIONDO, Mr. HOLDEN, Mr. CLAY, Ms. SCHAKOWSKY, and Ms. RIVERS.

H.R. 951: Mr. JONES of North Carolina, Mr. HOLDEN, Mr. TOOMEY, Mr. LARGENT, Mr. BENTSEN, Mr. PRICE of North Carolina, Mrs. THURMAN, Ms. DEGETTE, Mr. SANDERS, Mrs. MORELLA, Mr. BISHOP, Ms. MCCOLLUM, and Mr. FRANK.

H.R. 952: Ms. MCCARTHY of Missouri, Ms. SLAUGHTER, Mr. BLUNT, Mr. HOBSON, Mr. JONES of North Carolina, Mrs. CAPPS, Ms. KAPTUR, Ms. RIVERS, Mr. GEPHARDT, and Mr. NEAL of Massachusetts.

H.R. 954: Mr. STRICKLAND, Mr. SANDERS, Mrs. CAPPS, Mr. BOEHLERT, Mrs. THURMAN, Mr. BLUMENAUER, Mr. BALDACCI, Mr. WU, Mr. DICKS, Ms. MCKINNEY, Mr. PAYNE, and Mrs. DAVIS of California.

H.R. 962: Mr. RUSH.

H.R. 967: Mr. RANGEL, Mr. WEXLER, Mrs. ROUKEMA, Mr. BONIOR, Ms. ESHOO, Mr. FARR of California, Mr. LANGEVIN, Mr. GOODE, Mr. KING, Mrs. MINK of Hawaii, Mr. GALLEGLY, and Ms. MCCOLLUM.

H.R. 968: Mr. BONIOR, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. PAUL, Mr. WICKER, Mr. COSTELLO, Mr. SCHROCK, and Mr. SANDLIN.

H.R. 969: Mr. LAHOOD, Mr. NEY, Mr. CHAMBLISS, and Mr. BUYER.

H.R. 1001: Mr. SANDLIN.

H.R. 1004: Mr. CLYBURN.

H.R. 1016: Mr. BARTLETT of Maryland.

H.R. 1018: Mr. TIBERI.

H.R. 1020: Mr. MORAN of Kansas, Mr. NADLER, Mr. LARSEN of Washington, Mr. MCHUGH, Mr. HOLDEN, Mr. FILNER, Mr. PLATTS, Mr. ROSS, Mr. SANDERS, Mr. BASS, Mr. DEFAZIO, Ms. HART, Mr. BALDACCI, Mr. VISCLOSKY, Mr. GANSKE, Mr. WATKINS, Mr. TIAHRT, Mr. PETRI, Mr. BOEHLERT, Mr. HAYES, Mr. ENGLISH, Mr. HILL, Mr. HERGER, Ms. KAPTUR, Mr. LIPINSKI, and Mr. GEKAS.

H.R. 1029: Mr. HOEKSTRA, Mr. SCHAFFER, Mr. PITTS, Mr. CANTOR, Mr. TIAHRT, and Mr. SOUDER.

H.R. 1051: Mr. GEORGE MILLER of California and Mr. RUSH.

H.R. 1052: Mr. KANJORSKI and Mr. RUSH.

H.R. 1053: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1054: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1055: Mr. GEORGE MILLER of California and Mr. RUSH.

H.R. 1056: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1057: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1058: Mr. GEORGE MILLER of California and Mr. RUSH.

H.R. 1059: Mr. GEORGE MILLER of California.

H.R. 1060: Mr. GONZALEZ, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1061: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, and Mr. RUSH.

H.R. 1072: Mr. BLAGOJEVICH and Ms. MCKINNEY.

H.R. 1076: Mr. PAYNE, Ms. WATERS, Ms. RIVERS, Mr. RODRIGUEZ, Mr. MURTHA, Mr. EDWARDS, Mr. HINCHEY, Mr. STRICKLAND, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Ms. HOOLEY of Oregon, Mr. TRAFICANT, and Mr. ACKERMAN.

H.R. 1082: Mr. SANDLIN, Mr. GREEN of Wisconsin, Mr. TERRY, Mr. PUTNAM, Mr. PASCRELL, Mr. HAYES, and Mr. LATHAN.

H.R. 1083: Mr. WU.

H.R. 1084: Ms. KAPTUR.

H.R. 1086: Mr. BONIOR.

H.R. 1097: Mr. MCKEON, Mr. TIERNEY, Mr. BERMAN, Mr. COYNE, Ms. MCKINNEY, and Mr. LANTOS.

H.R. 1112: Mr. STARK, Mr. WAXMAN, and Mr. RUSH.

H.R. 1116: Ms. LOFGREN.

H.R. 1121: Mrs. EMERSON, Mr. OBERSTAR, Mr. LATOURETTE, Mr. HINCHEY, Ms. DELAURO, Mr. SANDERS, Mrs. LOWEY, Mr. BALDACCI, Mr. GEORGE MILLER of California, Ms. KAPTUR, and Ms. MCKINNEY.

H.R. 1136: Mr. FALEOMAVAEGA.

H.R. 1137: Mr. HEFLEY, Ms. HART, Mr. SERRANO, and Mr. MORAN of Virginia.

H.R. 1138: Mr. SCHAFFER, Mr. DAVIS of Illinois, Mr. YOUNG of Alaska, Mr. PICKERING, and Mr. SESSIONS.

H.R. 1140: Mr. COMBEST, Mr. BARTON of Texas, Mr. KENNEDY of Minnesota, Mr. GALLEGLY, Mr. REHBERG, Mrs. BONO, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. ROGERS of Michigan, Mr. PORTMAN, Mr. RAMSTAD, Mr. PICKERING, Mr. SCHROCK, Mr. PUTNAM, Mr. COBLE, Mr. STUMP, Mr. TIBERI, Ms. GRANGER, Mr. HANSEN, Mr. MCINNIS, Mr. WEXLER, Mr. TANNER, Mr. GORDON, Mr. ACKERMAN, Mr. BOYD, Mr. DAVIS of Illinois, Mrs. CAPPS, Ms. MCCARTHY of Missouri, Ms. PELOSI, MR. CRAMER, Ms. RIVERS, Mr. SCHIFF, Mr. WAXMAN, Ms. WOOLSEY, Mr. LEVIN, Mr. HONDA, Mr. SMITH of Washington, Mr. HALL of Ohio, Ms. LOFGREN, and Mr. SERRANO.

H.R. 1143: Ms. WOOLSEY, Mr. FARR of California, Mr. DAVIS of Florida, Mr. RUSH, Mr. BACA, Mr. QUINN, Mrs. TAUSCHER, Mr. FRANK, Mr. STARK, Mr. TOWNS, Mr. LANTOS, and Mr. MCNULTY.

H.R. 1147: Mr. GREENWOOD and Ms. MCKINNEY.

H.R. 1155: Mr. BECERRA, Mr. KIND, Ms. MCCARTHY of Missouri, Mr. JACKSON of Illinois, Mr. ROTHMAN, Mr. MASCARA, Mr. BOSWELL, and Mr. LATOURETTE.

H.R. 1160: Mr. SABO.

H.R. 1165: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1170: Mrs. NAPOLITANO, Mr. FARR of California, Mr. ROSS, Mr. FALEOMAVAEGA, Mr. ENGEL, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, and Ms. ESHOO.

H.R. 1177: Ms. ESHOO and Mrs. MORELLA.

H.R. 1182: Mr. TOOMEY.

H.R. 1184: Mr. GUTIERREZ, Mr. RANGEL, Mr. CLEMENT, Mr. LANGEVIN, Mr. HOYER, and Mr. BONIOR.

H.R. 1187: Mr. BLAGOJEVICH, Mr. GILMAN, Mr. PASCRELL, Mr. SCHIFF, Mr. WEXLER, Mr. CROWLEY, and Mr. BORSKI.

H.R. 1192: Ms. MCCOLLUM, Ms. MCKINNEY, Mr. KUCINICH, Ms. BROWN of Florida, Mr. SHOWS, Mr. DOYLE, Mrs. MALONEY of New York, Mr. OBERSTAR, Mr. SIMMONS, Mr. GUTKNECHT, Mr. ANDREWS, Mr. MATSUI, Mr. CARSON of Oklahoma, Mr. JOHNSON of Illinois, Ms. RIVERS, Mr. BLAGOJEVICH, Mr. CARDIN, Mr. OLVER, Mr. MARKEY, Mr. FORD, and Mr. DEFAZIO.

H.R. 1194: Ms. CARSON of Indiana, Mr. PORTMAN, and Mr. TIERNEY.

H.R. 1227: Mr. BARR of Georgia.

H.R. 1234: Mr. HASTINGS of Florida, Mr. MEEKS of New York, and Ms. MILLENDER-MCDONALD.

H.R. 1238: Mr. COYNE, Mrs. MORELLA, and Mr. JEFFERSON.

H.R. 1242: Mr. TOWNS, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mrs. MORELLA, Mr. TOM DAVIS of Virginia, Mr. NADLER, Mr. MCNULTY, Mr. TERRY, Ms. VELÁZQUEZ, Mr. CAPUANO, and Ms. JACKSON-LEE of Texas.

H.R. 1252: Mr. SAXTON, Mr. HOLT, Ms. ROYBAL-ALLARD, Mr. FRANK, Mr. OWENS, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. HILLIARD, Mr. RAHALL, Ms. HARMAN, Mr. PASCRELL, Mr. STARK, Mr. FROST, Ms. BALDWIN, Mr. FARR of California, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. SOLIS, Mr. VISCLOSKY, Mrs. CLAYTON, Mrs. MALONEY of New York, and Mr. THOMPSON of Mississippi.

H.R. 1255: Ms. KAPTUR, Ms. PELOSI, Mr. RUSH, and Mr. ENGEL.

H.R. 1271: Mr. WELDON of Pennsylvania.

H.R. 1275: Mrs. THURMAN, Mr. KIRK, Mr. STRICKLAND, Ms. MCKINNEY, Mr. SMITH of Washington, Mr. FILNER, and Mr. SMITH of New Jersey.

H.R. 1276: Ms. KAPTUR and Mr. GEORGE MILLER of California.

H.R. 1280: Ms. HART, Ms. NORTON, Mr. BACA, Mr. NEAL of Massachusetts, and Mr. FRANK.

H.R. 1291: Ms. HART, Mr. RAHALL, Mr. BACA, Mr. BONIOR, Ms. NORTON, Mr. PAYNE, Mr. PASTOR, Mr. GOODE, and Ms. ROYBAL-ALLARD.

H.R. 1296: Mr. HULSHOF, Mr. GONZALEZ, Mrs. EMERSON, Mr. BARTON of Texas, Mr. JENKINS, Mr. PETRI, Mr. SMITH of Texas, and Mr. TOM DAVIS of Virginia.

H.R. 1305: Mr. BARR of Georgia, Mr. BARRETT, Mr. BURR of North Carolina, Mr. CLAY, Mrs. CLAYTON, Mr. COBLE, Mr. COLLINS, Mr. GEPHARDT, Mr. GILLMOR, Mr. HULSHOF, Mr. NUSSLE, Mr. OBERSTAR, Mr. ROGERS of Michigan, Mr. TIBERI, and Mr. VITTER.

H.R. 1306: Mr. STARK, Mr. WAXMAN, and Mr. DOYLE.

H.R. 1307: Mr. BONIOR, Mr. KILDEE, Mr. BALDACCI, Mr. MCGOVERN, Ms. LEE MR. HINCKEY, Mr. HILLIARD and Mr. GEORGE MILLER of California

H.R. 1313: Ms. MCKINNEY.

H.R. 1324: Mr. ROSS, Mr. CARSON of Oklahoma, Mrs. MINK of Hawaii, Mr. ACEVEDO-VILÁ, AND MR. BONILLA.

H.R. 1328: Mr. HALL of Ohio, Mr. OBERSTAR, Mr. GANSKE, Mr. NEY, Mr. GILLMOR, Mr. LATOURETTE, Ms. MILLENDER-MCDONALD, and Mr. BACA.

H.R. 1330: Mr. BORSKI, Mrs. MINK of Hawaii, Mr. SANDLIN, Mr. GUTIERREZ, Mr. FILNER, Mr. LEVIN, Mr. STARK, Mr. BONIOR, Mr. STEARNS, Mr. HONDA, Mr. PRICE of North Carolina, and Mr. BROWN of Ohio.

H.R. 1335: Ms. DeLauro and Mrs. Mink of Hawaii.

H.R. 1340: Mr. Smith of New Jersey.

H.R. 1351: Mr. Owens.

H.R. 1354: Mr. Wynn, Mr. McDermott, Mr. LaTourette, Ms. McKinney, Mr. Abercrombie, Mr. Pallone, Mr. Rush, Mrs. Morella, Mr. Oberstar, Mr. Brown of Ohio, Mr. Baldacci, and Mr. Towns.

H.R. 1358: Ms. Jackson-Lee of Texas, Mr. Crowley, Mr. Holt, Mr. Wexler, and Mr. Pallone.

H.R. 1360: Mr. Tierney, Mr. Barrett, Mr. McGovern, Mr. Pallone, Mr. Faleomavaega, Ms. Brown of Florida, Mr. Kind, Mr. Olver, Mr. Rahall, Mr. Capuano, Mrs. Mink of Hawaii, Mr. Hastings of Florida, and Mr. Baldacci.

H.R. 1366: Mrs. Napolitano, Ms. Lee, Mr. Ose, Mr. Thomas, Mr. Radanovich, Ms. Woolsey, Mr. Doolittle, Mr. Horn, Mr. Herger, Mr. George Miller of California, Mr. Rohrabacher, Mr. Sherman, Mr. Calvert, and Mr. Stark.

H.R. 1367: Mr. Lewis of Georgia, Mr. Pallone, and Mr. Boucher.

H.R. 1371: Ms. Schakowsky, Ms. Millender-McDonald, Mr. Kucinich, Mr. Sanders, Mr. Wexler, Mrs. Tauscher, Mr. Waxman, and Mr. Lantos.

H.R. 1375: Mr. Souder, Mr. Rangel, and Mr. McIntyre.

H.R. 1377: Mr. Bartlett of Maryland, Mr. Hutchinson, Mr. Crenshaw, and Mrs. Wilson.

H.R. 1388: Mr. Lucas of Oklahoma, Mrs. Clayton, Mr. Thompson of Mississippi, Mr. Berry, Mr. Baldacci, Mr. Shimkus, Mr. Skelton, and Mr. Hilliard.

H.R. 1400: Mr. Udall of Colorado, Mr. Hilliard, Mr. Sabo, Mr. Gonzalez, Mr. Langevin, Mr. Ross, Mr. Ackerman, and Mr. Rodriguez.

H.R. 1416: Mr. Crowley.

H.R. 1431: Mr. Carson of Oklahoma, Mr. Kucinich, and Ms. DeGette.

H.R. 1436: Mr. Whitfield, Mr. Brown of Ohio, Mr. Bonior, Mr. George Miller of California, Ms. Slaughter, Mr. Stark, and Mr. McNulty.

H.R. 1438: Mrs. Thurman.

H.R. 1450: Mr. Crenshaw, Ms. Brown of Florida, and Mr. Deutsch.

H.R. 1452: Ms. Lee, Mr. Stark, Mr. Abercrombie, and Mr. Gutierrez.

H.R. 1462: Mr. Schaffer.

H.R. 1464: Ms. Baldwin, Mr. Ford, Mr. Farr of California, Mr. Nadler, Mr. Blumenauer, Mrs. Thurman, and Mr. Rodriguez.

H.R. 1467: Mr. Otter, Mr. Shows, and Mr. Goode.

H.R. 1468: Ms. Roybal-Allard.

H.R. 1470: Mr. Sabo, Mr. Sawyer, and Mr. Lantos.

H.R. 1471: Mrs. Thurman.

H.R. 1488: Ms. Eshoo.

H.R. 1490: Mr. Price of North Carolina, Mr. Gallegly, and Mr. Hutchinson.

H.R. 1496: Mr. Wolf.

H.R. 1497: Mr. Sherman and Mr. Shows.

H.R. 1498: Mr. Jefferson.

H.R. 1501: Mr. Bereuter.

H.R. 1507: Mrs. Thurman, Mr. Goode, and Mr. Everett.

H.R. 1522: Mr. Green of Texas, Mr. Kucinich, Mr. McDermott, Mrs. Thurman, Mr. Rush, Mr. George Miller of California, Ms. Lee, Mr. Price of North Carolina, Mr. Boucher, Mr. Lantos, and Mr. Filner.

H.J. Res. 13: Ms. Rivers.

H.J. Res. 20: Mr. Underwood.

H.J. Res. 36: Mr. Schaffer, Mr. Combest, Mr. Blunt, Mr. Costello, Mr. Pickering, Mr. Callahan, Mr. Manzullo, Mr. Largent, Mrs. Roukema, Mr. Bartlett of Maryland, and Mr. Baldacci.

H. Con. Res. 25: Mr. Weller, Mr. Stark, and Mr. Rothman.

H. Con. Res. 37: Mr. Bereuter.

H. Con. Res. 42: Mr. Tierney, Mrs. Maloney of New York, Mr. Conyers, Mr. Dicks, Mr. Maloney of Connecticut, and Mr. Pastor.

H. Con. Res. 45: Mrs. Wilson, Ms. Jackson-Lee of Texas, Mr. Bonior, and Mr. Holt.

H. Con. Res. 58: Mr. Crowley, Mr. Bonior, and Mr. Blagojevich.

H. Con. Res. 67: Mr. Rohrabacher, Mr. Bartlett of Maryland, and Mr. King.

H. Con. Res. 68: Mr. Wynn, Mr. Wamp, Mr. Shows, Mr. Bonior, and Mr. Frank.

H. Con. Res. 72: Mr. Kucinich, Mr. Souder, and Mr. Rush.

H. Con. Res. 89: Mr. Akin, Mr. Graves, Mrs. Emerson, Mr. Hulshof, Mr. Blumenauer, Mr. Otter, Ms. Dunn, and Mr. DeFazio.

H. Con. Res. 95: Mr. Boehner, Mr. Petri, Mr. Hoekstra, Mr. Roemer, Mr. Burr of North Carolina, Mr. Fletcher, Mr. Keller, Mr. DeMint, Mr. McKeon, Mr. Schaffer, Mr. Smith of New Jersey, Mr. Castle, and Mr. Isakson.

H. Con. Res. 97: Mr. Bonior, Mr. Baca, and Mr. Sherman.

H. Con. Res. 98: Ms. Schakowsky, Mr. Gonzalez, Ms. Millender-McDonald, Mr. McGovern, Mrs. Morella, Mr. Honda, Ms. Brown of Florida, and Mr. Schiff.

H. Con. Res. 104: Mrs. Clayton, Ms. Schakowsky, Mr. Kildee, Mr. Faleomavaega, Mrs. Lowey, Mr. McKeon, and Mr. Levin.

H. Res. 13: Ms. Slaughter and Ms. Ros-Lehtinen.

H. Res. 14: Mr. Langevin.

H. Res. 75: Mr. Manzullo.

H. Res. 87: Mr. Coyne, Ms. Schakowsky, Mr. Langevin, and Mr. DeFazio.

H. Res. 97: Mr. Levin and Mr. Lantos.

H. Res. 112: Mr. Shimkus and Mr. Sam Johnson of Texas.

H. Res. 117: Mr. Brown of Ohio, Mr. Matsui, Mr. Schiff, Mr. Conyers, Mr. Blumenauer, and Mr. Pascrell.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 641: Mr. Osborne.

H. R. 1310: Mrs. Maloney of New York.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 503

Offered By: Ms. Lofgren

(Amendment in the Nature of a Substitute)

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motherhood Protection Act of 2001".

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

H.J. Res. 41

Offered By: Ms. Jackson-Lee

Amendment No. 1: Page 3, line 22, strike the close quotation mark and the period that follows.

Page 3, after line 22, insert the following:

"Section 3. Any bill, resolution, or other legislative measure reducing benefits payable from the Federal Old Age and Survivors Insurance Trust Fund, the Federal Disability Trust Fund, the Medicare Hospital Insurance Trust Fund, the Medicare Supplemental Medical Insurance Trust Fund, or any successor fund shall require for final adoption in each House the concurrence of two thirds of the Members of that House voting and present.".

Page 2, lines 15 and 16, insert ", other than section 3," after "this article" each place it appears.

EXTENSIONS OF REMARKS

HONORING DR. DAVID K. WINTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. CAPPS. Mr. Speaker, I would like to pay tribute to Dr. David K. Winter, President of Westmont College in Santa Barbara, who will soon retire. Though his impending departure is a great loss, I would like to congratulate David and thank him for 25 years of service and dedication to Westmont College and its surrounding community.

David has a 25-year history of service to higher education. The list of organizations within American higher education that have benefited is a prestigious one. As president of Westmont, he has served on the boards of the National Association of Independent Colleges and Universities, the Council of Independent Colleges, and the Council for Higher Education Accreditation, where he directed the board for three years.

During his presidency, David has also provided leadership in connecting Westmont College to the local community. He is very active in local organizations, serving as the director of the Montecito Association, the Montecito Rotary Club, the Channel City Club, the Santa Barbara Chamber of Commerce, and St. Vincent's school. He has also chaired the board of the Salvation Army Hospitality House, the Santa Barbara Industry Education Council, and the Santa Barbara County United Way Campaign, and served as vice chair of the Cottage Hospital board of directors.

His honors are too long to list, but David has been named in a survey of higher education officials and scholars who study the college presidency, as one of the 100 most effective college leaders in the United States. In addition, David has received the Santa Barbara News-Press 1998 Lifetime Achievement Award, and in 1999 he was selected by the John Templeton Foundation as one of the 50 college presidents who have exercised leadership in character development. Most recently, David was honored with the "Distinguished Community Service Award" by the Anti-Defamation League and Santa Barbara B'nai B'rith Lodge.

Clearly, David is a man of distinction. But his faithful dedication to education is perhaps his most important contribution. He aimed for excellence in all things, and the college has reached beyond its grasp to accomplish his vision. His plan was anchored in the premise that learning should be a lifelong pursuit. Accordingly, David has led the college under the theory that, in order to best serve its students, a college should arm its students with the skills, knowledge, and enthusiasm to continue learning long after they leave.

On a personal note, David has been a good friend and someone with whom it has been a fine pleasure to work closely with over my years both as a Member of Congress and resident of the community. I look forward to continuing our friendship in the years ahead.

Mr. Speaker, for his lifetime of service to education and commitment to community involvement, I recognize and salute Dr. David K. Winter and thank him for all his efforts on behalf of the entire Central Coast community. I am confident that David will remain a prominent figure in the community as he begins to enter a new phase in his life. We all owe him a tremendous debt of gratitude, and I wish him the best of luck in all of his future endeavors.

RECOGNIZING THE WEEK OF APRIL 15–21 AS LIONS CLUB WEEK

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, the Fairfax, Virginia Host Lions Club, is observing its 50th anniversary this month. The Fairfax chapter boasts a long list of distinguished members, including former Congressman William L. Scott, now a State Senator. The Mayor of the City of Fairfax has issued a proclamation proclaiming the week April 15 through 21 as Lions Club Week in the City. I ask unanimous consent that this proclamation be printed in the RECORD.

PROCLAMATION

Whereas, on April 21, 2001 the Fairfax Host Lions Club will celebrate fifty years of community service to citizens and organizations of Fairfax, Virginia; and

Whereas, the Fairfax Host Lions Club have given unselfishly of their time and skills to answer requests affecting the welfare of our community; and

Whereas, these Lions have helped mankind in Fairfax through assisting the needy with food baskets at Thanksgiving, Christmas, and Easter; furnishing eyeglasses, hearing aids and exams; providing support to Little League, Scouting, Drug Awareness and other youth programs; supporting the Lions Eye Clinic at Fairfax Hospital; providing support to the Eye Glass Recycling Program; providing support to selected International Programs to include Leader Dogs for the sight impaired and Hearing Dogs for the hearing impaired; and supporting Diabetes and Amyotrophic Lateral Sclerosis Disease (Lou Gehrig's Disease) Awareness Programs in this area.

Now, therefore, I, John Mason, Mayor of the City of Fairfax, Virginia, do hereby proclaim the week of April 15–21, 2001 as Lions Club Week in the City of Fairfax and encourage all residents of the City to join in paying honor to and supporting the Lions for their many activities benefitting humanity in our City.

Signed,

JOHN MASON,
Mayor.

Mr. Speaker, throughout our Country the Lions attempt to improve their communities in numerous ways although special emphasis is placed upon sight conservation. We in Virginia are proud of the Old Dominion Eye Bank, which, with the assistance of dedicated physicians, enables blind people to see once again. They also participate with other Northern Virginia Lions in an Eye Glass Recycling Program, providing glasses to numerous needy people overseas.

I certainly hope that the Fairfax Host Lions Club can continue serving the Fairfax area in so many worthwhile ways, and would like to add my congratulations to the club for the fine work they have done over the years. I call upon all of my colleagues to congratulate them on their fine achievements.

TRIBUTE TO JEWISH FAMILY SERVICE OF LOS ANGELES, SANFORD WEINER AND ZEV YAROSLAVSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Jewish Family Service of Los Angeles and the "FAMMY 2001" honorees, Sanford Weiner and Los Angeles County Supervisor Zev Yaroslavsky. Sandy Weiner and Zev Yaroslavsky will be given the "FAMMY 2001" Award at this year's JFS Dinner Gala on June 24, 2001.

JFS is one of Los Angeles' largest and oldest social service agencies. It is an organization dedicated to preserving and strengthening the lives of individuals and families. The staff helps rehabilitate the homeless and provides care for senior citizens, individuals with disabilities and people with AIDS. They also counsel troubled families, help recent immigrants navigate complicated INS procedures, and offer counseling and advocacy to battered women and their children. JFS is an extremely important organization that makes a real difference in the lives of many people.

We are very pleased that JFS has chosen to honor the past president and former chair of the JFS Immigration and Resettlement, Save-A-Family and Fiscal committees, Sandy Weiner, with the "FAMMY 2001" Award. His extraordinary record of community service and his unyielding and successful work to expand JFS have earned him this award. His work within the Jewish community is legendary. He has been an active member and support of many organizations including the Jewish Federation, the American Jewish Congress, Americans for Peace Now and the Progressive

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jewish Alliance. We have known Sandy for more than 40 years, since we were students, and are proud to call him a friend. His selflessness, dedication, and accomplishments are inspirational.

Like Sandy Weiner, Supervisor Zev Yaroslavsky is also both an old friend and a worthy recipient of a "FAMMY 2001" Award. Zev helped the JFS gain recognition as the agency with expertise in helping older people, and he worked to get the agency critical funding to expand these services. When Zev was a City Councilman, he helped JFS obtain the funding that started Home Secure, a program to provide free safety modification for renters and homeowners with limited incomes—a program that now serves over 2000 households in the Los Angeles area. Zev's energy and passion are legendary. He is well respected by the citizens of Los Angeles for his remarkable leadership and his responsiveness to the needs of his constituents. We are proud to have him represent us on the Los Angeles County Board of Supervisors and we are privileged to call him a friend.

Mr. Speaker, it is our distinct pleasure to ask our colleagues to join with us in saluting Jewish Family Service of Los Angeles, Sanford Weiner, and Los Angeles County Supervisor, Zev Yaroslavsky, for their commitment to improving the lives of many in our community.

A TRIBUTE TO CAROLINE PAGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. FARR of California. Mr. Speaker, I rise to honor the life of a woman who helped change the face of the Monterey Peninsula in California. Caroline Page died last month at the age of 72, but the legacy she created will carry her memory for a long time to come.

Caroline was the daughter of a consul and the wife of a member of the military, so she was used to traveling and moving. When she moved to Monterey in 1958, however, she knew she had found a place where she could work wonders, and lived there until she died.

She joined the Monterey Peninsula chapter of the League of Women Voters, and remained active in it until her death. Indeed, Mr. Speaker, she chaired several committees and projects, and even served as the chapter's president from 1978 to 1980. She was the driving force behind the establishment of the League's housing committee, and helped complete their two-year study on affordable housing on the Peninsula.

Her political interests did not end there. Caroline was active on many political campaigns, beginning with George McGovern's presidential campaign. She was also active on the campaigns for former Monterey County Supervisor Karin Strasser Kauffman, Leon Panetta's first run for this body, and my father, Fred Farr's California State Assembly campaigns.

Caroline Page was also a tireless advocate and worker for education. She did everything from volunteering in classrooms to serving on local school boards and community college boards. Perhaps her greatest inflence in education came when she was elected to the Monterey Peninsula College (MPC) Board of Trustees in 1987, and subsequently re-elected for two more terms. In this role she helped form the MPC Foundation, the essential fundraising arm of the college. With donations from her and her husband and the rest of the community, the Foundation helped build a language lab and complete renovation projects throughout the campus, among other things.

Caroline was an inspiring woman who was universally adored. She was honored by many throughout her life, including a special recognition by the Monterey Peninsula Chamber of Commerce as their 1999 Public Official of the Year. She was a devoted, dedicated and knowledgeable public servant, and she will be sorely missed by her husband of almost 50 years, Charles; sons Stephen of Sonoma, California, David and Chris of San Jose, California, and Jeff of Silver Spring, Maryland; her brother, John Randolf of Burlington, Iowa; and six grandchildren.

IN RECOGNITION OF LET'S CELEBRATE, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Let's Celebrate, Inc., and to commend its mission, 'helping people move from hunger to wholeness.' Let's Celebrate, Let's Swing, the organization's annual fundraiser, will be held on April 19, 2001. The event will provide an opportunity for Let's Celebrate to express gratitude to its supporters, while also paying tribute to community leaders.

Let's Celebrate, Inc., provides the type of assistance that allows struggling community members to get through the hard times. Let's Celebrate has developed a variety of programs to meet the needs of the poor. These programs offer food assistance, career and money management counseling, and job training:

The Emergency Food Network consists of 14 food pantries and 7 soup kitchens;

The Housingplus Program provides budget/money management counseling and career counseling;

The Senior Service Program provides home-delivered meals to seniors and the disabled; and

The Jobpower Culinary Arts Training School is a twenty-week training program that targets homeless, at-risk youth, and low-income individuals to help them develop into well-rounded people who can gain stable housing and permanent employment in the food service/hospitality industry.

Every community across America depends on the generosity, compassion, and hard work of dedicated men and women who spend their lives helping others. The impact these individuals have on their communities is not only beneficial to those who receive assistance, but is also beneficial to every citizen of this great country.

Today, I ask my colleagues to join me in recognizing Let's Celebrate's important contributions to America.

IN HONOR OF THE CITY OF PARMA'S 175TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the City of Parma, Ohio, on its 175th birthday. For almost two hundred years, this city has served as a model of social consciousness and diversity.

Becoming a home to many in the 1820s, the City of Parma quickly evolved into an important pioneer territory. Originally having to ward off such dangerous beasts as wolves and bears, the people came together and formed a vibrant community of settlers. It was this sense of community which helped to attract notable figures such as Dr. Rockefeller, father of the famed John D. Rockefeller, to move to the area. The City grew quickly as more people moved into the bustling city. By 1940, 16,000 people were living in the City of Parma.

During World War II, the City of Parma sent its sons and daughters off to defend our nation. When they came home, the City of Parma witnessed rapid expansions as many young people chose to build houses and start their families in this attractive city. This period of growth attracted a diverse group of people to live together. In Parma, people of all races, beliefs and religions live together in a respectful and honorable environment. By 1970, over 100,000 people were living in this wonderful city.

Today, the City of Parma stands as a testament to good will and peace. My fellow colleagues, please stand with me in honoring the City of Parma on its 175th birthday.

HONORING GENERAL JAMES C HALL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. TANCREDO. Mr. Speaker, I come before the House today to honor the remarkable achievements of Brigadier General James C Hall. He was born on April 14, 1926, in a time when the day after his birthday, Tax Day, was just another day of the month. This weekend, General Hall was the guest of honor at the home of Governor Bill Owens celebrating his 75th birthday and 30th anniversary with his gracious wife, Georgann.

Many of us have read adventure novels, or vicariously experienced adventure in the movies or on television, but General Hall is a real life hero. He enlisted in the Army Air Corps in 1943 during World War II and served as a B–17 Gunner at only 17 years of age. He lost one brother at the "Battle of the Bulge" and another brother lost a leg. He served on

Tinian Island in the Marianas where the Enola Gay was launched to bomb Hiroshima ultimately leading to the end of the war. Yet, his service to his country did not end there.

For a time he attempted to exercise his adventurous acumen on a gold mine in Mexico and after, loosing a plane and risking his life protecting the claim, walked away in search of other ventures. He worked in Hollywood as a consultant for the military movie classic "Twelve O'clock High." Around that same time, General Hall was awarded a direct commission in the USAF in 1948 and distinguished himself as an expert in jumping out of perfectly good airplanes. He was the key developer of the parachuting program at the USAF Academy and has participated in over 1,200 jumps.

There is an Internet web site in his honor where Kevin Coyne, the publisher of the Ejection site writes: "In late 1965, Jim Hall a professional parachute safety instructor and Major in the Air Force Reserve volunteered to act as the human guinea pig for the 0-0 seat package." He is still the only human being ever to participate in such a test. His comment after being launched by a rocket 400 feet into the air into a small lake, "I've been kicked in the ass harder than that." Jim Hall is the epitome of the "right stuff."

Jim was a close friend of Steve Ritchie, the Air Force's first aerial Ace of Viet Nam and is an active proponent of continued use of Buckley field, General Hall was added, in 1985, to the Colorado Aviation Hall of Fame. He has been active in Colorado politics helping to create the Colorado Leadership Program. He worked to elect Jack Swigert to the 6th Congressional district in 1982 and ultimately worked with the Colorado State Legislature to place the very popular statue of Swigert, right here in our nation's Capitol.

General Jim Hall is the Arapahoe County District II Captain to the county Grand Old Party, he is the namesake of the Aurora Republican Forum's "General Jim Hall Award." He is the Military Advisor to Gov. Owens and the Governor's Community Relations Advisor for the Asian Community and I am honored to include him on my District Military Academy Selection Board and District Military Veterans' Committee.

It is my honor, and pleasure to recognize this outstanding constituent and distinguished American Service Man, here in the Nation's Capitol.

HONORING JD BUTLER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. CAPPS. Mr. Speaker, nearly half a century ago, after bravely serving his nation in the United States Navy, JD Butler became a carpenter and joined the Carpenters Union. Today, I rise to announce to my colleagues that JD has announced his retirement from the Carpenters Union, and to commend him for his outstanding services to his fellow carpenters and to our nation.

I have known JD for several years in his capacity as Executive Secretary Treasurer of the Gold Coast District Council. In this capacity, JD was a passionate and effective spokesman, not only for the members of his union, but for working families across California and our country. Since coming to Congress, I have been guided by JD's wisdom and experience on a range of issues, from pension reform, to school construction, to workplace safety, to preserving the protections of Davis-Bacon. On these and other issues, JD is a tireless advocate for the rights of American workers.

JD's success as a carpenter and labor leader is impressive. But more significant to me is the man's character. JD is a warm and compassionate man, a loving husband, father, and grandfather, and someone who has given so much of himself to better his community.

Mr. Speaker, on May 5, people from across Central and Southern California, Nevada, and Arizona will gather in Palm Springs to pay tribute to JD's decades of service to the Carpenters Union. This is certain to be an extraordinary affair honoring an extraordinary man. I know my colleagues will join me in congratulating JD on his retirement and applauding him for a career of achievement and accomplishments.

RECOGNIZING THE 150TH ANNIVERSARY OF THE MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, on Tuesday, May 15, 2001, the Massachusetts Life Insurance Company will celebrate its 150th anniversary—a milestone achieved by only twenty other Fortune 500 companies.

The Massachusetts Mutual Life Insurance Company was founded by George Rice in Springfield, Massachusetts, in 1851. Today, the MassMutual Financial Group continues to have its headquarters in Springfield, and has grown into a global diversified financial services organization with more than $213 billion in total assets under management.

The family of companies include Massachusetts Mutual Life Insurance Company, plus its subsidiaries Oppenheimer Funds, David L. Babson, Cornerstone Real Estate Advisers, MML Investors Services, MassMutual International, MassMutual Asia, The MassMutual Trust Company, Antares Capital Corporation, Persumma Financial, MML Bay State Life Insurance Company and C.M. Life Insurance Company.

The Mass Mutual Financial Group serves more than 8 million clients and offers a broad portfolio of financial products and services with offices located across the United States, and international operations in Hong Kong, Argentina, Bermuda, Chile, and Luxembourg.

Celebrating a 150th anniversary is an extraordinary accomplishment so I ask my fellow Members of Congress to join me in recognizing the MassMutual Financial Group's anniversary and congratulating them for a successful 150 years and anticipating another 150 years of continued success.

HONORING MEMBERS OF THE AMERICAN LEGION POST 364 AND AUXILIARY POST 364

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor two outstanding groups in Northern Virgina, the American Legion Post 364 and Auxiliary Post 364. Recently, four of their most outstanding members were recognized, as well as the entire Auxiliary Unit.

Jerry Howard, a member of Post 364, received the National Award for Children and Youth Chairman of the Year for Region 2. Tirelessly devoted to youth education initiatives, Jerry is most often recognized for aiding children of veterans, even providing financial assistance to those who are in need.

Marie Rhyne, also a member of Post 364, was recently appointed as a member of the National Security Committee. This Committee not only lends support to foreign relations, it also endorses ROTC, blood donations, crime prevention, and junior law cadets.

Barbara Stevenson, a member of Auxiliary Unit 364 and Legislative Chairman of the Unit, received the National Award for Outstanding Unit Legislative Program, Southern Division. Members of the Legislative Division make appearances at Congressional hearings and attend meetings with Congressmen and women's groups to explain their interests.

Marcia Wheatley, also a member of Auxiliary Unit 364 and Junior Activities Chairman, Department of Virginia, received the National Award for Outstanding Department Junior Activities Program, Southern Division. Marcia recognizes that helping our youth is key to the success of the Unit and the community.

Finally, Auxiliary Unit 364 was recognized with the Dr. Kate Barrett trophy for the most outstanding Unit in the Department of Virginia. This prestigious award is well deserved and proves that this Unit gives a great deal back to its community.

Mr. Speaker, in closing, I wish the very best to the above individuals and the entire American Legion Post 364 and Auxiliary Post 364. All of the above recognized people have certainly earned this recognition, and I call upon all of my colleagues to join me in applauding their remarkable achievements. Northern Virginia is better off because of their efforts.

A TRIBUTE TO WINI HURLBERT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of a pillar of the community, Mrs. Jean Winifred Hurlbert. Wini Hurlbert was an active member of many groups, organizations and movements in Pacific Grove and the Monterey Peninsula community in my district. Mrs. Hurlbert passed away recently, surrounded by friends and family, at the age of 94.

Mrs. Hurlbert and her husband, Elgin "Oxy" Hurlbert, a retired Navy captain, were lively members of the town of Pacific Grove for almost their entire lives. Wini began her life on the peninsula when she was 17, working at a summer retreat center, and quickly became a fixture to those who knew her. She moved to the area full time in the 1920's, and began a teaching career at Pacific Grove Grammar School, and it was there that she met her future husband. She was a dedicated teacher and educator who was instrumental in starting the preschool program in Pacific Grove, as well as being active in both the Girl Scouts and Boy Scouts.

Along with her devotion to teaching, Wini was an inspiring conservationist. She was an active member of the Monterey Peninsula Audubon Society, the Sierra Club, the Pacific Grove Museum of Natural History Association, and was also a member of The Nature Conservancy, American Birding Association, Hawk Mountain Society, the California Native Plant Society, and the Wilderness Society. Her community interests did not end there, as she was also active in the Friends of the Pacific Grove Library, the Order of the Eastern Star, the Battle of the Coral Sea Association, the Monterey Peninsula Community Concert Association and the Monterey Peninsula Choral Society.

Mrs. Hurlbert was a warm and gracious person who touched so many lives throughout the 20th Century. Her presence will not soon be forgotten, and she is missed by everyone who knew her, especially her son, Jerry Hurlbert of Weaverville, California; her daughter, Jean Jorgensen of Jackson, Wyoming; eight grandchildren; ten great-grandchildren; and one great-great-grandson.

TRIBUTE TO SYBIL AND MANNON KAPLAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my fellow Adat Ari El congregant's Sybil and Mannon Kaplan. On Sunday evening, June 3, 2001, Adat Ari El—the first Conservative synagogue in the San Fernando Valley—will celebrate the Kaplan's longstanding dedication and service to our temple and community.

The Kaplans have been members of Adat Ari El for more than 35 years and their contributions are legion. They have selflessly involved themselves in a variety of causes. Sybil is a devoted former L.A. Unified School District teacher and community activist. She has served on both the Temple and Sisterhood Board of Directors and is a founding member and past President of the Associates of the Jewish Home for the Aging. She also helped establish the San Fernando Valley Region of the Jewish National Fund and served as President and Chairman of the Board.

Manny, while acting as the managing partner for the last 24 years of the accounting firm of Miller, Kaplan, Arase & Co. LLP, has also found time to devote himself to community service. He currently serves as the Chairman of the Adat Ari El Endowment Fund and he has previously served in many other capacities within Adat Ari El, including the Presidency. He is also the current Chairman of the San Fernando Valley Region of the Jewish National Fund and President of the Valley College Patron Association. He has held many other positions and has served on the Board of Directors of such important organizations as the United Jewish Fund and the University of Judaism. Manny also was the President of Camp Ramah.

I am honored to know the Kaplans personally. I have great respect and admiration for their accomplishments, their integrity, and their civic spirit. It is with great pleasure that I ask my colleagues to join me in saluting Sybil and Mannon Kaplan for everything they've done and continue to do.

IN HONOR OF THE 20TH YEAR CELEBRATION OF THE FIRST HISPANIC COUNCIL MEMBER ELECTED IN HUDSON COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 20th Year Celebration of the First Hispanic Council Member Elected in Hudson County, New Jersey. The Hispanic Pioneers Civic Association, Inc., will host the celebration on Friday, April 20, 2001.

The Hispanic Pioneers Civic Association, Inc., (HPCA) was formed to promote and honor Hispanic leaders and non-Hispanics who have made significant contributions to the progress of the Hispanic community during the past twenty years. Whether in the field of education, politics, or community development, HPCA acknowledges those who have made a real difference.

And during the past twenty years, in New Jersey and elsewhere, many Hispanics have won elective office. However, the number of Hispanics in elective office does not proportionally reflect the number of Hispanics in America. Nevertheless, we are making great progress, and Hispanic representation will soon reflect our community's growth and our years of hard work.

In my home district, Hispanics have achieved great success in many fields, and politics is certainly no exception. I am an example of that success; and I could not have done it without the support of the Hispanic community. There have been other success stories that demonstrate how far we have come as a community. The following individuals deserve credit for helping to lay the foundation for Hispanic political and civic involvement in America, which they accomplished through hard work and dedication: Benjamin Lopez; Nydia Dávila-Colón; Efrain Rosario; George O. Aviles; Jaime Vazquez; Mariano Vega, Jr.; Fernando Colon, Jr.; Jose O. Arango; and Edwin Duroy.

The 20th Year Celebration presents a wonderful opportunity for the Hispanic community to reflect on the important contributions that Hispanics have made to American society.

Today, I ask my colleagues to join me in honoring the 20th Year Celebration of the First Hispanic Council Member Elected In Hudson County.

IN HONOR OF SAINT ELIAS MELKITE CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Saint Elias Melkite Catholic Church. This year, Saint Elias celebrates its centennial anniversary.

For the past one hundred years, Saint Elias has served as an important part of the Northeast Ohio community. A place where people of all faiths can come together to pray for peace in the Middle East, Saint Elias has effectively ministered to a diverse neighborhood. In 1997, the Catholic Church formally presented Saint Elias with the award for the Promotion of Catholic Unity and Inter-Religious Dialogue. The award recognized Saint Elias's years of dedication to ecumenicalism.

The good nature of Saint Elias has not been limited to the neighborhood which houses the parish. Starting last year, the parish has sponsored children in Lebanon by helping to provide needed medical supplies and clothing. The goodwill and love of the people of Saint Elias has been demonstrated by these acts of sharing and concern.

Saint Elias Church has always stayed true to its Melkite roots. Always stressing fellowship and service, Saint Elias has assumed important roles in its neighborhood. Most recently, Saint Elias created its first Mens Club, which has shown a deep dedication to the promotion of spiritual and material projects. They have organized countless benefits, and have raised funds for scholarships, provided relief to the poor and sponsored religious activities. The Men's Club has become a fixture in the neighborhood, bring people together to help one another.

My fellow colleagues, please join me in honoring Saint Elias Melkite Catholic Church as they celebrate their one hundredth birthday.

THE HEART OF COLUMBINE DAY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. TANCREDO. Mr. Speaker, today, I rise to give honor to efforts by Governor Bill Owens and the Jefferson County Board of Education in declaring April 20th "The Heart of Columbine Day," in support of the Heart of Columbine organization.

Last week, the Littleton community and everyone across our state of Colorado came together to quietly mark the second anniversary of the shootings at Columbine High School.

In January, in remembrance of this terrible tragedy, the Heart of Columbine organization was created by Gerda Weissman Klein and students and staff members of Columbine to encourage community involvement. The organization is actively recruiting other schools across the country to follow their lead and, already, schools in Illinois and Arizona have started their own programs.

This year, Columbine chose to focus its efforts on hunger prevention, has worked in soup kitckens, sponsored a child in the Philippines and collected more than 7,200 cans of food. Heart of Columbine also hosted a community day in the school's parking lot to involve the community in their project.

I hope that my colleagues will join me in honoring this extremely outstanding organization, which has done such a tremendous job of turning tragedy into triumph.

RECOGNIZING THE OUTSTANDING CAREER OF ROGER E. FARRELL, TEACHER, THOMAS W. BURGESS SCHOOL, HAMPDEN, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to hereby recognize the outstanding career of one of Hampden, Massachusetts' finest educators, Roger E. Farrell. Mr. Farrell has taught social studies at the Thomas W. Burgess in Hampden for thirty-four years. During that span he has instilled in Hampden's young people an appreciation of our government and of the many facets of our world. Also, he has done exceptional work in organizing award programs, student videos, and educational trips to New York and to our nation's capital. Mr. Farrell and his classes have always been welcome visitors to my office.

Even more important than this Mr. Speaker, is the fact that Mr. Farrell has significantly contributed to the molding of fine character of those he has taught over the years. The upstanding character displayed by his students on their yearly visits to Washington serves as testament of this.

Mr. Speaker, the Thomas W. Burgess School, the entire Hampden community, and myself are extremely grateful of the dedicated service that Mr. Farrell has provided his students. I congratulate him on his retirement and wish he and his wife Barbara the best of luck in all their endeavors.

HONORING WILLIAM L. GRAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. CAPPS. Mr. Speaker, I would like to pay special tribute to a good friend, close advisor, and leader of the Santa Barbara community, Mr. William L. Gray. After twenty-eight years of service, Bill recently retired from Pacific Bell.

Bill started his career at Pacific Bell in 1972 as a customer service representative. His commitment to serving the customers of his company and the members of his community has been Bill's trademark ever since.

I have come to know Bill professionally over the past several years in his capacity as Director of Pacific Bell's External Affairs for Ventura and Santa Barbara Counties. Of course, Bill was an effective advocate for the positions of his company on legislation pending in Congress. But more important, Bill was a tireless proponent of the limitless potential that communications technology has to benefit our society. I learned a tremendous amount from Bill about the range of technology choices consumers can and should expect in the years ahead. His counsel was particularly helpful to me in my role as a member of the Committee on Commerce.

Mr. Speaker, there are few institutions in Santa Barbara County that have not benefited from Bill Gray's substantial and generous community activism. He served on the Board of Directors of the Goleta Valley and Santa Barbara Region Chambers of Commerce, the Kiwanis club, the Santa Barbara Chamber Orchestra, Santa Barbara Partners in Education, Santa Barbara Family YMCA, the Red Cross, and the United Way. He has also contributed significantly to business and civic groups in Santa Maria, Lompoc, Carpinteria, and Solvang.

Although Bill may have retired from his job, I know that he and his wife Cindy will not retire from their commitment to improving the quality of life in our community. I will miss working directly with Bill on issues involving Pacific Bell, but I know that I will continue to witness the wonderful contributions he makes to Santa Barbara County. I hope all of my colleagues will join me in congratulating Bill Gray on his lifetime of accomplishments and achievement.

HONORING ELIZABETH HARTWELL EARTH DAY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor a friend of Northern Virginia, Mrs. Elizabeth Hartwell, who dedicated her life to protecting the environment. I want to recognize her life and all of her contributions to the Eleventh District of Virginia.

Mrs. Hartwell began her quest to protect the environment in 1966, when she learned of plans to rezone part of Northern Virginia, Mason Neck, a wildlife habitat. She made modest films of the wildlife that thrived there and showed it to civic organizations around the region. She even gave tours by boat along Mason Neck's waterways. She formed a committee and, with the backing of local officials, saved 5,000 acres of Mason Neck for use as park land.

She served on many boards to help care for the environment. She was a member and vice chairman of the Northern Virginia Regional Park Authority. Mrs. Hartwell also served as secretary and vice president of the Conservation Council of Virginia and chairman of the Citizen's Council for a Clean Potomac. Some of her time was spent with the Audubon Naturalist Society.

Mrs. Hartwell was the organizer of "Friends of Mason Neck." Due to her efforts, the 2,277-acre Mason Neck National Wildlife Refuge was formed, making it the first area established for the protection of bald eagles. Also created were the 1,804-acre Mason Neck State Park and the 1,003-acre Pohick Regional Park.

During his term, former Governor Linwood Holton appointed her to the Virginia Board of Agriculture. Later she was appointed to the board of Fairfax County Wetlands for seven years. Former Governors Charles Robb and Gerald Baliles both appointed Mrs. Hartwell to the Northern Virginia Potomac River Basin Committee.

Her efforts to protect the environment were rewarded with dozens of honors and awards. In 1976, Mrs. Hartwell was named the Virginia Wildlife Federation Conservationist of the Year. In 1990, she won the Fairfax County Park Authority's Elly Doyle Park Service Award.

Mr. Speaker, in closing, I wish the very best to Mason Neck State Park as they honor Mrs. Elizabeth Hartwell on April 21, 2001 in Fairfax, Virginia. She dedicated her life to nature and helping the environment and I call upon all of my colleagues to join me in celebrating her remarkable life. Because of her efforts, Northern Virginia today is an even better place to live, work, and raise a family.

SMALL BUSINESS INTEREST CHECKING ACT OF 2001

SPEECH OF

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mrs. BIGGERT. Mr. Speaker, I rise in support of H.R. 974, "the Small Business Interest Checking Act of 2001." This bill will repeal the prohibition against banks paying interest on checking accounts.

When this bill was considered in the Subcommittee on Financial Institutions, I expressed my concern that this legislation could be interpreted in a way that would effectively eliminate the financial benefits and checking services that large depositors now receive from banks in lieu of interest. These services are now provided in accordance with substantial interpretive guidance that has been issued by the Federal Reserve under Regulation Q. Current law states that the provision or the receipt of such services and benefits does not constitute interest.

I am pleased that Chairman OXLEY agreed to modify the bill by including a new section and accompanying report language. These provisions clarify that the current provision of services by banks in accordance with Regulation Q will be continued. This legislation will not alter the legal definition of interest for real estate closing escrow transactions and provides that current Regulation Q Federal regulatory interpretations regarding the definition of interest on deposits will continue to stand.

Title companies and agents currently receive bank services that defray the overall cost of maintaining real estate settlement escrows. These services subsidize settlement service operations, ultimately lowering the cost of closing and settlement services to the public. As a highly developed financial system, Federal banking law and regulations have consistently operated to facilitate the smooth and efficient flow of real estate transactions and promoted American homeownership.

I am grateful that the Committee included a clear statement of congressional intent with respect to this issue in relationship to the proposed changes in the bill and I fully support H.R. 974.

HONORING THE EIGHTH GRADE CLASS OF GATES-CHILI MIDDLE SCHOOL

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to welcome the eighth grade class of Gates-Chili Middle School, who arrived in Washington today.

These outstanding students have come to our nation's Capitol not only to experience first-hand our government and history, but to show their respect and gratitude to America's World War II veterans. While here, they will be presenting a donation to the American Legion to help build the World War II Memorial.

More than two generations removed from the Second World War, these young men and women dedicated their time and their energy to raise $1,000 for the memorial fund. Through a mass production project, the Team 8C Coolaids (as they called themselves), produced CD racks that were sold in school and throughout the community, with the help of the Parent-Teachers Organization.

Mr. Speaker, I am extremely proud of these students for their hard work, and for their commitment to ensuring that the sacrifices endured, and the triumph ensured by our nation's World War II veterans will forever be remembered. I ask that this entire Congress join me in saluting the hard work, service and devoting of the eighth grade class at Gates-Chili Middle School.

SUMMARY OF LOFGREN-CONYERS AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 503

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. LOFGREN. Mr. Speaker, the Lofgren-Conyers Amendment, the "Motherhood Protection Act of 2001," is an overall substitute to the committee bill, the "Unborn Victims of Violence Act of 2001," H.R. 503, and creates a crime for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy and makes any interruption punishable by a fine and imprisonment up to twenty years but, if the pregnancy is terminated, punishable by a fine and imprisonment up to life.

AMENDMENT TO H.R. 503, AS REPORTED OFFERED BY MS. LOFGREN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motherhood Protection Act of 2001".

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

TRIBUTE TO CAPE HENLOPEN HIGH SCHOOL STUDENTS PARTICIPATING IN THE WE THE PEOPLE NATIONAL FINALS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. CASTLE. Mr. Speaker, on April 21–23, 2001 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Cape Henlopen High School from Lewes will represent the state of Delaware in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I would like to recognize the participating students from Cape Henlopen High School: Matt Beebe, Caroline Boving, Kristin Cannatelli, Cassandra Class, Khara Conlon, Lauren Cooper, Laura Dillon, Megan Kee, Hillary Lord, Alieda Lynch, Chrissy Mulligan, Andrew Olenderski, Neeru Peri, Joe Pritchett, Heather Sweard, Sarah Sprague, Megan Sterling, Charli Tabler, and Erin Williams.

I would also like to recognize their teacher, Jerry Peden, who deserves much of the credit for the success of the class.

The class from Cape Henlopen High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish them, and Mr. Peden, the very best of luck; they are all fine representatives of the First State.

THE FREEDOM FROM UNFAIR ENERGY LEVY ACT (FUEL)

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. SENSENBRENNER. Mr. Speaker, today I am re-introducing legislation, the Freedom from Unfair Energy Levy Act or "FUEL Act," to alleviate the impact of current high fuel prices. My legislation would place a six-month moratorium on federal motor fuel excise taxes, including the 18.3 cent per gallon tax consumers pay for gasoline and the 24.3 cent per gallon tax on diesel fuel, and eliminate permanently the 4.3 cent per gallon tax increase approved in 1993.

Last year, when I first introduced the FUEL Act, I warned of the threat that high energy prices posed to our economy. As was illustrated clearly in the 1970s and early 1990s, fuel price hikes can cause widespread damage to economic well being. Unfortunately, high energy costs have continued to plague the U.S. since that warning and our economy is beginning to suffer the consequences. Some have argued that money from fuel taxes is more useful in Washington than in Americans' pockets, helping motorists afford the high price of gasoline. In reality, the economic damage caused by high fuel prices far outweighs any impact on federal spending that a six-month moratorium could cause. Congress should act now to mitigate the economic damage caused by steep energy costs.

The current high gasoline prices across the country are a continuation of the energy problems that began during the Clinton administration. In recent years, domestic energy production has fallen to its lowest level since before World War II. The failure to increase domestic production has made the U.S. increasingly vulnerable to the whims of OPEC nations, who recently slashed their oil production in order to increase their profitability. Compounding the problem is the increase in the gasoline tax that was enacted in 1993. That year, when fuel prices were low, Democrats in Congress, President Clinton, and a tie-breaking vote by Vice President Gore combined to increase federal fuel taxes. The FUEL Act would reverse that increase and represents a sound first step in the development of a comprehensive, long-term policy to lower energy costs.

Besides addressing long-term concerns, my legislation provides immediate assistance to the problem of high fuel costs. By halting the collection of federal fuel taxes for six months, consumers will see an immediate dip of nearly 20 cents in the cost of gasoline at the pump. This six month moratorium will help to keep prices down over the summer months which often see steep fuel cost increases. I urge my colleagues to support this legislation to fight rising energy prices.

TRIBUTE TO LT. COLONEL HUGH PENTLAND DUNN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Lt. Colonel Hugh Pentland Dunn's 100th Birthday. Mr. Dunn was born in New York City on April 24, 1901. He is a veteran of three wars: World War I, World War II, and the Korean War.

Hugh Dunn lives in Santa Rosa, CA, with his wife Patricia. He has a humor and brightness that shines with every story he tells. People who visit Hugh Dunn find him refreshing and entering to be around. We are all enriched by his first-hand memories of the early 1900's.

At age 17, he lied about his age to join the Canadian Army's Expeditionary Force and entered World War I. After the war, he attended college at Columbia University in New York City and joined the ROTC as an officer. Eventually he transferred to City College because of protests at Columbia against the ROTC. Mr. Dunn served in World War II in the Korean conflict, ending his career in Germany in the Army of Occupation.

Mr. Speaker, I am honored to represent such a dedicated and knowledgeable veteran. Please join me in celebrating his 100th birthday.

SMALL BUSINESS DEVELOPMENT CENTERS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise today to recognize the great contributions which Small Business Development Centers (SBDCs) make to our communities. SBDCs have provided counseling and training programs to small businesses and potential entrepreneurs for over 20 years. SBDCs have a large return on investment as they create jobs, increase business revenue and generated tax revenue.

In my home State of Arkansas, an economic impact study conducted in 2000 revealed that more than $44 million in increased sales and more than $3.5 million in tax revenues were generated as a result of services provided by the Arkansas Small Business Development Center (ASBDC). Last year, clients served by the ASBDC created 541 new jobs! Those are staggering numbers which show that this is a program which deserves full funding.

Small businesses account for 87 percent of all businesses in Arkansas. There are over 45,000 businesses with 20 employees or fewer. These numbers demonstrate the great need for the support services provided by the SBDCs. Businesses turn to the SBDCs for counseling, training, assistance with loan applications, and more. Simply put, SBDCs are vital to the health of the small business community.

Mr. Speaker, I urge my colleagues to support funding of Small Business Development Centers at the highest level possible. In addition, I would like to insert an excerpt from an article "Successful Business Strategies" written by USA Today columnist Rhonda Abrams as she speaks to the merits of this program.

SUCCESSFUL BUSINESS STRATEGIES

(By Rhonda M. Abrams)

One of the best, least-known services the government helps fund—and I emphasize the word "help," since the federal government only provides matching funds—is a national network of Small Business Development Centers (SBDCs). There are over 1,000 SBDCs, located primarily at community colleges or in Main Street storefronts across the country.

They've provided one-on-one counseling and training programs—free or at very low cost—to small businesses and start-up entrepreneurs for over 20 years. If you haven't heard of them, it's because they don't spend money advertising. They just do their job.

SBDCs serve over 600,000 small businesses a year in face-to-face counseling sessions, and another 750,000 businesses turn to them for information, resources, and call-in assistance. They provide business plan guidance, computer training, and help small companies regroup rather than fold up when an industry is phased out in a region.

The result is a remarkable track record. SBDC clients generated 67,800 new jobs in 1998. Small businesses helped by SBDCs have a higher survival rate than other small companies. And while the entire SBDC network received a paltry $83 million in 2000, SBDC clients generated additional tax revenues of over $468 million. This is one federal program that actually makes money for the government!

CELEBRATION OF THE 40TH ANNIVERSARY OF THE AIR FORCE SERGEANTS ASSOCIATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the enlisted men and women of the United States Air Force, to whom "Service Before Self" is more than a slogan, it is an ingrained value that has become the standard by which they live. As I have worked with the Air Force Sergeants Association, I have recognized that same value in their enduring contributions and dedicated efforts to representing their members. Over the past forty years, the Air Force Sergeants Association has become known as "the voice of the Air Force enlisted corps" by tenaciously representing those whom they serve. The Air Force Sergeants Association plays a key role in keeping Members of Congress informed of the issues affecting Air Force enlisted members and their families, whether those members are active duty, Air Force component or retiree personnel. These issues range from pay and benefits, to education, to housing, to military health care. Not only does AFSA keep the Members of Congress informed, it keeps its members up-to-date regarding where Congress stands on the critical quality of life issues that so drastically impact upon their welfare.

The efforts of the enlisted men and women contribute immeasurably to the success of our United States Air Force. AFSA's dedicated efforts to those men and women have made this association a great success. The Air Force Sergeants Association's 40th Anniversary will occur on May 3rd.

I am proud to recognize their efforts and contributions to the Air Force enlisted corps and to the defense of our great nation. I congratulate them on reaching this important milestone.

MINNESOTA PUBLIC RADIO'S AMERICAN RADIOWORKS WINS TOP NATIONAL JOURNALISM AWARD

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. LUTHER. Mr. Speaker, Minnesota Public Radio's American RadioWorks has won the 2001 Alfred I. duPont-Columbia University Gold Baton Award for its hour-long documentary entitled "Massacre at Cuska: Anatomy of a War Crime." The award is considered to be the nation's most prestigious in broadcast journalism.

"Massacre at Cuska" investigated the events surrounding the May 14, 1999 attack by Serbian death squads on an ethnic Albanian village called Cuska (pronounced CHOOSH-kuh) that, within a matter of hours, left forty-one unarmed civilians dead. The program presented, for the first time, detailed testimony from Serbian police, army and militia members alleging that Slobodan Milosevic's senior generals masterminded a campaign of murder and deportations against Kosovar Albanians. Six of the Serbs interviewed by American RadioWorks took part in the Cuska attack, including one man who admitted to executing a dozen unarmed Albanian men.

The Alfred I. duPont-Columbia awards have spotlighted the nation's best in broadcast journalism since 1942. Past Gold Baton winners have included Bill Moyers and Public Affairs Television in 2000 for "Facing the Truth" on PBS, and 1999 winner NOVA, produced at

WGBH-TV, Boston, for five programs ("Everest: The Death Zone," "The Brain Eater," "Supersonic Spies," "China's Mysterious Mummies," and "Coma") and for consistently outstanding science reporting. Batons are inscribed with the late Edward R. Murrow's famous observation on television: "This instrument can teach, it can illuminate; yes, it can even inspire. But it can do so only to the extent that humans are determined to use it to those ends. Otherwise it is merely wires and lights in a box."

In presenting the 2001 Gold Baton to American RadioWorks Producers, Stephen Smith and Michael Montgomery, Columbia University's President George Rupp said, "It is a measure of the times we live through that each year, at least one of these winning programs is about man's inhumanity to man. The duPont jury applauds this radio documentary for telling us about ghastly events in a now forgotten part of the world." Jurors, who reviewed over 600 submissions to choose just one Gold Baton recipient, commented, "This program reaffirms the effectiveness of radio in presenting complicated issues in a compelling way."

"Massacre at Cuska" had already received well-deserved national recognition when, in December 2000, it was named as a finalist for the 2000 International Consortium of Investigative Journalists (ICIJ) Award for Outstanding International Investigative Reporting and as a finalist in the category Enterprise Journalism: In Collaboration for the Online Journalism Awards (OJAs) presented by the Online News Association and Columbia University. That said, an award of the stature of the Alfred I. duPont-Columbia University Gold Baton bestowed upon such a small, public radio broadcasting entity like American RadioWorks is unprecedented.

"Massacre at Cuska" originally aired in this country in February 2000 on public radio stations nationwide, and later that year, a Serbian language version was broadcast in Yugoslavia on the independent B92 radio network. According to co-producer, Michael Montgomery, "Serbs had never heard a program so detailed and so blunt about the ethnic killings in Kosovo. As part of Serbia's new commitment to democracy, it's important that Serbs have access to independent accounts of the Kosovo violence. We hope the program will foster a public discussion in Serbia about war, accountability and reconciliation."

American RadioWorks is public radio's largest documentary production unit. It represents a collaboration that involves Minnesota Public Radio, National Public Radio and public radio stations across the country. Through investigative journalism, American RadioWorks is based in Minnesota, but its work, like mine, touches more than just Minnesotans. Mr. Speaker, I congratulate American RadioWorks on their notable achievement as the 2001 recipient of the Alfred I. duPont-Columbia Gold Baton Award for overall excellence in broadcast journalism.

ENVIRONMENTAL ISSUES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MARKEY. Mr. Speaker, Oliver Wendell Holmes once said "Pretty much all the honest truth telling in the world is done by children." I believe we here in Congress could certainly learn something about energy, the environment, and the Arctic National Wildlife Refuge from a young girl named Sophie Brown of Anchorage, Alaska, the subject of the following thoughtful and thought-provoking "Letter to the Editor" from her mother, published in the Anchorage Daily News on April 5, 2001:

CHILDREN PUT EARTH BEFORE PARENTS' SUVS

(By Barbara Brown)

I pulled the car into the driveway, walked toward the door of the house, and Sophie threw open the storm door and shouted, "How do you feel about drilling in the Arctic National Wildlife Refuge?"

"Hold on," I said, "let me pull the car into the garage."

"But this is important," she insisted. "Yes or no?"

Just another pleasant "welcome home" in the Wiepking-Brown household.

One evening, Tim was talking about something over the dinner table, and I must have become distracted because next thing I knew, he was discussing scientists and cannibalism in Papua New Guinea.

"Cannibalism?" I said, really confused. "What are you talking about?"

Sophie piped up: "It's the slow, deadly spread of mad cow disease."

By this point, I was really feeling disconnected. "What slow, deadly spread of mad cow disease?" I asked. And Sophie pointed to Newsweek magazine. "The Slow, Deadly Spread of Mad Cow Disease" was right there, on the cover.

"You read the article?" Tim asked, incredulous.

"Yes," Sophie said. "We're discussing mad cow disease in school."

Tim loves this about Sophie. He loves discussing current events. In school, he'd had a lot of trouble with reading until they introduced newspapers in his classroom. He went from nonreader to the boy everyone wanted on the current-events team.

But back to ANWR. In Sophie's class, all the kids were opposed to drilling except one boy who thought the money might help education in the affected communities. I wondered if they'd seen pictures of cute little caribou. I asked, "Was it because of the caribou?"

"Some," Sophie said, "but we know about the differences of opinion between the groups of people there; we know about how much oil they might find there. Mostly, it's because of the Earth, the wilderness."

One friend of mine said her daughter's class is ready to die on its swords to defend the refuge. Ask the children, and they want to keep it safe from drilling. Is it because they're so young, so naive, so limited in understanding? Is it because they're not paying the bills? Talk to them—they're well-versed in the facts. It's just the way they assign priorities: Kids put the Earth into the equation.

Tim went looking for a car recently and was considering a sport utility. In horror, Sophie shouted, "No, not an SUV! They are terribly wasteful of the Earth's resources!"

Don't ask me where she read that—probably the same places you have. It's just that kids don't let it slide by, don't let it fall away under considerations of image, size, power and, oh yes, by the way, it isn't very fuel-efficient.

So she sees SUVs on the road and she asks, "Are those people selfish, or do they just not know better?" She used to ask the same thing about people she saw littering.

I hear on the radio that 75 percent of Americans are worried about global warming, but the United States won't agree to a treaty to try to control it. Our president says it would be too hazardous for our economy.

Every day, everyone evaluates, decides what priority to assign things and then makes up his or her mind. But for older people, the Earth wasn't and isn't a thing to worry about. It's just "there," like adding zero to both sides of an equation. Other things—costs, duration, employment statistics, capitalization, demographics—those are all factors to be considered. The Earth? It just keeps rotating around the sun. You've seen one tree, you've seen them all. Or, you see no trees, there's nothing there.

Find me a kid who doesn't know about recycling. Find me a kid who doesn't know why he or she recycles, why it's important. OK, maybe they are just little do-gooders, but they're little do-gooders entirely different from the way little kids used to be. While my mom told people to turn their lights off for the war effort, these kids turn lights off "for the Earth."

Once, many years ago, a summer roommate said to me, "If the U.S. uses most of the Earth's resources, then if conditions are going to improve for the rest of the world, we would have to end up using less, right?"

I thought so.

"Well," he decided, "I don't want to use less of anything. So I guess the rest of the world can't improve."

I am eager to see the world these children make. Oh, I know that some may grow up to think that recycling aluminum cans is a pain in the neck or that they want as big a gas guzzler as the next guy. All those "other" factors may outweigh their desire for wilderness, for conservation, for clean air and water.

But right now—bet on it—children are putting the Earth first. Even if that changes—even if they put the Earth second or third or fourth—we can be sure they'll never forget about putting the Earth in the equation. How will they feel if we don't leave them much Earth to worry about?

Barbara Brown lives and writes in Anchorage.

TRIBUTE TO BEVERLY K. ABBOTT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished Californian, Beverly K. Abbott, on the occasion of her retirement from the San Mateo County Mental Health Services Agency.

In January 1968 Beverly Abbott entered into public service as a social worker. A dedicated champion of the mentally ill, she devoted twelve years to Marin County's Division of Community Health, eight of which were spent as Director. Beverly Abbott revolutionized the Department during her tenure, increasing the budget from $5,000,000 to $12,000,000.

In 1985, Beverly Abbott took the helm at the San Mateo County Mental Health Services Agency. Under her stewardship, the Mental Health Division has been transformed from a traditional, clinic-based mental health facility to a dynamic organization with a broad array of residential and rehabilitation options. Today the Agency offers a wide selection of contact services, designed to involve families and clients in the administration and evaluation of the service delivery system.

In 1994, the San Mateo Mental Health Division led the State of California by implementing the first fully integrated mental health service system for persons funded by Medi-Cal (MEDICAID).

Beverly Abbott has taken a leadership role in a number of prestigious organizations, including the American College of Mental Health Administration where she served as President-Elect and President from 1995 to 1999.

She has worked tirelessly to provide uncompromising assistance to all residents of San Mateo County. Beverly Abbott's life of leadership is instructive to us all. Her dedication to the ideals of democracy and community service stand tall. It is fitting that she is being honored upon the occasion of her retirement from the San Mateo County Mental Health Services Agency, and I ask my colleagues, Mr. Speaker, to join me in honoring this great and good woman whom I am proud to call my friend. We are a better county, a better country and a better people because of her.

NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, I submit the attached testimony that was given by Lydia Lewis of the National Depressive and Manic Depressive Association to the House Appropriations Subcommittee on Labor, Health, and Human Services and Education for the RECORD.

NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION, CHICAGO

(Statement on Fiscal Year 2002 Budget, National Institutes of Health and National Institute of Mental Health—Submitted to the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, March 21, 2001)

Good afternoon. Chairman Regula, Ranking Member Obey, and distinguished members of the Subcommittee, thank you for the opportunity to testify today. My name is Lydia Lewis, and I am the Executive Director of the National Depressive and Manic-Depressive Association (National DMDA). We are pleased to have this opportunity to testify on fiscal year 2002 funding for mental health research supported by the National Institutes of Health (NIH) and the National Institute of Mental Health (NIMH).

National DMDA has been gratified to see the overall NIH budget increase over the past three years, including last year's nearly $2.5 billion increase, and we urge the continued full funding of these research priorities in order to maintain an active, progressive research agenda. We fully support President Bush's 2002 budget request of a $2.8 billion increase above the 2001 funding level for NIH, to a total of $23.1 billion, and we applaud the President's stated initiative to double NIH's 1998 $13.6 billion funding level by 2003.

With nearly 400 patient-run support groups in every major metropolitan area, National DMDA is the nation's largest patient-directed, illness-specific organization. We are committed to advocating for research toward the elimination of mood disorders; educating patients, professionals and the public about the nature of depression and manic-depression as treatable medical diseases; fostering self-help; eliminating discrimination and stigma; and improving access to care. We have a distinguished Scientific Advisory Board of nearly 65 leading researchers and clinicians in the field of mood disorders which reviews all of our materials for medical and scientific accuracy and provides critical and timely advice on important research opportunities and treatment breakthroughs. While I am here today to testify on behalf of National DMDA, I know personally what it is like to battle depression every day, to fight the urge to end my life. I myself suffer from the disease. It's a dreadful way to live.

COMBATING THE STIGMA OF MENTAL ILLNESS

The facts are staggering. More than 20 million American adults—10% of the U.S. population—suffer from unipolar or major depression every year. An additional 2.3 million people suffer from bipolar disorder, also known as manic-depression. According to a study done in 2000 by the World Health Organization, the World Bank, and the Harvard School of Public Health, unipolar major depression is the leading cause of disability in the world today. It also found that mental health has long been misunderstood. In fact, mental illness accounts for more than 15% of the burden of disease in established market economies such as the United States. This is more than the disease burden caused by all cancers combined.

Women are more than twice as likely as men to experience depression, and one out of every four American women will experience a major depressive episode in her lifetime. Ten to fifteen percent of women develop postpartum depression the first year after birth—the most underdiagnosed obstetrical complication in America. Among the many consequences of this illness is the depressed new mother's inability to bond with and nurture her child. Experts say these babies are at increased risk of depression throughout life.

Coping with these devastating illnesses is a tragic, exhausting and difficult way to live. Despite these facts, stigmatizing mental illness is a common occurrence in the United States. Labeling people with mental illness has been a part of the national consciousness for far too long, and continues to send the message that devaluing mental illness is acceptable. An estimated 50 million Americans experience a mental disorder in any given year, and only one-fourth of them actually receive mental health and other services. Two out of three people with mood disorders do not get proper treatment because their symptoms are not recognized, and misdiagnosed or, due to the stigma associated with mental illness, are blamed on personal weakness. Far too often, the fear of being judged or abandoned wins out over the need to seek medical attention, and the person remains untreated.

Equally devastating is the stigma associated with the research of mood disorders and other mental illnesses. Research in behavioral science is as critical as that undertaken for any other illness. Our understanding of the brain is extremely limited and will remain so for decades unless much greater financial support is provided. Neuroscience research is also critically important to understand the mechanisms in the brain that lead to these illnesses. When we begin to understand these, we will be able to develop more effective and rational ways to treat, and hopefully cure, mental illness.

Increased public awareness and understanding of mood disorders will contribute significantly to improved diagnosis and treatment rates for these illnesses. Progress is slowly being made, and we encourage the Subcommittee to continue to fully fund programs that address the stigma and isolation associated with mental illness. We must, as NIMH Director Dr. Steven Hyman has said, sound the alarm that we are in the midst of a public health crisis—that our glaring misperceptions about and undertreatment of mental illness, especially for children and minority populations, represents nothing less than a national health emergency.

PROGRESS IN RESEARCH AND DIAGNOSIS

Mood disorders and other mental illnesses kill people every day. Depression is the leading cause of suicide in the United States. One in every five bipolar sufferers takes his or her own life, and the Centers for Disease Control report that suicide is the third-leading cause of death among 15 to 24 year old Americans. For every two homicides committed in the United States, there are three suicides.

We know that science destigmatizes, and as more people come to understand that mood disorders are treatable medical illnesses, we can make significant reductions in both their human and economic costs. The Surgeon General released a groundbreaking report on mental illness, an important first step in this process. The study concluded that these diseases are real, treatable, and affect the most vital organ in the body—the brain. Research supported by NIMH has lead to new and more effective medications for both depression and manic depression. We have a much better understanding of these illnesses, and are learning more about their impact on cardiovascular disease and stroke.

The Surgeon General's 1999 report was the first ever, from that office, on mental illness. While this is a shameful statistic—by comparison, there have been 23 Surgeon General's reports on tobacco since 1964—National DMDA is nevertheless encouraged by this development, and we hope to take advantage of this turning tide. Finally, there is hope that these disorders will start to be seen by Americans for what they are—real diseases. But we urgently need to increase funding for NIMH and other research institutions to ensure that any forward momentum is not lost.

CLINICAL RESEARCH

National DMDA plays an important role in several large NIMH-sponsored clinical trials. Our consumer representatives are members of oversight committees for trials studying the effectiveness of treatments for bipolar disorder, the study of treatment of adolescents with depression, and the study of treatment of individuals with depression who do not benefit from standard initial treatments. National DMDA participates in the oversight of these trials to ensure that the first priority of all clinical trials is the safety of the patient. One of our primary objectives is to limit the number of people exposed to placebo and limit the duration of their exposure without compromising scientific validity.

MOOD DISORDERS IN CHILDREN AND ADOLESCENTS

The issue of mood disorders in children and adolescents is of particular concern to National DMDA, and we support the aggressive research being done by NIMH in this area. Nearly 2.5 percent of children and 8.3 percent of adolescents suffer from clinical depression. There has, however, been virtually no research to date on bipolar disorders in children, despite evidence that families wait an average of 10 years before receiving the proper diagnosis after seeking help. We know that up to 90 percent of bipolar disorders start before age 20, meaning more high school dropouts, more illegal drug and alcohol use, higher teen pregnancy rates, more teen violence and more adolescent suicides. The costs of waiting for proper treatment do not just affect the individual sufferer, but society as a whole.

We fully support NIMH plans to further expand clinical trials of treatments for mental illnesses, including the exploration of depression in young children. We urge a significant increase in funding for research of mood disorders in children and adolescents with special emphasis on the efficacy and safety of current treatments, the epidemiology of these illnesses and improved diagnostic tools.

We are pleased that NIMH played a lead role in the Surgeon General's report on youth violence. With further research into the relationship between mental disorders and violence, we are hopeful that tragedies like the recent school shootings in California and across the country can be prevented in the future. Many of the perpetrators of these shootings exhibited symptoms of mental illness, and further research into the connection between behavior problems and anxiety disorders, depression, and suicidal ideation is critical. National DMDA is also pleased with the coordination between NIMH and other federal agencies, such as the Centers for Disease Control and the departments of education and justice, and continued information sharing about the relationship between mental illnesses and violence.

BIPOLAR (MANIC-DEPRESSION) DISORDER

The World Health Organization has identified bipolar disorder as the seventh-ranked cause of disability in the world today. Nearly one in 100 Americans suffers from manic-depression, yet research in this area has been continually under funded.

That is slowly changing. NIMH's current Systemic Treatment Enhancement Program for Bipolar Disorder (STEP-BD) is a landmark study of 5,000 people with bipolar disorder, the largest psychiatric trial ever held. While this is a critically important study, it also underscores the unfortunate circumstance that mental illnesses remain woefully under funded. The STEP-BD trial has a budget of just $20 million. A brief check of, for example, the National Cancer Institute programs will reveal that this is an unjustly small allocation for researching this pervasive and fatal disease. In fact, in FY 1999, NIMH spent only $46 million on bipolar research. Congress must continue to increase its investment in this important area of mental health research.

THE IMPACT OF DEPRESSION ON OTHER ILLNESSES

National DMDA is pleased to be participating next week in an important NIMH forum on improving health outcomes for major diseases such as cancer, diabetes, heart disease, stroke, AIDS, and Parkinson's through the effective treatment of co-occurring depression. The forum will highlight scientific advances linking depression and other illnesses, and the role that treating depression plays in improving the course of the co-occurring disease. Participants will also focus on ideas for shaping the Institute's research agenda, and further educational and communication plans for improving health care. National DMDA applauds NIMH for its efforts to include the public in its agenda setting.

Important new research has shown that treatment of co-occurring depression often improves health outcomes for patients with a wide variety of diseases. Researchers are tracing various aspects of depression, that may affect illnesses as varied as neurological diseases such as Parkinson's disease, diseases of the cardiovascular system, and diseases involving suppression of the immune system, such as cancer and AIDS. It appears that depression is an important risk factor for heart disease. In a recent study, it was found that heart patients who had depression were four times as likely to die in the next six months as those who were not depressed. There are also studies linking depression and obesity and diabetes, as well as findings showing common genetic patterns in diabetes and depression.

OTHER RESEARCH NEEDS

More research is needed on the medications for mental illness. There has not been a drug developed specifically for bipolar disorder since the discovery of lithium more than 50 years ago. In addition, it is not fully understood how psychiatric drugs work in the brain. A person often must choose between lessening suicidal thoughts or getting life threatening rashes, seizures, or lithium poisoning. So many of us have to choose a life without libido or a life of fatigue, exacerbated by insomnia. Although these medications are effective for many people, no one should have to make choices like these. Every day technology and science bring us further in understanding the brain and these kinds of successes build upon each other.

National DMDA is therefore particularly pleased to see the NIMH's renewed commitment to research of more viable treatment options for depression and bipolar disorder and we hope that the Congress will continue to fund important studies in this area. Great strides are being made, but it is critical that even more research is done on how different medicines affect both the body and the mind.

CONCLUSION

We urge the National Institutes of Health and the National Institute of Mental Health to continue to expand and enhance behavioral science, neuroscience and genetics research of mental illnesses. We commend the Subcommittee's past support of NIH and NIMH, and look forward to continuing to work with you in the next year to ensure renewed commitment to full funding of mental health research. We are confident that together, our efforts will mean real treatment options, an end to the stigma associated with mental illness, lives saved and a far more productive America. Thank you again for the opportunity to testify on issues critical to the health and well being of all Americans.

CELEBRATING THE 25TH ANNIVERSARY OF ISTHMUS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to celebrate the 25th anniversary of the founding of a unique institution in Madison, Wisconsin, our weekly newspaper, Isthmus. Conceived as an alternative source of news and information, nurtured by the hard work and big dreams of its founders, Vince O'Hern and Fred Milverstedt, Isthmus' growth and success over 25 years have mirrored Madison's.

Those of us who live in, and work in, and love Madison consider our weekly copy of Isthmus as much a part of our city's life and character as our renowned farmers' market or the statue atop our State Capitol's dome.

Isthmus has been described as a hybrid that, like the community it serves, defies easy labeling or simple description. It provides a weekly accounting of our lives with astute analyses, groundbreaking investigative reporting, and commentary of all stripes on who we are and who we want to be.

Isthmus' influence has spread beyond the pages of the paper. The Isthmus Annual Manual has become our guidebook to all that is good and helpful in our community; while the yearly Isthmus Jazz Festival has become a treasured weekend of good music and great moments.

On this 25th anniversary of Isthmus' founding, I applaud its talented and industrious staff, faithful advertisers, and devoted readers who have nurtured and supported this indispensable chronicle of our lives the past 25 years and we look forward to the next 25!

TRIBUTE TO ALACHUA ELEMENTARY SCHOOL'S 2001 QUIZ BOWL TEAM

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. THURMAN. Mr. Speaker, I wish to pay tribute to six remarkable elementary school students, Sam Hart, Ryan McCoy, Ashley Nelson, Paloma Paredes, Megan Raulerson, and Justin Sturm; their equally remarkable teacher, Shirley Tanner, and their school for triumphing in the 2001 National Thinking Cap Quiz Bowl.

Located in Alachua, a tiny city of approximately 5000 people, Alachua Elementary School serves less than 600 students. Principal Jim Brandenburg described the 106-year-old school as a "community school" and credited community involvement for the school's quality, explaining that: "Alachua is a very stable community. Many of our students' parents and grandparents also attended Alachua Elementary School. We don't have a lot of money but the parental involvement and community support help make up for that."

Alachua Elementary School is often referred to as "the little school that could." It has been honored as a Blue Ribbon School and recently received an award for student achievement from the Alachua County School Board. Furthermore, this is the second consecutive year that Alachua Elementary School has come in first in the state in the National Thinking Cap Quiz Bowl.

Shirley Tanner has coached both of Alachua Elementary School's champion National Thinking Cap Quiz Bowl teams. She also makes time to teach enrichment classes and instructs students and teachers about technology resources. She is certainly a beloved and devoted teacher who prefers to keep the focus on her students' accomplishments rather than her own.

Mrs. Tanner initiated the school's involvement in the challenging competition several years ago. The test consists of 100 computer-generated multiple-choice questions covering a wide range of school subjects, current events and trivia. Each of the fifth-grade students on the quiz bowl team worked incredibly hard to win this competition. Students who qualified for the team already had a wide range of general knowledge, but still had to prepare for the competition. They divided up topics in various academic disciplines and each student became an expert in one or more fields. They studied for a minimum of an extra hour every day, as well as practicing team-work, test-taking strategies and speed. Mrs. Tanner says this approach is the best strategy to take when preparing students for a competition in which they have no idea which questions will be asked of them. They simply need to be quick minded, calm under pressure and knowledgeable about many subjects. She said the six students on this year's team were all of these things and even worked hard enough on their regular school work to make the Honor Roll. We are very proud of them.

Now let me tell you a little bit more about these wonderful kids.

Sam Hart, who also won the spelling bee at Alachua Elementary School this year, focused on spelling. He also concentrated on sports and children's literature. Sam is a quiet, intelligent student who Mrs. Tanner described as "highly respected and popular with both teachers and peers."

Ryan McCoy is the second member of his family to participate in the quiz bowl. His older brother Evan McCoy was also on the school's quiz bowl team. Ryan concentrated on sports for the competition as well as measurements and Roman numerals.

Ashley Nelson, a straight-A student who took sixth grade math this year, specialized in math and measurement. On test day, Ashley was the team member chosen to enter the team's answers using the computer keyboard or mouse pointer. Ashley performed this stressful task "flawlessly" according to Mrs. Tanner. She input the team answers quickly and accurately. She also demonstrated her fine grasp of math concepts and computation by correctly answering all the math questions without even using a pencil or paper.

Paloma Paredes, another straight-A student, learned time zones and geometry for the competition. Mrs. Tanner described Paloma as an incredibly conscientious and hard-working student. Paloma studies every chance she gets.

Megan Raulerson, also a straight-A student, was the team's language arts expert. In addition to her schoolwork and Quiz Bowl participation, Megan routinely appears on the school's closed circuit live video news broadcasts. Both Megan and fellow Quiz Bowl teammate, Justin Sturm, frequently fill in when a scheduled anchorperson fails to show up. This means they don't even have the opportunity to read the script until a few minutes before broadcast time. A tough job, but they do it wonderfully.

Mrs. Tanner says that Justin Sturm "wants to know everything about everything." She says Justin excels in science and is an avid reader and an enthusiastic learner.

I would also like to recognize last year's quiz bowl winners: Keely Duff, Tyler Mikell, Elizabeth Keller, Katey Sands and Sara Wooding for their achievements. Mr. Speaker, please join me in honoring all of these exceptional students.

IN HONOR OF THE SNOHOMISH COUNTY PROSECUTOR'S OFFICE

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. INSLEE. Mr. Speaker, as Members of Congress, we spend countless hours in this chamber discussing issues related to juvenile crime, and we all agree that we must do more than merely punish juvenile criminals—we must develop programs in our communities to keep our youth from becoming criminals in the first place. I rise today to pay special tribute to some wonderful individuals from the Snohomish County Prosecutor's office that are helping our young people to become healthy, productive, law-abiding citizens. These volunteers, in collaboration with local schoolteachers, conduct the Courtrooms to Classrooms program.

This innovative program, funded through a federal grant, provides young students an opportunity to learn nonviolent problem solving techniques and avoid self-destructive behaviors. Initiated by Prosecuting Attorney James Krider and adapted by Lynn Mattson-Eul, the Courtrooms to Classrooms's curriculum allows students to: bound with positive role models, appreciate how laws influence their daily lives, learn about our justice system, and explore new career options from local prosecuting attorneys. The Courtrooms to Classroom program assists students in understanding the individual responsibilities one has as a member of society, and developing analytical skills when making routine and serious decisions. One of the highlights of the program is the mock trial of the storybook character "Goldilocks." It is obvious that the important lessons these young people take away from the Courtrooms to Classrooms program will stay with them the rest of their lives.

I encourage my fellow colleagues to join me in thanking the following individuals for taking the time to improve this country by participating in the lives of our children.

Those individuals are: Kathy Jo Kristof, Scott Lord, Becky Quirk, Walt Sowa, Charlie Blackman, Julie Twito, Jim Townsend, Paul Stern, Mara Rozzano, Aaron Shields, Jason Cummings, Tom Curtis, Chris Dickinson, Colleen St. Clair, Dave Kurtz, Randy Yates, Dave Thiele, Patricia Lyon, Seth Fine, Steven Bladek, Michael Held, John Swanson, Serena Hart, Kerri Oseguera, Sandra Walters, Marie Turk, Ted Mueser, Mark Roe, Craig Matheson, Lisa Paul, Remy Leonard, Barbara Finnie, Matt Hunter, John Stansell, Kathy Patterson, Craig Bray, Cindy Larsen, Erica Temple, Hal Hupp, Ed Stemier, George Appel, Karen Jorgensen-Peters, Lisa Hanna, Linda Scoccia, Tim Geraghty, Sherry King, Karen Moore, Dave Wold, Diane Kremenich, Susan Lewis, Debbie Cicardini, Karen Kahmann, Diana Kinnebrew, Patricia Bear, Tricia Bryant, Anna Clark, Chery Park, Amy Matthiesen, and Cheri Wantola.

FORCED CHILD LABOR IN CHINA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to offer my sincerest condolences to the families of the 42 individuals—including 37 young school children—who died in a horrible explosion in China on March 6 of this year. This tragedy resulted from a situation of forced child labor in which the deceased third- and fourth-graders were required to spend long hours during the school day making firecrackers. Along with 16 cosponsors, today I am introducing a bipartisan resolution that expresses condolences to the families of the deceased and expresses support for international trade agreements that will enforce the International Labor Organization's core labor standards, which include prohibition of child labor and forced labor.

For years, the parents of children in the Fanglin elementary school, which is in a small village 40 miles southwest of Shanghai, had complained that their children were being forced by school officials to manufacture large firecrackers at school. Every day, the young children were required to spend hours mounting fuses and detonators into the firecrackers that were then sold by local officials. To ensure that their monetary intake remained high, the officials set a sliding production quota that started at 1,000 firecrackers per day for the youngest children and reached 10,000 firecrackers per day for the fifth-graders.

It was only a matter of time before this disturbing example of forced and dangerous child labor would end in tragedy. On a Tuesday afternoon, the firecrackers exploded in the elementary school and took the lives of the 37 young children.

Chinese Prime Minister Zhu immediately denied the use of forced child labor, and Communist Party officials invented a story about a "mad man" who entered the school and set off the explosion as part of his suicide attempt. However, thanks to the courageous and persistent reporting of both Chinese and international journalists, Prime Minister Zhu was eventually forced to acknowledge the true events of March 6.

The forced labor and child labor in China violates several conventions of the International Labor Organization (ILO), but unfortunately the ILO has no enforcement powers. I ask my colleagues to join me in supporting a bipartisan House Resolution that expresses our condolences to the families of the deceased and urges strong international action to enforce the ILO core labor standards.

THE 47TH ANNUAL NATIONAL PRAYER BREAKFAST

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. LARGENT. Mr. Speaker, on behalf of the House and Senate Prayer Groups, it was an honor to chair the 47th Annual National Prayer Breakfast held on February 4th, 1999.

This annual breakfast is an opportunity for leaders and guests from around the world to join in love and unity as we celebrate our faith in God and the religious freedom that our country protects. We put our differences aside and come together as children of God of pray for peace and reconciliation.

No other event during my years as a member of Congress has been such a blessing as the National Prayer Breakfast. The thoughts and prayers shared at this year's breakfast were beneficial to those who attended, and I believe they will be so many more. I am therefore including the program and transcript to be printed in the RECORD. The program and transcript follow:

1999 NATIONAL PRAYER BREAKFAST, THURSDAY, FEBRUARY 4, 1999, HILTON WASHINGTON AND TOWERS HOTEL, WASHINGTON, DC

Chairman: Representative Steve Largent

Representative LARGENT. My name is Steve Largent, and I want to welcome you to the National Prayer Breakfast. I am a member of the House of Representatives from the state of Oklahoma, and I am this year's chairman and will be acting as the Master of Ceremonies for at the prayer breakfast this year.

It is my pleasure at this time to introduce Mr. Jim Kimsey, who will begin with our pre-breakfast prayer.

Mr. KIMSEY. Basil was a fourth-century saint from Asia Minor. He said, "We pray in the morning to give us the first stirrings our mind to God. Before anything else, let the thought of God gladden you." Would you begin this day with me in prayer?

Dear God, may the efforts of all those gathered here today reach far and wide—our thoughts, our work, our lives. Make them blessings for your kingdom. Let them go beyond today. Our lives today have consequences unseen. Each life has a purpose. Please, God, grant us the wisdom to recognize that purpose.

Today is new and unlike any other day, for God makes each day different. To live each day wisely, we need wisdom—wisdom in our hearts and in our thoughts. We need wisdom in the choices we make. Psalm 90 implores us, "Lord, teach us to number our days aright, that we may gain wisdom in our heart."

Each day, like today, we pray to God to help us to do the things that matter, not to waste the time we have. We know the moments we have are precious. We pray that God helps us count them dear and teach us to number our days aright; that he fills this day and every day with kindness so that we may be glad and rejoice all the days of our life.

Numbering our days aright is crucial for our own happiness, but it is even more important for the rest of the world. Each day we are presented with opportunities to make a difference; small differences, like a hello to a lonely neighbor, to extra change dropped in a homeless person's cup. And we can make big differences feeding the hungry, teaching children to read, bridging understanding and peace between nations. Every difference you make matters, just as every day matters. Edmund Burke wisely noted long ago, "The only thing necessary for the triumph of evil is for good men to do nothing."

We are especially blessed today. We have a unique opportunity in our frantic lives to begin with prayer and listen to the wisdom of the incredible group assembled here today. I would like to leave you with one thought. Yesterday is history, and tomorrow is a mystery. But today is a gift. Thank you.

(Opening Song by the United States Army Chorus.)

Representative LARGENT. Thank you to the United States Army Chorus. We appreciate that. That is inspiring, and a good way to start the breakfast.

At this time I would like to call to the podium General Dennis Reimer, who is the Chief of Staff of the Army, for our opening prayer.

General REIMER. Let us pray.

Almighty and eternal God, creator of all things, we ask Your presence with us at this gathering this morning as we raise our minds and hearts to You. May the words we share be an echo of Your voice. We are grateful for our nation's long and abiding legacy of freedom. We thank You for Your gifts, which become richer as we share them, and more secure as we guard them for one another.

Gracious Lord, we praise You for the spirit of liberty You have established through our nation's founders. Lord, we remember this morning the words of Peter Marshall, who gave thanks for the rich heritage of this good land, for the evidences of Thy favor in the past and for the hand that hath made and preserved this nation. We thank You for the men and women who, by blood and sweat, by toil and tears, forged on the anvil of their own sacrifice all that we hold dear. May we never lightly esteem what they obtained at a great price. Grateful for rights and privileges, may we be conscious of duties and obligations. May his words continue to be timeless.

Lord, we ask that You will strengthen us to stand firmly against cruel and heartless discrimination or prejudice of any kind. In Your holy presence we ask that the things which make for peace may not be hidden from our eyes. Help us to catch Your vision of a greater destiny and the call of holy responsibility. May the moral fibers of duty, honor and country be seen in all we do.

Lord our God, in profound gratitude we ask Your blessing on the United States of America. Bless now this food to our use and us to Your service. In Your holy name we pray. Amen.

Representative LARGENT. Thank you, General Reimer, a great Oklahoman.

Please enjoy your meal. We will continue with the program in about 15 minutes. Thank you.

(Breakfast)

Representative LARGENT. In addition to the President and First Lady, and the Vice President, this morning we have a number of special guests. We have members of the Senate and the House, and members of the President's Cabinet. We have members of the Joint Chiefs, prime ministers, heads of corporations, student leaders and numerous other dignitaries. We have people from all 50 states and over 150 countries represented here this morning. (Applause.)

In addition, we have with us several heads of state which I would like to recognize at this time. We have His Excellency Ljubco Georgievski, Prime Minister of the Former Yugoslav Republic of Macedonia. (Applause.) Also joining us is His Excellency Mathieu Kerekou, President of the Republic of Benin. (Applause.) His Excellency Jamil Mahuad, President of Ecuador. (Applause.) And His Excellency Pandeli Majko, Prime Minister of the Republic of Albania. (Applause.) I get extra credit for all of that. (Laughter.)

At this time, I would like to introduce the head table. Beginning on my left and your right is Mr. Jim Kimsey. He is the founder of America On Line and is a gentleman who has a deep love for the District of Columbia. With Mr. Kimsey is Ms. Holidae Hayes. We are glad to have you here. (Applause.)

Next to them is Mr. Michael W. Smith. He is a Grammy-winning recording artist who will perform for us later, and his wife Debbie. (Applause.)

Next we have Dr. Laura Schlessinger, also known as Dr. Laura. (Applause.) I don't even need to say who she is, right? (Laughter.) No, she is one of America's most listened-to radio talk show hosts. She is the co-author of the current bestseller, "The Ten Commandments: The Significance of God's Law in Everyday Life." She is also a licensed marriage, family and children's counselor and is frequently referred to as America's mommy. (Applause.)

Next to Dr. Schlessinger is Senator Kay Bailey Hutchison, an outstanding senator from the state of Texas, who will share with you later about the Senate and House breakfast groups. Senator, thank you. (Applause.)

Next is Annie Glenn, wife of Senator John Glenn. Annie is a great friend and a great example for us all. (Applause.) And then we have Senator Glenn, who is one of our national heroes, whose return to space last year had me considering out of retirement, briefly. (Applause.)

Next is our Vice President, Al Gore. Every year Congress hosts a National Student Leadership Forum on Faith and Values, and this year the Vice President and his wife Tipper were kind enough to open up their home to about 200 student leaders from across the country and actually spent a lot of time with them individually, talking with them. Mr. Vice President, please tell Tipper we said thank you very much. (Applause.)

Next are President Clinton and the First Lady. (Applause.) I want to tell you an interesting story that I think also is a bit of a glimpse behind the scenes of President Clinton. After the prayer breakfast two years ago, I sent him a note thanking him for his remarks, which were wonderful, as they will be this morning. He actually was in the process of writing me a note and said, "No, I thought I would just call."

So he called our home, and my daughter Casie, who at that time was about 15 years old, answered the phone and said, "The President of the United States is calling for Congressman Steve Largent." My daughter put the phone on hold and came and got me and she said, "Dad, somebody said that the President is on the line. Would you please get him off the line because I've got Brad Pitt holding on the other line." (Applause.)

Next to the First Lady is my first lady, Terry Largent. (Applause.)

Next we have our speaker this morning, Max Lucado and his wife Denalyn. I will tell you more about Max just a little bit later. (Applause.)

Next to the Lucados is Senator Joseph Lieberman, a great senator and a man who is known for his integrity and for his love of God. (Applause.)

Next is one of my good friends and colleagues in the House of Representatives, Harold Ford, Jr. He is the first African-American in history to succeed his father in the U.S. House of Representatives. (Applause.)

And next to Congressman Ford are General Dennis Reimer, who I introduced earlier, one of our great military leaders, and his wife, Mrs. Mary Jo Reimer. (Applause.)

As we gather this morning, this is the National Prayer Breakfast, and there are many around the world who need our prayers here this morning. I want to take a moment to mention just a few of the people that are in dire need of our prayers this morning, including King Hussein, Billy Graham, Pope John Paul II, and the victims of the recent earthquake in Colombia. In fact, it is my understanding that King Hussein is undergoing therapy for cancer treatment as we are speaking and is watching the prayer breakfast this morning.

Many in the Senate and the House breakfast group have had the opportunity over the years to become friends in this fellowship with his majesty, King Hussein of Jordan. As friends, we have prayed with his majesty in times of triumph and times of trial. And as he undergoes treatment this week for the trial of a lifetime, we join all our prayers to uplift his spirit and strengthen his family, his loved ones and his medical care team in a special way.

Also, many of you may be here this morning asking, "What is the prayer breakfast and why am I here?" I want to tell you just a little bit about the prayer breakfast and its genesis. It is not very complicated, actually. There was a small group that began meeting in the Senate back in the early 1950s. They were joined later by a small group that began in the House. At some time they decided, wouldn't it be a good idea if the House group and the Senate group met together to pray for the President of the United States. And that is how the prayer breakfast began 47 years ago. You are going to hear a little bit more about the Senate and House groups from Senator Hutchison and what we are doing in both chambers as we speak.

The members concluded that whether our country is experiencing peace or war, bounty or struggle, there is a tremendous need for people of faith to lift the President up in prayer. This is not now, nor has it ever been, a political event. When we come to the prayer breakfast, we take our political hats off and come together to talk and pray about the principles of Jesus.

One individual who embodies these principles and who generally graces our presence here at the prayer breakfast is Dr. Billy Graham. Unfortunately, because of his health considerations, Dr. Graham is unable to attend this year. However, by way of a letter, he sends his greetings. I would like to share a portion of his letter with you, because I believe it captures the spirit of the occasion.

Dr. Graham writes, "After so many years, the most difficult thing for me to do is to inform you that I will not be able to come to the prayer breakfast as I had planned. I hope you will give my greetings and the promise of prayer for this important gathering this morning. Our country is in need of a unity that only God can bring. We must as a people repent of our sins and turn to God in faith. He alone can heal our divisions, forgive our sins and bring the spiritual renewal the nation needs if we are to survive. I deeply regret that I cannot be with you today, but I will be in prayer that God will give the greatest spirit of spiritual renewal that we have ever had. Please assure the President and Mrs. Clinton, Vice President and Mrs. Gore, and the other leaders gathered at the breakfast, that they are in my constant prayers. God bless you all. Billy Graham." (Applause.)

Mr. President, I would just add that our prayer is that while you are here with us, you will have a sense of peace and rest and will understand that as you leave here that there are people all over the world that are praying for you.

Now, Senator Kay Bailey Hutchison will share with you about the House and Senate prayer groups.

Senator HUTCHISON. Thank you, Congressman Largent. And thank you for all the work you have done to make this a wonderful event. (Applause.) Mr. President and Mrs. Clinton, Mr. Vice President, we are so honored to have all of our guests today.

It is gratifying to see such a large and distinguished crowd for this great Washington tradition. We come for our own reasons, some more inspired than others. For some, it is the prayer. Perhaps for some it is the breakfast. (Scattered laughter.) But as I look around this morning, in this city, I am reminded about the small-town Texas preacher who phoned the local newspaper editor on Monday to thank him for making a mistake in the paper. And the editor said, "Well, why are you thanking me for the mistake?" And the preacher said, "Well, the topic I sent you was, 'What Jesus Saw in the Publicans and Plutocrats.' What you printed was, 'What Jesus Saw in Republicans and Democrats.' The curiosity brought me the greatest crowd of the year." (Laughter.)

Obviously, we do not come here today as Republicans or Democrats, or even as Americans. We come as God's human creation, seeking guidance in our daily lives. I am pleased to report for the United States Senate and the House of Representatives this morning. Each of us has a regular weekly meeting at breakfast, and our regulars rarely miss it. It is the priority time on our schedules. It is a time for fellowship and reflection, two commodities that are often in short supply in the course of our daily lives.

It is also a time to renew old acquaintances. One of the regulars who grace the Senate meeting is former Senate Majority Leader Mike Mansfield. Every Wednesday morning he comes in and orders bacon and eggs and biscuits, and all of my younger colleagues are eating granola and fruit. (Laughter.) We tell him we love to see a guy that still eats like a guy. (Laughter.) We figure that the breakfast and the prayer is working for him, because he is 96 years old. (Applause.)

We are blessed with occasional drop-ins. Both the Vice President and the President have dropped in on our prayer breakfasts, and we enjoy it very much. but mostly it is just us, our members and our former members, who are always welcome. We spend our sessions discussing different things. Sometimes it is the events of the day and what bearing they may have on our spiritual growth and renewal. At other times, we hear the testimony of a colleague or we help him or her respond to a personal crisis. There is only one informal rule: we never discuss Senate or House business.

The Senate and the House are institutions, that, by their very nature and genius, are diverse. They represent varied sections and interests that define the great nation that is ours. They come together to find common ground. But in our prayer breakfast, we start on common ground and we grow together from there. We start from the acceptance that each of us is flawed, that we all need guidance, and that none of us alone has the answers. We grow from the relationship that bonds us. We gain the strength to fulfill our collective duty to develop and nurture one nation under God, indivisible, with liberty and justice for all. That is what all of us hope that this annual meeting does, to inspire us to do better in the next year for our respective nations.

Thank you. Thank you, Steve. (Applause.)

Representative LARGENT. Thank you, Senator. And now, for a reading from the Holy Scriptures, Dr. Laura Schlessinger.

Dr. SCHLESSINGER. First, I would just like to say I cannot tell you how touched and honored I am to be here doing this. You have no idea what it means to me. This is Deuteronomy 8.

"You shall faithfully observe all the instruction that I enjoin upon you today, that you may thrive and increase and be able to possess the land that the Lord promised on oath to your fathers. Remember the long way that the Lord your God has made you travel in the wilderness these past 40 years, that he might test you by hardship to learn what is in your hearts, whether you would keep his commandments or not.

"He subjected you to the hardship of hunger and then gave you manna to eat, which neither you nor your fathers had ever known, in order to teach you that man does not live by bread alone, but that man may live on anything that the Lord decrees. The clothes upon you did not wear out, nor did your feet swell these 40 years.

"Bear in mind that Lord your God disciplines you just as a man disciplines his son. Therefore, keep the commandments of the Lord your God. Walk in his ways and revere him. For the Lord your God is bringing you into a good land, a land with streams and springs and fountains issuing from plain and hill, a land of wheat and barley, of vines, figs and pomegranates, a land of olive trees and honey, a land where you may eat food without scarcity, where you will lack nothing, a land whose rocks are iron and from whose hills you can mine copper.

"When you have eaten your fill, give thanks to the Lord your God for the good land which he has given you. Take care, lest you forget the Lord your God and fail to keep his commandments, his rules and his laws, which I enjoin upon you today. When you have eaten your fill and have built fine houses to live in and your herds and flocks have multiplied and your silver and gold have increased and everything you own has prospered, beware lest your hearts grow haughty and you forget the Lord your God, who freed you from the land of Egypt, the house of bondage, who led you through the great and terrible wilderness with its serpents and scorpions, a parched land with no water on it, who brought forth water for you from the flinty rock, who fed you in the wilderness with manna, which your fathers had never known, in order to test you by hardship, only to benefit you in the end.

"You say to yourselves, 'My own power and the might of my own had have won this wealth for me.' Remember that it is the Lord your God who gives you the power to get wealth in fulfillment of the covenant that he made on oath with your fathers, as is still the case. If you do forget the Lord your God and follow other gods to serve them or bow down to them. I warn you this day that you shall certainly perish. Like the nations that the Lord will cause to perish before you, so shall you perish, because you did not heed the Lord your God."

Shalom. (Applause.)

Representative LARGENT. Thank you, Dr. Laura. Now Michael W. Smith.

(Michael W. Smith sings "Salvation Belongs to God.")

Representative LARGENT. Thank you, Michael.

As you are aware, Senator Glenn made history recently by returning to space 36 years after he became the first American to orbit the earth. During Senator Glenn's space flight last year, he kept in contact with the President via E-mail. At one point, the President E-mailed Senator Glenn to let him know he had spoken to an 83-year-old woman from Queens and asked her what she thought of the mission. She replied that it seemed like a perfectly fine thing for a young man like Senator Glenn to do. (Laughter.) So please welcome the young Senator Glenn to the podium (Applause.)

Senator GLENN. Thank you. (Continued applause.) Thank you all very much. Thank you all very, very much. Steve, I thank you for that introduction very much also.

Let me add a couple of Old Testament thoughts to what Dr. Laura just read for you a moment ago. These readings have been favorites of mine for a long time, and I wanted to add those before I get over into a couple of quotes from the New Testament.

I am sure you all are very familiar with that part in Ecclesiastes that start out, "To everything there is a season, and a time for every purpose under heaven." I won't take time to read all of it exactly, but you remember that. "A time to be born and die, plant, pluck up that which is planted, a time to kill, heal, break down, build up, weep, laugh, mourn, dance, cast away stones, gather stones, embrace, time to refrain, time to get, time to lose, time to keep, cast away, rend and sow, silence, speak, love and hate, time of war, time of peace."

That about covers the whole gamut of the human existence. There is not much we could add to that. That has always been one that I thought leads us to believe that there is a time for everything intended for us, that God wants us to live a full life. There is a time for everything. There is a time to live and a time to do—for all of these things.

There is another passage I also like. This came to me and has been a favorite, because when I was training way back in World War II days, which does show my age, I guess, my mother sent a passage to me that I have always thought was very apropos, not only for that time and what I was looking forward to then, but also no matter what happens to us any time in life. And that is out of Psalm 139.

"Whither shall I go from thy spirit, or whither shall I flee from they presence? If I ascend up into heaven, thou art there. If I make my bed in hell, behold, thou are there." And this part in particular: "If I take the wings of the morning and dwell in the uttermost parts of the sea, even there shall thy hand lead me and they right hand shall hold me." To me, that dwelling in the uttermost parts of the sea also means going into space, I can tell you that. Those two passages together I have always thought were about my favorite parts of the Scripture.

Now to our New Testament reading, which I understand is also the favorite of some of the other people here this morning. Romans 8: "Who shall separate us from the love of Christ? Shall tribulation or distress or persecution or famine or nakedness or peril or sword? As it is written, 'For thy sake, we are killed all day long. We are counted as sheep for the slaughter.' Nay, in all these things, we are more than conquerors through him that loved us. For I am persuaded that neither death nor life nor angels nor principalities nor powers nor things present nor things to come nor height nor depth nor any other creature shall be able to separate us from the love of God which is in Christ Jesus our Lord."

The second passage is out of Phillippians: "Rejoice in the Lord always. And again I say, rejoice. Let you moderation be known unto all men. The Lord is at hand. Be careful for nothing, but in everything, by prayer and supplication, with thanksgiving, let your requests be made known unto God. And the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus. Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, if there be any praise, think on these things. Those things which ye have both learned and received and heard and seen in me, do. And the God of peace shall be with you."

Thank you. (Applause.)

Representative LARGENT. Thank you, Senator Glenn. Please welcome to the podium, ladies and gentleman, the Vice President of the United States, Albert Gore, Jr. (Applause.)

Vice President GORE. Thank you, Steve. Thank you very much. Thank you, Congressman Largent; Mr. President, Mrs. Clinton; Mr. Speaker; distinguished guests.

To all of those who have worked so hard to make this breakfast what it is, including a lot of men and women in the Overflow Room, who did more work than anybody else, I want to thank them. When I went over to speak with them during the breakfast briefly, by sheer coincidence, I read exactly the same passage from Romans that John just picked here.

And to all of you, I want to thank you joining us at this annual gathering, which reaffirms America as a pilgrim people and a nation of faith.

Every one of us, I believe, has a task appointed for us by the Lord. We are reminded, "Whatsoever thy hand findeth to do, do it with thy might." A teacher should teach with all his heart, a parent should care for her child as if all heaven were watching, a machinist should take the utmost pride in a job well done, because all of us are asked by God to devote our daily work to others and to his glory. All of us have a chance to be made great, not by our achievements measured in the world's eyes, but through our commitment to a path of righteousness and to one another.

I also believe our nation has a task appointed for it by the Lord. As the Gospel says, "Let your light so shine before men that they may see your good works and glorify your Father, which is in heaven." Though our founders separated Church and State, they never forgot that this eternal spiritual light illuminated the principles of democracy, and especially the idea of the preciousness and equality of every human being. The truth that underlies the Constitution is that every human being, no matter how rich or how poor, how powerful or how frail, is made in God's holy image and must be treated accordingly.

We have seen, especially in this century, how dangerous and destructive the world becomes when individuals, nations, and leaders forget this eternal truth. Without it, the door to evil is wrenched open, wreaking untold misery on the human race; demagoguery and cruelty, racial hatred and totalitarianism may enter unchecked.

When we understand our real nature and responsibility as true sons and daughters of the living God, it does not mean we retreat from the world, even though all of us know how hard the world can be on our ideals. Rather, God asks us to move forward into human institutions and, instead of conforming ourselves to them, change them for the better, doing our best to listen to the small, still voice that should guide us.

A little farther in that part of Romans, in a different translation, is a passage that has always meant a lot to me: "Do not be conformed to this world, but be transformed by the renewing of your mind, so that you may discern what is the will of God, what is good and acceptable and perfect. Let love be genuine. Hate what is evil. Hold fast to what is good. Live in harmony with one another. Do not be haughty, but associate with the lowly. Do not claim to be wiser than you are. Do not repay anyone evil for evil, but take thought for what is noble in the sight of all."

An old folk tale says there are two ways to warm yourself when it is very cold. One is by putting on a luxurious coat; the other is by lighting a fire. The difference is that the fur coat warms only yourself, while the fire lights anyone who comes near.

We have a comparable choice every day. Indeed, we are at a moment of great spiritual opportunity to choose right. The end of the millennium is drawing near, so let us carry no spiritual debts into a new time, but recommit to a future where we elevate mankind's faith and fill the world with justice. (Applause.)

Representative LARGENT. Thank you, Mr. Vice President.

I was joking with the Vice President earlier that the prayer breakfast is on Thursday, but his prayers were answered earlier in the week when Mr. Gephardt pulled out of the presidential primary. (Laughter.)

It gives me great honor to introduce our speaker this morning, Mr. Max Lucado. Max is probably best know as a best-selling author, having 11 million books in print. Although I have read many of his books, the one that truly touched me the most has been one of his children's books called "You are Special." I have given this book to several friends and have read it aloud on various occasions, especially when I speak with young people. When I was asked to choose a speaker this morning, I immediately thought of Max, because I am convinced that someone who writes the way he writes knows a great deal about the unconditional love of God. So, Max, please come and share with us what is on your heart this morning. (Applause.)

Mr. LUCADO. Mr. President and Mrs. Clinton, Mr. Vice President. I cannot thank you enough for this wonderful privilege that you have given me and my wife, Denalyn, to be with you this morning. Thank you, Congressman Largent, for those kind words.

I never quite know how people respond to those of us who write. Not long ago I was speaking at a conference and a man came up to me afterwards and said, "I've never had dinner with an author before." And I said, "Well, you buy, I'll eat." (Laughter.) So off we went and had a delightful chat. Some days later I received a note from him in which he said, "I thoroughly enjoyed our visit, but you were not as intelligent as I thought you would be" (Laughter.) You can't please everyone.

I will do my best to keep my remarks brief. Not long ago I was speaking and a man got up in the middle of my presentation and began walking out. I stopped everything and I said, "Sir, can you tell me where you're going?" He said, "I's going to get a haircut." I said, "Why didn't you get one before you came in?" He said, "I didn't need one before I came in." (Laughter.)

I have asked several people associated with the breakfast why the invitation came my way. The answer that really made the most sense was the briefest one, and that is, "We thought you might share a few words about Jesus," a request I am privileged to attempt to fulfill.

The final paragraph on the invitation that we received defines the National Prayer Breakfast as "a fellowship in the spirit of Jesus." How remarkable that such an event even exists. It speaks so highly of you, our leaders, that you would convene such a gathering and clear times out of your very busy schedule to attend such a gathering, not under any religious or political auspices, but in the spirit of Jesus. Thank you that during these dramatic hours you have made prayer a priority.

This breakfast speaks highly of you, our guests. You weave a tapestry this morning of 160 different nations, traditions and cultures, representing a variety of backgrounds but united by a common desire to do what is right for your people. And you are welcome here. Each and every one of you are welcome.

The breakfast is a testimony to you, our leaders, to you, our guests, but most of all, wouldn't you agree?, the breakfast is a testimony to Jesus of Nazareth. Regardless of our perception and understanding and opinion of him, how remarkable that 2,000 years after his birth, we are gathered to consider this life, a man of humble origins, a brother to the poor, a friend of sinners and the great reconciler of people.

It is the last attribute of Jesus I thought we could consider for just a few moments, his ability to reconcile the divided, his ability to deal with contentious people. After all, don't we all deal with people and don't we all know how contentious they can be? How does that verse go? "To live above with those we love, O, how that will be glory. But to live below with those we know, now, that's another story." (Laughter.)

I found this out in college when I found a girl whom I really liked and I took her home to meet my mom, but my mom didn't like her, so I took her back. (Laughter.) I found another girl I really liked, and so I took her home to meet my mom, but mom didn't like her either. So I took her back. I found another girl, took her home. Mom didn't like her. I went through a dormitory full of girls—(laughter)—until finally I found one that I knew my mom would like because she looked just like my mom. She walked like my mom. She talked like my mom. So I took her home, and my dad could not stand her. (Laughter.)

People are tough to deal with. But tucked away in the pages of the Bible is the story of Jesus guiding a contentious group through a crisis. If you will turn your attention to the inside of your program that you received, you will read the words written by a dear friend of Jesus, the apostle John. And he tells us this story:

"Jesus knew that the Father had put all things under his power and that he had come from God and was returning to God. So he got up from the meal, he took off his outer clothing, he wrapped a towel around his waist. After that he poured water into a basin and began to wash his disciples' feet, drying them with the towel that was wrapped around him. He came to Simon Peter, who said to him, 'Lord, are you going to wash my feet?' And Jesus replied, 'You do not realize what I am doing, but later you will understand.' 'No,' said Peter. 'You shall never wash my feet.' And Jesus answered, 'Unless I wash you, you have no part with me.' 'Then, Lord,' Simon Peter replied, 'not just my feet, but my hands and my head as well.'"

It is the final night of Jesus' life, the night before his death, and Jesus and his disciples have gathered for what will be their final meal together. You would think his followers would be sensitive to the demands of the hour, but they are not. They are divided. Another follower by the name of Luke in his gospel writes these words: "The disciples began to argue about which of them was the important." Can you imagine? The leader is about to be killed and the followers are posturing for power. This is a contentious group.

Not only are they contentious; they are cowardly. Before the night is over, the soldiers will come and the followers will scatter, and those who sit with him at the table will abandon him in the garden. Can you imagine a more stressful evening—death threats on one side and contentious and quarrelsome followers on the other? I suppose some of you can. That may sound like a typical day at the office. But we know that the response of Jesus was not at all typical.

But I wonder what our response would be. Perhaps we would preach a sermon on team work, maybe point a few fingers or pound a few tables. That is probably what we would do. But what does Jesus do? How does he guide a divided team through a crisis? He stands and he removes his coat and he wraps a servant's towel around his waist. He takes up the wash basin and he kneels before one of his disciples. Unlacing a sandal, he gently lifts the disciple's foot and places it in the wash basin, covers it with water and begins to clean it. One by one, Jesus works his way down the row, one grimy foot after another. He washes the feet of his followers.

By the way, I looked for the verse in the Bible that says Jesus washed all of the disciples' feet except the feet of Judas, but I could not find it. The feet of Judas were washed as well. No one was excluded.

You may be aware that the washing of feet was a task reserved not just for the servants but for the lowest of servants. Every group has its pecking order, and a group of household servants was no exception. And whoever was at the bottom of that pecking order was the one given the towel and the one given the basin. But in this case, the one with the towel and the one with the basin is the one whom many of us esteem as the creator and king of the universe. What a thought. Hands which shaped the stars, rubbing dirt; fingers which formed mountains, massaging toes. And the one before whom all nations will one day bow, kneeling before his friends, before his divided and disloyal band of friends.

It is important to note that Jesus is not applauding their behavior. He is not applauding their actions. He simply chooses to love them and respect them, in spite of their actions. he literally and symbolically cups the grimiest part of their lives in his hands and cleanses it with forgiveness. Isn't this what this gesture means? To wash someone's feet is to touch the mistakes of their lives and cleanse them with kindness. Sometimes there is no other option. Sometimes everything that can be said has been said. Sometimes the most earnest defense is inadequate. There are some conflicts, whether in nations or in homes, which can only be resolved with a towel and a basin of water.

"But Max," you might be saying, "I'm not the one to wash feet. I've done nothing wrong." Perhaps you have done nothing wrong. But neither did Jesus. You see, the genius of Jesus' example is that the burden of bridge-building falls on the strong one, not on the weak one. It is the one in the right who takes the initiative.

And you know what happens? When the one in the right volunteers to wash the feet of the one in the wrong, both parties end up on their knees. For don't we always think we are right? We kneel to wash feet only to look up and see our adversary, who is kneeling to wash ours. What better posture from which to resolve our differences?

By the way, this story offers a clear picture of what it means to be a follower of Jesus. We have allowed the definition to get so confusing. Some think it has something to do with attending a certain church or embracing a particular political view. Really it is much simpler. A follower of Jesus is one who has placed his or her life where the disciples placed their feet—in the hands of Jesus. And just as he cleansed their feet with water, so he cleanses our mistakes with forgiveness.

That is why followers of Jesus must be the very first to wash the feet of others. Jesus goes on to say, "If I, your Lord and master, have washed your feet, you should wash one another's feet. I did this as an example so that you should do as I have done for you."

I wonder what would happen if we accepted this challenge, if we followed Jesus's example. What if we all determined to resolve conflict by the washing of feet? If we did, here is what might occur. We would listen, really listen, when people speak. We would be kind to those who curse us and quick to forgive those who ask our forgiveness. We would be more concerned about being fair than being noticed. We would not lower our God-given standards, nor would we soften our hearts. We would keep our minds open, our hearts tender and our thoughts humble. And we would search for and find the goodness that God has placed within each person, and love it.

Would our problems be solved overnight? No. Jesus's were not. Judas still sold out and the disciples still ran away. But in time—in fact, in short time—they all came back and they formed a nucleus of followers who changed the course of history. And no doubt they must have learned what I pray we learn this morning: that some problems can only be solved with a towel and a basin of water.

Let's pray together. Our Father, you have taught us that the line between good and evil does not run down geographical or political boundaries but runs through each of our hearts. Please expand that part of us which is good and diminish that part of us which is evil. Let your great blessings be upon our President and his family, our Vice President and his family, and all of these leaders and dignitaries gathered. But we look to you as the ultimate creator, director and author of the universe. Lead us to someone today whose mistakes we might touch with kindness. By your power we pray. Amen. (Applause.)

Representative LARGENT. Thank you, Max. At this time I want to make one other brief introduction, and that is the new Speaker of the House of Representatives, my friend from Illinois, Denny Hastert.

I want to say it is my privilege and high honor to at this time introduce the President of the United States, Mr. William Jefferson Clinton. (Applause.)

President Clinton. Thank you very much.

Steve, distinguished head table guests, to the leaders from around the world who are here, the members of Congress, Mr. Speaker and others, ladies and gentlemen.

I feel exactly the way I did the first time I ever gave a speech as a public official, to the Pine Bluff Rotary Club Officers Installation Banquet in January of 1977. The dinner started at 6:30. There were 500 people there. All but three were introduced; they went home mad. (Laughter.) We had been there since 6:30. I was introduced at a quarter to 10. The guy that introduced me was so nervous he did not know what to do, and, so help me, the first words out of his mouth were, "You know, we could stop here and have had a very nice evening." (Laughter.) He did not mean it the way it sounded, but I do mean it. We could stop here and have had a very wonderful breakfast. You were magnificent, Max. Thank you very much (Applause.)

I did want to assure you that one of the things that has been said here today repeatedly is absolutely true. Senator Hutchison was talking about how when we come here, we set party aside, and there is absolutely no politics in this. I can tell you that is absolutely so. I have had a terrific relationship with Steve Largent, and he has yet to vote with me the first time. (Laughter.) So I know there is no politics in this prayer breakfast. (Laughs.)

We come here every year. Hillary and I were staying up kind of late last night talking about what we should say today and who would be here. I would like to ask you to think about what Max Lucado said in terms of the world we live in, for it is easier to talk about than to do, this idea of making peace with those who are different from us.

We have certain signs of hope, of course. last Good Friday in Northern Ireland, the Irish Protestants and the Irish Catholics set aside literally centuries of distrust and chose peace for their children.

Last October, at the Wye Plantation in Maryland, Chairman Arafat, Abu Mazin and the Palestinian delegation, and Prime Minister Netanyahu and the Israeli delegation went through literally sleepless nights to try to save the peace process in the Middle East and put it back on track.

Throughout this year, we have worked with our allies to deepen the peace in Bosnia, and we are delighted to have the leader of the Republika Srpska here today. We are working today to avoid a new catastrophe in Kosovo, with some hopeful signs.

We also have worked to guarantee religious freedom to those who disagree with all of us in this room, recognizing that so much of the trouble in the world is rooted in what we believe are the instructions we get from God to do things to people who are different from us. And we think the only answer is to promote religious freedom at home and around the world.

I want to thank all of you who helped us to pass the Religious Freedom Act of 1998. I would like say a special word of appreciation to Dr. Robert Seiple, the former head of World Vision, who is here with us today. He is not America's Ambassador at Large for International Religious Freedom. Later this month, I will appoint three members to the United States Commission on International Religious Freedom. The Congress has already nominated its' members.

We know that is a part of it. But, respectfully, I would suggest it is not enough. As we pray for peace, as well listen to what Max said, we say, well, of course it is God's will. But the truth is, throughout history, people have prayed to God to aid them in war. People have claimed repeatedly that it was God's will that they prevail in conflict. Christians have done it at least since the time of the crusades. Jews have done it since the times of the Old Testament. Muslims have done it from the time of the Essenes down to the present day. No faith is blameless in saying that they have taken up arms against other faiths, other races, because it was God's will that they do so. Nearly everybody would agree that from time to time, that happens over the long course of history. I do believe that, even though Adolf Hitler preached a perverted form of Christianity, God did not want him to prevail. But I also know that when we take up arms or words against one another, we must be very careful in invoking the name of our Lord.

Abraham Lincoln once said that in the great Civil War neither side wanted war and both sides prayed to the same God; but one side would make war rather than stay in the union, and the other side would accept war rather than let it be rent asunder, so the war came. In other words, our great president understood that the Almighty has his own designs and all we can do is pray to know God's will.

What does that have to do with us? Martin Luther King once said we had to be careful taking vengeance in the name of God, because the old law of "an eye for an eye leaves everybody blind."

And so today, in the spirit in which we have been truly ministered to today, I ask you to pray for peace in the Middle East, in Bosnia and Kosovo; in Northern Ireland, where there are new difficulties. I ask you to pray that the young leaders of Ethiopia and Eritrea will find a way to avoid war. I ask you to pray for a resolution of the conflicts between India and Pakistan. I ask you to pray for the success of the peace process in Columbia, for the agreement made by the leaders of Ecuador and Peru, for the ongoing struggles to make the peace process work in Guatemala.

I ask you to pray for peace. I ask you to pray for the peacemakers; for the Prime Minister of Albania; for the Prime Minister of Macedonia; who are here. Their region is deeply troubled. I ask you to pray for Chairman Arafat and the Palestinians; for the government of Israel; for Mrs. Leah Rabin and her children, who are here, for the awful price they have paid in the loss of Prime Minister Rabin for the cause of peace. I ask you to pray for King Hussein, a wonderful human being, the champion of peace who, I promise you today, is fighting for his life mostly so he can continue to fight for peace.

Finally, I ask you to pray for all of us, including yourself; to pray that our purpose truly will reflect God's will; to pray that we can all be purged of the temptation to pretend that our willfulness is somehow equal to God's will; to remember that all the great peacemakers in the world in the end have to let go and walk away, like Christ, not from apparent but from genuine grievances. If Nelson Mandela can walk away from 28 years of oppression in a little prison cell, we can walk away from whatever is bothering us. If Leah Rabin and her family can continue their struggle for peace after the Prime Minister's assassination, then we can continue to believe in our better selves.

I remember on September the 19th, 1993, when the leaders of Israel and the Palestinian Authority gather in Washington to sign the peace accord, the great question arose about whether, in front of a billion people on international television, for the very first time, Chairman Arafat and Prime Minister Rabin would shake hands.

Now this may seem like a little thing to you. But Yitzhak Rabin and I were sitting in my office talking, and he said: "You know, Mr. President, I have been fighting this man for 30 years. I have buried a lot of people. This is difficult." And I started to make an argument, and before I could say anything, he said, "But you do not make peace with your friends." And so the handshake occurred that was seen around the world.

A little while afterward, after some time passed, they came back to Washington. And they were going to sign these agreements about what the details were of handing over Gaza and parts of the West Bank. On this second signing, the two of them had to sign three copies of these huge maps, books of maps. There were 27 maps. There were literally thousands of markings on these maps, on each page: "What would happen at every little cross road? Who would be in charge? Who would do this, who would do that, who would do the other thing?" Right before the ceremony there was a hitch, and some jurisdictional issue was not resolved. Everybody was going around in a tizzy. I opened the door to the little back room, where the Vice President and I have lunch once a week. I said to these two people, who shook hands for the first time not so long ago: "Why don't you guys go in this room and work this out? This is not a big deal." Thirty minutes later, they came out. No one else was in there. They worked it out; they signed the copies three times, 27 pieces each, each page they were signing. And it was over.

You do not make peace with your friends, but friendship can come, with time and trust and humility, when we do not pretend that our willfulness is an expression of God's will.

I do not know how to put this into words. A friend of mine last week sent me a little story out of Mother Teresa's life. she was asked, "When you pray, what do you say to God?" And she said, "I don't say anything; I listen." And then she was asked, "Well, when you listen, what does God say to you?" And she said, "He doesn't say anything either; he listens." (Soft laughter.)

In another way, Saint Paul said the same thing. "We do not know how to pray as we ought, but the Spirit himself intercedes for us, with sighs too deep for words."

So I ask you to reflect on all we have seen and heard and felt today. I ask you to pray for peace, for the peacemakers, and for peace within each of our hearts—in silence.

(Moment of silence.) Amen.

(Applause.)

Representative LARGENT. Thank you, Mr. President, for your remarks. You have asked us to pray for the leaders of the world and for leadership in the world. And at this time, I would like to ask my friend, Representative Harold Ford, to come forward to pray for world leaders.

Representative FORD. Thank you, Steve.

We pray, God, that you will help us to understand what the book of Ephesians means when it says, "We wrestle not against flesh and blood but against principalities and powers." We pray that we may heed the ancient summons, pray as if everything depended on God and act as if everything depended on you. Whether we worship in the shadow of the cross, under the Star of David or the crescent of Islam, it is in this spirit that we gather and in this spirit that we pray. We pray that God be above us to protect, beneath us to uphold, before us to guide and around us to comfort. We offer these prayers in the name of one God of all humanity. Let all of God's children say amen. (Applause.)

Representative LARGENT. Thank you, Harold. One of the real mysteries of the power of Jesus is that, Mr. President, as you said, I may not have voted with you in the four years that I have been in Congress, but I want you to know that I care for you and love you. That is part of the mystery of Jesus and the celebration that we have here this morning as we come to pray for our leaders and for our world.

At this time I would like to ask Senator Lieberman to come forward and lead us in our benediction. (Applause.)

Senator LIEBERMAN. Thank you. Let us pray.

I pray, Lord, that you will open my lips, that I may declare your praise. We love you, Lord, because we come before you with a perfect faith that you will hear our prayer. And we have that faith not because of our confidence in our righteousness but because of our trust in your mercy.

Lord, thank you for waking us up this morning, restoring our souls to our bodies, bringing us to this place, enabling us to have this extraordinary experience. We have come along many paths to this place, but the destination we seek is a unified one, Lord, and it is you. You are the source of our lives, of our principles, of our purpose. We thank you for all that you have done for us. And as the President said so beautifully and compellingly and truthfully, for reasons that only impress us withour imperfection, so often our attempts to reach you have divided us,

But today, the spirit in this room is yours; in the Hebrew, Shekinah, the spirit of God, is here and it brings us together in a characteristically American way, in a way that the founders of this country understood, and they expressed in the very first paragraph by which they declared their independence that they held certain truths to be self-evident and that the first of these was that the rights they were granting us came from you; they were not the work of philosophers or lawyers or politicians, but were the endowment we received from you, our creator.

Lord, we thank you for the leaders who are here, the speakers who are here who have shared their faith with us. We ask your prayers, especially on the leaders of our country, the President and Vice President and their devoted and gifted wives. We pray particularly today for the President of the United States. We thank you for the gifts you have given him of intellect, of judgment, of compassion, of communication, that have enabled him to be such a successful leader of our country and have raised up so many people in this country to a better life and have brought him to a point where people around the world depend on him, put their hopes in him.

And Lord, may I say a special prayer at this time of difficulty for our President, that you hear his prayers, that you help him in the work he is doing with his family and his clergy, that you accept his atonement in the spirit in which David spoke to the prophet and said, "I am distressed. Let me put my faith not in human hands but in the hands of God, who is full of abundant mercy."

So, Lord, we pray that you will not only restore his soul and lead him in the paths of righteousness for your name's sake, but help us join with him to heal the breach, begin the reconciliation and restore our national soul so that we may go forward together to make this great country even greater and better.

And I pray, Lord, too, for all the leaders from around the world who are here. And in the spirit the president himself invoked, I want to reach out particularly to Chairman Arafat and Abu Mazin and Leah Rabin and her children, and to do so in the spirit of unity that fills this room, but also in the recollection and remembrance of the truth, that Abraham, with whom you entered the covenant that gave birth to at least three of the great religions that are here today, that Abraham loved his son Ishmael as he did his son Isaac. And we pray that you will bring that truth to Chairman Arafat and the leaders of Israel and you will guide them in the paths of peace so that their children and grandchildren may truly one day not just live in peace but sit together, as Dr. King evoked in all of us, at the table of brotherhood and sisterhood.

So, Lord, as we leave this place, we pray that you will take us by the hand and lead us home, but let us not leave here the spirit of unity and purpose that has filled this room. Let us resolve, each of us in our own way, to work to honor your name, to bring us closer each day to the realization of the prophet's vision, "when the valleys will be exalted and the hills and mountains made low, when the rough spots will be made straight and the glory of the Lord will fill the earth, and all flesh will see it and experience it." On that day, Lord, your name will truly be one and your children will be one.

Amen. (Applause.)

Representative LARGENT. Thank you, Senator Lieberman.

Ladies and gentlemen, this concludes the 47th National Prayer Breakfast.

Thank you all for being with us here this morning. Let's leave today and live out the principles Jesus taught about loving one another, loving our God with all our heart, soul and mind. Thank you, and have a good morning.

A PROCLAMATION RECOGNIZING MARTINS FERRY CHAMBER OF COMMERCE 100TH ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues with great pride and satisfaction:

Whereas, The Martins Ferry Chamber of Commerce is this year celebrating their 100th Anniversary as they have been committed to servicing their community since its inception in 1901; and,

Whereas, with a deep and abiding concern for the well being of all members of the community, have given generously of their time, talents and energy to make Martins Ferry a better place to live; and,

I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of Martins Ferry Chamber of Commerce's one hundred years of dedication to the people and businesses of their community.

IN HONOR OF RITA C. SEVERIS, AUTHOR OF TRAVELLING ARTISTS IN CYPRUS 1700–1960

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Ms. Rita C. Severis, a distinguished art historian whose recently published book, Travelling Artists in Cyprus 1700–1960, offers a pioneer study of the island of Cyprus through the visions of more than 120 artists over three centuries.

Ms. Severis will be honored on the evening of April 24, 2001, by Cyprus's Consulate General to the United States, Mr. Vasilis Philippou, at a book signing presentation at the Consulate General's office in my district in New York.

A student of philosophy and journalism at University College, London and the London School of Journalism, Ms. Severis received her doctorate in the History of Art from Bristol University.

Ms. Severis is an accomplished author and journalist whose previous books include Along the Most Beautiful Path of the World, Edmund Duthoit and Cyprus, and the co-edited In the Footsteps of Women Peregrinations in Cyprus. Ms. Severis has contributed articles to various periodicals on Cypriot culture and is now working on a publication exploring an American missionary's diary in Cyprus (1834–39).

Ms. Severis carefully selected 350 compositions, from pencil and ink to pastel, lithographs, and watercolors and oil on paper, canvas, board, and wood, for Travelling Artists in Cyprus 1700–1960. The collection elegantly presents the beauty and majesty of Cyprus, with its diverse historic periods, august monuments, and magnificent natural landscapes.

Through this publication, Rita Severis has provided a work of great significance in the field of art history, while contributing to the cultural fabric of Cyprus.

Mr. Speaker, I salute Ms. Rita C. Severis for her admirable contribution to art history and to the people of Cyprus through her publication, Travelling Artists in Cyprus 1700–1960.

A PROCLAMATION RECOGNIZING THE 100TH ANNIVERSARY OF THE SALVATION ARMY CAMBRIDGE, OHIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues with great pride and satisfaction:

Whereas, The Cambridge Salvation Army is celebrating their 100th year of dedicated service to the grateful people of Ohio; and, Whereas, they have humbly and faithfully provided invaluable services to those less fortunate, embodying the true spirit of William Booth, the founder of the Salvation Army; and

Whereas, their success has been made possible only through the generosity of spirit that prods one to give generously to their neighbor; and,

I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the Cambridge Salvation Army's generous gift of one hundred years of service to the people of this city.

HONORING DR. DEANE AND SUSAN PENN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a couple who have been great friends to the Jewish community of Bergen County, New Jersey, as well as personal friends of mine for many years. Mr. Speaker, I rise to honor Dr. Deane and Susan Penn of Alpine, New Jersey, this year's winners of the Anti-Defamation League's Torch of Liberty Award.

Those who are fortunate enough to know Susan and Deane know the depth of their dedication to the community and helping others. I would like to discuss some of their many contributions to the community.

Susan Penn brings a combination of warmth, intelligence, and drive to every project she undertakes; and their are many. She is a Vice President of the UJA Federation of Bergen County & North Hudson, and holds a number of other positions within the Federation. Susan is also deeply committed to the JCC on the Palisades, and is a member of its Board of Trustees, She has also held leadership positions in secular and Jewish educational institutes as well as community groups, too numerous to mention.

Dr. Deane Penn is a highly respected physician who has served as the President of the medical staff at Holy Name Hospital in Teaneck, New Jersey. Yet his thriving medical career has never stopped him from devoting his considerable talents to working in our community. He is a Trustee of the Jewish Home in Rockleigh, New Jersey and is a member of the Physician's Cabinet of the UJA Federation.

The Penns are also both avid tennis players and competitors. And they are sharing their love of that sport, and the Jewish people, by co-chairing the National Masters Tennis Team for the 16th World Maccabiah Games in Israel.

People who give so much of themselves as Dr. Deane and Susan Penn do not do so for the recognition. However, they certainly deserve to receive it.

Mr. Speaker, I am proud to congratulate Dr. Deane and Susan Penn as well as their children Jonathan and Stacey on the occasion of this well deserved tribute from the Anti-Defamation League, and wish them health and happiness in the years to come.

SMALL BUSINESS INTEREST CHECKING ACT OF 2001

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. OXLEY. Mr. Speaker, it has come to my attention that some language intended to be included in the report to accompany H.R. 974, the Small Business Interest Checking Act of 2001 (H. Rept. 107–38) was inadvertently omitted when the report was filed. The paragraph beginning on page 19 and ending on page 20 of that report, explaining section 7 of the legislation, should read as follows:

> This section provides that nothing in the bill is to be construed as creating any presumption or implication that, in the case of an escrow account maintained at a depository institution in connection with a real estate transaction, the absorption of expenses incidental to a normal banking function, or the forbearance of any fee in connection with the same, or the receipt of any benefits thereof by the holder or the beneficiary of that escrow account, may be treated as the payment or receipt of interest for purposes of Public Law 93–100, the Federal Reserve Act, the Home Owner's Loan Act, or the Federal Deposit Insurance Act. The Committee intends that this provision clarify that the current treatment of such transactions under Federal law and regulation, particularly the regulations of the Board of Governors of the Federal Reserve DD and Q, is unaffected by this legislation. Current law does not treat the provision of the services and benefits described by this section as the payment or receipt of interest to or by the holder or beneficiary of an escrow account, and that presumption will remain the law upon the enactment of this bill.

This language clarifies the intent of the Committee with respect to this provision, and corrects the omission in the printed report.

REGARDING HUMAN RIGHTS IN CUBA

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. SCARBOROUGH. Mr. Speaker, I join my colleagues in condemning the repressive and totalitarian actions of the government of Cuba against the Cuban people. I fully support H. Res. 91 and join with the sense of the House of Representatives that the President should work toward a policy of directly assisting the Cuban people, strengthening the forces of change, and improving human rights within Cuba.

Since Fidel Castro led the Cuban Revolution in 1959, the Cuban government has severely repressed its citizens. Cuba barely survives as one of the last hard-line Communist states anywhere in the world, and unfortunately continues its abysmal human rights record to this day. Following the Soviet Union's collapse and the decline of its role as Soviet satellite, Cuba experienced severe economic deterioration from 1989 to 1993. Despite limited reforms implemented in 1994, economic and social conditions there have not significantly improved. We must press for more.

The Castro regime violates all the Cuban people's fundamental civil and political rights, denying its citizens the freedoms we Americans hold most sacred. In Cuba, there is no such thing as freedom of assembly, freedom of press, freedom of speech, or freedom of religion. In law and in practice, the Castro regime suppresses all opposition and dissent, and controls and monitors religions institutions. In addition, Cuba's government regularly denies workers' rights and routinely prevents international human rights monitors from accessing the country.

The United States' objective for Cuba is to bring democracy and respect for human rights to our island neighbor. We must continue a policy that keeps maximum pressure on the Cuban government until reforms are enacted, but we must not forget the Cuban people who are unconscionably forced to live without the most basic freedoms. Nobody deserves to live and die at the hands of communism. Fortunately, through our persistence and steadfast knowledge that the United States is morally right, Mr. Speaker, I assure you ultimately freedom will prevail.

A PROCLAMATION RECOGNIZING DAVID M. BLAGG

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, David Blagg is the recipient of the distinct honor of promotion in the United States Army; and,

Whereas, David Blagg's dedication to the United States Armed services is recognized in his advancement from Sergeant to Staff Sergeant; and

Whereas, David Blagg's distinguished career began three years ago as Private First Class of Fort Bragg, N.C. and now holds a position at the White House Communications Agency in Washington, DC; and,

Whereas, on Thursday, April 5, 2001, the Honorable David L. Hobson of the great state of Ohio will promote Sergeant Blagg to the rank of Staff Sergeant; and

Whereas, the citizens of the United States and the citizens of Ohio, with a real sense of pleasure, join me in congratulating Staff Sergeant David Blagg on this proud day of recognition.

IN HONOR OF THE 100TH ANNIVERSARY JUNIOR LEAGUE MOVEMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Junior League on the occasion of its 100th Anniversary. This year, nearly 200,000 Junior League women are celebrating 100 years of volunteer community service. With a century of action for family literacy, senior citizen care, battered women's shelters, affordable day care, AIDS education, pregnancy prevention and multicultural awareness to their credit, the members of Junior Leagues in 295 communities in four countries have much to celebrate.

The Junior League reached its centennial milestone this year with a phenomenal legacy of achievement in local communities. In 1901, Barnard College student Mary Harriman established the Junior League "to foster among its members the interest in undertakings for the betterment of the social, economic and educational conditions in the City of New York." Mary Harriman's idea—that a group of women could be a powerful force for change—has resonated throughout this century. What began with 80 young women traveling to Manhattan's Lower East Side to volunteer at a settlement house; has blossomed into a growing movement of trained volunteers improving their communities through direct service, public education, advocacy, fundraising and sheer hard work.

Individual Junior Leagues contribute mightily to their local communities. Aspects of our social, cultural and political fabric that we take for granted—free school lunches, children's theatre and museums, domestic violence legislation, volunteer bureaus, quality TV programming for children—are among the innovations led by the Junior League.

Today, Leagues work with babies with HIV, abused children and the homeless and serve as mentors to young women and girls. They initiate and staff childcare centers, fund breast cancer research and protect the environment. In short, the Junior League can be credited with implementing change and improving conditions in almost every sector. In recognition of decades of these sustained contributions, in 1989, the Association of Junior Leagues International (AJLI) was presented with the prestigious U.S. President's Volunteer Action Award.

In 1901, membership in the Junior League gave women a rare opportunity to take a leadership role in the wider world. Today, even with increased professional opportunities for women, the Junior League continues to offer women a unique and powerful way to make a difference, take risks and become community leaders. In spite of the fact that two-thirds of the members are working women, they still commit their valuable time to serving their communities through the Junior League.

It is no great surprise that 46 percent of Junior League members are "Roper Influentials"—political and social trendsetters who influence their friends and acquaintances on an impressive array of topics such as computers, investment ideas, health issues, politics, cars and children.

With nearly a century of service to its credit, the Junior League is an icon in the fabric of community life in the United States, Canada, Mexico and Great Britain. The women leaders of the Junior League are a powerful force, offering professional experience and vital support to the volunteer sector. I am proud of my own membership in the Junior League and can personally attest to the dedication of the women who give their time and expertise to the Junior League.

The Junior Leagues' Centennial celebration will last all year long, with a special international celebration in New York City at the League's 2001 Annual Conference, Wednesday, April 25 through Sunday, April 29, 2001.

Mr. Speaker, I am delighted to congratulate the New York Junior League on its 100th Anniversary and I wish them many more years of successful service to their communities.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, on April 4, 2001, I was in the First District of Rhode Island and consequently I missed six votes.

Had I been here I would of voted: "Yea" on rollcall No. 79; "Yea" on rollcall No. 80; "Yea" on rollcall No. 81; "Yea" on rollcall No. 82; "Yea" on rollcall No. 83; "No" on rollcall No. 84.

TEMPLE UNIVERSITY DENTAL CLASS OF 1951 CELEBRATES 50TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Class of 1951 of the Dental School of Temple University, which will hold a reunion and celebration on may 5 and 6 in Philadelphia at Sugarloaf, the university's conference center.

When this class, which I am proud to say includes my cousin, Dr. Ray Chase, enrolled in 1947, a unique group of young men entered into the annals of history. Ninety-seven percent of these students served their country in various branches of the armed services during World War II, and all members of the class in their combined years in the practice of dentistry served in caring for the health of their respective communities throughout the United States.

During their time at Temple, a distinct feeling of camaraderie was felt among the whole class. The students came to one another's assistance not only in the seriousness of their studies, but also in the lighter pursuits. For two years, the class assembled its talent for an annual vaudeville performance complete with dancers, singers, instrumentalists and stand-up comedians. That was entirely new to the dental school and was a resounding success.

That class spirit has continued over the fifty years since, and get-togethers, newsletters and numerous phone calls have kept these men close and have developed among them some of their dearest friends. I would now like to read into the record the names of these distinguished men:

Robert H. Alber, John R. Albert, John C. Andrews, Irving Archinow, Robert J. Arner, Alberto E. Ayes, John A. Babett, Matthew F. Barnett, Claude M. Basler, Jr., Bernard M. Blaum, Joseph M. Blessing, Jr., Howard L. Britton, Jr., Elmer H. Brown, Jr., Ralph Buterbaugh, Jr., Charles E. Carey, Edward J. Carolan, Robert J. Clauser, Cecil F. Clement, Jr., Simon G. Coben, Joseph Cohen, Walter M. Culbert;

Raymond F. Chase, Eugene S. Czarnecki, Anthony T. D'Agostino, John A. D'Alessandro, Thomas L. Davis, Hugh V. Day, Melvin Denholtz, Stanley B. Dietz, Joseph E. Donnelly, Louis L. Dublin, John H. Eck, Arthur R. Erlacher, Stephen R. Falken, Theodore Feldman, Edward F. Flood, David E. Fox, Irvin R. Friedman, Richard B. Funk, Leonard F. Giordano, William L. Glickman, Fred Goldman, Spurgeon T. Gotwalt, John D.G. Grant;

Barton H. Greenberg, Shelly M. Greene, Lewis G. Gunn, William C. Haberstroh, Joseph F. Hacker, Jr., Robert W. Hemperly, Dallas C. Hess, Garth N. Huckins, Theodore F. Jarvis, Irving Kanefsky, Chester L. Karwanski, William Kasler, Eugene E. Katz, Frank J. Keating, Martin H. Kiefer, David Klebanoff, Milton Klempart, William J. Klink, Bertnard Kreshtool, Aaron Kuby, Theodore Kurta, Frank H. Laedlein, Albert V. LaRocca; Leroy P. Leahy, Charles J. Lentz, Joel G. Lippe, Marshall K. Ludwig, John H. McCutcheon, Walter E. Magann;

Herman D. Marggraff, C. Robert Martin, Paul D. Mattern, Perry M. Matz, Jack B. Metzger, Harry Mildvan, Frederick J. Monaghan, Sylvan Morein, Robert D. Moyer, Charles A. Nagle, Jr., John H. Nelson, Samuel S. Novich, Edward J. O'Donnell, Sidney B. Parmet, Samuel J. Paul, Daniel E. Pfeil, Richard Pitel, Erwin P. Plotnick, Irwin J. Plotnick, Arthur J. Ravage, Edward F. Reichert, Richard E. Reut, George Richterman, Charles W. Riley, Carmen Riviello, Vincent J. Roach, Homer G. Robinson, Richard A. Ross, John A. Rusch, Baxter B. Sapp, Jr.;

Bernard Sarnow, Harry L. Schiff, Burton Schwartz, Samuel J. Schwartz, Lambert Seltzer, George M. Shopp, Daniel H. Shuck, Joseph P. Skellchock, H. Norris Smith, Thomas J. Smith, Joseph A. Solecki, Jr.; Stephen S. Soltis, Gilbert A. Stegelske, Frank D. Summers, Gerald O. Sveen, Earl R. Thomas, Jr., David N. Thompson, James A. Turner, Edward A. Walinchus, John W. Weaver, William C.V. Wells, Jr., Fritz D. Yealy, Donald W. Zahnke, John E. Zerbe, and Louis Zislis.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the 50th anniversary of the Class of 1951 of the Dental School of Temple University, and I wish them all the best.

DEATH TAX ELIMINATION ACT OF 2001

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LAFALCE. Mr. Speaker, I strongly oppose today's bill, which is a clumsy attempt to implement a bad idea. Complete repeal of the estate tax—a tax that by 2005 will affect only the wealthiest 1% of all decedents in the

United States—is a bad idea. It marks a major step away from tax fairness, and greatly undermines our ability to address pressing federal needs. The clumsiness comes in the Republicans' attempt to hide the true costs of estate tax repeal, as well as their efforts to limit these costs through a complicated capital gains tax scheme.

As a result, not only do those who believe in tax fairness and fiscal responsibility have good reason to strongly oppose this bill, but even those who believe in estate tax repeal have grounds to reject this plan. We can make the estate tax more fair by immediately raising the exclusion limits on estates. But to repeal the tax altogether would be tremendously unfair to the 99% of Americans who will shoulder the costs.

A BETTER WAY TO REFORM THE ESTATE TAX

As a small business advocate, I have long supported proposals to raise the exclusion limits on estates subject to taxation. A very small number of family businesses and farms (just 4% of estate tax revenues come from small businesses, and just ¼ of 1% come from family farms) currently face onerous tax burdens as a result of the estate tax. While their numbers are small, these "middle class" family businesses and farms deserve relief from the estate tax.

And in fact, we have already made considerable progress in this effort: under current law, only the wealthiest 1% of estates will face any tax whatsoever by 2005. Under the Democratic alternative to today's bill, just 0.5% of all decedents would be subject to the tax. This 0.5% of estates would be composed exclusively of the very, very wealthy.

ESTATE TAX REPEAL IS UNFAIR

When fully implemented, the Republican plan to repeal the estate tax would provide $662 billion of tax relief to the wealthiest 1% of Americans. By any measure, that's a lot of money. But to put it in some perspective, consider how this tax cut compares to some of the Administration's spending priorities. The President has made education funding his to budget priority, yet provides only $41 billion in new funding over the next decade for education programs—and even that amount is inflated (unspecified targeted cuts in some education programs will reduce this gross figure). At the same time, the President has called for a new prescription drug benefit for seniors, but has allocated just $110 billion over ten years for it, far below any reasonable estimate of the program's true cost. In both cases, the President has devoted far more lip service than dollars to pressing national needs. Importantly, both priorities could be fully funded with the revenues lost to estate tax repeal.

It is rarely popular to promote the virtues of any tax. Nonetheless, that is just what some of the nation's wealthiest individuals effectively did recently in publicly opposing estate tax repeal. The likes of Bill Gates, Warren Buffet, and George Soros worry about the effects of repeal, arguing that the repeal will discourage and virtually eliminate substantial amounts of charitable giving, an will exacerbate the concentration of our nation's wealth in the hands of just a few families.

Concern about the concentration of wealth is particularly appropriate in recent years. Over the past decade, after-tax income for the wealthiest 1% of Americans grew by a stunning 40%, while after-tax income gains for the bottom 90% averaged just 5%. In the face of this growing income disparity, we are about to further advantage the wealthiest 1% with a $660 billion estate tax bonus. Today's bill is by far the most unfair and regressive element of the aggregate Republican tax package. but it is important to note that 40% of American families—those earning less than $27,000—will receive virtually no benefit at all from any of the Republican tax cuts, whether rate reductions, so-called marriage penalty relief, or expansion of the child tax credit.

These families are excluded from the Republican plan, not because the don't pay any taxes; in fact, all of them pay substantial federal taxes through the payroll tax, and for many, these taxes are onerous. These taxpaying families are excluded from the Republican's tax relief simply because the Republicans chose to aware the lion's share of tax relief to the very wealth. Yet, the 40% of families excluded from the Republican plan are the same taxpayers whose incomes have barely registered a gain in the midst of a decade-long economic expansion. Again, they—40% of all American families, those at the bottom—get nothing.

A CLUMSY ATTEMPT TO LIMIT REVENUE LOSSES

The Republicans faced a funding dilemma in crafting this legislation—they have already promised too much tax relief to wealthy Americans in other tax bills and have run out of room in their own budget to pay for estate tax repeal. As a result, they have resorted to a scheme that hides the true costs of repeal, while also attempting to recover some of the revenue losses through new capital gains taxes.

The drafters of this bill have back loaded its costs so that the true cost of repeal falls outside the 10-year budgetary window. They accomplish this by phasing in repeal at a snail's pace through 2011, and then quickly implementing complete repeal in the following year. As a result, the cost of this bill through 2011 is $193 billion; yet, if it were implemented immediately, the cost would skyrocket to $662 billion. Due to backloading, the same family businesses and farms that would benefit almost immediately from the Democratic plan to raise estate exclusion limits would continue to pay substantial estate taxes for the next ten years under the Republican plan.

But even cost backloading was not enough to limit the 10-year revenue losses from the Republican bill. In order to find more cost savings, the bill's drafters decided to shift the capital gains treatment of taxable estates from a "stepped up" basis to a "carryover" basis. Under current law, heirs are subject to capital gains taxes on estate assets sold based on the value of these assets when they were transferred from the decedent ("stepped up" basis). Under this bill, heirs would be subject to capital gains taxes based on the value of these assets when they were purchased by the decedent ("carryover" basis). The fatal flaw of this change lies in its complexity. In 1976, Congress passed legislation shifting from a stepped up basis to a carryover basis on estate assets, but the plan was abandoned before it could take effect. Congress repealed the 1976 tax change in 1980 after realizing that the change was unworkable and would impose an unacceptably large administrative burden on estate planners, heirs, and the Treasury Department.

There is a way out of this mess for the Republicans. They should adopt the Democratic alternative, which immediately raises the exclusion for estates to $2 million ($4 million per couple). By 2010, these exclusions would rise to $2.5 million ($5 million per couple). Such changes would appropriately target the estate tax to very wealthy estates and would do so almost immediately, not ten years from now. Raising exclusion limits would retain the core progressivity of our tax code while limiting revenue losses.

SALUTING MT. WHITNEY HIGH SCHOOL STUDENTS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. THOMAS. Mr. Speaker, I am pleased to have this opportunity to honor three students, Zach Vanderham, Jessica Parks, and Darren Mann, who are seniors at Mt. Whitney High School in Visalia, California in my district. These three young people have developed an anti-smoking program aimed at their peers that I hope will serve as a model for other schools throughout the country. They have created a CD ROM titled "Teens Kick Ash" that explains the dangers of smoking in a manner to which other young people can relate and understand.

As part of a competition organized by a national student marketing organization, Zach, Jessica, and Darren developed this CD in order to dissuade their fellow students from taking up this destructive, dangerous habit. Their project has proven so effective that the CD's have been distributed to dozens of other schools in the Visalia Unified School District, which have incorporated the project into their curriculum. Mr. Speaker, all Americans now know the dangers that smoking presents, and realize that we must do more to prevent our young people from starting this destructive habit. I am very pleased that these three students from Tulare County, California have had the good sense and initiative to educate their peers on smoking's dangers and to do their part to keep the next generation of Tulare County citizens from starting to smoke.

I have an article from the Visalia Times Delta newspaper that I ask unanimous consent be included in the RECORD in its entirety.

STUDENTS DESCRIBE SMOKING DANGERS

LA JOYA SHOWS PROJECT CREATED BY THREE MT. WHITNEY DECA STUDENTS

(By Melinda Morales)

Twenty three seventh-grade students sat in the dark in Dave Rodgers' health class at La Joya Middle School Tuesday, waiting not for the lights to come on but for the show to begin.

They would be the first group of students to view a CD-ROM production called "Anti Tobacco Education 2000, Teens Kick Ash," created by three Mt. Whitney High School students.

The students, members of DECA—an association of marketing students—had taken on the job of creating the CD-ROM as part of a marketing project for the annual DECA competition in Jan Jose next month. They wanted to see how other students would react to what they saw.

"We felt smoking was a big problem in our community and we wanted to produce a CD about it," said Zach Vanderham, a senior and DECA member. "They seemed to really enjoy it."

What captivated the students were the video vignettes, produced by drama students at Mt. Whitney, interspersed throughout the disc. One that got a reaction from the class showed students coughing and choking as they smoked for the first time and asked why anyone would want to continue smoking after that kind of reaction.

The CD-ROM presentation is the first of its kind, produced by students in the Visalia Unified School District. Rodgers, a health education specialist, said getting information to students in the middle schools is a priority for him.

"Any opportunity I get to have someone come in from the outside and talk to my students about drugs and the dangers they present, I jump on it," he said. When they get to high school, sometimes it's too late."

He said the combined video and audio presentation in CD form, organized format and worksheet for the lesson are easy to use.

"We try to incorporate technology as much as possible," Rodgers said. "And kids like visuals."

Beatrice Mejia, 12, said the facts and grim photos on the effects of chewing tobacco made an impression on her.

"I didn't know that the tobacco could do so much damage," she said.

The project was the brainchild of Mt. Whitney DECA adviser Stephen Rogers, who worked with the Tulare County Health and Human Services Agency to get the money for the project.

"We got a $5,000 grant to buy the equipment for the project," Rogers said. He made arrangements with a production company in Los Angeles to show his students how to use the equipment and create their own story. Then he let them go.

"They really did it all themselves," he said. The grant enabled them to buy the equipment and produce 350 copies of the disc that will be used in schools throughout the district.

The grant came from the state's Tobacco Use Prevention Education fund which is to be used strictly for educating kids about the dangers of tobacco. Lucinda Mejdell-Awbrey, coordinator of student support services for health and human services, said the tobacco education money was used last year to put on health fairs in the middle schools in the district.

"The money comes from the tax on tobacco sales, and the amounts have been dropping each year because tobacco sales are going down," Mejdell-Awbrey said. Most of the money is used to purchase educational materials for health teachers of fourth- through eighth grades.

Jessica Parks, a junior, helped Vanderham lead the presentation to the class, guided the students through the worksheets and answered questions. Darren Mann, senior, operated the computer and navigated the course for Parks and Vanderham. He also did much of the hands-on computer work for the project.

The three students, who began working on the project in November, will now complete the written requirements for the presentation and submit it for the competition in March.

CONGRATULATIONS TO ST. FRANCIS HOSPITAL ON 45 YEARS OF SERVING OUR COMMUNITY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. KLECZKA. Mr. Speaker, on Saturday, April 28, 2001 the Milwaukee community will gather to celebrate the 45th Anniversary of St. Francis Hospital.

The blessed Felician Sisters opened the doors to this beautiful new facility in 1956, and with the leadership of its first administrator, Sister Mary Liliose, started to minister quality and compassionate health care to those in need.

In the years that have followed, St. Francis Hospital has grown and matured, combining a patient-centered, healing ministry with the latest in advanced technology. Today, the facility offers an array of services, specializing in areas such as laser/laparoscopic surgery, orthopedics, sports medicine and women's health services. In addition, this 260 bed, general acute care hospital is internationally recognized for its outstanding cardiac care programs.

Now a St. Francis Hospital Center for Cancer Care is currently being constructed in Franklin, Wisconsin, to provide comprehensive services to cancer patients throughout southeastern Wisconsin. The facility has been designed with input from cancer survivors and will provide a healing environment to attend to the unique medical and spiritual needs of cancer patients and their families.

A large part of what makes St. Francis Hospital such a special place is its strong commitment to building a healthier community. From its free health care screenings for seniors to its Angel of Hope Clinic located in a homeless shelter on Milwaukee's south side, the staff of St. Francis consistently serves with great care and compassion.

On behalf of all the people whose lives have been touched by the Felician Sisters and the physicians, nurses and support staff at St. Francis Hospital, thank you for 45 years of outstanding care to the community, and God's blessings for many more years of exceptional service to the people of Wisconsin.

IN RECOGNITION OF JUAN NEKAI BABAUTA AND HIS WORK WITH THE CLOSE UP FOUNDATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity today to recognize my friend Juan Nekai Babauta, the Resident Representative to the United States from the Commonwealth of the Northern Mariana Islands (CNMI), for his efforts on behalf of the Close Up Foundation. I particularly commend Mr. Babauta for his continued commitment to the issue of civic education for young people and especially for his diligent work with the Close Up Foundation, the nation's largest nonprofit, nonpartisan citizenship education organization.

Mr. Speaker, as many of my colleagues know, the CNMI became a territory of the United States and an American commonwealth in 1976. Since then the citizens of the CNMI, with whom my constituency, the people of Guam, share indigenous identity and Chamorro heritage, have elected a Resident Representative to serve them in the Nation's capital. To date the CNMI is the only American jurisdiction that has not been afforded representation in Congress, thus I often feel compelled to offer remarks here in the House for Guam's Pacific neighbors.

As you know, Mr. Speaker, many of the islands of Oceania face daunting challenges in the area of economic stability and growth. Their relatively limited size, small population and extended distance from major markets, makes building a strong and sustainable economy among the most difficult tasks facing contemporary government. With the competing needs of various sectors of society, the government is forced to make tough choices. Roads must be maintained and airports must be modernized, hospitals must be improved and schools must be expanded and repaired, health care must be available to all and social safety nets must be in place for the neediest citizens. Pressing demands on an island's resources must be balanced with an eye towards meeting the needs of the day, while not ignoring future needs. Public servants like Juan Nekai Babauta make invaluable contributions to the extremely difficult balancing act between available resources and societal needs.

All of the islands of the Pacific are also confronting numerous problems when it comes to their youth. In CNMI, as is also the case in Guam, the government must find ways to combat apathy and cynicism among their young people. There is a constant concern with ensuring that young people will enter adulthood committed to being active, contributing citizens of their communities. For public servants like Juan Nekai Babauta, there is a recognition that preparing the next generation of leaders is a priority for the future welfare of the islands. Throughout his years of service, Mr. Babauta has been a champion for education and a strong advocate for young people. As the Resident Representative for CNMI, he has aggressively and successfully lobbied this Congress to provide $3 million in federal funds for an endowment at the Northern Marianas College. He also achieved success in his attempt to open admission to our U.S. service academies to CNMI students. These and other pursuits demonstrate Mr. Babauta's effectiveness and his work on behalf of his constituency.

Throughout his career, Mr. Babauta has recognized that preparing the next generation of leaders must include preparation through a focus on civic education. His commitment to this end is evidenced through his unwavering support of the Close Up Foundation's program in the Pacific Islands.

Mr. Speaker, as you and my other colleagues in the House know well, the Close Up Foundation operates one of the most successful and innovative civic education programs in the country. Most of us have had the privilege of meeting students who are in Washington for an intensive course of study about the federal government. Annually, I personally meet with students and teachers from Guam who are participants in Close Up's civic education program that is specially designed for Pacific Islands students and educators. As an educator by profession, I have been personally impressed with Close Up's Island-based activities, including their development of island-specific curricular materials, teacher training seminars and programs related to teaching young people about the merits of community service.

Mr. Babauta, when back home in Rota and Saipan has encouraged students and teachers to participate in the program. He has used his position and contacts to assist educators and schools to raise funds that would allow students to participate in the Close Up program, including taking advantage of local media outlets to promote the program. Mr. Babauta even assists students and teachers with the process for obtaining passports and other travel documents that will allow them to travel to Washington for the Close Up program. All of these activities speak to his deep belief in the importance of civic education to CNMI students, including the need for them to explore the historic ties between the United States and the Pacific Islands. Equally important, Mr. Babauta's support for the Close Up program signals his conviction that for the CNMI and other Pacific Islands to secure a future of engaged citizenry committed to democratic government, it is important that they be educated in how democracy is reliant upon the involvement and input of the people.

In closing, Mr. Speaker, I wish to thank Mr. Babauta for his work with Close Up Pacific Islands program. His efforts over the years demonstrate his commitment to the welfare of the young people of the Pacific, and his conviction that educating young people about democracy, the importance of community service, and the rights and responsibilities of citizenship is indispensable for the future of the CNMI and other Pacific Islands.

HONORING MRS. GERRY GEIFMAN, RECIPIENT OF THE STATE OF ISRAEL BONDS' JERUSALEM MEDAL

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. EVANS. Mr. Speaker, it is my privilege to congratulate one of my constituents, Mrs. Gerry Geifman, who will be honored tonight by the State of Israel Bonds at the Quad City Israel Independence Dinner.

At the dinner, Mrs. Geifman will receive the Jerusalem Medal. The award is given to those who have a distinguished history of efforts on behalf of Israel, the Jewish people and the community.

Considering her deep involvement in issues involving the Quad Cities and the local Jewish community, it is easy to see why she is being so honored. Her charitable works are numerous including: serving as past president of Hadassah, the Tri-City Jewish Center Sisterhood, and B'nai B'rith. She also serves on the boards of the Jewish Federation, Tri-City Jewish center, and the Rock Island YWCA. She has also dedicated much of her time to the Davenport Museum of Art, Friends of Art, the Geifman Endowment Sponsorship of Augustana College, Audubon School, Washington Junior High School, Rock Island High school PTA among others.

It is unfortunate that Mrs. Geifman's late husband is not alive to see her receive this important honor. The charitable and volunteer work they performed together over the years was an inspiration to our community. Her continued efforts have served as a true example of the value of leadership and the spirit of volunteer work.

Again, I commend her for her work and this well-deserved recognition of years of service to our local Jewish community and the Quad Cities.

SENSE OF CONGRESS RESOLUTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. STEARNS. Mr. Speaker, I rise today to introduce a Sense of Congress resolution that the Constitution of the United States allows for a prohibition against acts of desecration of the flag of the United States.

I do so because I believe that nothing could be more important to most Americans than to preserve and honor our Nation's flag.

In the past, those who have been prosecuted for flag burning have not been prosecuted for what they said, but for the method they chose to express themselves. Justice Stevens wrote that the government has a legitimate interest in preserving the flag, similar to the government's interest in protecting the Lincoln Memorial from acts of vandalism.

Some say our flag is just a piece of cloth. Well, that's like saying America is just a piece of land, that Florida's just another state. No, there's something special about it. It's our flag. It represents us—you, me, our families, our friends, our heritage and our future. It represents our memories and our dreams.

To desecrate the American flag is to desecrate the memory of the thousands of Americans who have sacrificed their lives to keep that banner flying, intact. It is to desecrate everything this country stands for.

Yes, Congress must be extremely careful when dealing with proposals that would amend the Constitution, particularly the First Amendment. American citizens must have the opportunity to voice discontent, however, that freedom of expression is not absolute.

Supreme Court Justice John Paul Stevens claims that the act of flag-burning has nothing to do with disagreeable ideas, but rather involves conduct that diminishes the value of an important national asset. The act of flag-burning is meant to provoke and arouse, not to reason. Flag-burning is simply an act of cultural and patriotic destruction.

My Sense of Congress resolution reaffirms that Congress should have the power, but doesn't have the power until the constitutional amendment is ratified by the states.

ON THE DELEGATION OF U.S. CATHOLIC BISHOPS TO SUDAN MARCH 24–APRIL 6

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. WOLF. Mr. Speaker, I want to share with you the findings of the U.S. Catholic Bishop's Conference who recently led a delegation to the country of Sudan.

Since 1983, the government of Sudan has been waging a brutal war against factions in the south who are fighting for self determination and religious freedom. More people have died in Sudan than in Kosovo, Bosnia, Rwanda and Somalia combined. Most of the dead are civilians—women and children—who died from starvation and disease. Over 2 million people have died. The Committee on Conscience of the United States Holocaust Memorial Museum has issued a genocide warning for Sudan.

Because of the large-scale death and destruction, the findings arising from the U.S. Catholic Bishops' delegation is noteworthy and timely.

The dire situation in Sudan calls for a high profile, high level special envoy to bring peace and to stop the atrocities. It is my fervent hope that the Bush administration will appoint such an envoy without delay.

DELEGATION OF U.S. CATHOLIC BISHOPS TO SUDAN—MARCH 24–APRIL 6

OBJECTIVES

The objectives of the trip were three-fold: to show solidarity with the Catholic Church in Sudan; to conduct a fact-finding mission to the North and South; and to increase efforts toward advocacy in the U.S. to help promote a just and lasting peace.

BACKGROUND INFORMATION

The delegation was comprised of three bishops: Bishop John Ricard, Bishop of Pensacola-Tallahassee, president and chairman of the board of Catholic Relief Services, and member of the Committee on International Policy; Bishop Nicolas DiMarzio, Bishop of Camden, New Jersey and chairman of the Committee on Refugees and Migration; Bishop Edward Braxton, Bishop of Lake Charles, Louisiana and member of the Committee on International Policy; Staff from Catholic Relief services and the United States Catholic Conference committees on Migration and Refugees and International Policy.

The delegation went to: Khartoum, and its outlying areas; Rumbeck; Narus; Nimule; Yambio; and Kauda in the Nuba Mountains.

During the visit, the delegation met with: Northern and Southern leaders of the Catholic church and the New Sudan Council of Churches; Government ministers in Khartoum including the first vice-president, and the former Minister of State, the State Minister for Foreign Affairs, and the State Minister of Engineering, and the Minister of Religious Affairs; SPLM/A officials, including governors, military commanders and other senior officials. The delegation met with other civil society groups in both North and South.

The Bishops raised issues of: peace; religious freedom; human rights; plight of displaced persons and refugees; slavery and abduction; bombing and terrorization of civilian populations.

It is important for this delegation to state that we are not specialists of Sudanese culture, politics, and other aspects of social life. We speak from the perspective of a Church deeply concerned with the plight of all Sudanese, those living in the North, South, the contested areas, and those forced to flee their country and seek asylum in neighboring states or elsewhere.

MAJOR FINDINGS

1. Conflict and persecution in Sudan are a direct result of a systematic campaign of Islamization and Arabization by those who hold political and economic power in Khartoum.

2. Religious persecution, the systematic denial of basic religious freedom, and a program of Islamization continue to characterize the approach of the Government in Khartoum towards those who do not profess a particular version of Islam.

3. Cultural persecution, the systematic undermining of the dignity of non-Arab Sudanese citizens, and the relegation of people to a status of inferiority and subservience continue to shape social institutions and fundamental attitudes of people living in northern Sudan, for which government is responsible.

4. The bombing of civilian targets, the systematic use of Antonov bombers to terrorize populations in contested areas, and other tactics employed to drive people from oil-rich regions are part of the military strategy of the government in Khartoum.

For example: There was a bombing April 16 of Kauda that narrowly missed hitting the plane carrying Bishop Macram Max, Bishop of Diocese of El-Obeid.

And then only yesterday, April 23, Antonov bombers inflicted serious damage on a Catholic school in Narus.

5. Oil exploration, development and sales contribute to an expansion of the war, deepen the plight of the peoples of southern Sudan and other contested areas, harden the resolve of the government in Khartoum to seek a military solution to the conflict, and further widen the gap between the government and those contesting its practices and legitimacy,

6. The government in Khartoum must be called to accountability for its promotion, directly or indirectly, of the intolerable practice of slavery and other gross violations of human rights, and the abduction of Southern children living in and around Khartoum and their forced induction into Koranic schools. The SPLM/A must also cease the practice of the abduction and conscription of minors and other practices that violate human rights.

7. Divisions among the various ethnic groups in the South, coupled with the lack of political support by the leadership of the SPLM/A for various initiatives seeking to reconcile and unite people, compromise the peace process, further destabilize a fragile social infrastructure and undermine advances in development in the region.

8. Internally displaced persons living in the North and the South live in desperate conditions with little hope for immediate improvement; Sudanese refugees in neighboring countries languish in refugee camps, with few prospects for their future. Fatigue on the part of the international community is due to the protracted nature of the conflict and the inability to improve prospects for a better life for the displaced, We are encouraged by the special attention that dedicated groups in the U.S. and elsewhere have been able to bring to the humanitarian crisis in Sudan, and the increased attention being given by the U.S. Congress and Media.

9. Increasing threats of famine in western Sudan, northern Bahr el Ghazal and elsewhere, further complicated by the political manipulation of humanitarian access by the Government in Khartoum and the expropriation of large amounts of humanitarian assistance by the SPLA, exacerbate human suffering and contribute to the loss of innocent lives.

10. There is urgent need for investment in development in southern Sudan, particularly for education and technical training, and for the formation of individuals and communities in the basic principles of responsible governance and civil administration.

POLICY RECOMMENDATIONS

1. The war in Sudan must be brought to an immediate and just end. The full and active engagement of the U.S. government could provide the necessary impetus to all parties to the conflict to negotiate an immediate and verifiable cessation of hostilities, monitored by the United Nations or another international body. It is particularly crucial that there be an immediate end to the bombing of civilian targets and a halt to the expulsion of civilian populations from their homelands.

2. We support the Sudanese Bishops and others in calling for the U.S. to play a central role in leading a new, multilateral effort involving the member states of IGAD, those of the IGAD Partner's Forum, and the international community to push all parties to the conflict to a negotiated peace, based on the Declaration of Principles to which the two main parties are signatories.

3. We support the call for the President of the United States should name a high-level special envoy to Sudan with a clear mandate and direct access to the President and the Secretary of State.

4. As we give attention to the terrible situation in the South, the U.S. government and the international community must also address serious human rights violations in the North, particularly: Religious persecution and denial of religious freedom; cultural persecution; economic exclusion; denial of the right of free expression, free association and other fundamental rights; the plight of more than 2 million internally displaced in the North.

5. The U.S. government and the international community should exert pressure upon corporations and governments involved in the exploration, extraction, production and sale of Sudanese oil to take steps to ensure that their activities do not contribute to the escalation of the war, the deepening of human suffering, the continued displacement of peoples from their homelands and ways of life, and urge the oil industy to take an active role in helping to promote a just and lasting peace.

6. The United States and the international commnunity should increase humanitarian relief, specifically to internally displaced persons, press for greater access to humanitarian relief in contested areas, based on the Beneficiaries Protocol signed by the two main parties to the conflict, and increase development assistance to the South for education, health and capacity building of civil institutions.

7. The U.S. government and the international community must press the Government in Khartoum to bring the practice of slavery to an immediate end and secure the release and return of all slaves to their families and communities. The international community also must use its influence to press all parties to the conflict to end the abduction of minors and their induction into Koranic schools in the North, or into military service in both the North and South and provide for their immediate and safe return to their families and communities.

HONORING JOY KURLAND

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to fostering understanding and mutual respect among various racial, ethnic, and religious groups in an effort to promote our common humanity. Mr. Speaker, I rise to honor my good friend, Joy Kurland of Parsippany, New Jersey, this year's winner of the Anti-Defamation League's Distinguished Community Service Award.

As the Director of the Jewish Community Relations Council of the UJA Federation of Bergen County and North Hudson since 1990, Joy has played a vital role in strengthening Judaism throughout New Jersey. Much of her work has been to foster understanding and respect among the many racial, ethnic and religious groups that form the tapestry of our community.

I was privileged to work with Joy both as a member of the Jewish Community Relations Council as well as the Interfaith Brotherhood Sisterhood Committee. It was truly a pleasure to work with someone who is as dedicated as Joy, and I was always impressed by her hard work, common sense, dedication, and professionalism.

Joy is also a forward-thinking person who never loses sight of the future: our young people. She is always working with young people and encouraging them to increase their participation in the Jewish community. She has supervised the campus youth programs for Jewish Student Services of MetroWest at Montclair State University, Drew University and Fairleigh Dickinson University.

People who give so much of themselves, as Joy Kurland, do not do so for the recognition. However, she certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Joy Kurland as well as her husband Leon and her daughter Meredith, who is a social worker, on the occasion of this well deserved tribute from the Anti-Defamation League, and wish them health and happiness in the years to come.

INTERNATIONAL WORKERS RIGHTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. KAPTUR. Mr. Speaker, I submit to the record a story of two young women whose voices we heard. Last Thursday, "Ms. A" and "Ms. B" traveled from Bangladesh to our nation's Capital to tell their story. The two women are the survivors of the horrendous fire that occurred in the Chowdhury Knitwear factory in Bangladesh on November 25, 2000.

Sadly, their story echoes the events of the 1911 fire that occurred at the Triangle Shirtwaist Factory in New York City where 146 young garment workers were killed.

The women traveled to the United States to tell their compelling story of the dangerous working conditions under which they are forced to work. Fifty-one of their co-workers were killed in the fire that blazed through the factory. Many of the workers were electrocuted, suffocated, or trampled to death, due to the doors of the factory being locked that evening by the owners to keep union organizers out. Through timid voices they explained that they are forced to work long hours, and had not received a raise in two years. They spoke of their fear for their jobs when they returned home because of their trip to the United States. However, they stated that they traveled to the United States to tell their story in hope of making a difference for the workers in the Chowdhury factory in Bangladesh and workers around the world.

In Bangladesh nearly 80% of garment workers do not earn the legal monthly minimum wage of $17. The average workday is 12–14 hours, many times for as little as 5 cents an hour. The workers are denied the right to organize and are subjected to deplorable working conditions. "Ms. A" and "Ms. B" sew for first-world clients at the Chowdhury Knitwear Factory. The factory produces towels and bedding products that are shipped to the European Union. However, the owner of the factory owns and operates another factory across the street that makes products that are shipped to the United States.

Unfortunately, there are many factory workers who can tell stories such as "Ms. A" and "Ms. B's". There are factories like the Chowdhury Knitwear factory in Bangladesh all over the world. In the past decade hundreds of workers have been killed in factory fires throughout Asia, in Thailand, and in China. We have a responsibility to impel companies in countries such as Bangladesh to provide their workers with safe conditions and the right to organize, and collectively bargain. America should not allow the import of goods from nations that allow the exploitation of their own workers.

As a member of the International Workers Right Caucus, I strongly urge the United States Congress, and all nations to ratify the International Labor Organization Standards providing individuals abroad basic worker rights.

Mr. Speaker, I submit to the record the story of these women and their associates because I am their voice, the voice that can be heard by the American public, and by the U.S. government.

It is because of the conditions that exist at the Chowdhury Knitwear factory in Bangladesh that I will continue to fight for labor rights both home and abroad.

MINNESOTA PUBLIC RADIO'S MARKETPLACE WINS PEABODY AWARD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. McCOLLUM. Mr. Speaker, I rise today in recognition of, and to honor Minnesota Public Radio's highly regarded business and financial news program Marketplace™, for their receipt of a prestigious Peabody Award for 2000. The George Foster Peabody Awards were established in 1940 to recognize distinguished achievement and meritorious service by radio and television networks, stations, producing organizations, cable television organizations and individuals. Marketplace will be honored during a May 21st awards ceremony in New York to celebrate the 60th anniversary of the George Foster Peabody Awards.

Marketplace is public radio's only national program about business, the global economy and finance. It was the first, and is still the only, daily national business show originating from the West Coast. Its location in Los Angeles has provided Marketplace easier access to the Pacific Rim and has encouraged the staff to develop their own voice, one not overwhelmed by the traditionally Eastern-dominated media. With eight domestic bureaus (Boston, Ann Arbor/Detroit, Cleveland, New York, Philadelphia, Portland, San Francisco and Washington, DC) and two international bureaus (London and Tokyo), Marketplace is a truly global program using business and economics as its twin lenses to better view and understand the world. It distinguishes itself from general news programming by taking a broader view of business and exploring business and finance issues on a deeper more human, more engaging level.

The program premiered in January 1989 from Long Beach, California. Over the years, it has been described as well informed, hip, irreverent, and the business show for the rest of us. Last year, Minnesota Public Radio, which is based in my home district of Saint Paul, Minnesota, acquired Marketplace from the University of Southern California. This added one more strong program to Minnesota Public Radio's already impressive resume of celebrated shows including A Prairie Home Companion and Saint Paul Sunday. Marketplace's future looks as bright as its past with Minnesota Public Radio building a state-of-the-art digital production center in downtown Los Angeles that will serve at the program's newest home.

Marketplace was created by Jim Russell, an award-winning journalist and a former executive producer of All Things Considered, who has more than thirty years of broadcasting experience under his belt. In 1988, he envisioned a public radio business program that sounded smart, literate and witty; one that could appeal to an audience of non business types. Today, Marketplace is heard on more than 300 public radio stations across the United States with a national audience of nearly 4 million weekly listeners.

The executive producer of Marketplace is J.J. Yore, who has been a reporter, editor and broadcast producer for nearly twenty years. As executive producer, he is the one responsible for setting the program's overall editorial direction and tone, which the Peabody Awards Committee described as, "sophisticated, creative and accessible."

David Brancaccio has been the show's senior host since 1993. He is a former foreign correspondent and broadcast reporter with a knack for telling a good story. His style has been described as lively and engaging. Before taking his current position with Marketplace, he served as the show's London bureau chief for three years. His international reporting experience and considerable travel overseas add to Marketplace's global perspective on business-related news.

Praise for Marketplace abounds. Early in its history, it was named "best business program" in the U.S. by the prestigious Columbia Journalism Review. More recently, Marketplace received the 1997 Loeb Award in the radio category, the 1997 Clarion Award for "Regular News" and in January 1998, the highly coveted duPont-Columbia Award for "Excellence in Overall Show." In 2000, Marketplace's Japan Bureau won the Overseas Press Club's Best Business Reporting in Broadcast Media Award. According to Washingtonian Magazine, Marketplace is in the top four most-listened-to programs by business leaders. The Station Resource Group reported that, according to industry leaders, Marketplace is one of five "must-have" programs for public radio stations.

Marketplace's most recent honor, the Peabody Award, is one of the most competitive in the fields of broadcasting and cable. For the year 2000, Marketplace was one of only 34 award winners chosen from nearly 1,100 entries. The Peabody Award differs from other broadcast and cable awards because it is given solely on the basis of merit, rather than within designated categories. Judging is done by a fifteen-person national advisory board whose members include TV critics, broadcast and cable industry executives, scholars, and experts in culture and fine arts. Dr. Louise Benjamin, Interim Director of the Peabody Awards, said, "The Peabody Board chose Marketplace because the program offers listeners a refreshing, perceptive account of the day's international economic news. It also gives its audience insight into how the global economy affects their communities and their lives."

I congratulate Marketplace on their notable achievement as a 2000 recipient of the George Foster Peabody Award. The Peabody and Minnesota Public Radio's Marketplace belong together as they both represent the qualities we, here in the U.S. House of Representatives, applaud: excellence, distinguished achievement, and service.

HONORING DR. MICHAEL B. HARRIS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a man who has distinguished himself not just for his contributions to the medical field, but for his charity and selfless devotion to others. Mr. Speaker, I rise to honor Dr. Michael B. Harris of Englewood, New Jersey, this year's winner of the Anti-Defamation League's Maimonides Award.

Maimonides was one of the great Jewish scholars. In addition to being the first person to write a systematic code of all Jewish law, the Mishneh Torah, he was also an expert on medicine, and one of his most notable sayings is, "The well-being to the soul can be obtained only after that of the body has been secured."

The list of Dr. Harris' accomplishments is long and distinguished. He currently serves as Director of the Tomorrow's Childrens' Institute, Chief of Pediatric Hematology/Oncology at the Hackensack University Medical Center, and Professor of Pediatrics at the University of Medicine and Dentistry of New Jersey Medical School, as well as having authored or co-authored more than 50 articles and 50 abstracts in the field of pediatric hematology/oncology.

While that sounds like it would be enough work for two people, he still finds time to donate his expertise and give of himself to the community. He is the Chair of the Medical Advisory Board of the Israeli Children's Cancer Foundation and was recently asked to serve as Chair of the Medical Advisory Committee of Gilda's Club of Northern New Jersey. And he has been a member of the Board of Directors of Congregation Ahavath Torah in Englewood for many years.

People who give so much of themselves as Dr. Michael Harris do not do so for the recognition. However, he certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Dr. Michael Harris, as well as his wife Frieda, and his children Miera, Aimee, Jonathan and Aaron on the occasion of this well deserved tribute from the Anti-Defamation League, and wish them health and happiness in the years to come.

OPERATION DESERT STORM AND THE 926TH FIGHTER WING

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BAKER. Mr. Speaker, in early August 1990, Iraqi military forces illegally invaded Kuwait, a neighboring sovereign state. Immediately, American military forces began deploying to the area to deter the Iraqis from further aggression. During Operation Desert Shield, the build-up phase for the later operation, Desert Storm, troops and supplies were put into motion and decisions were made about who, when, where, and how for the possible coming conflict should diplomatic efforts prove unfruitful. During this buildup period, it was decided there would be participation in this campaign by the reserve forces of the United States military; and the unit to represent the United States Air Force Reserve would be the 706th Fighter Squadron, along with supporting personnel, of the 926th Fighter Wing from New Orleans, Louisiana.

Approximately 500 members of the 926th Fighter Wing were recalled to active duty and placed on military orders on Dec. 29, 1990. (Personnel of the 926th Security Forces Squadron had already served a tour of duty in Saudi Arabia in the fall of 1990 during the build-up phase of Operation Desert Shield.) On the evening of Jan. 1, 1991, the University of Tennessee was participating in the Sugar Bowl at the Superdome in New Orleans as 18 combat-loaded A–10s took off from the Naval Air Station at Belle Chasse, Louisiana, and turned eastward toward Saudi Arabia. By Jan. 6, the 18 A–10s and the approximately 500 maintenance and support personnel would arrive at King Fahd International Airport to support the military operation. This was the first U.S. Air Force Reserve fighter unit to be activated by a presidential recall and then sent to serve in a combat military operation.

The members of the 926th Fighter Wing were in country less than two weeks when, early in the morning, on Jan. 17, the first combat sorties were launched to strike military targets in Iraq and Kuwait. The war had begun. The early intent was to take down the enemy's communication ability, followed closely by removing their artillery assets, and demoralizing the "elite" Republican Guard. The air campaign that ensued was a complete success, resulting in a swift four-day ground war and a victory by allied forces. On Feb. 28, 1991, the war was over.

Amid the joy of victory work continued, and preparations began for the demobilization of deployed American forces, including the return of the members of the 926th Fighter Wing who distinguished themselves in combat and served with honor alongside their active-duty counterparts. On May 17th, the last of the 18 A–10s and 500 people originally deployed to the region, returned safely to Naval Air Station, New Orleans, Louisiana. Mission Accomplished! All personnel and all aircraft deployed returned safely to home station.

Since that time, members and aircraft of the 926th Fighter Wing have continued to answer the call to duty whenever and wherever needed. In 1995, approximately 300 members deployed to Aviano Air Base, Italy, in support of Operation Deny Flight. Members have also deployed in support of humanitarian missions in the Americas. Again, in 1998 members of the unit deployed to Saudi Arabia and Kuwait in support of Operation Southern Watch to support and help enforce the no-fly zone over Iraq instituted after Operation Desert Storm. In September and October 1999, A–10s and personnel from the wing returned to Kuwait to participate in Aerospace Expeditionary Force (AEF) 1.

This tradition of service and sacrifice continues into the 21st century as in mid-January, 2001, members of the 926th Fighter Wing began deploying to Southwest Asia for the wing's second rotation on the AEF. Their mission this time being combat search and rescue for Operation Northern Watch.

The successes of the 926th Fighter Wing during combat operations in Operation Desert Storm, and throughout all of the on-going missions since then, are due to the outstanding leadership, devotion to duty, and sacrifice of the men and women of the unit; and, the valuable support of their families. As a nation, we give thanks to the members of the 926th Fighter Wing, New Orleans, Louisiana, and their families, as we salute and honor them, during this 10-year anniversary of Operation Desert Storm, for their service to our country in the cause of freedom.

HOLOCAUST DAYS OF REMEMBRANCE 2001

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. SLAUGHTER. Mr. Speaker, this past week we observed the Holocaust Days of Remembrance and our nation's annual commemoration in the Capitol Rotunda of the victims of the Holocaust. This year marks the 60th anniversary of the beginning of the genocide of the European Jews.

This year's theme, "Remembering the Past for the Sake of the Future," is part of a vow that we have taken never to forget the Holocaust, lest history repeat itself. This message must resonate through the years. Our children and our children's children must learn of the Holocaust to ensure that it will never happen again.

We must also not forget that Holocaust survivors continue to wait for the reparations they deserve for the physical pain and mental suffering they endured so many years ago. Time is running out for Germany to provide a measure of justice to the survivors of the Holocaust, most of whom are now in their 70's or 80's.

I have stood with Holocaust survivors in the Capitol Rotunda filled with the saddest and most tragic of memories from their lives, lives like that of my constituent, Mr. Alec Mutz. Two years ago, I was privileged to light a memorial candle with Mr. Mutz, who survived three ghettos and five concentration camps. Mr. Mutz is just one of an estimated 50,000 Jewish survivors in North America who were Nazi-era slave laborers.

During the last Congress, I introduced H.R. 271, the Justice for Holocaust Survivors Act, a bill to allow survivors like Mr. Mutz to pursue just reparations from Germany for the unspeakable suffering they endured during the Holocaust. H.R. 271, which garnered the support of 96 bipartisan co-sponsors, would have enabled Holocaust survivors who have been denied reparations by the German government to sue the German government in United States federal courts to claim restitution.

On March 30, 2000, I was informed by the Administration that the German government had agreed to double its compensation package to the victims of slave labor camps from 5 billion to 10 billion Deutsche marks (DM), or the equivalent of 5 billion U.S. dollars. I was also informed that H.R. 271 served as a catalyst in the talks between the U.S. and Germany to reach a compensation agreement.

On July 17, 2000, the United States and Germany signed an agreement to establish a German Foundation, "Remembrance, Responsibility, and the Future," to be the exclusive forum for the resolution of all Holocaust-era personal injury, property loss, and damage claims against German banks, insurers, and companies. In return, the U.S. government promised that the Department of Justice would urge the courts to reject all existing and future lawsuits against German companies by slave laborers and other victims of the Nazi-era. This process is called "legal peace."

However, nine months after the agreement, not one Deutsche mark has been paid to the victims and last month, a federal judge in New York refused to dismiss a batch of lawsuits, questioning whether the money would be there to pay the claims. That is why in the coming weeks I plan to introduce legislation to increase oversight of the Foundation, interpret the U.S.-German Agreement more clearly, and expand communication between the Administration and Congress about the status of the Foundation.

Mr. Speaker, as we act to remember the Holocaust with the commemoration of the Days of Remembrance, let us also act to give these courageous survivors a beacon of hope for the just resolution of the wrongs that they have suffered. I urge my colleagues to take notice of the current failure of the U.S.-German Agreement and join me in calling for a resolution to the problems with the claims process before it is too late to grant justice to our aging Holocaust survivors.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, DC, April 24, 2001.

STATEMENT OF ADMINISTRATION POLICY

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Justice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called "One-Victim" Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

HONORING THE BOGOTA SCHOOL SAFETY PATROL PROGRAM

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN Mr. Speaker, I rise today to pay tribute to the School Safety Patrol Program which has been in existence in the Borough of Bogota, New Jersey since 1936.

Through this program, which operates in conjunction with the Bogota Police Department, a group of students from each of Bogota's three elementary schools is chosen for the Safety Patrol based on academic achievement and leadership abilities. The members of the Safety Patrol are assigned a post each day for the purpose of assisting the other students in safely crossing the street near the school as well as being stationed around the school and the playground to assure the safety and welfare of their fellow students.

Serving as a member of the Safety Patrol is both an honor and a responsibility. And for the last 50 years, the Borough of Bogota has rewarded the members of the Safety Patrol with a three-day trip to Washington, DC. This year, I am pleased to meet with the members of the Safety Patrol when they come to the Capitol, and I would like to read their names into the CONGRESSIONAL RECORD to honor their outstanding dedication:

Andres Acosta, Gabrielle Avitable, Weis Baher, Megan Bandelt, Joe Baranello, Anthony Butler, Raymond Carrasco, Lauren Casteneda, Kristin Costa, Christopher Desmond, Daniel Distasi, Zachary Gilbert, Mary Hanna, Ben Hunkin, Thomas Khristopher, Georgios Kotzias, Brian Lauer, Brooke Lonegan, Matthew Luciano, Wade Morris, Richard Nowatnick, Devin Pantillano, Monica Patel, Anthony Perpepaj, Sara Puleio, Brian Pumo, Raquel Rivera, Brian Roche, Caitlyn Rumbaugh, Christine Smith, Audrey Snell, Michelle Sontag, Jeanette Symmonds, Alexander Zetelski, and Sarah Zupani.

Mr. Speaker, I congratulate the Bogota School Safety Patrol Program on ajob well done, and I wish them luck in all their future endeavors.

TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY LADY BEARS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BLUNT. Mr. Speaker, I rise to pay honor to the Women's Basketball program at Southwest Missouri State University. The Lady Bears played their way into the NCAA Final Four in St. Louis before losing to Purdue University.

For the second time in 9 years, the Lady Bears of Southwest Missouri found themselves in this select ranking of great women's teams in 2001 and though they did not play in the final game, they brought great pride and excitement to the residents of the Seventh District of Missouri and beyond.

Southwest Missouri State University women's basketball ranks nationally among the top teams in fan attendance. Their legions of dedicated followers were charged with excitement over the team's success. The late season run of the Lady Bears packed Hammons Student Center every game and sent fans searching for tickets as they won their way through the NCAA tournament in Piscataway, New Jersey and Spokan, Washington for the right to play in the Final Four in nearby St. Louis, Missouri-just three hours from Springfield. Wherever the team played, a bus or an airplane filled with its loyal fans followed.

The 2001 season for the nationally ranked Lady Bears was filled with milestones. Coach Cheryl Burnett won her three hundredth victory in 14 seasons. The 29-6 record is the second best in the Lady Bear's history behind the 1992 31-3 mark that also saw the Lady Bears in the Final Four.

Five seniors anchored the squad: All-American Jackie Stiles, Tara Mitchem, Carly Deer, Melody Campbell and Tiny McMorris. Stiles was the nation's leader scorer with more than 30 points a contest and finished the season as the NCAA's most prolific woman's scorer ever with 3,393 points in her four year career. She was also the first woman to score 1,000 points or more in a single college season. While Stiles dazzled competitors with her scoring, it was team defense that played stunned competitors into submission.

The Lady Bears fans understand the character of the team. Every young woman on the squad has a tenacious work ethic and they are tireless, never-give-up competitors. They played as a team of talented women who shared the glory of their successes with their fans as they represented a regional school in the Midwest competing and winning against better know teams from larger schools.

The Southwest Missouri State University Lady Bears are special not just because of where they are from but because of how far they have come in winning their way into the elite of their sport. The members of the Lady Bears of Southwest Missouri State University are models for other young women to follow and inspire them in their drive for academic success off the court as well as sports success on it. Over and over these young women said how proud they were to have played and represented SMSU on the court. We will miss them, but remember their accomplishments that are written in the history books of the great women's basketball teams in America.

I know my Missouri colleagues will join me in applauding the great work of Coach Cheryl Burnett with the 2001 team, as well as expressing their belief that all of the senior members have bright futures ahead of them with the commitment to excellence they demonstrated during the 2001 season and that their underclass teammates will carry their legacy into the future.

IN RECOGNITION OF BETTY GALLER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Betty Galler as she is honored by the Free Sons of Israel at it's Foundation Fund's 75th Anniversary Celebration, for her 72 years of dedicated service to the organization.

In the past 72 years Betty has unselfishly led the Foundation Fund in numerous humanitarian efforts. The long and impressive list includes donations to Camp Vacamas—(a camp for underprivileged children)—ambulances for American Red Mogen David in Israel, purchasing prothesis for those wounded in the Six Day War, and parties at the Kingsbridge Veterans Hospital and at Francis Delafield Hospital. That is only a few of the wonderful causes to which Betty has dedicated her time and energy.

It is obvious what a remarkable human being Betty is. The Free Sons of Israel, the nation's oldest Jewish fraternal order, and the Free Sons Foundation Fund is extremely fortunate to have a person like Betty Galler working for them. Now at the age of 93, she shows no signs of ending her long and unbelievable career.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in extending our thanks and appreciation to Betty Galler, the Guest of Honor at the Free Sons Foundation Fund's 75th Anniversary Celebration, for her 72 years of tireless community service.

IN CELEBRATION OF CRISSY FIELD, SAN FRANCISCO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. PELOSI. Mr. Speaker, for decades, Crissy Field stood as an idle monument to its former life as a World War I landing strip. The cracked runway and gray rubble lined San Francisco's shoreline and window to the Bay. Part of a national park within the Presidio's boundaries, it begged for renewal.

After years of effort and an unprecedented philanthropic success on behalf of the Park's Crissy Field restoration, we are now on the verge of celebrating a modern-day Crissy Field that also incorporates its history. While evidence of the landing strip is no longer visible, a rich historic marsh land has been brought back to a state that existed long before aviation.

In two weeks, on May 6, the public will be welcomed to a great celebration of the Crissy Field restoration project. Almost magically, acres of rubble have been transformed into a magnificent public gateway along the Presidio's border. A tidal marsh now exists, surrounded by native plants and a public promenade that stretches for over a mile along the beachfront.

This event, marking the completion of the restoration and the public opening, was born as a concept a few years ago under the partnership of the Golden Gate National Recreation Area (GGNRA) and the Golden Gate National Parks' Association (GGNPA). In a remarkably short period of time, and in a remarkable show of support, this concept has come to life.

Under the leadership of the first GGNPA Chair, Toby Rosenblatt, and now under the continuing excellent leadership of Chair Charlene Harvey, the dream of Crissy Field will be realized. This unique public-private partnership has made it possible to turn a contaminated, abandoned airfield into a conservation prize for our national park system.

This would not have been possible without the vision of these individuals, the many contributors who followed this dream and the significant efforts of Greg Moore, Executive Director of the GGNPA, and Brian O'Neill, Superintendent of the GGNRA. Both Brian and Greg were honored this week by the National Park Foundation for their energy, innovation and enthusiasm in bringing this project to fruition. Greg Moore accepted the National Park Foundation award for "Restoration of Crissy Field" as the recipient of the 2001 National Park Partnership Award in the environmental conservation category.

As the GGNPA Executive Director, Greg spearheaded the philanthropic drive for Crissy Field which raised $34 million to fund this spectacular restoration of San Francisco's Bay shoreline. The gift of $18 million from the Evelyn and Walter Haas, Jr., Fund and the Robert and Colleen Haas Fund is the largest ever made to America's national parks. This is a phenomenal accomplishment and one of which we are very proud in our community. Congratulations to Charlene Harvey, the entire GGNPA Board, the many philanthropic participants and to Greg Moore and an excellent staff for their lasting contribution to our environment.

The Presidio and all of our Golden Gate National Parks are a source of great pride to us and we are pleased that they welcome millions of visitors each year for recreation and renewal. Congratulations to all who have been involved in this spectacular project. It is a testament to the great enthusiasm the public holds for our national parks. It is a testament to the spirit of our San Francisco community and the able leaders who brought this vision to life for us all.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. HORN. Mr. Speaker, once again I join my colleagues in remembering those who suffered the tragic events of the Armenian Genocide. Each year, we join the world in commemoration of the Armenian genocide because the tragedy of lost lives through ethnic cleansing must not be forgotten.

The Armenian genocide marked the beginning of a barbaric practice in the 20th century with more than a million and a half Armenians killed and forcibly deported. As the target of persecution by the Ottoman Turks, Armenians were systematically uprooted from their homeland and eliminated. To this day, the Turkish government continues to deny that millions of Armenians were killed simply because of their ethnicity.

As an educator, I believe it is critical to emphasize the role education must play in our international community. We must ensure that we do not continue to see actions of racial intolerance or religious persecution, which has led to so many cases of ethnic cleansing. The tragedies of the past two decades including Cambodia, Rwanda and Kosovo attest to this fact. We must, therefore, continue to commit to first teaching our children tolerance.

If we refuse to acknowledge, understand, and vigorously oppose racial and religious intolerance, wherever it arises, we are doomed to repeat the same tragedies again and again.

Mr. Speaker, I thank you for this opportunity to commemorate the Armenian Genocide. I also want to thank the many Armenian-American organizations throughout the nation, and in particular in California, for their tremendous work on behalf of the Armenian-American community.

INTRODUCTION OF THE JAMES PEAK WILDERNESS, JAMES PEAK PROTECTION AREA AND WILDERNESS STUDY AREA ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to protect a key part of the high alpine environment along Colorado's Continental Divide.

The 13,294-foot James Peak is the predominant feature in a 26,000 acre roadless area within the Arapaho-Roosevelt National Forest just north and east of Berthoud Pass. The James Peak roadless area straddles the Continental Divide within 4 counties (Gilpin, Clear Creek, Grand and Boulder). It is the largest unprotected roadless area on the Northern Front Range. The area offers outstanding recreational opportunities for hiking, skiing, fishing, and backpacking.

I have been interested in wilderness protection for the James Peak area since my election to Congress in 1998. In 1999, I introduced a bill (H.R. 2177) in the 106th Congress that would have designated about 22,000 of the James Peak roadless area as wilderness, including about 8,000 acres in Grand County. This proposal was designed to renew discussions for the appropriate management of these lands that qualify for wilderness consideration.

The bill I am introducing today—the James Peak Wilderness, James Peak Protection Area and Wilderness Study Area Act—is the product of nearly two years of subsequent discussions with county officials, interested groups, and the general public.

The previous bill had broad support. However, after its introduction, the County Commissioners of Grand County—which includes the western side of the James Peak area—expressed some concerns with the proposed wilderness designation for the lands in that county. They indicated that in their view any such legislation needed to make accommodation for any "dispersed recreation" opportunities in the area and needed to address private inholdings. The Commissioners also indicated that the Rollins Pass road should be excluded from wilderness.

I agreed to work with Grand County on these and a number of other issues. We held several discussions, including a public meeting in Grand County. After that, the Grand County Commissioners indicated that they could not "entirely support [H.R. 2177] as presented," and outlined a "James Peak Protection Area" alternative.

The Commissioners' "protection area" alternative did not spell out all details, but its essence was that instead of designation of wilderness there should be designation of a "protection area" that would include the lands in Grand County proposed for wilderness in my previous bill and also an additional 10,000 acres of national forest land. The Commissioners' proposals also would have allowed for a section of high tundra above Rollins Pass along the divide to be open to motorized and mechanized recreation (snowmobiles and mountain bikes).

I gave serious attention to this alternative and also carefully considered the views of a variety of interested individuals and groups who had concerns about it. Based on that, on February 12, 2001, I released a more detailed legislative proposal for public review and comment.

This proposal was based on the Commissioners' "protection area" alternative. It would have designated as wilderness 14,000 acres of the James Peak roadless area in Boulder, Clear Creek and Gilpin Counties. It also would have designated 18,000 acres in Grand County as a "James Peak Protection Area," and would have added 2,000 acres (that were encompassed by the Commissioners' "protection area" alternative) to the Indian Peaks Wilderness area (these acres were recommended for wilderness by the Forest Service).

The proposal included language to spell out in more detail the management regime of the "protection area." These provisions (including a ban on hardrock mining, a ban on campgrounds, and a ban on timber cutting) were largely based the management rules for the Bowen Gulch "backcountry recreation" area and the existing "special interest area" Forest Service management under the 1997 Forest Plan. Inclusion of the latter provision was at the request of the Grand County Commissioners.

Following the release of this proposal, I met with the Grand County Commissioners to discuss this proposal and for the option of wilderness for some lands in the Grand County part of the James Peak roadless area. This was a productive meeting. We discussed a number of issues, most of which have been addressed in the bill that I am introducing today. In summary, those issues included:

(1) Prohibiting Motorized and Mechanized Recreation Atop Rollins Pass—Although this area was identified as a possible location for motorized and mechanized recreation in the previous proposal, all agreed (including the snowmobile and mountain bike users) that this area should not be available for such use.

(2) Reopening the Rollins Pass Road—The Commissioners and the users of the Rollins Pass road (also known as the Corona Pass road) indicated an interest in reopening this road for two-wheel drive traffic. Presently, this road is blocked due to the closure of the Needle Eye tunnel and degrading railroad trestles. As a result, a number of motorized recreational users have been creating roads and trails to bypass these blockages. The users of Rollins Pass road indicated that if this road could be reopened, then they would be willing to work with the Forest Service to close these bypasses. The Grand County Commissioners agreed with this suggestion.

(3) The Berthoud Pass Ski Area—The Commissioners expressed an interest in drawing any proposed boundaries near Berthoud Pass to accommodate the existing Berthoud Pass Ski Area's permitted boundary. Everyone agreed that this should be done.

(4) Private Inholdings—The Commissioners expressed an interest in ensuring that the rights of private inholders be preserved.

(5) Forest Service Management—The Commissioners requested that the proposal include specific language indicating that the "protection area" would be managed according to the 1997 Forest Plan. In addition, the Commissioners and recreational users requested that this management be flexible enough to allow the Forest Service to relocate trails, roads or areas in order to address future management issues.

(6) Wilderness Addition to Indian Peaks—The Commissioners expressed support for including the approximately 2,000-acre wilderness addition to Indian Peaks—an area that was "recommended for wilderness" in the 1997 Forest Plan.

(7) Buffer Zone—The Commissioners indicated an interest in considering the inclusion of language that would prohibit the establishment of a restrictive "buffer zone" around the area. This provision would ensure that the existence of a "protection area"/wilderness area would not lead to managerial restrictions on the lands outside the proposed boundaries.

(8) Telecommunication Opportunities on Mount Eva—The Commissioners also indicated an interest in keeping the top of Mt. Eva open for telecommunication facilities as this area was used in the past for such activity. However, the State Land Board permitted the previous facilities on Mt. Eva as the intention was to site these facilities on the State Land Board section. But the facilities were mistakenly located on Forest Service land. Nevertheless, these facilities were removed when the company went bankrupt. In addition, there are no access roads or services to this area. Given all of these difficulties, it was suggested that other locations for these options may be more appropriate.

(9) Rogers Pass Trail—Members of the public also expressed interest in keeping this trail open and available for mountain bike recreational use. It is unclear whether this trail is in fact open to such use. Nevertheless, the Grand County Commissioners indicated that they would like to pursue the option of allowing such use of this trail.

(10) Prohibition of Land Exchanges—The Commissioners expressed an interest in having the bill prohibit any further land exchanges in the area to prevent further development from encroaching into Forest Service areas.

I reworked my proposal to incorporate these issues. It was my hope that in accommodating these concerns in the bill, that the Grand County Commissioners would reconsider some wilderness protection for the lands in the James Peak roadless area south of Rollins Pass. However, the three Grand County Commissioners were divided on this question (one Commissioner did suggest extending the wilderness boundary westwards over the Divide and down to timberline in Grand County).

Nevertheless, the Grand County Commissioners did express support for the wilderness addition to the Indian Peaks Wilderness Area, support for the "protection area" to be managed according to the 1997 Forest Plan and for the adjustments that I had made based on their input. Regrettably, however, they expressed opposition to any wilderness designation now for lands south of Rollins Pass or Rogers Pass.

The Commissioners also indicated a concern that such a designation might have some effect on water rights. I think it is clear that there are no grounds for such concerns. Careful review has convinced me that there are no water rights except those for national forest purposes and no diversion facilities in the portion of the James Peak roadless area south of Rollins Pass. In addition, if any such rights do exist, they would not be extinguished by wilderness designation. Furthermore, as any wilderness designation for this area would be governed by the 1993 Colorado Wilderness Act, the courts would be barred from considering any assertion that the designation involved a federal reserved water right. Further, this area is essentially a headwaters area. Wilderness protection would thus ensure that water would continue to flow out of this area—unimpeded—for downstream users and benefits.

The Grand County Commissioners did indicate that they understood and found acceptable the Forest Service's process for periodic review of the way it manages national forest lands in Grand County. Further, the Commissioners indicated they would not oppose having the Forest Service again review the lands south of Rollins Pass for possible wilderness designation. They indicated that they were aware that the Forest Service had reviewed this area in the past and could have recommended it for wilderness, but did not do so. The Commissioners also indicated that if the Forest Service were to review the area again, they would respect that process.

Accordingly, the bill I am introducing today provides for such a renewed study of these lands. It designates the James Peak roadless lands in Grand County south of Rollins Pass as a "wilderness study area" and directs the Forest Service to re-look at this area for suitability as wilderness. This provision will preserve the status quo on approximately 8,000 acres south of Rollins Pass by keeping this area in its current roadless and pristine state. The bill would require the Forest Service to report its recommendations for these 8,000 acres within three years. It will then be up to Congress to decide regarding the future management of these lands.

This part of the bill also addresses the Roger Pass trail issue—an issue of importance to the Grand County Commissioners and users of this trail. While I believe that this trail should be included in wilderness (it is within the proposed wilderness study area), the bill directs that the Forest Service evaluate whether and to what extent this trail should be managed for mechanized recreational use.

I believe that the bill I am introducing today keeps faith with my commitment to work with local County Commissioners and others. It addresses a majority of the issues that were raised.

These lands are indeed special. They contain a number of high alpine lakes and tundra ecosystems. This area also represents one of the last remaining unprotected stretches of the Continental Divide that comprises the Northern Front Range Mountain Backdrop.

With the population growth occurring along the Front Range of Colorado, I am concerned that if we do not protect these special lands for future generations, we could loose a critical resource for future generations. That is why I am introducing this bill and why I will work hard for its enactment into law.

For the benefit of our colleagues, I am attaching a fact sheet that summarizes the main provisions of the bill.

JAMES PEAK WILDERNESS, JAMES PEAK PROTECTION AREA AND WILDERNESS STUDY AREA ACT

Summary—The bill would designate the James Peak Wilderness Area, add to the existing Indian Peaks Wilderness Area, designate a James Peak Protection Area and a James Peak wilderness study area, all within the Arapaho Roosevelt National Forest in Colorado.

Background: In 1999, Congressman Mark Udall introduced the James Peak Wilderness Act (H.R. 2177) which would have designated about 22,000 acres of land in the Arapaho-Roosevelt National Forest as wilderness north of Berthoud Pass and south of the Indian Peaks Wilderness Area. Since then, there have been further discussions with county governments, the Forest Service, and the public. On January 31, 2000, the Grand County Commissioners proposed the alternative of designating lands in that county as a "protection area" instead of wilderness. On February 12, 2001, Congressman Udall released a proposal that was similar to the Grand County "protection area" proposal. This bill is a refined version of that proposal resulting from discussions with the Grand County Commissioners and other interested parties.

The Lands: The 13,294-foot James Peak is the predominant feature in a 26,000-acre roadless area within the Arapaho-Roosevelt National Forest just north and east of Berthoud Pass. The James Peak roadless area straddles the Continental Divide within 4 counties (Gilpin, Clear Creek, Grand and Boulder). It is the largest unprotected roadless area on the Northern Front Range. The area offers outstanding recreational opportunities for hiking, skiing, fishing, and backpacking, including the popular South Boulder Creek trail and along the Continental Divide National Scenic Trail. It also includes the historic Rollins Pass road which provides access for mechanized and motorized recreation in the area.

James Peak is one of the highest rated areas for biological diversity on the entire Arapaho National Forest, including unique habitat for wildlife, miles of riparian corridors, stands of old growth forests, and threatened and endangered species. The area includes a dozen spectacularly situated alpine lakes, including Forest Lakes, Arapaho Lakes, and Heart Lake. Many sensitive species such as wolverine, lynx, and pine marten only thrive in wilderness settings. Adding James Peak to the chain of protected lands from Berthoud Pass to the Wyoming boundary will promote movement of these species and improve their chances for survival.

What the bill does: James Peak Wilderness: The bill would designate over 14,000 acres of the James Peak area in Clear Creek, Gilpin and Boulder Counties as the James Peak Wilderness Area; Indian Peaks Wilderness Area Addition: The bill would add about 2,000 acres in Grand County to the existing Indian Peaks Wilderness area (these acres were recommended for wilderness in the Forest Service's 1997 revised plan); James Peak Protection Area: The bill would designate about 18,000 acres in Grand County as the James Peak Protection Area and provide the following: Forest Service to manage the area consistent with the management directions for this area under the 1997 Forest Plan for the Arapaho-Roosevelt National Forest; No transfer of federal lands by exchange or otherwise; Forest Service required to designate appropriate roads, trails and areas for motorized and mechanized recreation.

James Peak Wilderness Study Area: The bill would designate about 8,000 acres in the part of the Protection Area generally south of the Rollins Pass Road as a wilderness study area. For these lands, the bill would direct the Forest Service to do the following—study this area and report in three years as to the suitability of these lands for inclusion in the National Wilderness System: meanwhile, manage the study area to preserve its wilderness characteristics, and evaluate whether and, if so, to what extent mechanized recreation (mountian bikes and snowmobiles) should be allowed in the wilderness study area, especially along the Rogers Pass trail.

Fall River Trailhead: The bill would establish a new trailhead and Forest Service facilities in the Fall River basin east of the proposed wilderness area—to be done in collaboration with Clear Creek County and the nearby communities of St. Mary's Glacier and Alice Township

General provisions: The bill also would: encourage but not require the Forest Service to acquire two non-federal inholdings within the wilderness study area; prohibit the creation of a restrictive buffer zone around the wilderness area, the Protection Area or wilderness study area; direct the Forest Service to work with the respective counties if the Rollins Pass road is reopened to two-wheel drive traffic.

What the bill does not do: Designate any portion of the James Peak Roadless Area in Grand County as wilderness: The bill would not create wilderness in the James Peak roadless area in Grand County. Instead, it would designate a James Peak Protection Area, subject to use and management restrictions, as proposed by the County Commissioners and within that would designate a wilderness study area.

Restrict Off-Road Vehicle Use Throughout the Area: The bill would prohibit motorized and mountain bike recreation use in the wilderness and wilderness study areas, but would allow this use, consistent with the Forest Service's management directives, in the Protection Area. Furthermore, the bill would require the Forest Service to identify appropriate roads, trails and areas for such use within three years. Such identifications can be revised by appropriate Forest Service processes.

Affect Water Rights: The bill would not affect any existing water rights. In addition, all lands designated by the bill are headwaters areas.

Affect the Berthoud Pass Ski Area: The bill would exclude this Ski Area's existing permitted boundary.

Affect Search and Rescue Activities: The bill would not affect the activities related to the health and safety of persons within the area. Such necessary activities will be allowed, including the need to use mechanized equipment to perform search and rescue activities.

HONORING DR. THOMAS E. STARZL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. HART. Mr. Speaker, Dr. Thomas E. Starzl arrived in Pittsburgh some 20 years ago, and began his legendary work at the University of Pittsburgh. It wasn't long after that the city became a world renowned Mecca for organ transplantation. Since his arrival, more than 11,300 organ transplants have been performed at the University—an accomplishment unmatched by any other program in the world. These transplants represent the thousands of lives that Dr. Starzl touched, and the true magnitude of his contribution to medicine. Like Dr. Starzl himself, many of these patients are heroes—who even in their death taught invaluable lessons that have advanced the field of organ transplantation for the betterment of all mankind. Today, we think nothing of replacing organs that have failed. But if it weren't for the trailblazing efforts of Dr. Starzl, which have spanned more than four decades ago, we would not be standing here in celebration of life—indeed thousands and thousands of lives.

This year marks the 20th anniversary of Dr. Starzl's first liver transplant in Pittsburgh, a milestone that spawned two decades of major advances by Dr. Starzl and University of Pittsburgh faculty. Their work sparked clinical and research activity of immense importance to the medical community. Countless numbers of surgeons and researchers have come to Pittsburgh from around the world to learn from the work of Dr. Starzl. Surgeons returned to their home institutions with newly forged skills to offer patients life-saving services. Research scientists went back into the laboratories, challenged by Dr. Starzl's own quest to answer some of medicine's most challenging questions.

On April 27, Dr. Starzl's former students and colleagues will pay tribute to him as he enters emeritus status at the University of Pittsburgh. It will be a celebration much to Dr. Starzl's liking—an academic gathering in order to share important scientific information.

Dr. Starzl is a true pioneer who has transformed the world of medicine. Since that day in 1963 when he performed the world's first liver transplant at the University of Colorado, he has been at the forefront of the heroic and life-saving advancements that are continually being made in the medical community. His work will have a lasting influence on the field of organ transplantation, and the world of medicine as a whole. Dr. Starzl continues to inspire a new generation of medical pioneers, and serves as an example of what determination and passion and for one's work can achieve. So we honor you today, Dr. Starzl, for your life's work. We thank you for your passion, which has touched so many lives, and surely will touch many, many more.

HONORING O.D. McKEE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. WAMP. Mr. Speaker, Many folks would have turned a little faint at the thought of trying to start a business during the depths of the Great Depression in the 1930s.

But not O.D. McKee.

"O.D.," as he was known to his many friends and admirers, believed that he could be successful in the baking business. And he and his wife, Ruth, were not afraid to work hard.

Together they built a small bakery into a giant business with 5,000 employees and plants in three states. I am proud that O.D. and Ruth McKee, who died in 1995 and 1989, were citizens of the 3 rd District of Tennessee. And I am very thankful that their company, McKee Foods Corporation, headquartered in Collegedale, TN, near Chattanooga, continues to be an important and vibrant corporate citizen of the 3rd District.

It is entirely fitting that the company has dedicated the O.D. McKee Conference Room at the company's plant in Collegedale.

The McKees and their family typify the values of people who are successful as business leaders—and human beings—in America. They had dreams, drive and determination as they built McKee Foods and its "Little Debbie" Snack cakes and other products into internationally recognized symbols of quality.

In the early years, the company operated out of a plant on Main Street in Chattanooga. But later, the McKees sold out and moved to Charlotte, N.C., and began another operation there. "O.D." personally designed that plant, which contained many innovations that put it well ahead of its time. In the 1950s, the McKees repurchased the Chattanooga business from Ruth's brother. In 1960, they introduced the "Little Debbie" brand.

Their operations were—and are—a model for what a good company should be. O.D. and Ruth were true partners in the business. He supplied the vision and sales skills that helped to build the company. She contributed down-to-earth, practical business sense, managing many aspects of the bakery's operations, particularly in the early years. At a time when this kind of arrangement was not very common in American business, they drew equal salaries. Today, their company continues to be based on trust and mutual respect among all employees. It is a major part of the economy in Southeast Tennessee. In addition to the facility in Collegedale, it has plants in Apison, Tenn.; Gentry, Ark., and Stuarts Draft, Va., and markets its products in all 50 states, Canada, Puerto Rico and U.S. military bases worldwide.

Truly, it is fitting that we pause to honor O.D. McKee and the wonderful legacy he and his wife, Ruth, built.

TRIBUTE TO DR. JOSEPH J. JACOBS: ENTREPRENEUR, HUMANITARIAN, AND NOMINEE TO RECEIVE THE PRESIDENTIAL CITIZENS MEDAL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to Dr. Joseph J. Jacobs, an renowned entrepreneur who created the Joseph J. Jacobs Engineering Group many years ago. Dr. Jacobs is a chemical engineer by profession, who has over the years become an outstanding humanitarian, an economist, an educator, a philanthropist, and an author who wrote a book in 1995 entitled: The Compassionate Conservative which became the byword of President George W. Bush's Administration. Above all, this proud Lebanese-American became a great good friend of mine.

I have recently written to President George W. Bush asking him to award Joseph Jacobs the Presidential Citizens Medal, an award that recognizes citizens who have performed exemplary deeds of service for their country or their fellow citizens and one that is awarded at the sole discretion of the President.

Mr. Speaker I ask unanimous consent that my letter to President George W. Bush recommending that he award the Presidential Citizens Medal to Dr. Joseph Jacobs, be printed hereafter in the CONGRESSIONAL RECORD. On reading this letter, a tribute to Joseph J. Jacobs, my colleagues will be reminded of the numerous citizens in the United States who are sons and daughters of immigrants, who have worked hard to create businesses that in turn create jobs and good fortune for themselves and others.

Dr. Joseph Jacobs, son of immigrants from Lebanon, has used his fortune to establish the Jacobs Family Foundation in order to perpetually give back to the citizens of the United States through education, through humanitarian services for underrepresented groups, and through love for his fellow human beings.

APRIL 17, 2001.

Hon. GEORGE W. BUSH,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: For many years it has been my distinct privilege to have as a good friend, Dr. Joseph J. Jacobs, Chairman of the Board, Jacobs Engineering Group, Inc., in Pasadena, California, who is a great humanitarian who has contributed an abundance to society during his lifetime.

I am writing to highly recommend a Presidential Citizens Medal for Dr. Jacobs which, in your discretion, you can award at any time during this year should you decide to do so (in accordance with Executive Order No. 11494 issued by then President Nixon).

The Presidential Citizens Medal is awarded in recognition of citizens of the United States who have performed exemplary deeds of service for their country or their fellow citizens and is issued at your sole discretion.

Dr. Joseph J. Jacobs is the founder and chair of the Jacobs Engineering Group of international renown with numerous worldwide divisions, is more than 50 years old. He built his company from a one-man chemical process consultancy to its present status as the leading engineering-construction company in the United States if not the world.

For many years Dr. Jacobs served as Chairman of the Board of Trustees of the Polytechnic University of New York (1974–1984 and 1992 to 1994). The University has named the Administration building for Dr. Jacobs and a chair in the Chemical Engineering Department has been established in his and Mrs. Jacob's names. On April 29, 2001 Dr. Jacobs will be honored for his contributions to the St. Nicholas Home, a non-sectarian, non-profit nongovernmental support residence for the elderly in Brooklyn, New York. His contributions to the education system and humanitarian efforts in the area of his birth, marks Dr. Jacobs as a remarkable leader who gives back to society in recognition of the support he received over the years in making Jacobs Engineering Group one of the finest in the United States.

The recipient of many awards in the Chemical Engineering world, Dr. Jacobs has established the Jacobs Family Foundation, which targets its philanthropy on the issues of community based economic development, youth and families at risk, Arab-American cultural awareness and access to educational and training opportunities for under represented groups. In addition to grant support, the Foundation provides technical assistance to non-profits in the areas of strategic planning, leadership development and fund raising.

Dr. Jacobs is the author of numerous articles on Chemical Engineering and economics, and was a contributing author to the Encyclopedia of Chemical Technology. Having made substantial contributions to the study of a number of serious social issues, one resulted in a highly praised PBS program aired in 1986 on "The Problems of Aging Parents of Adult Children."

In 1991, Dr. Jacobs completed his autobiography "The Anatomy of an Entrepreneur: Family, Culture and Ethics" from which we learn that he traces his high standards of morality and ethics back to the ethnic background of his family and the Lebanese American community in Brooklyn, NY where he was born and raised.

Dr. Jacob's second book reflecting these values was entitled, "The Compassionate Conservative" published by Huntington House in 1995, and a second edition was published in December 1999; a book whose title you have made the by-word of your Administration.

It is my profound hope that you will award the Presidential Citizens Medal to Dr. Joseph Jacobs in the coming year, an award that is made solely at your discretion. From the foregoing, and from the attached biography on Dr. Jacobs, I believe that you will agree that he is an exemplary man who deserves your recognition.

I will look forward to your response to this sincere request on behalf of a wonderful man who has given much to the citizens of the United States throughout a lifetime of hard work and achievement.

With warm regard, I am
Sincerely,
NICK J. RAHALL II,
Member of Congress.

A TRIBUTE TO THE AFRICAN AMERICAN MUSEUM IN PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the African American Museum in Philadelphia (AAMP) upon its selection by the Smithsonian Institution as a new Smithsonian Affiliate. Thus, AAMP becomes the only museum in Philadelphia, the fourth in Pennsylvania and one of 67 cultural institutions across the nation with such a designation.

The Smithsonian affiliate outreach program brings the institution closer to all Americans by creating exhibition opportunities throughout the nation by the sharing of its collections and resources. And, the affiliation provides AAMP with opportunities to display objects from its collections in the Smithsonian's Arts and Industries building on the national Mall in Washington, DC.

Founded in 1976, in celebration of the U.S. Bicentennial, the AAMP is dedicated to collecting, preserving and interpreting material and intellectual culture of African Americans.

AAMP attracts a multi-cultural, multigenerational audience. Located in the First Congressional District, the Museum has a collection of more than 500,000 objects, images and documents.

AAMP will open its inaugural exhibition marking the affiliation, Affirmations: Objects and Movements, September 20, 2001. The exhibition will contain objects from the Smithsonian's national museums of American History, American Art and the Anacostia Museum and Center for African American History and Culture.

The incorporation of the AAMP into the Affiliate program is an important milestone in the history of this vital institution and it also coincides with the Museum's celebration of its 25th anniversary.

TRIBUTE TO JAMES RAMOS, SR.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BACA. Mr. Speaker, I want to take this opportunity to extend my personal regards and congratulations to James Ramos, Senior, on the occasion of his 60th birthday.

May this special day be filled with joy and happiness and may the future bring James good health, abundant wealth and the time to enjoy both.

James is the youngest of eight children, born and raised in the East Highlands community, and started to work in support of his family as a young man of fourteen in a citrus packinghouse. He went on to serve his country in the Army and returned to work for the San Bernardino Unified School District for over 26 years. He has always modeled a strong work ethic for his family, and those who love him, speak of his lifelong dedication of service to others.

James should be proud of his marriage of 35 years to the beautiful Rena, and of the four wonderful children he has raised to be upstanding and contributing citizens and proud parents, in their own right.

"Jaime", my friend, may the rain always fall gently on your house and may your face always greet the rising sun.

James' family offers the following on the occasion of his birthday:

Touching our lives with his gentle strength and guiding us through the years, everyone cherishes "Jaime" for the contributions he has made. Growing up, we remember our father for fishing with bologna, jerky and Velveta Cheese, for playing "Billy Boy" on his guitar while we danced and sang along, and how much dedication he has committed toward leading our family.

Raised in the East Highlands Community, he was the youngest of eight. Over the years he has accomplished so much.

His strong work ethic can be used as an example to us all. Starting at the mere age of 14, he worked in a packinghouse. Dad has served in the United States Army. And he has worked for 26 years for the San Bernardino School District. All of his hard work and dedication to serving others has been shown by living his dream of working with state and local dignitaries. He has been married to Rena for 35 years. Together they have four children: Ken, Alaina, James and Tom Tom, while Barbara is loved as well. Instilling the importance of higher education he encouraged his children to pursue college. He is also a grandfather of 14 and has a great-grandchild on the way.

Dad, we love you. Don't ever think for one day that the things you do go unnoticed because not only does God see them, we do too.—Love, Your Kids.

A TRIBUTE TO MR. BILL WILLIAMS

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. JOHN. Mr. Speaker, each morning in my hometown of Crowley, in the heart of South Louisiana's Cajun Country, residents turn on the radio to a familiar sound. Between the classic melodies of the 1930s and 40s, listeners are treated to their daily dose of local news, talk and happenings in and around the Crowley area. In many households, this start to each new day is a family tradition. Young and old alike tune in to AM 1450 in the early hours of each morning to hear the voices of Bill Williams and Shel Kanter supply the local news, school lunch menus, and the ever-popular mystery quiz. Far from ordinary and always full of surprises, Bill and Shel truly are the "voices" of Crowley.

Bill and his partner Shel have made the Bill Williams/Shel Kanter radio program a morning staple. Forty-four years of continuous air time is a feat in any media market, but Bill and Shel offer so much more than a radio show. They perform a service to our community each morning, by getting our day off to a positive start and reminding us that humor is the rule rather than the exception.

I would like to honor Mr. Bill Williams for his lifetime of service and dedication to the citizens of Crowley. I join with the Crowley community in commending him for his selfless and tireless efforts to better and promote our home. Though he was born in Illinois, and spent a considerable portion of his life in the Northeast, Bill has become such a vital part of our community over the past 44 years, that it is difficult to imagine there is any other place he would desire to call home.

Off the air, Bill is a leader in the Town of Crowley. He serves on the Crowley City Council and has worked diligently to make the International Rice Festival one of the most recognized cultural celebrations in Louisiana. He is commonly known as "Mr. Rice Festival," and he was recently honored by the Louisiana Rural Tourism Commission for his success in growing the annual event. Bill has made the Rice Festival an annual celebration of our area's rich agricultural industry, culture, cuisine and history. Today, the International Rice Festival is the oldest and largest agricultural festival in Louisiana, due in large part to Bill's efforts.

I want to offer him a heartfelt thanks for his constant efforts to build upon Crowley's tradition of excellence. Bill, I honor you, I honor your devotion to the betterment of our community, and most importantly I thank you for your lifetime of dedication to our wonderful hometown.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BECERRA. Mr. Speaker, on April 3 and 4, I was unable to cast my votes on roll call votes: No. 76 on motion to suspend the rules and pass H.R. 768; No. 77 on motion to suspend the rules and agree to H. Res. 91; No. 78 on motion to suspend the rules and agree to H. Res. 56 as amended; No. 79 on motion to suspend the rules and agree to H. Con. Res. 66; No. 80 on agreeing to the resolution H. Res. 111; No 81 on motion to suspend the rules and pass H.R. 642 as amended; No. 82 on agreeing to the substitute amendment to H.R. 8 offered by Mr. RANGEL; No. 83 on motion to recommit H.R. 8 with instructions; and No. 84 on passage of H.R. 8. Had I been present for the votes, I would have voted "yea" on roll call votes 76, 78, 79, 80, 81, 82, 83, and "nay" on roll call votes 77 and 84.

A TRIBUTE TO RHODA STAHL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rhoda Stahl on the celebration of her 90th birthday on Thursday, April 26, 2001.

Rhoda has lived a long and fullfilling life. She married her childhood sweetheart, Harry Stahl, on March 1, 1931. Together they had three children, Renee, Joel, and Larry. After the birth of their second child, the family moved to Long Island City, NY.

While in Long Island City she aided her husband by serving as the First Lady of Congregation Adath Israel while he was the congeation's President.

Rhoda was a devoted wife and mother during her 58 years of marriage to Harry. In 1978, she retired to Florida and then in 1989 she moved to San Diego, to live the rest of her long life near her daughter Renee.

Rhoda is now the proud grandmother of nine and great-grandmother of six. She is fortunate enough to spend her 90th birthday with friends and family from New York, Maryland, Virginia, and San Francisco.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my best wishes and congratulations to Rhoda Stahl on the occasion of her 90th birthday and in wishing her many more happy and healthy years with her loving family.

EARTH DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. PELOSI. Mr. Speaker, on Earth Day, we celebrate an important milestone of the modern environmental movement in 1970, and we celebrate three decades of progress in protecting the environment. Thanks to the persistence and hard work of environmental champions from all walks of life, Americans enjoy cleaner air and cleaner water than in 1970.

Yet we still have far to go to achieve a sustainable approach to living on the Earth. We need leaders who have the vision to see that the fate of human beings and the environment are inextricably intertwined. We need leaders who appreciate that with new ideas, new practices, and new technologies, we can enjoy prosperity and economic growth without sacrificing the environment.

Instead, in his first 100 days in leadership, President Bush has acted swiftly to roll back a series of initiatives to protect the environment and human health:

Arsenic. Revoked new regulations to reduce the level of arsenic, a known carcinogen, in drinking water.

Hard-rock mining. Dumped new regulations that would make it tougher for mining companies to walk away from pollution caused by mining.

Global warning. Broke his campaign promise to reduce emissions of carbon dioxide, the primary cause of global warming.

Kyoto protocol. Announced that the United States—which has already signed the Kyoto protocol to reduce greenhouse gas emissions—will withdraw from any further negotiations and will not seek ratification of the climate change treaty.

National forests. Postponed rules to protect 58 million acres in our national forests by prohibiting new roads, and is widely expected to try to overturn the new rules completely.

National monuments. Encouraged proposals to change boundaries and loosen protections against mining and logging operations in the new monuments.

Energy efficiency. Scaled back regulations to make air conditioners and heat pumps more efficient—at a time when electricity is in short supply and prices are shooting up in California and around the country. Electricity generation is a major contributor to air and water pollution.

In the new millennium, we must realize that the environment is central to our lives. Because of global warming, it is predicted that the oceans could rise by as much as three feet in the period between 1990 and 2100. In San Francisco, where the ocean is already practically lapping at our feet, it is daunting to think about the damage the rising waters are likely to cause to our peninsula.

This Administration seeks 19th century solutions to 21st century problems. The Administration's policies on energy and global warming are a prime example. Faced with energy shortages and high energy prices, the Administration advocates increased drilling for oil and gas. Yesterday, the White House reaffirmed its commitment to driling in the Arctic National Wildlife Refuge, one of our priceless natural treasures. In the face of world-wide concern about global warming, the Administration has renounced the climate change treaty.

The Administration is responding to pressure from many companies in the electricity, coal, oil, and gas industries to continue with business as usual. But instead of clinging to the energy policies of the past, the United States should lead the world in developing energy efficiency and renewable energy technologies.

I salute business leaders who recognize the value of environmental protection. In fact, a number of major corporations have recognized the threat of global warming and are acting to reduce their greenhouse gas emissions. But sometimes the corporate sector needs a push to adopted new technologies and new ways of thinking. We need political leaders who understand this dynamic.

No discussion of the environment is complete without focussing on environmental justice.

Environmental health will be a major human rights issue in the 21st century. Everyone has the right to live in an environment free of deadly pollutants and toxic waste, and every child has a right to be born free of exposure to toxic chemicals. But today, millions of Americans are exposed to dangerous contaminants in our food, water, air, and even our mother's milk. Minority and low-income communities are particularly vulnerable to environmental health hazards, since the factories and waste dumps that emit pollutants are often located near poor or minority communities that have less political power.

Last Thursday, President Bush announced the United States would sign the treaty on Persistent Organic Pollutants (POPs) that was negotiated by the Clinton Administration. I am delighted that the US will sign the POPs treaty, which will ban or phase out 12 pollutants that are extremely hazardous to the health of humans and animals. But I note that the treaty is supported by the chemical industry—so this excellent decision did not require political courage or vision. Furthermore, we should ensure that new chemicals are safe to human health and the ecosystem before they become pervasive in our air, water, food, and our bodies.

This Administration is still living in the 20th century when it comes to environmental issues. It's time to move into the 21st century. Working together, we can make each Earth Day a celebration of progress, not a day of protest.

TRIBUTE HONORING OFFICER DON WYBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Salida patrolman, Don Wyble. On March 20, Don was named "Police Officer of the Year" for the 11th Judicial District for him outstanding work as a police officer during the past year. Don is the second Salida Police Officer to be recognized as the "Officer of the Year."

According to Salida Police Chief, Darwin Hibbs, Don was nominated for his work both on and off duty. Don serves as the chairman of the Chaffee County Adult Protection Team, which discusses the needs of elderly citizens and then attempts to provide services. He also serves as the police department's liaison with Triad, a group dedicated to protecting the public from large scale scams. "I think Don represents our department well. He has a tremendous work ethic and has always done a tremendous job," said Hibbs in a recent article from the Mountain Mail.

Don began his work with the police department as a reserve in 1980. In 1988 he was upgraded to full-time code enforcement, and then in the spring of 1990, Don was promoted to patrolman. "I have to be proud of the opportunity to represent Salida. This award is for all of the department, not just me. It takes all of us to get the job done."

Mr. Speaker, it is with great pleasure that I ask that we take this opportunity to thank Don for his service to the community of Salida, Colorado. I know that Don will continue to protect and serve his community for years to come.

Don, your community, state and nation are proud of you!

FREE TRADE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. PAUL. Mr. Speaker, I commend to the attention of members an editorial appearing in today's Wall Street Journal which is headlined "Free Trade Doesn't Require Treaties". The column is authored by Pierre Lemieux, a professor of economics at the University of Quebec.

Professor Lemieux seems to grasp quite well what few in Congress have come to understand—that is, "The primary rationale for free trade is not that exporters should gain larger markets, but that consumers should have more choice—even if the former is a consequence of the latter." Mr. Lemieux went on to point out that the leaders of the 34 participating states in the recent Quebec summit "are much keener on managed trade than on free trade and more interested in income redistribution and regulation than in the rooting out of trade restrictions."

The professor's comments are not unlike those of the late economist Murray N. Rothbard, devotee of the methodologically-superior Austrian school, who, with respect to NAFTA, had the following to say:

> [G]enuine free trade doesn't require a treaty (or its deformed cousin, a 'trade agreement'; NAFTA is called an agreement so it can avoid the constitutional requirement of approval by two-thirds of the Senate). If the establishment truly wants free trade, all it has to do is to repeal our numerous tariffs, import quotas, anti-dumping laws, and other American-imposed restrictions of free trade.

No foreign policy or foreign maneuvering in necessary.

In truth, the bipartisan establishment's fanfare of "free trade" (and the impending request for fast track authority) fosters the opposite of genuine freedom of exchange. Whereas genuine free traders examine free markets from the perspective of the consumer (each individual), the mercantilist examines trade from the perspective of the power elite; in other words, from the perspective of the big business in concert with big government. Genuine free traders consider exports a means of paying for imports, in the same way that goods in general are produced in order to be sold to consumers. But the mercantilists want to privilege the government business elite at the expense of all consumers, be they domestic or foreign.

Mr. Speaker, again I commend Mr. Lemieux's column and encourage the recognition "that free trade is but the individual's liberty to exchange across political borders."

[From the Wall Street Journal, Apr. 24, 2001]

FREE TRADE DOESN'T REQUIRE TREATIES

(By Pierre Lemieux)

MONTREAL.—Three-quarters of a century before the Summit of the Americas convened in Quebec City last weekend, John Maynard Keynes marveled at globalization. "[T]he inhabitant of London could order by telephone, sipping his morning tea in bed, the various products of the whole earth. . . ." Keynes wrote. "[H]e could at the same time and by the same means adventure his wealth in the natural resources and new enterprise of any quarter of the world. . . . [H]e could secure forthwith, if he wished, cheap and comfortable means of transit to any country or climate without passport or other formality."

The decades preceding World War I were a period of globalization that was at least as extensive as today's. To the extent that the proposed Free Trade Area of the Americas (FTAA) moves this continent to ward freer trade, it would help recover the lost promise of the pre-1914 world. But the Quebec summit sent conflicting messages, none of them revolutionary.

The leaders of the 34 participating states showed that they are much keener on managed trade than on free trade, and more interested in income redistribution and regulation than in the rooting out of trade restrictions. "The creation of a free trade area is not an end in itself," said Canadian Prime Minister Jean Chrétien.

With excruciating political correctness, he added: "We have focused on a global action plan of co-operation to reduce poverty, protect the environment, promote the adoption of labor standards and encourage corporate responsibility." The participants' "Plan of Action" contained measures that range from tobacco regulation and gun control to the monitoring of financial transactions.

What of the "no passport" world celebrated by Keynes? In Quebec, as at other international trade meetings, state representatives behaved as agents of their country's exporters. You give us this "concession," they intone, and we will allow your exporters to enter our markets in return. Yet this misrepresents grossly the nature of trade and a free economy.

The primary rationale for free trade is not that exporters should gain larger markets, but that consumers should have more choice—even if the former is a consequence of the latter. By presenting themselves as members of an exporters' club, trade negotiators lay themselves open to attack by those who claim that free trade only works to the benefit of corporations.

Economists have known for centuries that free trade can be promoted without free-trade agreements. A country's inhabitants would obtain many of the advantages of free trade if only their own government would stop imposing restrictions on imports. Behind the veil of financial transactions, products are ultimately exchanged against products, so that the more imports that come into a country, the more will foreign demand grow for its exports. Or else, foreign exporters will have to invest in the country, thereby creating a trade deficit; nothing wrong with that either.

In other words, if you want free trade, just trade. Much of the pre-World War I free trade was, indeed, due to Britain's unilateral free-trade policies.

Trade agreements are only helpful to the extent that they help tame domestic producers' interests, support the primacy of consumers, and lock-in the gains from trade. Such treaties should not aim at reducing competition by pursuing other goals, of the sort embraced by the heads of state at Quebec. That would amount to no more than managed trade, the pursuit of which, paradoxically, might be said to unite both the leaders present and the mobs demonstrating against them.

William Watson, a Canadian economist, has noted in the Financial Post that the demonstrators who don't trust governments to negotiate free trade come, contradictorily, from political constituencies generally known for their blind faith in government. As for the small group of anarchists, they apparently do not realize that closed borders, and the prohibition of capitalist acts between consenting adults, actually increase state power.

On one stretch of Saturday's march, demonstrators wore large bar codes taped to their mouths, as if free trade meant turning them into speechless numbers. How droll! These demonstrators were certainly, and perhaps proudly, carrying in their wallets government-imposed Social Security numbers, drivers' licenses and Medicare cards, which, surely, have made them numbered state cattle. Another fabulous irony: American would-be demonstrators complained about being denied entry into Canada, while their entire message is predicated on tighter borders.

Once we realize that free trade is but the individual's liberty to exchange across political borders, it is easy to see that forbidding it requires punishment or threats of punishment. You have to fine or jail the importer who doesn't abide by trade restrictions. In FTAA debates as in other trade issues, a source of much confusion is the failure to realize that free trade is a consequence of individual sovereignty.•

HONORING THE LATE DR. CHARLES TEISSIER FREY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I ask this body to pause for a moment and pay respects to one of the great citizens of the Western Slope of Colorado. On March 27, Dr. Charles Teissier Frey passed away. He was 83 years old. His passing is a great loss to the community of Cedaredge, Colorado. Dr. Frey is survived by his four sons, Larry, Robert, William, Stephen, his five grandchildren, wife Ada Lewis, and his sister, Evelyn.

Dr. Frey has been a member of the community since 1947. Before moving to Colorado, Dr. Frey attended Tulane University and Louisiana State University Medical School where he learned to be a doctor. In 1942, he joined the U.S. Army as a physician. Dr. Frey was a member of the American Board of Family Practice and the American Academy of Family Physicians. He has been given numerous honors, awards and distinctions as well as the National Rural Health Practitioner of the Year for 1987.

While in Cedaredge, Dr. Frey served on the Town Council for eight years. He also served as a volunteer with Project HOPE, were he worked on a Navajo Reservation in Belize, British Honduras and Taiwan. He was also a member of the Cedaredge Community Church.

In the late 60's, Dr. Frey gathered a group of acquaintances and friends to arrange funding for a nursing home which would be dedicated to maximum service and minimum profit. For 15 years the Horizons Nursing Home paid no dividends and no fees to the Board of Directors, while serving seniors admirably.

Mr. Speaker, the community of Cedaredge and Dr. Frey's family will miss him greatly. He has done so much for the community, that's why I would to take a moment and honor Dr. Charles Teissier Frey. He is a great American and distinguished Coloradoan who will be greatly missed.

TRIBUTE HONORING DOCTOR GORDON GILBERT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and pay special tribute to a very special person. Doctor Gordon Gilbert, a professor of physics at Mesa State College for over 20 years who has seen and done a lot in his lifetime. It is with this life of service that I would now like to recognize.

After receiving his masters degree from the Massachusetts Institute of Technology, Dr. Gilbert went on to work for the Apollo Space Project at NASA. He was part of the team involved with the lunar landing. When that program finished, he went back to MIT to earn his doctorate. When he finished school, the University of Arizona offered him a faculty position, where he spent 10 years observing and researching galaxies and quasars from the new Kitt Peak National Observatory.

Dr. Gilbert's dream has always been to teach, and that finally came true in 1980, when a small liberal arts college in Colorado hired him and a group of distinguished colleagues to build their physics program, which today is cutting edge. Dr. Gilbert has an unusual but highly successful style in his classes. He has been known to show up as Isaac Newton, Galileo, or Albert Einstein.

Dr. Gilbert has continued to teach and do research while battling prostate cancer for the last 10 years. "I'm told I have about three more years. I've been told that every other year since 1992." Despite all he has accomplished, his greatest gift is being a dad to his three kids, Beth, James, and Thomas. "It may be true. I don't laugh at it. I don't take it for granted. But I do know the roses have never smelled sweeter."

Mr. Speaker, Dr. Gilbert has done a lot for science, space exploration and his students. And despite having cancer, he is still giving it his all in the classroom and with his family. I applaud, Gordon and all that he has accomplished in his lifetime, and I want to thank him and wish him all the best in the future.

TRIBUTE TO COLORADO STATE SENATOR JIM DYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker. I would like to take this opportunity to thank Colorado State Senator Jim Dyer of Durango for his years of service to the State of Colorado and to wish him good luck in his new position. Senator Dyer has accepted a nomination by Colorado Governor Bill Owens to join the Colorado Public Utilities Commission. Although the State Senate will miss Jim greatly, I know that Jim's leadership and service to the State of Colorado will continue with the PUC.

Senator Dyer has been a member of the State Legislature for 15 years serving in the House for 12 years and the Senate for 3 years. He was first elected to the House in 1986, and then in 1998 he was elected to the state Senate. He served as the chair of Agriculture and Natural Resources Committee, as well as on the Veterans and Military Relations Committee and the Transportaiton Committee. "I think we've all been served well by Jim. Regardless of the fact we're of different political parties, he's a good friend of mine. . . . Jim has always taken a strong stance for us locally. Jim has never lost the viewpoint that small government is important to the process," said County Commissioner Fred Klatt.

Senator Dyer has also had a distinguished career in the military. Senator Dyer served in the U.S. Navy from 1959–1964 and the U.S. Marines from 1964–1979 with three tours of duty in Vietnam. During his years in the military, Senator Dyer was recognized with the Soldiers Medal, three Bronze Stars, the Air Medal, the Gallantry Cross with Palm (Republic of Vietnam), and the Order of Military Merit (Republic of Korea).

In his spare time, Senator Dyer is involved as a member of the VFW, the American Legion, the National Rifle Association, and the Durango Historical Society. "I feel he has been a very fine Senator and represented our area very well. He has always been responsive to our needs and responsive when he could do things for us at the state level," said Mayor Jim Shepard.

Mr. Speaker, I would like to take this opportunity to congratulate Senator Jim Dyer on his new position and wish him good luck in the future. He will be missed in the state legislature.

Mr. Speaker, Senator Dyer is a person of high integrity and honor. I consider it a privilege to have known and worked with him.

Jim has served the State of Colorado well in the state Senate and I know he will continue that record of leadership in his new capacity with the Colorado Public Utilities Commission.

TRIBUTE TO SENATOR GINETTE (GIGI) DENNIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MCINNIS Mr. Speaker, I would like to take this opportunity to thank Colorado State Senator Gigi Dennis for her years of service to the State of Colorado and to wish her good luck in her new position. Senator Gigi has served in the Colorado State Senate since 1995, but is resigning at the end of the month to accepted an appointment from President George W. Bush to become the Colorado Director of the Department of Agriculture's Office of Rural Development. "I'm proud of her," said her husband Dean Dennis. "I'm proud of her accomplishments." I know that Gigi's friends and neighbors in south-central Colorado, her colleagues in the Colorado legislature, and elected officials all across Colorado—including me—share Dean's sentiments. We are all proud of Gigi!

Senator Dennis has held numerous positions of real significance during her seven years in office, including Vice Chair of the Transportation Committee, a Member of the Legislative Council and Chairman of the Majority Caucus. Senator Dennis also served as the Rio Grande County Republican Secretary. Additionally, she served as a member of the State Accountability Commission on Education, and the Vice Chairman of the Education Committee (NCSL).

Senator Dennis summed up her feelings like this: "This resignation is not like walking away from my constituents, but creating a bigger circle of people I can impact through this office. In the end, it doesn't make any difference who gets the credit or who wins the fight. . .but whether Colorado citizens are better off for what we do. I'm extremely honored that President Bush has selected me for this position. This is another terrific opportunity to continue to help the State of Colorado, particularly the rural areas that I've represented over the years."

Mr. Speaker, I would like to take this opportunity to congratulate Senator Gigi Dennis on her new position and wish her good luck in the future. She will be missed in the state legislature.

Gigi has served the State of Colorado well in the state Senate and I know she will continue that record of leadership in her new capacity with the Department of Agriculture.

HONORING OMI, WINNER OF THE MALCOLM BALDRIGE AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate, Operations Management International, Inc., one of the 2000 Malcolm Baldrige National Quality Award winners. President Clinton presented the Malcolm Baldrige award to OMI. The award, first presented in 1988, recognizes US companies for business performance excellence and competitive improvement. It is the highest-level quality award given in the U.S.

The Baldrige Award evaluates organizations on seven performance excellence criteria: leadership, strategic planning, customer and market focus, information and analysis and human resource focus. This award recognizes organizations that play a major role in energizing our nation's economy and quality of life. OMI uses these criteria as a cornerstone for its "Obsessed With Quality" process. OMI is an employee-owned global leader in the management of water, wastewater and utility systems.

This is the first time that a water treatment company has won the Baldrige Award. OMI operates and maintains more than 160 public and private sector wastewater and water treatment facilities in 29 states and eight countries. Their primary services are processing raw wastewater to produce clean, environmentally safe effluent and processing raw groundwater and surface water to produce clean, safe drinking water.

"OMI began its quality journey in 1990 when we initiated our 'Obsessed with Quality' process. Winning the Baldrige Award demonstrates how our quality process continues to positively affect the millions of lives our people touch . . . My thanks to all OMI associates for a job well done," said OMI President Don S. Evans.

Mr. Speaker, OMI is helping our economy grow and is setting an example for other businesses to follow. I want to thank them and congratulate them for their continued success.

HONORING THE 100TH ANNIVERSARY OF WESTERN STATE COLLEGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to wish Western State College in Gunnison, Colorado a happy 100th birthday. Since 1901 Western State College has been a model of excellence. It is that record of achievement that I would now like to honor.

On April 16, 2001, then Governor James B. Orman signed a bill creating the Colorado State Normal School at Gunnison. This bill was a victory for the citizens of Gunnison, who would claim the first college west of the divide.

This was the culmination of years of work on the part of Gunnison area citizens. Early efforts for a college came in 1885 when Archie M. Stevenson, a Gunnison resident and state senator for the district, introduced a bill in the Colorado General Assembly.

The cornerstone for the Normal School building was laid in October 1910 with the first classes beginning in September 1911. A total of 13 students attended classes taught by ten professors. In 1923 the college's name was changed to Western State College and it became a liberal arts college. Over the years Western has earned a reputation as a College whose faculty care deeply about teaching and working closely with the students.

Western State College has developed strong academic programs in many areas and have attracted faculty with degrees from all over the world. Western's biology program has received a "Program of Excellence" award from the Colorado Commission on Higher Education. In 1975, Western's Water Workshop began, and continues to attract participants from around this region to work on one of west's most pressing issues.

Western has recently opened a state of the art $9 million science building, making it one of the most sophisticated science facilities in the state. Its athletic department has placed in the top 10 nationally over the past few years in the Sears Cup for outstanding Division II schools.

Mr. Speaker, for 100 years, Western State College has continued to excel in its educational mission. I would like Congress to praise the institution for its outstanding accomplishments and wish it continued success and another 100 years of excellence.

TRIBUTE HONORING THE WINERY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. McINNIS. Mr. Speaker, I would like to recognize two of Grand Junction's leading restaurateurs and an outstanding dining establishment. After 28 years, Winery owner Frank Bering is retiring from the business, turning over the reins to Chris Blackburn who recently purchased this long-time staple of Main Street eateries. I would now like to pay tribute to both of these outstanding individuals and a wonderful restaurant known throughout western Colorado—The Winery.

Frank founded The Winery 28 years ago after he moved to the Western Slope from Chicago. Frank decided Grand Junction needed a good restaurant after he ordered a glass of red wine, which was served chilled instead of room temperature. With the help of Grand Junction residents, Frank opened The Winery. "I'm bittersweet about it, but I'm going on to a new life," Frank said in a recent Grand Junction Daily Sentinel story about leaving the business.

Frank's restaurant did very well, thanks both to great food and the oil and uranium boom of the late 70's and early 80's. It was then that Frank decided to open up G.B. Gladstone's, and managed to keep it going through the economic bust of the 80's. My good friend Chris Blackburn, who recently bought Gladstone's as well, views Frank as a pioneer who saw potential where no one else did. According to John Moss, another restaurant owner and personal friend of mine, Frank did more than build a reputation and make a living—he changed the culture and the community of Grand Junction.

Mr. Speaker, both Frank and Chris deserve the thanks and commendations of this body. As Frank moves on to new pursuits, we say thank you for your hard work and service. As Chris takes the helm at one of Grand Junction's best known restaurants, we say best wishes for continued success.

HOUSE OF REPRESENTATIVES—*Wednesday, April 25, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 25, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend John F. Baldwin, Captain, Chaplain Corps. U.S. Navy-Retired, and priest, Archdioceses of Chicago, Illinois, offered the following prayer:

Bless the Lord, all works of the Lord.

Praise to You, Creator God, for singularly blessing these United States from the creative hopes and labors of our Founding Fathers until this session of the 107th Congress.

We, the people, bless our forefathers' memory, their vision, their passion for freedom, their acceptance of personal responsibility, their recognition of Your grace and providence.

Life is God's gift to us. What we do with our lives is our gift to God.

As we nourish and cherish our lives, so may we respect and nourish the most fragile, the weakest, the most destitute among us.

Thanks be to the living God for placing a spirit of service in the hearts of the men and women of this House. Through their work, create unity without uniformity, justice that is blind, civility and respect without retribution or revenge. Let their voices ring with truth, their lives echo integrity.

So bless this day, Lord God, our country and this Congress to Your service, a beacon of justice for all God's children. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. RYUN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYUN of Kansas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 66. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Women in Congress, 1917-1990".

CONGRESSIONAL RESEARCH SERVICE EMPLOYEES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to commend Dr. James Billington and the employees of the Library of Congress, particularly those working in the Congressional Research Service. On almost a daily basis, my staff and I rely on the expertise and wealth of knowledge that that staff provides.

Since CRS employees work across the street from us, over in the Library, their dedication and work often go unnoticed. So thank you to all of you at CRS.

In particular, I would like to thank a few individuals who have been extremely helpful to my office: Mr. Wayne Riddle in education; Mr. Christopher Bolkcom in National Defense; Ms. Kerry Dumbaugh in Foreign Affairs; Mr. David Brumbaugh in Public Finance; Ms. Barbara Leitch LePoer in Foreign Affairs; and yesterday, Mr. Len Krueger and Ms. Angela Gilroy in Telecommunications.

Madam Speaker, I commend these individuals for their important and tireless service to the Congress and to our Nation.

TRIBUTE TO HUGH McCOLL, CHAIRMAN AND CEO OF BANK OF AMERICA

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Madam Speaker, I rise today to pay tribute to Hugh McColl, who is retiring today as chairman and CEO of Bank of America, which is headquartered in my congressional district in Charlotte, North Carolina.

Under the leadership of Hugh McColl, Bank of America has grown into the Nation's third largest bank and McColl has helped make Charlotte the second largest banking center in the country, after New York.

In less than 20 years, McColl built the former North Carolina National Bank from a company with $12 billion in assets and 7,600 employees to a national bank with $642 billion in assets and 140,000 employees. He has been a community leader in Charlotte, volunteering his time and resources to make it a better place to live.

Last year, Bank of America received the National United Way Spirit of America Award for the community service commitment shown by their employees.

I wish all the best to Hugh McColl as he begins the next chapter of his life. I count him as a real ally, mentor, and friend.

A JOURNEY OF A THOUSAND MILES BEGINS WITH A SINGLE STEP IN FINDING A CURE FOR AUTISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, my good friends Charles and Patience Flick have two children, Bonnie and Willis, who have autism, a developmental disorder that has robbed them of their ability to communicate and to interact with their family and with their playmates.

Autism is a brain disorder that impacts an individual's ability to respond appropriately to the environment and to form relationships. It affects at least one in every 500 children in America and some suggest that those numbers are actually one in 200.

Today, our Committee on Government Reform will investigate this dramatic rise in autism. We need to fully fund research that will help lead to better treatment options and, indeed, even a cure.

As a member of the House Autism Caucus, I am committed to work toward an increase of $6 million for the National Institutes of Health and, in addition, $5 million to the Centers for Disease Control and Prevention for the cure for autism.

A journey of a thousand miles begins with a single step, Madam Speaker; and I ask my colleagues to join me in supporting this increase in research funding, which may lead to a cure to help thousands of America's families.

HIV/AIDS, A DISEASE OF INTERNATIONAL SCOPE

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker, I want to take this first opportunity, since the case against South Africa by the pharmaceutical industry has been withdrawn, to applaud the recent agreement that has been reached. The HIV/AIDS pandemic represents a major human disaster, with Sub-Saharan Africa bearing the brunt of the devastation. More than 70 percent of the 35 million people infected lived in Sub-Saharan Africa.

South Africa, with 4.2 million infected as of 1999, has the world's largest number of HIV-infected individuals, with an estimated 250,000 AIDS deaths in that year. Last week, with this landmark agreement, a major barrier to help and health has been removed. We can now and must now move forward to address the multiplicity of issues that challenge us, forge a better health care infrastructure, support government and community-based programs, increase and improve prevention efforts and make up-to-date and effective treatment available on the African continent.

As we continue to struggle against this pandemic, we must not forget that this is truly a disease of international scope and that people of African descent in the United States and the Caribbean have rates of HIV infection and AIDS that are similar in face and only slightly less in proportional magnitude than that of our brothers and sisters on the mother continent.

TIME AND MONEY COULD BE BETTER SPENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, about 10 days ago, millions of American families made their annual trip to the post office to mail their Federal income tax returns. The IRS estimates that 65.8 million Form 1040 filers spend an average of 13 hours and 1 minute getting that return together; nearly two full working days.

That time could be much better spent with their families, and would not American families that spend millions of dollars on professional tax preparers, tax accountants and computer software be better off spending that money elsewhere? Perhaps on their family, their retirement, or investing in their children's education.

Unfortunately, working Americans have become slaves to the IRS. It is time to give these American families their freedom.

Madam Speaker, I encourage my colleagues to support meaningful tax relief as part of this year's and next year's national budget, and I yield back the valuable time and money spent this year by hard-working Americans not on their families but on preparing and filing tax forms.

HANDS OFF THE GUN BRA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, it started with the training bra and then it came to the push-up bra; the support bra, the Wonder bra, the super bra. There is even a smart bra. Now, if that is not enough to prop up your curiosity, there is now a new bra. It is called the holster bra, the gun bra. That is right, a brassiere to conceal a hidden handgun. Unbelievable. What is next? A maxi-girdle to conceal a stinger missile? Beam me up.

I advise all men in America against taking women to drive-in movies who may end up getting shot in a passionate embrace. I yield back all those plain old Maidenform brassieres and chainlink pantyhose.

THE UNBORN VICTIMS OF VIOLENCE ACT

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Madam Speaker, I rise today in support of a bill that will protect the inalienable rights of pre-born children. This week I will be voting to pass H.R. 503, the Unborn Victims of Violence Act. I urge my colleagues to join me on this vote.

Under current Federal law, when someone commits a crime in which a woman and her pre-born baby are harmed, the accused can only be prosecuted for harm to the mother. This sends a message that there is only one victim in this situation. Nothing could be further from the truth. There are two victims involved in this crime, the mother and her pre-born child. Twenty-four States already have laws on the books protecting unborn life from criminal acts. This bill would simply extend the protection to the Federal level.

We must not ignore the fact that when a criminal harms a pregnant woman, there is a small defenseless life that is also a victim. I urge my colleagues to join me in voting to protect life, both born and unborn.

WHO IS TAKING CARE OF OUR CHILDREN?

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, I want to know who is taking care of our children. This weekend will mark 100 days since President Bush delivered his inaugural address. In that speech, he promised this Nation that he would leave no child behind.

□ 1015

Yet since then the President has focused almost all of his attention on promoting his multi-billion dollar tax break.

This tax package would use up so much of our surplus that it actually leaves millions of children behind; behind in terms of reduced funding for child care, behind in terms of cuts to juvenile justice programs, and behind in terms of education programming.

Madam Speaker, Americans do not want tax breaks for the wealthiest 1 percent of Americans; they want safe schools and a bright future for our children. In the past 100 days, the President has shown us who is taking care of billionaires; but, like me, the American people want to know who is taking care of our children.

CONGRESS MUST PASS VICTIMS' RIGHTS AMENDMENT NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Madam Speaker, this week is National Victims' Rights Week. I would like to take this opportunity to ask my colleagues in Congress to follow the lead of 32 States, including my State of Ohio, and pass a Victims' Rights Constitutional Amendment.

The amendment would allow crime victims to confront their assailants in court, at sentencing and parole hearings, require that they be notified about the release or escape of a perpetrator from custody, and guarantee them the right to seek restitution from their attackers.

For far too long, victims of crime in this country have had to stand on the courthouse steps with meaningful justice just beyond their reach, not allowed to view proceedings in person, too often not permitted to speak out on behalf of a murdered loved one, not even notified when a violent abuser is turned loose.

Crime victims deserve to be treated better. They deserve to be treated with dignity in our criminal justice system. With the adoption of this amendment, we will finally say loud and clear that victims have inalienable rights too, which should be recognized by our Constitution.

INVESTIGATION DEMANDED IN PERUVIAN PLANE SHOOTING

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, though many of us recognize the importance of the international drug war, enough is enough. A mother, a baby, now dead; the CIA involved, suggesting that they gave information and requested that the plane with the missionaries be watched.

Well, I will say if the United States is collaborating with drug fighters of another nation and you have no more power than to say something and to be ignored, then you need to get the heck out of the fight. It is a tragedy that occurred.

Madam Speaker, there are still questions as to whether or not these kinds of border activities even do any good. Why do we not spend our dollars on treatment and prevention? If nothing else, when we have a collaborative effort with our neighbors to the South, why is it not a real collaborative effort, where we work together? And if we raise questions of concern about our own citizens or the possibility that it is not a drug plane, why does not someone listen? This was an unnecessary loss of life. An immediate investigation of all persons who were involved is demanded now.

Let me close, Madam Speaker, by saying in addition, we have got our young men back from China, but let us investigate the reason why they are holding one of our young women, who has a 5-year-old son and a husband here, and why are they holding religious leaders.

We have got to do a better job of demanding the kind of human rights around the world that we beg for in this country. China needs to acknowledge that it is important to be part of the world family and to respect the human rights of our citizens and friends as well as their own.

PROVIDING FOR CONSIDERATION OF H.J. RES. 41, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 118 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 118

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend and distinguished member of the Committee on Rules, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 118 is a structured rule providing for the consideration of H.J. Res. 41, proposing an amendment to the Constitution of the United States with respect to tax limitation.

The rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides for one amendment printed in the CONGRESSIONAL RECORD if offered by the minority leader or his designee, which shall be considered as read and shall be separately debated for 1 hour, equally divided and controlled by the proponent and an opponent. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, another April 15 tax day has come and gone, leaving most Americans frustrated by the size and complexity of our tax system. I, too, am one of those who is confused and dazed and frustrated by this complexity of the system.

The humor columnist Dave Barry described this season in these words: "It is income tax time again, Americans; time to gather up those receipts, get those tax forms, sharpen up that pencil, and stab yourself in the aorta."

Today, the average American pays more in taxes than he or she does in food, clothing, shelter, or transportation combined. For too long the tax burden imposed by the government has been going up, not down.

The tax limitation amendment starts from this very simple premise: It should be harder, not easier, for the government to raise taxes. Raising taxes should be an absolute last resort, not an easy, quick fix for excessive government spending.

Opponents may cynically dismiss this important legislation by saying that we have debated the tax limitation amendment before. Madam Speaker, we have indeed been here before; and we will hopefully continue to debate this issue on the House floor until we see its passage.

I have observed with great interest the spirited debate surrounding the tax cut that now is taking place in the Halls of Congress. Over the last few months, debate about tax cuts have evolved from whether we should have a tax cut, to how much of a tax cut the American people should be given.

No longer should we argue about whether or not reducing the tax burden is good for individuals as well as America's economy, because it is good. Instead, discussion is focused on the extent of a tax cut.

We have seen the people across this Nation overwhelmingly support tax reduction. I am pleased that the consensus is finally being attained within this Congress to reflect the sentiment of the American people. In the same way a balanced budget took place years before the consensus was achieved, so we are fighting that battle today.

I recall when I was running for Congress in 1994, people said we would never have a balanced budget; and indeed in 1993, I recall a Senator in the other body once stated that if we ever had a balanced budget by the year 2002, he would take a high dive off the top of the Capitol. Thank goodness 2002 is a year away, but, Madam Speaker, we have now balanced the budget for 6 years.

The annual floor consideration of the tax limitation amendment gives us the opportunity to take a stand on the side of the taxpayer. By enacting the tax limitation amendment we protect the taxpayer and pledge that we as a Congress will focus inward on cutting waste, fraud and abuse, instead of immediately raiding the pockets of the American taxpayer.

Passage of this rule today will allow the House to begin debate on one of the most serious matters to be considered by the Congress, an amendment to the Constitution of the United States.

When our Founding Fathers met more than 200 years ago to draft what became the Constitution of the United States, there was an agreement on potential problems our Nation faced. Our Constitution was drafted to address those problems. In many instances they wrote specific language protecting the people from what at times could be oppressive, intrusive, or an overbearing Federal Government. They protected bedrock foundations to our liberty and freedom, such as life, the pursuit of happiness, freedom of speech, and freedom of religion.

Our founding fathers were so insightful and ingenious in their preparation of our Constitution that they provided within our system of checks and balances a Constitution which would clearly enumerate occasions where a supermajority would be appropriate as the guardian of the people.

A vote of two-thirds of both Houses, for example, is required to override a Presidential veto; a two-thirds vote of the Senate is required to approve treaties and to convict and impeach a Federal official; but a two-thirds vote of Congress is not yet required for raising taxes.

In my view, our Founding Fathers would recognize that under the current system there is an inherent bias towards raising taxes and might support this constitutional provision.

There has long been a bias towards raising taxes under our current system. The Federal budget is currently in balance in part due to the spending constraints by Congress, as well as hard work and global leading productivity of American workers. But short economic downturns can be expected. Future Congresses may not be as fiscally responsible and return to the ways of deficit spending and take the easy way out by raising taxes.

Making it more difficult to raise taxes balances the options available to Congress as it makes decisions on the size of government. It is critical that this balance be achieved.

By requiring a supermajority to raise taxes, an incentive for government agencies could be created to eliminate waste and create efficiency, rather than simply turning to more deficit spending or increased taxes.

It is important to remember that there was no Federal income tax when our Founding Fathers drafted the Constitution. Not until 1913 was the 16th amendment of the Constitution passed to allow Congress to tax the American people. The first tax ranged from 1 to 7 percent and only applied to the wealthiest Americans.

Medieval serfs gave 30 percent of their output to the lord of the manor. Egyptian peasants gave 20 percent of their toils in the fields to the Pharaoh. God required 10 percent from the people of Israel. Yet in America, Federal, State and local taxes eat up 40 percent of the average family income. Increasing further the burden on the taxpayer, sometimes the taxes are passed retroactively, sometimes they are passed from generation to generation, and sometimes they are forced upon us even after death, all from the Federal Government.

So, today I stand before you with a bipartisan coalition to put forth a question of liberty. Will we make it harder for Congress to raise taxes on its own citizens? Will we require a two-thirds vote of both houses of Congress to pass a tax increase on to the American families and our children? Will we pass this amendment to the Constitution and require a supermajority, not just a simple majority, to raise taxes?

□ 1030

That is the question that we face today.

This amendment will apply to all tax increases from the Federal Government, not just income tax hikes. The legislation recognizes that there may be times of extenuating circumstances, such as during a time of war or a national emergency, when taxes need to be raised. The tax limitation amendment would allow Congress to raise taxes in those circumstances. But, in the meantime, it would prevent the intrusive and penalizing tax increases that have been enacted with recklessness to fund unlimited government expansion over the last few decades.

Madam Speaker, it is time the Federal Government joined the States and listened to the voice of the American people. It should be harder to raise taxes. Had this amendment been adopted sooner, the four largest tax increases since 1980, which have occurred in 1982, 1987, 1990, and 1993, all would have failed. These tax increases totaled $666 billion. The bottom line of this debate is that we must make it more difficult to raise taxes.

Those that support this amendment will do so because they believe that the American people deserve a right to also have it more difficult to take money from them. Those that oppose it will do so because they want to make it easier to raise taxes on the American people.

Madam Speaker, this is a defining issue. Make no mistake about it. The Members who support this amendment are here to support hard-working taxpayers of America. Those Members who oppose it are here to defend the tax collectors of America. It is really that simple.

We will hear rhetoric from opponents of this legislation criticizing jurisdiction procedures and a slew of other glossary terms, but nothing can hide the reality that America supports a two-thirds tax limitation constitutional amendment.

Madam Speaker, like many Members of this body, I not only oppose raising taxes, I support making our Tax Code fairer, simpler, and flatter. Albert Einstein was once quoted as saying that the hardest thing to understand in the world is the income tax. The tax limitation amendment allows for tax reform, provided that any tax reform is revenue-neutral or provides a net tax cut. Also, any fundamental tax reform which would have the overall effect of lowering taxes could still pass with a simple majority. The tax limitation amendment allows for a simple majority to eliminate tax loopholes. The de minimis exemptions would allow nearly all loopholes to be closed without the supermajority requirement.

Madam Speaker, we may hear from opponents that the government will be unable to function if a supermajority vote is required. However, I would encourage all Members to look at our States. Eleven States require a supermajority to raise taxes. The millions of Americans living in these States have shown that greater economic growth and better job creation by the tax limitation can be brought to all Americans, just the same as they have in those States. The amendment protects the American people. It makes it harder for the Federal Government to raise taxes on its own citizens, and that is why I am here today.

Today, we can take one step closer to regaining liberty and ensuring future generations the freedom our Founding Fathers intended for America to enjoy. The debate is about liberty. This debate is about requiring a two-thirds vote to raise taxes on America.

Madam Speaker, at this time I would remind my colleagues that this is a fair rule that was adopted by the Committee on Rules yesterday. It is a standard rule under which the proposal has been considered in years past, and I urge my colleagues to support this rule.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, almost every year since my Republican colleagues took control of this body, Democrats on the Committee on Rules have had to come to the floor to speak against consideration of this proposal to amend the Constitution of the United States. Our feelings about the misguided intentions of this proposal have not changed, Madam Speaker. It appears that the Republicans in this body fear the will of the majority, and, therefore, they have to impose a supermajority, because they fear a simple majority.

Accordingly, I rise to oppose this rule. I also rise to oppose this joint resolution which seeks to amend the Constitution to require a two-thirds vote of Congress in order to pass a revenue increase.

Madam Speaker, this House has considered and defeated this ill-conceived measure five times in the past 6 years. The idea that the Constitution should be changed to accommodate this blatantly political scheme to defund the Federal Government was not only a bad idea in the 104th Congress, it was also a bad idea in the 105th and the 106th Congress when this body failed to pass this very same constitutional amendment another four times. The House should reject it again today, because this proposal is still a very bad idea.

Madam Speaker, over the past few months, this body has merrily gone about passing tax reductions that will, in all likelihood, squeeze the Federal

Treasury dry. By doing so, those tax cuts will take away the ability of the Federal Government to live up to its basic responsibilities. If this resolution were to become a part of the Constitution, it would nail the coffin shut. While some on the other side of the aisle may cheer at that prospect, there are many in this body who recognize the importance of the government's ability to pay for such things like Social Security, Medicare, education, and our military defense.

Madam Speaker, any Member who voted for those tax cuts should vote against this joint resolution. Every Member who has voted to drain the Federal Treasury dry should be required to stand up and take responsibility for his or her actions when the future of Social Security and Medicare are endangered, or when there is no money to make the educational reforms the President has promised to the country, or when there is no money for farm programs or improving our military or providing real and meaningful prescription drug coverage for seniors. This resolution should be rejected by every Member who takes seriously his or her responsibility as a representative of the people of his congressional district and as a Member of the United States House of Representatives.

Madam Speaker, our Constitution has been amended only 27 times in the 212 years since it was adopted. Amending our Constitution is very serious business and should be done only when absolutely necessary to promote the well-being of our country and its citizens. Over the past 6 years, the Republican majority has used the Constitution as a political plaything and that is, quite frankly, a shameful record for Republicans to stand on. What we have before us today is no different.

Our Nation's Founding Fathers carefully designed and drafted our Constitution, not to meet their own personal political agendas, but to ensure the foundation of our republic could endure and meet the needs of its citizens for centuries to come. The actions of the Republican majority in the past few months, combined with the proposal now before us, make a mockery of the intentions of our Founding Fathers.

I find it ironic that my Republican colleagues continue to contemplate the imposition of a two-thirds supermajority requirement in order to pass revenue bills. If my colleagues will recall, at the beginning of the 104th Congress, the new Republican majority changed the Rules of the House to impose a three-fifths majority requirement for any tax increase. Well, guess what? A funny thing happened on the way to idealogical purity. Whenever a bill containing a tax increase came along, the Republican majority conveniently used the Committee on Rules to waive that three-fifths requirement.

The Republican majority waived this rule for the Contract with America, for the Medicare Preservation Act, the Balanced Budget Reconciliation Act, the Health Insurance Reform Act and, finally, the Welfare Reform conference report. In short, Madam Speaker, during the first Congress they were in the majority, Republicans waived their three-fifths requirement every single time it applied.

In fact, the Republican majority found this rule change to be so unworkable and unenforceable that it had to be fixed in the 105th Congress rules package. If the Republican majority could not make that provision work in the House rules, how can they possibly make a tougher requirement work if it is embodied in the Constitution. The Committee on Rules will not be there to bail them out. I certainly hope my Republican friends understand that one cannot waive or rewrite a constitutional amendment if it is not "convenient."

Furthermore, I wonder if Republicans need a lesson in basic civics. It is an easily understood principle that when one requires a supermajority vote for passage of a measure, control is effectively turned over to a small minority and that will be the case even when an idea is supported by the majority in Congress, and a majority of the American people. Some, Madam Speaker, might call that flirting with tyranny.

James Madison in The Federalist Papers wisely argued against supermajority, stating "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority."

This proposed constitutional amendment will seriously undermine Congress' ability to pass major budgetary initiatives. It will allow a small minority in either the House or the Senate to stop widely-supported, meaningful legislation containing any revenue measure. It would also lead to cuts and benefits in Social Security and Medicare, an increase in the retirement age, and will close the door on any possibility that a real and meaningful prescription drug benefit would be made available to seniors in this country. This proposal will sharply limit Congress' ability to close tax loopholes or enact tax reform measures. It is pure and simply a bad idea with no merit.

Madam Speaker, I urge my colleagues on both sides of the aisle to reject this rule and this ill-served, ill-advised constitutional amendment. We do not need gimmicks, we need resolve. We do not need political grandstanding, we need the Congress to face up to its responsibilities as guardians of the people's trust. If the Republican majority really wants to dismantle the Federal Government, then let us do it honestly and aboveboard.

I urge my colleagues to reject this rule and this most ill-advised amendment to the Constitution of the United States.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

It is great to be back in Washington after a 2-week break and find out that a lot of my colleagues view the inability to raise taxes easily as kind of like what a vampire would feel about light. They just do not like it. They do not like that threat of taking away the ability to go to the American people and take and take and take and take. We are trying to make it more difficult for that to happen. I am glad to see that we are back in Washington and able to show our differences.

Madam Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Speaker, I rise in strong support of H. Res. 118 and I would like to recognize the gentleman from Texas (Mr. SESSIONS), as well as the chairman of the Committee on Rules and all the other members of the Committee on Rules, for their hard work on this fair rule.

As the sponsor of H.J. Res. 41, the gentleman from Texas (Mr. SESSIONS) has played a leadership role on issues such as tax fairness and simplification and deserves credit for his persistence and leadership in advancing the proposed constitutional amendment that is before the House today.

Madam Speaker, this rule is similar to past rules providing for the consideration of proposed constitutional amendments. The rule provides for 2 hours of thorough debate and an opportunity for the minority to offer a substitute amendment. I believe this is a fair rule, which will provide ample time for debate and amendment, and I urge Members to support this rule.

Mr. FROST. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield such time as he may consume to the gentleman from Cincinnati, Ohio (Mr. CHABOT), who is chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Madam Speaker, I want to commend the gentleman from Texas (Mr. SESSIONS) for his leadership on this very important constitutional amendment.

Madam Speaker, the amendment of money taken out of the pockets of Americans in taxes is simply too high, and it adds to the difficulties many families face in making ends meet. Congress must reduce the tax burden on every American right now, but at the very least, we must act to protect hard-working families from future excessive taxation, which has happened consistently over time. Congress has increased taxes, unfortunately, many times in this body. By making it more difficult to raise taxes, H.J. Res. 41 will do just that.

Specifically, the tax limitation amendment would require any legislative measure changing the Internal Revenue laws to receive the support of two-thirds of the Members of each House voting and present, meaning that any tax increase would require a supermajority vote to become law. The amendment would not apply to legislative measures that are determined not to increase the Internal Revenue by more than a de minimis amount.

This supermajority requirement could be waived when a declaration of war is in effect or a majority of Congress adopts a joint resolution, declaring that the United States is engaged in military conflict, which causes an imminent serious threat to national security.

Additionally, in order to implement the amendment, Congress will ultimately need to adopt legislation defining terms and flushing out the necessary procedures. The tax limitation amendment will cover personal and corporate income taxes, estate and gift taxes, employment taxes, and excise taxes. The amendment would not apply to tariffs or user fees or voluntary payments, or bills that do not change the Internal Revenue laws, even if they have revenue implications.

□ 1045

Madam Speaker, 14 States currently have tax limitation provisions for tax increases. Out of those, 12 States require a supermajority for any tax increase.

We need this amendment to help stem the tax-and-spend policies which have too often ruled Washington. Much of what goes on in this town involves the taking and spending of other people's money. Average Americans now have to spend most of their time working just to cover their tax burden; and, hopefully, have enough left over to maintain a reasonable standard of living for themselves and for their families. That is just inappropriate.

Madam Speaker, in the 1950s, the Federal Government took only about 5 percent of the average American family's money. That was after fighting World War II and the Korean War. Since then in peacetime with a generally strong economy, that figure has increased five-fold. Now 25 percent of what the average family earns comes here to Washington, D.C.

Today the Federal Government takes about a quarter of what we earn, and I am not sure anyone around here with a straight face could even suggest that government has gotten 500 percent better. Since 1992 alone, the Federal Government has raised taxes at the gas pump, on working seniors receiving Social Security, and on mom-and-pop small businesses. Yet the average family's real after-tax income has not really increased over the years. At best, working families are just treading water, and the Government keeps trying to soak them in order to fund more and more, oftentimes very wasteful, programs which come out of Washington.

The tax limitation amendment would require Congress to focus on options other than raising taxes to manage the Federal budget, help to impose fiscal discipline and to constrain the growth of government, something we definitely need in this town. That is why I think H.J. Res. 41 makes a worthy addition to the Nation's most sacred document.

Madam Speaker, I strongly support this proposed constitutional amendment, and would urge my colleagues to support the rule. I want to commend the gentleman from Texas (Mr. SESSIONS) for putting forward this constitutional amendment which is long overdue.

Mr. FROST. Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, part of the opportunity that we had to have this bill on the floor today was that we had to go through the Committee on Rules. The Committee on Rules is the body which deliberates on what is on the floor.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Madam Speaker, I have to say that I strongly support this rule, but I would be less than forthright if I were to come here and say that I am an enthusiastic supporter of this measure. We have two gentlemen from Dallas, so I can say that I agree with the gentleman from Dallas on this one, and you can choose which one.

It is very painful for me to associate myself with the remarks of the gentleman from Texas (Mr. FROST), but frankly much of what the gentleman has just said, I agree with. Not everything; but much of it.

Madam Speaker, the reason I say that is, when it comes to the issue of reducing the tax burden on working families, I take a back seat to no one. I have had the privilege of serving 10 terms in the House of Representatives. I am now in my 11th term, and I have never voted for a tax increase since I have been here.

One of the proudest votes that I cast was the first one in August 1981 when I was proud to join with a number of Democrats who helped Ronald Reagan pass the Economic Recovery Tax Act, which brought about marginal rate reduction, something we are seeking today. We want to have a bipartisan compromise working with our friends in the other body to make sure that we reduce that tax burden because, as the gentleman from Texas (Mr. SESSIONS) has pointed out, and as the gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out, and the gentleman from Ohio (Mr. CHABOT) has pointed out, the tax burden is extraordinarily high. We all know that we have not had such a burden since 1934 during the Second World War, and we need to cut taxes.

I happen to believe that reducing taxes to stimulate economic growth is very important. I want a capital gains tax reduction because we will increase the flow of revenues to the Treasury if we can deal with that lock-in effect.

I want marginal rate reduction because I believe that will encourage savings, investment and productivity. I have said I have now completed 2 decades here and have never voted for a tax increase, and will continue to vote for tax cuts, but that is not the issue that we are debating here. The issue to me is are we going to be so arrogant that we are going to say to the American people that we are going to protect you from your future leaders. If you are going to select someone to represent you in the House of Representatives, a body based on that Madisonian model that the gentleman from Texas (Mr. FROST) was referring to, was established as a majoritarian institution, we are going to say that we are no longer going to be a majoritarian institution, we are going to say that Members who serve in this institution cannot rule by majority, that is basically what this measure is saying.

Madam Speaker, I do not want to be so arrogant. I do not want to be an elitist conservative standing here saying, you know, the people who have selected me, giving me the honor of serving here, maybe will not be so intelligent in the future to select somebody who wants to reduce the tax burden on working Americans and make sure that we do everything that we possibly can to make sure that we do not have any kind of tax increases, that they cannot select somebody who believes that is the right thing to do.

I think it is the wrong thing to do. I believe that a majority of this institution believes that it is wrong to increase taxes, and I believe the majority of the institution believes that it is the right thing to do to cut the tax burden on working Americans. But I think it is the wrong thing for us to say that we have to put into place a supermajority.

To me this is part of the minority mentality. I think that the idea of establishing supermajorities is something that, again, James Madison spent a lot of time anguishing over; and we do have supermajorities for a couple of things that are very important: overriding a Presidential veto, dealing with a constitutional amendment. A supermajority is required to do those. I believe that we should limit supermajorities to that.

Madam Speaker, I support moving ahead with this debate. I will be voting in favor of the rule when we consider it in just a few minutes. But when it comes to a vote on this measure, I will continue to fight hard to reduce the tax burden on working Americans. But I will also continue to fight hard to support the U.S. Constitution as those very, very inspired framers envisaged it. I will, therefore, be voting against this measure when it comes to a vote.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

I congratulate the chairman of the Committee on Rules for his fine statement. We are in agreement that the majority should rule in this country, not two-thirds.

Madam Speaker, I oppose this constitutional amendment for the same reason that the chairman of the Committee on Rules will oppose it. We should never be fearful of the majority.

Madam Speaker, I yield back the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think the words which have been spoken today are very true; and I, too, am not afraid of the majority. I am not afraid of what we do. I am not afraid of how we act. I am not afraid of the ideas that we present forward.

But just as we began talking about a balanced budget years ago, and the need for a balanced budget and the need for us to create fairness in our Tax Code and the need for us to talk about returning power from Washington back to people, is all predicated on a balance, a desire of the people to have balance. So we will have this debate every year until we get it done. We will continue to provide a view and a vision that if America and Members of Congress who come up talk about a balance, that is we balance out, that we believe that people should be more powerful than government, that we believe that people who get up and go to work every day should have an equal right to keep their money against an intrusive Federal government, then that means that we will begin debating issues that decide how easy or how difficult it is to raise taxes.

Part of this debate also means that we have Members who have been here for a long time and some for a short time. One of the long-serving Members, the gentleman from Texas (Mr. HALL), from the Fourth District of Texas, he came to Washington also with a vision and view that he respected the Constitution, but wants to make it more difficult based upon what he sees today.

But the debate goes on and the ideas will always be presented. Today, as our next speaker we are going to have a gentleman who is one of the newest Members of Congress. He came from a State where he recognized and saw where a balance and an opportunity to make it more difficult to raise taxes was important. He has listened to the debate for years and has become a leader in this endeavor as a message to America that we must make it more difficult to raise taxes.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON), who is the lead cosponsor of this bill.

Mr. CULBERSON. Madam Speaker, April 25, 2001, is a very important day demonstrating to every American taxpayer who is tired of paying higher taxes the immense importance and the tremendous achievements of the Republican Congress, the importance of having a Republican President in the White House.

I can testify from personal experience having served 14 years in the Texas legislature that the Democrat majority in the legislature did not even permit this important piece of legislation to come to the floor of the Texas House. It is only because of the Republican majority in Congress that today we stand within 10 years of paying off the national debt, that today we have passed through the House and the Senate a significant tax cut that all Americans will see in their paychecks retroactively, whereas the previous President increased taxes retroactively. A Republican President and a Republican Congress will cut our taxes retroactively, which we will see in our paychecks through our withholding. And the Republican Congress has brought forward today for the American people to see firsthand what we as Republicans hold near and dear as a core principle that the Congress should make as an absolute last resort tax increases. Tax increases should only be done as a last resort when it is absolutely necessary and all other options are exhausted.

Madam Speaker, that is the core principle at work behind this amendment, that a two-thirds supermajority would be required before the Congress could raise taxes. A two-thirds majority of the House, a two-thirds majority of the Senate. To me personally, I think it is a point of great pride that our distinguished chairman of the Committee on Rules, who has throughout his career opposed tax increases, has labored long and hard to control Federal spending and worked hard to allow individual Americans to keep more of their money that they earn in their own pocketbooks, to invest and spend as they see fit, the gentleman from California (Mr. DREIER) who respects and has such deep roots in the history of this country and understands the Federalist Papers and the works of James Madison. I share his admiration of James Madison, Thomas Jefferson and the founders. It is a terrific day for the country that we can debate this important amendment honestly, all built around the core Republican principle that we share that taxes should only be raised as a last resort, and we are debating simply the mechanism, or the procedure, by which we would make it more difficult or help ensure that this Congress and future Congresses only looks to tax increases as a last resort.

□ 1100

As the gentleman from Texas (Mr. SESSIONS) has pointed out, those States which have adopted two-thirds supermajority requirements have consistently seen an increase in economic growth, about 10 percent higher than those States that do not have tax limitation amendments. Job growth in those States that have the two-thirds supermajority requirement typically see job growth about 20 percent higher.

Above all, it is important for every American listening to this debate today to remember that it is the Republican Congress that has presented this idea to us, consistent with our core Republican philosophy that the power to tax is the power to destroy and should only be exercised as a last resort. This is consistent with everything we do in this Congress.

I am very proud to rise in support of the rule and of this amendment. I thank the gentleman from Texas (Mr. SESSIONS) for bringing it to us today.

Mr. SESSIONS. Madam Speaker, I inquire as to the time remaining.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Texas (Mr. SESSIONS) has 15 seconds remaining. The gentleman from Texas (Mr. FROST) has yielded back his time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

As a result of the gentleman from Texas (Mr. FROST) yielding back his time, it is intuitively obvious to me that I am out of time.

Madam Speaker, I ask for all Members to support this fair and open rule. This is a rule that is good for America and good for American taxpayers.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.J. Res. 41.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to H. Res. 118, I call up the joint resolution (H.J. Res. 41) proposing an amendment to the Constitution of the United States with respect to tax limitations.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 118, the joint resolution is considered read for amendment.

The text of House Joint Resolution 41 is as follows:

H.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill, resolution, or other legislative measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the Journal of that House.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.".

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 60 minutes of debate on the joint resolution.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 41, the tax limitation amendment, which was introduced by the gentleman from Texas (Mr. SESSIONS) and ordered reported by the Committee on the Judiciary on April 4. This important legislation would amend the Constitution by requiring a two-thirds majority vote by Congress for any bill that increases the internal revenue by more than a de minimis amount.

The effect of this amendment would not preclude Congress from amending the internal revenue laws so long as the change in the law did not increase revenue by more than a de minimis amount. For example, a bill that both lowered and increased taxes, if it were revenue neutral would not be subject to the two-thirds requirement, nor would it would a bill intended to raise revenue by reducing taxes.

In addition, the two-thirds majority requirement would be waived when a declaration of war is in effect or when both Houses of Congress pass a resolution which becomes law stating that the United States is engaged in military conflict which causes an imminent and serious threat to national security.

Mr. Speaker, 15 States have adopted similar tax limitation amendments. According to statistics provided by the Bureau of Economic Analysis, these States have benefited from greater rates of increased employment, greater economic growth, decreased government spending, and decreased rates of tax growth.

Although similar amendments have been unsuccessfully considered by the House over the past few years, the need for tax reform has never been greater. According to the Congressional Budget Office, with the exception of 1942, the overall amount of individual income tax revenues is a higher percentage of our gross domestic product than any other time in our history.

The bottom line is the taxes today are too high. Federal, State, and local taxes consume about 40 percent of the income of the average family. That is more than the average family spends on food, clothing, and shelter combined.

As Congress debates meaningful tax relief for the American people, it is also important to recognize that Congress's voracious appetite for spending still endures. That is why I think it is more important than ever for this Congress to reconsider and support a measure that will make it more difficult for Congress to raise taxes in the future.

Inevitably, there will come a time when Congress wishes to spend more but will not have budget surpluses to rely upon. There will be many who will argue that, in order for Congress to spend more from here in Washington, D.C., we will need to take more from the hard-working citizens across our great Nation.

However, I believe this is the wrong approach, and there is another way to meet our Nation's priorities. That is by taking our bill and reducing wasteful spending, ferreting out fraud and eliminating ineffective programs. Raising taxes should be a last-ditch option and should occur only after careful consideration with broad consensus.

Mr. Speaker, a constitutional amendment is a big step; but I believe our history of tax hikes illustrates that, in this case, it is necessary and an important step that will bring needed discipline to Congress and relief to America's people.

I urge the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to the ladies and gentlemen of the House, I want to begin by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for requesting that this measure pass through the committee of jurisdiction since this is a constitutional subject. In many years passed, that has not been the case. So we begin in a very important way on that point.

Now, I have to presume that the subject of a constitutional matter is being done seriously, that this is a serious discussion about amending the Constitution of the United States. If it is, then I think it is important, that for all of the Members that may not have the seniority that comes from being here for many years, that they understand that this is the sixth time that we have taken up this measure which has been soundly rejected on each prior occasion, not by the Senate, but by ourselves.

So every year, this exercise is one that is brought to the floor and that we have to deal with it in good faith and using up the time of the House of Representatives to determine whether we want to put a tax limitation constitutional amendment in the Constitution.

Now, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, has coined a phrase that this proposal may be nothing more than elitism gone conservative; that this is a conservative elitist idea; that the Republicans, as a party, know better than the Founding Fathers and the people's will as reflected by the majority of the Congress. They have a better idea.

We go through this every year. But not even within our body do we find that there is a serious enough amount of support to move it to the other body where we think we could predict what would happen there as well.

So I oppose the amendment because it is bad for democratic procedure, but it is also horrific for tax policy. By requiring a two-thirds amendment, a majority to adopt certain legislation, we undercut the majority rule and diminish the vote of every single Member of the Congress.

Now, this matter was taken up when our Founders were together. The framers wisely rejected a rule requiring a supermajority for basic government functions. James Madison argued that, under a supermajority requirement, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would instead have transferred to a minority.

It is on that basis that I apply the same logic now as James Madison applied then in determining whether a supermajority would be appropriate in the Constitution. The amendment is unsatisfactory because it is an undemocratic one.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I rise in support of House Joint Resolution 41 and believe that this is actually a commonsense measure and one that actually enforces some discipline on the Congress to reexamine spending.

As we look at the budgets over recent history, Mr. Speaker, we see that the spending has increased year to year to year by more than inflation. More importantly, Mr. Speaker, it is increased by higher than the average incomes of Pennsylvanians has increased and higher than the incomes of Americans.

Mr. Speaker, it is only sensible for us as Members of Congress to enforce some discipline on ourselves so that we do not drive Americans to the poor house.

It is a sensible measure that should be supported by all the Members to put this in place, but it is also sensible that to require a tax increase we would have to have bipartisan agreement.

Clearly, Americans are of both parties and many other third parties. Americans do not want to be forced to pay more taxes only because of the decision of one-half plus one of the Congress. It only makes sense for us to heed their wishes and be more careful with their dollars. This measure would only enforce that discipline on us. It would make us more responsive to Americans. It would also make them more sensitive to their families' pocketbooks.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, apparently, Members of the Congress now all very simplistically refute James Madison. The gentlewoman from Pennsylvania (Ms. HART), the previous speaker, a very important and valuable member of the Committee on the Judiciary, just told us in effect, who cares what Madison was thinking? I mean, that was then, and this is now.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. Of course I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I recall one of the compromises that got the Constitution through the convention in the States was one that permitted slaves to be imported for the first 20 years of the Constitution and did not specifically omit slavery. Now, was Madison enlightened at that time, or did we need to amend the Constitution to get rid of something that my State fought to get rid of in the Civil War?

Mr. CONYERS. Mr. Speaker, reclaiming my time, that is an interesting question that the chairman poses. If he would entertain hearings on my reparations bill, H.R. 40, which has been pending since 1989, I would be delighted with other witnesses to go in to him with a discussion of what the Members of States from the South who were all slave holding States did.

Mr. Speaker, I did not mean to imply that James Madison or even Thomas Jefferson, perish the thought, was right every time on every issue. But I am referring to the question of whether a supermajority requirement on this subject should be put into the Constitution.

Now, James Madison made many mistakes. By the way, so did all the other Founding Fathers. I mean, do you want to start with George Washington and come forward?

□ 1115

The compromise to include slavery was only made, sir, because it was the only way we could form a Nation. The southern leaders all said that without that compromise they would not do it. What I am saying here is that on the requirement for a supermajority James Madison was entirely correct then and those who cite him, including myself, are entirely correct now.

Mr. SENSENBRENNER. If the gentleman will yield further, with all due respect to my good friend the gentleman from Michigan (Mr. CONYERS), I am certainly happy, Mr. Speaker, that he was not around to promote his earlier argument about Madison's enlightenment at the time the Congress debated the 13th, 14th and 15th amendments 140 years ago. I thank the gentleman for yielding.

Mr. CONYERS. Could I just point out a little bit of history? I do not think Madison was around when the 15th amendment was being debated, sir. I do not think Madison was around when the 14th amendment was being debated. I do not think he was around when the 13th amendment was being debated. But let us take Madison out of the picture. Apparently there is some problem with Madison. Let us go to the present day. I never thought I would find myself on the floor defending James Madison's positions, but let us talk about what would happen if this amendment were to actually come into our Constitution. The amendment would permanently enshrine some $450 billion of special corporate tax favors into the Constitution, nearly three times as much as all the means-tested entitlement programs combined, something we have been trying to deal with for many years. Now, Madison does not have anything to do with that. That is a present day, 21st century problem.

Another point that we may want to take into present consideration, it would be impossible to change the law to require foreign corporations to pay their fair share of taxes on income earned in this country or to repeal the loopholes which encourage United States corporations to relocate overseas. Now, Madison aside, do we really want to do that? Or is this an example of conservative elitism carried to an extreme?

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

I am very interested in the argument of the gentleman from Michigan. Under this constitutional amendment, we could repeal a tax loophole that gave these outrageous benefits to the corporation he mentioned by a majority vote as long as the revenue that was raised was distributed to the American people. If there was just a flat out repeal, it would take a two-thirds vote. This would make it easier to give tax relief to the American people in repealing these loopholes.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I rise in strong support of H.J. Res. 41, the tax limitation amendment. I spent Easter with my daughter and her family out in San Francisco. While we were there, her husband was filling out his tax return. This, remember, is a young family. They have two children. They cannot afford to buy a home. They are renting a home. They have a good job but they are starting out as a young family.

When he finished filling out his tax return, he said, you know, we spent almost half of what we earned last year in taxes. That is what the average American worker does, spends about half. Taxes are the highest they have ever been. In January of 2000, the Census Bureau reported that the average family paid more than $9,000 in Federal income tax, twice what it paid 15 years ago. Americans pay more in taxes than they spend on food, clothing and housing combined. Americans work more than 4 months, almost 5 months, just to pay their tax bill.

A continuation of higher taxes should be better controlled. Congress needs to protect the taxpayer from higher taxes. The trend of big government and higher taxes to maintain it must cease. The government does not have the right to take more than it needs just because it has the power to do so. The requirement of a clear consensus to ensure limited increases in taxes is needed. We need to prohibit irresponsible tax hikes.

It should not be easy to take freedom away from people. When you tax too much, you are taking freedom from people, freedom to earn money and spend it as they want to and to educate their children and to save it and do the things they want to with it. It should not be easy to do that.

Fifteen States currently require some type of supermajority vote for the legislature to raise taxes. In those States, citizens are protected from higher State tax burdens. It is time for the government to follow their example to benefit all taxpayers. The amendment would not prevent raising taxes. Rather, it encourages Congress to look at alternatives before implementing tax hikes. A consensus will force Congress to consider genuine need.

For these reasons and more, I encourage my colleagues to support this constitutional amendment.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Here is a new piece of historic information just in about James Madison that may appeal to my colleagues. Actually, they tried a supermajority, and I think they will all find this very interesting. Because under the Articles of Confederation in the 1780s, there was a provision for a supermajority. Adopting a supermajority tax requirement would repeat the very same mistakes made in the 1780s under the Articles of Confederation between the Declaration of Independence and the adoption of a constitution. Under these articles, it required a vote of nine of the 13 States to raise revenue, a supermajority. It is because the system worked so poorly that the Founding Fathers sought to fashion a national government that could operate through majority rule.

So, Mr. Speaker, we would be ignoring a very important fundamental part of our history if we were to give in this area James Madison too hard a way to go. In fact, in the present circumstances, this amendment would take more votes to close a tax loophole engineered by powerful interest groups than to cut Social Security, Medicare and education programs. The amendment would also make the major deficit reduction measures much harder to pass when they are needed. Remember that five of the six major deficit reduction acts that were enacted since 1982, within the memory and experience of many Members here on the floor, included a combination of revenue increases and program cuts. President Reagan, Ronald Reagan, signed three of these measures into law. Presidents George H. Bush and President William Jefferson Clinton signed one each. None of these five measures received a two-thirds majority in both Houses.

So, Mr. Speaker, had this proposed constitutional amendment been in effect during this period, substantial budget deficits would still be with us today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute to tell the rest of the story. The gentleman from Michigan is so right that the Articles of Confederation did require a supermajority of nine of the 13 States to raise taxes. But the Constitution as originally ratified by the States was even more severe. It prohibited direct taxes on the people and required a constitutional amendment in the beginning of the last century to allow the income tax to be constitutionally passed by Congress.

So if we are looking at what Madison hath written, Madison put an even greater straitjacket on the Congress' ability to raise taxes than the Articles of Confederation had.

Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise today in strong support of this resolution. I want to thank my colleague and good friend the chairman of the Committee on the Judiciary (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. SESSIONS) for bringing this critical legislation before this body.

Mr. Speaker, America needs this tax limitation amendment. Why? Because this year thousands, or millions even, of hardworking Americans are going to be suffering intaxication. What is intaxication? Let me say that if the word were actually in the dictionary, intaxication would be defined as the euphoric experience when one gets a refund and then realizes that that refund is actually their own money.

This Congress has a duty to make it harder to raise taxes, while ensuring a more responsible Federal budget. In 1994, Mr. Speaker, I fought for Nevada's own tax limitation amendment. As a private citizen I helped gather 85,000 signatures from residents across Nevada to place a similar measure on the ballot before the voters. This legislation, may I say, passed the Nevada vote test in two successive elections, averaging about 75 percent of each vote count. This legislation requires an amendment to the Nevada constitution saying that two-thirds would be required to raise any new State taxes or fees.

The Federal Government needs to be put on the same fat-free diet that my home State of Nevada has been on since 1996. We need to make it more difficult to raise taxes on hardworking American men and women. We need to shift congressional focus to the bloated Federal spending programs in this Federal bureaucracy. Passage of this legislation would ensure that Congress focuses its efforts to balance the budget, cut wasteful spending and not raise taxes as an easier and unneeded Federal revenue excuse.

States that currently limit taxes have experienced faster growing economies, a more rapid increase in employment, lower taxes and reduced growth in government spending. No additional financial burden should be placed on the American working family without overwhelming demonstration of need and support from their elected officials.

Let us stop intaxication plaguing Americans. I urge my colleagues to support this tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise today in opposition to this resolution, in opposition to this amendment, and in opposition to changing our most basic government document in this way.

The gentleman from Michigan has been doing an admirable job of sparring on these issues, but I wanted to come over and stand up and be counted against this thing, also, with him.

For the last couple of months, I have been putting together a Law Review article on the congressional oath of office. It has been interesting because I have gone back and read through some of the statements of Madison and the Framers and Hamilton. These were serious men that put together our most basic document. This very debate that we are having today was a debate that the Framers had. This is the kind of discussion that was contemplated by them, what level of vote count should there be in our legislative bodies to make these kinds of changes.

I not only have respect for the seriousness of their debate and their discussions but also respect for their conclusion, and that once they reached that conclusion, I think we would do well as a Nation not to rekindle that debate every 2 years as we seem to have been doing here for the last few years.

I think this amendment would be a mistake. I think it has very little support around the country. Right now the thrust nationally is to lower taxes, not to raise taxes. In the past when we have raised taxes, the majority of the Members of the legislative body felt that was the way to go. That is not the situation today.

□ 1130

This is an amendment that is not necessary at this time in our Nation's history. It was contemplated by the Framers. I think it would be a mistake today to pass this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is another problem that has not been discussed about the amendment that we may want to take into consideration, and that is the possibility that a constitutional amendment of the nature under debate could lead to large cuts in Social Security and Medicare and a return to deficit spending. No constitutional debate on this subject could be concluded without some discussion about this.

These reductions, large ones, in Social Security and Medicare benefits, have been observed by The Washington Post, in which they noted that when baby boomers begin to retire not many years from now, as a matter of fact some have already begun to retire, the country will be in an era of constant fiscal strain. To avoid destructive deficits, there will have to be tax increases or spending cuts or both. So by making it harder to increase taxes, the amendment would compound the pressure on major spending programs. As a matter of fact, that is what is going on now. We are noticing that with the unprecedented large tax cut we are squeezing many programs that are very valuable and dear to many, if not most, of the people in the country.

What are these major spending programs? Social Security, Medicare, Medicaid and others.

Is this really what the Congress wants to do? The pressure on the programs is great enough as it is.

Now Democratic members offered an amendment in the Committee on the Judiciary to ensure that measures designed to secure the financial solvency of Social Security would not be subject to the supermajority requirement, but the Republicans defeated this measure on a party line vote of 8 to 16. So we have on the record that they do not want to exempt the Social Security and other valuable programs from the possibility of financial insolvency by making an exemption to this Draconian proposal that we have before us.

I think that that should deal a telling message to anybody whose mind may not yet be made up.

Also, the proposed tax limitation would rule out measures to raise Medicare premiums for higher individuals, high-income individuals, as well as modest measures to shore up Social Security and Medicare. They would all be caught by the supermajority requirement.

Example, if Congress attempted to make Social Security payroll taxes more progressive by imposing higher tax cuts on higher-income individuals, there would be an increase in the revenue laws and the supermajority requirement would be triggered, no doubt about it.

Indeed, when the Republican budget reconciliation bill reached the House floor in the fall of 1995, it became more than clear that its proposed increase in Medicare premiums for those at higher income levels constituted, guess what, a tax increase.

Similarly, legislation expanding Social Security to include State and local government employees, which no less than the Advisory Council for Social Security has already proposed, would result in a revenue increase and would therefore be subject to the two-thirds requirement. Do we really want to do that? Do we really want these kinds of provisions caught in this supermajority requirement?

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, it is the same old story. When all else fails, drop the Social Security red herring. This constitutional amendment will not cut Social Security. If there is a revenue pinch, it will force Congress and the Nation to set priorities. Social Security has always been the top priority, and it always will be the top priority, because it is the principal part of our social safety net for senior citizens. So if the shoe starts to pinch because of a revenue shortfall, or the baby boom generation collecting the Social Security that they have earned, it will force cuts in other programs. We all know that there are huge wastes of money in the other programs, and this will provide the fiscal discipline for Congress to set better priorities than it historically has in the past.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for bringing this bill to the floor. Let me also thank the gentleman from Texas (Mr. SESSIONS) for his sponsorship of this legislation.

Mr. Speaker, this is an important step and a step I believe we must take. Mr. Speaker, I have had the privilege of serving in this body since 1985. For 10 years, I served in this body as a member of the minority while the Democrats were in control of the House of Representatives, and that was a privilege.

Mr. Speaker, in the last 6½ years, I have had the larger privilege of serving in the majority with the Republicans in the majority. Throughout all of that experience,, Mr. Speaker, I have found that there are a few things that are consistent whether the Democrats are in the majority or the Republicans are in the majority. Call it the disposition of the legislative body, whatever is the reason, it has been consistently the case for so long as I have had the privilege of observing us at work that the first easiest thing to do in this body is to increase spending.

Lord have mercy. We must constrain ourselves with all the rigor we can to even bring our increases down to a nominal level.

The second easiest thing to do in this body is to raise taxes. I certainly have seen that done here enough, and with relative ease.

The hardest thing to do in this body, Mr. Speaker, is to cut taxes; and the clearly most difficult thing to do is to cut spending.

All that boils down to one thing: we avail ourselves of nothing that we can call a budget constraint. After all, Mr. Speaker, it is other people's money. Easy come, easy go. We do not spend it all that wisely.

So what we are trying to do today is to give ourselves an institutional leveler, a rule in this institution that levels the playing field between raising spending and cutting taxes, just to counter what must be the generic dispositions of a legislative body given the extraordinary privilege of taxing and spending other people's money.

A simple rule that would say that in this business of raising taxes which facilitates the increased spending, for which we have this crying disposition, that we should have a supermajority vote. It is a constraint. It is a check, a check against our desires to always build government larger.

Is the Federal Government large enough? Most people in America think yes it is, indeed; that and more.

Do we have enough money? We are talking about surpluses, extraordinary surpluses; surpluses that would not have come about except for 2½ years of extraordinary rigor in the restraint on spending that make these surpluses available; the surpluses that are threatened, threatened not by a shortage of tax revenue from the American people but threatened by the worst addiction one finds in this town, the addiction to the spending of other people's money.

So we must put on the brakes. We must find a way to rein ourselves in, to rein in the institution, the institution of the House of Representatives. Indeed, the institution of Congress must be restrained from the all-too-easy business of simply raising taxes whenever we feel we have an insufficient supply of other people's money. If we cannot do that, Mr. Speaker, during a time when the surpluses are running, we cannot do it at any time.

I just noticed the disposition at work here a moment ago in the discussion on this floor. The question was, what if there were a recession and there would be a shortfall of revenues to the United States? We would have an emergency need to raise taxes, it was argued, to raise taxes. Why? What underlies that logic is the belief that the object of our affection is the Government of the United States, not the well-being and the health of the American economy.

Indeed, if there is a recession, Mr. Speaker, the correct thing to do is to lower taxes; thus, solving the problem of the recession; thus, solving the problem of deficiencies in revenue to the Government that come from the recession.

So the logic is faulty because it is built on the false premise that the object of our affection must be, first, the well-being of the Government and then only secondarily the performance of the economy. The correct logic is this: the well-being of the government, as is the well-being of the Nation in things economic, depends upon the performance of the economy.

We are left with very few tools to assure that this economy works at its peak of performance, but the only one that really remains is the lowering of taxes. So barring a volition in this body to ever change our dispositions, we should use a rule, a rule that says that it is relatively easy to lower taxes when those times arrive and it is most rigorously difficult to raise taxes at all times. This rule will give us that. It should be passed. It should be passed as a matter, Mr. Speaker, of respect for the American people because, after all, it is their money.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted that the majority leader of the Congress has come to the floor. Unfortunately, he did not mention how many times the majority, under his leadership, has waived their own House rules requiring a supermajority vote to increase taxes. Maybe he forgot.

I would remind my colleagues that during the 104th Congress, we had to suspend the House rules imposed by the Republican majority when we dealt with H.R. 1215, the Contract with America Tax Relief Act.

□ 1145

We then had the supermajority vote suspended, this is under the leadership of the majority, under the leadership of the distinguished majority leader that just left the well, in the Medicare Preservation Act of 1994, H.R. 2425; in the Budget Reconciliation Act of 1995, H.R. 2491; in the Health Insurance Reform Act, H.R. 3103; and in H.R. 3734, the Welfare Reform Conference Report. The majority, under the Republican leadership, has frequently waived its own rules requiring a supermajority vote to increase taxes.

The unworkability of House Joint Resolution 41 is illustrated by the fact that they frequently ignore their own rule preventing tax rates from taking increase, unless approved by three-fifths of the House, and this was done in the 104th Congress, many times, on six separate occasions. It led our distinguished colleague the gentleman from Texas (Mr. STENHOLM) to write, "The final blow to any hope that the vote on the supermajority tax requirement might be for real comes from the dismal adherence Republicans have made to their own internal House rule requiring a three-fifths vote to raise taxes." This is from the leadership of the gentleman who just left the well.

After much fanfare during the organization of the 104th Congress, the House leadership has waived its own effort to restrain itself in every potential instance but one.

In an attempt to avoid these problems at the beginning of the 105th Congress, the rule was significantly narrowed to limit its application to increases in particular tax rates specified under the Internal Revenue Code, rather than tax rate increases generally. Now, that narrow application does not apply to the constitutional provision; it only applies to what we do in the House of Representatives.

So, such experiences highlight the unworkability of setting forth special procedural rules concerning tax laws and tax rates, and these problems would be greatly compounded in the constitutional context that we face in H.J. Res. 41.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I wish to thank the chairman of the Committee on the Judiciary for this opportunity to speak on behalf of House Joint Resolution 41.

Mr. Speaker, despite my belief that we ought to rarely trifle with the work product of the founders of this country from that balmy summer of 1787, where in the Philadelphia State House they crafted our Constitution, I rise today in strong support of the Tax Limitation Constitutional Amendment that we will vote on today.

I do so, Mr. Speaker, because it is my belief that we live in this year 2001 in an age of reason about tax policy, different than other times in American history. Today, most Americans oppose most tax increases. But, Mr. Speaker, we must recognize that this too shall pass; that some day soon, given the seemingly glacial growth of the Federal Government, the day will come that once again tax increases are no longer broadly objectionable.

So I believe that this Congress should seize upon this season of sensibility to constrain future Congresses from reflexively raising taxes to pay for that ever-growing Federal welfare state. It is a growth in government, Mr. Speaker, that does ultimately erode our economic freedoms and the balance of our liberties.

A tax increase constitutional amendment, if adopted today in the Congress and sent to the States, would be an important restraint on the Federal Government in years ahead, and it would give this Congress and this government the same restraints that some 14 States live under who have tax limitations in their Constitution and in their laws.

Mr. Speaker, tax increases should always be the last resort of this Congress, and the Tax Limitation Constitutional Amendment ensures that it will.

Mr. CONYERS. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I join my colleagues in opposition to H.J. Res. 41. H.J. Res. 41 proposes a constitutional amendment that provides that changes in Internal Revenue laws by more than a de minimis amount would require a two-thirds majority to pass, rather than the simple majority now required.

Let me just point out a couple of problems with that idea, Mr. Speaker. The proposed constitutional amendment does not affect spending; only paying for the spending. You can increase spending and enact new programs with a simple majority. To pay for the new programs, you require a two-thirds majority. The limitation that this bill proposes is on whether we will pay for the spending or whether we will resort to deficit spending.

Now, the same analysis applies to correcting mistakes. It would take a two-thirds majority to close a corporate loophole, while it only took a simple majority to create the loophole in the first place. If we cannot come up with a two-thirds majority to close the corporate loophole, then that loophole remains, possibly costing millions, or even billions, of dollars that could be put to use elsewhere.

In fact, changing Internal Revenue laws that change the internal revenue by more than a de minimis amount would also affect passing new laws to enforce the laws that are already on the books if that action would increase the internal revenues. You need a two-thirds vote to pass that.

Now, if we really are being honest about reducing spending and limiting spending, the constitutional amendment ought to require a two-thirds vote not to increase taxes, but a two-thirds vote to increase spending. Now, that would limit spending. The limitation on taxes only limits your ability to pay for the spending that you have already enacted.

Another problem, Mr. Speaker, is that the bill has the statutory language involving de minimis. While two-thirds majority vote is required to increase the internal revenue by more than a de minimis amount, the term "de minimis" is not defined, so, we can debate whether you need a two-thirds vote or not.

Some committee members have suggested that any increase in revenue less than one-tenth of one percent of total revenues would be de minimis. But I would remind you that our total revenues are in the trillions of dollars. One-tenth of one percent of $1 trillion is $1 billion. I believe that most of us would consider $1 billion to be more than just de minimis.

Mr. Speaker, amending the Constitution is serious business which should not be taken lightly. This bill presents very difficult questions that are not even close to being answered. It does nothing to limit spending; and, therefore, ought to be rejected.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the House would read the constitutional amendment, they would find that the gentleman from Virginia, with all due respect, is misinterpreting what is in the amendment. The amendment says that a loophole can be closed by a majority vote if the money that is raised as a result of closing the loophole is used to provide tax relief for the American people elsewhere. But where the two-thirds vote comes in is if the loophole is closed and the money is raised and is used to finance increased spending.

So what this Tax Limitation Constitutional Amendment encourages is using the money from closed loopholes to provide tax relief for the American people, rather than financing a spending spree by the Congress of the United States. I think that that is entirely logical. What the amendment does is it says if you want to spend the money from the loophole, it is two-thirds; if you want to give it in tax relief, it is a majority.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I wanted to come to the floor, and I am not on the Committee on the Judiciary, as these fine ladies and gentlemen, to discuss the technical aspects of this bill.

What I wanted to do was, Mr. Speaker, back in 1995, when I was sworn in as a United States Congressman, a friend of mine from my district brought to me this reprint of a political editorial from 1878. What it is, Mr. Speaker, the Statue of Liberty is standing with a weight around her neck, and her head is bent forward, and on the weight it says "income tax." It further states at the bottom, "the slave of liberty."

I believe sincerely that taxation, excessive taxation, makes the American people slaves to the Federal Government. I think whenever we can bring protection to the American people we should, and that is exactly what H.J. Res. 41 does; it empowers the people through their Representatives here in Washington, D.C.

I believe sincerely that today the American people are paying more taxes than they have ever paid before. When I look at how too many times I think those of us in Washington D.C., and I am one of those, obviously, that many times we forget that the people are the government.

The power should be with the people. The people should be able to say to their representatives that you must have a supermajority to pass taxes on us, and I think this legislation does that.

I compliment the chairman and his committee, because, quite frankly, because every year for the 7 years I have been in the United States Congress, whenever we brought this bill to the floor I have asked for 1 or 2 minutes to come to the floor, because, again, we need to give the power back to the people when we can, and to give the people the opportunity through the process to say whether they want the Congress to have a two-thirds majority to pass taxes.

I think again we are doing the right thing, and I compliment the chairman and each and everyone who has worked on this resolution, and hope we will pass it shortly.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time to respond to the chairman's remarks.

Mr. Speaker, if we passed a $1 million corporate loophole tax benefit that ended up costing us $10 billion because we miscalculated the impact, we could not close that loophole that passed on a simple majority vote without a two-thirds vote unless we provided $10 billion in tax relief somewhere just to close that loophole that we did not intend to create to begin with.

Mr. Speaker, again, this amendment will do nothing to limit spending; it just limits our ability to pay for that spending. You create a new program, simple majority; to pay for it, it takes a two-thirds vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise today to support the tax limitation amendment. I come from the great State of Arizona where we have had similar legislation as the law for the past 10 years. What we did not do that we should have is cut off the initiative route as we did, because when we want to raise taxes in Arizona, instead of going to the legislature, now it is done by initiative, that notwithstanding this year, for the first year, because there is a lack of revenue. Finally, this is holding government spending in check. You see the trepidation on the part of the legislature to actually spend too much, because they would be forced to come back and raise taxes and realize they cannot do it because now it would require a two-thirds majority. It is great legislation.

□ 1200

Mr. Speaker, I am amused continually when we talk about how easy it is to cut taxes and how difficult it is to raise taxes, when history suggests otherwise. Over the past couple of decades, we have had numerous tax increases and just a couple of significant incidences of tax relief. Whenever we can do anything to actually put a lid on taxes, to actually cut taxes and make it more difficult to raise taxes, then we ought to do it.

For the record, it was mentioned that if we are doing this, then we also ought to put a limitation on spending by making it more difficult to spend. I am in favor of that. I would love to offer an amendment to the amendment which would actually require a two-thirds majority to increase spending, but this, as it stands, is a good piece of legislation, and I support it.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK. Mr. Speaker, what we are seeing today is a declaration by the Republican Party that they recognize that the majority of Americans cannot be relied upon. One of the previous advocates to this amendment said the power belongs to the people, but he misstates what this amendment does. Power now under our Constitution belongs to the representatives of the majority of the people, taking into account, of course, the two Senators per State, which is nonmajoritarian, but within that the majority rules. Well, apparently the Republicans do not have much confidence in the majority, so they want to change the rules so that this particular decision cannot be made by a majority.

The gentleman said the power belongs to the people. We used to have a slogan, "power to the people." Well, this amendment would change that slogan to "power to one-third plus one of the people." If the majority of the people, as they are represented in Congress, decide that they want to improve our ability to do environmental cleanup, or if people thought that having the Social Security tax base cut off at $75,000 so that if one makes $30,000 every penny one earns is taxed for Social Security, but if one makes $300,000 the great majority of one's income is exempt, we could not do that without two-thirds.

Not only are they declaring a lack of faith in the people, they are repudiating the legacy of some past Republican presidents. For instance, President George Bush raised taxes in conjunction with the Congress, because he thought it was very important for the economy. We all remember the President's famous slogan, "Read my lips, no new taxes." Well, any future President I guess would have to say, "Read two-thirds of my lips, no new taxes." George Bush asked us to raise taxes. I do not think he was profligate and irresponsible. I think he was responding to the particular needs of the particular time.

At this point, no one is advocating tax increases, but different situations occur at different points.

Ronald Reagan. We have heard a lot about the legacy of Ronald Reagan, but I was here when Ronald Reagan asked Congress to raise taxes on several occasions. I did not always vote for the Reagan tax increases. I thought the Reagan tax increase of 1982, which was to undo some of the Reagan tax decrease of 1981, was not fairly constituted. I did not like the Reagan tax increase for Social Security in 1983. But if we read the history books and if we read the assessments of President Reagan, one of the things they say is that President Reagan, Senator Dole, Speaker O'Neill came together to save Social Security and extend its solvency. They did it in part by reducing benefits in a way that I did not agree with, but they also did it by raising taxes.

Indeed, some of the tax increases that were imposed under President Reagan remain in effect. They not only remain in effect, they remain untouched by the current President's tax reduction proposals. It was in 1983 at the request of Ronald Reagan, with the concurrence of a Republican Senate and a Democratic House, that taxes were first levied on part of a Social Security recipient's income. The taxation of part of one's Social Security benefits for people making $25,000 in addition, to be recycled into the Social Security system, was part of President Reagan's attempt to extend the solvency of Social Security.

Now, if the Republican constitutional amendment had been in power, I do not think President Reagan would have had the votes. I do not think President Bush would have had the votes.

The point I am making is that despite partisan efforts to make it look as if this is somehow an effort to prevent feckless decisions to raise the revenues, it would have, had it been in effect, prevented the last two Republican presidents from getting legislation through that they thought was important to protect Social Security and to protect the economy.

Now, I have noted a tendency on the part of my Republican colleagues to implicitly acknowledge that the public is not thrilled with some parts of their agenda, and I understand that. They have a right, I suppose, when they are campaigning to kind of soft pedal some things; you should tell them the truth, but you do not always volunteer things. But changing the Constitution because they believe the public is not likely to support their position is a totally inappropriate way to go.

I guess we have to explain why this happens, because if one believes the rhetoric that says it is just the government taking people's money for no good reason and the people have to be protected from that, one has to ask the question, why would people let Members of Congress who, by a majority, would vote to increase the taxes that they pay. The answer is, as President Reagan knew and President Bush knew and President Clinton knew, all three of whom asked that taxes be increased, there are important purposes that the people want that may require more revenue.

I want to go back to Social Security. The Social Security system now is financed by taxes that are paid up to 70-some odd thousand dollars worth of income. Many of us believe that is inequitable. Many of us believe we ought to have a package in which we reduce the Social Security bite on some people in the lower end, but increase it for wealthier people. Maybe we want to have a little gap, but then at $150,000 or more, start collecting some Social Security tax. Any effort to do that would, by this amendment, require a two-thirds vote. Power to one-third plus one of the people. One-third plus one of the people could block that effort. If we decided that we needed more revenue for other purposes, it is not there.

Mr. Speaker, it seems to me a rational decision for the public to make in a civilized society that at a time of great wealth they might want to spend more on environmental cleanup. They might want to do more for police. They might want to help people with prescription drugs. The Republicans have said, well, we want a major tax cut, so here is what we have to do. We have to end the program that allows public housing authorities to hire police officers to combat drug-related crime. I understand people who think cutting taxes, particularly for wealthy people, is more important than fighting drug-related crime in public housing. They do not live in public housing, they do not relate to the people in public housing, and in a democracy that is a legitimate view to put forward. But why do they need two-thirds? Are they not confident they can win that one on the merits?

We have people who believe we ought to be increasing the amount we spend on environmental cleanup. Unfortunately, there are people who disagree. I am prepared to debate that. But if we decide that we have these important public needs and the current revenues are not enough to meet them without going into deficit, I do not understand why we should take two-thirds.

Prescription drugs. We have a proposal from the Republican Party that says, to get taxes at the level we think desirable, we cannot help any elderly person needing prescription drugs whose income exceeds $17,000. I think that is a very grave error. I think making sure that Bill Gates pays no taxes when he dies, or his heirs do not; once one dies, they do not pay any taxes, but the notion that Bill Gates' heirs should be able to inherit billions of dollars, but we cannot afford to help someone making $20,000 with prescription drugs at the age of 82, I think that is wrong. But I am prepared to debate that without fixing it. I say these things because they are directly relevant to this amendment.

This is why the Republicans feel that they have to change the rules. They understand that there will be times when a majority of the Americans will say, we would rather have more revenue. By the way, while the Republicans claim to dislike taxes at certain times, they come to love them, and that is the other thing I would say to my Republican friends: do not underestimate your capacity to adapt.

For example, when President Clinton in 1993 asked Congress to raise the gasoline taxes, there was a great deal of unhappiness on the Republican side, at least it was expressed and I under the Rules of the House of course take at face value everything said here, and when President Clinton remained in office, time and again the Republicans said, we have to get rid of this gasoline tax increase. Well, we now have a Republican President and we have a Republican House and we have a Republican Senate, and we have tax bills coming forward that would reduce various taxes. Do we know what else we have? The same gasoline tax increase that went into effect in 1993 unchallenged.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding. Yesterday I introduced a bill to suspend the Federal gasoline tax to provide some relief to our motorists and our truck drivers. I would invite the gentleman from Massachusetts and others who feel that way to cosponsor this bill.

Mr. FRANK. Mr. Speaker, I am glad that the gentleman is being consistent. He is not only being consistent, he is being unique, because while it is encouraging to some, I thought increasing the gasoline tax was a useful thing to do to help us reduce the deficit in a socially responsible way, the Committee on the Judiciary does not have jurisdiction over it. I will say as I read the Republican program for the year, with $1.6 trillion worth of tax reduction, they could not find room in there to reduce the gasoline tax. So the Republicans did not think it was a good idea to raise the gasoline tax in 1993, but now that they have complete control over both Houses of Congress and the White House, they are leaving it alone. They have decided, apparently, on second thought, that it was not such a bad idea after all.

Regarding the taxes that people pay on their Social Security benefits, including those that Ronald Reagan asked us to pass in 1983, Ronald Reagan said, if one is making $25,000 a year or more, we are going to tax 50 percent of your Social Security benefits. That is not a huge amount of money, but that is what Ronald Reagan said. I voted against that bill. Many of my Republican colleagues who are still here voted for it; some Democrats voted for it as well. I had heard that denounced until the Republicans had the power to do something about it, and that is another one which has grown on them.

This is not a debate as to what the level of taxation ought to be; it is a debate about democratic procedures. The Senate, as we know, is not majoritarian. The House is. By Supreme Court decision, the United States House of Representatives represents population very, very closely. What the Republicans are saying is this: we cannot trust the people elected by a majority of the House of Representatives to make this decision, because we do not think they will get it right. Therefore, we will change the Constitution to make it a nonmajoritarian decision as to what level of public expenditure there will be.

Yes, there are two competing sets of needs. There are private needs, best settled by people having money in their own pocket; there are public needs, environmental cleanup, public safety, some others which can only be dealt with if we spend the money together. They are both needs of the people. Some are best done individually, some done together. What we have today is an effort to bias the decisionmaking process, because the Republican Party does not have any confidence in the people, apparently thinks that Ronald Reagan was wrong on the several occasions when he asked for tax increases, George Bush was wrong when he asked for tax increases.

The point is this: no one today, given our economy, no one is pushing for tax increases. On the other hand, to say that for all time it should not be a majority decision, but that this decision will have to be made by an extraordinary majority so that a minority can block the decision of a majority of the American people, 40 percent can stop 60 percent from going forward, is bad constitutional government and an unfortunate expression of a lack of confidence in the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Massachusetts and his very articulate self has kind of laid forth the Democratic platform on what they would like the Congress to accomplish during the next 2 years. We are not dealing with prescription drugs and all of the other issues that the gentleman from Massachusetts is talking about. We are dealing with the simple proposition of whether the Constitution should be amended to make it harder for Congress to raise taxes. That is the proposal that is before us, and that is the proposal that we are voting upon today.

Now, I would submit that the American people think that it should be hard to raise taxes, and I would also submit that the American people historically have not trusted Congress very much when the time comes to deal with bills that raise taxes. So all this amendment proposes to do is to force there to be a national consensus on raising taxes, which is required in a two-thirds vote. It is really pretty simple.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I would say parenthetically I guess the gentleman has decided to reciprocate.

The SPEAKER pro tempore (Mr. SHAYS). The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 additional minute, and I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, apparently the gentleman from Wisconsin (Mr. SENSENBRENNER) wants to reciprocate the lack of confidence the American people have in Congress by having a congressional expression of lack of confidence in the majority of the people. But I want to talk about prescription drugs.

Mr. SENSENBRENNER. Mr. Speaker, I will reclaim my time then, because we have a chance to talk about prescription drugs a little bit later on when the prescription drug bill comes to the floor of the Congress. So I think we really ought to defer that debate until when it is really the question that is before us.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts, but let us debate prescription drugs at the time that the bill comes before us.

Mr. FRANK. Mr. Speaker, the gentleman is ignoring the fact that with his amendment that he is putting forward today, and we will cut taxes this year, I think by more than we should but we will, if we decide next year that at the level of revenue available for Medicare we cannot afford a prescription drug program, it will take two-thirds to put one back. That is the flaw in the gentleman's reasoning.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, that is really not true, because if we cut out other wasteful spending in other parts of the government, we can put more money into prescription drugs, and it is a matter of priority.

□ 1215

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, if that is the case, why is the President not putting adequate money into prescription drugs this year instead of saying only $17,000 as an income cutoff?

Mr. SENSENBRENNER. Mr. Speaker, as the gentleman knows, the President proposes and the Congress disposes.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, in the Department of Defense, we have 480,000 bureaucrats that buy and sell. They charge 22 percent to the military. Should Congress eliminate a lot of that bureaucracy, and instead of having taxpayers cough up money for more defense, should we just put more money into it without more reform?

In education, we get as little as 48 cents to the dollar because of the bureaucracy in education. This morning the Secretary of Education, Rod Paige, testified. The gentleman from Wisconsin pointed out that the President's budget only puts in 6 percent increase. Six percent. Traditionally we have been increasing it by over 12 percent. The Secretary pointed out that there has been a flatlining; that we put more money in education, but there has not been any change. Can Congress work harder, can we do our job to eliminate Federal bureaucracy and spending or can we afford to give the money back to the American people? I pick on not just education, I pick on defense and all government agencies.

Mr. Speaker, environmental cleanup was mentioned. Seventy percent of Superfund went to trial lawyers. Do we look as a Congress and work with the States on how to clean up the environment, or do we keep dumping in money?

Many of my colleagues fought against welfare reform. Sixteen years was the average. They want to dump more money. We have to raise taxes to pay for that. Welfare reform put people back to work, and it helped stimulate the economy.

Capital gains, my colleagues said it was only for the rich. Alan Greenspan said it helped stimulate the economy. So we do not reduce taxes? What I am saying is that my colleagues on the other side of the aisle always want to spend more money without reforms.

The SPEAKER pro tempore (Mr. SHAYS). Without objection, the gentleman from North Carolina (Mr.

WATT) will control the time of the gentleman from Michigan (Mr. CONYERS).

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really wish we were gathered here today to engage in serious legislation that confronts some of the concerns that we have here in this country. As I left my district, I noticed on the front page of the business section a number of corporations that are in fact laying off workers. I would imagine that you will see over the next couple of weeks and months, the necessity of increasing compensation for those who are now laid off and cannot in some areas, where there is not the appropriate number of jobs available to provide for them, they will then stay unemployed. That means that families will be without their breadwinners and will be without an income.

Mr. Speaker, we stand here today addressing a situation which has occurred on an annual basis. I believe it is almost going to get the kind of standing like Christmas. We will have it every year. This is the sixth annual year that our colleagues have wasted our time with a constitutional amendment dealing with a two-thirds supermajority on a tax increase.

We have listened to my colleagues suggest to you how confining this kind of procedure would be; but more importantly, how it impacts the Constitution where our Founding Fathers, as wise as they were, suggested that a majority reflects the will of the American people. When we begin to use the supermajority, we begin to get into a desperate situation.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, is the gentlewoman from Texas aware that the Constitution written by the Founding Fathers prohibited Congress from levying direct taxes on the American people, and it required an amendment about 100 years ago in order to allow Congress to even have the power to do what we are talking about?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am certainly aware of that; and I thank the gentleman from Wisconsin.

Mr. Speaker, it was a hundred years ago; and we have proceeded under that legislation, and I believe we have done very well.

The idea now, of course, is to further diminish the responsibilities of the Members of Congress in the majority vote by again putting over us the supermajority which again eliminates the opportunity to provide financing for issues that we are concerned about. The very fact that this particular amendment has not passed six times in a row suggests the wisdom of this Congress, both Senate and House. My colleagues know that this is a wrongheaded way to go.

Mr. Speaker, here we stand again providing this kind of legislation; and yet the amendment that I had intended to offer, an amendment that would provide for a supermajority not to reduce benefits in Social Security and Medicare, has not been accepted, or has been ruled out of order as it relates to presenting it to the floor.

If it is as important to put a two-thirds supermajority on not raising taxes, and by the way to my colleagues and friend, that means that corporations with tax loopholes, that means that they will have a field day. It means that the assessment by the American people that this administration and this Congress is more business oriented or more paying the piper of the corporate interest, it is true. It means that tax loopholes cannot be closed under this supermajority, because it means if you are suggesting that you raise the taxes of corporations, you will have to have a supermajority. Of course that means that you take away the one vote, one person.

When you talk about Medicare and you talk about Social Security for people, and you say can we have an amendment to ensure that you have a supermajority in order not to reduce the benefit, that has not been accepted.

Mr. Speaker, I would simply say to my colleagues that we realize that a supermajority has been imposed on certain aspects of the business of this House. But I do believe that this idea of a supermajority on taxation eliminates the very vital opportunity of suggesting that even though we may have some prosperity, although I have noted there are layoffs, while we have this prosperity, and the American people may decide to invest in their national parks and their defense by providing increased salaries for our men and women in the Armed Forces, to invest in education, we now stand on the floor of the House to suggest a supermajority so in fact the people of the United States will not have the resources to ensure that their will be done.

Mr. Speaker, I conclude by saying that it is not necessary to have a supermajority to railroad the $1.6 trillion tax cut that the President wants. Why we stand for the seventh time on the floor of the House for a two-thirds majority, I do not know. It seems that we want to make this as annual as a Christmas holiday.

Mr. Speaker, I rise to oppose H.J. Res. 41 and to introduce an amendment that I believe will improve it.

Mr. Speaker, my amendment is germane. The underlying legislation, H.J. Res. 41, is an attempt to help the most well to do Americans through a constitutional amendment that limits the ability of Congress to raise taxes and cut deficits. It is no secret that this legislation is designed to disproportionately help the richest people in this country.

Mr. Speaker, my amendment seeks to protect the average person, the neediest, and our seniors by requiring the same two-thirds supermajority as the sponsors of H.J. Res. 41 call for. However, my amendment requires the two-thirds supermajority to cut Social Security and Medicare which help the rest of us.

H.J. Res. 41 could make it difficult to maintain a balanced budget or to develop a responsible plan to restore Medicare or Social Security to long-term solvency. Both of these amendments deal with taxes. Both deal with what we all know is a zero sum game. My amendment is germane because if it is okay to help the rich, it is germane to help the poor and average Americans.

H.J. Res. 41 is a resolution proposing an amendment to the Constitution of the United States of America with respect to tax limitations, that would require any bill, resolution, or other legislative measure changing the internal revenue laws require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless the bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

H.J. Res. 41 also states that for purposes of determining any increase, there shall be excluded any increase resulting from the lowering of an effective rate of any tax and permits the waiver of such requirement, for up to 2 years, if there is a declaration of war or if the United States is engaged in a military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution which becomes law.

Mr. Speaker, by requiring a two-thirds supermajority to adopt certain legislation, H.J. Res. 41 diminishes the vote of every Member of the House and Senate, denying the seminal concept of "one person one vote." This fundamental democratic principle insures that a small minority may not prevent passage of important legislation.

Mr. Speaker, this legislation presents a real danger to future balanced budgets and Medicare and Social Security. That's why I have offered an amendment to H.J. Res. 41 that would add a new section to H.J. Res. 41 requiring the same two-thirds supermajority when cutting programs that protect Social Security and Medicare. Under H.J. Res. 41, it would be incredibly difficult obtaining the requisite two-thirds supermajority required to pass important, fiscally responsible deficit-reducing packages. And at a time in our history when the Baby Boomers are now retiring, H.J. Res. 41 could make it more difficult to increase Medicare premiums for those most able to pay their fair share of the bill, and could make it difficult balancing both Medicare and Social Security payroll taxes in the long term.

H.J. Res. 41 would make it nearly impossible to plug tax loopholes and eliminate corporate tax welfare, or even to increase tax enforcement against foreign corporations. H.J. Res. 41 would also make it nearly impossible to balance the budget, or develop a responsible plan to restore Medicare or Social Security to long-term financial solvency.

That's why my amendment would require a supermajority to further challenge these important social programs that serve a great need in this country.

Mr. Speaker, H.J. Res. 41 is the exact same bill that this committee considered in the 105th Congress and my opposition is unchanged. In fact, a phrase in the minority's dissenting views in the 105th Congress stating that "the Framers of the Constitution wisely rejected the principle of requiring a supermajority for basic government functions" still hold true today.

The minority in opposing this tax limitation amendment cited James Madison who vehemently argued against requiring supermajorities, stating that under such a requirement, "the fundamental principle of free government would be reversed." It would be no longer the majority that would rule. Conversely, the power would be transferred to the minority because a small minority could block the necessary supermajority from passing any tax increases. In fact, it is significant to note that because of population patterns, Senators representing some 7.3 percent of the population could prevent a bill from obtaining a two-thirds majority.

Mr. Speaker, I am deeply troubled by the concept of divesting a Member of the full import of his or her vote. As Dean Sameual Thompson, one of the Nation's leading tax law authorities, observed at a 1997 House Judiciary Subcommittee hearing on the same proposal: "The core problem with this proposed Constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process." As such, the potential loss to the Treasury Department from such loopholes is staggering. A Congressional Budget Office study found that over half of the corporate subsidies the Federal Government provides are delivered through "tax expenditures" that selectively reduce the tax liability of particular individuals or businesses. Such expenditures cost the Federal Government $455 billion in fiscal year 1996 alone—triple the deficit at that time.

Mr. Speaker, this resolution simply dilutes the vote of Members by requiring a supermajority of them to do something as basic to government as acquire the revenue to run government. It is a diminution. It is a disparagement. It is a reduction of the impact, the import, of one man, one vote.

Mr. Speaker, H.J. Res. 41 will also make it nearly impossible to eliminate tax loopholes, thereby locking in the current tax system at the time of ratification. The core problem with this proposed constitutional amendment is that it would give special interest groups the upper hand in the tax legislative process. Once a group of taxpayers receives either a planned or unplanned tax benefit with a simple majority vote of both Houses of Congress, the group will then be able to preserve the tax benefit with just a 34 percent vote of one House of Congress.

In addition, H.J. Res. 41 would make it inordinately difficult to make foreign corporations pay their fare share of taxes on income earned in this country. Congress would even be limited from changing the law to increase penalties against foreign multinationals that avoid U.S. taxes by claiming that profits earned in the U.S. were realized in offshore tax havens. Estimates of the costs of such tax dodges are also significant. A 1992 Internal Revenue Service study estimated that foreign corporations cheated on their tax returns to the tune of $30 billion per year.

Another definitional problem arises from the fact that it is unclear how and when the so-called "de minimis" increase is to be measured, particularly in the context of a $1.5 trillion annual budget. Would we look at a 1-, 5- or 10-year budget window? What if a bill resulted in increased revenues in years 1 and 2, but lower revenues thereafter? It is also unclear when the revenue impact is to be assessed—based on estimates prior to the bill's effective date, or subsequent determinations calculated many years out. Further, if a tax bill was retroactively found to be unconstitutional, the tax refund issues could present insuperable logistical and budget problems.

Mr. Speaker, the amendment to this legislation which I have offered here today, takes this legislation in a different direction. It requires the same two-thirds supermajority as does the underlying bill, but ensures that we fulfill our promise too.

I hope that my colleagues take seriously the path H.J. Res. 41 would lead us down were it to be adopted as is, and I urge my colleagues to support my amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to myself.

Mr. Speaker, in response to the comment that I made, the gentlewoman from Texas (Ms. JACKSON-LEE) said that since the income tax amendment was ratified in 1913, we have done very well. I would agree with her 100 percent. We have done too well. We have done too well having an escalating cascade of taxes on the American people.

What has happened is that we went from the original Constitution that seemed to serve us very well for 140 years prohibiting direct taxes on the American people, to having the pendulum swing far too far in the other direction so that now the Federal tax expressed as a percentage of GDP is the highest in peacetime history of our country.

Mr. Speaker, this amendment pushes that pendulum back in the middle by making it harder to raise taxes. I think the American people would say hooray for that because Congress has been much too eager since 1913 to dip into the pockets of the American taxpayer deeper and deeper.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I rise as a strong supporter of this constitutional amendment to require a two-thirds vote to raise taxes on the American people. Until the last Congress, this was the Barton tax limitation constitutional amendment. I was very pleased and willing to let the gentleman from Texas (Mr. SESSIONS) and the gentleman from Arizona (Mr. SHADEGG) become the original cosponsors in this Congress.

As has been pointed out, when the Constitution was ratified in the late 1700s, there was a supermajority required to raise taxes. It was 100 percent because you could not have a Federal income tax. The Constitution did not allow it. As has been pointed out by the chairman of the Committee on the Judiciary, in 1913 we changed the Constitution to say that income taxes were acceptable.

The first income tax levied on the American people after that income tax was passed, about 99 percent of the American people paid no income tax because you had to have an adjusted income of over $3,000 cash; and most Americans in the early part of the 20th century did not have $3,000 cash income. But if you did, if you did, you paid 1 percent; 1 percent of income over $3,000. And if you were super-rich, in other words if you got up to where you had cash income over, I think it was, $50,000, you paid an additional 1 percent.

Mr. Speaker, what does the American taxpayer pay today? The income tax levied on the American people had gone up at one point in time 9,000 percent. We got up to a 90 percent tax bracket. Now how is that possible? It is possible because it only requires 50 percent plus one vote in the House and 50 percent plus one vote in the Senate to raise your income taxes. That has been done repeatedly the last 100 years.

What does this constitutional amendment do? It does not say that you cannot raise taxes; but it says if you are going to raise taxes, you need more than a bare majority. You need more than 50 percent plus one; you need two-thirds.

Now our Founding Fathers knew that there would be times when we needed to do things that needed to be a superconsensus. To ratify treaties and to change the Constitution requires a supermajority vote. What is more important to require a consensus more than a bare majority than raising income taxes? It is interesting when you look at the opinion polls around the country, the States that have supermajority requirements to raise taxes, their taxes are lower. They are lower. States that do not have it, their taxes are higher.

Mr. Speaker, we have used the States as a laboratory; and we have proven that it works at the State level. It would work here in Washington. If you look at interest groups, do you know that the interest group that most supports requiring a supermajority to raise taxes, it is not rich, country club Republicans, it is not soccer moms, it is male, head-of-household union members. Now they tend to vote for our friends on the Democratic side of the aisle, which is fine. Eighty percent of them support a supermajority requirement to raise income taxes. That is the highest number of any segment of our country, 80 percent.

So why is it that we cannot pass this in the House of Representatives? We want it, but to amend the Constitution you have to have a two-thirds vote. It is because some people in this body want to raise taxes. They want to spend more money. We are only going to spend $2 trillion this year. Let us vote for this tax amendment and send it to the Senate and get them to pass it.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) has 14½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 29 minutes.

Mr. WATT of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for this time.

Mr. Speaker, it was helpful to have the original author of this bill on the floor to discuss it. In this debate, we have begun to discuss it with some platitude; that this is a bill about having two-thirds of the House and the Senate decide before we raise taxes.

□ 1230

Actually, it is a bit more complicated than that. See, it says that a bill, a resolution or a legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of all Members of that House voting and present unless that bill, resolution, or other legislative measure is determined at the time of adoption in a reasonable manner prescribed by law not to increase the internal revenue by more than a de minimis amount.

Well, I guess, then, what we have got to have is a certain amount of litigation, I suppose, about what constitutes a de minimis amount. I think that is really what we need. We need a process around here that makes it even more difficult for us to come to a consensus about how it is that we are going to tax and spend the money that we have to do here each year.

I think it is going to be actually an extraordinary constitutional battle if we pass a constitutional amendment that says it has to be decided by the courts how much a de minimis amount is that we are allowed to raise taxes in order to qualify under this constitutional amendment. Because let us consider what the scenarios will be.

When we pass a budget, there will be a determination, well, it only raises taxes a de minimis amount. Then every interest group under the sun that has a problem with that budget will then have a standing to go into court and say, well, that is not a de minimis amount, it is actually more. Or some other group will come in and say, well, no, no, no, that is less than a de minimis amount, so you should be permitted to do it. We will have nothing but litigation over that point.

Secondly, I think it is interesting to note in all of this discussion about whether or not we should have a higher burden to raise taxes, why is it no one is proposing that we have a higher burden to spend the money. To be intellectually honest about this debate, one should say, well, we should have two-thirds to spend any dollar of the money coming in, because both of those sides make the same argument that the previous gentleman made, that we have been out of control spending, taxing and building and everything else. If we are truly going to be consistent and want to be sure that we have it right, it should be a two-thirds majority to increase spending as well.

So if one wants to make a philosophical point here, I guess one could. One does not like taxes or one likes taxes. From the point of governance, this thing is a disaster. That is why no one is taking it seriously perhaps outside those of us who get paid to debate these things. It is really and truly a cumbersome way to do things.

I find it fascinating that my colleagues who rail against the overly litigious way that often our society operates should now open the door to a whole new area of constitutional law which is going to be defining de minimis. I think that would indeed be folly.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, very plainly, on page 3, lines 4 and 5 of the constitutional amendment, it says that Congress defines by law what a de minimis amount is. So this does not require litigation.

But having said that, listening to the argument of the gentleman from New York (Mr. WEINER) would have persuaded the Members of the first Congress and the Congress that sat in 1863 to reject the 1st and 14th amendments to the United States Constitution. Because if one looks at the Constitution annotated, those amendments have been the subject of countless court decisions by the Supreme Court as well as the appeals courts and the district courts because they were not, quote, properly drafted, and because they would have, quote, encouraged litigation.

I do not think, had the gentleman from New York been in the first Congress or in the Civil War Congress he would have voted against the 1st amendment and the 14th amendment. But the argument that he used which does not hold water with this amendment is that this amendment does not encourage litigation because it says that Congress defines by law what a de minimis amount is.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I am happy to yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I thank the distinguished chairman for yielding to me.

Mr. Speaker, here is the difference. This is not a question about whether or not we are interpreting whether someone's speech is abridged. This is taking an inherent constitutional congressional obligation which is deciding these questions and having litigation over what a specific term of art means.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL) to demonstrate the bipartisan support this amendment has.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.J. Res. 41, the Tax Limitation Constitutional Amendment. I have been a cosponsor of this legislation since we first started it back in 1995. I have appeared before in front of post offices on April 15 and talked to distraught taxpayers on that particular day. I will get the same answer from all of them.

I am going to continue to support this as long as it takes to provide a constitutional protection against tax increases for hard-working Americans.

It would have a chance. This bill is going to pass sooner or later. I am not sure when it is going to pass, but it will pass. I will tell my colleagues when it could pass. It could pass when every Member of Congress would take the time to walk out into the streets of their own district and ask this simple question: Would you like to make it more difficult for Congress to raise taxes? If my colleagues do not get a yes answer from that 9 out of 10, then it will be different to the various areas that I have made that same inquiry.

The tax increases that have been enacted since I have been in Congress have passed by narrow margins, once I think by a single vote. Legislation that hits everybody's pocketbook ought to require more than a simple majority of passage. A two-thirds vote requirement would give the taxpayers the protection they need and they are entitled to.

The amendment would do more than just provide tax protection. It will help ensure that our efforts to maintain a balanced budget will focus on eliminating wasteful and unnecessary programs and achieving cost savings wherever we can, not raising taxes as a means of achieving this goal.

Now, we are blessed with the projected budget surpluses over the next few years. I do not know if it will last for 10 years. That is the length of our budget. But I do not think anything this Congress can do can screw it up in less than 3 or 4 or 5 years. So I think we have got some real good years directly in front of us.

President Bush and the Congress have pledged to return a portion of that surplus to the American citizens this year in the form of tax relief, and Congress is working out the details on that. However, should the economic environment change and the surplus begin to dwindle, our first line of defense should not be to breach our agreement with Americans by not lowering their taxes. Any serious economic situation that might call for increased taxes has to be addressed with the cooperation and understanding of all Americans and with more than a simple majority.

If we ever have a balanced budget amendment, and I think there will be a time when we will pass a balanced budget amendment, take two-thirds to pass that amendment, but they could comply with it by simply raising taxes with a majority vote. Now, that does not look right to me.

I think that a lot of States have already moved forward on this initiative and have enacted tax limitation measures of their own. Congress ought to recognize their efforts and give the States and the American citizens the opportunity to decide for themselves on this amendment.

I urge my colleagues to join in the passage of this legislation in the 107th Congress.

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to clarify one point. I did not have the opportunity previously in response to the chairman. Unlike the 1st and 14th amendment, when one imagines the 1st and 14th amendments saying thou shall not abridge speech except to a de minimis amount or everyone has equal protection under the law except to a de minimis amount, one would never find that language in the Constitution of the United States because that is not the way constitutions are written, and thank goodness this one will never be part of it.

I mean, the fact of the matter is, as litigious as a society as we have, can anyone recall any time in history that there was a budget resolution that was challenged on constitutional grounds around here? I do not think I have ever seen that. Has there ever been an opportunity where an increase in taxes was challenged on constitutional grounds?

Frankly put, we are going to have, any time we have any change to the IRS budget, for example, if we have an increase in the number of people that the IRS puts on in their ability to enforce the different laws even, if it might increase the amount of tax collection, we are going to have a lawsuit.

This notion that we are somehow are not going to have constitutional conflicts, that we do not have constitutional conflicts in the 1st and 14th amendment, so therefore we should not have done it is absurd. This is not language that goes into the Constitution, because it opens ourselves up to all kinds of litigation.

But a second point is also important. The Framers of the Constitution envisioned this body, Congress, having the ability to make certain decisions about how monies are expended, about how taxes are raised, lowered, either. Do we really want to turn that over to the courts? Is that a desirable outcome to say, well, you think it is de minimis, fine by us. We do not want to be in that circumstance. I am quite certain the distinguished chairman of the Committee on the Judiciary does not want to be in that position either.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the Framers of the Constitution have used terms of art like due process of law and equal protection under the law and the courts have interpreted it. If the argument of the gentleman from New York (Mr. WEINER) is that we should draft constitutional amendments so tightly that the courts do not interpret it, then I think we probably would have to rewrite the Constitution right from article I, section 1. We do not want to do that. But we do want to give Congress the authority to determine what de minimis is.

Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time.

The temptation is here, Mr. Speaker, to directly address the curious and clever arguments. The gentleman from New York (Mr. WEINER), for example, he seems to be suggesting that we truncate the role of the judiciary in our separate and co-equal branches from our constitutional Republic.

He also seems to set up an interesting reinterpretation of what our Founders meant in setting up this Constitution. Because, Mr. Speaker, if it was so desirable to have direct taxation of personal income, why did not our Founders include that in the original document called the Constitution or in the first 10 amendments known as the Bill of Rights. They understood the powers that would be abridged,the rights of citizens that would be abridged.

Ultimately, it came through the 16th amendment which required a supermajority for ratification. So the balance we strike today in adopting this constitutional amendment is to strike a balance to say, if a supermajority was required for the amendment process, there should be a supermajority required for raising taxes.

Now, under the realm of I have heard everything, I think it was suggested earlier we have a supermajority for spending. Let us explore that. But today let us vote yes on this amendment.

Mr. WATT of North Carolina. Mr. Speaker, we have no further requests for time and one final speaker. So if the gentleman from Wisconsin is ready to close, then I will proceed.

Mr. SENSENBRENNER. Mr. Speaker, I encourage the gentleman from North Carolina to recognize his final speaker, and then we can wrap this up.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this debate is always interesting at this time of the year. Every year, for the last 6 years, around April 15, this same or some version of this proposed constitutional amendment has come to the floor of the House, not as a serious legislative initiative, because I think it has always been acknowledged that there is not sufficient support for such a constitutional amendment. Instead, it comes to the floor as a political vehicle to dramatize and have a discussion about whether taxes are too high or whether the expenditures are out of control.

We have a political discussion in the context of a proposed constitutional amendment.

□ 1245

I want to submit to my colleagues, however, that this is not a discussion about whether taxes are too high or not. If you ask probably 10 out of 10 people on the street whether taxes are too high, all 10 of them will tell you taxes are too high. It is not a discussion about whether we spend too much money. I am sure there are people who will have varying opinions about whether the Federal Government spends too much money. My experience has been that they typically vary based on whether the money is being spent for the benefit of the individual who is taking a position or whether it is being spent for the benefit of somebody else. If money is being spent for your benefit, then most likely you are going to support that expenditure, and if it is not being spent for something that you believe is beneficial to yourself or to the country, then you are going to oppose that. So this is not a debate about whether we spend too much either.

I think it is a debate about democratic rule and democracy and majority rule, because there are only two instances in our Constitution where a supermajority such as this is required. That is to declare war, which we seldom use because the Presidents have decided that you do not even need a supermajority to do that and that is not a good idea, so there has been this constant struggle between the executive branch and the legislative branch even in that area. And the other is to amend the Constitution, which brings me to this point. I think our Founding Fathers recognized that there needs to be something special to require a two-thirds majority, because the idea of majority rule was almost synonymous with the concept of democracy and they did not want to do anything that was contrary to that principle.

Now, my colleagues who continue to profess to me that they are conservatives seem to have forgotten that there is something conservative about the concept of majority rule. They seem to have forgotten that there is something conservative about maintaining the integrity of our Constitution.

In 1994, when my Republican colleagues took over the majority in the House in the 104th Congress, we had a total of 118 proposed constitutional amendments. In the next term of Congress under their control, we had a total of 86 proposed constitutional amendments. In the last term of Congress, we had a total of 52 proposed constitutional amendments. Now, these are the people who came in here telling me that they believed in some conservative philosophy. These are the people who are now telling me that somehow or another they have a better idea about this than the historical founders have had. I am a little confused by this. There is something else going on here.

I think this is about democracy. I think this is about democracy, and I think it is about my ability to represent the constituents who have sent me here on an equal footing with everybody else in this body. It is not about winning and losing a vote. It is about every individual in this country having the right to have an equal voice in the government. That is why we redistrict and do a census and based on that census redistrict the whole country every 10 years, to go out of our way to provide every American an equal voice in our government. And when we set up a system in our Constitution that on one subject, such as taxes or spending or whatever else interrupts that balance, requires some supermajority, then basically what we are saying is we are devaluing the representation of some Members of this body, and we are overvaluing the representation of other people.

Now, I am not going to argue with the notion of whether taxes are too high, but I do not think that is what this debate is about. If you go out on the street and you ask 10 people whether they believe that a basic tenet of democracy is majority rule, I bet you 10 out of 10 of them will tell you they believe in majority rule and they believe in the democracy that we have put in place. That is what this debate is about, my colleagues. That is what this debate is about, whether I am going to give you more power in the government to make this decision or whether I am going to have an equal place on behalf of the constituents who sent me here to cast a vote that has equal value to yours.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be very brief. This amendment is very simple. It makes it harder for Congress to raise taxes. It requires Congress to put fiscal discipline on itself so that if there are loopholes closed, the tax relief would be given to the American people rather than being spent on some type of proposal that maybe the American people would not approve of.

The original Constitution written by James Madison prohibited direct taxes except "in proportion to the census, or enumeration hereinbefore directed to be taken."

When the Congress attempted to pass an income tax in the late 1890s, the Supreme Court declared it unconstitutional. On February 13, 1913, the 16th amendment was ratified by the several States and became a part of our Nation's Constitution which specifically gave the Congress the power to lay and collect taxes on income from whatever source derived without apportionment among the several States and without regard to any census or enumeration. Since that time, boy, have those income taxes taken off. With the constitutional amendment ratified in 1913, the heavy hand of the Congress and of the Federal Government has dipped deeper and deeper into the pockets of the people of the United States of America, so that today Federal income taxes as expressed as a percentage of gross domestic product are higher than at any time in the peacetime history of our country, including during World War II in many of the years.

So I guess the question is really simple. Given the track record of Congress since 1913, do we want to continue making it easy for Congress to raise taxes? Or do we want to force Congress to cut spending, to have better priorities, and then to attempt to achieve a national consensus to raise taxes as a last resort? Because a two-thirds vote does require a national consensus to be formed.

I would hope that the Members of the House would approve this constitutional amendment and send it to the other body, because it will send a message that this Congress is serious about making it tough for future Congresses to raise taxes and to force them to set priorities in spending the public's money, not the Congress' money but the public's money.

I ask for an aye vote.

Mr. UDALL of Colorado. Mr. Speaker, here it comes again.

I was a newly-elected Member of Congress the last time we debated this proposed constitutional amendment—but I was told that the House had already considered it more than once.

So, it was no surprise that the debate about it sounded very rehearsed. I got the impression—and it has only been strengthened today—that many Members have heard all the arguments before. And I am pretty sure the debate will not change many minds about the proposal.

But, as I said last time, this resolution strikes me as one of the oddest pieces of legislation that I've encountered—and I think it's one of the worst.

For one thing, while I'm not a lawyer it seems clear to me that the language of the proposal is an invitation to litigation—in other words, to getting the courts involved even further in the law-making process.

To say that Congress can define when a constitutional requirement would apply, provided that the Congressional decision is "reasonable," is to ask for lawsuits challenging whatever definition might be adopted.

Aren't there enough lawsuits already over the tax laws? Do we need to invite more?

But more important, I must oppose this proposal because it moves away from the basic principle of democracy—majority rule.

If this were part of the Constitution, there would be another category of bills that would require a two-thirds vote of both the House and the Senate.

That's bad enough as it applies here in the House, but consider what that means in the Senate. There, if any 34 Senators are opposed to something that takes a two-thirds vote, it cannot be passed. And, of course, each state has the same representation regardless of population.

Consider what that means if the Senators in opposition are those from the 17 States with the fewest residents.

Looking at the results of last year's census, the total population of the 17 least-populous states is about 21 million people.

That's a respectable number, but remember that the population of the country is more than 280 million.

So, what this resolution would do would be to give Senators representing about 7 per cent of the American people the power to block some kinds of legislation—even if that legislation has sweeping support in the rest of the country, and even if it had passed the House by an overwhelming margin.

Right now, that kind of supermajority is needed under the Constitution to ratify treaties, propose constitutional amendments, and to do a few other things.

But this resolution does not deal with things of that kind. It deals only with certain tax bills—bills that under the Constitution have to originate here, in the House. Those are the bills that would be covered by this increase in the power of Senators who could represent such a very small minority of the American people.

Why would we want to do that? Are the proponents of this constitutional amendment so afraid of majority rule? Why else would they be so eager to reduce the stature of this body, the House of Representatives, as compared with our colleagues in the Senate?

Remember, that's what this is all about—"internal revenue," however that term might be defined by Congress or by the courts. When Congress debates taxes, it is deciding what funds are to be raised under Congress's Constitutional authority to "pay the debts and provide for the common defense and general welfare of the United States." Those are serious and important decisions, to be sure, but what is wrong with continuing to have them made under the principle of majority rule—

meaning by the members of Congress who represent the majority of the American people?

So, Mr. Speaker, I cannot support this proposed change in the Constitution. Our country has gotten along well without it for two centuries. It is not needed. I would not solve any problem—in fact, it probably would create new ones—and it would weaken the basic principle of democratic government, majority rule. It should not be approved.

Mr. STARK. Mr. Speaker, this bill will hamstring Congress in an unprecedented manner.

Requiring a two-thirds majority essentially renders Congress unable to increase revenues, as demonstrated by the five major deficit reduction measures enacted between 1982 and 1993. None of these bills passed by a two-thirds majority, yet a majority of this representative body found them necessary to reduce the federal debt and balance the federal budget.

This bill will hurt federal programs when the baby boom generation begins to retire. This could lead to steep reductions in Medicare and Social Security benefits, not to mention other needed federal programs.

Congress needs to impose balance in its budgets but this would be made impossible by requiring a two-thirds majority. Everybody likes the benefits that the federal government provides but nobody likes to pay for them. So it's always easy for a Member of Congress to reduce taxes, yet very difficult to increase taxes—even under a bill that requires a simple majority vote.

A two-thirds majority would be required of any bill seeking to raise federal tax revenues. This includes taxes on corporations that find loopholes to lower their effective tax rates. This also includes businesses that we find pollute the environment. Just last year, the Institute on Taxation and Economic Policy found that forty-one of Fortune's top 250 U.S. companies paid less than zero in federal income taxes at some point between 1996 and 1998. This means that rather than paying the $9 billion in federal income tax, as required by the 35 percent statutory corporate tax rate, these companies generated so many excess tax breaks that they received rebate checks from the U.S. Treasury totaling $3.2 billion. One astute University of Miami Law School professor accurately depicted today's bill as the "Tax Loophole Preservation Amendment to the Constitution."

The legislation before us today would mean that corporate welfare could continue to flourish at the expense of American seniors who risk decreased Social Security and Medicare benefits with passage of this devastating bill. This is too big a gift to give to corporate America when we need more money for our children's education, and we need a Medicare prescription drug benefit for our seniors. I urge my colleagues to allow Congress to continue its prescribed work in devising and enacting an annual budget that includes increasing revenues in the same manner as it decreases revenues—by a simple majority vote.

I urge a "not" vote on H.J. Res. 41.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to wholeheartedly support House Joint Resolution 41, the Tax Limitation Constitutional Amendment of 2001. I am happy to be an original co-sponsor of this legislation and hope that one day we can see this safeguard in place in order to protect the wallets and pocketbooks of American taxpayers.

The biggest things in life are usually the hardest things to accomplish. The same is true with law and government. Going to war. Impeaching a president. Overriding a veto. So, too, should raising taxes. It should be difficult to raise taxes. Our system of checks and balances can look out for the average taxpayer if the tax limitation amendment were indeed the law of the land.

Over one third of the population of this nation lives in states with tax limitation amendments.

President Clinton's tax hike in 1993—the largest tax increase in American history—would have died a miserable death if the tax limitation amendment existed back then.

If we really need to raise taxes, if we really need to generate more revenue than we are already collecting, then two-thirds of Congress will do the will of the people. If there is a war, there is an exception. But raising taxes ought to be the very last resort taken in order to solve a fiscal problem.

We need to make it harder for Congress to raise taxes. We need to pass the Tax Limitation Constitutional Amendment.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of House Joint Resolution 41. This joint resolution requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a de minimis amount. The resolution also allows Congress to waive the supermajority requirement to pass a tax increase (1) during a period of declared war between the U.S. and another country, or (2) when Congress and the president enact a resolution stating that the U.S. is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be in force for no longer than two years after its enactment.

Mr. Speaker, H.J. Res. 41 provides a simple mechanism to curb wasteful and abusive government spending by restraining the government's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The more it spends, the more it needs. The Tax Limitation Amendment will ensure that when the government needs money, it will not simply look to the American people to foot the bill.

A Constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This Constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure government programs are run as effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their money.

Mr. Speaker, Once and for all, it is time for Washington to get off the American people's backs and out of their pockets.

I thank my colleague, Mr. SESSIONS, and I urge my colleagues to support House Joint Resolution 41.

Mr. OTTER. Mr. Speaker, I rise today in support of H.J. Res. 41, the Tax Limitation Amendment to the United States Constitution. This legislation will protect the American people from runaway government spending and keep Uncle Sam out of America's pocketbook.

This Amendment demonstrates the respect this Congress has for the states and taxpayers of the United States. Today, the United States taxpayer faces the highest tax burden ever. I am pleased to have joined a bi-partisan majority in passing President Bush's tax relief package a few weeks ago. But the measure we take up today in the House is a longer-term solution to keep our taxes in check. No longer will a determined, razor-thin majority be able to force through tax increases against the will of the people. In 1993 this country was subjected to massive tax increases that passed each House by a single vote.

I believe that if Washington, D.C. really thinks a tax increase is necessary, we should be able to convince the representatives of ⅔ of the states. We require a ⅔ vote of Congress to change the constitution, we require a ⅔ vote to overturn the President's veto, we require ⅔ votes for many important votes. Shouldn't we recognize that to working Americans, how much Washington takes away is the most important issue of all? I am proud to vote for this amendment, and I will recommend its passage to the legislature of my home state of Idaho.

Mr. NADLER. Mr. Speaker, I oppose the constitutional amendment before us because it is flawed and fundamentally anti-democratic. As the ranking Democratic member of the subcommittee of jurisdiction over constitutional amendments, I also want to register my strong objection to the manner in which the majority has once again disregarded regular order and proceeded without any hearings or subcommittee consideration. I would hope that our fundamental governmental document would merit more respect and care.

H.J. Res. 41 disregards the constitutional principle of majority rule, requiring instead, a two-thirds "super majority" vote to raise taxes. The only exceptions to the super majority requirement are: bills that do not increase taxes by more than a "de minimis amount"; when a declaration of war is in effect; or when the United States is engaged in a "serious military conflict" that causes an "imminent and serious threat to national security."

James Madison, in The Federalist Papers No. 58, warned against such super majorities, stating that, under such a requirement, "the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority." For example, based on data from a 1996 U.S. Census report, Senators representing only 7.3% of the U.S. population could prevent a tax bill from obtaining the two-thirds super majority required to pass. And the bill would require a far larger vote count to raise taxes than to lower taxes.

This "one way ratchet" mechanism dilutes a member's vote on tax bills that are central and fundamental to the workings of our government. Although the sponsors point out that it is not unprecedented to provide in the Constitution for a two-thirds vote for certain significant actions, such as overriding a presidential veto or congressional impeachments, in the 104th Congress, the then Chairman of this Committee stated "I am troubled by the concept of divesting a Member of the full import of his or her vote. You are diluting the vote of Members by requiring a supermajority . . . it is a diminution. It is a disparagement. It is a reduction of the impact, the import, of one man, one vote."

H.J. Res. 41 is designed to benefit the wealthy and powerful at the expense of the average American family and the poor. This constitutional amendment makes it difficult to close unfair tax loopholes that benefit the powerful corporations and wealthiest Americans, requiring a two-thirds supermajority to do so. For example, the amendment makes it difficult to curb "corporate welfare" and cut unproductive tax expenditures that grant subsidies to powerful special interests. Yet, according to a recent editorial in the Washington Post, "when the baby boomers begin to retire . . . the country will be in an era of fiscal strain. To avoid destructive deficits, there will have to be tax increases and/or spending cuts. By making it harder to increase taxes, this amendment would compound the pressure on the major spending programs: Social Security, Medicare, Medicaid and the rest." This is wrong, Mr. Speaker; and I think that we ought not to allow it.

This amendment would also endanger important excise taxes that fund public safety and environmental programs whose extension would be subject to a supermajority vote. Many such excise taxes are dedicated to purposes such as transportation trust funds, Superfund, compensation for health damages, taxes on alcohol, tobacco, and pensions, as well as a variety of environmental taxes.

The amendment is also vague and runs the risk of transferring authority from the Congress to the courts. For example, the amendment fails to define the term "internal revenue laws" to which super majority votes would apply, and also fails to define the term "de minimis" to which super majorities do not apply. These vagaries would empower the courts to divine the congressional intent on tax issues that are not the province of the courts, and would bring the courts into fundamental policy disputes that are strictly the province of the Congress.

Finally, the majority has recognized just how unworkable a supermajority requirement can be. On at least six separate occasions waived its own House rules requiring such super majorities to increase taxes where it suits their needs. For example, during consideration of the Contract with America Tax Relief Act in 1995 the majority waived the currently necessary three-fifths majority rule needed to raise taxes. This is wrong.

This legislation would end the ability of the American people, acting through their representatives in Congress, to decide how they want to raise and spend their own money. The democratic principle of one person, one vote is before us today. I believe that we must protect it for this generation, and for generations to come.

Mr. BEREUTER. Mr. Speaker, this Member rises in principled opposition to House Joint Resolution 41, the so-called "tax limitation" constitutional amendment. Certainly it would be more politically expedient to simply "go along" and vote in support of a constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, as a matter of principle and conscience, this Member cannot do that.

As this Member stated when a similar amendment was considered by the House in the past, there is a great burden of proof to be borne for any deviations from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proposed amendment to the U.S. Constitution is consistent or complementary to this important principle.

There should be no question of this member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such a balanced budget. In my judgment, tax increases should not be employed to achieve a balanced budget; balanced budgets should be achieved by economic growth and, as appropriate, tax cuts. That is why this Member in the past has supported the inclusion of a supermajority requirement for tax increases in the Rules of the House. However, to go beyond that and amend the Constitution is, in this Member's opinion, inappropriate and, therefore, the reason why this Member will vote against House Joint Resolution 41.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). Under House Resolution 118, an amendment in the nature of a substitute, if printed in the CONGRESSIONAL RECORD and if offered by the minority leader or his designee, would be in order at this point. The Chair is aware of no qualifying amendment.

Pursuant to House Resolution 118, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 189, not voting 11, as follows:

[Roll No. 87]

YEAS—232

Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCarthy (NY)
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)

Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gillmor
Gonzalez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Rush
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Capps
Cooksey
Gutierrez
Hall (OH)
McHugh
Moakley
Moran (VA)
Roybal-Allard
Smith (TX)
Vitter
Watts (OK)

□ 1322

Messrs. FORD of Tennessee, CUMMINGS, TURNER, ACKERMAN, and THOMAS changed their vote from "yea" to "nay."

Messrs. PORTMAN, BARTLETT of Maryland, and McKEON changed their vote from "nay" to yea."

So, two-thirds not having voted in favor thereof, the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained and missed the vote on final passage of H.J. Res. 41, the Tax Limitation Constitutional Amendment (recorded vote No. 87). If I had not been detained, I would have voted "aye" on this important bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A NEW CHINA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, President Bush deserves much credit for the handling of the spy plane crisis. However, he has received significant criticism from some of his own political supporters for saying he was very sorry for the incident. This seems a very small price to pay for the safe return of 24 American military personnel.

Trade with China, though, should be credited with helping to resolve this crisis. President Bush in the diplomatic handling of this event avoided overly strong language and military threats which would have done nothing to save the lives of these 24 Americans.

This confrontation, however, provides an excellent opportunity for us to reevaluate our policy toward China and other nations. Although trade with China for economic reasons encourages both America and China to work for a resolution of the spy plane crisis, our trading status with China should be reconsidered.

Mr. Speaker, what today is called "free trade" is not exactly that. Although we engage in trade with China, it is subsidized to the tune of many billions of dollars through the Export-Import Bank, the most of any country in the world.

We also have been careless over the last several years in allowing our military secrets to find their way into the hands of the Chinese government. At the same time we subsidize trade with China, including sensitive military technology, we also build up the Taiwanese military, while continuing to patrol the Chinese border with our spy planes. It is a risky, inconsistent policy.

The question we must ask ourselves is how would we react if we had Chinese airplanes flying up and down our coast and occupying the air space of the Gulf of Mexico? We must realize that China is a long way from the U.S. and is not capable nor is showing any signs of launching an attack on any sovereign territory of the United States. Throughout all of China's history, she has never pursued military adventurism far from her own borders. That is something that we cannot say about our own policy. China traditionally has only fought for secure borders, predominantly with India, Russia, Japan, and, in Korea against the United States, and that was only when our troops approached the Yalu River.

It should not go unnoticed that there was no vocal support from any of our allies for our spy missions along the Chinese coast. None of our allies bothered to condemn the action of the Chinese military aircraft, although it technically was cause of the accident.

Do not forget that when a Russian aircraft landed in Japan in 1976, it was only after many months we returned the plane to Russia, in crates.

Although there is no doubt that we technically have legal grounds for making these flights, the question really is whether or not it is wise to do so or necessary for our national security. Actually, a strong case can be made that our national security is more threatened by our patrolling the Chinese coast than if we avoided such flights altogether.

After a half century, it is time to reassess the need for such flights. Satellite technology today gives us the ability to watch and to listen to almost everyone on Earth. If there is a precise need for this type of surveillance for the benefit of Taiwan, then the Taiwanese ought to be involved in this activity, not American military personnel.

□ 1330

We should not feel so insecure that we need to threaten and intimidate other countries in order to achieve some vague psychological reassurance that we are still the top military power in the world. This is unnecessary and may well represent a weakness rather than a strength.

The Taiwanese Relations Act essentially promises that we will defend Taiwan at all costs and should be reevaluated. Morally and constitutionally a treaty cannot be used to commit us to war at some future date. One generation cannot declare war for another. Making an open-ended commitment to go to war, promising troops, money and weapons is not permitted by the Constitution.

It is clear that war can be declared only by a Congress currently in office. Declaring war cannot be circumvented by a treaty or agreement committing us towards some future date. If a previous treaty can commit future generations to war, the House of Representatives, the body closest to the people, would never have a say in the most important issue of declaring war.

We must continue to believe and be confident that trading with China is beneficial to America. Trade between Taiwan and China already exists and should be encouraged. It is a fact that trade did help to resolve this current conflict without a military confrontation.

Concern about our negative trade balance with the Chinese is irrelevant. Balance of payments are always in balance. For every dollar we spend in China, those dollars must come back to America. Maybe not buying American goods as some would like, but they do come back as they serve to finance our current account deficit.

Free trade, it should be argued, is beneficial even when done unilaterally, providing a benefit to our consumers. But we should take this opportunity to point out clearly and forcefully the foolishness of providing subsidies to the Chinese through such vehicles as the Export-Import Bank. We should be adamantly opposed to sending military technology to such a nation or to any nation, for that matter.

It is interesting to note that recent reports reveal that missiles coming from Israel and financed by American foreign aid were seen on the fighter plane that caused the collision. It should be equally clear that arming the enemies of our trading partners does not make a whole lot of sense either. For American taxpayers to continue to finance the weaponry of Taiwan and to maintain an open commitment to send troops if the border dispute between Taiwan and China erupts into violence is foolhardy and risky.

Don't forget that President Eisenhower once warned that there always seems to be a need for a "monster to slay" in order to keep the military industries busy and profitable. To continue the weapons buildup, something we are always engaged in around the world, requires excuses for such expenditures—some of these are planned, some contrived, and some accidental.

When we follow only a military approach without trading in our dealings with foreign nations, and in particular with China, we end up at war, such as we did in the Korean War. Today, we are following a policy where we have less military confrontation with the Chinese and more trade, so relations are much better. A crisis like we have just gone through is more likely to be peacefully resolved to the benefit of both sides. But what we need is even less military involvement, with no military technology going to China and no military weapons going to Taiwan. We have a precise interest in increasing true free trade; that is, trade that is not subsidized nor managed by some world government organization like the WTO. Maintaining peace would then be much easier.

We cannot deny that China still has many internal moral, economic and political problems that should be resolved. But so do we. Their internal problems are their own. We cannot impose our views on them in dealing with these issues, but we should be confident enough that engaging in free trade with them and setting a good example are the best ways for us to influence them in coming to grips with their problems. We have enough of our own imperfections in this country in dealing with civil liberties, and we ought not to pretend that we are saintly enough to impose our will on others in dealing with their problems. Needless to say we don't have the legal authority to do so either.

During the Cuban missile crisis a resolution was achieved under very dangerous circumstances. Quietly, President Kennedy had agreed to remove the missiles from Turkey that we pointed at the Soviets, making the point that American missiles on the Soviet borders was not unlike the Soviets missiles on the American borders. A few months later, quietly, the United States removed these missiles, and no one suffered. The Cold War was eventually won by the United States, but our national security was not threatened by the removal of those missiles. It could be argued that the fact that our missiles were in Turkey and pointed at the Soviets was more of a threat to our national security because that motivated the Soviets to put their missiles in Cuba. It would do no harm to our national security for us to quietly, in time, stop the potentially dangerous and unnecessary spy missions that we have pursued for over 50 years along the Chinese border.

James Bamford recently wrote in The New York Times of an episode that occurred in 1956 when Eisenhower was president. On a similar spy mission off the Chinese coast the Chinese Air Force shot down one of our planes, killing 16 American crewmen. In commenting on the incident President Eisenhower said, "We seem to be conducting something that we cannot control very well. If planes were flying 20 to 50 miles from our shores we would be very likely to shoot them down if they came in closer, whether through error or not."

We have been pursuing these missions near China for over 50 years. It's time to reconsider the wisdom and the necessity of such missions, especially since we are now engaged in trade with this nation.

Bellicose and jingoistic demands for retaliation and retribution are dangerous, and indeed are a greater threat to our national security than relying on satellite technology for gathering the information that we might need. A policy of peaceful, non-subsidized trade with China would go a long way to promoting friendly and secure relations with the Chinese people. By not building up the military arsenal of the Taiwanese, Taiwan will be forced to pursue their trade policies and investments with China, leading to the day where the conflict between these two powers can be resolved peacefully.

Today, it looks like there's a much better chance of North and South Korea getting together and solving their dispute than was the case in the 1950s, when we sent hundreds of thousands of troops and millions of bombs to resolve the conflict—which was unsuccessful.

We should have more confidence that peaceful trade is a much stronger weapon than all the military force that we can provide. That same argument can be made for our dealings with Vietnam today. We did not win with weapons of war in the 1960s, yet we are now much more engaged in a peaceful trade with the people of Vietnam. Our willingness over the past hundred years to resort to weapons to impose our will on others has generally caused a resentment of America rather than respect.

It is now time to reassess our entire foreign policy of military worldwide intervention. Staying neutral in world conflicts while showing a willingness to trade with all nations anxious to trade with us will do more to serve the cause of world peace than all the unnecessary and provocative spy missions we pursue around the globe.

I recommend the following article by Orlando Sentinel columnist Charley Reese for its sober analysis of the recent events of China.

[From the Orlando Sentinel, April 22, 2001]

SO YOU WANT TO GO TO WAR WITH CHINA?

(By Charley Reese)

I've been intrigued by the responses to a column I wrote suggesting that our China policy ought to be spelled out and submitted to the American people for approval.

First, some people irately took issue with my calling the airplane a "spy plane." It is not, they stoutly contend, because it is overtly intercepting electronic signals.

Let's suppose a clearly marked police van parked on the public street in front of your house. Let's suppose the officers began to intercept your telephone calls, whatever information appeared on your computer screen and even your verbal conversations. Now, would you feel spied upon or would you say, "Hey, that's only electronic intercepts, and they are operating openly on a public street."

Then there is the more logical argument that we need to spy on the Chinese in case we have to fight them. My point exactly. Why do we have to fight them?

We certainly should not fight them over Taiwan. Our own beloved Jimmy Carter unilaterally abrogated the mutual-defense treaty. Our own tough anti-Communist Richard Nixon publicly agreed that Taiwan is part of China and, therefore, falls under the category of China's internal affairs. What's to fight about?

If Taiwan declares its independence, I would expect Chinese leaders would emulate Abraham Lincoln and use force to prevent it. For all my little old Southern life, I've heard Yankees say Lincoln was right. What's good for Honest Abe is good for Honest Jiang, right?

Then there is the argument that we must not lose our position as a "Pacific power." Geographically, since we granted independence to the Philippines, we are not a Pacific power.

I see no reason why we should wish to be a Pacific power in a military sense. What's to be gained?

The two natural Pacific powers are Japan and China.

The funniest response has been alarm about China's "military buildup." I would say that if China did not engage in a military buildup after watching the United States go bomb and missile crazy during the past 20 years that it would be derelict in its duty. But let's keep this in perspective. The Chinese have about 20 ICBMs; we have hundreds. Their defense expenditures are somewhere around $50 billion; ours, in excess of $268 billion.

Furthermore, Chinese strategy, as discussed in their own military journals, is to develop the ability to defeat us in their immediate vicinity. That means clearly that if we keep our nose out of their affairs, no military clashes are likely to occur.

Civilians, too, need to be reminded that military forces are about making war. We should never have changed from the honest name, War Department, to the Newspeak name, Defense Department. Armed forces are either fighting wars, training to fight wars or planning to fight wars. That's what they do.

It's also what the military forces of every other country do. Just because a country's military makes contingency plans to fight some other country doesn't mean that they intend to initiate a war.

Unfortunately America is full of jingoists, usually pot-bellied gray-hairs or 4-F journalists and policy wonks. They are always eager for the teens and twentysomethings to go somewhere and get killed or maimed. In most cases, within five years of their youthful deaths, nobody can remember why they had to get killed.

Korea ended up divided exactly the same way after the war as before the war. Vietnam became communist, which it could have become without 57,000 Americans dying in it. We went to war presumably to preserve the oil contracts with Kuwait Inc., and now Americans are driving around with gasoline refined from Iraqi oil.

As for you "love-it-or-leave-it" blockheads, you leave it and go fight instead of sending someone else if you are such grand warriors. What I love are the people and the land, not the government.

The lives of a nation's youth are its most precious treasure, and I'm damned if I will stay silent while armchair generals propose to risk that treasure in some stupid, ignorant, corrupt or unnecessary war.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, there is a lot of partisan bickering that goes on in Washington these days. Unfortunately, our constituents are often caught in between us, between the Democrats and the Republicans. They are literally caught in the ropes, strangled by our inability, especially on health care.

An issue as important as quality, affordable and accessible health care is not and should not be a political game played by the Democrats or the Republicans. It ought to be about what is best for the American people, the people who have placed their trust and confidence in us.

Over these past 19 days, I have participated in more than 60 events in my district, as many of my colleagues did during the district work period. All across Arkansas' Fourth District, my constituents told me about the health care crisis they face each and every day in their lives.

A health care issue about which I care deeply is providing a voluntary, but guaranteed prescription drug benefit as a part of Medicare. I believe it is time to modernize Medicare to include medicine. Medicare is the only health insurance plan in America that I know of that does not include medicine, yet it is the plan that nearly every single senior citizen in America relies on day in and day out to stay healthy and to get well.

Mr. Speaker, I own a pharmacy in a small town in south Arkansas, and living in a small town and working with seniors there, I know firsthand how seniors end up in the hospital running up a $10,000 Medicare bill, or how diabetics eventually lose a leg or require perhaps as much as a half a million dollars in Medicare payments for kidney dialysis. All of these instances are real-life examples that I have seen in my hometown in the small pharmacy that I own back there that I used to work at. Every one of these could have been avoided if people had simply been able to afford their medicine or if they had been able to afford to take it properly.

I did a town hall meeting this past week in Hot Springs, Arkansas, one of the more affluent counties and cities in my district. We had more than 100 seniors at that meeting that I conducted in conjunction with the National Committee to Preserve Social Security and Medicare. At that meeting, we said, raise your hand if you have medicine coverage. Less than 10 hands went up in that room.

This is America, and I believe we can do better than that by our seniors, and that is why I will continue to fight to truly modernize Medicare to include medicine, just like we include doctors' visits and hospital visits. It should be voluntary, but guaranteed, and it should be a part of Medicare.

That is why the first bill I introduced as a Member of the United States Congress was a bill that basically tells the politicians in Washington to keep their hands off the Social Security and Medicare Trust Funds. It is the Social Security and Medicare Off-Budget Lockbox Act of 2001, H.R. 560.

Also, during the district work period, I visited a Christian charitable medical clinic in my district, again in Hot Springs, one of the more affluent cities and counties in my district. At that facility, they literally spend millions of dollars with over 500 volunteers equaling millions of dollars in providing care for those who fall through the cracks. They only see those who live below poverty. That is all they see, people who live below poverty and yet do not qualify for Medicaid or any of the other programs. By and large, we are talking about the working uninsured, people that are trying to do the right thing, people that are trying to stay off welfare, but they are working the jobs that have no benefits.

Mr. Speaker, I relish the opportunity to fight against the unfair inequities that have created an enormous uninsured population and fight against the big drug companies who continue to price Americans out of the market. It is wrong for the big drug manufacturers to invent drugs in America, oftentimes with government-subsidized research. They are invented in America, they are made in America, and then they send them to Canada and Mexico and sell them for 10 cents on the dollar. That is wrong. That is why I am proud to be cosponsoring legislation that tells the big drug manufacturers that whatever the average price that they sell to other countries is, they have to provide that price to our seniors back in America, one of many first small steps that we must take to finally have a voluntary guaranteed Medicare prescription drug package for every single senior citizen in America.

APRIL IS CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, I rise today to remind my colleagues that the month of April is Child Abuse Prevention Month. I have been heartened to see so many of my colleagues in Congress and members of my community in Mississippi wear the blue ribbons. This simple act has solidified support and raised attention across the United States to our national concern of child abuse. I am proud to join this effort.

Today I would like to commend the Southwest Mississippi Children's Advocacy Center located in McComb, Mississippi for its fine efforts towards assisting children and families victimized by abuse. This private, nonprofit center was just opened this past January under the excellent leadership of Director Ben Hess, offers a comprehensive program of services, working in conjunction with law enforcement, the court system, schools, hospitals and parents. This center is a model for the coordination of available community services.

One of the cruelest realities of child abuse is that children often feel victimized again in their experience with the criminal justice system. The Southwest Mississippi Children's Advocacy Center assists in minimizing the chaos of this experience by centralizing many necessary services at their center. Children may now have their initial interview, court school preparation, referral for medical services and therapy services all in the confines of this cheerfully decorated, child-friendly center.

The Southwest Mississippi Children's Advocacy Center is also proactive in implementing preventive programming in the 14 counties they serve. Its staff regularly visits elementary schools to teach children how to be better advocates for themselves through classes teaching communication skills, body safety, positive assertiveness and self-esteem. In addition, its positive parenting classes give parents the opportunity to learn effective ways to control anger and handle conflict.

The anger and sadness we all feel towards the insidious epidemic of child abuse has motivated the Southwest Mississippi Children's Advocacy Center into action. I am extremely proud to have such a fine center in our district, and I call on all of my colleagues to rise with me in recognition of its outstanding advocacy for children.

A TRIBUTE TO RICHARD AUSTIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KILDEE) is recognized for 5 minutes.

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a pioneer in Michigan politics, Richard Austin.

Mr. Austin passed away this weekend at Henry Ford Hospital in Detroit.

The story of Richard Austin's life is a story of the American dream. It is certainly a story of many firsts and many accomplishments.

Born in 1913 in Alabama, Austin's coal miner father passed away when he was only 11 years old. His family moved to Detroit.

He had to give up a scholarship to Wayne State University in order to support his family.

But he continued to take night classes at the Detroit Institute of Technology while working full time selling and repairing shoes.

In 1941, Austin became the first African-American certified public accountant in Michigan. He made a point of hiring other African-American accountants in his business.

In 1969, he was the first African-American to run for the office of mayor of Detroit.

Although he lost that race for mayor, the next year, he ran successfully to be Michigan's first African-American secretary of state, and Michigan's first African-American statewide elected official.

As secretary of state from 1970 to 1994, Richard Austin fought to make Michigan the first state in the Union to enact a mandatory seat belt law.

He also pushed a motorcycle helmet law and simplified the process for renewing driver licenses.

One of his greatest accomplishments was the passage of Michigan's 'motor-voter' law.

Once again, Michigan was the first state to put in place this system which allows people to register to vote at the same time and place they renewed their driver licenses.

The national motor voter law was not enacted until 18 years later.

Mr. Speaker, Richard Austin was more than a pioneer in Michigan politics and a leader in national highway safety and voter registration.

Above all, Mr. Speaker, what made Richard Austin such a special and rare individual was his strong sense of decency, integrity and grace.

Our thoughts and our prayers are with his wife of 61 years, Ida, and his daughter, Hazel.

A TRIBUTE TO DOUG JAMERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to a longtime friend of mine who passed away this weekend, Mr. Doug Jamerson. He was a former Florida Education Commissioner, Secretary of Labor, and State Representative. He was 53 when he died from cancer this weekend.

Mr. Jamerson was a lively and forceful man. He was a true educator and a great leader. In 1982, Mr. Jamerson and I were both elected to the Florida House of Representatives, where we served together for 10 years. He was a wonderful family man and he is survived by his wife Leatha and his son Cedric. Jamerson was a true Democrat who championed the cause of quality education for all children. He was a close friend of mine, a friendship that we developed when he was elected to the Florida House of Representatives in 1982. For 11 years he represented District 55, which covered South Pinellas County and a small part of Manatee County.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK) who served with Mr. Jamerson along with myself.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me. The gentlewoman from Florida (Ms. BROWN), Doug Jamerson and myself served together in the Florida Legislature, and today he is gone. Doug Jamerson was a patriot. He was a man who loved Florida and who demonstrated it by serving as Labor Secretary and serving as Commissioner of Education. He showed his true love for Florida.

He was instrumental and a driving force in Florida's Blueprint 2000, Mr. Speaker, and that blueprint is what set Florida on the right track in his educational programs. Doug wanted to see accountability in Florida schools, and he fought very hard for that. He was an Air Force veteran. He served from 1967 to 1971.

Mr. Speaker, I do not think that anyone in the State of Florida who had respect for government and respect for love of the people did not know and did not love Doug Jamerson. He is a known man in the State of Florida. He was a loved man. He leaves a wife and a wonderful son to mourn him and the rest of us who served with him. We loved him very much. He will be remembered throughout our lives and throughout the lifetime of Florida's history as a politician and as a public servant who served both God and his people.

Ms. BROWN of Florida. Mr. Speaker, in closing, when I think of Doug, I think of Paul and his great work. He has done great work for the people of Florida, and we will truly miss him.

Jamerson won a national humanitarian award for helping St. Petersburg recover from racial violence in 1996, when he walked the streets, helping cool emotions. It was a natural extension of his years as a school security guard in the early '70s when he spent hours counseling teens going through desegregation at a Pinellas high school.

His parochial school education taught Jamerson the integrity of discipline and one of his first acts as education commissioner was to advocate the socially leveling effect of wearing uniforms in public schools. The idea sank, but Jamerson's reputation rose as a public servant not given to predictable solutions. He was against both paddling and prayer in schools but said both had a place in a loving home. He was a Democrat who oversaw reduction by 50 percent of the state's education bureaucracy.

Jamerson will be remembered as a gifted man whose genial disposition made it hard for even staunch opponents of his causes to dislike him. He will be missed.

□ 1345

THE BIPARTISAN SENIORS HEALTH CARE BILL OF RIGHTS

The SPEAKER pro tempore (Mr. SHAYS). Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, America's health care crisis affects millions of people, and I rise today on behalf of the 50,000 senior citizens on Long Island who have been kicked out of their Medicare HMOs.

Just 3 years ago, seniors had choices in their medical care. In September of 1999, 12 HMOs offered seniors health plans in my district on Long Island. Now only two remain.

In 1998 and 1999, 700,000 seniors across America were left without coverage when their HMOs decided not to renew their contracts.

This year, HCFA reports that 65 Medicare HMOs did not renew their contracts, leaving an additional 160,000 senior citizens in America with no Medicare HMO option. This is intolerable.

HMOs are choosing not to renew their 1-year contracts because of inadequate and unfair reimbursement rates. They are putting profits ahead of people. Health care should be a right, not a privilege. Ensuring Long Island seniors receive quality care is not a partisan issue; it is common sense. That is why I have been working with my Republican colleague from Long Island on a solution. Our plan, the Seniors' Health Care Bill of Rights, holds HMOs accountable and provides seniors the care they deserve. We will do this by providing carrots and sticks. Our Seniors' Health Care Bill of Rights includes three provisions: first, increase the reimbursement levels to keep HMOs operating in the senior market; second, our bill requires 3-year rather than 1-year contracts. Finally, our bill provides penalties for terminating senior coverage. If HMOs drop senior citizens in the middle of their contract year, they are going to be banned from the very lucrative Federal Employees Health Benefits Plan.

Mr. Speaker, I promised my constituents my very first piece of legislation would be this Seniors' Health Care Bill of Rights. This is only the beginning of the fight for senior health care. Now I ask my colleagues to join me in this fight.

Our senior citizens are the people who built our neighborhoods and schools, paid their taxes, raised their families, and fought our wars. Now it is time to restore the health care choice, access, and quality that they deserve.

Mr. Speaker, I hope that my colleagues will cosponsor the bipartisan Seniors' Health Care Bill of Rights.

TRIBUTE TO MICHIGAN SECRETARY OF STATE RICHARD A. AUSTIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, today I rise and will be joined later by some of my colleagues to pay tribute to a man who was a mentor and a very dear friend, a man who defined the words dignity and respect. I am talking about Michigan's former Secretary of State, Richard A. Austin, who died last Friday at the age of 87.

Dick Austin was a man of great vision and one of Michigan's most distinguished and honored, accomplished statesman. He was Secretary of State for 24 years, having been first elected in 1970 and reelected a record five times. I had the great honor of nominating Dick Austin at three of our party's State conventions, and each time I had to struggle a little harder to try to squeeze it all in because Dick had accomplished that much in the preceding 4 years.

Under Dick Austin's direction, Michigan became a leader in highway safety and voting rights. He brought us one of America's first safety belt laws, spearheaded the drive for child passenger safety legislation, and won awards for his efforts to stop drunk driving. Thousands of people are alive in Michigan today because of Dick Austin's tireless dedication to safety.

Mr. Speaker, he helped to enact a landmark voter registration law that served as a model for other States and paved the way for the eventual passage of the national motor voter legislation. Millions of people in Michigan found it easier to exercise the franchise because of Dick Austin's determination to eliminate barriers to voting.

Dick was a great innovator. He automated the Department of State and transformed a department that consumers were upset about for its agonizing inefficiency. He did that, and made it into one to the best run, best managed and most highly acclaimed departments in the Nation.

Dick Austin was a pioneer in many fields, breaking down barriers with his intellect, self-confidence, and his dedication to hard work. He was the first African American certified public accountant in Michigan. He was the first African American candidate for mayor of Detroit, and the longest serving African American elected to statewide office.

He was born in Stouts Mountain, Alabama, the son of a coal miner who died when Dick was just 11 years old. His family moved to Detroit where he worked his way through school, never letting hardship become an obstacle to success. An academic and track star, he gave up a scholarship to Wayne State University when his family faced hardship. Undaunted, Dick sold and took night classes to earn his degree as a CPA.

Dick Austin was the perfect combination of competence and decency. He was full of charm, and he was as honest as the day is long. He was a gentleman in the truest sense of the word. He served the people of Michigan with grace and dignity. He lived by the values that he preached. He was someone who took to heart the words of the prophet: "To do justice, love kindness, and walk humbly with your God."

In good times and hard times, Richard A. Austin was always there. He was calm, reassuring, standing strong.

Mr. Speaker, to his wife of over 60 years, Ida, and his daughter, Hazel, we send our deep regrets and prayers.

All of us in Michigan will profoundly miss Dick Austin. His memory and sense of justice will carry on for years to come, and the accomplishments of his remarkable life will continue to pave the way.

A TRIBUTE TO REVEREND LEON SULLIVAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, this morning, I received some very disturbing news about the passing of the Reverend Leon Sullivan, founder and Chairman of OIC International.

Reverend Sullivan was a genuine example of civility and social commitment. He was a leader of human rights, and a true humanitarian. He is best known for his advocacy toward obtaining justice to end Apartheid in South Africa. This feat gained him the respect of all of us.

Through his steadfastness and determination, Reverend Sullivan enlightened history and impacted the world with his grace. He came to this earth with a bright inner glow and a spirit filled with light. Reverend Sullivan had a powerful soul and a judicious conscience. His desire to make a difference in the lives of others will be preserved now in our many memories of him. He was a true example of a public servant, and it was through his vision that many people became familiar with his love for hope and compassion for the welfare of people in underserved nations.

Reverend Sullivan was credited by President Clinton with The Eleanor Roosevelt Human Rights Award, and was the author of the "Sullivan Principles" which will serve as part of his stellar legacy. I have no doubt that the Reverend will continue to work for the benefit of humanity from his eternal state. His faith in humanity brought inspiration to our society. As a poet once said "Do not weep because they are gone, smile because they lived". Today we honor Reverend Sullivan with our everlasting gratitude and admiration. For those who have lived and not just existed, we must remember to carry on their messages. Reverend Sullivan's words will linger beyond existence, for time does not abandon immortals.

CONGRATULATING HAWAII'S 2ND DISTRICT PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I wish to congratulate four remarkable young women from Hawaii: Lauren Noelani Calhoun, age 16, of Kapaa on the island of Kauai; Celinda Stanton, age 11, of Waimanalo on the island of Oahu; Tessa Munekiyo of Wailuku on the island of Maui, and Kauilani Ostrem of Kaawa on the island of Oahu.

Lauren and Celinda are Hawaii's top two youth volunteers for the year 2001 in the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. They have each been awarded an engraved silver medallion, a $1,000 award, and a trip to Washington, DC for the program's national recognition event. Hawaii's Distinguished Finalists—Tessa and Kauilani—have been awarded engraved bronze medallions.

Lauren Noelani Calhoun, a junior at Kauai High School, led an effort to establish a homework and learning center for children at a local family abuse shelter. As a volunteer at the shelter, Lauren was disturbed by its often hectic conditions and wondered how the children who stayed there managed to do their schoolwork. She approached the shelter's director with a plan to convert a storage area into a quiet room for the kids to do their homework. After the plan was approved by the director and the shelter's board, Lauren contacted businesses and organizations for donations. She surpassed her goal and raised over $1,500 in addition to many in-kind donations. Lauren purchased furniture, a computer, a printer, software, books, and two sets of encyclopedias for the homework center.

Celinda Stanton, a sixth-grader at St. Andrews, brightened the lives of elderly residents of a long-term care facility by teaching them new skills and providing them with recreational activities. After visiting the facility, where her mother works, Celinda noticed that the residents seemed to enjoy the presence of a young girl and realized she could make a difference in their lives. During her volunteer time at the facility, she entertains the seniors by performing Japanese and Hawaiian dances and helps them play games. She also has taught an 80-year-old woman how to use a computer and regularly assists the staff with recreational activities and filing.

Tessa Munekiyo, age 16, a student at Baldwin High School on the island of Maui assisted in conducting interviews with tsunami survivors as part of a museum educational project.

Kauilani Ostrem, age 17, a senior at Kahuku High School, co-chaired an effort in her community to reduce the number of deaths and accidents on the roadways in her community.

I look forward to having the opportunity to meet Lauren and Celinda and to welcome them to Washington when they come to the Capitol in May. Lauren, Celina, Tessa, and Kauilani exemplify the very best of our youth, of Hawaii, and of our nation.

REFORMS NEEDED IN HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today I have organized my freshman Democratic colleagues to speak out on an issue of great importance to our country, that is, on the issue of health care. I understand that the gentleman from New York (Mr. ISRAEL) has already spoken, and I thank my colleague for his participation.

Mr. Speaker, many of us were elected in large part because we vowed to reform our health care system, to make quality medical care and prescription drugs affordable for all Americans.

Today nearly 44 million Americans under the age of 65, 11 million of whom are children, do not have health insurance.

In the State of Rhode Island, my home, 1 out of 10 people lack health insurance. As we all know, health insurance is critical to obtaining necessary, affordable care. Those without insurance often pay two, even three times more for medical care than an insured person pays for that very same service. The uninsured are hospitalized at least 50 percent more often than the insured for avoidable conditions. They are also more likely to be diagnosed with later-stage cancer than those with insurance. Even newborn infants born to uninsured mothers have a 31 percent greater risk for adverse health outcomes. This inequity in access to medical care reflects the unfair disparity and health care costs the uninsured face on a regular basis.

Mr. Speaker, that is why I plan to introduce legislation to require the Department of Health and Human Services to make substantive recommendations on how to eliminate this disparity and report to Congress within 1 year on these findings.

Another facet of today's health insurance quagmire is the high cost employees must pay for health insurance premiums, so high, in fact, that many opt out of this vital benefit. Over one-third of the uninsured are in families where employer-sponsored coverage is declined, and Medicaid does not always cover these families, which is why I plan to introduce legislation to help States subsidize employees and some of the employers' health insurance premium costs. I want to make sure employed workers are able to obtain the health care coverage that they need and deserve.

A third aspect of health insurance I am deeply concerned about is the lack of prescription drug coverage in Medicare; 13 million Medicare recipients lack drug coverage at the present time. In Rhode Island alone, almost 200,000 of our seniors have no drug coverage; and drugs are not cheap. In 1999, prescription drugs accounted for almost 10 percent of individual health spending. In many cases these prescriptions amount to $500 or more per month. To a senior on a fixed income, this represents a greater share of their monthly check. A disproportionate share, and this is wrong.

With 77 million baby boomers soon to retire, we must curb this trend before it spirals out of control. By requiring drug companies to sell prescription drugs in the United States for the same price they charge in underdeveloped countries, I believe we can alleviate the burden on people lacking drug coverage. I commend the gentleman from Maine (Mr. ALLEN), who has introduced H.R. 1400, of which I am a proud cosponsor, the Prescription Drug Fairness Act for Seniors 2001. This legislation ensures drug companies charge fair prices in the U.S., and it is estimated to reduce prices for brand-name prescription medications on average by 40 percent.

□ 1400

All of these issues that I have mentioned address healthcare affordability, and ensuring and guaranteeing a minimum standard of quality is also important. After all, the health care we must pay for is essential for everyone, and it must provide the care that people need. The Bipartisan Patient Protection Act of 2001, otherwise known as the Patients' Bill of Rights, would ensure patients obtain this quality care and are granted greater control over their health care.

If enacted, this bill would provide access to emergency care, specialty care, and clinical trials and allow external review for all Americans who receive employer-sponsored health care. This bill represents a critical step toward improving our health care system and placing control of patient care firmly in the hands of patients and their doctors.

Disparity in health care costs, lack of affordable health insurance, a prescription drug plan for our seniors, and patients' rights to control the quality of their own medical care are some of the most pressing health care issues facing America today. I urge my colleagues to work together to solve these problems.

Reforming our health care system is probably one of the most complicated endeavors for Congress to undertake. But let us not lose sight of it. It is a goal that we can and must achieve together. It must happen. I look forward to working with all of my colleagues to make this a reality.

TRIBUTE TO FORMER SECRETARY OF STATE OF MICHIGAN, RICHARD H. AUSTIN

The SPEAKER pro tempore (Mr. SHAYS). Under a previous order of the House, the gentleman from Michigan (Mr. LEVIN) is recognized for 5 minutes.

Mr. LEVIN. Mr. Speaker, tomorrow, Thursday, April 26, the funeral services will be held in Detroit for Richard H. Austin, who served six terms as Secretary of State of Michigan.

As the longest serving Secretary of State in Michigan's history, Dick Austin set the highest standard of service to the public. Whether it was highway safety or citizen participation in the electoral process, he was always ahead of his time.

It was my privilege to be a teammate with Dick Austin as I ran for Governor and he began his first quest for statewide office, breaking down barriers confronting candidates for elective office in Michigan. He became the longest-serving black elected State official in the history of Michigan, as he was Michigan's first black CPA and the first black candidate for mayor.

I had the joy many times of campaigning with him, hearing him in his quiet way spelling out his aspirations, and watching the magic worked by his warm smile and his friendly handshake. That smile is now gone, but the memories of it will always linger. His friendliness is now a legacy not to be forgotten.

Dick Austin never let down the public trust, and the citizens of Michigan responded time after time. He was an intrinsic part of the web of public service in Michigan for many decades. He made Michigan a better place, and he will be missed by many of us as a warm friend and by all of us as an invaluable public servant.

Mr. Speaker, we here today join together to mourn the passing of Richard H. Austin.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HONORING THE MEMORY OF RICHARDSON PREYER, FORMER MEMBER OF THE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized for 60 minutes as the designee of the minority leader.

Mr. COBLE. This special order, Mr. Speaker, is to commemorate and honor the memory of one of our distinguished former Members, the Honorable Richardson Preyer.

Judge Preyer, Congressman Preyer, was my congressman for 12 years. His family, Mr. Speaker, and this is probably known to the gentleman from Connecticut (Mr. SHAYS) because he is a man of letters, and this probably will not surprise him, his family was one of the frontiers in the pharmaceutical industry. Vicks VapoRub, for example, was invented, if you will, and the laboratory was actually probably makeshift, probably a modest facility at the time, by his ancestors.

I shared this story with him one day. When I was a member of the Coast Guard in Seattle, Washington, one of my first times out of North Carolina as a young man, I came across a Vicks VapoRub package in a drugstore in Seattle. I saw on that package, Mr. Speaker, Greensboro, North Carolina. That is where it was manufactured. I felt a sense of obvious pride, as my friend in the well is smiling approvingly.

I saw him much years afterward, and I told him that story. He too beamed with pride because I could see in his face the pride of his grandparents perhaps or uncles that preceded him in the development of that drug that became, obviously, a household word.

Mr. Speaker, Richardson Preyer served as a State superior court judge. He served as a United States district judge on the Federal bench. He was a candidate in the Democratic gubernatorial primary for the office of governor. Although he did not win that nomination, he conducted a very credible campaign.

Then in 1968, Mr. Speaker, Richardson Preyer ran what was then an open seat. I guess it was Congressman Kornegay had retired. Richardson Preyer and Bill Osteen, a long-time friend of mine, who is now a United States district court judge himself in the middle district of North Carolina, Rich and Bill, Bill Osteen, paired off in a very spirited, well-conducted campaign. Mr. Preyer, Congressman Preyer was declared the winner; and he went on to serve six terms in the House of Representatives.

Emily and Rich, those names became synonymous with political spousal teamwork. I mean, oftentimes where there was one, there was the other. Or if Rich would be in one part of the district, Emily would be in the other part, carrying the political message. They were very adept campaigners.

In fact, it has been said once that they felt perhaps Emily was, maybe, more comfortable on the hustings than was Rich. I do not know that that is true, but she did have that very natural gift of backslapping. There is nothing wrong with that, because I have been accused of being a backslapper myself. Rich was not a backslapper, but he nonetheless represented our district very ably.

Someone once asked me, Mr. Speaker, "You and Rich Preyer seem to get along very well, and your voting records are probably light years apart." They probably are. I think Rich Preyer's voting record and my voting record would be very dissimilar. But I said, "Just because one does not agree with another on various and sundry political issues, that does not mean that you cannot disagree agreeably."

Rich Preyer, I think epitomized that in his life. He was a very agreeable person although perhaps he did not agree oftentimes with others and with me in particular. But we never drew our sword from our sheaths because of that.

Today, Mr. Speaker, the Federal building, the old Federal courthouse and post office in downtown Greensboro bears the name the Preyer Building. That building, I say to the gentleman from Raleigh, North Carolina (Mr. PRICE), he will remember that that building housed congressional offices, by gosh, probably 30 years. I think Rich's office was there. I know Gene Johnston's was there. Robin Britt's was there. Ours was there.

We had to leave that building some recent months ago as a matter of constituency friendliness. Many of the people who came to call upon me were infirm and were not able to walk the two or three blocks that was necessary to gain admittance to the Preyer Building because there was virtually no on-street parking. So that was a constituency-friendly move, one that I did not want to make. That old building was home to me and to many constituents for that matter. But we did move.

But each time I go back in there, I have fond memories of visiting with staff personnel there. I see that sign, the Preyer Federal Building, and it brings back good memories.

I think that the gentleman from Virginia (Mr. GOODLATTE), Speaker pro tempore, is from the valley, the Shenandoah Valley of Virginia. He probably did not know Mr. Preyer, but he would have liked him. He had many friends, some of whom still serve in this very body.

But I see two of my colleagues, Mr. Speaker, have joined me on the floor.

Mr. Speaker, I yield to the gentleman from Charlotte, North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Greensboro, North Carolina (Mr. COBLE), from the adjoining district for yielding to me. Of course they say most of the districts in North Carolina adjoin mine in one way or another, so I have got a lot of adjoining Congress people. This is the first time I have heard the gentleman from North Carolina (Mr. COBLE) yield to me so much time as I may consume so I think that is a dangerous precedent. But I will try not to make him regret that.

Mr. COBLE. Mr. Speaker, will the gentleman yield very briefly?

Mr. WATT of North Carolina. I am happy to yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I ask the gentleman from North Carolina (Mr. WATT) do not get me in the doghouse with the gentleman from North Carolina (Mr. PRICE). Do not use too much time.

Mr. WATT of North Carolina. Mr. Speaker, I am going to leave plenty of time.

I have been thinking about a way to personalize this. I never served with Representative Rich Preyer. I met him for the first time in 1992 when I was running for Congress for the first time. Rich and his wife Emily had heard about my candidacy. I, of course, had heard about Rich Preyer for years and years and years; and that was the beginning of a strong personal relationship that I started to develop with Rich Preyer and with Emily Preyer.

□ 1415

I was thinking on the way over here, though, when I was a little boy, my mother used to treat us when we got sick with a big dose of castor oil if we had a stomach virus, but if we were congested, and quite often we were because we lived in kind of an airy house, she would always whip out the Vicks VapoRub and rub it on our chest and heat a heating pad and the smell of Vicks VapoRub would come up. Over time it would release whatever congestion you had.

Now, you probably wonder, well, what in the world does that have to do with Rich Preyer? Rich Preyer's grandfather was the person who patented Vicks VapoRub. He turned it into quite a success story financially for his family. So Rich was really born into a family of privilege as a result of his parents' and foreparents' business dealings and as a result of this innovative patent that people in my age range probably knew as well as anything else for its medicinal impact.

Rich never really worked in that business, but in a sense Rich took over that releasing of congestion and took it to a broader public plane. Because when I first heard about Rich Preyer, he was out there on the cutting edge, paving the way, opening the way, so to speak, for many people like myself, minorities in particular, who viewed Rich Preyer as a real progressive, human, dignified person who was willing to fight for principles that he believed in. In that sense, he was a rare public official who took risk and stood up for his beliefs. He was ahead of his time and did not sacrifice his principles for political gain.

As a State judge in 1957, Rich Preyer upheld a ruling that enabled five black children to attend the previously all-white Gillespie Park School in Greensboro. This was 1957 in North Carolina. This was the first integrated school in the City of Greensboro. It was 3 years before the historic Greensboro sit-ins at the Woolworth lunch counters that we have heard so much about and read so much about in our history. So Rich Preyer was ahead of his time.

In 1961, Rich Preyer received a lifetime appointment to the Federal bench from his Harvard Law School classmate, a man of privilege again. His classmate happened to be President John F. Kennedy. So he could have had a lifetime appointment on the Federal bench. He was there. It is a lifetime appointment. But 2 years later, he gave up that position to run for governor of North Carolina. He hoped that he would follow in the footsteps of the term-limited governor Terry Sanford, who was known as the most progressive governor in the South.

For those Members who hear about North Carolina and wonder why it has this kind of progressive image that is more progressive than some of our other southern States, Governor Terry Sanford and people like Rich Preyer were building that image. Even though this was almost 10 years after Brown v. Board of Education, the State of North Carolina, like all other southern States, was still basically segregated. Although Governor Sanford had started steps toward integration efforts, according to Preyer's former press aide, the Ku Klux Klan burned 50 crosses across the State of North Carolina in protest of Rich Preyer's candidacy for governor of the State of North Carolina.

You talk about a man who was ahead of his time, you have not seen anything until you met Rich Preyer. He led the Democratic primary, but he did not get 50 percent of the vote and the law required at that time in North Carolina that you have 50 percent plus 1 to avoid a runoff. So he ended up in a runoff with a more conservative opponent, and the conservative opponent won the election. A lot of people say that he won the election because Rich Preyer refused to distance himself from the principles that he thought were important. They called him an integrationist and a lover of black people. Rich's response was, "I love all people. That is what I have been taught as part of my religious beliefs." And he never made any overtures toward the segregationists who were supporting the candidacy of his opponent. Rich Preyer was ahead of his time.

Rich lost that governor's race and then ran for Congress in 1968, and he was elected to Congress. Many considered him too liberal and out of step with his district. He opposed the Vietnam War and was one of only two Members of Congress from North Carolina to vote for legislation to end the war. This was a guy ahead of his time. Rich's voting record finally caught up with him again, because he was not going to compromise his principles. It caught up with him in 1980, when he lost in the Reagan landslide by about 3,500 votes. Let me tell you what a class guy this Rich Preyer was. He saw it, the election results are coming in, he could have picked up the phone, called his adversary, his opponent and said, "I concede defeat." Rich Preyer said, "No, I'm going over and I'm going to shake this man's hand." He went all the way across town, into his opponent's headquarters, got heckled by his opponent's supporters, and insisted on shaking his opponent's hand to congratulate him.

In 1980, after he had lost that race, former Congressman Steve Neal said of Rich Preyer, "There is not a man or woman among us who commands greater respect for intelligence, honesty, integrity and courage of conviction." I think that is a fitting tribute to him and a shining tribute to him.

I want to end by just expressing my condolences to the Preyer family and thanking the gentleman from North Carolina (Mr. COBLE) and the gentleman from North Carolina (Mr. PRICE) again for coordinating this special order. Rich Preyer and Emily Preyer were dear, dear people, both ahead of their times in many, many ways that inured to my personal benefit and to this country's benefit.

Mr. COBLE. Madam Speaker, I say in response to my friend the gentleman from North Carolina (Mr. WATT) about the heckling, I have heard about that, that night, and I have been told that that was not done by the gentleman who defeated Rich that night. That was not done under his guise. I think maybe some spirited people were there.

Mr. WATT of North Carolina. If the gentleman will yield for a second, I will clarify that, because I fully agree with him. Everything I have heard about that incident suggests that his opponent quieted his supporters and invited Rich Preyer to the podium with him and accepted the congratulations.

Mr. COBLE. Reclaiming my time, I do not want to defend the hecklers, but sometimes folks become very spirited on election night. I am confident that if there were in fact hecklers, I do not think they meant anything personally by that.

Madam Speaker, I yield to the distinguished gentleman from the Fourth District of North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for coordinating this special order for us this afternoon.

Mr. Speaker, on April 3, North Carolina and the Nation lost one of our most distinguished citizens and public servants, L. Richardson Preyer. It is a privilege today to join with my colleagues in paying tribute to his life and his work, which were memorialized at a moving and majestic service at Greensboro's First Presbyterian Church on April 5.

Rich Preyer served in this body with great dignity and effectiveness for six terms, from 1969 to 1980. He was a senior member of what was then called the Committee on Interstate and Foreign Commerce, and he chaired the Government Information and Individual Rights Subcommittee of the Committee on Government Operations. The Almanac of American Politics noted his reputation for "great integrity and sound judgment" which led the House leadership to call upon him "to serve in some difficult and unpleasant assignments." These included the committee investigating assassinations, where he headed the subcommittee investigating the assassination of President Kennedy, and the House Ethics Committee at the time of the so-called Korea-gate scandal.

Rich Preyer was born in 1919, took his undergraduate degree at Princeton, served as a Navy lieutenant in World War II and was awarded the Bronze Star for action in Okinawa, and then earned his law degree at Harvard University after the war. He became a city judge at age 34, then a North Carolina superior court judge. In 1961 he was appointed judge of the Federal Middle District Court of North Carolina by President Kennedy. He resigned that lifetime appointment to undertake a race for governor, a race that he narrowly lost but that engaged and inspired thousands of North Carolinians, many of whom went on to leadership positions within our State.

When the Sixth Congressional District seat came open in 1968, Rich Preyer was such an obvious choice for that position that he was nominated without opposition. Rich then won reelection year after year by large margins and had an exemplary congressional career. This was when I, having returned to North Carolina in 1973, first got to know him. At first as an academic who studied Congress and the Commerce Committee in particular, I admired Rich from afar. Then as I got more involved in North Carolina politics myself, I was privileged to work with him personally. Like many in my political generation, I admired Rich tremendously as a man who brought conviction and courage, dignity and style to politics, a model of what a Member of this body should be and a model of what political leadership at its best can be.

My admiration was deepened and given another dimension when Rich lost his 1980 race for reelection and I observed how he handled that loss. I remember as executive director of the State Democratic Party sitting with Rich and his dear wife Emily in a television studio in Greensboro waiting to be interviewed on election morning. He had a premonition of what was to come. But he was at peace with the account he had given of himself in his congressional service and in his campaign. He weathered defeat with equanimity and a remarkable sense of humor. And he never wavered in his political ideals and his expansive citizenship: the years since 1980 have been filled with numerous local and State and national involvements to which Rich Preyer brought remarkable gifts of vision and leadership.

☐ 1430

Rich and Emily Preyer had a wonderful family, and their children have carried on the Preyer family tradition of high spirits, love of nature and of athletic competition, generous friendships, and faithful stewardship of time and talent.

We express our sympathy to sons Rich, Jr., and Britt, and daughters Mary Norris, Jane and Emily, and their families, in the hope that the outpouring of affection and admiration that has followed their father's death, and their mother's death not long before, will give them strength and comfort in this time of sorrow.

Madam Speaker, I ask that the obituary from the Raleigh News and Observer be included in the RECORD at this point, as well as the reflections offered at the April 5 memorial service by Jane Preyer, Richardson Preyer, Jr., and Tom Lambeth, Rich Preyer's chief of staff during his time in the House, who recently retired as director of the Z. Smith Reynolds Foundation.

[From the Raleigh News and Observer, April 4, 2001]

THE HONORABLE LUNSFORD RICHARDSON PREYER

GREENSBORO—The Honorable L. Richardson Preyer, 82, died Tuesday at the Cone Memorial Hospital. A funeral service will be held at 4 p.m. Thursday at the First Presbyterian Church.

Congressman Preyer was a native of Greensboro and attended the public schools. He received his A.B. Degree from Princeton University and his Law Degree from the Harvard Law School.

At the First Presbyterian Church he was an elder, teacher/member of the Young Men's Bible Class for over 40 years and a Chairman of the Board of Trustees.

During World War II he was a Lieutenant in the U.S. Navy served for four years as a Gunnery Officer and Executive Officer on Destroyer duty in the Atlantic and South Pacific; he received the Bronze Star for action in Okinawa.

Mr. Preyer was appointed as a City Judge, and North Carolina Superior Court Judge. In 1961 he was appointed Federal Judge of the Middle District Court by President John F. Kennedy. In 1963 Judge Preyer resigned his Judgeship to become a candidate for Governor of North Carolina. In 1964 he became City Executive for Greensboro at the North Carolina National Bank. In November 1968 he was elected to the United States Congress, 6th District of North Carolina and served until 1980.

The U.S. Federal Courthouse and Post Office are named in his honor as the L. Richardson Preyer Federal Building in Greensboro.

Among his many Congressional Committees he was most proud of serving as Chairman of the Select Committee on Ethics which drew up the Congressional Code of Ethics and Chairman of the House Committee on Assassination of President Kennedy and Martin Luther King.

The Honorable Mr. Preyer served in many other ways and was honored as Chairman of the Board of the North Carolina Outward Bound School; Commissioner, Greensboro Little League and Pony Baseball programs; Honorary Chairman of the Greater Greensboro Open (GGCC); Inter-Club Council's Outstanding Civic Leader of the Year Award; Greensboro Chamber's "Uncle Joe Cannon" Award for outstanding leadership; Distinguished Service Award at the University of North Carolina School of Medicine; and recipient of the Phillip Hart Memorial Award for Conscience by "Washingtonian Magazine."

At the time of his death he was Co-chairman of the Guilford Battleground Company; member of the Board for the National Humanities Center; Chairman of Coastal Futures Committee (appointed by Governor James B. Hunt); Trustee: 'Mary Reynolds Babcock Foundation; H. Smith Richardson Foundation; NC Institute of Political Leadership; Woodrow Wilson Center (Smithsonian Institute); Uplift, Inc. (past president); and the NC Institute of Medicine.

He had served as a Trustee of the National Nature Conservancy; Hastings Institute of Medicine; Greensboro National Bank; Director of Vanguard Cellular Systems, Inc. and Piedmont Management, Inc. He also served on the Board of Directors of Guildford College, Davidson College, UNC School of Social Work; Robert Wood Johnson Fellows—UNC Medical School; Community Self Help; The American Red Cross, Salvation Army, NC Museum of Natural History; and UNC–G Excellence Foundation.

He was preceded in death recently by his wife Emily Harris Preyer and brother William Yost Preyer Jr. He is survived by his sons and daughters-in-law, L. Richardson and Marilyn Jacobs Preyer Jr. and Britt Armfield and Alice Dockery Preyer; daughters and sons-in-law, Mary Norris Preyer and Henry Patrick Oglesby, Jane Bethell Preyer, and Emily Harris Preyer and Richard Tillman Fountain, III; brothers and sisters-in-law, Dr. Robert Otto and Kitty Preyer, Dr. Norris Watson and Catherine Preyer and Frederick Lynn and Margaret Preyer; sister-in-law, Mrs. Russell H. Tucker and Mrs. Doris Preyer; grandchildren, L. Richardson Preyer, III, Parker Jacobs Preyer, Jane Elizabeth Preyer, Emily Preyer Oglesby, Britt Armfield Preyer Jr., John Calder Preyer, William Harris Preyer, Mary Norris Preyer Fountain, Richard Tillman Fountain, IV, Janie Katherine Fountain, Preyer Harris Fountain, and Peter Richardson Fountain.

The family will receive friends following the service in the Church's Family Enrichment Center and request the memorial contributions be made to one's favorite charity.

Hanes-Lineberry, N. Elm St., Funeral Home is assisting the family.

DAD'S SERVICE, APRIL 5, 2001—L. RICHARDSON PREYER

(By Jane Preyer)

Thank you all so much for being here with us, bringing your love and support, and helping us honor Dad's life. He was such a good and great man. To his family, Dad was nothing less than our hero. From the stories you've shared with us about Dad, we know that to some of you he was a hero, too.

Many people knew him as a man of public service—his children and grandchildren saw and knew him in that way, too, and are very proud. But my hope today is to share a few thoughts to celebrate Dad's life as the person that so many people loved as a friend, a father, and a grandfather.

Dad loved music. Undoubtedly, some of his happiest times were those hours when he stole away to the den or bedroom to play his beloved saxophone. His mother had given the sax to him, and he seemed truly blissful when listening or playing along with the likes of Miles Davis and John Coltrane.

We were always amazed at the variety of music that Dad loved—from Mozart to Bruce Springsteen to Benjamin Britten to Charlie Parker.

He actually could not read a note of music, but he could play anything on the saxophone. In fact, he was the first white man that Count Basie asked to be in his band. It was 1941, and instead Dad chose to join the Navy and went to WWII.

I will never really know the intensity of some of his days—as a judge, congressman, all the different work he did—but I came to understand that music was a tremendous source of renewal for Dad. And he helped us to welcome music into our own lives, enriching us from childhood onward.

Like music, books were a source of sustenance in Dad's life which he instilled in all his children. Dad's style was to read 3–4 books at a time, which I guess was a way of satisfying his abundant, lifelong curiosity.

Dad's love of reading came in handy on more than one occasion. When I was a young girl, we were invited on a deer hunt in the coastal plain of NC. Hunting was the last thing in the world I wanted to do, but I definitely wanted to go on this adventure with Dad. Like the other hunters, the two of us were dropped at our own spot in the woods. There, Dad finally confided his true plan for "our hunt". He had brought books and cigars in his jacket. . . . so we simply put the gun aside, leaned up against a mighty tree to read—and Dad told me, "Jane, if we sit quietly enough, we may get to see a deer" And so we did.

How did this reserved and gentle man, who loved music and books, who knew how to find serenity in the midst of turmoil—how did he commit so much of his life to the very public business of politics? How did he cope with all those fish frys, barbecues, and all the other exhausting practicalities of being a public figure?

I don't know the complete answer. But I do know that he was always anchored by his core values and guided on a daily basis by his own faith and personal conscience.

I remember in his re-election in the fall 1980, Dad was hit by a series of negative campaign ads on TV, radio, the whole works. All of us children and most of the campaign staff were urging Dad to counterattack—this isn't fair, we would say. You've got to strike back.

But he simply would not. I was mad at him. Later, I came to understand how courageous he was . . . and that integrity is exactly why we all believed in him.

Our family is thankful for the encouragement and support so many of you gave to Dad. Your support made it possible for Mom and Dad to be in politics. It made him willing to step out there and do the right thing time after time.

And oh wow, what a wonderful sense of humor Dad had through thick and thin! He was a great story teller. Many of you have been treated to his favorite stories—maybe once too often!

He did have a mischievous side, too. A few years ago, the pond on the golf course across from my parents' house was drained and became quite a mud sink. After seeing an unclaimed golf ball sitting about 3 feet out into the pond, Mom could not resist venturing in to get that "free" ball.

GOOWOOSH. She was sucked into the mud midway up her thigh. Completely stranded, she called out to Dad "Rich, help me!?" He was laughing so hard, tears streaming down his face, and buckled over the steering wheel of the golf cart. Mom called out again "Rich, come on and help me!"

I don't know—we sort of suspect that this fine gentleman moved a bit slower than usual in making the rescue!

Dad loved the natural world of North Carolina—the piedmont waters and forests, the mountains, the coast. Being in nature was another way he sustained himself, and he taught us the joy and wonder and beauty of this world and our state, that sustains us as well.

Mom's idea of a vacation was to go to the Travel Lodge on Elm Street in Greensboro to spend the night and swim in the indoor pool.

Dad's idea of vacation was to be in the NC mountains or at the coast or on a Piedmont lake—fishing, walking, noticing everything out there—he would constantly say "look at that bird, look at that tree". He never got quite the names of the birds and trees right, but he always appreciated them!

And especially fishing. Dad taught each of us to love fishing and to love the fish. From the earliest days, he was a "throw-it-back man" . . . what we now call "catch and release". He taught us to love the simplicity of a fishing line with worms, the fun of a spinning rod throwing it way out and reeling it in . . . and the pure thrill of casting a fly rod and watching that fly land in close to the bank over dark, clear water and floating there lightly.

Mind you, he was no expert fisherman, and his technique was pretty questionable! Just ask my brothers and sisters sometime for their imitation of Dad stumbling on slippery rocks, getting his line hung up in trees—but still amazingly he got that fly our there on the stream.

In the 1970s, in Congress, Dad became one of the authors of the Clean Air Act and Clean Water Act—He translated his love of nature into creating in these pieces of legislation—and they have transformed the way America treasures and protects our natural resources.

I think it is only in this last year that I have begun to more fully understand the deep, tender, steadfast, and unbreakable bond between my Mom and Dad. They were so devoted to each other . . . and so committed together to their shared life of service as they felt led by God to do.

Growing up, Sunday afternoons at our house were my favorite. Without fail, whether he'd been in DC or given speeches that weekend in the far reaches of his district—he would do something fun with us. Those times were filled with sports and more sports, hikes, fishing, visits with our grandparents, cousins, and aunts and uncles.

And how he delighted in being with his grandchildren! How he enjoyed hearing about all their activities—whether it was soccer, or violin, or tennis or lacrosse, be being in a play or the choir. And he loved their drawings they brought him by the dozens and which he cherished over the years.

Dad was also sustained by his friends, and he especially loved being in Greensboro these last years, close to many of you dear friends here today. And you have been so good to him and us through this last year.

And so this day has come, a day that I did not ever want to come. I feel like the world will never be the same without Mom and Dad.

But even stronger that our grief today is our thankfulness for Dad's life and all that we shared with him. We will go forward beyond today's tears by of us every day of our lives.

We know very well his legacy to us:

His gentleness
His courage
His deep honesty and integrity
His wonderful sense of humor
His profound commitment to justice and mercy
His love and zest for life
His love of children
His determination
His true love and partnership with Mom
His steadfast kindness
And his trust in God that we can always find a new way to serve, to learn, and to live fully.

Dad, you will always be our hero.

In Celebration of the Life of L. Richardson Preyer—Funeral April 5, 2001

(By L. Richardson Preyer, Jr.)

Dad would have been mighty surprised to see so many of you here today—thinking about him and thanking him for his inspiring life—celebrating his honest decency—his day-to-day caring about his family and his friends and his community. I believe Dad would have been surprised because he just didn't think of himself as anything special. After Dad was beaten in the Congressional election in 1980, I implored him to write a book. Dad laughed it off and said, "Who would ever want to read a book by me?" There are a few of us, Dad. There ARE a few of us.

But—goodness gracious—Dad left us with so many speeches. He spoke all over the state at every sort of gathering—whether a church or synagogue, or college or high school or elementary school—at political rallies, at non-profit gatherings, at garden clubs, at the Kiwanis, at the Rotary—Dad you were there. You had a message you wanted to deliver.

And Dad, you did so much teaching mixed in with a good bit of preaching on both serving God and keeping vigilant about freedom and the old beleaguered Republic. You taught the Young Men's Bible Class in this church for 46 years. You taught at UNC Greensboro and Duke and at Chapel Hill . . . which shows you were pretty darn openminded. You even taught an ethics course in med school to the doctor who was on call for you the last few days of your life.

And Dad, for all your gentleness, you were such a fighter. You fought injustice in the Pacific—on a destroyer—the only one of seven sister ships not to be sunk at Okinawa . . . you kept the Bronze Star medal box in your dresser drawer for the rest of your life. I saw it there, this morning.

You fought racism as a Superior Court Judge and Federal Judge, challenging segregation in the fifties and early sixties. And when the people called out for you to leave the Federal Bench and run for governor in those tumultuous times in 1964, you left a lifetime appointment and ran.

And when you crisscrossed the state on that last day of the campaign—the Ku Klux Klan burned fires against you in fifty different cities and towns . . . you gave a speech that night and said, "We will light the fires of knowledge and not the fires of hate."

Dad, you went on to serve and affect so much change for the good of your district and your state. Your integrity and sense of justice were so admired by your Washington colleagues that midst the Watergate happenings, you were called "the conscience of the House."

And when the Warren Commission's findings on the assassination of John F. Kennedy were thrown in doubt—you were called upon to head up the new commission—because Dad, they knew they could count on you to be fair. All of us here could have always told them that.

And your findings 25 years ago that Oswald did not act alone—were recently—after exhausting technical examinations—upheld. Dad, you always were in all of our hearts, the best doggone Judge around.

And you've all heard Jane's wonderful stories. There is really no one quite like you. As a father for my entire life—you never raised your voice in anger—ever—at your five children—something your oldest son has not been able to master.

An incredibly calm, patient temperament combined with a fierce tennis competitive streak—mix in the love of fishing in a stream, as well as playing the alto and soprano sax—add humor and a sweet disposition—take these qualities and surround them with compassion for your fellow beings and an unwavering love of the law—and you have my father.

Several years ago Dad gave me the complete works of Checkov and along with it a handwritten note at Christmas. It said, "We are proud of you for the things you have done, but we are most proud of your greatest achievement—your marriage to Marilyn and your three beautiful children. For all our ambitions and plans and strategies, the truth is, no other single thing is more precious than family and friends and the sense of belonging to a community."

Thank you, Dad, for writing us this message.

We're all hearing you now, Dad, about that. We're all here for you now—your family—your friends—your vast and diverse community—we're all here because we love you and believe in you and to thank you for showing us the goodness of being steadfast and true on our brief journey upon God's eternal earth.

So Dad I want to thank you for taking us all fishing on Sunday afternoons after church. I want to thank you for taking my fingers in your hand and putting them down on the blue jazz keys on the alto horn. I want to thank you for teaching us to read the great books in the evening after our daily jobs were done. I want to thank you for showing us a way to live with laughter on our lips—what is it you used to say, "Let no good deed go unpunished."

And I want to thank you for teaching us how to strike, throw, pass, catch, bounce, kick, and serve every manner and size of ball, because Dad you could hit a golf ball farther than anyone your age—period.

And thank you for watching your young grandchildren playing in tennis tournaments for 2½ hours in 95° heat—with the ball going back and forth endlessly. Only a Saint could stand such agony.

And thank you for holding the children on your lap in the den while you read on—totally oblivious as our many young ones sped all around you.

And Dad I want to thank you and Mom for being such a fabulous team—the vitality—the joy—the adventurous attack on life each day. How ya'll had us all on the move—and I mean everyone—in motion—let's get going!

I really believe that with you and Mom gone—watching over us—time has slowed down in Old General Greene's city.

And Dad your friends are going to miss you on the fairways and tennis courts and classrooms and walkways—all around us. And goodness knows, Dad, our family is going to miss you as much as if a trusted nightly star had fallen from the sky.

But though we might not see you, Dad—you shall always be with us.

Your spirit shall help guide us—to be a better human family—through life's push and shove—learning again to use a strong hand to lift a weak shoulder—rediscovering the daily lessons of love. These are your strengths, Dad. These are the strengths of family and community. These things shall guide us and help us find a more open, goodly path.

That is what you would want, Dad. We'll all keep giving it a try.

We promise.

Richardson Preyer Memorial Service—Greensboro, April 5, 2001

(Remarks by Tom Lambeth)

To share this special moment with Rich's children is not to forget that there are all of you out there who pay tribute to Rich by your presence and, indeed, by the example of your own lives made richer because of friendship and love and commitment inspired by his life. I cannot rightly claim to speak for you; only to serve as a reminder of how far beyond his own family he extended the simple eloquence of his humanity.

In 1945 on the morning of the beginning of the battle for Okinawa three destroyers stood in line to begin the pre-landing bombardment. The torpedo officer on the third was a young LtJG from North Carolina named Preyer. The second of the ships ran aground and came under constant, deadly fire from shore batteries. In a subsequent explosion and sinking much of its crew was lost. Years later, telling of that morning, Rich would say "all of those young lives gone."

Rich was not given to the dramatic so he never said that those who survived lived for all of those who did not, but that is the way he lived. In a public career and a private life that defined the good man and the true patriot, he lived for all of them and for their children and their children. He lived for all of us and what a grand life it was, what a splendid example it has been and will be.

We as individuals and as a society are strengthened, we are enriched when we find those values that make us good and great captured in the life of another. Loyalty, faith, service, courage and honor are real to those of us here because we saw them alive. We saw Rich Preyer.

His courage was tested by the torpedos of the North Atlantic, the Kamikazees of the South Pacific and by the attacks of political opponents and he did not falter. His service as a judge at local, state and federal levels, as a six term congressman constantly handed the toughest assignments; his leadership in countless community efforts and many statewide endeavors are his answer to those who dispair of our ability to make democracy work. He loved that work and his love for it said to all of us that public service, that politics can be noble because the people are worthy of the best that we have to give.

Rich was competitive and he did not always win (although he would want us to remember that he won much more often than he lost) but he knew that the scoreboard is only an incident in the contest, that true victory is in the heart. In that contest, he never lost.

Years ago I had the great satisfaction of sitting with him when he received an honorary degree from my alma mater at Chapel Hill. When he sat down, finally relieved of the burden of earned degrees at Princeton and Harvard; I leaned over and said to him "Now you are as good as the rest of us." Yet, I knew, as you do, that he was better than almost any of us. It is a tribute to the grace which he carried his accomplishments that realizing his excellence makes us feel better about ourselves.

Now we gather for our moment of remembrance and of celebration of a truly good life; but the most eloquent tribute to Rich will be the way in which we seek to capture for ourselves and our communities that consistency of strength and truth and goodness that defined his life.

It is for those of us—all of you out there—who in some way worked beside him over the years to say with new vigor that simple farewell of so many remembered afternoons:

"Good night Rich. See you in the morning."

Mr. COBLE. Madam Speaker, I would yield to the gentleman from the Fourth District of North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman from North Carolina (Mr. COBLE) for yielding me this time. Let me also thank the gentleman for putting together this Special Order today.

Madam Speaker, I want to echo my colleagues who have already spoken and also thank them for their participation in this today, because I rise today as they do to celebrate the life and career of a very unique and outstanding human being who was a former Member of this body and really a great North Carolinian. L. Richardson Preyer was a very special individual. His death has saddened all of us in this North Carolina delegation and North Carolinians in general because we have lost one of our great native sons.

Today, as we gather to honor his life and works, not only as a North Carolinian but as a great American, and to celebrate what he did to really make our world a better place, it is my honor to participate in that.

L. Richardson Preyer was a native of North Carolina, but he really was a citizen of the world. He always said that he was lucky to have been born on third base. By this he meant that he had the advantages that most people did not have. His grandfather and namesake Lunsford Richardson invented Vick's VapoRub and Vick's Cough Drops; and as a result, the family had immense personal resources, some would say a fortune, that built the Richardson Merrill Chemical Corporation.

As a result of that, he had an opportunity to attend the best schools. He attended Princeton and the law school at Harvard, as we have already heard; but his family resources allowed him to do that. Instead of living a life in the private sector and taking advantages of the wealth that he could have accumulated and his family already had, he chose instead to make his life one of public service in changing the lot, as we have already heard from my colleague the gentleman from North Carolina (Mr. WATT) and the gentleman from North Carolina (Mr. PRICE), for those who did not have a voice in many cases.

After his graduation from Princeton, as we have heard, he served as a lieutenant with the United States Navy and was on a destroyer in the Atlantic and in the South Pacific and earned a Bronze Star for his heroism and his valor at Okinawa. One did not hear a lot from him about that. He did not talk about it.

Rich Preyer was a great lover of the arts. He used his family resources to help the lot of many people, and he invested in the arts and in music, which he loved a great deal, and in his church. After serving for several years, as has been indicated earlier, as a State superior court judge, he was appointed by his Harvard Law School classmate, John F. Kennedy, to a position as a U.S. judge. As all of us know, that is a lifetime appointment; but he resigned that post in 1964 to really make a difference in what he saw was an opportunity to change our State. He did not win that election, as we have already heard, but to his credit he continued to take on issues that were important to the people of North Carolina, because that is what Rich Preyer was all about.

For those 5 years he was out of public life, he worked with what was then North Carolina National Bank and then came back in 1968 and ran for and won a seat in this body, representing his hometown of Greensboro and the Sixth Congressional District. He continued to make a difference in this body for the 12 years of his career in the United States Congress. He served as chairman of the Select Committee on Ethics, which drafted the Congressional Code of Ethics that those of us who serve here today live by.

Much of this was what Rich Preyer really believed. As we have heard, he was a member of the Select Committee in this House that investigated President Kennedy's assassination and the

Reverend Martin Luther King, Jr., an indication of how he was respected by this body; but also it said a lot about the integrity of an individual who really, in my opinion, was a conscience of the United States Congress.

Although his career ended in this body in 1981, his work on behalf of the people of North Carolina did not end. As I have indicated, he was involved in so many things in his community that one did not see on the surface that dealt with the arts. The thing I want to talk about for just a moment in some detail really is what Rich did for education in North Carolina.

During my term as superintendent of the schools for the State of North Carolina, in 1989 I had the occasion to appoint a statewide commission of business, civic, community, and education leaders to take a look at North Carolina's educational system; and we appointed a commission called Excellence in Secondary Education. We started looking across the State. Where do we find an individual to chair a commission headed by people who are on this commission who are leaders in industry and in banking and in education? Obviously, as we looked across the State, the name of L. Richardson Preyer popped up. We asked him to chair it. Without hesitation, he committed and accepted that challenge and spent the next year providing the kind of leadership that was needed to pull this diverse group together, along with all the data from across the country.

As a result of his strong and visionary leadership, that became the blueprint that I used for the next 8 years and that many of my colleagues are still using in North Carolina to make a difference in education. I thank his family for allowing him to have the time to do that.

I charged him in that time with coming back with recommendations that would not only make our schools better but would challenge them to have the kind of assessment that we needed to have that would help every child reach their full potential. He was instrumental in making that happen.

As I said, we are grateful for him today; but children who do not know him, did not know his family, are now benefiting from his work. He was a well-rounded individual. Not only was he a model public servant, but he was a father who loved his family and who lived out the ideals of the family values that we hear so many people talk about today.

He and his wife, Emily, were a team; and together they raised five outstanding children, and they truly enjoyed their grandchildren.

I always looked forward to, at Christmastime, receiving his Christmas card because it was not only just his and Emily's, it was the whole family with their grandchildren. On top of that, he was an elder and a teacher in the First Presbyterian Church in Greensboro for more than 40 years. He did not talk a lot about his religion. He lived it.

Madam Speaker, L. Richardson Preyer is one of the greatest public servants my State has ever produced, but he was great not because he had the benefits of political connections and the wealth or because he served for over a decade in this body. He was a remarkable human being because he made the most of his God-given gifts, and he desired to make a difference in the lives of every North Carolinian and the people of this country, but especially in the lives of children.

It is important to point out that during his tenure as a State judge, as has been pointed out today, he upheld rulings that allowed five black children to attend an all-white school in Greensboro; thus, integrating those schools for the first time and literally changing and beginning to change the South and across this country. This was an act of tremendous courage for that day and age. He was a man of unique character and well ahead of his time in the arena of civil rights and, it can be argued, probably cost him the governor's mansion in our State. He was a patriot and a public servant of the highest order. He was a friend and colleague of mine in the fight to improve education for all children.

Many of his ideals have helped to and will help children everywhere to grow up and realize the American dream.

Madam Speaker, the list of names of great men and women who have served in this body is long. All of them used their lives and gifts to serve their communities, States, and this great Nation. Today we honor L. Richardson Preyer and add his name to that long list of great Americans.

Mr. COBLE. Madam Speaker, the gentleman from North Carolina (Mr. HAYES) and the gentleman from North Carolina (Mr. BURR) expressed interest in speaking on this Special Order, but they are at committee meetings and it appears unlikely that they will be able to come to the floor. So, Madam Speaker, let me conclude.

Much has been said during this Special Order about Emily Preyer, but I do not believe it was mentioned that she pre-deceased her husband by several months.

I recall, Madam Speaker, recently, several days ago, we were at a full House Committee on the Judiciary meeting, and I looked into the faces of several people in the crowded room, and I detected a man who served as a former staffer to Rich Preyer. I called him forward. He came to the podium where I was seated in the Committee on the Judiciary hearing room, and I said to him, Ed, Rich Preyer is not in good health. I said, I am told that he is failing and I thought you needed to know that, because he was very close to Mr. Preyer.

He thanked me for having shared that with him. The next day, Rich Preyer passed away; and that told me in glaring terms, Madam Speaker, about the uncertainty, about the indefinite phase, of life. I am talking to Ed one day. His staffer was going to call him the next day to talk to him and it was too late.

I would extend our condolences and good wishes to the surviving children and their families and conclude with this comment, Madam Speaker. Jim Slosher, one of our well-known reporters at the Breezeberg News and Record, called me for a quote shortly after Rich Preyer's death. I thought for a moment, and I said when you saw Rich Preyer you instinctively uttered or concluded there stands a gentleman. He was, indeed, a rare gentleman.

I want to thank those who took part in this Special Order today, Madam Speaker; and I want to urge those who wanted to be here who were otherwise detained to feel free to submit their comments in a subsequent edition of the RECORD.

Mr. BURR of North Carolina. Mr. Speaker, I rise today to join my colleagues in honoring the memory of the late L. Richardson Preyer who served my home state of North Carolina and our country with distinction. Richardson Preyer has an outstanding record of public service dating back to his time in the U.S. Navy during World War II, for which he was awarded the Bronze Star.

Through his years as a State Superior Court Judge, a United States District Court Judge and then as a Member of the U.S. House of Representatives for six terms, Richardson Preyer saw his responsibility and fulfilled his duty when called upon. Serving with a quiet demeanor but effective in getting the job done, he commanded the respect of his constituents and his peers in the Congress.

Richardson Preyer was always concerned about the welfare of the people and his desire to help those who were less fortunate was well known. It was the hallmark of his unsuccessful campaign for Governor of North Carolina in 1964 and then of his Congressional career from 1969 to 1981.

Richardson Preyer was never too busy to give of his time and his considerable abilities when he was needed. When Congressman Preyer passed away recently, North Carolina lost a valiant patriot who loved his country, and who served us well.

I am honored to have the opportunity to pay tribute to Richardson Preyer and I extend my sympathy to the Preyer family on their loss.

HEALTH CARE

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentleman from Washington (Mr. LARSEN) is recognized for 5 minutes.

Mr. LARSEN of Washington. Madam Speaker, I rise today to discuss an issue that is a very important issue to my home State, Washington State, and to the people in that State. That issue is health care. As I traveled around my district during the Easter recess meeting with health care consumers, physicians and hospitals, again and again I heard of rising costs, declining reimbursements, and general frustration with our system.

First, I would like to address the issue of prescription drugs. I strongly support adding a prescription drug benefit for Medicare beneficiaries. Today, many seniors are forced to purchase expensive Medigap policies or join HMOs to try and avoid the high out-of-pocket expenses for prescription drugs.

□ 1445

Seniors should not be forced to choose between groceries and their medicines.

In this time of government surpluses, I believe some of the surplus must be used to provide a Medicare drug benefit; and using the surplus for a drug benefit within the framework of reducing the national debt, we can provide for a more prosperous and healthy Nation.

I also have great concerns about Medicare reimbursement, particularly in my home State. Because of a flawed complex formula, the Federal Government provides fewer Medicare dollars for seniors in Washington State. Medicare reimbursements are based on the region's average cost of living, rather than on an individual's personal income, so Washington State senior citizens receive less Medicare support than most other States. Medicare payments in Washington rank fifth from the bottom nationally; and between 1998 and 1999, Medicare payments in Washington experienced the sixth fastest decline of all States.

As a result of the low reimbursement rate in Washington State, many health plans have opted to withdraw from Puget Sound area plans that serve seniors. Last year, as many as 30,000 seniors in Washington State received notice that their health plans would no longer serve them or that they would increase the deductible for the same coverage. That is wrong. I support access and affordability; but, above all, equity for Washington State seniors and will work to rectify this unfair provision.

In addition, according to the Washington State Medical Association study, the average medical practice in Washington State lost $95,000 in 1999. Reduced Medicare payments have led to a white-coat flight, with physicians leaving the State or retiring early. This is simply unacceptable.

Local hospitals also continue to contact me about their deep financial difficulties related to the cutbacks of the Balanced Budget Act legislation of 1997. As we know, the Balanced Budget Act of 1997 enacted some far-reaching changes in the way Medicare pays health care providers. These changes were intended to both modernize Medicare and save some $115 billion over 5 years.

Today we know that the actual savings are much larger than Congress had anticipated and those changes are affecting services. Like many Members, I have been hearing from health care providers in my district regarding these cuts in the BBA and how they are affecting and may affect in the future their ability to provide quality health care to our seniors. I take these concerns very seriously.

For instance, Whidbey General Hospital on Whidbey Island has detailed for me their hardship. Approximately 50 cents of every dollar they receive goes to the cost of running their facilities and dealing with insurance plan requirements, not to patient care. These skyrocketing administrative burdens add cost, but little value, to the delivery of health care. Patients must come first.

So, Madam Speaker, I have outlined many of the health care concerns that are of the highest priority to patients and providers in Washington State. I plan to work on these issues in a bipartisan fashion in the 107th Congress so that we can get some much needed relief at home in Western Washington for our seniors, for our physicians, for our hospitals, but, most importantly, for patient care.

EVALUATING THE PRESIDENT'S FIRST 100 DAYS

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I would like to begin discussing today the first 100 days of the Bush Administration. I know that over the next week you will probably hear from both Democrats as well as from the President about the first 100 days, because traditionally the first 100 days of a Presidency have been a sort of benchmark for judging the President.

I believe the actual day when Mr. Bush, President Bush, will have been in office for 100 days is next Monday, April 30th.

The first 100 days has been a useful yardstick for measuring new Presidents since Franklin Roosevelt's first term. What I would like to do is give my analysis of why where I think we are.

During the campaign, the President promised to be a compassionate conservative. I am sure many remember that saying. He said he would unite the country behind a common agenda. He said he would promote prosperity with a purpose and be a reformer, that he would be a reformer with results determined to leave no child behind.

I feel very strongly, Madam Speaker, that, to date, President Bush has failed to back up this rhetoric that he used during the campaign with any actions. This is an administration of, by and for the special interests. I see the oil interests, I see the big mining interests, I see them, the defense contractors, holding sway; not the average person.

The President has made a string of decisions that, if you look at it, are extremely partisan, and I think a payback to the special interests who contributed to his campaign. I could go through a list of areas where I could point what I am saying out and be more specific, but I really wanted to focus, if I could, on two areas that are very important to me and I think to the average American, and that is the environment and, secondly, health care and health issues.

Perhaps in no area has the President during these first 100 days been such a disappointment to me, and I think to the average American, than on environmental issues. I think many of us knew that he was not a real environmentalist and he was not going to be what we would like to see in terms of a real environmental President, but the reality has been much worse.

The reality has been that he has determined in the last 3 months or so in these 100 days to roll back the clock on a lot of environmental protection measures that were very important and that were certainly the backbone for progressive legislation and improvements to the environment that we have seen in the last 30 years since Earth Day. I just want to give you an example, if I could, of why I say that, and I will start, if I could, with some of the energy-related issues.

The Bush Administration in the first 100 days has signalled to the rest of the world that it does not really care about global climate change. We know that the President basically has said that he is not going to adhere to the Kyoto climate treaty. There was a real question about whether or not this administration would even participate in any further talks on climate change. Although Mrs. Whitman, the EPA Administrator, did say over the weekend that they would continue to talk, it is clear that they have no intention of proceeding with the Kyoto Treaty and basically have told all the signers to that treaty to forget it.

The President has also told the Congress that emission controls will not include carbon dioxide. During the course of his campaign, he said that he would address air emission controls for a number of pollutants to try to improve air quality, but we were told about a month ago that that would not include carbon dioxide, which is certainly one of the most important pollutants and one of the ones that has the most negative impact on air quality.

President Bush has also made it quite clear to the general public that his energy goals will stress more production of fossil fuels, most notably drilling in the Arctic National Wildlife Refuge, and he will not stress conservation, increased technological efficiency, or the use of renewables. The budget that the President sent us a couple weeks ago specifically cut research on renewables, solar power, wind power, in half.

I mention these as just an example, because I think that the issue of energy and source of energy and whether there is going to be enough energy is certainly a crucial one. We know that the price of gasoline continues to go up. We are told it might be, who knows, $2.00, $2.50 a gallon possibly by the summer.

So we need to have an energy policy. But to suggest that sort of the backbone of the energy policy is drilling in the Arctic National Wildlife Refuge, and we are not going to address global climate change, we are not going to address carbon dioxide, that the only answer is more production rather than use of renewables and conservation, I think is an egregious mistake.

Let me talk about some other environmental issues. I think personally that one of the most important areas where we need to make progress is by cleaning up hazardous waste sites and also by making sure that our drinking water is safe. Yet we were told just a few weeks ago by this administration that the standards for arsenic in water, which are very high, meaning very weak, I should say, 50 parts per billion, would stay in place, and that the new standards that had been suggested by the Clinton Administration to reduce that 50 parts per billion down to 10 parts per billion would not be implemented, that we needed another year or so to study the issue before we could possibly improve on the standards.

That was a major, I think, disaster, because it affects drinking water quality. It affects the water that we drink, one of the basic proponents of life. I think it was also symptomatic of what we are going to see from this administration with regard to environmental concerns.

In my subcommittee of the Committee on Energy and Commerce, the Subcommittee on Environmental and Hazardous Materials, we had the EPA administrator, Mrs. Whitman, come in and testify a few weeks ago, the day after the President indicated that he was not going to enact stronger arsenic standards, and she talked about the fact that there was a huge backlog of infrastructure needs for safe drinking water; in other words, money that the Federal Government would need to give to the States or to the towns to upgrade facilities so not only would you have hopefully better standards for drinking water, but you would also have good pipes and good process for bringing it to your house so that you can drink it safely.

When we got the Bush budget proposal a couple weeks ago after that hearing, lo and behold, we find that the amount of money set aside for safe drinking water is level-funded. In other words, it does not even meet the authorization level or any of the future needs that the EPA administrator talked about.

So what we are seeing now is that not only is the President implementing either through regulatory action or inaction methods that would cut back on environmental protection, but he is not providing the money in the budget to do anything significant about our energy needs or about our environmental concerns.

Another example with regard to environmental concerns is the Superfund. My state has more Superfund sites than any other state. There is a great need around the country to continue cleanups pursuant to the Superfund program of very severe hazardous waste conditions.

What does the President Bush's budget do? It suggests we are going to provide the money to clean up about 65 sites this next fiscal year, whereas in the last 4 years under the previous administration we had targeted about 85 sites per year to clean up. So cutbacks in the money for the Superfund program.

Nothing in the budget to provide the corporate tax that would fund the Superfund program, so in another year or two there would not be any money in the Superfund trust fund to continue to pay for cleanups.

The list goes on and on. We just passed last year in the last few days of the Clinton administration the Beaches Act. This was a bill that says that each State has to test their water quality before they let anybody swim on the beach and they have to close the beach if it does not meet certain standards and post signs saying you cannot use the beach because the water is dirty and authorize $30 million annually to pay for that program, to give grants to the States so they would be able to use it to do the water quality monitoring. Very important.

The summer is almost here, another couple of months. People do not want to swim in dirty water any more than they want to drink polluted water. Lo and behold, the budget comes out, and instead of the $30 million that is authorized, we see $2 or $3 million appropriated for the Beaches Act.

This is what we are seeing over and over again. We are seeing an effort to cut back on environmental programs, to not provide the money for environmental programs, to eliminate progressive regulations that were put in place by the Clinton administration. And if I had to look at environmental and energy issues alone, without looking at anything else, I would say that this first 100 days of the Bush administration has been a total failure and totally out of sync with what the American people want and totally in tune with what the special interests want. Because, after all, what average citizen or what good government group or what citizens group would say that they do not want safer drinking water or they do not want to spend up money to clean up hazardous waste sites or do ocean water quality monitoring? Nobody. The only people against these things are the mining interests, the oil interests, the polluters, who obviously have the President's ear because they were the major contributors to his campaign.

So when the President promised to be a compassionate conservative, I do not think that that meant that he was going to cut back on environmental protection. When he said that he would unite the country behind a common agenda, I would assume that that common agenda would be protecting the environment, because it is very important to most people. But, no, that is not what we are seeing. Then he said he would promote prosperity with a purpose and be a reformer with results and leave no child behind. Frankly, I think a lot of children are going to be left behind if they have to deal with some of these environmental concerns.

□ 1500

Now, I want to go to the next area that I think is just as important in evaluating the President's 100 days, and that is health care. During the course of the campaign, probably the number one issue that we heard about from both President Bush and his Democratic opponent was health care. The President said that when he was the governor of Texas, he let a Patients' Bill of Rights for HMO reform become law. He actually did not sign it, but he said that he supported the Texas Patients' Bill of Rights to try to improve and reform HMOs. The President said he would agree to have something like what they have in Texas, the Patients' Bill of Rights HMO reform, enacted into Federal law, that he had no problem with the Texas legislation, and if we could do that nationally, that would be fine, he would support it.

President Bush also said during the course of the campaign that he wanted to expand Medicare to include a prescription drug program for seniors, because we know that seniors increasingly cannot afford the price of drugs; the price of prescription drugs continue to go up. It is a bigger part of their household budget, their weekly and daily expense, and we need to do something about it. President Bush said during the campaign, oh, yes, I recognize that we must address this issue, and I would be in favor of expanding

Medicare to include a prescription drug benefit.

The President also recognized during the campaign that there were an increasing number of Americans who had no health insurance, something like 40 million, now maybe it is 45 million Americans who have no health insurance, no health coverage. He said that he wanted to go about improving the situation with regard to that as well and maybe come up with some sort of tax credit or some kind of program through community health clinics to improve the situation for those who have no health insurance.

Now, again, I would maintain that that entire health care agenda has not only fallen flat on its face in the last 100 days, but it has not even been addressed effectively by President Bush in the first 100 days. It almost disappeared from the radar screen. We do not hear about it any more.

Let me just develop that a little bit on the three health care issues that I mentioned, first with regard to a Patients' Bill of Rights. Within days of the inauguration of President Bush, a bipartisan group of Senators and House Members, Democrats and Republicans, got together and introduced a bill in both Houses, Senator McCAIN and Senator KENNEDY in the Senate, and the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, and the gentleman from Iowa (Mr. GANSKE), a Republican, introduced a new Patients' Bill of Rights bill with a lot of cosponsors, including myself; both Houses, within days of the inauguration, exactly the same as the Texas bill that President Bush had talked about during the campaign. No difference. I would defy anyone to suggest that it was any different in any significant way from what exists now in the State of Texas and is working very well.

What have we heard? We have heard statements from the White House that they do not like that bill, it not acceptable. They do not really say why. We have heard statements from the White House saying, we are going to come up with our own proposal, but we have not seen it yet. We have heard statements from the White House suggesting that maybe they like some of the other proposals that have been put out there by those who are not as oriented towards reforming HMOs, but not even any real suggestion as to which of those bills they like.

So in this case, with the Patients' Bill of Rights, I would maintain that basically, the President has taken it off the radar screen. A Patients' Bill of Rights, HMO reform, was so crucial during the campaign that this was one of the first things that President Bush was going to address. But we are almost at the 100 days on Monday, and he has not, to my knowledge, done anything significant to suggest that he even wants to come to common ground on this issue, or even make some suggestions about what we should do in an effective way.

This Patients' Bill of Rights, the bipartisan bill that was introduced within the few days after his inauguration that was like the Texas bill, should have moved in both of these Houses and been on the President's desk already. The only reason it has not is because the President has not signaled what he wants or what he wants to do about it.

This is a very important issue for Americans. People are denied care all the time by HMOs. People die, people have serious injuries, they are denied care, they do not have a way of addressing their grievances, they cannot go to court, they cannot go to an outside independent agency that would review why the HMO denied a particular operation or a particular medical device. I get these calls every day in my district office in New Jersey. We are not addressing it, and the President has not addressed it in a meaningful way during his first 100 days.

Let me go to the second health care issue. I see I am being joined by some of my colleagues, which is great. Let me just go to the second health care issue, and then I would like to yield some time to one of my colleagues. Medicare prescription drugs. During the course of the campaign, the President said over and over again, this was a high priority, something that he wanted to address. He was not always clear as to exactly what he wanted to do. Most of the time he talked about a benefit primarily, if not exclusively, but primarily for low-income seniors, not an expansion of Medicare that would provide a benefit to all seniors, but just to low-income seniors.

Mr. Speaker, I will be honest that I have been very critical of that, because I think that since Medicare has always been for everyone, because we do not have an income test for Medicare; it does not matter how poor or how wealthy one is, one still gets it, I felt very strongly and continue to feel very strongly that a prescription drug benefit should be universal for every Medicare recipient. It should be affordable and it should be simply latched on to Medicare and handled by Medicare in the way that we traditionally do.

But even if one disagrees with that, the fact of the matter is that I have not seen anything significant coming from this administration other than in a suggestion that in the budget there should be something like $150 million to pay for a Medicare benefit, and we have already been told by everyone, including our Republican colleagues, that that is not sufficient. But leaving that aside, we do not see any movement here. There has not been any movement to mark up a prescription drug bill in the House, in the Senate, in any committee, and the President is not pushing for it. It is not a priority. All we heard from this President during the first 100 days is that he wants a big, fat tax cut that is going to primarily benefit wealthy Americans, corporate interests, and actually is at the expense of the middle class and the little guy because it would take so much money away that we would be dipping into the Medicare Trust Fund, into the Social Security Trust Fund, and frankly, we would probably put ourselves back into a deficit situation and hurt the economy.

So that is the legacy. I could go on and on, but I would like to yield to some of my colleagues. The legacy of this first 100 days is no attention to health care concerns, ripping apart environmental protection, actually being negative in terms of the environmental agenda, and just devoting all the time and the resources of the President to a huge tax cut that I think will hurt the economy and certainly not benefit the average American.

Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PALLONE) for yielding me time.

President Bush's 100 days, first 100 days. The President has hit that traditional landmark of his first 100 days. These 100 days have seen a charm offensive from the White House. He is able to pay lip service to the people, organizations and ideas.

He can create a classic photo opportunity as evidenced with his recent appearance at the Boys and Girls Clubs in Wilmington, Delaware and other clubs throughout the country while a candidate. But as he posed with those children at these clubs, he took a red pen to their funding in the budget and completely eliminated Federal aid for the Boys and Girls Clubs.

He bragged throughout the campaign about both his wife's and his support for reading and libraries, and then he snatched 70 percent of Reading Is Fundamental's budget.

Is this compassionate? It is surely conservative. And, it highlights the hypocrisy of compassionate conservatism hidden behind a smirk screen.

President Bush has assembled a cabinet of special interests. The average personal worth of the members of the cabinet is $11 million. He spent his first 100 days bowing to the special interests and corporations in America that financed his run for the White House. According to Democracy 21, President Bush received $35 million from 103 soft money donors during the election. He is paying those people back with ambassadorships and placements to Federal posts and ignoring the working people of America.

As President Bush pushes his huge tax cut for the wealthiest Americans, he is cutting social programs that people rely upon on a daily basis. The other body limited the tax cut at about the same time the Texas State Legislature was lobbying Health and Human Services Secretary Tommy Thompson for aid because of the shortfall caused by the tax cut Governor Bush gave to the people of Texas. We say "no, thanks" to the shortfalls and deficits and demand funding for programs that make our families and children safer, smarter and healthier.

Bush's budget cuts also cuts the unemployment administration and benefit coverage at a time when both the general unemployment rate and the unemployment rate of workers eligible for unemployment insurance are expected to grow from 2001 to 2002.

He cuts work force training and employment programs 9.5 percent, or $541 million, in training and employment services.

He cuts Section 8 housing assistance vouchers by more than half, supported only 33,700 new vouchers across the country. The proposal also cuts tenant protection by $62 million and completely cuts tenant protection vouchers provided to disabled persons displaced from public housing designated for the elderly.

The public housing construction and repairs are cut by $700 million, or 23 percent, after HUD found $22.5 billion in unmet capital repair needs in public housing. Let us get back to that again. Mr. Speaker, $22.5 million in unmet capital repair needs, and that program was cut by $700 million, or 23 percent.

The Public Housing Drug Elimination Program, which funds antidrug and anticrime law enforcement and security in public housing. In 2001, this program was funded at $309 million. Specifically in the 11th Congressional District, I had a conversation with the head of the Public Housing Authority and she said to me, the elimination of the drug-elimination program funds from her budget was like eliminating the entire Police Department from the Cuyahoga Metropolitan Housing Authority budget.

He went on to cut the Digital Divide Program of the Commerce Department, which provides computers and Internet connections to low-income and underserved areas by 65 percent.

He froze the Ryan White AIDS program at the 2001 level at a time when the drug cocktail and therapies has the number of people seeking AIDS treatment more than doubling since 1996.

He cut the Centers for Disease Control and Prevention by $109 million, or 2.6 percent below the 2001 freeze level. Areas specifically cut are chronic disease and health promotion activities, such as diabetes, cancer and arthritis.

He cut health professional training programs by $123 million, or 60.3 percent.

He cut Community Oriented Policing Services, the COPS program, which has placed over 100,000 new police officers in communities, by $172 million.

He cut the small business budget by 43 percent.

Mr. Speaker, let me go on to just talk about a few other things that he cut. He closed the AIDS office. He closed the Race Relations office. He closed the Women's Bureau office. He provided for more arsenic in water. He went on to talk about maybe salmonella in hamburger in school systems is okay, and came back around and changed his mind. He changed the Kyoto Treaty, where all countries across America had agreed to CO_2 levels. Then add to all of that naming some of the, in my opinion, most unqualified people to head some of the departments within the United States Government, those who are not sensitive to the issues affecting all Americans.

So what I say is do not let the Bush smirk screen fool us. He eagerly reverses programs that will keep our communities and families safe and does it with a smile and a quip. We will have increasingly dangerous streets without the safety programs the President has cut, more people looking for housing assistance, a decreased ability to count on our drinking water, and other environmental programs. He likes to disarm his opponents with charm and allow his hatchet men to do the dirty work, but we know who is sending those hatchet men and whose work they are doing.

Mr. Speaker, do not be fooled by the Bush smirk screen.

□ 1515

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Ohio.

If I can comment briefly, and then I would introduce another colleague. I want my colleagues here, both Democrats and Republicans, to understand that the reason that we are doing this today and pointing to the first 100 days is not because we dislike the President personally or because we are hoping that he fails. Just the opposite. I hope that he succeeds, and I wish him the best.

Mr. Speaker, personally he seems like a very nice person. The problem is that the policies that he is implementing are not policies or an agenda that is helpful to the country, whether it is economic development of the country or it is environmental or health concerns. I think we have an obligation regardless of party affiliation to point out these problems because we do not want it to continue.

My hope is that public pressure is brought against the administration on environmental issues and health care issues so that the President changes course and actually has an agenda and implements policies, together with Congress, that are positive and that help the average American.

I just think that it is necessary for us to speak out and point out where the shortfalls are because otherwise it is going to continue. I certainly do not want what I have seen for the first 100 days to continue for the next 3½ years of this administration.

I yield to my colleague from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I would note that we are having a Special Order at 3:15 in the afternoon, and that seems to be typical in this Congress. The Republican agenda is tax cuts, and then tax cuts and then tax cuts, all of them directed and weighted to the wealthiest people of the country. But other than that, there is not much of an agenda.

We have learned a couple of things in the first 100 days of the George W. Bush administration. The first thing is that the word "compassionate" was a political slogan for use during the campaign. You cannot find any compassion in the President's budget. Once he gets to the point of putting down numbers, there is nothing compassionate about his particular brand of conservatism.

Second, he came to Portland, Maine, in my district to pitch his tax cut. As he has done all across this country, he said that in effect the tax cut comes from leftover money. He says after we have funded our priorities, there is a huge surplus in this country and it should go back to the people because it is the people's money. In other words he basically was saying this money is not needed to run the programs that benefit people in their districts, in their States right now. That is not true. It is absolutely not true, and once you have the budget you can see that it is not true.

The tax cuts do not come from leftover money. What he gives back to the American people in tax cuts, he takes from them in budget cuts. Let us talk about a few of these that he is clearly going to try to get through.

For example, let us take law enforcement. By and large Democrats and Republicans have agreed that we need to fight crime in this country. We need to help local communities fund law enforcement. That is why we have had this program for a 100,000 police officers. That is why we have tried to encourage community policing across the country. The President's budget cuts the COPS program by 17 percent. All of these cuts, some of which I am going to run through, there is not time to run through them all, what they do is they will grow dramatically over time because the tax cut grows dramatically in each successive year. That is why the budget cuts have to be so severe.

The Bush budget cuts funding for land management programs by $2.6 billion including the Department of Interior, the EPA, the Army Corps of Engineers; and these funds have helped parks and wildlife refuges in Maine.

The Bush campaign said that he would leave no child behind. The Bush budget leaves many of America's children behind. How does that happen? On the one hand he says we are going to add $1 billion more for special education. On the other hand he pulls back $1.2 billion for school construction and renovation. In my State of Maine it means we get $4.5 million more in special education funds, whereas full funding would be $60 million for the State of Maine. And he takes back $5.5 million. We lose $1 million, and yet the President is saying education is one of his top priorities.

This makes no sense. It makes no sense at all. This is the one chance we have had in decades, in fact since the special education law was passed, this is our one chance to pass special education. And if the President's tax cut passes, that chance will be gone for a decade.

It is absolutely clear that the priority is tax cut first, tax cut second, tax cut third; and education, prescription drugs for seniors, Social Security and Medicare, the environment, they are so far down on the agenda that you cannot even see them.

The President says we have an energy crisis. He favors more drilling in ANWR, but his budget cuts funds for renewable energy resources programs and energy conservation programs. What sense does that make?

Mr. Speaker, I think that certainly in my State it is clear that his budget cuts are aimed directly at the heart of Maine municipalities. The cuts in special education or the reduced fund for education overall, the reduced funding for law enforcement, inadequate funding to separate storm and sewer drains, all in all this tax cut is way too large, way too weighted for the wealthiest people in this country; and that is what he is asking the country to judge him by.

A tax cut of the size that the President has proposed will not allow funding for special education. Half the size would allow us to make dramatic progress in a variety of different areas. It would, for example, help with some of those mandates that we really struggle with all of the time. It would allow full funding of a Medicare prescription drug benefit. I want to say something about that, an issue I have worked on for some period of time.

When you look at what the Republicans are trying to do, both in the House and in the other body, and when you look at what the President is proposing, there is no way it works for rural States. I do not care whether you are a Republican, Independent, Democrat, in rural America the privatization of Medicare which is what the Breaux-Frist reform plan is all about, will not work. We learned last August from the Congressional Budget Office that traditional fee-for-service Medicare is cheaper than the services provided to Medicare beneficiaries by managed care companies, by HMOs. Yet the President continues his train down a track that provides that we are going to make sure that at least half, maybe more, of Medicare beneficiaries are served not by Medicare but by Aetna or United or the private insurance companies that have gone in and provided some HMO coverage to Medicare beneficiaries in other parts of the country, not in Maine.

Mr. Speaker, I know this: Medicare does not pick up and leave a State when it is not making money. Private insurance companies do. HMOs do. They pick up and they leave States. Not only that, in any given year if they are not making enough money, this will increase the premium. If they are not making enough money, they will decrease the benefit. What kind of system is the President laying before this Congress? We can already see in this first 100 days what the President's agenda is. It is easy to find. If you want to know his policies on energy or the environment, just look at those policies advocated by the oil industry, by the coal industry, by the gas industry. That is where you will find perfect agreement.

If you want to know his policies on health care, look at the pharmaceutical industry and the health insurance industry. They are the same policies as the President has.

If you want to know his policy on privatizing Social Security, it is the same policy that Wall Street brokerages have been advocating for years because it will make them lots of money. This administration is captured by the special interests of the country. The President talks about running the government like a business. Well, at the rate we are going, the government will be nothing more than a business. It will pay no attention to those values that we deal with every day here because in this Congress, in the people's House, our job is not just about commercial values, it is about making sure that people have a chance to get ahead. That is what this country is all about. In a wide variety of areas, whether education, health care, the environment, we can only do, we can only improve our collective well-being through the Federal Government, the State governments, and the local governments. Abraham Lincoln said in 1854, "Governments exist to do those things which a community of individuals cannot do, or cannot do so well by themselves." That message has been lost on this administration. Lost on this administration.

Mr. Speaker, we need to move in this country from thinking not just about me, not just about our individual welfare, but to thinking about the common good, an old-fashioned phrase, but one that still has meaning and one that the people of America still understand. They know. The people in my State know. Here is a headline from yesterday's paper: "Local Advocates Rally Against Bush Budget Cut." People in Maine know we have an interest in making sure that the young people growing up in public housing projects have a chance for a better life.

The President has zeroed out a $60 million grant to the Boys and Girls Clubs of this country. A small portion of that money goes into Portland, Maine. Let me tell you what it does. It funds four study centers, after-school study centers for kids. They come out of school, they have a place to go. They have tutors, and materials to work on. They can improve their education and do better in school.

Four different areas in Portland. It helps pay for a satellite Boys and Girls Club, a peer leadership program through which young people are able to develop leadership skills. It helps fund the Institute for Practical Democracy, a place for girls; and a variety of other programs. One woman who works with these children said if we eliminate this, we eliminate opportunities for our kids. The truth about the Bush tax cut is that it is taking money out of the hides of our kids. It is taking money out of the hides of our seniors. It is taking money out of the hides of the municipalities and communities all across this country, and it is taking money away from our ability to protect and preserve our environment.

Mr. Speaker, there is no free lunch in this country. Revenues are related to expenditures, even though the administration would argue the tax cut as if it were totally separate from the programs that American people and American communities have come to depend on. We need to do a better job, and we can.

A tax cut half this size protects and preserves the kinds of programs which make a difference in the lives of Americans all across the country. This budget and tax cut are bad for my State of Maine. They are bad for the country. They are bad for working men and women all across the country, and it is our hope that they will be rejected.

Mr. Speaker, we may not change the administration; but it is our hope that in this Congress and in the other body we will be able to change the direction to one that is more balanced, more sensible and fairer for ordinary Americans.

□ 1530

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN). If I could just comment a little on what the gentleman from Maine said because there were certain points that I just feel were so well articulated.

I am so pleased that the gentleman kept stressing that there is no free lunch. He started out that way and he concluded that way. Because I do believe that, if we listen to the President in the first 100 days, he is constantly giving the impression that there is this huge surplus and there is all this money that we can spend for everything. The gentleman from Maine and I know that is not the case. Most people know that is not the case.

When the President's budget came out, it was vividly shown that, in order to achieve this huge tax cut that was mostly going to the wealthy and to corporate interest, that we had to make significant cuts and even raid other programs, like Social Security and Medicare. So there is no free lunch.

The other thing that I maintain is that, when we look at the President's tax initiative, although it is geared toward the wealthy and the corporate interests, it really does not help anyone ultimately, because I am very concerned that if we actually put it in effect that we would end up in a deficit situation again.

When I talk to wealthy Americans, of course, a lot of them do not support his tax cut. Many of the wealthiest people in the country have come out against it. I think the reason is that because they understand that, if we go back into a deficit situation, it is going to hurt the economy. We are going to end up with high interest rates. We are going to have a situation where companies that want to start new production, new techniques will not be able to borrow any money. That is what we had for the period of time going back before the previous administration. We do not want to go back to that. Nobody benefits from that.

The last thing that I wanted to comment that I thought the gentleman from Maine (Mr. ALLEN) pointed out so well, a lot of times we talk about programs, and we use that term "program," and I worry that I do not even want to use the term "program" because it almost has like a bad connotation, Federal program. But the gentleman from Maine (Mr. ALLEN) talks about the COPS program, which I thought was so much on point.

I mean, I had the same phenomenon that he pointed out where he had the newspaper and there were local citizens' rallies. In Asbury Park, which is one of my communities, one of the poorest communities that I represent, the police and some of the local officials just spontaneously, I did not know anything about it, had an event or press conference. They were talking to the press about the COPS program and how important it was to their city and how they had been able to hire extra police and the money was coming from the Federal Government to pay for it and this was helping with their fight against crime. They could not imagine what was going to happen if this program effectively ended.

Although there is some money in the budget for it, it has been cut so much that there will be no new police hired.

So I just would like to point out that we are talking about real things here. This has a real impact. We are not up here talking about the 100 days in some abstract way because we dislike the President or he is of the other party. We are just very concerned about what is happening to the country.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for putting this special order together and bringing us together to talk on this first 100 days of President Bush's presidency.

Actually, I am going to talk about energy. But it is clear to me, when we look at the energy policies that have been brought forward or not been brought forward since President Bush's election that in his first 100 days in office, President Bush has made it very clear that the only promise that he intends to keep is his commitment to leave no special interests behind. Nowhere is that more clear than in his actions and in his inactions surrounding energy and the environment.

In spite of all of his campaign promises and catchy speeches since taking office in January, President Bush has made it clear that our environment is not one of his priorities.

On the campaign trail, however, Bush vowed to strengthen carbon dioxide regulations to keep factories from polluting our air further. Within 2 months of taking the oath of office, he went back on his word, refusing to toughen carbon dioxide standards, making it easier and more effective for big industry to pollute.

Shortly after breaking his word on CO_2s, President Bush repealed tough new regulations that would have reduced the arsenic in our drinking water. Instead of acting to protect the water that our children drink, the President acted to protect mining companies from having to clean up their act and keep our water clean.

In these first 100 days, the President also unilaterally withdrew U.S. support from the Kyoto Treaty, seriously undermining our role as a world leader in environmental protection.

Most alarming to me as a Californian and as the ranking member of the Subcommittee on Energy of the Committee on Science is the President's lack of commitment to environmentally smart solutions for our energy crisis.

All Americans want and deserve reliable, affordable energy. Increasing our reliance on fossil fuels is not the way to solve our energy crisis or protect us from future problems. A serious Federal commitment to renewable energy sources, energy efficiency, and conservation is the only real solution.

But let us face it. The President and his Vice President are oilmen. Enron and other power companies were among Bush's campaign's biggest donors. The bottom line is that Bush-Cheney and their campaign contributors have a lot to gain from maintaining the stranglehold fossil fuels have on our power supply.

Despite the fact that the President stood before this country and said in his State of the Union Address that he was committed to renewable energy research, he has done nothing in his first 100 days except move to further increase our reliance on fossil fuels.

In fact, in his budget, President Bush slashed the funding for renewable energy research by $200 million. Under the President's plan, 50 percent of the geothermal technology development funding would be cut, 54 percent of the solar energy budget would be cut, and 61 million dollars would be cut from energy efficiency research funding.

Once more, the President's budget ties future funding for renewables to Federal dollars raised from drilling in the Arctic National Wildlife Refuge. That is an outrage. Destroying one of the most pristine expansions of wilderness in our country for a limited supply of oil is not a solution to the California or our Nation's energy crisis. It is one more environmental problem. It is a problem that he would leave for the future generations to solve.

So while Californians suffer through more blackouts and the Nation struggles to pay skyrocketing energy bills, President Bush has his billionaire oilman Vice President meeting in secret to craft a national energy policy. If it is anything like the Bush budget, and one can be sure it will be, it will be heavy on oil and nuclear energy and light on safe, sustainable energy sources like wind, solar, and geothermal.

Mr. Speaker, the gentleman from New Jersey (Mr. PALLONE) knows as well as I do that 100 days may be a good benchmark for politicians and pundits to assess new presidencies. But it is only a fraction of the time that our President actually spends in office. If President Bush continues this pattern for the rest of his term, big business may be smiling, but the American people will not be.

Over the next 3½ years, President Bush may make good on his commitment to leave no special interests behind. But after 4 years of his antienvironment pro oil company stance, the American people will be ready to leave President Bush behind.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from California (Ms. WOOLSEY), and I know how important the energy issue is obviously in California and around the country.

The gentlewoman mentioned the issue of renewables. I know that, in the budget, the research on renewables was cut about half. I think she mentioned that. It is so unfortunate because a lot of new technology is out there that is already being tried. The United States is the leader in these new technologies. If we think about it, here we are, the country that could take the leadership role, whether it is global climate change or whatever, and export a lot of these technologies, actually make money and create jobs; and this administration does not want to attend to it. It is just so unfortunate because it is so backward looking.

There are just ways of doing things that could create more jobs, solve the energy crisis over the long-term and at the same time make for a better quality environment, and he just does not listen.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) very much for yielding to me.

Let me first of all just congratulate the gentleman on his leadership in the environmental area. I know that the State of New Jersey cares a lot about the environment, too. He has been a real leader when it comes to renewables and coastal resources and protecting them. So I just want to congratulate the gentleman for all his hard work in that area and thank him for participating today.

I wanted to talk about the 100-day period and talk a little bit about budget priorities. It seems to me that, as President, one puts in one's budget the thing that one cares about, and one cuts the things that one does not care about. Looking at a budget is a real test of where the country is going to head under this President.

So I think the budget speaks louder than words more than anything. I think one can have a lot of talk and one can have action, but the budget reflects where one wants to take the country. That is where I think this budget that has just come out, and by the way, I think it is very interesting that we had all of these votes on tax cuts and overall budget resolutions without ever seeing a budget. I mean, that is the most devastating thing is to not even be able to see a budget before one votes on the revenue side of the picture.

So let us take a look at what this budget reflects on environmental issues. First of all, we have cuts across the board in various agencies that deal with the environment. Let us take the Environmental Protection Agency. This is an agency that enforces the law, that works very hard to make sure that air quality and water quality and toxic waste standards are all met. Those things are very, very important to Americans. Cut EPA 8 percent in the President's budget.

Now, my understanding from talking to some of our members on the Committee on the Budget is these cuts this year even get more severe in succeeding years. So we are talking about serious deep cuts to a very important agency like the Environmental Protection Agency.

Now, in my home State, we have a couple of national laboratories and they are real jewels and they do a lot of great research. But in the past, many, many years ago, they had nuclear waste which they disposed of in improper ways. So there has been a 10-year program to try to get that cleaned up.

Well, basically in this budget what the President is telling places like Los Alamos is we are going to slow that cleanup down because they cut the nuclear waste cleanup budget for the Department of Energy.

One of the other big items in this budget that I think is a very, very important issue is research on alternative and renewable forms of energy. If one looks in that Department of Energy budget for solar, wind, other alternative and renewable sources of energy, big cuts in those budgets. To me, that just does not make any sense.

Now, let us jump to the campaign trail for a minute, because President Bush talked a lot on the campaign trail about how he was for full funding of the land and water conservation fund. This is a fund that helps the Federal Government, States, localities, cities try to do everything they can to protect parks and to expand parks and to refurbish recreation areas. That is what the land and water conservation funds.

President Bush said in his campaign full funding of land and water conservation fund. The Congress passed by a very, very big margin a bill that, over the next 10 years, put significant monies; and there was another big huge cut to the tune of $260 million in land and water conservation fund monies going into parks, going in to help people with recreation areas.

□ 1545

This is a shared relationship. This is something that the Federal Government does with a city and a county. They put up half the money, we put up half the money, we go into it together to create a park and a community.

One other department I want to mention because it is very important in the West is the Department of Interior. The President's budget once again has big cuts in the Department of Interior. What we have here, and I think it is a very sad situation, we have a lot of talk about how we are going to take care of the environment. We are going to move towards clean air and clean water. Yet when we look at this budget blueprint, we end up finding out that this President wants to cut in all of these crucial areas, from the Environmental Protection Agency to nuclear waste cleanup in DOE, to research on alternative and renewable forms of energy, to the Land and Water Conservation Fund and the Department of Interior. I find it deplorable that this administration would cut so deeply into those vital environmental programs.

I again applaud the gentleman from New Jersey (Mr. PALLONE) for his efforts on this issue.

Mr. PALLONE. I want to thank my colleague from New Mexico. I just want to mention to my other colleagues, I think we only have another minute or two but they can do 5 minutes after this. I appreciate them coming down and joining us.

I just wanted to comment briefly on what the gentleman from New Mexico said because he talked about open space, which again is so important in the State of New Jersey. Essentially he is right. What the President has proposed for the budget, you could not possibly even fund existing open space and land and water conservation programs, let alone anything new. We have a lot of needs. We had a bus trip last week. We went around the State. I was with the gentleman from New Jersey (Mr. PASCRELL) at the Great Falls in Paterson which he is trying to get designated as a national park. There is no way that you can do that or provide the funding for the Great Falls or any other new area for open space or historical preservation with this budget. We need to point this out.

Mr. Speaker, in conclusion, the 100 days is over on Monday. Obviously there is going to be a lot more talk about it over the next few days before we get to Monday. The bottom line is that if you look at the first 100 days of this administration, it has been a failure on so many fronts. It is also not in tune with what the President said during his campaign. We are not pointing this out because we want him to be a failure. We are pointing it out because we want the agenda to change and be more proactive and helpful to the average American. We feel that there is a broad bipartisan consensus on a number of these environmental and health care and education initiatives.

There is no reason why we cannot move forward in a positive way. The President in his first 100 days has basically, I think, failed to carry forth with the agenda that he promised in the campaign, which would be good for the average American. Whether it is CO_2 emissions or open space or education, there is a lot of rhetoric but there is not much action and certainly no indication of funding in the budget to carry out what he promised. We will continue to point this out because we want it to change and we think that this country can move in a forward fashion on a bipartisan basis.

FIRST 100 DAYS OF BUSH ADMINISTRATION

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE) for holding forth for an hour on what I think is a very important discussion. I think it is also important as we debate this issue that we clarify the reason why we rise to the floor, Mr. Speaker, for some might think that it is clearly to make a very bland or a very superficial analysis of 100 days of an administration.

Might I say as a Member of the United States Congress, I am willing to look at our 100 days as well because frankly what I am concerned about is the future of this Nation, the good future of the Nation, the improved quality of life. As I look to the 100 days, what I say to the American people is we can analyze 100 days because we have certain documents and certain actions that we can determine whether or not there is a vision for the future of this Nation or whether in fact we are going backward.

What I would say to the administration is of course there are analyses that suggest that it has been an okay 100 days, it has been a good 100 days, there is nothing that has been disturbed in the 100 days. That may be the case, but the question is who have we helped, what vision have we set forward in order to improve the quality of life of so many Americans? What have we done to be bold in our leadership?

This is why, Mr. Speaker, I come to the floor of the House and cite several aspects of concern that I have. I have not seen the bold leadership that is necessary. When we left the last Congress, the 106th Congress, we knew that we had a problem with uninsured children in America. We know that in the last Congress and in the Congress before, we put aside $24 billion to ensure that children around the Nation could be insured. Yet that has not been fulfilled. And so it would be important that a bold vision for America be a commitment to insure every uninsured child. I believe, Mr. Speaker, that that surpasses any need to give a $1.6 trillion tax cut on a surplus that is unsteady.

In addition, Mr. Speaker, we had bipartisan support on smaller class sizes for our Nation's schools. Not only smaller class sizes but to rebuild our crumbling schools. Not in someone's district but in America, whether it is rural, suburban or whether or not it is an urban area. There is not one of us who can go to our districts that cannot find a 50-year-old school, a 60-year-old school. Certainly there is great history and many of the old graduates are glad that their building is still standing, but, Mr. Speaker, this is a circumstance where windows have to be opened, where bathrooms are not working, where stairwells are crumbling and our children are going to these schools. Bold leadership, Mr. Speaker, would have meant that in the 100 days of the administration that we are assessing and in this Congress we would have already brought to the floor of the House legislation to rebuild America's schools, collaborating with our local jurisdictions, talking about smaller class sizes.

As a member of the Committee on Science, let me say that I have spent some 6 years dealing with technology, research and development. My colleague from New Mexico spoke about Los Alamos. I went to Los Alamos and visited and saw the needs there. They have hardworking professionals but I would tell you, Mr. Speaker, we need resources in the Nation's labs. We need to rebuild them. We need to ensure that they are safe. And can you believe that we in the Committee on Science have oversight over a proposed budget by the administration that cuts this kind of research and development. In fact, what we are finding out is that there is more money for defense research and less money for civilian research. That means that NASA, the Department of Energy, NOAA, all of these entities that deal with the quality of life of Americans, improving the quality of life of Americans, helping to clean up nuclear waste, are now being proposed to be cut. That is not bold leadership. It falls on the backs of this Congress and it falls on the back of the administration.

Let me just quickly say, Mr. Speaker, why I am concerned. Both bodies, if you will, both segments have not functioned with the majority in the Senate and in the House that are Republican and this administration. One of the first things we did that now is being muffled over, if you will, in the 100 days is after 10 long years of work, we thought it was important to repeal the ergonomics work safety rule which was helping Americans with skeletal injuries because Workmen's Compensation did not pay. The administration thought that that was a big victory to repeal that long, hard work, starting under Secretary Dole of the Department of Labor and now we are repealing that.

Let me close by saying to you arsenic in the water, lowering emissions, lack of dollars for affordable housing and homelessness. Mr. Speaker, I would hope that we will strike a vision for the American people, come together with some leadership, and respond to what everyday, average Americans need in the 21st century.

FIRST 100 DAYS OF BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, we have come to the floor today to offer a critique of the President's first 100 days in office. I think it is only fair that before we offer some of our valid criticisms, that we recognize where praise is due. I think before you give a new person on the job a critique, you always start with something positive. I want to start with something positive for the President. President Bush's FEMA director, Joe Albaugh, has done a good job responding to the Seattle earthquake, Mr. Speaker. We had this earthquake out in Seattle. He sent Mr. Albaugh out there and they have done a crackerjack job responding to my constituents' problems and we have appreciated it out there in Puget Sound country.

But, Mr. Speaker, there has been another earthquake of longer ramifications in my State and that is the earthquake of these incredibly high energy prices, electrical rates that are going up 30, 50, 100 percent, people who are charging wholesale electrical rates five, 10, 20 times higher than were just charged last year. Wholesale electrical generators, many of whom happen to be from the President's home State, who were charging $20 a megawatt-hour last year are now charging $250, $500 a megawatt-hour, 10 to 20 times what they charged last year.

Mr. Speaker, you can imagine what that is doing to the economy of my State. We have had 400 people laid off from a pulp and paper mill that has shut down. We have got small business owners that are curtailing hours. We have got the prospect of 40,000 jobs lost as a result of these incredible price hikes.

What has this President offered the people of the West Coast, Washington, Oregon and California, in the face of this crisis? Nothing. We have come to this President and offered meaningful price mitigation legislation. We have asked him to urge FERC to ask for a meeting in the next hour or so to potentially consider a response to do something about these incredibly obscene prices that are not justified by cost, not justified by new generating capability but are only occurring due to folks who are gaming the system.

What has he said? "Let them eat cake." He said this is just a California problem. It is a Marie Antoinette energy policy and my constituents are suffering because of it. We are continuing to urge this President to give up this sort of mantra that this is just a California problem. California is still attached to the rest of the country. The earthquake has not caused it to be separated. My constituents in the

State of Washington are suffering just as badly as the constituents, if not worse, in California. We need this President to recognize he is the President for all the people, not just those in Texas, not just for the generators in Texas but he has got a responsibility to the people I represent. We need him to work with us to design a price mitigation strategy. If he will do that, he will win the applause of the folks on the West Coast. Until that happens, Mr. Speaker, he is getting a D-minus when it comes to this energy crisis on the West Coast. We need his help and we are here to ask for it.

The second issue, Mr. Speaker, is on the environment. The President's first days, first 100 days, have been tremendously inspirational. They are inspiring people to come up to me in bus stops, in grocery stores, on the ferry boat and they are saying, Jay, can you stop him? Can you fight him? Can you fight him when he is trying to cut the Hanford nuclear cleanup budget? Can you fight him when he is trying to loosen arsenic rules? Can you fight him when he is trying to allow drilling in the Arctic refuge? Can you fight him when he wants to loosen the roadless area policies so that they can do clearcutting in our roadless areas, the last remaining nonclear-cutted areas in the country? He has been an inspirational figure. He has inspired people who have never before lifted a political finger to get out there and get active to try to resist this environmental jihad that is going on right now.

Mr. Speaker, I believe that when the votes come up on the floor of this House, those inspirational messages will be heard and we will defeat this President in his effort to drill in the Arctic and we will have an opportunity to defeat this attack on the roadless area policy, because what my constituents are telling me, Mr. Speaker, is that in the first 100 days of this President's administration, his environmental message has been, "Leave no special interest behind." We are going to continue this fight.

A NATIONAL ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I wanted to talk about an issue that I know is going to become a very serious issue in this session of Congress, and that is a national energy policy. This administration is going to unveil in the coming weeks their plan for a national energy policy and I thought it was important to talk a little bit about what I think should be in that national energy policy and how we ought to look forward. Energy and energy issues are not just about today. I think the people of this country pay us to look out to the future, 25, 50 years, and put this Nation on a very strong basis where we can be energy efficient.

Are we in that condition today? I do not think so. I think increasingly in recent years, we have gone up and up with imports. We have increased our dependence on foreign oil. In fact, in the 1960s we imported about 20 percent of our oil. We are approaching today about 60 percent of our oil.

□ 1600

So we are getting heavily dependent on imports. Where is the foreign oil coming from that we are importing? Over 55 percent of that oil is coming from seven countries. They are in the Middle East, a volatile region, a region where there is always something going to happen that might impact the oil supply. So we need to look ahead.

I wanted to talk a little bit about what are the components of a national energy policy.

First of all, we have to look at having a strong domestic industry. Many States out in the West, New Mexico is one of them, have strong, vital domestic oil industries. We have to make sure that those industries stay strong and that we give the incentive so that they can develop.

Secondly, we have to look at fuel efficiency. In the last end of this administration, the Clinton administration, we talked about energy efficiency and the Clinton administration, through Secretary Richardson, who is from my home State and a colleague of mine, he put in a requirement that air conditioners in the future have 30 percent energy efficiency. I find it very unfortunate that this administration has rolled that back. Rather than get more energy-efficient air conditioners which use up huge amounts of energy in the summer, that has been rolled back.

We need to look at fuel efficiency. If we just increased our automobile efficiency 3 miles per gallon, that would equal all of the oil that is in the Arctic National Wildlife Refuge. So fuel efficiency on automobiles is another important component, and I hope that this administration recommends that.

In addition to air conditioners, there are a number of other appliances which could be more energy efficient. We need to look at every one of those, and I hope there are some major recommendations in that area.

Then we need to look at conservation. Since 1900 until today, we have used up enormous sums of oil. Some estimates are that we have used up half of what all there is out there. That, to me, is deplorable. The amount of time that people have been on this earth and just a couple of generations here are using it all. A good conservation ethic says that we should leave the world in a better place for our children. So we should not be using such a vital resource at such a rapid pace. So we need to apply a conservation ethic. I hope this President speaks out and says, in terms of a national energy policy, we need conservation and we need it to be a big part of government and private sector and throughout the economy.

The last area that I think needs to be emphasized here is alternative and renewable forms of energy. If we focus on fuel cells, solar, wind, biomass, do the research, bring down the costs, we can be a country that is energy independent; and we will not be so dependent on this foreign oil. When it comes to those areas, I really do not understand this President cutting solar and wind and some of the other renewable forms.

So in sum, Mr. Speaker, let us look at a true national energy policy in the coming weeks.

EDUCATION, AN IMPORTANT ISSUE IN THE STATE OF UTAH

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, the House is going to be taking up the issue of education over the next couple of weeks, and I thought it would be important to communicate some of the thoughts that I have learned, having spent a significant amount of time in my district over the Easter recess talking to teachers and superintendents, talking to students, and talking to parents. I can say, I come from a State that is unique. Utah's needs are not often represented in national discussions on education, and I think it is important to point out some of the unique characteristics in my State and how national policy may affect that.

I represent the State with the lowest per-pupil expenditure in the United States. I represent the State with the largest student-teacher ratio in the United States. Utah schools are struggling to keep up. The State Office of Education estimates Utah will add over 100,000 new students over the next 10 years. It is going to require 124 new schools to be built in my State.

These challenges that I mention, these challenges we face in the State of Utah, make the Federal-State relationship very critical. We believe in Utah, and I firmly believe, that education is fundamentally a State and local issue. So as we talk about education policy here in Congress, I want to make sure that we talk about it in the context where we are not creating Federal programs with a number of strings attached. It is important that we maintain local control.

Let me talk about five quick issues that we should consider during our education discussion. The first is class-size reduction. The Federal class-size reduction program has been a great success in my State. That program takes Federal dollars and puts it directly in local school districts. I have talked to all the school districts in my congressional district. They have talked about what a positive program it is, that they have the flexibility to decide what to best do with that money. Some schools hire teachers to create new classes. Other schools hire a reading specialist to move from class to class. But that flexibility has been very important in my State.

The second issue I would mention is the issue of teacher development. As I meet with teachers, they think it is important that they have the opportunity to improve themselves throughout their careers. That is something a lot of people do in the private sector. We should make sure our teachers have that opportunity. We should make sure that the Eisenhower Professional Development Program is maintained and strengthened in the future.

The third issue I want to talk about is the notion of accountability. We all think accountability is a good idea. We just need to be careful that we do not enforce a one-size-fits-all solution at the Federal level. Every State, every community has their own circumstances; and we ought to make sure that those local circumstances can be accommodated in whatever accountability measures that we have.

I can say that in Utah, we have already created a new State testing program. We are in the process of implementing that, and Utah teachers are not afraid of accountability; but we want to make sure that accountability is measured in the broadest sense possible that accommodates all the variables that affect student performance.

Finally, I would like to talk about the notion of decreased bureaucracy. I have met with so many teachers and administrators, and they talk about the problems with special education in terms of the paperwork. The paperwork is such a burden on our teachers and our administrators; and while it is clearly also important that we fully fund the Federal commitment to special education, I think it is also important that in the context of looking at funding for special ed we also ought to look at trying to reform special ed to reduce the paperwork. That is a view from my own home district, and I think it is important that we put that in the RECORD, these issues and concerns about educators in the State of Utah as we discuss education.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOWS) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Mr. LARSEN of Washington, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mrs. KELLY, for 5 minutes, May 2.

Mr. TAYLOR of North Carolina, for 5 minutes, May 2.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

ADJOURNMENT

Mr. MATHESON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, April 26, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1591. A letter from the Acting Administrator, Farm Services Agency, Department of Agriculture, transmitting the Department's final rule—Diary Price Support, Diary Recourse Loan, Livestock Assistance, American Indian Livestock Feed, and Pasture Recovery Programs (RIN: 0560–AG32) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1592. A letter from the Acting Administrator, Farm Services Agency, Department of Agriculture, transmitting the Department's final rule—2000 Crop Disaster Program (RIN: 0560–AG36) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1593. A letter from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Dairy and Cranberry Market Loss Assistance Programs, Honey Marketing Assistance Loan and LDP Program, Sugar Nonrecourse Loan Program, and Payment Limitations for Marketing Loan Gains and Loan Deficiency Payments (RIN: 0560–AG34) received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1594. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Time-Limited Pesticide Tolerances [OPP–301115; FRL–6778–1] (RIN: 2070–AB78) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1595. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP–301118; FRL–6778–6] (RIN: 2070–AB78) received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1596. A letter from the Chief, General and International Law Division, Department of Transportation, transmitting the Department's final rule—Audit Appeals; Policy and Procedure [Docket No. MARAD–2000–8284] (RIN: 2133–AB42) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1597. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements for Allegheny County [PA160–4107a; FRL–6962–3] received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1598. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—EPA International "Green" Buildings Initiative—received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1599. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of the Wassennar Arrangement List of Dual-Use Items: Revisions to Microprocessors, Grapic Accelerators, and External Interconnects Equipment [Docket No. 010108008–1008–01] (RIN: 0694–AC39) received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1600. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations as a result of the addition of Brazil, Latvia, and Ukraine to the Nuclear Suppliers Group, and other revisions [Docket No. 001212346–0346–01] (RIN: 0694–AB50) received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1601. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-43, "Closing of a Portion of South Avenue, N.E., S.O. 00-91 Act of 2001" received April 24, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1602. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-576, "Brownfield Revitalization Amendment Act of 2000" received April 24, 2001, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1603. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation—received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1604. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR to Humbug Mountain, OR [Docket No. 000501119-0119-01; I.D. 031501B] received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1605. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Within the Shelikof Strait Conservation Area in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 032901B] received April 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1606. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska-01-001] (RIN: 2115-AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1607. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Shaw Cove, CT [CGD01-01-018] (RIN: 2115-AE47) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1608. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulations: Hackensack River, NJ [CGD01-01-010] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1609. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Crescent Beach Bridge (SR 206), Crescent Beach, FL [CGD07-01-019] (RIN: 2115-AE47) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1610. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Lessee Construction Allowances For Short-Term Leases [Rev. Rul. 2001-20] received April 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHAMBLISS:

H.R. 1580. A bill to provide that Commodity Futures Trading Commission employees may be paid on a par with employees of other government financial institutions; to the Committee on Agriculture, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. BISHOP, Mr. ALLEN, Mr. BAIRD, Mr. BALDACCI, Mr. BARTON of Texas, Mr. BLUMENAUER, Mr. BLUNT, Mr. CALLAHAN, Mr. CAMP, Mr. COLLINS, Mr. COOKSEY, Mrs. EMERSON, Mr. ENGLISH, Mr. HERGER, Mr. HILLIARD, Mr. HUTCHINSON, Mr. ISAKSON, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. GREEN of Wisconsin, Mr. MCCRERY, Mr. THOMPSON of California, Mrs. JOHNSON of Connecticut, Mr. OBERSTAR, Mr. OTTER, Mr. PICKERING, Mr. ROSS, Mr. SCHAFFER, Mr. SHOWS, Mr. SIMPSON, Mr. STUPAK, Mr. SMITH of Washington, Mrs. THURMAN, Mr. WALDEN of Oregon, and Mr. WICKER):

H.R. 1581. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 1582. A bill to amend the Immigration and Nationality Act to adjust the status of certain long-staying alien children, to lower high school drop out rates for certain immigrant children, and to restore the right of State and local governments to decide whom they will admit to their State and local colleges and universities; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. VISCLOSKY, Mr. PENCE, Mr. ROEMER, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. KERNS, Mr. HOSTETTLER, and Ms. CARSON of Indiana):

H.R. 1583. A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. TANCREDO, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. DEMINT, Mr. BAKER, Mr. ARMEY, Mr. SENSENBRENNER, Mr. KOLBE, and Mr. SCHAFFER):

H.R. 1584. A bill to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1585. A bill to provide for a study regarding the proximity of federally assisted housing to hazardous waste sites; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. SHAYS, Mr. SESSIONS, Mr. EVANS, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. MCGOVERN, Mr. FRANK, and Mr. DELAHUNT):

H.R. 1586. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service performed for the Federal Deposit Insurance Corporation creditable for retirement purposes; to the Committee on Government Reform.

By Ms. MCKINNEY (for herself, Mr. EVANS, Mr. REYES, and Ms. BROWN of Florida):

H.R. 1587. A bill to amend title 38, United States Code, to repeal the 30-year manifestation period for a presumption of service-connection for respiratory cancers occurring in veterans who served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; to the Committee on Veterans' Affairs.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 1588. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 1589. A bill to amend the Caribbean Basin Economic Recovery Act to provide trade benefits for socks and hosiery; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1590. A bill to amend the Internal Revenue Code of 1986 to allow up to $500 of health benefits and dependent care assistance in flexible spending accounts and similar arrangements to be carried forward to the succeeding taxable year or to be included in gross income upon termination of such accounts and arrangements; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Ms. MCKINNEY, and Mr. MCGOVERN):

H.R. 1591. A bill to prohibit the United States Government from providing financing for nongovernmental organizations or individuals to carry out military, law enforcement, armed rescue, or other related operations in the countries of the Andean region, including any operations relating to narcotics control efforts; to the Committee on International Relations.

By Mr. THORNBERRY (for himself, Mr. JONES of North Carolina, Mr. GRAVES, Mr. DELAY, and Mr. OTTER):

H.R. 1592. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide greater protection of private property rights; to the Committee on Resources.

By Mr. PAUL:

H.J. Res. 45. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the Untied States Government from engaging in the business in competition with its citizens; to the Committee on the Judiciary.

By Mr. SKELTON:

H. Con. Res. 106. Concurrent resolution commending the crew of the United States Navy EP-3 Aries II reconnaissance aircraft that on April 1, 2001, while flying in international airspace off the coast of China, was involved in a mid-air collision with a Chinese fighter aircraft for their outstanding performance of duty and exemplary conduct and expressing the sense of Congress concerning continued United States reconnaissance and surveillance flights in the area; to the Committee on Armed Services.

By Mr. WELDON of Florida (for himself and Mr. CRAMER):

H. Con. Res. 107. Concurrent resolution expressing a declaration of space leadership; to the Committee on Science, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H. Con. Res. 108. Concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation; to the Committee on Science.

By Mr. LATOURETTE:

H. Con. Res. 109. Concurrent resolution honoring the services and sacrifices of the United States merchant marine; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. SHADEGG, Mr. TOOMEY, Mr. SESSIONS, Mr. DEMINT, Mr. OTTER, Mrs. MYRICK, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Mr. RYUN of Kansas, and Mr. RYAN of Wisconsin):

H. Res. 123. A resolution amending the rules of the House of Representatives to prohibit the inclusion in any legislation of any provision which makes a decrease in Federal income taxes contingent upon another event or circumstance; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. TAUSCHER introduced a bill (H.R. 1593) for the relief of Bruce Watson Pairman and Daniele Paule Pairman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. PITTS, Mr. DELAY, Mrs. CUBIN, and Ms. SANCHEZ.

H.R. 21: Mr. LOBIONDO and Mrs. NORTHUP.

H.R. 61: Mrs. BIGGERT.

H.R. 68: Mrs. THURMAN.

H.R. 99: Mr. MILLER of Florida.

H.R. 123: Mr. BUYER and Mr. KOLBE.

H.R. 128: Mr. OLVER, Mr. OBERSTAR, Ms. MCKINNEY, Mrs. CAPPS, Mr. GEORGE MILLER of California, and Ms. BALDWIN.

H.R. 169: Mr. CUMMINGS, Mr. GREEN of Wisconsin, Mr. COYNE, Ms. SANCHEZ, Mr. SANDLIN, Mr. MCGOVERN, Mr. KUCINICH, Ms. MCKINNEY, Mr. WELDON of Florida, and Mr. ARMEY.

H.R. 220: Mr. SKEEN and Mr. REHBERG.

H.R. 270: Mr. BONIOR and Ms. SCHAKOWSKY.

H.R. 325: Mr. GEORGE MILLER of California, Ms. KILPATRICK, Ms. NORTON, Mr. GILCHREST, and Mr. MALONEY of Connecticut.

H.R. 353: Mr. TIAHRT.

H.R. 389: Mr. FILNER.

H.R. 397: Mr. SCHIFF, Ms. SOLIS, Ms. SANCHEZ, Mr. HOBSON, and Mr. CLEMENT.

H.R. 435: Ms. WOOLSEY.

H.R. 436: Mr. ROGERS of Kentucky and Mr. GREEN of Texas.

H.R. 458: Mr. GREENWOOD.

H.R. 460: Mr. DEFAZIO and Ms. LEE.

H.R. 490: Mr. BOEHLERT, Mr. ROGERS of Kentucky, Mr. KILDEE, Mr. BLUMENAUER, Mr. REHBERG, Ms. MCKINNEY, Mr. FRANK, Mrs. DAVIS of California, Mr. PICKERING, and Mr. OLVER.

H.R. 499: Mr. PAYNE, Ms. DELAURO, Mr. GONZALEZ, Ms. KILPATRICK, and Mr. RUSH.

H.R. 500: Mr. LANTOS.

H.R. 521: Mr. ABERCROMBIE.

H.R. 525: Mr. COSTELLO.

H.R. 527: Mr. EVERETT and Mr. RILEY.

H.R. 531: Mr. LANTOS.

H.R. 555: Mr. THOMPSON of Mississippi and Mr. CAPUANO.

H.R. 579: Mr. LANGEVIN.

H.R. 594: Mr. FALEOMAVAEGA.

H.R. 611: Ms. DEGETTE, Mr. ENGLISH, Mr. ROGERS of Kentucky, Mr. OLVER, Mr. LEWIS of Kentucky, Mr. WAXMAN, Mr. ROSS, Mr. MURTHA, Mr. ENGEL, Mrs. JONES of Ohio, Mr. DOYLE, Mrs. MINK of Hawaii, Mr. ETHERIDGE, Ms. MCCOLLUM, and Mr. INSLEE.

H.R. 619: Mr. MORAN of Virginia.

H.R. 622: Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. MALONEY of Connecticut, Mrs. TAUSCHER, and Mr. BROWN of Ohio.

H.R. 641: Mr. DAVIS of Illinois, Mr. JOHN, Mr. SHOWS, Mr. OWENS, Mr. DOOLEY of California, Mr. MORAN of Virginia, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HANSEN, and Mr. MCINNIS.

H.R. 648: Mr. RYUN of Kansas and Mr. BOEHLERT.

H.R. 662: Mr. WICKER, Mr. PETERSON of Pennsylvania, Mr. RODRIGUEZ, Mr. TERRY, Mr. GEKAS, Mr. KENNEDY of Minnesota, Mr. HALL of Texas, Mr. HAYWORTH, Mr. STUPAK, Mr. LUCAS of Kentucky, Mr. CLEMENT, Ms. MCKINNEY, Mr. SCHAFFER, Mr. HILLEARY, Mr. FOLEY, Mr. ROGERS of Kentucky, Mrs. KELLY, Ms. KAPTUR, Mr. BOEHLERT, Mr. BERRY, Mr. GILCHREST, Mr. HILLIARD, Mr. CONDIT, and Mr. PUTNAM.

H.R. 663: Mr. ISAKSON, Mr. CUNNINGHAM, and Ms. MCCOLLUM.

H.R. 678: Mr. LEVIN and Mr. ISRAEL.

H.R. 712: Mrs. THURMAN.

H.R. 717: Mr. ENGEL, Mr. HUTCHINSON, Mr. ROGERS of Kentucky, Mr. OWENS, Mr. CASTLE, Mr. HOLT, Mr. REYES, Mr. BERRY, Mr. SIMMONS, and Ms. ESHOO.

H.R. 730: Mr. SMITH of New Jersey and Mr. HOLT.

H.R. 739: Mr. FARR of California.

H.R. 744: Mr. LANGEVIN and Mr. BENTSEN.

H.R. 773: Mr. CAPUANO.

H.R. 781: Mr. HINOJOSA.

H.R. 786: Mr. HOEFFEL.

H.R. 793: Mr. PALLONE.

H.R. 818: Mr. HOYER and Mr. RUSH.

H.R. 827: Mr. WELLER.

H.R. 864: Mr. RYUN of Kansas.

H.R. 868: Mr. EVERETT, Mr. ROGERS of Michigan, Mr. TURNER, Mr. BOUCHER, and Mr. WALDEN of Oregon.

H.R. 911: Mr. GUTIERREZ.

H.R. 913: Mr. WEXLER.

H.R. 966: Mr. FLAKE and Mr. RYUN of Kansas.

H.R. 997: Mr. PAUL.

H.R. 1014: Mr. CLAY, Mr. WEXLER, Mr. RANGEL, Mr. UNDERWOOD, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. MCGOVERN, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. LEE, Ms. WATERS, Mr. BERMAN, Mrs. NAPOLITANO, Mr. CUMMINGS, and Ms. WOOLSEY.

H.R. 1024: Mr. BECERRA, Mr. HAYWORTH, Mr. ARMEY, Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Ms. DUNN, Mr. DEMINT, Mr. CARDIN, and Mr. CAMP.

H.R. 1032: Ms. SCHAKOWSKY and Mr. LATOURETTE.

H.R. 1073: Ms. SOLIS, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. PAYNE, Mr. BLAGOJEVICH, Mr. BEREUTER, Mr. LEACH, Mr. BOUCHER, Mrs. LOWEY, Ms. VELÁZQUEZ, and Mr. MEEKS of New York.

H.R. 1089: Mr. BOUCHER, Ms. LOFGREN, and Ms. HART.

H.R. 1090: Mr. UDALL of New Mexico.

H.R. 1117: Mr. SABO, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mr. LEWIS of Georgia, Ms. MCCARTHY of Missouri, and Mr. HASTINGS of Florida.

H.R. 1139: Ms. MCKINNEY, Mr. GALLEGLY, and Mr. BASS.

H.R. 1146: Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, and Mr. EVERETT.

H.R. 1174: Mr. SCHAFFER, Mr. SUNUNU, and Mr. STEARNS.

H.R. 1177: Mr. SMITH of Washington.

H.R. 1195: Ms. LOFGREN, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. NADLER, Mr. LAFALCE, Mr. MEEKS of New York, Mr. WYNN, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. ABERCROMBIE, Ms. MCKINNEY, Mr. CROWLEY, Mr. RUSH, Ms. PELOSI, Ms. MCCOLLUM, Ms. VELÁZQUEZ, Ms. SOLIS, and Mr. FRANK.

H.R. 1198: Mr. SKEEN, Mr. BAKER, Mr. SIMMONS, Mr. HYDE, Mr. EHRLICH, Ms. HOOLEY of Oregon, Mr. WEXLER, Mr. BLAGOJEVICH, and Mr. GOODE.

H.R. 1201: Mr. RUSH.

H.R. 1230: Mr. STUPAK, Mr. KILDEE, Ms. KAPTUR, Mr. BOEHLERT, Ms. BALDWIN, and Mr. GEORGE MILLER of California.

H.R. 1266: Mr. ABERCROMBIE, Mr. BALDACCI, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CAPUANO, Mr. COYNE, Mr. ENGLISH, Mr. EVANS, Mr. FLAKE, Mr. FRANK, Mr. HASTINGS of Florida, Mr. HOLT, Ms. KILPATRICK, Mr. KING, Mr. KUCINICH, Ms. LEE, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. RAHALL, Ms. RIVERS, Mr. SANDERS, Mr. SUNUNU, Mr. UDALL of Colorado, and Ms. WOOLSEY.

H.R. 1291: Mr. HINOJOSA, Mr. FROST, Mr. LUCAS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 1308: Mr. RYUN of Kansas.

H.R. 1328: Ms. PRYCE of Ohio.

H.R. 1330: Mr. RODRIGUEZ.

H.R. 1331: Mr. BARTON of Texas, Mr. RYUN of Kansas, and Mr. HOEFFEL.

H.R. 1342: Mr. FLAKE.

H.R. 1358: Mr. KUCINICH.

H.R. 1363: Ms. HART.

H.R. 1405: Ms. LOFGREN.

H.R. 1407: Mr. BEREUTER.

H.R. 1408: Mr. SHOWS and Mr. SHERMAN.

H.R. 1413: Ms. CARSON of Indiana, Mr. MOLLOHAN, Mr. REYES, Mr. RODRIGUEZ, Mr. FORD, Mr. RAHALL, and Mr. SMITH of Washington.

H.R. 1429: Ms. MILLENDER-MCDONALD and Mr. BLAGOJEVICH.

H.R. 1441: Mr. BALLENGER, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. DOOLITTLE, Mr. FLAKE, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. ISTOOK, Mr. LARGENT, Mr. MCCRERY, Mr. MILLER of Florida, Mr. OTTER, Mr. PAUL, Mr. PITTS, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. SHADEGG, Mr. SWEENEY, Mr. TANCREDO, Mr. TERRY, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER.

H.R. 1443: Ms. SCHAKOWSKY, Mr. BEREUTER, Mr. MALONEY of Connecticut, Ms. SLAUGHTER, and Ms. KILPATRICK.

H.R. 1459: Mrs. THURMAN, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr.

RAMSTAD, Mr. PETRI, Mr. BOUCHER, and Mr. STEARNS.

H.R. 1462: Mr. UDALL of Colorado.

H.R. 1464: Mr. TOWNS.

H.R. 1485: Mrs. MYRICK.

H.R. 1486: Mr. STARK.

H.R. 1487: Mr. TOM DAVIS of Virginia, Mr. ISSA, Mr. COX, and Mr. UDALL of Colorado.

H.R. 1494: Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Ms. VELÁZQUEZ, Mr. ENGEL, Mr. RANGEL, and Mr. COYNE.

H.R. 1498: Mr. TIERNEY.

H.R. 1524: Mr. SMITH of New Jersey, Mr. NORWOOD, Mr. RYUN of Kansas, Mr. TOOMEY, and Mr. GANSKE.

H.R. 1531: Mrs. LOWEY.

H.R. 1541: Mr. SANDERS, Mr. GUTIERREZ, Mr. KILDEE, Mr. FALEOMAVAEGA, and Ms. MCKINNEY.

H.R. 1542: Mr. SWEENEY, Mr. GRUCCI, and Mr. TURNER.

H.R. 1567: Ms. SCHAKOWSKY, Mr. SANDERS, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONYERS, Ms. BROWN of Florida, and Ms. JACKSON-LEE of Texas.

H.J. Res. 36: Mr. SMITH of Washington.

H.J. Res. 38: Mr. STUMP, Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. FLAKE.

H. Con. Res. 26: Mrs. CAPPS.

H. Con. Res. 52: Mrs. CAPPS.

H. Con. Res. 58: Mr. HASTINGS of Florida, and Mr. SCHIFF.

H. Con. Res. 61: Mr. BONIOR, Mr. SIMMONS, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 81: Mr. BALDACCI, Mr. FROST, Mr. RANGEL, Mr. MCHUGH, Mr. EVANS, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. KUCINICH, Mr. CLEMENT, Mr. LANGEVIN, Mr. WAXMAN, Ms. KILPATRICK, Mr. CONYERS, Mr. LANTOS, and Ms. PELOSI.

H. Con. Res. 91: Mr. BLAGOJEVICH, Mr. MOORE, Mr. TURNER, Mr. BROWN of Ohio, Mrs. KELLY, Mrs. ROUKEMA, Mr. FRANK, Mr. LAFALCE, Mr. BALDACCI, Mr. HORN, Mr. GILMAN, Mr. KING, Mr. TOM DAVIS of Virginia, Mr. RAHALL, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. LUCAS of Kentucky, Mr. PLATTS, Ms. ROS-LEHTINEN, and Ms. RIVERS.

H. Con. Res. 98: Mrs. MALONEY of New York and Mr. LIPINSKI.

H. Con. Res. 101: Mr. SCHIFF, Mr. FILNER, Ms. BERKLEY, Mr. BERMAN, Mr. LEVIN, Mr. WEXLER, and Mrs. LOWEY.

H. Con. Res. 103: Mr. SHAYS, Mr. EVANS, Mr. FILNER, Mr. DOYLE, Mr. KLECZKA, Mr. FRANK, Mrs. MORELLA, Ms. KAPTUR, Mr. COSTELLO, Mr. STARK, Ms. MCKINNEY, Mr. SIMMONS, Ms. RIVERS, Mr. LIPINSKI, and Mr. KUCINICH.

H. Res. 23: Ms. SANCHEZ.

H. Res. 120: Mr. WELLER.

SENATE—*Wednesday, April 25, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, continuing Jewish Heritage Week, our prayer is taken from the Jewish Book of Service, Daily Prayers. Let us pray.

We gratefully acknowledge that You are the Eternal One, our God, and the God of our fathers evermore; the Rock of our life and the Shield of our salvation. You are He who exists to all ages. We will therefore render thanks unto You and declare Your praise for our lives, which are delivered into Your hand and for our souls, which are confided in Your care; for Your goodness, which is displayed to us daily; for Your wonders, and Your bounty, which are at all times given unto us. You are the most gracious, for Your mercies never fail. Evermore do we hope in You, O Lord our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April, 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:15 a.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Nevada.

BROWNFIELDS

Mr. REID. Mr. President, today is a very joyous occasion in the Reid family. At 6:30 this morning, approximately, eastern time—3:30 Reno, NV, time—my tenth grandchild was born. Everyone is doing well. The little baby is 18 inches long—kind of short, really—and weighs 6 pounds 12 ounces. We are very happy for this little boy. He is the third son that my son has had.

I rise today thinking of my new grandson, and I want to discuss Earth Day and what having a good, clean environment means to my grandchildren. I am very concerned, having seen, even in my lifetime, the Earth change—and many times not for the better.

Earth Day is a time for reflecting on the progress of the last century and acting to protect our environment for generations and centuries to come. It is good that at least 1 day a year we focus on the Earth. We take it for granted. In the last 30 years, the country has taken major steps to achieve clean water, clean air, safe drinking water, hazardous waste cleanup, and reducing pollution across the board.

Take just one thing, clean water. Why do we have a Clean Water Act? We have a Clean Water Act because, for instance, in Ohio the Cuyahoga River kept catching fire. Mr. Nixon was President of the United States at that time. In a bipartisan effort to do something about the polluted waterways in America, Congress joined with the President to pass a Clean Water Act to prevent rivers catching fire.

We have made progress. We still have a lot of polluted water, but at the time that President Nixon recognized the need to do something, probably about 80 percent of our waterways were polluted. Now these many years later probably only about 30 percent of our waterways are polluted. If you fish the rivers and lakes around the United States, now you can actually eat the fish you catch. That is progress. But we have a lot more to do.

We need to clean up that extra 20 percent or 30 percent of the waterways that are polluted. We need to make sure we have safe drinking water so someone can pick up a glass of water and drink it and know they are not going to get sick.

It is not that way around much of our country. And when we travel overseas, we usually take lots of water with us because in many parts of the world we cannot drink the water because it is polluted. In the United States, we are finding much more polluted water. There is lots of polluted water.

In my State of Nevada, we have naturally occurring arsenic in the water and we know that arsenic causes cancer. We need to do something about that.

Even though we have a long way to go, we should be justifiably proud of the progress we have made. We cannot afford to rest on past successes because millions of people are still breathing unhealthy air, drinking unsafe water, and are unable to swim or fish in many of our Nation's waterways.

As I have said before, there is still much that needs to be done. As the new century dawns, we face even more complex environmental and public health problems. These problems include persistent toxics. We have a new phenomenon and that is, because of our development of nuclear power and nuclear weapons, now we have areas that are polluted with things nuclear. On the Colorado River, we have 13,000 tons of uranium tailings: We need to clean those up because, of course, the Colorado River is a very important waterway in the western part of the United States. We have not provided money to do that. We need to do that. But that is a new threat to our environment.

We have new problems in addition to nuclear issues. We have global warming. We have the dangers of invasive species. For example, in the State of Nevada, we have very little water. It is arid. It is a desert. You could count the rivers in Nevada on the fingers of one hand. Some of those rivers are being very seriously threatened as a result of something called salt cedar or tamarisk, a plant brought in from Iran 100 years ago to stabilize the banks of streams, and it has just taken over everything. They are, frankly, very ugly. They use huge amounts of water. You cannot get rid of them. You can't burn them; you can't poison them; you can't snag them and pull them out. The only thing we found that might work is an insect that eats them, and we are working on that. The Department of Agriculture is working on a program to see if we can get rid of them that way. But these invasive species are all over America and we need to work on their eradication.

Fine air particles from fossil fuel use, land use changes, the need for thoughtful use of our land for housing, recreation, and transportation: these challenges require the energy and enthusiasm that marked the first Earth Day 30 years ago. But also we need a new level of sophistication and commitment.

I like President Bush. I think he is a very good man. I think he means well. From what has happened during the first 100 days of this administration dealing with the environment, I think he is getting bad advice from somebody.

I can't imagine a good man doing such things in the first few months of his administration. His Administrator of EPA gave a speech about the importance and dangers of global warming and about needing to do something about it and referred to the CO_2 contamination. Four days later, the administration cuts her legs out from under her and says they are going to delay implementation.

Greenhouse gas emission is a problem. This would have been the first tangible U.S. effort to address global warming, and we backed away from it.

Next, the administration proposed drilling on all public lands, including national wildlife refuges, national forests, national monuments, and other public lands. This was followed closely by a delay of the rules designed to protect 60 million acres of national forest from logging and roadbuilding. This "roadless rule" had been published after more than 600 public hearings and consideration of 1.6 million comments. It is not as if it was done in the dead of night.

Soon after that, the administration pulled back a long-awaited regulation lowering the standard of arsenic, a known human carcinogen, in our drinking water supplies. As early as 1962, the US Public Health Service recommended that the standard be lowered to 10 ppb. EPA held an extensive comment period on this rule, including more than 180 days of comment and holding stakeholder meetings beginning as early as 1997. There was a study by the National Science Foundation. Now the administration wants to restudy this issue and further delay the process of getting arsenic out of our drinking water. That is absolutely wrong.

Then, without any apparent regard for the economic, environmental or foreign relations consequences, the administration walked away from international climate change negotiations that were being conducted under a U.S.-ratified treaty. The administration also suspended the rule which requires companies getting federal dollars to be in compliance with federal laws, including environmental laws.

I was in a meeting with Senator BYRD and Senator HAGEL. We agreed, if we are going to do something about this Kyoto treaty, on making sure the Third World nations are also brought into the picture. Senator BYRD said he had the intention of going forward with the discussion. We need to do something about global warming. He said that he is going on 84 years of age and he has been able to see in his lifetime the changes that have taken place in the environment.

This was not good for us. We walked away from this treaty.

And, without explanation, the administration withdrew draft plans for public access to information on potential catastrophic chemical accidents in neighborhoods around the country. These plans are more than a year late and their withdrawal suggests that the administration doesn't want the public to know about these dangers.

In April, the Bush administration weakened the new energy efficiency standards for water heaters and central aid conditioners. Over the next 30 years, this change equals the total electricity used by all American households in one year. When electricity supplies are drastically low and high priced, as in California, does it make sense to increase electricity consumption rather than conserving? The answer is no. Similarly, does it make sense to drill in the Arctic National Wildlife Refuge for oil that will arrive years too late to address high gasoline prices this summer when fuel efficiency improvements would be quicker and longer lasting?

The budget proposal by the administration represents yet more bad news for the environment. The budget resolution which passed the Senate on a party line vote eliminates or underfunds environmental programs across a range of agencies, including cuts at EPA in clean water state revolving funds, estuary protection, beach protection, scientific research on clean air, and law enforcement personnel. These cuts would greatly undercut environmental protections, and the protection of public health.

The budget document, which was submitted to us later, among other things, calls for a 30-percent cut in alternative energy research on solar, geothermal, and wind. That is the wrong way to go. These cuts will greatly hurt environmental protection and the protection of public health. It also cuts vital environmental programs at the Department of the Interior, Department, of Agriculture, and renewable energy programs at the Department of Energy. We can do better.

Mr. President, I repeat what I said on Monday and Tuesday. We did nothing here Monday. We did nothing yesterday. It appears we are going to do nothing today.

We have a bipartisan bill, the brownfields legislation, S. 350, entitled "The Brownfields Revitalization and Environmental Restoration Act of 2001." We need to consider this bill. This is a bill that has 68 cosponsors. It is supported by the National Governors' Conference, realtors, environmentalists, businesses, and local governments. It is supported by a broad array of outside groups. I cannot imagine why we are not considering this bill. It was reported out of committee 15 to 3.

In addition to that, the problems that three Members had we resolved. I can't speak for all three, but I know Senator VOINOVICH had some problems. We worked those out.

This legislation is so important. We have 500,000 contaminated or abandoned sites in the United States waiting to be cleaned up. Private parties and communities need to be involved. We believe that these sites will create about 600,000 jobs nationally and increase annual tax revenues by $2.4 billion. We need to move forward on this legislation. It will be good for urban America and rural America. I just can't imagine why we are not doing it.

The testimony on the bill supports moving quickly. Witnesses have called for the bill to move quickly.

For example, the witness for the Conference of Mayors testified, "the Nation's mayors believe that the time has come for bipartisan action on brownfields. We have waited a long time for final congressional action on brownfields legislation."

Another witness put it even more strongly: "Time is of the essence . . . We look forward to working with you toward timely, expeditious, hopefully almost immediate enactment."

I agree with these sentiments. Let us take up this bill and do what we were elected to do—pass good bills into law. This bill is good for the environment and good for jobs and there is neither need nor justification for any further delay.

We need to find a "green path" forward. We need to make sure we take the steps to protect the earth for our grandchildren, steps which include finalizing the numerous rules and enforcement cases which have been stopped mid-stream, rules which were developed over years and which provide critical protections for our environment.

We need to ensure that the public is informed about threats to their health and their environment. We need a safe and sustainable energy policy. We need steps to address the very real problem of climate change, we need a vision for conserving game and non-game species and their habitat, we need a commitment to reclaiming polluted industrial, agricultural and military sites and we need to make a fundamental investment in conservation that recognizes that we do not inherit the planet from our ancestors, but borrow it from our children.

These measures would be truly planting a tree to honor the Earth.

It is bipartisan. I really can't imagine why we are not considering this bill. We agreed to 2 hours on this side. I hope the majority will allow us to take the bill up immediately. It is good environmental legislation. It speaks for what Earth Day is all about.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I thank my colleague from Nevada for his inspirational work this morning. There is no one who cares more about the quality of the environment than Senator HARRY REID. I join with him in calling for taking up a brownfields bill. It would be good for my State and for all States in this Union. I very much appreciate his leadership on that critical subject.

QUALITY EDUCATION

Mr. BAYH. Mr. President, I rise this morning to address what I believe to be most important issue facing our country today; that is, improving the quality of education received by every child across this country. It will affect not only our future prosperity but the kind of Nation in which we live and the vibrancy of our very democracy.

I thank all colleagues who helped bring us to this historic point, starting with my friend and colleague, Senator JOE LIEBERMAN, with whom I have enjoyed working on this issue for the last several years; our colleagues on the other side of the aisle, Senator GREGG, Senator FRIST, Senator JEFFORDS, and others; and the Democratic members on the HELP Committee, Senator DODD and others, but principally Senator KENNEDY.

I want to say a special word about Senator KENNEDY this morning. His dedication to improving the quality of America's educational system is truly remarkable. He has proven himself to be not only principled but pragmatic. He fights for what he believes in, but he is not willing to sacrifice real progress for America's schoolchildren for the older ideological ideas. Without his hard work and dedication, we would not be where we are today.

I thank all of these leaders for bringing us to where we are. It has been a long road for me personally and a long road for many of us in this Chamber.

My thoughts go back to 1989, my first year as Governor, when President Bush called us to a national summit in the city of Charlottesville.

For only the third time in our Nation's history, all 50 Governors had gathered together to focus on a single subject. The first time was Teddy Roosevelt's focus on the issue of the environment. In this case, it was President Bush's first focus on the subject of education. We came out of that summit dedicated to the standards and accountability movement, and we established the National Education Goals Panel, of which I was an initial member. I had the privilege of serving, in later years, as chairman.

From there I went on and had the privilege of serving as the chairman of the Education Commission of the States, a collection of State and local officials who work to improve the quality of our schools at the State and local levels.

Finally, I had the privilege of serving on the National Assessment of Educational Progress Board, the NAEP Board, trying to devise the very best assessments for our children, authentic assessments, that tell us more than if they can memorize rote knowledge, but instead whether they can think and reason and express themselves intelligently.

It has also been a long road for this Senate. I, again, thank Senator LIEBERMAN and my colleagues at the Progressive Policy Institute, who helped fashion the principles that lie at the heart of the bill we will soon take up. We stand on the precipice of historic progress saying that the status quo that leaves too many of our children behind is no longer good enough. The consequences of failure today are greater than ever before. We must do better. I believe we can.

During the campaign last year, I was very pleased when President Bush adopted many of the principles that lay at the heart of our bill. That was an important step in the right direction. I give him credit for that. I am proud that the thinking in my own caucus has evolved on many of these critical issues. So there has been a convergence of thought, and now a consensus exists on the part of most of us of what needs to be done to improve the quality of our local schools. The principles and the values are the same, even if occasionally we have differences of opinion about how to embrace those principles and give them full meaning in the context of education today.

We stand on the threshold of great progress, the most significant educational progress in a generation. Accountability lies at the heart of our agenda. We redefine the definition of "success." No longer will we define success for America's schoolchildren merely in terms of how much we spend, but instead we will define success in terms of how much our children learn.

There will be high academic standards and assessments to determine how every child is doing toward meeting those standards. Everyone in the process will be held responsible for making progress—every school, every school district, every State—each and every year.

For the first time, there will be real consequences—real consequences—for academic failure. In relation to some of the new money dedicated to new administrative funding, if progress is not made, it will be reduced, because it only makes sense that if the funding is not achieving the progress for which it was intended, it should be redirected into ways which will achieve real progress.

For the first time, America's parents will be given an important choice. If your local school is not doing well enough for several successive years, you will be allowed to send your child to a better performing public school. You will begin to have an option of receiving supplemental services, additional instruction on top of that provided in your local school, to give your child the reading, writing, and scientific knowledge that your child will need to be successful in meeting the challenges of the 21st century.

We inject competition—true competition—into the system, embracing market forces for the innovation and additional accountability they can bring. We seek to achieve the best of both worlds, with charter schools, magnet schools, robust public school choice, but not withdrawing the important resources necessary to making our public schools flourish.

We avoid the false choices of those who say that the only way to improve the quality of education is to abandon our public schools, on the one hand, and, on the other hand, those who say the status quo is good enough and that the answer to the challenges facing America's schools is simply to add more money.

We embrace the notion of additional flexibility for our local schools and States. We cut through the redtape that too often has bogged us down at the Federal level. We only ask in return that our local schools and school districts give us additional progress for the flexibility that we provide.

We invest in professional development. Every study I have ever seen—I know the Presiding Officer has labored in these vineyards as a Governor, as did I—every study I have ever seen indicates the two most important variables in determining a child's academic success is, first, whether a parent is involved or engaged in that child's educational activities, making it a priority at the home; and, secondly, whether there is a well-prepared and highly motivated classroom professional teacher in that classroom, helping to provide the individual instruction every one of our children needs and every one of our children deserves.

These are the principles that lie at the heart of our bill: increased accountability for everyone; more competition in parental choice within the context of public education; more flexibility for our States and local school districts; and investing in professional development, to ensure that every classroom has a motivated, highly trained teacher that every child deserves.

But now, my friends, we come to the critical moment. Now we face the acid test which will determine whether our actions will truly live up to our words. We are all for reform. We are all for accountability. But will we do what it takes in a practical sense to make reform and accountability work? I believe we must. We are all for holding everyone else responsible—the classroom teachers, school principals, district superintendents, Governors; everyone else in this process—but will we hold ourselves, this institution, accountable? Will we hold this President and this administration accountable to doing what it takes to give meaning to the words that we speak? I believe we must.

Last week I visited schools across my State, in Evansville, in South Bend, in Fort Wayne, in Indianapolis, in Floyd County. I saw the difference the Title I dollars are making in the lives of our children and in the quality of instruction taking place in our classrooms. It was a wonderful thing to behold. I compliment those teachers and principals and school superintendents who are using those dollars to give those children hope and educational opportunity.

But as I visited those schools and saw what was working and making a difference, I was also saddened to remember that 6.8 million children—6.8 million of our young people—who are qualified to receive that assistance are instead receiving none. What about them? Will they be left behind? If we do not rise to this challenge, I am afraid they will.

President Bush, during the campaign last year, pledged to leave no child behind. I commend him for that pledge. Now it is up to us and to him to redeem it. And so we must. We will enact a system of standards adopted by the States, assessments to determine how each and every one of our children are doing. We will insist upon results.

But what do we do with the results of those assessments when they tell us so many of our children need to do better? Do we simply pat them on the head, wish them good luck, and say: Now you are on your own? Of course we must do better than that.

Throwing dollars at our schools without accountability is a waste; but accountability without the means to truly improve the quality of instruction our children are receiving is nothing but a cruel hoax.

I call upon my colleagues in this Chamber and our new President to join with us, to join with us in a historic effort of improving the quality of instruction for our children who need it most, to join with us in embracing reform, but also what it means in a tangible, practical dollars-and-cents way of making reform work.

Our actions in this great Chamber must be more than a facade of reform. The bill that we enact and that the President signs must offer more than an illusion of progress. We must not individually or collectively participate in perpetuating a hoax upon America's schoolchildren. It is important for me to acknowledge that from time to time on this side of the aisle there has been a diversity of thought on this subject. But when it comes to the commitment of resources to make the reform work, to make progress become a reality, we stand united and determined.

This debate is not about accountability versus spending. We are all for accountability. We are all for reform. This debate is a question of priorities and whether we will do what the American people have been asking of us for so very long now; and that is, to make the quality of our children's education our No. 1 priority. I believe we must.

The President's tax package this next year calls for devoting $68 billion to the cause of tax relief.

That is a cause which I embrace, as do many of my colleagues. We believe some tax relief for the hard-working taxpayers of America is in order for a variety of reasons, but it is not our only priority.

The President's proposal, as it currently stands, calls for investing $2.6 billion in improving the quality of education, 25 times more for reducing taxes than investing in the quality of our children's education. I support tax cuts. I support tax relief, but it is not 25 times more important than our children's education. We can and should have both. We should not be forced to make this unnecessary choice between two alternatives, both of which can be accommodated if the administration will be more forthcoming with resources.

In conclusion, this debate is about education reform, and it is about the resources to make education reform work. More important than that, it is about the credibility of this institution and those of us who are privileged to comprise it. Will we do more than read the polls and put together a construct to satisfy our constituents, to make them believe we are doing something about improving the quality of education for our children, when, in fact, we are not; or will we make the difficult decision and allocate the resources that are necessary to live up to the challenge we face, to fulfill the expectations they have a right to expect of us? I believe we should.

I call upon the Members of the Senate and the administration and this President to join with us to redeem the pledge he made in the campaign, the pledge that all of us embrace of leaving no child behind and to devote the resources to our schools to make accountability, reform, and progress be more than empty words but a reality in the daily lives of our schools.

I am privileged to be in the Chamber with my colleague from California with whom I have worked on this issue and so many others. I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the junior Senator from Indiana for those remarks. He stands in the leadership of this body in terms of his views on education. I, for one, am very appreciative of them.

ENERGY CRISIS IN CALIFORNIA

Mrs. FEINSTEIN. Mr. President, I will use my time in morning business to update the Senate on the status of the electricity crisis in California.

April is typically the best time of year for California when it comes to meeting its energy needs. Winter has ended in northern California, and the southern part of the State has not yet begun to get hot. Thus, the demand for energy is low throughout the State, and California has always had more than enough power to meet its needs. As a result, electricity is usually very cheap. So this is as good a time as any to provide an update of where the State is and to see how this year is different from all other years. The last ten months provide a gloomy picture of what may well happen this summer.

The average cost of electricity for California this month has been about $300 a megawatt hour. This is more than 10 times higher than the average for last April, right before the crisis began. The average price for electricity in the States of Washington and Oregon is even higher, and the price for electricity bought in the futures market for this summer is now averaging more than $750 a single megawatt hour.

The State Department of Water Resources, which since January has been purchasing all of California's power needs, has now spent $5.2 billion purchasing power just in the first months of this year. It is spending at a rate of $73 million a day. This is having a serious financial impact on the State's credit standing. Yesterday's Standard & Poor's downgraded the State's credit rating two notches from AA to A-plus.

It is important to point out that the money the State is spending to buy electricity is gone. It does not buy a textbook or a computer for a school. It won't repair a bridge or road. It will not build a highway. It doesn't go for law enforcement. It is money that simply disappears. As a result, the State could well be out of money.

At the same time, the Northwest is experiencing what may well be its driest year on record. Consequently, California will not be able to rely on the 7,000 to 8,000 megawatts of power it typically imports from the Northwest in the summer—usually enough for 7 to 8 million homes. There will not be enough power in the Northwest to even meet its own energy needs this summer.

Meanwhile, natural gas prices in most of the United States are about three times higher than their historic average, and in southern California they are eight times higher. Independent analysts, such as the Brattle Group, have raised significant questions about malfeasance on the part of the few companies that have an oligopoly on the natural gas pipelines. Meanwhile, it has been more than 5 months since the Federal Energy Regulatory Commission, the FERC, found that electricity rates were "unjust and unreasonable", and still they have not acted to fulfill the mandate of the Federal Power Act which directs the FERC to set reasonable rates when the market is not functioning properly.

Allow me to read from the language of the Federal Power Act.

> Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to jurisdiction of the Commission, or that any rule, regulation, practice, or contract affected such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order.

That is the Federal Power Act. The Federal Power Act very clearly says: FERC, once you find that rates are unjust and unreasonable, you must then fix reasonable rates or charges.

The FERC has not done its duty.

The problems in California began in 1996, when the State became the first to pass a comprehensive energy deregulation bill. That bill was known as AB 1890. The bill passed very quickly at the end of the legislative session. It enjoyed nearly unanimous bipartisan support.

AB 1890 was supposed to increase supplies of energy and decrease prices for consumers, but the exact opposite happened. The bill assumed that increases in energy supply, competition, and efficiency would drive down energy prices. This assumption turned out to be badly flawed, and as a result the State was burned by several provisions of the bill.

First, the bill forced the utilities to purchase at least 95 percent of their electricity in the day-ahead and spot market and did not permit utilities to hedge their bets with long-term, bilateral contracts. That is a huge problem because if 95 percent of the power is bought on the spot market, and those spot market prices go up, the State is in the pickle that it is in today.

Second, the State forced its investor-owned utilities to sell off their generating assets, allowing out-of-State energy generators to purchase the plants and sell the electricity back to the utilities at market rates.

Let me give you an example of that. For Southern California Edison, when it divested of a generating facility, at the time Southern California Edison was selling its power at $30 a megawatt hour. As soon as it sold it to a generating facility, the out-of-State generating facility turned around to sell the power back to Southern California Edison at $300 a megawatt hour. That is part of the problem.

Third, the bill immediately deregulated wholesale prices, but left retail rates regulated until March of 2002, or until a utility has sold off all of its generating units, creating a half-regulated, half-deregulated system. So the free market that we heard so much about can't function as a market should because it is broken. The price on the wholesale end is deregulated. The utility cannot pass that price through to the consumer—or has not been able to.

Incidentally, that is going to change because the State will pass more than a 30-percent rate increase that should go into play in either May or June of this year. So some of that will be corrected.

Fourth, the State set up a power exchange as a product of that bill that aimed to attract sellers by promising the highest clearing price of energy to all bidders. So no matter what you bid your power in for, you are guaranteed the highest price paid to any other bidder. That proved to be fatal.

Energy suppliers realized that simply withholding power from the power exchange and from the California energy market would drastically drive up the prices. And they did.

Spot prices increased dramatically. The costs could not be passed on to consumers. The State's largest investor-owned utility filed for bankruptcy, and the State's second largest investor-owned utility, Southern California Edison, remains on the brink of bankruptcy. The result has been this crisis, and this crisis could well become an economic disaster not only for California, but for the entire West.

Now, what has the State done? I am the first to admit that California has been slow to address the crisis. I think part of this was an actual disbelief that the situation could have gotten this bad this fast. Let me speak about supply because there had not been much supply—very little supply, less than 2,000 megawatts actually—added to the State's power supply in the last decade. But since the first of the year, the State has licensed and approved 14 new gas-fired plants and 8 new peaker plants, which will all be on line within the next 2 years. The State expects to add 9,810 megawatts—that is enough power for 9.810 million households—and have that power on line by the summer of 2003. And the State, in total, will add 20,000 megawatts, enough to power 20 million homes, and have that on line by the end of 2004.

I ask unanimous consent to have printed in the RECORD a chart which lists the plants that have been approved, plant by plant, by the State, and the expected dates they will come on line.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA POWER PLANTS COMING ONLINE

Plant name	Capacity	Location—(Peaker?)	Online by
By the end of this summer:			
1. Alliance Century Substation	40 MW	Colton (peaker)	
2. Alliance Drews Substation	40 MW	Colton (peaker)	
3. Indigo Energy Facility*	135 MW	Palm Springs (peaker)	
4. Larkspur Energy Facility*	90 MW	San Diego County (peaker)	
5. Ramco Chula Vista	57 MW	San Diego County (peaker)	
6. Calpine King City	50 MW	Monterey County (peaker)	
7. Hanford Energy Park	95 MW	Kings County (peaker)	
8. Sutter Power*	500 MW	Sutter County	
9. Los Medanos*	559 MW	Contra Costa County	
10. Sunrise Cogeneration*	550 MW	Kern County	
11. United Golden Gate*	51 MW	San Mateo	
Subtotal	2,167 MW		
From November 2001 to June 2003:			
12. La Paloma*	1,048 MW	Kern County	Nov. 2001
13. Moss Landing*	1,060 MW	Monterey	June 2002
14. Delta Energy Center*	880 MW	Pittsburg	July 2002
15. Elk Hills*	500 MW	Kern County	July 2002
16. High Desert*	720 MW	Victorville	Winter 2002
17. Western Midway-Sunset*	500 MW	Kern County	March 2003
18. Blythe Energy*	520 MW	Riverside County	March 2003
19. Mountainview*	1,056 MW	San Bernardino	April 2003
20. Hanford*	99 MW	Kings County	April 2003
21. Otay Mesa*	510 MW	San Diego County	April 2003

CALIFORNIA POWER PLANTS COMING ONLINE—Continued

Plant name	Capacity	Location—(Peaker?)	Online by
22. Pastoria*	750 MW	Kern County	June 2003
Subtotal	7,643 MW		
Total	9,810 MW		

*Approved by the California Energy Commission.

Mrs. FEINSTEIN. Mr. President, I tell you that because the problem is in this initial period; the problem is going to be for the next 2 years. After that, it is expected that the State will have adequate power supply to begin to create a functioning free market.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I ask unanimous consent to proceed for another 10 minutes.

Mr. DOMENICI. Mr. President, not desiring to object, I just want to make sure that I follow that time and that there is time for me. I was scheduled at 10:15 was my understanding.

The PRESIDING OFFICER. Under the previous order, the time from 10:15 to 11 was under the control of Senator THOMAS.

Mr. DOMENICI. I am pleased to yield 10 minutes to the Senator from California so long as 10 minutes is added to our side.

The PRESIDING OFFICER. Without objection, the Senator is recognized for an additional 10 minutes.

Mrs. FEINSTEIN. I thank the Senator from New Mexico for his generosity.

Mr. President, the State is adding additional power. The problem comes in the next 2 years. What can be done and what is the appropriate Federal role in the next 2 years? I submit that the appropriate Federal role is to provide a period for liability and stability until the State has brought on line enough additional power to have a functioning free market where supply and demand functions in an appropriate manner.

The State has also planned an $850 million conservation package that will aim to reduce energy demand across the board by 10 percent or more. So in the immediate future, conservation is the best way for California to avoid days of rolling blackouts this summer. But, in my opinion, it is going to be impossible to achieve enough conservation to avoid all blackouts.

Additionally, the Governor of California has issued a series of executive orders authorizing increased output at existing facilities and ensuring that environmental regulations are not posing any barriers to maximum energy production.

I ask unanimous consent to have printed in the RECORD at this time a letter from Winston Hickox, the Secretary of the California Environmental Protection Agency, asserting that there are no energy plants idling in the State because of environmental reasons, with the exception of those State plants that are being retrofitted so that they can operate cleaner, more efficiently, and more often this summer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
ENVIRONMENTAL PROTECTION AGENCY,
Sacramento, CA, March 28, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It has been alleged that air quality regulations are a major contributor to California's current power shortage crisis and are constraining energy supplies. In his March 22, 2001, testimony before the House Energy and Air Quality Subcommittee (enclosed), Dr. Alan Lloyd, Chairman of the California Environmental Protection Agency's Air Resources Board (ARB), refuted those statements. The situation in California has not changed. No essential power generation is off-line due to air quality constraints.

As you know, on February 8, 2001, Governor Gray Davis issued a series of Executive Orders to comprehensively address power generation. The Orders boosted generating capacity by authorizing increased output at existing facilities, accelerated power plant construction, streamlined the review process for new facilities, and provided incentives for distributed and renewable generation.

California regulatory agencies are quickly and successfully expediting permits for new generating units. Since April 1999, nine major power projects (including one expansion) totaling an additional 6,300 megawatts (MW) have been approved. Six plants are under construction with four expected to be on-line this year between July and November. Another 14 projects (new sitings and expansions) are under review for an additional 7,700 MW of capacity. All of these projects include the necessary environmental offsets and required emission controls. The State has also realized the need for short-term supply and is expediting permits for smaller peaking plants. These peakers will be on-line for the 2001 summer peak season.

With regard to existing capacity, the ARB is continuing its coordination with the California Independent System Operator (Cal-ISO), local air districts, California Energy Commission (CEC), and plant personnel to identify generating units that may be constrained by air permit limitations and to remove barriers to summer time operation. Governor Davis' Executive Orders dealt with this matter as well, authorizing additional compliance mechanisms to keep both power generation and environmental protection on track. The U.S. Environmental Protection Agency, Region IX, is working closely with California regulatory agencies and has indicated support for this approach.

This spring, a number of generating units are off-line for routine maintenance. Many of them are taking advantage of this downtime—and available labor—to install air pollution controls. Please note, these installations have been carefully coordinated with Cal-ISO. They were only authorized upon a finding that sufficient supplies and reliability of the power grid system would be maintained.

In summary, air quality agencies realize the seriousness of the State's energy situation and have been working diligently, and effectively, to site new power plants and increase existing capacity while still addressing air quality concerns. Existing state and federal laws provide significant flexibility to make these adjustments. Governor Davis' Executive Orders provide additional means and flexibility to keep generation on-line and quickly permit new power plants. The air quality regulatory system works. We believe that California can increase energy supply while, at the same time, protecting public health and the environment. California citizens expect nothing less.

Sincerely,

WINSTON H. HICKOX,
Agency Secretary.

Enclosure.

TESTIMONY OF DR. ALAN C. LLOYD, CHAIRMAN, CALIFORNIA AIR RESOURCES BOARD, BEFORE THE HOUSE SUBCOMMITTEE ON ENERGY AND AIR QUALITY, MARCH 22, 2001

Thank you, Mr. Chairman and Members of the Subcommittee. My name is Alan Lloyd, and I serve as Chairman of the California Air Resources Board (ARB). I welcome the opportunity to provide an overview of California's electricity challenge with respect to air quality issues.

Over the past several months, Governor Davis has embarked on a comprehensive strategy to address the electricity situation in California. One of the major components of the State's plan centers around increasing energy supplies by expediting the construction of power plants and other sources of generation. Specifically, we are in the midst of an aggressive effort to bring 5,000 megawatts on line by this summer and 20,000 megawatts by 2004 in order to meet anticipated energy demand this summer and beyond.

Mr. Chairman, my main message is this: We can accomplish this goal within the existing framework of California's air quality regulations. Furthermore, environmental laws do not pose a barrier in terms of our ability to bring new generation on line and ensure that existing power plants can operate at maximum capacity. In short, we can increase energy supply in an expedited manner while at the same time maintaining our commitment to the environment.

Air pollution controls have been identified as a major contributor to California's current energy challenge. That perception is not accurate. Air quality issues are a very small part of the State's overall power production problem. Where air quality rules have affected or might have potentially affected the ability to create essential power, state and local regulators have moved swiftly and successfully to keep needed plants on line. Simply put, no essential electricity generation has been curtailed due to air emission limitations. California's programs to protect public health are not a major factor in the electricity shortages experienced to date.

No single factor can explain the current energy crisis. The matter is far too complex. However, it can be said with certainty that environmental laws are not to blame. Under existing environmental programs and the policy direction of Governor Davis, state and local air regulators have had, have used, and will continue to use, the considerable flexibility included in California's regulatory programs to ensure that power generating sources remain in operation under environmentally sound conditions. While the review process and decision making timelines have been streamlined, substantive environmental standards and mitigation requirements have not been compromised.

Over the last several months, there has been an increasing focus on environmental laws as contributors to the energy crisis. This concern has taken two distinct forms:

1. The charge that environmental laws have prevented maximum utilization of existing electrical generation facilities; and

2. The allegation that environmental laws have prevented bringing new electrical generation facilities online.

There have also been charges that the State of California has not be responsive enough in addressing the power issues, and has not been willing to take the extraordinary actions needed to deal with how environmental requirements have affected electricity production.

Mr. Chairman, I submit to you that these statements have diverted attention from the true and complex causes of the current energy situation. As a result, they have not contributed to productive efforts to resolve it. I would like to briefly address each of these issues.

Although existing laws and regulations provide mechanisms for addressing our power needs, they can also require substantial time and process. Governor Davis, through the exercise of his emergency powers under state law, has significantly expanded state and local agencies' ability to apply flexibility and common sense to act quickly to ensure that power generation will continue.

By using his emergency powers and issuing Executive Orders, Governor Davis has added substantially to the state's ability to deal with our current energy situation. Executive Orders D–24–01, D–26–01, and D–28–01 ensure that where statutory and regulatory impediments exist—related to either the continued operation of an existing plant or the construction of a new clean facility—they will be swiftly addressed and resolved. The Executive Orders also provide that these actions will be accomplished without sacrificing needed air quality protections.

State and local agencies now have both the direction the authority they need to expeditiously review and approve permits. Under the Governor's Executive Orders, they are:

Allowing the continued operation of existing facilities that might otherwise face limits on hours of operation.

Expediting the review and permit approval for new peaking facilities that have acquired the needed control technology and mitigation, but need rapid processing to come on line quickly.

Enabling new peaking plants to obtain emission credits needed for permitting through the state, rather than arranging for them through private transactions.

Completing permit reviews and approvals for new large facilities in as little as four months to enable new capacity to begin construction expeditiously.

The Governor's Executive Orders maintain all substantive environmental protections. For example, existing units must continue to utilize all of the required emission control equipment, and must provide funds to mitigate the impact of their increased hours of operation. Similarly, new units must utilize the best available control equipment and must continue to provide emission reduction credits to mitigate their emission increases. Permitting will take less time, but will not be less protective.

All central station electrical generating facilities are permitted by local air pollution control districts under rules incorporated in the State Implementation Plan (SIP). These permits reflect operator-provided information, including factors such as intended hours of operation and fuel type. This information has a direct bearing on the facility's anticipated emissions. Based on operator-provided data, emission limits are established through the air permits. It is these operator-defined limits that have been at issue. In many cases, these facilities are now in a position of having, or wanting to generate additional electrical power in excess of the time periods assumed in the original permitting process.

Despite this unanticipated high level of operation, through the joint efforts of local air districts, the Air Resources board (ARB), and the California Energy Conservation and Development Commission (CEC), as well as the assistance of the U.S. Environmental Protection Agency (U.S. EPA), needed electrical generation has not been interrupted. State law and local regulations provide several means to address permit limitations without disruption of electrical generation or unmitigated damage to air quality.

The ARB has assisted local air districts in addressing any potential issues arising out of their efforts to maintain power generation. ARB has maintained close coordination with the U.S. EPA to ensure that state and local response to the energy situation does not raise concerns at the federal level. We have approached the electricity shortage with an environmentally sound balance of need awareness and impact concern. U.S. EPA has indicated its understanding of the complexities California is facing and has indicated a continued willingness to assist.

At the Governor's direction, the ARB and air districts have been able to balance the State's energy needs with the public's right to clean air. Existing air quality regulations have provided the flexibility to address expeditiously the unexpected power demands of the State without material harm to air quality. These accommodations have been completed in very short time frames and have ensured continued power generation. This flexibility has been used numerous times over the last six months to enable continued power production. These have affected both large and small plants are summarized in Attachment 1.

The additional grants of authority to the Governor under the Emergency Services Act augments existing statutes and increases the ability of state and local agencies to work together in significantly reduced time frames. Whether it is providing for an existing source to operate beyond its permitted hours of operation of streamlining certification of new peaking sources, the Governor's emergency Executive Orders provide even greater flexibility in responding to source specific generation issues than previously existed.

All new proposed power plants must be constructed and operated in compliance with applicable federal, state, and local air pollution requirements. Within California, the 35 local air districts are responsible for regulating emissions from stationary sources, including power plants. At the state level, ARB is the agency charged with coordinating efforts to attain and maintain federal and state ambient air quality standards and comply with the requirements of the federal Clean Air Act. To this end, ARB coordinates the activities of all the districts in order to comply with the Clean Air Act.

Some have cited California's environmental laws as the reason new power generation has not been built in recent years. However, a review of CEC data demonstrates otherwise. Since April 1999, CEC has approved 13 major power projects (including one expansion) totaling over 8,400 MW of additional capacity. Six of these plants are under construction and four of those six are expected to be on line this year, with start dates spanning from July through November. Another 15 projects (new sitings and expansions) are currently under review for an additional 6,700 MW of capacity. Lastly, there is still an additional 7,960 MW of capacity that has been publicly announced and for which the CEC anticipates receiving applications this year.

Some have also argued that costs of compliance with air quality regulations are too substantial and must be relaxed to achieve needed power-generation. This argument is also flawed. Today, approximately 15,000 MW of new electrical generation has either been approved or is in the licensing process. All of these projects have included the necessary environmental offset packages and have incorporated all required emission controls. Compliance with these requirements has proven to be both technically and economically feasible.

To bring new, additional peaking facilities on line, Governor Davis has created both a streamlined review process and an ARB-operated emission offset bank. These actions will ensure that all necessary peaking facilities can also be sited.

The CEC's siting process is designed to take 12 months. However, a number of factors, other than environmental regulations, have recently influenced individual project timelines. Over the last two to three years, the actions of local activists, businesses, and others have slowed the pace of some projects. In fact, power generators themselves have utilized the siting process to hold up the licensing of a competitor.

Since 1997, competing companies have intervened in 12 of the 21 projects proposed for licensing. Their participation has slowed the process in at least four cases.

Constraints on electrical generation capacity from central station powerplants have caused increased interest in the use of distributed generation (DG). DG is electrical generation at or near the place of use. Governor Davis supports legislation action that will provide incentives for distributed generation. Last September, the Governor signed Senate Bill 1298, which directs ARB to establish a certification program and adopt uniform emissions standards and general air quality guidelines for DG technologies. By law, this program must be in effect by January 1, 2003. ARB is on a fast track and expects to complete this December—over a year ahead of schedule.

As the foregoing demonstrates, it is not environmental regulation that has prevented the creation of additional power generation. Rather, many factors have contributed to the current crisis. Among those is also the fact that market participants can and do manipulate the electrical power market by withholding capacity in order to maximize their price of electricity.

Even the Federal Energy Regulatory Commission (FERC) agrees. Although it found insufficient evidence of market manipulation by any individual market participant: ". . . there was clear evidence that the California market structure and rules provide the opportunity for sellers to exercise market power when supply is tight and can result in unjust and unreasonable rates under the FPA . . . we reaffirm our findings that unjust and unreasonable rates were charged and could continue to be charged unless remedies are implemented."

The Air Resources Board is continuing its efforts to ensure that California has the maximum electrical power output possible, while still protecting public health and mitigating any adverse effects of increased electrical output. This is being done within the confines of existing law as recently expanded through the Governor's Executive Orders. To quote Governor Davis, California is demonstrating that we can cut red tape, build more power plants and continue to protect the environment.

Our State's history reflects a pattern of success even in the face of unparalleled challenges. California, the most populous state in the nation, has made incredible strides in improving air quality and protecting public health. At the same time, the State has enjoyed immense population and business growth. During this current energy situation, California will maintain its record of achieving a balance among all the issues to ensure that a reasonable and successful solution is achieved.

In sum, the air quality regulatory system works. The Governor's utilization of his emergency powers to expedite the process of power siting while maintaining environmental standards confirms that California can maintain its environmental and economic objectives.

Thank you, Mr. Chairman, for the opportunity to testify this morning.

Mrs. FEINSTEIN. Mr. President, the point I am trying to make is that there is no environmental law that is holding up either the approval or the functioning of any generation facility in the State of California. Also, I have written the CEOs of all of the energy generators that sell power to California and I have confirmation of this. I have not heard of one single example that contradicts Secretary Hickox's statement. So I believe that California is really doing all it can right now to maximize energy supply, to reduce its demand, but it is still not likely to be enough for the summer.

Now, this summer we are projected to have a shortfall on a warm day, with all plants operating, of 2,000 megawatts. On a hot day, with some plants down, the shortfall is estimated to be 10,000 megawatts. That could well be a serious disaster. Because hydropower in the Northwest is also low, there will also be shortages in other Western States as well. Our State has already experienced several days of rolling blackouts, and when a blackout hits, it means traffic lights go out, elevators stop, fuel pumps are down, food begins to rot, and production stops. The economic losses are measured in billions, and there well could be loss of life.

Let me put price on the table. This chart shows that in 1999 the total cost for energy in the State of California was $7 billion. In the year 2000, those costs became $32 billion. The cost predicted for energy to the State of California in 2001 is $65 billion.

Look at this cost jump in 3 years. This is the problem—this deregulated wholesale market has run amok, and there are no controls. If the FERC has found these prices to be unjust and unreasonable and refuses to regulate, what happens this year with these prices and no regulation? So the situation we are in is inordinately serious.

I want to make a couple of points about natural gas. Natural gas stocks are low everywhere, and the price for natural gas for most of the country is averaging about 3 times more than the historic average. However, in Southern California, the prices are 8 to 9 times higher. CN&H Sugar, a refiner in Crockett, CA, generally pays about $450,000 a month for its steam generated through natural gas.

During the peaks of this past year, $450,000 a month has risen to $2 million a month. That plant can employ 1,000 to 1,200 people. That plant cannot continue to operate under these conditions.

There is a real problem in the transportation costs of natural gas because they are not transparent and because profits are hidden. The transportation of natural gas, the cost of moving gas from, let's say, San Juan, New Mexico, to San Diego has always been regulated. When it was, that cost was about 70 cents per decatherm.

If natural gas is selling for $5 in San Juan and it costs 70 cents to transport it to southern California, when it gets to southern California it should be selling for no more than $5.70.

The price of natural gas today in San Juan, NM, is $4.80. However, the price in southern California today is $14.71. In northern California it is $9.59. Something is clearly wrong. This price need be no more than $6 per decatherm, not $14.71.

In February of 2000, the FERC decided to experiment, and it removed the cap on the transportation of natural gas for 2½ years, believing the market would actually drive down the price. Clearly, the opposite happened. The absence of transparency allowed companies to withhold parts of that natural gas transportation pipeline just for the purpose of increasing prices, and prices have risen.

Senator GORDON SMITH and I, along with Senator BINGAMAN, Senator CANTWELL, Senator MURRAY, and Senator LIEBERMAN, introduced legislation yesterday directing FERC to do its job. The legislation says that since you, FERC, have found the prices to be unjust and unreasonable, you must now do your job and you must set either cost-based rates on a temporary basis or a rate cap on a temporary basis for the western grid within 60 days.

It requires that those costs must be passed on to the consumer in a manner that the State believes just. The cost can be staggered over years and passed on through real-time pricing, tiered pricing, or by setting a baseline, but it must be passed on, again, to create a functioning marketplace.

The bill also requires that all future orders to sell natural gas or electricity to an affected State must include a reasonable assurance of payment.

We believe this is a bill that must be passed by this body. The Energy Committee has had two hearings on the subject, and I am hopeful this body will pass this bill in a timely manner. The inability or failure to do so I think is going to create a human and an economic disaster in the Western States come summer because these costs, not only of natural gas but electricity, in the hot months are going to be serious and extraordinarily high.

I thank the Chair for the opportunity to give this status report. I end by particularly thanking Senator SMITH of Oregon. He has worked with me in a bipartisan way. He has gone with me to see members of the committees on the House side. He has stood very solid and steady in support of this legislation. I am very proud to have him as a major cosponsor. I also thank the Senators from the great State of Washington and the Senator from Connecticut who also recognize what this problem is and are determined to do something about it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time until 11:10 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as a designee, I ask that I be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. DOMENICI. Mr. President, I rise today to speak about education. Since we are going to seriously consider education reform in this Chamber during the ensuing days, I thought it might be appropriate for me to talk about it before I, and many others, offer amendments.

New Mexicans and Americans agree, from everything I can tell, that improving the educational opportunities available to our children should be our top priority. The issue is whether or not we can reform the school system such that our children will perform better as they are educated in our public school systems in ensuing years.

There is ample evidence that it is absolutely imperative the public school systems do better, that more and more of our schools be held accountable, and that an accountability requirement be part of the reform measures the Senate will be considering in the next few days or weeks.

For starters, going back to the days of our origin, I quote a very distinguished American who talked about investing resources. Benjamin Franklin said:

> An investment in knowledge always pays the highest interest.

Obviously, that is a very simple way of talking about our priorities and where we put our resources and where we might expect the best benefits for society. This great American in our founding days said: You will always get the best interest when you invest in knowledge.

Later in the discussions there will be ample opportunity for Senators to assess the performance of the school systems across America and what is happening to our children—not everywhere but some places; not to all children but to substantial numbers by way of our desire to give them the basic skills with which to perform as students, as growing Americans, and ultimately as adults in our society, which is requiring more and more that people be skilled of mind, their cognitive skills be developed to the highest extent possible.

The President of the United States, in suggesting reform of the educational system, also suggested with that reform there should be a substantial increase in the level of funding by the Federal Government. The President suggested we spend $44.5 billion for the Department of Education. That is an 11.5-percent increase over last year, but it is also $1 billion in new funding for a new reading program for young children, tied into the reform measures that we will talk about as the bill proceeds.

It increases special education funding to a Federal share of 17 percent. That is 17 of the 40 percent we have committed. It is the highest proportional share by the Federal Government in the history of the program. It doesn't do justice to our original commitment of 40, but for a 1-year add-on to the program, it is substantial. It provides $2.6 billion in the area of teacher quality funds. That is a 17-percent increase. It provides a $½ billion increase for title I grants to serve disadvantaged children.

There is already bipartisan discussion between the committee members and the President. There will be a lot of discussion as to how to change the underlying laws we have had on the books for a long time, the bill that provides most of the funding for education and how that will be changed.

The Senate will begin debate on a new act which is going to be called the Better Education For Students and Teachers Act. I will take a few moments to talk about my specific input which I will offer to the Senate.

Americans and New Mexicans are concerned. Their highest priority is education. Second, most Americans and most New Mexicans are worried about what is happening to the character and the morals of our society, of our culture. That seems to be almost the second most important issue around. I will be offering on the floor what will be called the Strong Character for Strong Schools Act.

It is important to note that reform does not only apply to math, science, and reading. While the current debate is centered on reform, our bill simply encourages the creation of character education programs at the State and local level by providing grants to eligible entities. The bill builds upon a highly successful demonstration program to increase character education contained in last year's ESEA bill.

Since 1994, the Department of Education has granted seed money to some of our school systems to develop character education programs. Currently, there are 36 States that have either received some Federal funding or on their own have enacted laws encouraging or mandating character education. Thus, the time is now to ensure that there will be a permanent and dedicated funding source made available for character education programs.

When we first look at character education, questions are asked. What is it? Will it work? Will teachers want to do it? I will cite an example of how it is being done in my State under a program called the Six Pillars of Good Character. I will read the words that equate to the six pillars and discuss it. The words are trustworthiness, respect, responsibility, fairness, caring, and citizenship. These were developed a few years ago when a large group of Americans, under the leadership of a foundation in the United States that brought them together to talk about good character, the Josephsen Institute for Ethics, essentially a foundation that promoted ethics, was specific in coming up with six pillars of character.

In my State, we have the largest number of public schools at the grade school level, junior high level, of any State in the Union that has incorporated these six pillars into the daily education of our children. The teachers love it. It empowers them to do some things they have always wanted to do. There are lesson plans that help them get across these six pillars as part of the normal education of our children.

It is a joy to go to a school and see what is occurring in the hallways of the school. They chose one of the pillars of character for each month. If you go to the school when they chose "responsibility," you will see the hallways laden with posters that contain ideas and events about responsibility. At the end of the month, they get together and talk about that pillar. You will see the most enthusiastic group of teachers and young people discussing what happened during that month with respect to encouraging responsibility and understanding of it and actions based upon it.

Without telling the Senate how that got started, it is a glimpse of what can happen across America if we continue to encourage this kind of character education and ask more and more of our States to get involved and encourage them but not order them to do this.

I thank Senator DODD for his leadership. Since the departure of Senator Nunn, he has joined with me in promoting the encouraging startup funding for character education in the United States.

In addition to that measure, Senator KENNEDY will join me in a bill which will address itself to mental health needs in our schools. Essentially, it will say the mental health resources not in the school but which are in the community and are public should be used in collaboration with the schools for the counselors and for the young people. I think that bill will find general acceptance in the Senate and is something we ought to encourage.

The third amendment I will introduce with a number of cosponsors has to do with the recruitment and retention of teachers. Rather than detailing this, I will do so when I introduce the amendment. It is obvious we need teacher recruitment and teacher development. We will promote this idea by advocating teacher recruitment and development retention centers within our States for the exchange of names to provide a program in the country on a purely voluntary grant basis where there would be internships by budding teachers with senior teachers known for their quality and competency, thus permitting a number of young Americans to have a half year or year service as an intern with an educator before they are placed in the classroom.

I think it is going to be a worthwhile debate. There are many participating from the committee in the Senate. I do not happen to be on that committee, but I will participate to the maximum extent so these three amendments and ideas will be incorporated in amendments that will be offered on the floor.

I know Senator SMITH is waiting and I have exceeded my time, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, under the time allotted to Senator THOMAS I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

HONORING THOSE LOST IN THE JOINT TASK FORCE FOR FULL ACCOUNTING HELICOPTER CRASH

Mr. SMITH of New Hampshire. Mr. President, in early April, April 6 to be exact, the Senate recessed. The following day, April 7, a Saturday, a helicopter, in the fog, crashed into the side of a mountain in Vietnam. In that crash, seven American military personnel were killed as were nine Vietnamese. It is a grim yet a vivid reminder of the fact that every day American servicemen throughout the world are serving their country in harm's way. Even though the Nation is not at war, we sometimes forget these men and women put their lives on the line for us.

I want to share with the Senate what these men were doing. These men were searching for the remains of American missing personnel, MIAs from the Vietnam war. These young men volunteered for this job and put their lives on the line to find answers for the families of those who are missing.

In a statement issued April 7 by the National Alliance of Families expressing their sympathy to the families, the National Alliance of Families said:

> We extend our sincere condolences to the families of these service members and hope they will be comforted by the fact that their loved ones will always be remembered for their commitment to finding our loved ones.

I just came back about 45 minutes ago from a memorial service at Fort Myer for those seven Americans and their nine Vietnamese counterparts. To sit there with some of the families of those missing was difficult. But, again, it is a reminder of what these men and women in uniform do, all across the world. I honor them today in the Senate by letting the American people know who they are. These are not anonymous people; these are real people with, now, real grieving widows, real grieving mothers and fathers.

The members on board were members of the Army, the Air Force, and the Navy. To be specific, there were three members of the U.S. Army, three members of the U.S. Air Force, and one Navy personnel. They were black, they were Hispanic, they were Caucasian—they were Americans. They were American military. They were: Army LTC Rennie Melville Cory, Jr., of Oklahoma City, OK; LTC George D. Martin III of Hopkins, SC; and SFC Tommy James Murphy of Georgia—hometown not available; they were Air Force MAJ Charles E. Lewis of Las Cruces, NM; MSG Steven L. Moser of San Diego, CA; and TSgt Robert M. Flynn of Huntsville, AL; they were Navy CPO Pedro Juan Gonzalez of Buckeye, AZ—real people, real Americans.

I used to teach high school, and oftentimes I would be amazed at the heroes some of our young people sought out—many in the athletic world, some in the world of entertainment, some whom I might not have picked as heroes. But if you are looking for heroes to admire, here they are, seven of them, who sacrificed their lives in the line of duty to search for the remains of American men and women missing from the Vietnam war. What an honor to serve your country in that capacity.

At least five times that I can recall, I as a Member of either the Congress or the Senate had the opportunity to visit Vietnam—indeed, fly on maybe the same helicopter, but certainly similar helicopters with Vietnamese pilots. We flew all over Vietnam, Laos, and Cambodia, flying these missions, trying to find answers for POWs and MIAs. These wonderful people who make these sacrifices—long days, weeks away from their families, on the ground, sifting through dirt, trying to find remains, looking at wreckage, digging into the files and the archives—whatever it takes, they are out there doing it day in and day out with very few accolades.

I honor them today by simply saying thank you. Thank you for caring enough to search for your colleagues and comrades in arms who are missing. Thank you for serving your country. Thank you for making the ultimate sacrifice doing it. I also thank the families, those who survive, who will now endure this pain.

It is special with me because I have also endured it. When I was 3 years old my father, who served in World War II, died in the service of his country in a military aircraft accident. My mother, as a widow, raised me and my brother for all those years.

These are heroes. These were members of what is called the Joint Task Force—Full Accounting. I ask all of us, my colleagues in the Senate and the American people who are listening, tonight, when you put your head down, you might just remember these men in your prayers and say thank you from a grateful nation for your service.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION BILL

Mr. LOTT. Mr. President, I know there have been a number, more or less, of opening statements or statements with regard to education in America in the hope that we can move forward on a very important education reform bill that has been requested by President Bush and has been worked on in our Health, Education, Labor, and Pensions Committee. The bill was reported out overwhelmingly some months ago.

At that point, negotiations began between Republicans on the committee, Democrats on the committee, and the administration. I had the impression that good progress had been made. That is as it should be. Education is a very high priority in America with the President and with the Congress but, most importantly, with the American people.

I have stated in this Chamber many times before how importantly I view education. In my State of Mississippi, we are struggling mightily to improve the quality of our education to make sure that quality education is available to all of our students. We are truly working on the idea that no child should be left behind.

We had a $100 million contribution from Jim and Sally Barkesdale for fourth grade reading only in my State.

We are now at a point where we have 50 schools that have been approved for the Power-Up Program where students from the fifth grade to the eighth grade have access to privately donated computers with specifically trained teachers on how to teach these children to use them to learn to read. This program allows them to become computer literate and improve their reading skills.

Now we have unique programs in my State for fourth graders, and fifth through the eighth grade for reading alone. We are focusing on where there is a tremendous need. That story can be replicated all across America.

In addition to that, I am a son of a schoolteacher. She taught for 19 years before she got into bookkeeping and eventually into radio announcing. So I care a lot about education.

I worked for the University of Mississippi in placement and in the financial office for the alumni association and for the law school placement bureau. I have been involved in working with guidance counselors and teachers and promoting education generally. I care mightily about this.

As a Member of Congress for 29 years, I have watched us try to have a constructive role from the Federal level with the States and local school officials. We have put billions of dollars into trying to be helpful from the Federal level. The number is well over $130-plus billion for title I since I think 1965.

As we poured more and more money from the Federal level into local education, the test scores have continued to slide downward. There is something missing. Money alone is not the answer. Money is part of the answer. We need to put more funds at the local, State, and Federal level into education, but we need more than that. We need fundamental reform. We need flexibility. We need accountability. We need to make sure the children are learning to read and to do math. We need to know we are getting results for the efforts that are put into this important area of education.

We need to make sure teachers have the training they need to do the job, and that there are more and better programs to make sure we have teachers who have been taught how to teach the use of computers. We have computers in backs of classrooms and in hallways that aren't being used because they do not have teachers who are trained or qualified to teach their usage. We need more progress for our teachers. We need accountability for teachers.

Testing is something I have struggled with a little bit. We need to have a way to know how our students are doing. I worry about a national testing system. But the President has convinced me that there must be some sort of testing mechanism with a lot of local discretion, and it must occur regularly, not just sporadically.

There is much we can do in this area. I had been prepared to and have been under the impression that we were going to be able to move on the education reform package on Monday of this week. But there was an objection to the motion to proceed. My attitude was, fine, we will begin talking about the issue and emphasize its importance, and surely we can go to the bill on Tuesday. Tuesday came and went. Even though great progress was made on negotiations and reform and movement on the money issue, there was still no agreement to go forward on the bill. Now here we are on Wednesday. Each time I have called and talked to the Democratic leader, I have had the impression that he would like to move forward, but, he was just not quite ready yet.

I understand what is occurring. Leverage is being applied on the President to try to get more money, and to get a commitment to spend more and more money. It is obvious what is happening. But I don't think that is the responsible thing to do.

I think we should go forward with the bill. In the past I have been criticized because I wouldn't move to a bill and just said let's let the Senate work its will. Let's have amendments. Let's have votes. Some amendments win; some lose. In the end, you have a product, and then you vote and go forward.

I am being told until a total agreement is reached, we cannot go forward. I do not understand. Education is the highest priority in America with the President, the legislative branch, the States, the Governors, local school officials—everybody—and here we are. We stand, and we wait.

We are ready to go to the bill. Let's take it up. Let's have a free-flowing debate. Let's have amendments. Let's have votes. Let's do our job. Yet I am told we cannot even proceed to the bill.

Well, I am going to be patient. I am hoping that by this afternoon we can at least proceed to this bill. It was reported unanimously out of committee. Let's go to the underlying bill. We can have some amendments offered. Then, if there is agreement between all the parties, the manager can offer an amendment, and we can amend that.

So I say to my colleagues on both sides of the aisle, let's begin. Let's do our job on education. We have had enough time. We should have done the bill in February. But I was told by the committee it was not ready. Then I was told we were making progress. And then it was reported out overwhelmingly. Everybody was happy. We are ready to go, and yet here we are and we cannot go forward.

So rather than just at this point mark time, I thought it was important that we go forward and try to take up another bill while we hope that some agreement can be reached and we can move forward on the education bill.

I talked to the chairman of the committee that has jurisdiction over the brownfields legislation. I had thought maybe there would be a need to go to this legislation as we were getting ready to go home for the Easter period. I indicated to the chairman I thought it would be necessary for him to be prepared to go forward. He is ready to do so.

So I think I am going to ask for an agreement I believe the Democratic leadership is agreeable to this that we would go forward with this legislation which affects all of our States, a lot of communities. This is some reform legislation that hopefully will allow more of these brownfields to actually be cleaned up and not just be a lawyers' enhancement act. This will be a plus for the institution and it will get us some results. I believe we can do this in a couple hours and we would be prepared to have a vote at about 2 o'clock or so.

I inquire of the chairman of the committee, is your counterpart ready?

Mr. SMITH of New Hampshire. Yes.

Mr. LOTT. I see the Senator from Nevada.

Mr. SMITH of New Hampshire. We are ready.

Mr. LOTT. I thank the chairman and the ranking member for the work they have already done and for being ready to go to this bill on short notice.

UNANIMOUS-CONSENT AGREEMENT—S. 350

Mr. LOTT. Mr. President, I ask unanimous consent that at 11:15 today the Senate proceed to the consideration of Calendar No. 19, S. 350, the brownfields legislation, and it be considered under the following limitation: There be 2 hours of debate equally divided between the two managers, and no amendments be in order to the bill other than a managers' amendment.

Finally, I ask unanimous consent that following the use or yielding back of time, the managers' amendment be agreed to, the committee substitute be agreed to, the bill be read a third time, and the bill then be temporarily set aside with a vote occurring on passage at 2 p.m. today, with no intervening action or debate.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I reserve the right to object.

The Senator from West Virginia has an important statement to give regarding one of our valued employees in the Senate. The Senator from West Virginia, I understand, wants to speak for 10 or 15 minutes.

Mr. BYRD. Fifteen at the most.

Mr. REID. Maybe we could start this at 11:25.

Mr. LOTT. I modify my request so that we would begin then at 11:25, to allow Senator BYRD to go forward with his statement between now and then.

Mr. REID. I say to the majority leader, that would leave 2 hours and 35 minutes until 2 o'clock.

Mr. LOTT. Yes.

Mr. REID. There are no amendments in order anyway. We may have some people who wish to speak on it. Would that be OK with the leader?

Mr. LOTT. I am not sure I understand what the request is.

Mr. REID. Rather than ending the debate at approximately 1:25, we would do it at 2 o'clock and just vote at 2 o'clock.

Mr. LOTT. That would be fine.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished majority leader and the distinguished minority whip for their kindness and courtesy to me.

TRIBUTE TO JIM ENGLISH

Mr. BYRD. Mr. President, I rise today with a heavy heart. And I do not say that without justification. I measure my words in saying that I rise today with a heavy heart, for it will shortly be time for me to say goodbye, for now at least, to one of the most extraordinary men I have ever had the pleasure of knowing in my 83 years on God's footstool, this Earth.

The minority staff director of the Senate Appropriations Committee, Mr. Jim English, has decided to retire this year. Jim English has been my right arm, figuratively speaking, since 1989, when I assumed the chairmanship of the Appropriations Committee of the Senate. We have been through so many battles together, that sometimes it seems as if Jim English has always been with me. I could almost say, I can never remember a time in my life when Jim was not beside me.

In fact, I met Jim English in 1973, when he worked on the Transportation Subcommittee, but he did not actually work directly for me until 1989.

Jim English was born on a farm near Homer, LA. That simple fact explains a great deal. Jim English has a head full of brains. And he knows how to use them. They do not go to waste. They are not dormant. They are always working. But while he has a head full of brains, he does not have a thimble full of arrogance or supercilious attitude.

He is rock solid. He is honest. And he is full of good humor. He is the type of person whose values and character reflect the very best of America, and indeed the very best of human nature, and the preeminently best of nobility. Few persons have I seen in life that I would think of as being noble. Jim English is one. I do not recall ever having said this about anybody else. It does not mean that I have not seen other very noble people. The man who raised me, Titus Dalton Byrd, a man of little education, but with a big heart and a great soul, was a noble man.

James English has had a working career which includes being an accounting clerk for the D.C. Government, revenue officer for the IRS, clerk of the Transportation Appropriations Subcommittee, vice president for government affairs at Amtrak, Assistant Secretary of the Senate, staff director of the Senate Appropriations Committee, and minority staff director of the Appropriations Committee. I daresay that he has worn all of those many hats, those many badges with distinction. There is probably no position that Jim would not improve just by occupying it.

He is without doubt—and I have had some extraordinarily fine staff people—he is without a doubt, overall, the finest staff member I have ever employed in my 48 years on Capitol Hill.

I have employed some top-notch, very fine staff people. I say this about Jim English because of his versatility, for one. He is multitalented, he is supremely capable, and he is completely undaunted by any challenge. Jim English is also unrelentingly curious. He will dig and dig and dig until he gets an answer to a question.

It has been said by someone that curiosity is one of the certain characteristics of a vigorous mind. When you stop and think about it, that is a very apt saying. Never was there a better example of the truth of that observation than we have seen in Jim English. Moreover, I have never met anyone so consistently good humored, even in the most stressful of situations. As my dear friend, Senator TED STEVENS, chairman of the Appropriations Committee, knows, there are certainly times when being on the Appropriations Committee staff can be dreadfully stressful and demanding.

I cannot recall ever seeing Jim English angry in all of the years I have known him. I have rarely ever even seen him become impatient.

Emerson once observed:

> It is easy in the world to live after the world's opinion; it is easy in solitude to live after our own; but the great man is he who in the midst of a crowd keeps with perfect sweetness the independence of solitude.

That is Jim English. He is the epitome of Emerson's thoughts in that regard: Gentle with everyone, yet the toughest of adversaries when he must be tough. Jim English seems always to maintain perfect control and equanimity. In all the years I have worked with Jim English, I have never heard him tell an off-color joke. I have never heard him use profanity. If he had, he wouldn't stay on my staff. I don't use it in front of my staff. Not that I have never used it in my life, but I don't use it anymore. And Jim English doesn't use it. My staff people don't use it. He is just a good man.

The Bible says no man is good, but Jim English comes as near to it as anyone I have ever met. Losing him will be like losing an arm. Jim has given over 30 years to Federal service, with 23 of those years spent with the Senate Appropriations Committee. Almost 13 of those 23 years he has spent working closely with me.

I shall miss him professionally, and I shall miss him personally, but I know he wants to spend more time with his lovely and good wife Phyllis, with his daughters Kathleen Pfost and Elizabeth Arensdorf, and with his four grandchildren, Ashley, Alex, Evan, and Jimmy. As much as I regret losing Jim English—and I couldn't keep him if I wanted to—no one could begrudge him these desires.

I wish for him all the best that life has to offer, and I want him to know I am grateful for the loyalty, the service, and the friendship he has offered to me for so many good years.

My dear colleague—and I say "dear colleague" meaning it—TED STEVENS is on the floor. He wants to share his thoughts on this subject.

I ask unanimous consent that I may yield to Senator STEVENS, after which I be recognized again for just a few lines, and that the time be extended to whatever is necessary, which will not be very long but not more than 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am grateful to my great friend from West Virginia. I am chairing a hearing at the present time of the Defense Subcommittee of Appropriations. But I am saddened to come to the Chamber for this occasion to recognize and comment upon the retirement of Jim English from the staff of our Appropriations Committee.

I say to Jim, very frankly, all of the members of our staff, minority, majority, Members and staff, extend to him our heartfelt congratulations and thanks for all he has done and our desire that he and his wife Phyllis and their daughters and grandchildren will have a grand time.

I can't fathom a young man such as that deciding to retire, but I hope there are some fishing holes along the line that he will explore, and other activities to do. My first father-in-law told me that English is the only language in which "retire" means other than go to bed. I hope it is a misuse of the term "retire" in terms of referring to Jim English because he has much yet to contribute to our country and to his family.

Senator BYRD and I have worked together with Jim English since 1973. Although he left the committee and worked for Amtrak, as my colleague mentioned, and he worked under the leadership of the Senator from West Virginia on his staff and with the leadership staff, he has been back again with our committee since 1989, according to our figures, and has served as Senator BYRD's majority staff director and now as the Democratic staff director in this equalness we are now celebrating.

In the time I have been chairman, Jim English has not just been an adviser to Senator BYRD, he has been our adviser, the committee's adviser, and he has worked with us in a way that has been deserving of the trust we have imposed and conferred upon him. He is a man who believes in close bipartisan relationships. On a committee such as ours, he has fostered that by his actions and by his work. Much of the credit for the close bipartisan relationship we have now comes from the work he did before when Senator BYRD was chairman of the committee. That period has extended through the time I have been chairman.

We have a different relationship on our committee. It is a committee that recognizes the work has to be done. There is only one committee that actually has to pass 13 bills every year. No matter what happens, those bills have to pass the Congress. They have to be approved by our committee. As my colleague mentioned, there are many issues that arise, many specific battles where animosities develop within our ranks. I have never seen Jim English take part in that. He has been a man of calm temper—unlike me, I might add—and he is one who has worked to ensure that the processes we follow are fair and honorable.

I can say without any question that my staff and I have trusted Jim completely. If he tells us anything, it is accepted on its face. There is no reason to go behind Jim English's word. He is a man who has played a central role in the appropriations process for many years.

I come to the Chamber to say I will miss him. I really don't like the idea of seeing a young man such as him leave. It raises a question in my mind: Who is the smarter of the two?

Anyone who recognizes the caliber of Jim English and his professionalism will understand how much we are going to miss him.

I am sure you will find someone to replace him, and it is my hope that we will have the same relationship with whomever that is. But it is a difficult time to have a person such as Jim decide to leave, and I want to say to Jim English that the doors of my offices will always be open to you, no matter the issue and I will continue to rely upon your advice, no matter where you go. I think you have earned the reputation to be accepted in this body as a man of integrity and honor and one who has always kept his word. There is nothing better you can say about a man, in my opinion.

I wish I had the capability the Senator from West Virginia has to remember quotes from distinguished authors. I have never tried to develop that capability. But I do want Jim to know we have benefited greatly from his service, whether Republican or Democrat. The country is better off for you having spent time with us. We hope you will enjoy your life from now on and come back to see us from time to time. Whatever your new endeavors may be, you have our best wishes, and you have my assurance that I would be ready to help you in any regard.

Mr. BYRD. Mr. President, I thank Senator STEVENS for those remarks. In my judgment, having served on the Appropriations Committee longer than any other Senator serving, going on 43 years—and I have seen some good chairmen of the Appropriations Committee—I have no hesitancy in saying Senator STEVENS is the best chairman of the Appropriations Committee—and that includes myself as chairman—he is the best chairman the Senate Appropriations Committee has had during my long tenure in this body. I know that what he says brings pride to the heart of this man—Jim English—who is about to leave the employ of the Senate.

Let me close with a few lines which I think are most fitting when we think of Jim English.

IT WILL SHOW IN YOUR FACE

You don't have to tell how you live each day
You don't have to say if you work or play;
For a tried and true barometer—right in its place,
However you live, my friend, it will show in your face.
The false, the deceit that you bear in your heart
Won't stay down inside where it first got its start;
For sinew and blood are a thin veil of lace
What you carry in your heart will show in your face.
If you have gambled and won in the great game of life
If you feel you have conquered sorrow and strife;
If you played the game square and you stand on first base,
You won't have to tell it, it will show in your face.
Then if you dissipate nights till the day is most nigh,
There is only one teller, and one that won't lie;
Since your facial barometer is right in its place,
However you live, my friend, it will show in your face.
Well, if your life is unselfish and for others you live,
Not for what you can get but for what you can give,
And if you live close to God in his infinite grace,
You won't have to tell it, it will show in your face.

COMMENDING JAMES HAROLD ENGLISH FOR HIS 23 YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. BYRD. Mr. President, I have the approval of the distinguished majority leader and the distinguished minority leader to ask unanimous consent that the Senate proceed to the consideration of S. Res. 73 submitted earlier today by Senator LEAHY and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) to commend James Harold English for his 23 years of service to the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the resolution: Senators STEVENS, LEAHY, and DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Senator yield?

Mr. BYRD. Yes.

Mr. REID. I ask that I be added as a cosponsor. Jim English is a great public servant and has been a good friend of mine.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas James Harold English became an employee of the United States Senate in 1973, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas James Harold English served as Clerk of the Transportation Appropriations Subcommittee from 1973 to 1980;

Whereas James Harold English served as the Assistant Secretary of the Senate in 1987 and 1988;

Whereas James Harold English has served as Democratic Staff Director of the Appropriations Committee of the United States Senate from 1989 to 2001;

Whereas James Harold English has faithfully discharged the difficult duties and responsibilities of Staff Director and Minority Staff Director of the Appropriations Committee of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas James Harold English will retire from the United States Senate on April 30, 2001, with over 30 years of Government Service—23 years with the United States Senate: Now, therefore, be it

Resolved, That the United States Senate—

(1) Commends James Harold English for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

(2) The Secretary of the Senate shall transmit a copy of this resolution to James Harold English.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

The PRESIDING OFFICER. The clerk will report S. 350 by title.

The legislative clerk read as follows:

A bill (S. 350) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.
Sec. 202. Prospective purchasers and windfall liens.
Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.
Sec. 302. Additions to National Priorities List.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) Definition of Brownfield Site.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) Brownfield site.—

"(A) In general.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"(B) Exclusions.—The term 'brownfield site' does not include—

"(i) a facility that is the subject of a planned or ongoing removal action under this title;

"(ii) a facility that is listed on the National Priorities List or is proposed for listing;

"(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

"(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(v) a facility that—

"(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(vi) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(viii) a portion of a facility—

"(I) at which there has been a release of polychlorinated biphenyls; and

"(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) Site-by-site determinations.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) Additional areas.—For the purposes of section 128, the term 'brownfield site' includes a site that—

"(i) meets the definition of 'brownfield site' under subparagraphs (A) through (C); and

"(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(II) is mine-scarred land.".

(b) Brownfields Revitalization Funding.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

"(a) Definition of Eligible Entity.—In this section, the term 'eligible entity' means—

"(1) a general purpose unit of local government;

"(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(3) a government entity created by a State legislature;

"(4) a regional council or group of general purpose units of local government;

"(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(6) a State; or

"(7) an Indian Tribe.

"(b) Brownfield Site Characterization and Assessment Grant Program.—

"(1) Establishment of program.—The Administrator shall establish a program to—

"(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

"(B) perform targeted site assessments at brownfield sites.

"(2) Assistance for site characterization and assessment.—

"(A) In general.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

"(B) Site characterization and assessment.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

"(c) Grants and Loans for Brownfield Remediation.—

"(1) Grants provided by the President.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

"(A) eligible entities, to be used for capitalization of revolving loan funds; and

"(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

"(2) Loans and grants provided by eligible entities.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

"(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

"(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

"(3) Considerations.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

"(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

"(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

"(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

"(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

"(E) such other similar factors as the Administrator considers appropriate to consider for the purposes of this section.

"(4) Transition.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

"(d) General Provisions.—

"(1) Maximum grant amount.—

"(A) Brownfield site characterization and assessment.—

"(i) In general.—A grant under subsection (b)—

"(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

"(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

"(ii) Waiver.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

"(B) Brownfield remediation.—

"(i) Grant amount.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

"(ii) Additional grant amount.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

"(I) the number of sites and number of communities that are addressed by the revolving loan fund;

"(II) the demand for funding by eligible entities that have not previously received a grant under this section;

"(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

"(IV) such other similar factors as the Administrator considers appropriate to carry out this section.

"(2) Prohibition.—

"(A) In general.—No part of a grant or loan under this section may be used for the payment of—

"(i) a penalty or fine;

"(ii) a Federal cost-share requirement;

"(iii) an administrative cost;

"(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

"(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup.

"(B) Exclusions.—For the purposes of subparagraph (A)(iii), the term 'administrative cost' does not include the cost of—

"(i) investigation and identification of the extent of contamination;

“(ii) design and performance of a response action; or

“(iii) monitoring of a natural resource.

“(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

“(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

“(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

“(e) GRANT APPLICATIONS.—

“(1) SUBMISSION.—

“(A) IN GENERAL.—

“(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

“(ii) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

“(B) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

“(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

“(2) APPROVAL.—The Administrator shall—

“(A) at least annually, complete a review of applications for grants that are received from eligible entities under this section; and

“(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

“(3) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

“(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

“(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

“(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

“(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

“(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

“(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

“(G) The extent to which the applicant is eligible for funding from other sources.

“(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

“(I) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

“(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

“(1) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities or nonprofit organizations to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

“(2) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

“(g) AUDITS.—

“(1) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

“(2) PROCEDURE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

“(3) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

“(A) terminate the grant or loan;

“(B) require the person to repay any funds received; and

“(C) seek any other legal remedies available to the Administrator.

“(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

“(i) AGREEMENTS.—Each grant or loan made under this section shall—

“(1) include a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section, as determined by the Administrator; and

“(2) be subject to an agreement that—

“(A) requires the recipient to—

“(i) comply with all applicable Federal and State laws; and

“(ii) ensure that the cleanup protects human health and the environment;

“(B) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

“(C) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

“(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

“(j) FACILITY OTHER THAN BROWNFIELD SITE.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

“(k) FUNDING.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2002 through 2006.”.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

“(o) CONTIGUOUS PROPERTIES.—

“(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

“(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

“(i) the person did not cause, contribute, or consent to the release or threatened release;

“(ii) the person is not—

“(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

“(II) the result of a reorganization of a business entity that was potentially liable;

“(iii) the person takes reasonable steps to—

“(I) stop any continuing release;

“(II) prevent any threatened future release; and

“(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

“(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action or natural resource restoration at the vessel or facility);

“(v) the person—

“(I) is in compliance with any land use restrictions established or relied on in connection with the response action at the facility; and

“(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

“(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

“(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

“(viii) at the time at which the person acquired the property, the person—

“(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

“(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

“(B) DEMONSTRATION.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

“(C) BONA FIDE PROSPECTIVE PURCHASER.—Any person that does not qualify as a person

described in this paragraph because the person had, or had reason to have, knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

"(D) Ground water.—With respect to a hazardous substance from 1 or more sources that are not on the property of a person that is a contiguous property owner that enters ground water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

"(2) Effect of law.—With respect to a person described in this subsection, nothing in this subsection—

"(A) limits any defense to liability that may be available to the person under any other provision of law; or

"(B) imposes liability on the person that is not otherwise imposed by subsection (a).

"(3) Assurances.—The Administrator may—

"(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

"(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).".

SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) Definition of Bona Fide Prospective Purchaser.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

"(40) Bona fide prospective purchaser.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

"(A) Disposal prior to acquisition.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

"(B) Inquiries.—

"(i) In general.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

"(ii) Standards and practices.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

"(iii) Residential use.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

"(C) Notices.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) Care.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

"(i) stop any continuing release;

"(ii) prevent any threatened future release; and

"(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

"(E) Cooperation, assistance, and access.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions or natural resource restoration at the vessel or facility).

"(F) Institutional control.—The person—

"(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

"(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

"(G) Requests; subpoenas.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

"(H) No affiliation.—The person is not—

"(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

"(I) any direct or indirect familial relationship; or

"(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

"(ii) the result of a reorganization of a business entity that was potentially liable.".

(b) Prospective Purchaser and Windfall Lien.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

"(p) Prospective Purchaser and Windfall Lien.—

"(1) Limitation on liability.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) Lien.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the owner, obtain from the owner a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

"(3) Conditions.—The conditions referred to in paragraph (2) are the following:

"(A) Response action.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

"(B) Fair market value.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

"(4) Amount; duration.—A lien under paragraph (2)—

"(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of—

"(i) satisfaction of the lien by sale or other means; or

"(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.".

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the second sentence—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) Reason to know.—

"(i) All appropriate inquiries.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release;

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) Standards and practices.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) Criteria.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional.

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous

waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

"(VI) Visual inspections of the facility and of adjoining properties.

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(iv) INTERIM STANDARDS AND PRACTICES.—

"(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

"(aa) any specialized knowledge or experience on the part of the defendant;

"(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

"(cc) commonly known or reasonably ascertainable information about the property;

"(dd) the obviousness of the presence or likely presence of contamination at the property; and

"(ee) the ability of the defendant to detect the contamination by appropriate inspection.

"(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

"(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

"(41) ELIGIBLE RESPONSE SITE.—

"(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

"(B) INCLUSIONS.—The term 'eligible response site' includes—

"(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

"(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

"(I) protect human health and the environment; and

"(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(C) EXCLUSIONS.—The term 'eligible response site' does not include—

"(i) a facility for which the President—

"(I) conducts or has conducted a preliminary assessment or site inspection; and

"(II) after consultation with the State, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the National Priorities List, or that the site otherwise qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

"(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.".

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"SEC. 129. STATE RESPONSE PROGRAMS.

"(a) ASSISTANCE TO STATES.—

"(1) IN GENERAL.—

"(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(B) USE OF GRANTS BY STATES.—

"(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

"(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

"(II) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

"(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

"(A) Timely survey and inventory of brownfield sites in the State.

"(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

"(i) a response action will—

"(I) protect human health and the environment; and

"(II) be conducted in accordance with applicable Federal and State law; and

"(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

"(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

"(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

"(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

"(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.— Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

"(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

"(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

"(B) EXCEPTIONS.—The President may bring an administrative or judicial enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

"(i) the State requests that the President provide assistance in the performance of a response action;

"(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

"(iii) after taking into consideration the response activities already taken, the Administrator determines that—

"(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

"(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

"(iv) the Administrator determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.

"(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the

response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

"(D) EPA NOTIFICATION.—

"(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

"(I) notify the State of the action the Administrator intends to take; and

"(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

"(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

"(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

"(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

"(II) the State is planning to abate the release or threatened release, any actions that are planned.

"(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

"(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

"(2) SAVINGS PROVISION.—

"(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

"(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

"(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

"(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

"(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after February 15, 2001.

"(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

"(1) this Act, except as provided in subsection (b);

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).".

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

"(h) NPL DEFERRAL.—

"(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

"(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

"(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

"(ii) that will provide long-term protection of human health and the environment; or

"(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

"(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

"(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

"(A) the complexity of the site;

"(B) substantial progress made in negotiations; and

"(C) other appropriate factors, as determined by the President.

"(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

"(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

"(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

"(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.".

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask that my friend, the chairman of the committee, yield for a brief minute.

Mr. President, we have nine Senators who wish to speak on this legislation, and there may be others at a subsequent time. I wonder if my friend from New Hampshire would allow us to give a rough idea of when people should be here. I know the Senator from Oklahoma, a valuable member of the committee, wishes to speak before the chairman, and I have no problem with that. I am wondering, how long does the Senator from Oklahoma wish to speak?

Mr. INHOFE. Five minutes.

Mr. REID. Following that, Mr. President, I wonder if we may have a unanimous consent agreement that the Senator from New Hampshire speak for up to 20 minutes; the Senator from Nevada, Mr. REID, 15 minutes; Senator CHAFEE, 15 minutes; Senator BOXER, 15 minutes; Senator BOND, 15 minutes; Senator Clinton, 15 minutes; Senator CRAPO, 15 minutes; and Senator Corzine, 15 minutes. That will use about an hour and 20 minutes and still leave time for others who wish to come.

Mr. INHOFE. Let me change that to about 7 minutes.

Mr. REID. Let's make it 10 minutes.

Mr. INHOFE. All right.

Mr. REID. I have failed to list Senator CARPER, but we will do him after that for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, while I was one who opposed S. 350 when it was in committee because of some problems that were there that we have tried to address, we have gotten a lot of cooperation from the committee in the meantime to address the problems. I think S. 350 contains provisions that would be a positive first step toward revitalizing brownfields in this country.

S. 350 provides developers with moderate assurances for Superfund-forced cleanups. While some of my concerns over the finality of the language remain, I am comforted by the remarks of the chairman and ranking member of the committee concerning new information. That is, the information referred to in S. 350 pertains to information of the highest quality, objectivity, and weight which is acquired after cleanup has begun. With this language, I don't think the abuses I was concerned about are going to be there. If they are, we will be monitoring it.

The scope of the cleanup finality provision is still of concern. The EPA could simply sidestep the bill by using RCRA, the Resource Conservation and Recovery Act, or even the Toxic Substances and Control Act to force parties to clean up sites. This is one of the concerns we tried to address in the committee. I don't think it has been addressed to our satisfaction, but at least we are in a position to monitor it.

It has been the argument of supporters of the legislation that EPA has never overfiled on a brownfields site. If the EPA overfiles a State cleanup, S. 350 now requires the EPA to notify Congress. I wasn't satisfied with just the fact that they had not done this in the past because there is always that first time. We will be closely monitoring this to make sure that provision stays in the legislation.

I still have concerns that businesses will not feel adequately protected, and, therefore, brownfields may not get cleaned up. In the end, the developers and businesses will be the judges of S. 350's successes or failures.

A lot of people forget this and look at the bureaucracy and say: We are going to have all this language. I can assure you, Mr. President, if we do not have some protection for developers and businesses that are willing to bid on cleanup sites, they are not going to be able to do it. It does not do any good to pass legislation unless there is enough confidence in the business community that they will not be abused if they bid on these projects.

According to the EPA's figures, there are 200,000 sites contaminated primarily from petroleum. This is roughly half the approximately 450,000 brownfields in the United States. During the markup, I had concerns that by failing to address RCRA, Congress was neglecting the 200,000-plus sites that are petroleum-contaminated brownfield sites in this country. By not addressing these sites in S. 350, Congress is preventing almost half the brownfields in this country from being cleaned up and developed.

I insisted Congress must address this issue. I stated that it was not right to allow so many brownfields to remain contaminated under this program.

I am proud to say today help is on the way for these sites. The Inhofe amendment, which is incorporated into the managers' amendment, will take a first major step toward cleaning up petroleum-contaminated sites.

Specifically, the Inhofe amendment, A, allows relatively low-risk brownfield sites contaminated by petroleum or petroleum products to apply for brownfields revitalization funding and, B, authorizes $50 million to be used for petroleum sites.

My amendment will allow the large amount of abandoned gas stations and other mildly petroleum-contaminated sites all across the Nation to be cleaned up and put back into productive use.

Finally, I still want to work to place a cap on the administrative costs set aside by the Federal EPA. A cost cap will ensure States and parties seeking to clean up and redevelop brownfields are getting the vast majority of the funds for brownfields programs and not just for administrative costs.

EPA has informed us they are currently using approximately 16 percent of brownfields funds appropriated on administrative costs. This amount is unacceptable. I will be watching very closely to see what can be done perhaps in the appropriations process. Senator BOND and some others can perhaps propose an amendment to get this cap on and avoid excessive administrative costs.

Over the last several years, the Senate Committee on Environment and Public Works has worked very hard on Superfund reform. With S. 350, the committee has decided for now to address only brownfields.

There are a lot of other problems. In the very beginning, I said let's not cherry-pick this thing; let's not just address brownfields. Let's get into it and look at retroactive liability, natural resource damages, joint and several liability, and some of the abuses that have taken place in this system.

I believe we now have the assurance of enough Members that we will go ahead with a more comprehensive program and address these other problems.

I thank the chairman and the ranking member and specifically Senators CRAPO, BOND, and VOINOVICH who are helping me on some of the issues about which I have concerns and also the staff who have spent many hours coming up with a bill that I think is acceptable. I yield the floor.

Mr. REID. Mr. President, Senator SMITH is right outside the door. I am told that is the case.

Based on a prior unanimous consent agreement, Senator SMITH will speak from 11:40 a.m. until 12 o'clock. I will speak from 12 to 12:15 p.m. Senator CHAFEE will speak from 12:15 p.m. to 12:30 p.m. Senator BOXER will speak from 12:30 p.m. to 12:45 p.m. Senator BOND will speak from 12:45 p.m. to 1 p.m. Senator CLINTON will speak from 1 p.m. to 1:15 p.m. Senator CRAPO will speak from 1:15 p.m. to 1:30 p.m. Senator CORZINE will speak from 1:30 p.m. to 1:45 p.m. Senator CARPER will speak from 1:45 p.m. to 2 p.m.

If anyone wants to juggle those times, they can contact the Members. That is the way it is now.

Mr. President, while Senator SMITH is on his way, I wish to express my appreciation to the majority leader. I have been on the floor the last 3 days indicating why we did not go to this legislation, and we are now considering it.

I extend my appreciation to Senator LOTT for moving forward this very important piece of legislation. It is something that is long overdue, years overdue, but it is something that could not be more timely to clean up half a million sites and do a lot of good things about which we will hear in the next couple of hours.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am very proud to be debating the brownfields legislation, known as the Brownfields Revitalization and Environmental Restoration Act of 2001, or S. 350. It is a bill we have worked on for a long time—many years actually. It is exciting to be at this point and to have bipartisan legislation that, frankly, we know after we finish the debate is going to pass. That does not happen every day in the Senate. So it is exciting.

I am proud that two-thirds of the Senate, both political parties, are cosponsors—68 to be exact. Also, the President supports the bill. If we can get the cooperation of the House of Representatives, this will pass quickly, and the President will sign it. We are very excited about that.

This bill has the full bipartisan support of all members of the Environment and Public Works Committee across the political spectrum.

Make no mistake about it, in spite of the support the bill has, it has not been an easy process. Superfund, so-called, is a very difficult subject. That is an issue I have worked on and I know Senator REID and Senator CHAFEE and others have for many years.

Ever since I began my service in the Congress, I have tried to reform this flawed Superfund law. It has been a bitter battle with a lot of differences of opinion as to how we do it, sometimes partisan and sometimes regional. But basically on reforming Superfund, other than a few short fixes on certain things such as recyclers, we really have not accomplished very much in the last 11 years.

I have always believed we are in need of comprehensive Superfund reform to make the program work. I still believe after we pass the bill there is a lot to be done. Today we have a chance to do something good. It is not comprehensive Superfund reform. Frankly, I am at the point now where comprehensive Superfund reform is not going to happen, and maybe it should not happen. Maybe we should just move forward on a piece-bill basis and do the right thing.

I was pleased to be joined by the committee's ranking member, the Superfund subcommittee chairman and its ranking member, Senators REID, CHAFEE, and BOXER. I commend all of my colleagues who are present—Senator REID, Senator BOXER, Senator CHAFEE—for their leadership and working tirelessly and in good faith in a bipartisan manner. Without their cooperation and help, we would not be here today.

It is always easy to reach agreement on easy issues, but the difficult issues, such as some of the issues with which we deal in the environment, are not that easy and we have to work hard, respect the other side's position, and try to come to a compromise.

If there is any positive spinoff from a 50/50 Senate, about which so much is written and spoken, it is that, even if we do not want to, we have to work together because we are not going to pass anything meaningful, anything positive. We will not pass anything out of committee going anywhere on the floor unless it is bipartisan.

We may not always agree on how to achieve our goals, but we all share the same desire for a safe and healthy environment for all of our families and for the future and our future generations. As I have said many times, environment should be about the future. It shouldn't be about politics of today. It should be about tomorrow and our children. Sometimes in the decisions we make we would like to have immediate results, but we don't get them. It takes time to see the fruits of our labors.

I think you will see in the brownfields legislation, when it passes, the process of cleaning up the old abandoned industrial sites.

I thank President Bush, as well, and his new EPA administrator, Christine Whitman, for unwavering support. When they first took office, my very first meeting was with then-Governor Whitman, now Administrator Whitman. She gave me her full support and commitment on this issue, as did the President. The President stated the brownfields reform is a top environmental priority for his administration. It will now pass the Senate within the first 100 days of the administration. That is a promise made and a promise kept—sometimes rare in politics these days.

The President recognizes what it means for the environment. I am proud the Senate will pass this priority and do it today.

As former Governors, both President Bush and Administrator Whitman understand the importance of cleaning up the sites, and the President deserves credit for making this a top priority, as do my colleagues in the Senate. Without the support of the President, we would not see this legislation become law. To his credit, President Clinton, as well, was a supporter of the brownfields bill.

It has not been easy, but we have worked in good faith. I thank all Senators involved for their willingness to work together toward this common goal. It is amazing what can be accomplished when we set aside the rhetoric and focus on the goal; or, indeed, if we have the rhetoric, complete the rhetoric and sit down and get focused on getting the job done.

Last year, the committee was successful in passing good, balanced, bipartisan legislation, including estuaries restoration, clean beaches, and the most famous of all, the historic Everglades restoration, which was a prime project of the Senator from Rhode Island, our distinguished father and former colleague, Mr. John Chafee.

I made a commitment after Senator Chafee's passing that I would, in fact, shepherd that bill through the Senate, which we did, and President Clinton signed it. It is now law. We will see that great natural resource restored.

Again, it will take time. It will not happen tomorrow. We will not see the Everglades restored tomorrow, but we will see it done over a period of 10, 20, 30 years. We will not see every brownfield restored today after passage of the bill, but we will see industrial site after industrial site, abandoned industrial sites all over America, gradually become green or restored in a way that they are productive and producing tax revenues in the communities across our Nation.

When you see a brownfield, abandoned site, and you see activity, with people working and cleaning it up, and it is looking nice in your community, you can reference back to this legislation and know that is why it is being done.

People say, why do you need the legislation? The answer is, under current law no one will clean them up. I will discuss the reasons in a moment. With brownfields, we have proven we can work together in cooperation, as opposed to confrontation, and we can accomplish great things. When we talk about all the great issues of the day, whether China, the budget, or whatever, brownfields is not exactly something that gets a lot of glamour. We had a huge debate on the Ashcroft confirmation. That received a lot of publicity. However, down in the trenches, these are the kinds of issues that don't get a lot of attention. Maybe the trade press follows them. The national press doesn't do much. Indeed, sometimes not even your local press, but it is important. It is very important to the communities because we will be restoring these sites.

I am hopeful the effort will set the stage for more cooperation and also get at more of the old Superfund law to pick away and try to reform various parts of the bill so we don't need Superfund anymore. We will be cleaning up all of these sites as soon as we can.

We have learned environmental politics delays environmental protection. Let me repeat that: Environmental politics delays environmental protection. The more we argue about things, the longer it takes to get something in place that will bring this to resolution, and the resolution would be the cleanup. The expedited cleanup of brownfield sites is very important to my constituents in New Hampshire, as it is to other constituents in other States. My State helped to drive this economy during the industrial age—little old New Hampshire, with the mills along the Merrimack. We have more than our share of these likely contaminated sites waiting to be turned back into positive assets, including abandoned railroad sites, along the railroads, along the rivers. Frequently, these are the sites we are talking about. It could be Bradford, Keene, Concord, or New Ipswich. This bill will be of monumental benefit to not only those towns but many towns all over America. This bill will also create opportunities for the development of more facilities such as the Londonderry eco-industrial park. Now these brownfield sites will turn into industrial parks. Or, indeed, if they are not parks, they may very well be "green" parks as opposed to industrial parks. Again, this bill provides help in that regard.

If you take an abandoned industrial site and convert it to a good commercial site, producing revenues for the community, it enhances the community in a beautification way, produces revenue, puts people to work. It is a win-win-win. Furthermore, it takes the pressure off of green space. We won't go outside of Frankfurt, KY, somewhere and pull off acres of land to build an industrial park if we have 10 acres of abandoned brownfield sites to bring back and revitalize and use again. That is the beauty of the legislation.

I am proud to help communities all across the Nation. We estimate as many as 400,000 to 500,000 brownfield sites exist across America. We will see activity now on these sites.

A brief background on the bill. On March 8, the Environmental and Public Works Committee reported S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. There were a few dissenting votes, but we worked with those individuals who had concerns and the Members now have been able to reconcile those differences. As far as I know, we have a totally united front. That is a tribute to every member of that committee, on both sides, a tribute to the staffs of the members working hard to address the concerns to come out with a totally unified effort on a bipartisan bill.

This is a strong bill. It deserves the support of the full Senate, not only the 68 cosponsors but the other 32 out there, as well.

How is S. 350 better than current law? That is the issue. Current law is what it is and we are now cleaning up sites. How do we improve it? Simply stated, our bill provides an element of finality that does not exist today in current law. While allowing for Federal involvement under specific conditions, current law allows EPA to act whenever there is a release or a threatened release. Again, current law allows EPA to act whenever there is a release or threatened release.

This bill changes that requirement, ups the ante a little bit, and provides four things: One, EPA to find that "the release or threatened release may present an imminent and substantial endangerment to public health, welfare or the environmnent" and after taking into consideration response activities already taken, "additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release.

We put some conditions on there for the EPA's finding.

We also find that the action should come at the request of the State if we need to come back.

Third, contamination may have migrated across a State line.

Fourth, there may be new information to emerge after the cleanup that results in the site presenting a threat.

That is not all our bill does. It also authorizes $200 million in critically needed funds to assess and clean up brownfield sites as well as $50 million to assist State cleanup programs. This is more than double the level of funding currently expended on the EPA brownfield program.

I also want to point out this is not about only Federal dollars. The Federal dollars, the $200 million we are talking about here, are nowhere near enough money to clean up 500,000 brownfield sites. What this does is it limits the liability and brings us closer to finality in cleanup so we can now get contractors to go on these sites. They can get the insurance, they can take the risk, and they are not going to be held accountable if a hot spot or some other problem that was not their fault occurs several years down the road. That has been the problem to date. They cannot do it because they will be held liable so they say, fine, we are not going to go on the site and clean it up and take the risk.

If a contractor comes onto a site, he is responsible. If he does what he is supposed to do, follows the plans as he is supposed to, cleans it up and does it in good faith and we find something later, he is not accountable. That is why this bill will go so far toward moving us in the right direction, getting these sites cleaned up.

Individuals and towns and property owners will now invest in cleaning up these sites. Banks will lend money. There are millions and millions of dollars—tens of millions, if not hundreds of millions—that will be used now from the private sector to clean up these sites, far beyond the $200 million we are talking about in this bill.

This will promote conservation through redevelopment, as I said before, as opposed to new greenfield development, and will help to revitalize our city centers and create new jobs in the inner cities. It is a win for the environment, a win for the economy, a win for the Nation, a win for every State, including New Hampshire, and a lot of communities with those brownfield sites. It is a giant step forward. We now have a chance to move forward on a piece of legislation that will make a significant difference in communities across the Nation.

The real winners are the people who live near these abandoned sites—sometimes those are minorities—the renewed urban centers that will see development and jobs replace blighted, contaminated sites, the local communities that will be revitalized, and the green space that is preserved. It is a win, win, win, win, win, no matter how you cut it. Thanks to the leadership of my colleagues, Senators REID, BOXER, and CHAFEE, and all my colleagues on the committee, we have a chance to enact now, for the first time in all the years I have been in Congress, which is 16—the first time to enact meaningful brownfields reform. We came out of the gate running. I hope the House will follow suit, because if they do, it will be on the President's desk shortly and the President can sign this bill before the end of the summer.

There are numerous interests that support S. 350. I ask unanimous consent that several letters of support I have received—and all of us have received them—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
March 7, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing on behalf of the National Conference of State Legislatures (NCSL) to commend you for your continued commitment to the issue of Brownfields revitalization. Without the necessary reforms to the Comprehensive Response, Compensation and Liability Act (CERCLA), clean up and redevelopment opportunities are lost as well as new jobs, new tax revenues, and the opportunity to manage growth. NCSL's Environment Committee has made this a top priority and we applaud the committee's leadership for designating it as one of the first environmental issues to be brought before the 107th Congress.

The Brownfields Revitalization and Environmental Restoration Act of 2001 (S 350) provides a welcome increase in federal funding for the assessment and cleanup of state brownfields. We are encouraged by the committee's efforts to provide some level of liability reform for innocent property owners. NCSL would also like to acknowledge the committee's success in garnering broad bipartisan support on an issue that is of concern in all 50 states.

As you continue work on The Brownfields Revitalization and Environmental Restoration Act of 2001, we urge you to reexamine the following:

The 20% cost share (under CERCLA the cost share is 10%)—this could discourage states with tight budgets from participating in the program. NCSL suggests that you maintain the cost share provision of 10% under CERCLA.

NCSL recognizes that finality has been a contentious issue. NCSL acknowledges that the bill provides relief from Superfund liability, but we urge the committee to reexamine the power of the Administrator with a view towards according the states the appropriate deference prior to initiation of an enforcement action.

Additions to the National Priorities List—NCSL supports the listing of a facility only after the Administrator obtains concurrence from the Governor of the respective state.

We appreciate the efforts of the chief sponsors of S. 350 and the subcommittee to bring forward a bill to further advance brownfields cleanup and redevelopment. We look forward to working with you on this issue. For additional information, please contact Molly Stauffer in NCSL's Washington, D.C. office at (202) 624-3584 or by email at *molly.stauffer@ncsl.org.*

Sincerely,
Representative JOE HACKNEY,
Chair, NCSL Environment Committee.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, February 14, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control, and Risk Assessment, Senate Office Building, Washington, DC.

Hon. HARRY REID,
Ranking Minority Member, Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

Hon. BARBARA BOXER,
Ranking Minority Member, Subcommittee on Superfund, Waste Control, and Risk Assessment, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: On behalf of The United States Conference of Mayors, I am writing to express the strong support of the nation's mayors for your bipartisan legislation, the "Brownfields Revitalization and Environmental Restoration Act of 2001." The mayors believe that this legislation can dramatically improve the nation's efforts to recycle abandoned and other underutilized brownfield sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

This is a national problem that deserves a strong and prompt federal response. The mayors believe that this bipartisan legislation will help accelerate ongoing private sector and public efforts to recycle America's land.

We thank you for your leadership on this priority legislation for the nation's cities. We strongly support this legislation and we encourage you to move forward expeditiously so that the nation can secure the many positive benefits to be achieved from the reuse and redevelopment of the many thousands of brownfields throughout the U.S.

Sincerely,
H. BRENT COLES,
President,
Mayor of Boise.

Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.

Hon. HARRY REID,
Ranking Member, Environmental and Public Works Committee, U.S. Senate, Washington, DC.

Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: We are writing to thank you for the outstanding leadership you have demonstrated by your re-introduction of the Brownfields Revitalization and Environmental Restoration Act of 2001. Our organizations, and our many community partners across America, are heartened by the benefits that this legislation would impart upon our landscapes, economies, public parks and our communities as a whole. Transforming abandoned brownfield sites into greenfields or new development will provide momentum for increasing "smart growth" and reducing sprawl by utilizing existing transportation infrastructure, which in turn will lead to better transportation systems and the revitalization of historic areas and our urban centers.

As you are well aware, brownfields pose some of the most critical land-use challenges—and afford some of the most promising revitalization opportunities—facing our nation's communities, from our cities to more rural locales. Revitalization of these idled sites into urgently needed parks and green spaces or into appropriate redevelopment will provide great benefits to our neighborhoods and local economies. In the process, it has also proven to be an extremely powerful tool in local effort to control urban spawl by directing economic growth to already developed areas, encouraging the restoration and reuse of historical sites, and in addressing longstanding issues of environmental justice in underserved areas.

We acknowledge the commitment that the Environmental Protection Agency and other federal agencies have demonstrated to brownfields restoration through existing programs. At the same time, given that there are an estimated 450,000—600,000 brownfield properties nationwide, we recognize that these limited resources have been stretched too far to allow for an optimal federal role. Additional investment, at higher levels and in new directions, is essential to meeting the enormous backlog of need and to establish the truest federal partnership with the many state, local, and private entities working to renew brownfield sites.

The Brownfield Revitalization and Environmental Restoration Act of 2001 would provide this much needed federal response. Through our work with local governments, our organizations have witnessed first-hand—and have often worked as a partner to help create—the benefits that this bill would provide. We are particularly gratified by the emphasis your legislation places on brownfields-to-parks conversion, and the flexibility it provides to tailor funding based on a community's particular needs. In all, this bill provides the framework and funding that an effective national approach to brownfields will require.

Accordingly, we appreciate your vision in developing this legislation, and we look forward to working with your towards its enactment.

Sincerely,

THE TRUST FOR PUBLIC LAND.
SCENIC AMERICA.
AMERICAN PLANNING ASSOCIATION.
THE ENTERPRISE FOUNDATION.
NATIONAL ASSOCIATION OF REGIONAL COUNCILS.
SMART GROWTH AMERICA.
SURFACE TRANSPORTATION POLICY PROJECT.
NATIONAL RECREATION AND PARK ASSOCIATION.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, March 6, 2001.

Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the American Bar Association, we write to express our support for the liability reforms contained in S. 350, the "Brownfield Revitalization and Environmental Restoration Act of 2001," and we urge you and your committee to support these provisions during the markup of the measure scheduled for March 8, 2001. By enacting these reforms, Congress can help to expedite the cleanup and redevelopment of more than 450,000 contaminated brownfield sites throughout the country while at the same time breathing new life into the inner cities in which these sites are concentrated.

As the largest association of attorneys in the United States with over 400,000 members nationwide, the American Bar Association has a strong interest in working with Congress in order to ensure that federal environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund"), encourages and does not impede the cleanup of brownfields. In an effort to play a meaningful role in this area, the ABA House of Delegates adopted a resolution in 1999 outlining detailed suggestions for encouraging the redevelopment of brownfields, and this resolution and the accompanying background report are enclosed.

In recent years, brownfields increasingly have reduced the quality of urban life in America. These contaminated properties often lie unused or underutilized for long periods of time largely due to the perceived legal liabilities that confront potential new owners and developers of these properties. While these sites remain idle, employment levels suffer, particularly among disadvantaged communities within the inner city. Often this accelerates urban flight, increases sprawl, and creates the need to carve out yet more space for suburban development, with the related infrastructure needs that such development requires. By encouraging the redevelopment of brownfields, we can revitalize our urban core, preserve open space, conserve resources, and make far better use of public dollars.

By now, almost all of the states have adopted their own state brownfields programs, including statutes and regulations designed to encourage the voluntary remediation of brownfields. These programs generally set clear cleanup standards that are designed to protect human health and the environment while also taking future site use into consideration. In order to encourage developers to participate in these voluntary cleanup programs, most states also grant liability relief to those who successfully clean up the sites to the states' standards.

These programs have been recognized as being among the most successful state environmental programs of the last decade. Through these programs, sites across the country are being cleaned up and redeveloped, creating new jobs and economic opportunities, limiting the development of so called "greenfields," and restoring state and local tax bases. While these programs have met with considerable success, the continuing threat of Superfund liability discourages many developers from buying and then voluntarily cleaning up contaminated property. As a result, many brownfield sites remain idle for extended periods of time, despite the state cleanup programs.

The ABA supports a number of key provisions contained in S. 350, including those provisions that encourage developers to participate in state brownfields cleanup programs. The ABA believes that in order to promote the continued economic use of contaminated properties and reduce unnecessary litigation, Congress should eliminate all Superfund liability for parties who successfully clean up properties pursuant to a state brownfields program, so long as the state programs (1) impose cleanup standards that are protective of human health and the environment; (2) ensure appropriate public notice and public participation; and (3) provide the financial and personnel resources necessary to carry out their programs.

S. 350 goes a long way towards achieving these aims by preventing the President and the EPA from pursuing enforcement actions against those involved in state brownfields cleanup programs except in certain specific circumstances, such as when a state requests federal assistance, the contamination migrates across state lines or onto federal property, or there is an imminent and substantial endangerment to public health, welfare or the environment so that additional response actions are likely to be necessary. By preventing the EPA from intervening in state cleanups except in these limited situations, S. 350 will encourage developers and other parties to participate in state cleanup programs and bring brownfields back into productive use by granting greater "finality" to these programs.

The ABA also supports those provisions in S. 350 that would grant Superfund liability exemptions to certain types of innocent parties, including bona fide prospective purchasers who do not cause or worsen the contamination at a brownfields site and innocent owners of real estate that is contingous to the property where the hazardous waste was released. The ABA favors comprehensive reform of Superfund, including the elimination of joint and several liability in favor of a "fair share" allocation system in which liability is allocated based upon each party's relative contribution to the harm. Until Congress enacts comprehensive reform legislation, however, the ABA believes that truly innocent parties, including those covered by S. 350, should be released from potential Superfund liability. These reforms are consistent with the principle that "polluters should pay," but only for the harm that they cause and not for the harm caused by others. Innocent parties who have neither caused nor worsened environmental hazards should not be subject to liability under Superfund, and S. 350 furthers this important principle.

The ABA has been a consistent advocate of legislation that would expedite the cleanup of brownfields and Superfund sites, reduce litigation, and promote fairness to all parties, and the liability reforms contained in S. 350 make significant strides towards achieving these goals. For these reasons, we urge you to support these reforms during the full committee markup scheduled for March 8.

Thank you for considering the views of the ABA on these important matters. If you would like more information regarding the ABA's positions on these issues, please contact our legislative counsel for environmental law matters, Larson Frisby, at 202/662–1098.

Sincerely,

ROBERT D. EVANS.

AMERICAN INSTITUTE OF ARCHITECTS,
San Francisco, CA, March 2, 2001.
Hon. BOB SMITH,
Chairman, U.S. Senate Committee on Environment and Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: On behalf of the 67,000 members of the American Institute of Architects (AIA). I am writing to commend you on the introduction of the Brownfields Revitalization and Environmental Restoration Amendments Act of 2001. This measure, S. 350, demonstrates your commitment and leadership in keeping the brownfields redevelopment issue at the forefront of the national agenda. The AIA endorses this important measure since it offers practical solutions to the key issues, including liability reform and financing options. It is important for Congress to pass meaningful brownfields redevelopment legislation this year. Superfund reform issues should not be allowed to delay passage of S. 350.

As you know, there are brownfields problems in nearly every community in the United States. If enacted, your bill would offer thousands of communities the flexibility to access grants or loan capitalization funds. Thus, S. 350 recognizes that one size does not fit all and offers user-friendly solutions that communities desperately need. Passage of S. 350 will stimulate and rejuvenate the economic development components of cities. Thus, it would better integrate some state and local environmental and economic development programs.

Liability reform is clearly at the heart of a successful brownfields proposal. Your measure provides protection for innocent landowners and for those whose property may have been contaminated through no fault of their own. Architects and other members of the private sector are keenly aware that these provisions are needed if progress is to occur at the estimated 500,000 brownfields sites nationwide.

For your review and for inclusion in the Committee record, I have enclosed a copy of a chapter entitled "The New Market Frontier: Unlocking Community Capitalism Through Brownfields Redevelopment" from the American Bar Association's book, Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property, which shows architects in three case studies providing practical solutions to brownfields problems. In addition, I have enclosed a copy of a recent AIA publication "Communities by Design," which demonstrates the value of good design.

Finally, the AIA welcomes the opportunity of working with you and your staff so that S. 350 advances and is signed into law during the 107th Congress. If you need further assistance contact Dan Wilson, senior director, Federal Affairs at (202) 626–7384.

Sincerely,

GORDON H. CHONG,
Chairman, Government Affairs Advisory Committee.

AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, April 4, 2001.
Hon. ROBERT SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: The American Society of Civil Engineers (ASCE), which represents 126,000 civil engineers in private practice, academia and government service, respectfully requests your support for passage of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001.

We urge you to contact the Senate leadership to request that the bill be brought to the floor as soon as possible.

ASCE advocates legislation that would eliminate statutory and regulatory barriers to the redevelopment of "brownfields," lands that effectively have been removed from productive capacity due to serious contamination. These sites, properly restored, aid in the revival of blighted areas, promote sustainable development, and invest in the nation's industrial strength.

As you are aware, the current brownfields program was established by the Environmental Protection Agency (EPA) in 1993 under the Superfund program. That program, which has expanded to include more than 300 brownfields assessment grants (most for $200,000 over 2 years) totaling more than $57 million, now needs to be placed on a sound statutory footing in order to ensure future success.

ASCE considers the program vital because we support limits on urban sprawl to achieve a balance between economic development, rights of individual property owners, public interests, social needs and the environment. Community growth planning based on the principles of sustainable development should give consideration to the public needs, to private initiatives and to local, state and regional planning objectives.

Moreover, revitalized brownfields would reduce the demand for the undeveloped land. Full provision of public infrastructure and facilities redevelopment must be included in all growth initiatives and should be made at the lowest appropriate level of government.

We believe that a targeted brownfields restoration program should take into account site-specific environmental exposure factors and risk based on a reasonable assessment of the future use of the property.

To ensure a uniform and protective cleanup effort nationally, we would hope that S. 350 also would require minimum criteria for adequate state brownfields programs. ASCE believes the states should be required to demonstrate that their programs satisfy minimum restoration criteria before a bar to federal enforcement would apply.

We support systems to ensure appropriate public participation in state cleanups or provide assurance through state review or approval that site cleanups are adequate.

Sincerely yours,

ROBERT W. BEIN,
President.

THE TRUST FOR PUBLIC LAND,
Washington, DC, February 15, 2001.
Hon. BOB SMITH,
Chairman, Environment and Public Works Committee, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Ranking Member, Environment and Public Works Committee, U.S. Senate, Washington, DC.
Hon. LINCOLN CHAFEE,
Chairman, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.
Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SMITH, CHAIRMAN CHAFEE, SENATOR REID, AND SENATOR BOXER: On behalf of the Trust for Public Land, I am writing to thank you for introducing the Brownfields Revitalization and Environmental Restoration Act of 2001. We appreciate your outstanding efforts to promote local environmental quality, as typified by your energetic advocacy of this brownfields legislation.

TPL was honored to be part of the coalition that helped to push this legislation to the brink of enactment at the end of the 106th Congress, and we again look forward to working with you to make this legislation a reality within the near future. We are particularly grateful that you have re-introduced identical legislation this time around.

Given our experience in community openspace issues, we are heartened by the emphasis the legislation places on brownfields-to-parks conversion where appropriate, and its flexibility to tailor loan and grant funding based on community needs and eventual uses. In all, this legislation provides the framework and funding that an effective national approach to brownfields requires, and offers the promise of a much-needed federal partnership role in brownfields reclamation.

Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in underserved communities to reclaim abandoned sites and create open spaces where they are most needed. By transforming these idled sites into urgently needed parks and green spaces, or by focusing investment into their appropriate redevelopment, reclamation of brownfield properties brings new life to local economies and to the spirit of neighborhoods.

The Trust for Public Land gratefully recognizes the vision and careful craftsmanship you have shown in your work to advance this vital legislation, and we look forward to working with you toward its enactment.

Sincerely,

ALAN FRONT,
Senior Vice President.

BUILDING OWNERS AND MANAGERS ASSOCIATION INTERNATIONAL,
Washington, DC, March 29, 2001.
Hon. BOB SMITH,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: On behalf of commercial real estate professionals nationwide, I am writing to ask for your support, before the full Senate, of S. 350—the Brownfields Revitalization and Environmental Restoration Act of 2001. The Building Owners and Managers Association (BOMA) International and its 18,000 members believe that this bill provides Congress its best opportunity to improve our nation's remediation efforts in 2001.

Thanks to the efforts of a dedicated collection of senators, the Senate now has a bipartisan piece of legislation that would generate improved liability protections, enhanced state involvement and increased federal cleanup funding. Adoption of S. 350 would have an immediate and dramatic impact on reducing the 400,000 brownfields sites across America.

As the Environment and Public Works Committee has forwarded this legislation out of committee, we look for your support in securing its approval by the full Senate. We ask for your assistance in bringing this bill to the floor and achieving its passage early in 2001. If you have any questions or concerns, please contact Rick Sheridan at (202) 326-6338.

Sincerely,

RICHARD D. BAIER,
President, BOMA International.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, February 14, 2001.
Hon. ROBERT SMITH,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the more than 760,000 members of the NATIONAL ASSOCIATION OF REALTORS, I wish to convey our strong support for the "Brownfields Revitalization and Environmental Restoration Act." NAR commends you for your efforts in crafting a practical and effective bill which has garnered bipartisan support from the leadership of the Senate Environment and Public Works Committee.

NAR supports this bill because it:

Provides liability relief for innocent property owners who have not caused or contributed to hazardous waste contamination;

Increases funding for the cleanup and redevelopment of the hundreds of thousands of our nation's contaminated "brownfields" sites;

Recognizes the finality of successful state hazardous waste cleanup efforts.

Brownfields sites offer excellent opportunities for the economic, environmental and social enrichment of our communities. Unfortunately, liability concerns and a lack of adequate resources often deter redevelopment of such sites. As a result, properties that could be enhancing community growth are left dilapidated, contributing to nothing but economic ruin. Once revitalized, however, brownfields sites benefit their surrounding communities by increasing the tax base, creating jobs and providing new housing.

The new Administration has clearly indicated its support for brownfields revitalization efforts. The "Brownfields Revitalization and Environmental Restoration Act" is a positive, broadly-supported policy initiative. NAR looks forward to working together with you to enact brownfields legislation in the 107th Congress.

Sincerely,

RICHARD MENDENHALL,
2001 President.

INSTITUTE OF SCRAP
RECYCLING INDUSTRIES, INC.,
Washington, DC, February 14, 2001.
Hon. ROBERT C. SMITH,
Chairman, Committee on Environment and Works, U.S. Senate, Washington, DC.
Hon. LINCOLN D. CHAFEE,
Chairman, Subcommittee on Superfund Waste Control and Risk Assessment, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.
Hon. BARBARA BOXER,
Ranking Member, Subcommittee on Superfund, Waste Control and Risk Assessment, U.S. Senate, Washington, DC.

DEAR SENATORS SMITH, REID, CHAFEE AND BOXER: The Institute of Scrap Recycling Industries, Inc. (ISRI), strongly supports the passage of the Brownfields Revitalization and Environmental Restoration Act of 2001. Passage of this bipartisan bill will reduce the many legal and regulatory barriers that stand in the way of brownfields redevelopment.

This important brownfields legislation will provide liability relief for innocent property owners who purchase a property without knowing that it is contaminated, but who carry out a good faith effort to investigate the site. It also recognizes the finality of successful state approved voluntary cleanup efforts and provides funds to cleanup and redevelop brownfields sites.

ISRI stands ready to help build support for passage of this bipartisan brownfields bill. In the previous Congress, ISRI's membership worked to build grassroots support and sought cosponsors for S. 2700 of the 106th Congress, the predecessor bill to the Brownfields Revitalization and Environmental Restoration Act of 2001.

ISRI looks forward to continuing to work with you to see that the brownfields bill you have sponsored becomes law. We believe that the Brownfields Revitalization and Environmental Restoration Act of 2001 is a model for sensible bipartisan environmental policy.

Sincerely,

ROBIN K. WIENER,
President.

Mr. SMITH of New Hampshire. Before I close, I take a moment, as we usually do, to recognize some of the staff who have worked tirelessly on this legislation. It has not been easy. Sometimes we go home for the weekend or go back to our States and staffs are here working through these issues.

I commend my own Department of Environmental Services, Phil O'Brien and Mike Wimsatt, for their tireless work and input into this process; from Senator CHAFEE's office—I am sure he will want to thank his own staff—Ted Michaels; from Senator REID's staff, Lisa Haage, Barbara Rogers, and Eric Washburn—we appreciate all your help; Sara Barth from Senator BOXER's office; Louis Renjel from Senator INHOFE's office; Catherine Walters of Senator VOINOVICH's staff; and Gabrielle Tenzer from Senator CLINTON's staff; and from the EPA, Randy Deitz and Sven Kaiser. Last but not least, my good committee staff: David Conover, Chelsea Maxwell, Marty Hall, and Jim Qualters. I thank them for a lot of effort, a lot of hard work in working together.

Of course, there are many more who deserve thanks.

Mr. President, I ask unanimous consent Senator PHIL GRAMM of Texas be added as a cosponsor of the bill, which will get us up to 69.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I join with my friend from New Hampshire in expressing appreciation to the people who have worked to get this bill to the point it is. He has certainly been gracious in extending appreciation to my staff. Lisa Haage, Barbara Rogers, and Eric Washburn have done excellent work. I also thank, as he has, the hardworking staff of the committee: David Conover, Chelsea Maxwell, Marty Hall, and Ted Michaels of Senator CHAFEE's office, who has done such an outstanding job working with Sandra Barth of Senator BOXER's office. Without this good staff, we would not be at the point we are.

I also want to take a minute to express my appreciation to the Senator from New Hampshire. I worked with the Senator from New Hampshire on the very volatile, difficult Select Committee On MIA/POWs. For one intense year we worked on that. That is where I first got to know the Senator from New Hampshire. I recognize how strongly he feels about issues.

Then I had the good fortune of being able to work with him on the Ethics Committee. He was the lead Republican, I was the lead Democrat on the committee for I don't know how long—it was a long time—until he got his chairmanship of this committee.

I have found him to be a person who understands the institution and understands the importance of people being moral and living up to the ethical standards that are important for this institution. I may not always agree with him on issues, but I agree with him as a person. He is one of the finest people with whom I have ever dealt. So I have the utmost respect for him, how he has handled this committee.

For 17 days I was chairman of this committee. The treatment I received while chairman, and while ranking member, has been outstanding. Senator BOB SMITH is a good person and somebody of whom the citizens of the State of New Hampshire should be proud.

I have spoken on this bill for 3 days now, expressing my desire to have it considered. It is here now. I already said I appreciate Senator LOTT bringing it before the Senate.

I have been talking about Senator SMITH. I also want to talk about the ranking member of the subcommittee who has been responsible for bringing us to this point, and that is Senator BARBARA BOXER. Senator BOXER and I came to the House together in 1982. We have worked together for all these years. I have tremendous admiration for BARBARA BOXER. She is someone who believes strongly in the issues. I have to say, she has done great work for this country on exposing military fraud and military incompetence. But the best work she has done, in my opinion, has been in dealing with the environment. So as a member of this committee that I have worked on since I have been in the Senate, she has been an outstanding member. She has run the subcommittee very well.

An outstanding example is how she has been able to reach out to LINCOLN CHAFEE, who is a very able member of this committee. I had the good fortune of serving in my time in the Senate with his father. I can say John Chafee would be very proud of LINCOLN for the work he has done on this committee. This was John Chafee's committee. He was the chairman, he was the ranking member of it. I cannot say more than that John Chafee would be very proud of his son for the work he has done on this committee.

As Senator SMITH has indicated, this is an important piece of legislation. It has now 69 cosponsors. It was reported out of committee by a 15–3 vote. The staff has worked very hard to make sure the problems people had with the legislation were resolved prior to it coming to the floor—and most of those have been. That is the reason we are working now on a specific time agreement. We are going to vote on this matter around 2 o'clock this afternoon.

Members of the Environment and Public Works staff have worked hard. Members of this committee worked hard to get the legislation to this point. I have been extremely impressed with the new members of this committee. Senator CORZINE and Senator CLINTON have worked extremely hard, as has Senator CARPER, to get us where we are. They are going to come later today, as the unanimous consent agreement indicates, and speak on their own behalf.

As I have said for 3 days, there are 500,000 sites from Kentucky to Nevada, waiting to be cleaned up. About 600,000 people will be put to work on these projects.

This will create local revenues of almost $2.5 billion.

This is an important bill. It provides critically needed money to assess the cleanup of abandoned and underutilized brownfield sites. It will create jobs. It will increase tax revenues and create parks and open space. It will encourage cleanup and provide legal protection for parties. It provides funding for enhancement of cleanup programs.

The managers' amendment before us today does several additional things that were not in the reported bill. It further clarifies the coordination between the States and the EPA. This was an issue raised by Senator VOINOVICH. I told him before the full committee that we would work to resolve his problems. We did that.

The managers' amendment provides clarification for cities and others in purchasing insurance for brownfield sites. That is also an important addition to this legislation.

It also provides for an additional $50 million per year for abandoned sites which are contaminated by petroleum. There was some concern that this may not have been covered in the original legislation. That has been resolved.

Corner gas stations: A lot of times we find people simply stay away from them. These corner gas stations are located at very essential sites in downtown areas. We are trying to revitalize them. This addition in the managers' amendment will do a great deal to resolve that issue.

I am pleased we were able to work out the provisions so these numerous sites can also be addressed.

There was a provision requested by Senators INHOFE and CRAPO. They felt very strongly about this. I am pleased we were able to agree on that. It will be an important and critical part of this legislation.

This amendment also provides a provision for areas with a high incidence of cancer and disease. It will give special consideration in making grant decisions regarding children. This was pushed very strongly by Senator CLINTON. I am grateful for her input. These provisions grew out of the amendment discussed in the markup of the original bill sponsored by Senator CLINTON.

I also want to add Senators CORZINE and BOXER. But it is supported by a broad bipartisan group of Members.

This amendment also increases citizen participation by adding citizens' rights in requesting sites to be considered under State programs. This is intended to ensure the beginning of the process so that States can benefit from input from citizens who may be aware of additional sites needing attention and who can help identify additional reuse and redevelopment opportunities.

All of these changes have been carefully considered for providing additional improvements to the bill. Moreover, they collectively represent the same delicate balance as the underlying bill. It also complements the needs of real estate communities, environmental areas, mayors, and other local government officials, land and conservation groups, and the communities that are most directly affected by these sites.

This bill is balanced. It is unique. It is bipartisan. It sets an example for the Senate in the months to come.

This brownfields legislation is not just an urban problem. It also is very important to rural communities throughout America. For example, brownfields money was granted to Mineral County to do a cleanup. It is a very rural site. It was damaged by the largest ammunition dump during the war. It is run now as an ammunition dump by the Army. But there are lots of problems there. We have a 240-acre brownfield site set for cleanup. After it is finished, we are confident that a golf course can be created for this very rural community which will add recreational activities.

An existing loan program in Las Vegas has already been used to fund the cleanup of an old armory site, which will create jobs. It will now be a home to a senior center, a small business incubator, a cultural center, and retail stores.

I want to see many more examples of reclaiming these abandoned, contaminated lands in Nevada and across the country. This bill provides funds to accomplish it.

The Presiding Officer is a valuable member of the committee.

I have already spoken on a number of occasions about Senator VOINOVICH's contribution to this legislation. It has been significant.

I reserve the remainder of my time for Senator TORRICELLI. I yield to my friend from Rhode Island who has done such a magnificent job working on this legislation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, today I rise in strong support of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. This bill has won the support of the Bush administration, dozens of organizations, and 68 co-sponsors in the Senate. Today, the Senate has the opportunity to pass this bipartisan, pro-environment and pro-economic development bill.

Brownfields are the legacy of our nation's industrial heritage. A changing industrialized economy, the migration of land use from urban to suburban and rural areas, and our nation's strict liability contamination laws have all contributed to the presence of abandoned industrial sites. With more than 450,000 brownfield sites nationwide, we must begin to reclaim those lands, clean up our communities, and discontinue the practice of placing new industrial facilities on open, green spaces.

As a former mayor, I understand the environmental, economic, and social benefits that can be realized in our communities from revitalizing brownfields. While the environmental and social benefits can seem obvious, only a mayor understands the continuing fiscal expense to our nation's municipalities of the hundreds of thousands of pieces of prime real estate that have dropped from the tax rolls.

Enactment of this legislation will provide a building block for the revitalization of our communities. Communities whose fortunes sank along with the decline of mills and factories will once again attract new residents and well-paying jobs. We will bring vibrant industry back to the brownfield sites that currently host crime, mischief and contamination. There will be parks at sites that now contain more rubble than grass. City tax rolls will burgeon; neighborhoods can be invigorated; new homes can be built, and community character will be restored.

S. 350 enjoys broad bipartisan support. Not only is it supported by the Bush administration, the bill's predecessor was supported by the Clinton administration last session. The bill is strongly supported by the nation's mayors, state elected officials, the real estate industry, open space advocates, business groups, and environmental organizations. Rarely do we see these organizations come together on the same side of an issue. This high level of support is testimony to the bipartisan nature of the legislation. It demonstrates that we can forge sound legislation, and balance the needs of the environment and the economy if we come to the table with open minds and good intentions.

I would like to thank the distinguished chairman of the Environment and Public Works Committee for his leadership on this issue, Senator SMITH. His tireless efforts over that time have certainly paved the way for this legislation. I also would like to extend my appreciation to Senator REID of Nevada and Senator BOXER for their commitment to this issue and the bipartisan process which has proven so successful. In addition, let me thank the staff that has worked so hard on this bill: David Conover, Chelsea Maxwell, and Marty Hall of Senator SMITH's staff, Lisa Haage of Senator REID's staff, Sara Barth of Senator BOXER's staff, and Ted Michaels of my staff.

The issue of brownfields has been discussed for nearly a decade. While I was mayor of Warwick, my fax machine constantly fed me alerts from the U.S. Conference of Mayors seeking my support for brownfields reform. With this legislation today, we have the opportunity to protect the environment, strengthen local economies, and revitalize our communities. I urge each of my colleagues to vote in favor of S. 350 and give each mayor across the country the benefit of the full potential of their real estate.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could get the attention of the Senator from Rhode Island for a moment, I thank the Senator so much for his leadership on this issue. It has meant so much to us to have it and that of Senator SMITH. Senator REID and I are most grateful. I think we have a team that is very good for the environment. When we are together, it is a real winner because we can reach out to colleagues on both sides of the aisle from the entire spectrum. So I just want to say thank you.

I say to the Senator, as much as I miss your father, whom I adored, I must say that it is wonderful to have you here and following in his "green" footsteps.

Mr. CHAFEE. I thank the Senator very much.

Mrs. BOXER. Mr. President, I am here to say that this bill, S. 350, the Brownfields Revitalization and Environmental Restoration Act, is a tremendously important issue for this country and for my constituents.

I truly believe if we look around the country, it is an extremely important issue to everyone. Why? Because we have so many acres of land around the country that have been contaminated with low-level hazardous waste. They do not fit the definition of a Superfund site, but they are expensive to clean up, and local communities really do need our help.

I want to show you an example of a successful brownfields restoration. This photograph is of a site in Emeryville, CA, that hosted a steel manufacturing plant for over 100 years. In the early 1990s, it was shut down, the buildings were demolished, and the area was left empty and desolate. You can see from the photograph what a horrible eyesore it was to the community. And, by the way, this site is along a major freeway, so everyone saw it. It gave the impression of a community that was simply going downhill.

The next picture I will show you is what happened when the State got together with the IKEA company and worked together to clean up the site.

In 1997, the State came to this agreement with the original owners of the site and with IKEA to restore and redevelop the area. Now the site holds 280,000 square feet of commercial retail space. The project has created 300 new, permanent jobs for the community. Now the site generates roughly $70 million in annual sales.

There are not too many things in this Chamber that we can do that has such clear-cut benefit. Clean up the environment and you make an area much nicer to look at. And then you can develop it and bring jobs to the site.

So if anyone questions the need for this brownfields legislation, I would welcome them to, again, look at these before-and-after pictures. Here it is after; here it is before. It is a pretty clear picture.

I am so proud of the bipartisan cooperation that occurred in getting the bill through the Environment and Public Works Committee. The broad support, from a variety of diverse interests, as well as the cosponsorship of over 60 Senators, is a good indication that the time has come to pass this brownfields legislation.

I understand that even our colleagues who have problems with the bill are now supporting it. I think this is a tribute to them for being open minded about it, and a tribute to our chairman, Chairman SMITH, and our ranking member, HARRY REID, for working with our colleagues.

I want to talk a little bit about the brownfields in my home State of California, the largest State in the Union, with 34 million people. The economy of my State would be considered the sixth largest economy in the world. So it seems to me that whenever there are problems in the country, of course, we have more of those problems in my State. And when good things are happening, we have more of the good things.

This is one of the problems. So let's talk about it. There are estimated to be hundreds, if not thousands, of brownfield sites in California. We have heard nationwide estimates of 400,000 to 600,000 brownfield sites. We have thousands of sites in California because some industries have left the State with a dangerous legacy of contamination.

This bill will serve as a catalyst for cleanup because it provides funding for grants and revolving loan funds to assist our States, our local communities, and our tribal governments to do the assessments first. In other words, what is the problem? What is going on? What is it going to cost to clean it up? And how is the best way to clean it up?

This bill fills a gap. As I said before, Superfund covers our Nation's most hazardous sites. We really did not have a way to approach the less hazardous sites.

I want to talk about how happy I am that this bill includes my proposal to protect children. Under S. 350, funding will be prioritized for brownfields that disproportionately impact the health of children, pregnant women, or other vulnerable populations, such as the elderly. This is very important.

Why do I say that? Because children are not small adults. I have said this often. I am a small adult. But children are not small adults. They are more sensitive than adults to the health threats posed by hazardous waste, even the kinds we call low level. Why? Because their bodies are changing, and they are developing. Healthy adults can tolerate higher levels of pollutants than children.

In recognition of this, the bill ensures that children, and others who are particularly vulnerable, will be given special priority for funding under this bill. So we are going to look at these sites. If it is a site where children play, where children go, where the elderly go, where people who are vulnerable go, those sites will be priority sites.

The bill also gives priority to cleanups in low-income and minority communities because, unfortunately, we have seen a lot of the environmental injustice in this country where brownfield sites are disproportionately located in low-income and minority communities, certainly in places such as Oakland, Los Angeles, and Sacramento.

So we have a situation where the brownfields are most prevalent in communities that are least able to deal with them. And the more brownfield sites that are in a community, the lower the chance that the community can improve its economic plight. It is a horrible cycle of poverty.

Let's take this site shown in the photograph. This site was in a very low-income community, and no one had the resources. And a company such as IKEA, who eventually came to this site, did not want to go to this site because there was no one to go to the store. You would have a situation where the site could sit vacant for years and years and years. It contributes to the cycle. You can never get out of the cycle.

So by saying this kind of a situation in a low-income community would be a priority, we will give an economic stimulus to those communities. I am very pleased about that.

The last issue that I believe very strongly about is the issue of sites that were contaminated because there was illegal manufacturing of a controlled substance there. This may sound very odd. So let me explain what I mean.

In California, we have a terrible problem from the production of methamphetamine. It turns out that this terribly dangerous drug is not only illegal, not only does it destroy people—destroy people—but the byproduct of methamphetamine production is a toxic stew of lye, hydriodic acid, and red phosphorus. These elements threaten the groundwater and agricultural lands of the Central Valley and elsewhere in California where these secret methamphetamine labs are sited.

I show you a picture of one abandoned lab where you can see these containers with all the chemicals that were left on the site.

This is another picture of an abandoned meth site. We can see what it looks like, what a disaster it is when these criminals leave and then suddenly the owners of the land who had no idea this was happening are left with this horrible contamination. We were able to include relief for these farmers. I will talk about that in a minute.

I will take a moment to talk more about these methamphetamine labs. In California alone, there were 277 secret drug labs that were raided in 1990. In 1998, there were over 1,000 of these clandestine drug labs. The State is doing its best to address the problem as well as the larger brownfields problem. They are trying to do it, but it is very hard to do it alone. We have to have everyone helping. This bill will provide invaluable assistance for the cleanup of meth sites and other brownfields, which is another reason I am such a strong supporter of the legislation.

This bill includes liability relief for innocent parties. These innocent parties are people who are interested in cleaning up the brownfield site, but they are afraid to get involved because they may become liable for somebody else's mess. Our bill makes it clear that innocent parties will not be held liable under Superfund for the work they do on a brownfield site. This provision alone should help reduce the fear of developers and real estate interests, and it should lead to more cleanups. This provision is certainly a strong reason that a variety of business and real estate interests are strong supporters of the bill. They want to come in; they want to clean up the sites; but they don't want to now become held liable for past problems and then be hauled into court on a Superfund case.

However, I do believe very strongly that the polluter must pay. Our bill does not protect people who are responsible for cleanup under Superfund or any other statute. If you make a mess, if you despoil the environment, you still will be held responsible for cleaning it up. We maintain "the polluter pays" principle that underpins many of our hazardous waste statutes.

The committee considered and rejected efforts to waive the application of other statutes, such as RCRA and TSCA, to these brownfield sites. It was too complicated to try to amend other statutes, and I appreciate the fact that our foursome stuck together during these amendments because it would have opened up a can of worms. What we did was we kept this narrow. We kept it on the issue of brownfields. We kept out extraneous issues. Again, I thank my colleagues on both sides of the aisle for their cooperation on that.

Our bill encourages States to take the lead on brownfield sites. It does set some limitations on EPA's enforcement authority under Superfund for sites covered by this bill. We believe this is important in gaining strong support. I am comfortable with this feature because there are a number of safeguards that ensure that a secure Federal safety net remains. These safeguards are an essential part of the compromise that is the heart of the bill. They ensure that EPA can apply its full Superfund enforcement authority under a variety of circumstances.

Most important to me—and it was a tough debate that we had—was the guarantee that EPA could intervene if a site threatens to cause immediate and substantial endangerment to the public's health or welfare or to the environment. I believe this language guarantees that if a State's oversight of a cleanup fails to protect our citizens or our environment, the Federal Government can intervene. We are clear that we want the State to be responsible, but if there is a problem which will result in an immediate threat to people's health, the EPA can enter. It was a careful balance that went into crafting that provision as well as the rest of the bill.

Together I believe we have produced a sensible and balanced bill that will help encourage the recycling of brownfield sites that now sit unused around the Nation.

In closing, one more time I will show our success story that happened in Emeryville. First, let's show the before picture again. This is what we are talking about, sites that look like this, sites that are harmful. People don't want to go on them. People are afraid of them. There is no economic development in the middle of our urban areas. Then when we work together, we can bring business interests to the site and we start to see people use the site again. The site will bring in revenues.

I thank my colleagues for all their hard work, and I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, for too many years comprehensive Superfund reform has been blocked by partisan rhetoric and fear-mongering. Even though the general public, government agencies, and federal bureaucrats know that the Superfund program is broken, proposed changes were called stealth attacks, roll-backs, and letting polluters off the hook. Those characterizations were not accurate, but they were effective in protecting one of the most troubled and inefficient programs in the Federal Government from meaningful reform.

For more than 7 years we have been unable to reach agreement on Superfund reauthorization so the Environment and Public Works Committee decided to take a smaller, targeted approach. So today we are here considering S. 350, the Brownfield Revitalization and Environmental Restoration Act.

There is general agreement that we need to address the issue of Brownfields. Across the country, brownfields are blights on the landscape, but because of liability concerns, too often clean-up and redevelopment opportunities are lost. The loss of clean-up and redevelopment opportunities means the loss of jobs and tax revenues for communities and means these sites are not cleaned up.

However, even though I will support this bill today, more needs to be done.

Working with my friends and colleagues, specifically Senators INHOFE and CRAPO, we were able to reach an agreement with the managers of the bill to include in the manager's amendment a provision which will include petroleum only sites in the brownfields program. It is estimated that petroleum only sites make up almost half the brownfield sites in the country. How can we pass a brownfields bill that excludes half the brownfield sites in the country? Fortunately, agreement was reached on this issue.

I want to go on record that I still have concerns regarding liability issues. In my opinion the legislation does not protect developers from potential liability and administrative orders under the Toxic Substance Control Act. I joined with Senators INHOFE and CRAPO in offering an amendment during the committee's consideration, but unfortunately it was defeated. Opponents argued that EPA has not yet used TSCA or RCRA to deal with hazardous materials covered under Superfund so therefore it shouldn't be an issue. However, many believe that if the "front door" of Superfund is closed, EPA will use TSCA or RCRA as a "back door" to pursue legal action against a developer.

In addition, it is my opinion that the bill still gives too much authority to the EPA over State programs. If we are going to give the responsibility to the State, EPA must step back and let the States run the programs and EPA must first work with the State before overstepping and taking enforcement actions.

S. 350 is a step in the right direction. However, we must continue our efforts to address the liability issues that still remain and we must continue efforts to make the overall Superfund program more reasonable and workable.

As we all know, the great environmental progress in this country has been made with bi-partisan support, when honest concern for the environment and the people outweighed political opportunism. I hope that the progress made on brownfields will translate into positive movement on the remaining issues.

Mr. LIEBERMAN. Mr. President, I am grateful for the opportunity today to speak about an important piece of environmental legislation, the Brownfields Revitalization and Environmental Restoration Act. This bill enjoys the bipartisan support of 15 of the 18 members of the Environment and Public Works Committee, and with the additions made in the manager's amendment, I hope it will receive widespread support on the floor.

This bill aims to return abandoned, contaminated lots that plague nearly every city and town in this country to their past vitality. Once upon a time, these 450,000 "brownfields" were home to our neighborhood gas station, a flourishing textile mill, or a manufacturing plant. They were central to the economic well being of their communities. Unfortunately, now they lay idle and unproductive, spoiling the quality of life in thousands of communities across the country. Brownfields lower a community's tax base, encourage urban sprawl and loss of open space, and worst of all, threaten to pollute local streams and drinking water, endangering human health and environmental quality.

While everyone wishes to see brownfields reintegrated into the community, they often remain untouched urban eyesores. Developers fear the potential liability risks involved in developing a site laden with unknown chemicals. Communities lack the funds to initiate their own clean up plans.

This bill could change all of that. First, it provides much-needed funding for brownfields' restoration programs. Second, it offers important legal protections that will give developers, private and public, the confidence to cleanup these toxic sites. All across the country, we see examples of communities successfully restoring brownfields sites into vibrant and prosperous enterprises, including in my home state of Connecticut.

With the help of small federal grants and loans, more than two dozen cities and towns throughout Connecticut have been able to jump-start their plans for environmental remediation and economic development of brownfields sites.

Just last month, I joined in the Grand Opening of a new Harley Davidson dealership on a former brownfields site in Stamford, one of EPAs Brownfields Showcase Communities. Prior to cleanup, the area was a chemical cesspool of abandoned lots contaminated with PCBs, lead, arsenic and several other metals. During cleanup, close to 3,000 tons of contaminated soil were removed from the site, reducing the risk of groundwater contamination and exposure to neighborhood residents. Now this enterprise brings new life, a cleaner environment, and new jobs to the industrial South End of Stamford.

The promise of this approach may seem obvious, but the language in this bill was not easily agreed. It is the product of over eight years of negotiations, debate and finally compromise. So it is with pride that I join more than two thirds of my colleagues, Democrat and Republican, and dozens of organizations representing a wide range of interests, including those of mayors, developers, realtors, insurance companies and environmental groups, in supporting this legislation, I believe we should all feel a sense of accomplishment and pride—this was battle hard won.

This is a good day for America's communities, especially in the inner cities which regrettably are home to many of these urban wastelands. But it doesn't have to stay that way. This legislation is a shot in the economic arm for towns like Stamford seeking to revitalize their neighborhoods for future generations to enjoy. I strongly urge my colleagues to support it.

Mrs. CARNAHAN. Mr. President, today I am pleased to support S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. This bill will help communities throughout the country identify and clean up brownfields, sites where low level contamination has kept the land from being developed.

This bill would help communities in several different ways. By providing liability protection and economic incentives to clean up contaminated and abandoned industrial sites, this legislation will make our communities healthier and reduce environmental threats. By returning these sites to productive use, we encourage redevelopment and help curb sprawl. This legislation means both new jobs and a cleaner environment for Missouri. It shows that a clean environment and a strong economy are not in competition, they go hand in hand.

In Missouri, we have 11 brownfield projects financed in part with federal funds, and another 29 projects that are State-financed.

One example of a successful brownfield project is Martin Luther King Business Park in St. Louis, Missouri. The site, which is across the street from two schools, was contaminated from a century of metal plating and junkyards. Asbestos and high levels of lead were found close to the surface. As a result of federally-funded assessments and the State's Voluntary Cleanup and Brownfield Redevelopment Programs, a developer stepped forward to purchase and cleanup the property. Due to these cleanup efforts, a much-needed warehouse/light manufacturing facility in the heart of St. Louis opened in 2000, bringing more than 60 jobs to the area. Construction of an even larger facility is scheduled to begin this year after cleanup is complete. This development will help to rejuvenate the entire surrounding area. This progress was made possible by the federal brownfield grant which allowed the City to perform initial environmental assessments. Without those assessments, developers are reluctant to even consider such properties.

We have made considerable progress toward making our urban centers into places where people want to work and live. Yet we still have more than 12,000 abandoned and tax-default properties in St. Louis alone. Obviously our work is not done.

Brownfields are not just an urban problem. A century of lead mining has left towns like Bonne Terre, Missouri with contamination from mining waste. In Bonne Terre, developers are reluctant to purchase land near the mine waste properties being addressed by Superfund because of possible contamination. Using federal pilot funds, Bonne Terre is working on cleaning up these sites and developing them into a

122-acre commercial zone and industrial park. The clean up and development will bring more jobs to this rural community as well as address environmental concerns.

I anticipate a strong vote in favor of the Brownfields Revitalization and Environmental Restoration Act of 2001. I hope that this vote will provide momentum for this legislation as it proceeds to the House of Representatives and that it will eventually be signed into law by the President.

Mr. BAUCUS. Mr. President, I rise today in support of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I compliment the efforts of Senators SMITH, REID, CHAFEE, and BOXER. They have done a great job in moving this legislation forward.

I was very disappointed that this bill was not enacted last year, it represents a lot of hard work and compromise. I think this bill is a win-win for the environment, for local communities and for local economies. More hazardous waste sites will be cleaned up, and we'll have more parks and open space, more economic redevelopment, and more jobs. This bill will make cleaning up polluted sites easier by reducing the many legal and regulatory barriers to brownfields redevelopment while providing much needed cleanup funds.

The brownfields bill is important for rural areas, not just big cities. In Montana, we have hundreds of sites that have been polluted by mining, timber processing, railroad work, and other industrial activities that were part of our economic development.

I worked hard on a very similar bill last year, together with many of my colleagues. Last year, it was the first bipartisan brownfields bill ever introduced in the Senate. I was thrilled to cosponsor the bill again this year, under the leadership of Senator SMITH and Senator REID. This bill has been endorsed by a wide range of groups, including the National Association of Realtors, the Conference of Mayors, and the Trust for Public Lands. It represents a hard-won, delicately balanced compromise.

Superfund critics have long argued that the possibility that EPA could second-guess state-approved cleanups has discouraged brownfields remediation. At the same time, I and others have argued that we need to preserve the federal government's ability to use Superfund authorities to deal with dangerous situations at sites cleaned up under state programs in the rare case in which the cleanup is inadequate and there is a threat to human health or the environment.

The tension between these two views has been one of the major obstacles to moving brownfields legislation in the past. This bill forges a new compromise on this issue, and it is a good compromise. Both sides came to the table and made some important concessions. The bill is not perfect, it is not everything I wanted. It is not everything some of my colleagues across the aisle wanted, either. But, as I have often said, let us not let the perfect be the enemy of the good. And this is a good bill that will do good things for the environment, for communities, for businesses and for the Nation. These sites need to be cleaned up, for the health and well-being of our citizens and our environment, and doing nothing is no longer an option.

Hopefully, two other bills will come to the floor that would expand the abilities of the Economic Development Administration and the Department of Housing and Urban Development to help local communities physically develop and restore brownfields sites to productive use. Taken together, S. 350 and these two bills would make up a complete brownfields redevelopment package. They will provide critical economic and technical assistance to communities during all stages of brownfields redevelopment—from an initial site assessment to putting the finishing touches on a new apartment building or city park.

I am happy to hear that the administration has expressed its support for S. 350. The brownfields bill is an outstanding example of a bipartisan effort to help communities across the nation. I hope we can all work together to make sure it is signed into law this year.

Mr. LEVIN. Mr. President, I am pleased that the Senate is taking up and will pass S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I am a strong supporter and advocate of this legislation. I commend Senators SMITH of New Hampshire, REID, CHAFEE and BOXER for their tremendous effort to craft strong bi-partisan legislation to help our nation's communities. Brownfields are abandoned, idled, or under-used commercial or industrial properties where development or expansion is hindered by real or perceived environmental contamination. Businesses located on brownfields were once the economic foundations of communities. Today, brownfields lie abandoned—the legacy of our industrial past. These properties taint our urban landscape. Contamination, or the perception of contamination, impedes brownfields redevelopment, stifles community development and threatens the health of our citizens and the environment. Redeveloped, brownfields can be engines for economic development. They represent new opportunities in our cities, older suburbs and rural areas for housing, jobs and recreation.

As Co-Chair of the Senate Smart Growth Task Force, I believe brownfields redevelopment is one of the most important ways to revitalize cities and implement growth management. The redevelopment of brownfields, is a fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, use infrastructure that is already paid for and relieve development pressure on our urban fringe and farmlands.

The State of Michigan is a leader in brownfields redevelopment, offering technical assistance and grant and loan programs to help communities redevelop brownfields. This legislation will compliment state and local efforts to successfully redevelop brownfields. The bill provides much needed funding to state and local jurisdictions for the assessment, characterization, and remediation of brownfield sites. Importantly, the bill removes the threat of lawsuits for contiguous landowners, prospective purchasers, and innocent landowners. Communities must often overcome serious financial and environmental barriers to redevelop brownfields. Greenfields availability, liability concerns, the time and cost of cleanup, and a reluctance to invest in older urban areas deters private investment. This bill will help communities address these barriers to redevelopment. Finally, the bill provides greater certainty to developers and parties conducting the cleanup, ensuring that decisions under state programs will not be second-guessed. Public investment and greater governmental certainty combined with private investment can provide incentives for redeveloping brownfield properties and level the economic playing field between greenfields and brownfields.

I believe the Brownfields Revitalization and Environmental Restoration Act of 2001 will do much to encourage commercial, residential and recreational development in our nation's communities where existing infrastructure, access to public transit, and close proximity to cultural facilities currently exist. America's emerging markets and future potential for economic growth lies in our cities and older suburbs. This potential is reflected in locally unmet consumer demand, underutilized labor resources and developable land that is rich in infrastructure. In Detroit, the Department of Housing and Urban Development estimates that there is a $1.4 billion retail gap, the purchasing power of residents minus retail sales. In Flint, HUD estimates the retail gap to be $186 million and in East Lansing, $160 million. The redevelopment of brownfields will help communities realize the development potential of our urban communities. It is a critical tool for metropolitan areas to grow smarter allowing us to recycle our Nation's land to promote continued economic growth while curtailing urban sprawl and cleaning up our environment.

Mr. SMITH of New Hampshire. Mr. President, on March 12, 2001, the Committee on Environment and Public

Work filed Senate Report 107–2, to accompany S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. When the report was filed, the cost estimate from the Congressional Budget Office was not available. Therefore, I ask unanimous consent that the cost estimate be printed in the RECORD to comply with Section 403 of the Congressional Budget and Impoundment Act.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2001.

Hon. BOB SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kathleen Gramp (for Federal costs), who can be reached at 226–2860; Victoria Heid Hall (for the State and local impact), who can be reached at 225–3220; and Lauren Marks (for the private-sector impact), who can be reached at 226–2940.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 350 Brownfields Revitalization and Environmental Restoration Act of 2001, as reported by the Senate Committee on Environment and Public Works on March 12, 2001

SUMMARY

S. 350 would expand and modify certain programs governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, commonly known as the Superfund Act). The bill would provide a statutory framework for Environmental Protection Agency (EPA) policies and programs related to brownfield sites and the liability of certain entities under CERCLA. (Brownfields are properties where the presence, or potential presence, of a hazardous substance complicates the expansion or redevelopment of the property.) The bill would authorize the appropriation of $750 million over the next 5 years for grants to States and other governmental entities for various brownfield initiatives. Another $250 million would be authorized over the same period for grants to States and Indian tribes for implementing voluntary cleanup programs. Finally, the bill would exempt some property owners from liability under CERCLA under certain terms and conditions.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 350 would cost $680 million over the 2002–2006 period. CBO estimates that provisions affecting the liability of certain property owners would reduce net offsetting receipts (a form of direct spending) by $2 million a year beginning in 2002, or a total of $20 million over the next 10 years. In addition, the Joint Committee on Taxation (JCT) estimates that enacting this bill would reduce revenues by a total of $24 million over the 2002–2006 period and by $110 million over the 2002–2011 period. Because S. 350 would affect direct spending and receipts, pay-as-you-go procedures would apply.

S. 350 would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 350 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Brownfields Spending Under Current Law:						
Budget Authority[1]	92	0	0	0	0	0
Estimated Outlays	89	87	41	14	5	0
Proposed Changes:						
Authorization Level	0	200	200	200	200	200
Estimated Outlays	0	10	110	170	190	200
Brownfields Spending Under S. 350:						
Authorization Level[1]	92	200	200	200	200	200
Estimated Outlays	89	97	151	184	195	200
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	2	2	2	2	2
Estimated Outlays	0	2	2	2	2	2
CHANGES IN REVENUES						
Estimated Revenues[2]	0	0	1	4	8	11

[1] The 2001 level is the amount appropriated for that year for EPA grants for brownfields initiatives, including grants to States for voluntary programs.

[2] Source: Joint Committee on Taxation.

BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that S. 350 will be enacted by the end of fiscal year 2001, and that all funds authorized by the bill will be appropriated. Estimated outlays are based on the historical spending patterns for similar activities in the Superfund program.

Spending subject to appropriation

S. 350 would authorize the appropriation of $1 billion over the next 5 years for two grant programs: for brownfield revitalization and for enhancing State programs related to brownfields and other voluntary initiatives. In recent years, the Congress has allocated some of the money appropriated for EPA's Superfund program for such grants; this legislation would provide an explicit statutory authorization for these activities and would authorize specific amounts for fiscal years 2002 through 2006. Provisions limiting the liability of certain property owners could increase the use of appropriated funds to clean up Superfund sites, but CBO estimates that any change in discretionary spending would not be significant in the next 5 years.

Grant Programs. Title I would authorize the appropriation of $150 million annually for grants to States and other governmental entities to characterize, assess, or cleanup brownfield sites. Remediation grants could be used to capitalize revolving funds or to pay for cleaning up sites owned by public or nonprofit entities. Grants used for remediation would be subject to a matching requirement and could be used to leverage funding from other sources. In addition, title III would authorize $50 million a year for grants to States and Indian tribes to develop or enhance programs pertaining to brownfields or voluntary response programs. These funds also could be used to capitalize revolving funds for brownfield remediation activities.

Cleanup Costs. Under CERCLA, property owners may be responsible for cleanup activities, even if they did not contribute to the contamination of a Superfund site. Title II would amend CERCLA to limit the liability of certain prospective purchasers of contaminated property after the date of enactment. By reducing the pool of potentially responsible parties, the "prospective purchaser" provisions in section 202 could reduce the number of Superfund sites that can be cleaned up in a timely fashion by private entities. This could, in turn, increase the number of sites needing full or partial Federal funding for cleanup activities.

For this estimate, CBO assumes that the bill's prospective purchaser provisions would not affect discretionary spending for several years because only properties purchased after the date of enactment would be exempt from liability. The cost eventually could be significant, however, because cleanup costs average $20 million per site.

Direct spending

CBO estimates that provisions limiting the liability of certain property owners would reduce net offsetting receipts by about $2 million a year. EPA currently negotiates liability settlements with 20 to 25 prospective purchasers of contaminated property. As part of these agreements, purchasers make both monetary and in-kind payments in consideration of the government's covenant not to sue. While the cash payments vary significantly among properties, the agency typically collects an average of $100,000 per settlement. EPA would forgo such payments under S. 350, because prospective purchasers would no longer need these agreements to be relieved of liability for cleaning up a site.

The other limitations on liability in title II also could affect EPA's ability to recover costs that the agency incurs at cleanup projects that are the responsibility of private parties. Liability for cleanup is retroactive, strict, and joint and several, so changing the liability of one party generally has the effect of shifting liability among the other private parties. On the other hand, there may be some circumstances in which this legislation would exempt the only party likely to pay cleanup costs. We estimate that the loss of offsetting receipts from these changes is likely to be insignificant, however, because most of the provisions are similar to current EPA practice.

Revenues

This bill would affect revenues by authorizing States and local governments to use Federal grants for brownfields remediation to capitalize revolving funds. JCT expects that the ability to leverage these revolving funds would result in an increase in the issuance of tax-exempt bonds by State and local governments. JCT estimates that the Federal Government would forgo tax revenues of $110 million over the 2002–2011 period as a result of these provisions.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding 4 years are counted.

[By fiscal year, in millions of dollars]

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	0	2	2	2	2	2	2	2	2	2	2
Changes in receipts	0	0	1	4	8	11	15	17	18	18	18

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 350 would impose no mandates on State, local, or tribal governments. The bill would authorize $200 million annually from 2002 through 2006 for grants to State and local governments for inventorying, characterizing, assessing and remediating brownfield sites and for establishing or enhancing response programs. Implementing S. 350 would benefit State, local, and tribal governments if the Congress appropriates funds for the grants and loans authorized in the bill. Any costs incurred to participate in those grants and loan programs would be voluntary.

S. 350 would make several changes to current law concerning liabilities under CERCLA of certain property owners, which may include State, local, or tribal governments. These changes in liability, while not preemptions of State law, could make it more difficult for any States that currently rely on CERCLA to recover costs and damages under their own cleanup programs from parties whose liability now would be eliminated or limited by the bill. On the other hand, these changes could benefit State, local, and tribal governments as landowners if their liability would be reduced or eliminated. Enacting S. 350 could also benefit State and local governments with contaminated sites in their jurisdictions by clarifying the liability for certain property owners under Federal law and thereby encouraging remediation and redevelopment of those sites.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

Estimate Prepared by: Federal Costs: Kathleen Gramp (226-2860); Impact on State, Local, and Tribal Governments: Victoria Heid Hall (225-3220); Impact on the Private Sector: Lauren Marks (226-2940); Revenues: Thomas Holtmann (226-7575).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. SMITH of New Hampshire. Mr. President, I also ask to have printed in the RECORD a letter dated April 12, 2001 to Mr. Dan Crippen of the Congressional Budget Office signed by myself, Senator REID, Senator CHAFEE, and Senator BOXER. The letter illustrates areas in CBO's cost estimate that the authors of S. 350 believe to be inaccurate or misleading. It is our intent, and our belief, that S. 350 will bring increased private resources to brownfield sites, which will in turn limit future expenditure of public resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS, U.S. SENATE,
Washington, DC, April 12, 2001.

Mr. DAN L. CRIPPEN,
Director, Congressional Budget Office, Ford House Office Building, Washington, DC.

DEAR MR. CRIPPEN: We are writing with regard to the Congressional Budget Office's cost estimate for S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. It is important that the cost estimate prepared by your office accurately reflect the provisions of the bill. As the lead authors of the legislation, we are concerned that the cost estimate for S. 350 is inaccurate in several respects and is unintentionally misleading with regard to the intent and application of the legislation.

The cost estimate indicates that section 202 of S. 350 would "reduce the number of Superfund sites that can be cleaned up in a timely fashion by private entities." We disagree with this assumption because the effect of section 202 will be to encourage private entities to perform cleanups. Although the bill may limit future potential liability of parties not currently liable under the Superfund statute, it does not affect the liability of parties who are already liable under the statute at sites already underway. For even those new prospective purchasers receiving protection under section 202, the bill provides for a "windfall lien," which would further reduce any need for Federal funding at these sites. Moreover, the "prospective purchaser" exemption is designed to, and should result in, a significant increase in cleanups by private parties, particularly at non-National Priorities List sites. The net effect of these factors would be an increase in the availability of private cleanup funds. The overall number of sites at which Federal response authority applies under the Superfund statute, and which will be cleaned up by private entities, will increase as a result of enactment of the "prospective purchaser" provisions.

In addition, the cost estimate asserts that the eventual cost of the bill will be significant because cleanup costs average $20 million per site. In fact, although cleanup costs at National Priorities List sites may average approximately $20 million per site, the cleanup costs at a brownfield site averages approximately $500,000 per site. Indeed, since this section applies to both NPL and non-NPL sites, and there are many more brownfield sites addressed annually than there are NPL sites, the average cost of the sites covered by this provision would be dramatically less than that indicated. Therefore, as currently drafted, the estimate would lead one to believe that S. 350 could shift responsibility to the Federal Government for as much as $20 million in cleanup costs per site. This simply is not the case.

While we do not dispute the numbers provided by the cost estimate, it is equally important that the narrative section of the cost estimate accurately track the provisions of the legislation as closely as possible. We respectfully request that the Congressional Budget Office reissue the cost estimate for S. 350 to address the types of concerns we have raised. Please do not hesitate to contact us to discuss these issues further.

Sincerely,

BOB SMITH,
LINCOLN CHAFEE,
HARRY REID,
BARBARA BOXER,
U.S. Senators.

AMENDMENT NO. 352

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to call up the managers' amendment to S. 350 which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER, proposes an amendment numbered 352.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

"(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

"(bb) is a site determined by the Administrator or the State, as appropriate, to be—

"(AA) of relatively low risk, as compared with other petroleum-only sites in the State; and

"(BB) a site for which there is no viable responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

"(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

"(III) is mine-scarred land.".

On page 65, between lines 11 and 12, insert the following:

"(4) INSURANCE.—A recipient of a grant or loan awarded under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that site.

On page 67, line 16, before the period, insert the following: ", including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants".

On page 68, between lines 16 and 17, insert the following:

"(J) The extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

On page 70, between lines 2 and 3, insert the following:

"(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).

On page 71, strike lines 15 through 17 and insert the following:

“(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

“(1) this Act (including the last sentence of section 101(14));

“(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

“(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

“(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

“(l) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

“(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).”.

On page 93, line 4, before “develop”, insert “purchase insurance or”.

On page 94, line 11, strike “and”.

On page 94, line 14, strike the period at the end and insert “; and”.

On page 94, between lines 14 and 15, insert the following:

“(iii) a mechanism by which—

“(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site located in the community in which the person works or resides may request the conduct of a site assessment; and

“(II) an appropriate State official shall consider and appropriately respond to a request under subclause (I).

On page 97, line 7, after “Administrator”, insert “, after consultation with the State,”.

On page 97, line 18, after the period, insert the following: “Consultation with the State shall not limit the ability of the Administrator to make this determination.”.

The PRESIDING OFFICER. The Senator from Idaho has 15 minutes.

Mr. CRAPO. Mr. President, I appreciate the opportunity to speak today on S. 350, the Senate's Superfund brownfields legislation.

As most of those working on this issue know, I have been working on comprehensive Superfund reform essentially ever since I was elected to Congress, about 8½ years ago. This was a very difficult issue.

In my opinion, we would have been best served if we had comprehensive Superfund reform of the entire Superfund statute, but given the political dynamics we face in the country and the Congress today, it was evident that we would not be able to achieve a comprehensive bill at this point in time, and the decision was made to move ahead with brownfields legislation this year. That was a decision I fought against last year but agreed to support this year, to see if we couldn't move ahead and achieve some of the objectives that have already been so well explained with regard to this legislation.

Brownfields legislation is badly needed in this country, as we try to reform and clean up some of the areas that have been discussed by other Senators. One of the concerns many of us had, however, was that if we do a brownfields bill, we need to do one that truly works and not simply create another approach to the issue that runs into the same problems we have dealt with under the Superfund statute for so many years. In other words, we need to craft it so the effort to reclaim these areas and make them green again is not a failure and we don't simply pass legislation that creates another set of difficult, burdensome approaches to the issue.

To effectively encourage more brownfields redevelopment programs, we have to provide the necessary resources, give the States the management and oversight responsibility within their borders, and ensure that developers are confident that their involvement will be truly welcomed and they will not simply pick up the liabilities already facing those who own the brownfields and work on the properties.

All this has to be done in conjunction with the assurance that public health and the environment are being adequately protected. In that context, as the Senate Environment and Public Works Committee handled this issue, a number of us had concerns that we hadn't yet achieved those objectives as well as we could. I commend the managers of this bill for working so well with us to address those issues in the interim since the bill was sent out of committee and is now being considered in the Senate. We have a managers' amendment that addresses a number of those concerns and that makes it possible for those of us who had problems with the way the bill was originally drafted to work with and support the bill at this point.

The Senate has held many hearings on this legislation. A number of us have worked on this measure for many years. I will discuss some of the elements of progress that have been made since the bill was sent out of committee and as we now move forward with the managers' amendment. I am very pleased that we were successful in making these improvements.

The first issue relates to State finality. For those who are not concerned with the issue, what we are talking about is a policy decision that says that State governments should be the ones that handle the management of the brownfields legislation. Instead of having a national, federally led and, many of us believe, dictate-driven decisionmaking process, we wanted to put together a system in which each individual State had the ability to interpret and implement the brownfields legislation with decisions going on in their own States.

Many of us felt that State management and control would result in much better decisionmaking, as we would see it at the State and local level, than we would have if the decisionmaking were driven from the Federal level. It is a case of the State and local people having a much better understanding of the needs in their communities than those who are distant decisionmakers, not having the ability and understanding to truly address the issues as best they could.

We needed to achieve that by still making sure the environmental objectives were in place. I believe the managers' amendment gives us an important stride forward in this effort.

As the Senator from California, who just spoke, indicated, one of the protections built into this bill was the provision that if, as the State moves forward, an imminent and substantial endangerment is found to the environment or public health, then the Federal Government, through the EPA, can step in and take some remedial actions. Short of that imminent and substantial endangerment, it is the State's responsibility for action.

One of the concerns that was debated in committee was whether we had adequately clarified it enough to make it clear that the EPA or the Federal administrators could not simply use any excuse they wanted in order to claim an imminent and substantial endangerment, and had to truly work with the States and step in at the Federal level only in those extreme cases in which it was clear that the State either did not have the resources or was not willing to implement the law.

I believe that is where we have reached the compromise. The language included in the bill says imminent and substantial endangerment must be found by the Federal Government before it can step in and supersede a State's actions, which is the intent of all of us who have worked on this legislation. That gives the States truly an opportunity to have finality to their decisions about how to implement this law.

Second, I am pleased that our efforts working with the managers of the bill were successful in nearly doubling the number of eligible brownfield sites under the program by expanding the bill's coverage. This improvement alone will help make this program a reality for many more communities around the country.

In appreciation for the managers' efforts to improve the original bill, I intend to support the amendment today, and the bill with the amendment in place. I know there is still a lot of debate about whether we have made enough improvement in the legislation or whether we have made the bill good enough. The other body is going to be working on its proposals, and there will still be an effort to work with the administration, as the President, the

House, and the Senate all work together to craft a brownfields bill that will ultimately be signed into law.

I look forward to working with all of them to make sure that even further improvements and changes to the legislation can be made as we move through the legislative process.

This effort today is a very strong effort, and I think a very good effort, to move forward on meaningful brownfields legislation. With the managers' amendment, as I said, enough improvements have been made that those of us who had concerns at the committee level, I think most, if not all of us, will be able to support the bill today. We will continue to work with the House and the President and with the managers of the bill in the Senate to see that we can make even additional improvements to the legislation as it moves forward in the legislative process. I think it is an important first step we are taking today, but it should be recognized as such—as an important but first step.

With that, I conclude my remarks and yield back my remaining time.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I rise today in support of S. 350, the Brownfields Revitalization and Restoration Act.

The PRESIDING OFFICER. It is my understanding that the Senator from Ohio is using the time of Senator BOND; is that true?

Mr. VOINOVICH. Yes, it is.

The PRESIDING OFFICER. The Senator may proceed.

Mr. VOINOVICH. Mr. President, this legislation will provide incentives to clean-up abandoned industrial sites, or brownfields, across the country and put them back into productive use and preserve our green spaces.

I want to congratulate the chairman of the committee, Senator SMITH, the ranking member of the committee, Senator REID, the subcommittee chairman, Senator CHAFEE, and all the other members of the committee who have worked to put this piece of legislation together.

Revitalizing our urban areas has been an issue I have been passionate about for many years. As former mayor of Cleveland, I experienced first-hand the difficulties that cities face in redeveloping these sites.

I have been working on brownfields issues at the national level since I became Governor of Ohio in 1990 and through my involvement with the National Governors' Association and the Republican Governors' Association. For more than a decade, I have worked closely with congressional leaders, such as MIKE OXLEY of Ohio and the late Senator John Chafee, to develop legislation that would do many of the same things this bill does.

When the Environment and Public Works Committee considered this legislation in March, I voted to report the bill out of committee after getting a commitment from the Presiding Officer today, Senator REID, that he would be willing to work with me on some concerns I had regarding specific bill language.

During the committee markup of S. 350, I offered an amendment seeking to strengthen the State finality provisions in the legislation. Based on the commitment I received from Senator REID, I ultimately withdrew my amendment.

In my view, we need to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under State cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the Federal Superfund Program.

Last Congress, I introduced legislation supported by the National Governors' Association and the National Council of State Legislatures which would create more certainty by allowing States to release parties that cleaned up sites under State laws and programs from Federal liability.

I believe it is important that we build upon the success of State programs by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and substantially improve the environment.

What we do not need are delays caused by the U.S. EPA's second-guessing of State decisions. A good example of second-guessing occurred in my own State. One company, TRW, completed a cleanup at its site in Minerva, OH, under Ohio's enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL list in 1989. However, after listing the site, the EPA took no aggressive steps for additional cleanup, and it has remained untouched for years.

To enhance and encourage further cleanup efforts, my State has implemented a private-sector-based program to clean up brownfield sites. When I was Governor, the Ohio EPA, Republicans and Democrats in the General Assembly and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and our economy, recycling acres and acres of wasteland, particularly in our urban areas.

In almost 20 years under the Federal Superfund Program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, 78 sites have been cleaned up under Ohio's voluntary program in the last 6 years, and many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio's program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility near Canton, OH—was estimated to cost $2 million and to take 3 to 5 years to complete if it had been cleaned up under Superfund. However, under Ohio's voluntary program, the cost was $600,000 and took 6 months to complete. These cleanups are good for the environment and they are good for the economy.

States are leading the way in cleaning up sites more efficiently and cost effectively. According to State solid waste management officials, States average more than 1,400 cleanups per year, and they are addressing approximately 4,700 sites all over the United States of America at any given time.

I am pleased the bill we are considering today does not require the U.S. Environmental Protection Agency to pre-approve State laws and programs. State brownfield programs address sites that are not on the national priorities list and where the Federal Government has played little or no role.

Ohio and other States have very successful programs that clean up sites more efficiently and cost effectively. I worked closely with Senator SMITH and Senator REID and other Members to protect these State's programs. The managers' amendment is a result of that hard work.

While I would still like to see more protection and certainty for State programs, I do not believe we should delay the improvements to the current programs that are in this bill. What our States are doing is helping to recycle our urban wastelands, prevent urban sprawl, and preserve our farmland and green spaces. So often people forget about the fact we have these acres of wastelands in many urban, and even rural, areas around the nation. Unless these sites are cleaned up, they will force a greater loss of green space in our respective States.

These programs are cleaning up industrial eyesores in our cities and making them more desirable places to live and work. That is another aspect of this legislation to which the Senator from California, Senator BOXER, eloquently spoke.

Because these programs are putting abandoned sites back into productive use, they are a key element in providing economic rebirth to many urban areas and good paying jobs to local residents. That is another side we do not think about. We have all sorts of assistance programs, training programs, and so forth, helping people become self-sufficient and productive citizens. In far too many cases in the United States, because we have not recycled urban industrial sites, businesses and jobs are developed in the outlying areas where many urban residents simply cannot get to, and are, therefore, unable to take advantage of those jobs.

Mr. President, this is a wonderful bill in so many respects. It makes sense for our environment and it makes sense for our economy. Therefore, I am pleased the Senate is considering this bill today and I urge the House and Senate to come to a prompt agreement on a final version of this legislation so we can provide a cleaner environment for cities across America.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I am pleased to support this important legislation to provide States and local communities with the tools and the resources they need to clean up and reuse polluted industrial properties, turning them from eyesores into opportunities and leveraging literally billions of dollars in economic benefits.

The legislation we are voting on today, S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001, represents the ultimate form of recycling. It is the recycling of one of our most precious and scarce natural resources; namely, our land. Our environmental resources, as our financial resources, are not limitless. The cleanup and reuse of brownfield sites allows businesses and developers to use existing infrastructure so we can reduce sprawl and preserve our precious green space and farmland and, at the same time, it provides an opportunity to energize local economies and create new jobs.

I am pleased to be an original cosponsor of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001, an act which, as the President knows so well, enjoys broad bipartisan support of a majority of the Senate, as well as of the administration, a diversity of State and local government organizations, business interests, and environmental advocacy groups.

This bill, S. 350, is an important step in building on the proven success of existing brownfields efforts. The bill authorizes the establishment of a flexible program to provide grants and loans to State, tribal, and local governments and nonprofit organizations to assess, safely clean up, and reuse brownfields. It includes important provisions that promote assistance for small, low-income communities, as well as supporting efforts to create or preserve open space and furthering participation by the public in cleanup decisions.

The bill provides appropriate liability relief for innocent parties who want to clean up and reuse brownfield sites, while maintaining the necessary Federal safety net to address serious cleanup issues.

Last week, I was delighted to learn that the EPA was making grants for additional brownfields funding for Utica, NY. I remember the first time I visited downtown Utica and saw all of the old mill and factory buildings, which already were tied in with existing utilities, providing an excellent opportunity for remediation that could be then followed by immediate redevelopment, only to be told because they were built on old industrial sites, because the manufacturing processes that occurred in the 19th and 20th centuries involved dangerous chemicals and other contaminants, these brownfield sites in the middle of downtown Utica were too expensive for private developers and the local community to clean-up. I am delighted that Utica and other such places around New York, including Albany and Chautauqua Counties and a village of Haverstram in Rockland County also received brownfields funding.

We have seen the benefits of brownfields cleanup and revitalization throughout New York, from Buffalo to Glen Cove, and all the places in between. I stood on the shore at Glen Cove, one of the most beautiful communities on the north shore of Long Island, and could see the effects of the cleanup of brownfields that are going to turn what had been a contaminated waste area into a place that can be part of waterfront redevelopment.

To date, over 20 communities across New York have received assistance through EPA's existing brownfields program. It is my hope and belief that there will be many more when we finish this legislation, which will more than double the resources currently available for brownfields cleanup across our country.

This bill strikes a delicate balance. There are compromises and tradeoffs. I appreciate the hard work of the committee in a bipartisan fashion to move this legislation forward. I take this opportunity to thank the leadership of the Environment and Public Works Committee on which I am honored to serve, particularly our chairman, Senator SMITH, and our ranking member, Senator REID, and the two Senators who pushed this legislation forward because of their respective chairing and ranking positions on a subcommittee; namely, Senators CHAFEE and BOXER. I also thank the staffs, including my staff, the committee staff, and the individual staffs of the Senators who worked so quickly and diligently to move this legislation to the floor today.

The managers' amendment includes a number of significant provisions. Again, I applaud and thank everyone who was part of this process. I am grateful; two of the managers' amendments I personally sponsored will be part of this legislation. One provision will help focus the delivery of brownfields assistance to communities that experience a higher than normal incidence of diseases such as cancer, asthma, or birth defects.

Two weeks ago, I was very fortunate and honored to go with my friend, the Senator from Nevada, HARRY REID, to Fallon, NV, where we held a hearing on a cancer cluster. It is a lovely community, 50, 60 miles from Reno. It is a small community, maybe 30,000 people at most, in a sparsely populated county. They have had 12 cases of leukemia among children in the last 2 years. Clearly, it is a cancer cluster. We don't know what is causing it. Many believe, and much of the testimony we heard certainly suggests, this rate of cancer in this kind of a cluster could be linked with exposure to hazardous substances.

The important provision we have added to the bill will offer assistance to communities already burdened with severe health programs, to help them clean up the polluted sites that may contribute to these problems. We will have to do a lot more, and I will be working with Senator REID under his leadership to think about what else we can do to address environmental health issues.

We certainly have more than our share in New York. I am hoping that in the future we will have a hearing in New York, perhaps on Long Island, to talk about the cancer clusters. We have asthma clusters; we have diabetes clusters. We need to figure out what we are doing or what we could stop doing or how we can clean up whatever might be associated.

Under S. 350, States that receive brownfields funding must survey and inventory sites in the State. I was concerned there might be sites that would be overlooked in communities that are small or sparsely populated such as Fallon, or low-income or minority such as those in New York City.

I am pleased that with this provision in the managers' amendment we will be able to include public participation so individuals can request a nearby brownfield site be assessed under a State program. States would maintain discretion and flexibility to set up this process however they best see fit, but concerned citizens would not be shut out of the process. They could participate and ask their particular brownfield site be given some attention and perhaps even expedited cleanup because of the impact on their local community.

In every corner of our country there are abandoned, blighted areas that used to be the engines of the industrial economy or served in our national defense. We were privileged to hear testimony from the admiral who runs the naval airbase that trains the top gun pilots outside of Fallon. They use a lot of jet fuel. They have to occasionally burn it. They sometimes have to drop it in their flight. They were very willing to come forward and talk about what the defense industry can do to help in this area.

Many of the places suffering from brownfields were in the forefront of creating the strong economy and the strong national defense system we enjoy today. I think we have to pay attention to the needs of these communities.

I thank all who have made it possible for us to consider this bill today. I urge my colleagues to join in passing this important piece of environmental and economic and health care legislation. I hope our colleagues in the House will work to move their own brownfields bill so we can finally get about the business of revitalizing these sites so they can realize their economic potential and preserve our country's beautiful, open spaces, and revitalize our downtown areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from New York leaves the floor, I want to publicly express my appreciation for her traveling to Nevada as part of a committee to deal with a most serious problem. As the Senator indicated, we do not know what the problem is in Churchill County. Is it problems with the base? It could be from fuel. We understand there have been alleged large leakages of fuel. Is it from the dumping of the fuel, as she indicated? There is a theory by some academics out of England that maybe it is a virus caused by the huge influx of people coming to the base from various parts of the world to this previously very stable community. Maybe it is from the agricultural activity. The first Bureau of Reclamation project in the history of this country took place there, the Newlands project. For years they have been dumping hundreds of tons of pesticides and herbicides on those crops. Could that be the cause? Could it be the arsenic in the water there, which is 100 parts per billion? We are trying to lower it to 10 parts per billion. We simply do not know the cause.

With the Senator from New York coming there—I do not mean to embarrass her, but with her national following, she focused attention on Fallon, NV, that would have never been accomplished had she not shown up there.

I indicated to the Senator earlier today I am going to send to her the series of positive editorials that were written about her coming to the State of Nevada, trying to help us with this most difficult problem.

Finally, I want to say, as I have already said earlier, outside her presence but on this floor, what a valuable member of this committee is the Senator from New York. For the not quite 100 days we have been functioning as this new Congress, she has been a member of this committee and she has been very valuable. She attends the meetings, stays through the meetings, and, as I indicated, she has been of valuable assistance making this legislation better. I am happy to have her as a member of the committee and of the Senate. The people from New York should feel very good about the person they brought to Washington as a Senator representing that State.

Mrs. CLINTON. I thank my friend from Nevada.

Mr. REID. I yield to the Senator from New Jersey the time that is left over from my having spoken. I believe there may be some other time in there. I think the only speakers we have still to come are Senator CORZINE and Senator CARPER—I think that is all who wish to speak. We are going to 2 o'clock, so I yield whatever time up to 10 or 12 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator from Nevada for yielding the time. Before I begin my own remarks on brownfields, I want to join him in commenting that HILLARY RODHAM CLINTON had potentially one of the most difficult transformations ever, maybe, becoming a Member of the Senate. It is also fair to say after only 100 days she has probably had one of the most remarkably successful transformations ever made to the Senate.

Rarely has someone come to the Senate and devoted themselves so diligently to the details of their work, meeting their responsibilities to their State with such bipartisan acclaim by her colleagues.

I think the people of New York should be very proud, under difficult circumstances and the changing of public responsibilities, of how well she accomplished the feat and now how proudly she represents the State of New York.

Since the fortunes of New Jersey are so closely tied to those of our modest neighbor across the river, we are grateful that New York is so well represented. I congratulate her on her introduction to the Senate.

As my friend and colleague from New York, I wish to address my colleagues on the question of the brownfields legislation. We have now completed an unprecedented decade of extraordinary national prosperity. But it is a cruel irony that many of those communities which, a generation ago, laid the foundation for America's industrial might and the prosperity of our generation have not participated in every aspect of this new prosperity.

Critical to the goal of ensuring that all communities do, indeed, benefit from this prosperity is creating sound economic development in these traditional economic centers. Although often more graphic in central cities because of their limited space, brownfields redevelopment is not just an issue of these old centers. It has also become a question of small towns. The problem is, whether it is these older industrial centers upon which our Nation built its future or it is small towns or rural areas, the Senate now in considering again changes to brownfields legislation must deal with the reality that brownfields redevelopment projects must overcome several difficult but critical barriers. These barriers historically have included: No. 1, a lack of process certainty; No. 2, liability concerns; No. 3, added expenses of environmental cleanup and the lack of redevelopment financing.

S. 350 is a bipartisan effort to address these very issues and to make our brownfields program of the last few years everything that it can, should, and must be.

Since 1993, when the Brownfields Pilot Program was implemented, hundreds of communities across the Nation have been successful in their efforts to assess, clean up, and redevelop vacant or underused contaminated sites. In my State of New Jersey, brownfields revitalization represents the potential rebirth of many distressed cities. Indeed, in many respects brownfields and HOPE VI grants have entirely changed the landscape of some of the most distressed urban areas in the State of New Jersey.

In Trenton, an old steel plant has been transformed to a minor league baseball field. Now a center of recreation, attention, and life of the city of Trenton, only years ago it was abandoned, contaminated property.

A railroad yard on the Camden waterfront in front of a enormously wonderful view of the city of Philadelphia, what should have been some of the most productive land in the Nation, was abandoned. It has now become a major entertainment center for the bistate area.

The city of Elizabeth is taking a former landfill and constructing a shopping mall.

For all of these reasons, brownfields legislation is critical, irreplaceable, in the economic revitalization of the cities of New Jersey. It is not a theory. It is not a potential. It has been proven.

It is real in every one of these communities. But it does need to be improved. I support the enhancements contained in S. 350 because, No. 1, they reduce the legal and regulatory barriers that prevent brownfields redevelopment and provide funds to States for cleanup programs. No. 2, they address the needs to address potential liabilities faced by prospective purchasers and adjoining landowners. Finally, they provide funds to assess and clean up abandoned and underutilized brownfields sites. This has not been the province of private funding sources.

This bill goes a long way to remove many of the uncertainties that have made the financing of a brownfield project such a formidable task. While this legislation is a major step in the right direction, there is more that must be done to enhance the public-private partnerships to complete the picture of brownfields revitalization. The strengthening of the public-private partnership utilizes tax incentives to help attract affordable private investment.

In August of 1997, this body approved a potentially significant brownfields tax incentive. This tax incentive, referred to as the "expensing provision," allowed new owners of these contaminated sites to write cleanup costs off their taxes in the year they were deducted. This allows for increased cashflow for redevelopment projects. Surprisingly, despite the potential advantage of this expensing provision, there have been relatively few takers.

A GAO study reported in December of 2000 that in New Jersey there had been only three development projects which had even applied for this tax benefit. Developers told me they are discouraged from using the provision because of the provision's indefinite future and the exclusion of brownfield sites containing petroleum. There is simply no incentive for real estate developers to complete projects and market them quickly if the tax benefit they have derived is going to be taxed as ordinary income at 39.6 percent rather than capital gains at 20 percent.

The financial impact of that reality is very significant.

I intend to propose legislation which I believe is a very positive enhancement.

My legislation will tax this "recapture" or reclaiming of this previously earned benefit as capital gain at a rate of 20 percent rather than as ordinary income.

Using tax incentives to overcome capital shortages, in the market place, to achieve greater public benefits, is a proven formula for success.

This is exactly what I intend to do. This can be done to reverse negative trends and start new, constructive initiatives.

In 1962, the Regional Plan Association of New Jersey-New York-Connecticut in its publication "Spread City" stated that the region was drifting into a costly spread-out pattern of suburban development versus dormant central cities.

This publication noted that this pattern would produce suburbs with "neither the benefits of the city nor the pleasures of the countryside."

Four decades later this vision of "Spread City" has, in fact, materialized.

Today, brownfields redevelopment should be viewed as a method of controlling urban sprawl and ultimately preserving greenfields.

A recent study of nine New Jersey cities posed conservative estimates that redevelopment of identified sites across the state could house nearly a quarter of 225,000 new residents expected by 2005.

It is, therefore, good economic policy. It is good social policy. It is good housing and job creation policy.

Finally, it is good environmental land use policy to enact brownfields legislation, and to enhance it and improve it with the necessary tax incentives to stimulate growth based on this exciting concept.

I strongly identify myself with this initiative hoping the Senate will consider my changes when indeed it is time to vote on brownfields.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as a cosponsor to S. 350.

The PRESIDING OFFICER (Mr. TORRICELLI). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I point out, Mr. President, that with the addition of Senator WELLSTONE, that makes 70 cosponsors to this legislation. That runs the entire political spectrum, from HELMS to WELLSTONE. I think it is a great tribute to the type of legislation it is that we could forge this kind of bipartisanship.

As I mentioned earlier in my remarks, there are a number of stakeholders who have written to express their support for S. 350. I did enter those letters in the RECORD and obviously will not read them all, but I would like to highlight just three or four.

One of those letters was from the U.S. Conference of Mayors. The quote from that letter is:

> The mayors believe that this legislation can dramatically improve the nation's efforts to recycle abandoned or other underutilized brownfields sites, providing new incentives and statutory reforms to speed the assessment, cleanup and redevelopment of these properties.

I think that is a very dramatic statement. As the Presiding Officer knows, the mayors are a bipartisan group from both political parties all across the country and are across the political spectrum as well.

Another letter we received was from the Trust for Public Land. One paragraph of that letter states:

> Brownfields afford some of the most promising revitalization opportunities from our cities to more rural locales. This legislation will serve to help meet the pronounced needs in under-served communities to reclaim abandoned sites and create open spaces. . .reclamation of brownfields properties brings new life to local economies and to the spirit of neighborhoods.

Also from the National Conference of State Legislatures:

> I . . . commend you for your continued commitment to the issue of brownfields revitalization. Without the necessary reforms to CERCLA, [the Superfund law] clean up and redevelopment opportunities are lost, as well as new jobs, new tax revenues, and the opportunity to manage growth . . . NCSL has made this a top priority and we applaud the committee's leadership. . . .

Finally, from the Building Owners & Managers Association, International:

> Thanks to the efforts of a dedicated collection of Senators, the Senate now has a bipartisan piece of legislation that would generate improved liability protections, enhanced State involvement and increased federal cleanup funding. Adoption of S. 350 would have an immediate and dramatic impact on reducing the 400,000 brownfields sites across America.

Mr. President, as I have stated many times indeed—and the distinguished Presiding Officer also mentioned some of this in his remarks—this bill is going to encourage redevelopment and revitalization all across our country.

I would like to highlight one particular redevelopment option that would benefit from this bill. It is called ECO industrial development. It is similar to that of the Londonderry, NH, industrial park.

By reducing the waste and pollution from industry, industrial land users become better neighbors in residential areas. Developers and communities can target the kind of development they want rather than being at odds with each other.

I think that is the beauty of this legislation.

Eco-industrial development helps break down the notion that enhanced environmental management can only be done at a greater cost to businesses. It is not true. The two go hand in hand. You can have an enhanced environment, and you can enhance industry. That is why this concept is so appropriate.

I am hopeful this legislation will, in fact, encourage responsible redevelopment and revitalization similar to the Londonderry eco-Industrial park.

Let me talk about eco-industrial development for just a second. It creates efficiencies in the use of materials and energy through planned, voluntary networks among businesses and their industrial-manufacturing processes. This increased efficiency not only drives down pollution and waste generated by these industrial processes, but it increases the profitability and competitiveness of the businesses at the same time. With these reinforcing benefits, eco-industrial development is a market-based, incentive-driven means for preventing pollution rather than relying on the fragmented, end-of-the-pipe regulations we have done for so many years.

So our current measures of productivity are based almost entirely on measuring industrial output per unit of labor. But a handful of companies—Dow Chemical, Monsanto, 3M, Ford Motor, and others—have been focusing on ways to increase or maintain their current level of output while using fewer resources. This resource productivity can increase a company's return on its assets significantly. And overall, an industrial and manufacturing sector in the U.S. that uses materials and energy more efficiently will become more productive, more profitable, and will remain competitive in global markets.

I think the moral of the story is that when you take an abandoned site that has been polluted and you convert it into whatever—either a green space or a true park or playground, or a baseball field, as the Presiding Officer mentioned, in Trenton—whatever you do with it, if you turn it into something productive, you have, No. 1, created jobs in doing so, and, No. 2, you have taken all the pressure off additional green space—a lot of pressure off additional green space—that now will not be developed because this will be redeveloped, and also you help to beautify your community.

I think it is also important to point out it is not just the large cities such as Trenton, NJ, or Manchester, NH, or any other large city—it is not just large cities—there are many small towns all across America where some 400,000 to 500,000 of these sites lie. A lot of them are on the eastern seaboard in the early developed areas of our country, along the rivers and railroad tracks, and these are the areas that need help.

For so many years, under the current Superfund law, they have not been able to develop these sites because industry and contractors simply would not take the risk, knowing the possible liability. So that is why this legislation is so exciting. It is also why we have 70 cosponsors and why we probably will have a close to unanimous, if not unanimous, vote in the Senate. And we look forward to seeing this bill move forward to the House, and to get it out of the House or out of conference, whatever the case may be, and get it to the President's desk.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I rise in strong support of S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001. I am proud to be a cosponsor of this important legislation.

This bill proves that environmental protection and economic development can go hand in hand, that we can take depressed, blighted areas, such as those in New Jersey with which we have worked, and make them vibrant and productive, and that we can do so in a cooperative, bipartisan manner.

Hundreds of thousands of contaminated industrial sites lie underutilized or even abandoned across the country, largely because of the potential risk and expense of cleaning them up. New Jersey has more than 8,000 of these brownfields.

When developers now look at these sites, they see a hornet's nest of problems. But when I look at them, I see opportunities. Many of these brownfields are located in economically depressed urban areas. Cleaning them up can spur economic development, create jobs, and bring in additional tax revenue.

Of course, cleaning up brownfields does more than help the economy. It also protects the public health. In addition, by cleaning up sites in our urban areas, we redirect development away from our remaining open space and reduce many of the problems associated with sprawl.

Unfortunately, despite the broad benefits of cleaning up brownfields, the private sector often finds it unattractive or unrealistic to take on the task. Nor is it always easy for States and local governments. That's why this legislation is so important. By providing needed funding and placing reasonable limits on developers' liability, it should encourage the development of many brownfields and the revitalization of depressed areas around our Nation and across the State of New Jersey.

This legislation also represents an important compromise of Federal and State interests. It provides funding for grants to States to help them enhance and develop their own brownfields programs. It recognizes the important lead role that States play in dealing with brownfields, but it also retains the right of the Federal Government to intervene under certain circumstances to address serious threats that may arise. In general, I see this as a sound balance.

We should be proud that we have been able to work this in a way that leads to a positive long-term result.

I do point out, however, that this bill merely provides an authorization for funding in the future. It doesn't provide the funding itself. Often we talk about authorizations and take victory laps, but the appropriations process is important. That will be up to those in the appropriations process later on, and we'll all have to work hard to make sure that we can find real dollars to be placed against this real need.

Along these lines, I was very disappointed that the Bush budget included only $98 million for brownfields redevelopment. That's far short of the $250 million authorized in this bill for fiscal year 2002. The Bush administration has said that it would support the bill, but their budget doesn't have the money to show this support. Congress will have to do better.

Finally, I acknowledge the leadership of my predecessor, Senator Frank Lautenberg, who took the lead in the last Congress to develop this legislation. Senator Lautenberg for years has been a strong advocate of addressing brownfields. I am pleased that his efforts—and the efforts of staffer Lisa Haage, who now works for the Environment Committee—soon should bear fruit.

I also want to thank Senators SMITH, REID, CHAFEE, and BOXER for their leadership and hard work in crafting and advancing this bipartisan legislation this year. This bill proves that bipartisanship can and will lead to positive results, particularly with regard to environmental legislation. I am hopeful that that spirit of cooperation will operate here in the Chamber.

With that, I conclude my remarks and again urge my colleagues to support this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I want to take a few minutes this afternoon to express my support for S. 350, the Brownfields Revitalization and Restoration Act. It is a bill which I hope we will vote to pass today and, hopefully, it will be enacted in the House as well. The bill before us this afternoon represents years of discussion, countless hearings and a genuine compromise. Some people in this Chamber have been part of those discussions and have worked hard to achieve this compromise.

We have heard from others today who talked about the balance this bill represents and some of the compromises it contains. I want to focus in my remarks on what this bill means to our States, including the State I am privileged to represent, Delaware, where this legislation can make and will make a real and significant impact.

This morning, I came to work by train, as I do most mornings. I caught the train in Wilmington and headed down to Washington. I looked out, as I often do, the left side of the train as we pulled out of the Amtrak station in Wilmington, and I looked over to an area that during World War II was a prime area for building ships, along the magnificent Christina River. Between roughly 1941 and 1945, some 10,000 men and women worked along the banks of the Christina River in Wilmington. They built all kinds of ships, destroyer escorts, troop landing ships, Liberty ships, and other vessels that really helped to win World War II.

When the war was over in 1945, not surprisingly, all of those people were no longer needed. Eventually, within a few years after the end of the war, that vibrant shipbuilding community along the Christina folded up and all of those jobs, for the most part, went away. What had been a vibrant area with manufacturing vitality began to go to seed, and over the years it eventually turned into an abandoned wasteland.

To be honest, as Delaware's Congressman during the late 1980s, as I rode that same Amtrak train to work, I looked out that window and said to myself, boy, this looks awful. And it did. Today it doesn't. Today, we have a river walk, we have a beautiful park, we have buildings that have been restored or are being restored, we have museums, restaurants, and places to shop. We have a stadium where one of the greatest minor league baseball teams in America plays, the Wilmington Blue Rocks.

A couple years ago, as Delaware's Governor, I signed legislation that enabled us to go in and turn that industrial wasteland into the riverfront jewel that it is becoming today for the State of Delaware. We returned to productive use some land that had been forgotten and that in a way, served as a buffer to keep people away from the river.

I want to thank several people, certainly our subcommittee chairman, the ranking Democrat, and Senator CHAFEE, who headed the subcommittee to develop this bill and nurtured it over the years. I thank Senator SMITH, chairman of the committee, for his good work, and Senator REID of Nevada, who has spent a fair amount of time in these vineyards in the last couple of years.

As a freshman Senator who joined this important debate a little late, they were kind enough to work with me and teach me a thing or two about these issues and listen to my concerns and to reflect some of them in the final bill. I don't see my friend from Ohio on the floor, but I want to say a word about Senator VOINOVICH, who chaired the National Governors' Association during the time when I was its vice-chairman, and who has worked on this bill with me. We had the opportunity to work a little together on this legislation and he was instrumental in making a good bill even better. I am pleased to say to colleagues today and fellow Governors across the country that included in this bill is a provision that will go some distance toward ensuring that State certification of brownfields cleanup will actually result in the revitalization of thousands of underutilized sites in States across the country.

I thank Senator VOINOVICH for his work on this, as well as the other members of our committee who have worked very hard and patiently over the last several months and years, and who didn't pass up the opportunity this year to make this bill the best it could be. I believe what we have today is a brownfields bill that moves EPA's existing program a significant step forward.

This bill protects our environment and encourages businesses to reuse these sites. In my opinion, it just makes good sense. I urge my colleagues to vote in support of this bill.

Before I yield, I want to say, in reflecting on my first roughly 3 months here as a Senator, I have had the opportunity to work in a bipartisan manner in the Chamber on a couple of major initiatives, such as bankruptcy reform, along with the Presiding Officer, who was instrumental in it; but the bill passed with 85 votes, with broad bipartisan support. There was also campaign finance reform, which enjoyed a lot of Democratic and Republican support as well. We had the budget resolution, which ended up enjoying a fair amount of Democratic support as well as Republican support, and today we have the brownfields legislation, which I believe will pass this Chamber with broad bipartisan support. I am encouraged at this degree of bipartisan support we have seen on these issues. Maybe we will somehow set the stage today for debate which is to begin maybe tomorrow or next week, and that is to bring up the education issues, to try to redefine the Federal role regarding the education of our children.

Thank you, Mr. President. I surrender my time and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I want to take a couple of minutes to explain to my colleagues the managers' amendment, which will be part of the entire vote. We did expand the bill. At the end of the markup in committee, there were a number of concerns raised by Senators on both sides, which we attempted to address and finally were able to address. I wanted to highlight three or four of them on both sides of the aisle.

Senator INHOFE raised a concern, and Senator BOND as well, about innocent parties cleaning up relatively low-risk brownfield sites contaminated by petroleum or a petroleum product. We were able to allow for the application for brownfields revitalization funding for those purposes as requested by Senators INHOFE and BOND.

Also, in authorizing $200 million annually for the brownfields revitalization program, we added another $50 million, or 25 percent of the total for the cleanup of petroleum sites. This was included in the managers' amendment. We have unanimous committee support for it today. Those are two contributions to the overall legislation by Senators INHOFE and BOND.

In addition, Senator CHAFEE asked for a clarification that a grant or loan recipient may use a portion of that grant or loan to purchase insurance for the characterization assessment or remediation of the prospective brownfields site. We were able to take care of that.

Senator CLINTON asked for conditions to the rank and criteria used to award moneys under this bill to address sites with a disproportionate impact on the health of children, minorities, and other sensitive subpopulations in communities with a higher than average incidence of cancer and other diseases and conditions. We were able to include that. Another concern of Senator CLINTON was an element to a State response program whereby a citizen can request a State official to conduct a site assessment and the State official considers and responds appropriately to that request. Those issues of concern were added to the managers' amendment.

In addition, Senator VOINOVICH asked for a requirement that the Administrator consult with States in determining when new information regarding a facility presents a threat to human health or the environment, while preserving EPA's authority to take appropriate action.

Mr. President, I also received a moment ago a statement from the administration. I will quote from part of it:

> The administration supports Senate passage of S. 350 which would authorize appropriations to assess and clean up certain abandoned industrial sites known as brownfields and provide protection from liability for certain landowners. By removing barriers to brownfield cleanup and redevelopment, S. 350 would allow communities to reduce environmental and health risks, capitalize on existing infrastructure, attract new businesses and jobs, and improve their tax base.

We are pleased to have that statement of support.

Before I yield to Senator REID for final remarks before the vote, I thank Senator REID again and all of the members of the committee, Senator CHAFEE, Senator BOXER, and all those who worked with me to bring this to closure. It has been a pleasure. I have enjoyed it. It was a long ride, but we finally got to the end. We are glad we did. The country will be the beneficiary of our actions.

It is nice to know that a piece of legislation, once it passes, will have immediate results for almost any community in America. There are so many sites. There are probably very few communities that do not have a brownfield site, which is an abandoned industrial site.

I will be pleased when the bill is signed and when the dollars start to flow, not just from the few dollars we have in the Federal process but from the investments that will be made by the private sector because these folks will now be able to go onsite and clean them up.

I am excited about the bill. I am glad we are at the end. I am happy to hand it over to the House now and wait for them, and hopefully, if there is a conference, it will be an easy one.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want to take a minute to express my appreciation to the Senator from Delaware for being a member of the committee. Senator CARPER and I came to Washington together, along with the Presiding Officer, in 1982. When he was elected to the Senate, I was very happy. He was a great Member of the House of Representatives and a tremendous Governor.

I was happy to visit the State of Delaware on a number of occasions and work with the Governor of Delaware. The people of Delaware are very fortunate to have someone of the caliber of TOM CARPER representing them in the Senate. He is a great addition to JOE BIDEN. They are good Senators. I do not know how you can do better than the two Senators from the State of Delaware.

Senator CARPER's work on the committee and on this bill has been exemplary. He reached out on a bipartisan basis to Senators CRAPO and VOINOVICH. He and Senator VOINOVICH were fellow Governors. As a result of his advocacy, he worked very hard with Senator VOINOVICH to satisfy the problems he had with this bill. I express my appreciation to the Senator from Delaware.

I was very happy to hear from Senator SMITH that we do now have a statement from the administration on this legislation. This is, in effect, icing on the cake. This legislation has been long in coming. The prior administration tried very hard to get it before the Congress. For various procedural reasons, we were unable to do so for 2 years. On a bipartisan basis, the committee was able to report this important legislation for consideration by the Senate.

This legislation is representative of how we should operate in the Senate. It is a bill we recognize was controversial. It is a bill about which we recognize there were disparate views in the committee, and we also realize the Senate was divided 50/50, just as the Environment and Public Works Committee was divided 50/50. Republicans reached Democrats, Democrats reached Republicans, and we came up with this legislation.

This is very good legislation; 500,000 sites in America will benefit from this legislation. Billions of dollars will go to local communities. Hundreds of thousands of jobs, in fact 600,000 jobs, will be required to clean up these sites. This is important because, as we indicated earlier this morning, there are corner service stations in urban areas upon which nothing can be built. People will not touch them because they are an old service station and there may be Superfund liability. This legislation takes care of that.

Corner service stations all over America will be cleaned up and something built which will contribute to the local community.

There are dry cleaning establishments all over America. We do not have big dry cleaners. They are all small. All over America we have old dry cleaning establishments. New businesses will not touch them because of possible Superfund liability. This legislation takes care of all that.

This is what the American people want in sending us an equally divided Senate. This is what the people deserve. This legislation will go a long way toward making people feel good about Government.

It has been a pleasure working with the Senator from New Hampshire, as I have already stated. This is a joint effort. I commend and applaud the chairman of the subcommittee, Senator CHAFEE, and the ranking member of the subcommittee, Senator BOXER, for their outstanding work.

Mr. President, have the yeas and nays been ordered on this matter?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, amendment No. 352 is agreed to.

The amendment (No. 352) was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute, as amended, is agreed to.

REGARDING CONSULTATION WITH THE STATES ON NEW INFORMATION

Mr. VOINOVICH. Mr. President, I would like to take this opportunity to clarify some issues related to the Brownfields Revitalization and Environmental Restoration Act. Is it the Chairman's understanding that the exception under which the President may bring an enforcement action following new information becoming available is to occur after the Administrator has consulted with the State?

Mr. SMITH of New Hampshire. My colleague from Ohio is correct. The managers' amendment clarifies the role of the State when new information has become available. Specifically, the Administrator must consult with the State before an enforcement action can be taken. Additionally, the State's records must be consulted to determine whether the new information was known by the State as defined in the legislation.

Mr. VOINOVICH. Is it also correct that this provision does not limit the Administrator of the EPA from making a determination, based on new information, that the conditions at the facility present a threat that requires further remediation?

Mrs. BOXER. Yes, The managers' amendment states that consultation with the State shall not limit the ability of the Administrator in making a determination, as the result of new information, that contamination or conditions at a facility present a threat requiring further remediation to protect public health or welfare or the environment. Consultation with the State is important and is addressed in this section and other portions of the bill. It is not intended, however, to be an open-ended process. Consultation should not delay or prohibit the Administrator's ability to determine that a site presents a threat that requires further remediation.

Mr. REID. I am very pleased that we were able to resolve the concerns raised by my colleague Mr. VOINOVICH at the Committee markup, and wish to thank him for working with us to reach this resolution.

Mr. VOINOVICH. I thank my colleagues for clarifying the role of the States in making these determinations.

REGARDING PETROLEUM SITES

Mr. INHOFE. Mr. President, I would like to ask the chairman and ranking member if they agree with my interpretation of the Inhofe amendment adopted as part of the managers' package.

This amendment ensures that certain sites that have been contaminated by petroleum or petroleum products, "petroleum contaminated", will be eligible for funding under title I of this bill, by expressly adding these sites to the definition of "brownfield sites," and specifically authorizing funding for the characterization, assessment and remediation of these sites. These petroleum-contaminated sites must meet several conditions to be eligible for funding under this new provision.

First, the site must be relatively low risk, as compared with other petroleum-only sites in the State. This provision does not presuppose that each State has conducted a ranking of its petroleum sites, or require that it do so. Rather, we are aware that most States already have experience in making determinations as to which petroleum contaminated sites pose the greatest risk, under section 9003(h)(3) of the Solid Waste Disposal Act (SWDA), States are directed to prioritize sites for corrective action based on "which pose the greatest threat to human health and the environment." The Committee contemplates that States will be able to use similar approaches to those used under section 9003(h)(3) to identify sites that are appropriately covered by this provision, those that are relatively low risk.

Section 9003(h)(3) of the Solid Waste Disposal Act directs states, who are authorized under section 9003(h)(7), to prioritize underground storage tank, "UST", sites. Under 9003(h)(3), a priority for remediation is given to UST sites which pose the greatest threat to human health and the environment, as determined by those States. The new section 128(a)(D)(ii)(II) of S. 350 addresses sites that meet all of the following conditions: there are no viable responsible parties, otherwise known as abandoned sites; the petroleum site is not subject to an order under section 9003(h) of SWDA; and the petroleum contamination is relatively low risk. Relatively low risk should be determined by comparing the relative risk of a given site to UST and other petroleum contaminated sites in that State. The determination as to whether a particular site meets the "relatively low risk" criterion will be made by the entity that is awarding the grant or loan to the person doing the work.

Funds authorized under the new section 128(l)(2) shall be used for site remediation, characterization, or assessment. If a site uses funds authorized by section 128(l)(2) to assess a site, and it is later determined (after the assessment) that the site is eligible for other applicable Federal and State funding, funds from those other applicable Federal or State programs shall be used first. This will preserve funds authorized under this bill for sites that do not have access to another source of funding.

Neither this nor any other provision of S. 350, in any way, alters the exclusion of petroleum or petroleum products from the definition of "hazardous substance" under section 101 of CERCLA.

Mr. CRAPO. I commend the Senator from Oklahoma for this amendment and am also interested in knowing if this interpretation is consistent with the intent of the chairman and the ranking member of the Environment and Public Works Committee.

Mr. SMITH. The Senator from Oklahoma's interpretation of the amendment is consistent with my interpretation of the provisions and I am pleased we were able to include it in the manager's amendment.

Mr. REID. I agree with the chairman. I hope that this section will provide an additional tool for addressing abandoned petroleum sites. The bill includes mechanisms to allow us to evaluate how this and other provisions of the bill are working, and whether the funding levels are sufficient.

Mr. BOND. I'd like to thank the chairman and ranking member for their cooperation on this amendment and commend the Senator from Oklahoma for his leadership on this important initiative, which will provide a vital tool for brownfields cleanups.

REGARDING "CONTRACT CARRIAGE" AND "SPUR TRACK" ISSUES

Mr. INHOFE. Mr. President, as we have discussed here today, I hope there will be additional opportunities for the committee to consider needed legislative changes to sections of Superfund that are not related to brownfields.

There are two such changes which clarify liability for common carriers and rail spur track owners I would like to bring to your attention which this committee has favorably considered in past Superfund bills.

The first provision would conform the existing law to the industry's current practice of using contract carriage agreements by clarifying that a railroad would not be liable for the transportation of hazardous substances under the terms of a contract with a shipper who later mishandles the commodity. This is a technical amendment which is necessary to reflect the fact that most rail shipments today move under the terms of transportation contracts, not tariffs, as was the case when CERCLA was first enacted in 1980.

The second issue addresses contamination on or around spur tracks, which run to and through shipper facilities. The current law states that railroads can be potentially liable as landowners for such contamination even when it is caused by a shipper. This change would hold the railroad liable only if the railroad caused or contributed to the release of the hazardous substance.

Both these issues recognize that a railroad, as a common carrier, should not be liable when it cannot control its customer's handling of hazardous substances, and the customer's actions result in the release of a hazardous substance that creates CERCLA liability.

These noncontroversial changes are simple and needed reforms to the Superfund law, and I would hope you could support including these provisions in later Superfund legislation or even, if the opportunity presents itself as part of this brownfields bill.

Mr. SMITH of New Hampshire. I would say to my good friend that I agree with these provisions and have, in fact, supported them in the past. I will continue to support them, but as we have discussed it will be difficult to include them in the brownfields bill. I would certainly support the inclusion of these provisions in any Superfund legislation that the committee acts on later this year.

Mr. INHOFE. I thank the chairman for his support on these two provisions.

REGARDING ENVIRONMENTAL INSURANCE

Mr. REID. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority member and the Environment and Public Works Committee chairman in helping craft this brownfields bill. I would like to clarify one matter in the managers' amendment regarding the use of funding under this bill to purchase certain environmental insurance at brownfield sites.

S. 350 clarifies that a person who receives federal funds for characterization, assessment and cleanup of a brownfield site, and is performing that work, will be able to use a portion of that money to purchase insurance for the characterization, assessment or remediation of that site. While I believe this can be a valuable tool, I would like to ensure that the limited brownfield funding is maximized to facilitate cleanup and reuse of as many sites as possible.

I would like to confirm with the chairman of the Subcommittee on Superfund, Waste Control, and Risk Assessment that the language is limited to the purchase of environmental insurance by persons performing the actions, that the purchase of environmental insurance is intended to be a relatively minor percentage of the overall costs at a site, and that its primary purpose is to insure against costs of assessment, characterization and cleanup being higher than anticipated.

Mr. CHAFEE. Mr. President, the Senator from Nevada is correct. This provision is intended only to clarify that a person performing the characterization, assessment, or cleanup can use federal assistance to purchase environmental insurance such as cost-cap insurance, which is one of the most frequently used policies at brownfield sites. Such a policy would cover the costs of cleanup if the actual costs exceeded estimated costs. It is my understanding that this clarifies EPA's current practice. This protection can give a developer the necessary comfort to invest in a site. In addition, the purchase of such environmental insurance with federal assistance is not intended to be a significant portion of the overall assessment, characterization, or cleanup costs at a site. The Senator from Nevada also is correct regarding the purpose of these policies: no portion of the funding under this bill would be available for other types of insurance.

Mr. REID. Mr. President, I appreciate the chairman's clarification of this matter.

REGARDING A MECHANISM FOR CITIZENS TO REQUEST STATE OFFICIALS TO ASSESS A POTENTIAL BROWNFIELDS SITE

Mrs. CLINTON. Mr. President, I thank Chairmen SMITH and CHAFEE and Senators REID and BOXER for agreeing to further enhance opportunities for public participation in state brownfields programs under S. 350. Specifically, the bill as amended would provide an opportunity for individuals to request that a nearby brownfields site be assessed under a state program, and for such requests to be considered and responded to in an appropriate manner by the State. Although states complying with the other state program elements in the bill must survey and inventory sites in the state, there may be rare instances when sites are inadvertently overlooked. I am particularly concerned about this happening in communities that may be small or sparsely populated, low-income, minority, or otherwise socially or politically disenfranchised.

This new provision will help to ensure that in those rare circumstances that a site is overlooked in a State's survey process, someone who lives or works in the community can bring a potential brownfields site to the attention of the State and request that the site be assessed under the state's brownfields program. The intent is to provide states with the flexibility to set up this element of their state brownfields program as they best see fit, and the provision does not create an appeals process. Is that your understanding of the provision?

Mr. SMITH of New Hampshire. Yes, that is my understanding of the provision.

Mr. REID. That is my understanding as well.

Mr. VOINOVICH. I agree that it is important for States to be responsive to the concerns of their citizens. As a former Governor of Ohio, I have the unique first-hand experience of dealing with such issues and the role of the state. In fact, Ohio law already requires the state to respond to environmental complaints.

The Ohio Environmental Protection Agency, OEPA, responds under the verified complaint procedure required under State law. Under this statute, the Director of OEPA must take action by expeditiously investigating claims and following up within a specified period of time. If enforcement action is warranted, then the Director must contact the State Attorney General to initiate proper proceedings.

Mr. SMITH of New Hampshire. It is important for a State to be responsive to concerns brought up by its citizens. For example, under the New Hampshire program, if a citizen contacts the Department of Environmental Services, DES, regarding a site, the first and foremost consideration is to carefully assess the potential risk to human health and the environment. Both written and telephone communications are assigned to DES's Special Investigations Section in the Waste Management Division. There are four individuals who are involved in this work and provide round-the-clock coverage.

DES first checks the data base to verify that the inquiry is indeed a new matter and decides, based upon the information offered, the level of risk and hence the immediacy of response required. Departmental protocol governs this practice. An essential element of this approach is based upon the intuitive, knowledgeable sense of the staff person receiving the call. An attempt is made to identify matters that require immediate response from others of a less immediate nature. In the event of a grave emergency, DES or the on-scene commander, may request assistance from EPA's emergency responders.

In the case where a site warrants an emergency response, the citizen inquirer would be given information as soon as the site was in control and the responders or other Division staff could be made available to provide details. If the case is determined to be a new site, the citizen would be responded to when an initial site drive by or on the ground investigation had been made. In this case an inquirer would be told what to expect for a response time, if a response were necessary.

An inquiry related to a known site which was not an emergency situation would be addressed by the assigned Project Manager, who could comment on planned or on-going work at the site and the nature or degree of risk. DES also would seek to determine whether the inquirer had new information that might be relevant. Most often, DES would make an initial response to an individual within 2–3 days.

As you can see, Senator CLINTON, the State of New Hampshire has a very responsive brownfields program that takes seriously all requests and inquires made by its citizens.

Mrs. CLINTON. Thank you, Senator SMITH and Senator VOINOVICH. I think everyone would agree with you that it is important for states to be responsive to citizens' concerns, and that many states are doing just that.

REGARDING INFORMATION

Mr. INHOFE. Mr. President, the "information" referred to in new section 129(b)(1)(B)(iv) of S. 350 pertains to information that indicates that a site presents a threat requiring further remediation to protect public health or welfare or the environment. The committee expects that the Administrator shall use her discretion in determining whether this information is both credible and relevant to the site.

"Information" consists of information not known by the State on the earlier of the date on which cleanup was either approved or completed. The "information" need not be specific to this site; however, it must be relevant to the site in question. After careful consideration of the quality, objectivity and weight of the "information" regarding the site, the Administrator shall decide whether this information is adequate to determine there is a threat to public health or welfare or the environment.

This "information" triggers this section only if the Administrator determines that it indicates that such contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment. Do the chairman and ranking member agree with this interpretation of "information?"

Mr. REID. Yes, that is correct. This provision is intended to ensure that the public health and the environment are protected from such threats.

Mr. SMITH of New Hampshire. I share my colleagues' interpretation of this provision.

REGARDING CATTLE DIPPING VATS

Mr. GRAHAM. Mr. President, I would like to confirm with the chairman and ranking Democratic member of the Environment and Public Works Committee that certain sites in my State would be eligible for the benefits of this important brownfields legislation. In several States, including my State of Florida, there are a number of sites that were contaminated in the early to mid-1900's by chemicals used for tick-prevention measures required by the United States Department of Agriculture. So-called cattle dipping vats were used to eliminate ticks that threatened our Nation's cattle. It is my understanding that these sites would be eligible for the benefits of this important brownfields legislation. Is that your understanding?

Mr. REID. I agree with the Senator from Florida that sites contaminated by the historic practice of dipping cattle to eliminate ticks are eligible for benefits under this bill, so long as any particular site meets the definitions and conditions in the bill.

Under the bill funding is available for assessment and cleanup of "brownfield sites," which are "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." It is my understanding that the sites the Senator describes would meet this portion of the definition of eligible brownfield sites under the bill.

The bill goes on to exclude certain categories of sites, such as those that are listed or proposed for listing on the Superfund National Priorities List, and those that are subject to orders or cleanup requirements under other Federal environmental laws. So long as the sites the Senator refers to are not within any of the exclusions they would be eligible.

Mr. SMITH of New Hampshire. I can appreciate the concerns raised by the Senator from Florida. I agree with Senator REID that sites contaminated as a result of former cattle dipping practices and which meet the definitions and conditions for sites to obtain funding and liability relief under this bill will be eligible for the benefits of this bill.

Mr. GRAHAM. I thank the chairman and ranking Democratic member for that clarification. I believe that since the federal government required these dipping vats to be constructed, the individuals who complied with that federal requirement should be excluded from all liability under Superfund. However, I also believe that the brownfields legislation we are considering today is a critical step forward in our ability to clean-up sites around the country. I look forward to working with both of you and our colleagues on the Environment and Public Works Committee to take additional steps forward in the months to come.

ALASKA NATIVE CORPORATIONS ELIGIBILITY

Mr. STEVENS. Mr. President, I congratulate the Chairman and Ranking Member of the Environment and Public Works Committee for developing a bill that has secured enormous bipartisan support in this Congress. This is an important program for many states.

I have considered cosponsoring the measure. However I withhold sponsorship at this time because there is a problem relative to which native entities in Alaska are eligible for such funding.

Alaska native corporations have no government powers but manage, as private landowners, twelve percent of our state.

The federal government has recognized 229 tribes in Alaska most of which do not have governmental power over land.

The bill is ambiguous as to whether Alaska native corporations, are eligible entities as "Indian Tribes."

I have not raised this with the committee, but do request assurance that the conference will address this matter.

Mr. SMITH of New Hampshire. I would like to work with the Senator on that issue.

EDA AND HUD DEVELOPMENTAL FUNDING

Mr. LEVIN. Mr. President, I would like to engage my colleagues, Senators JEFFORDS, REID, and SMITH from New Hampshire in a colloquy on the Brownfields Revitalization and Environmental Restoration Act of 2001, S. 350. I am a co-sponsor and strong supporter of this brownfields revitalization bill. I commend Senators SMITH, REID, CHAFEE and BOXER for their hard work on crafting bipartisan brownfields legislation which will help communities return these former commercial and industrial properties back to productive use. The financial incentives and statutory reforms provided in S. 350 will dramatically improve our communities' efforts to redevelop brownfields.

As cochairmen of the Senate Smart Growth Task Force, Senator JEFFORDS and I will introduce bills to complement S. 350 by providing communities with economic resources to redevelop brownfield sites. Our first proposal would expand efforts of the Department of Commerce's Economic Development Administration, or EDA, to assist distressed communities. The bill will provide EDA with a dedicated source of funding for brownfields redevelopment and increased funding flexibility to help States, local communities and nonprofit organizations restore these sites to productive use. Our second proposal would permit the Department of Housing and Urban Development to make brownfields economic development initiative grants independent of economic development loan guarantees, and set-aside a portion of the funding for smaller communities. I hope that Senators SMITH and REID will work with us to get our proposed legislation enacted.

These proposals would be very complementary to S. 350. Economic development funding through EDA and HUD along with the financial resources and liability clarifications contained in S. 350 would provide communities with the help they need to return brownfields to productive uses. Together, our proposals and S. 350, would provide communities with the financial assistance needed to leverage private investment in brownfields and accelerate reuse.

A number of national economic development organizations support this proposal, including the US Conference of Mayors, National League of Cities, National Association of Counties, National Association of Development Organizations, National Association of Regional Councils, National Association of Towns and Townships, Enterprise Foundation, National Congress for Community Economic Development, Smart Growth America, Council for Urban Economic Development, National Association of Installation Developers, and the National Business Incubator Association.

Mr. JEFFORDS. Mr. President I join my colleague, Mr. LEVIN, in commending Senators SMITH of New Hampshire, CHAFEE, REID, and BOXER for their efforts to promote brownfield revitalization. I am a co-sponsor and strong supporter of S. 350, and believe this legislation is long overdue.

Senator LEVIN and I have been working on complementary legislation. The proposal would provide the Economic Development Administration (EDA) with a formal channel of funding to help communities turn brownfields environmental liabilities into economic assets. This legislation would provide targeted assistance to projects that redevelop brownfields. EDA funding for brownfields will help communities get the financial assistance needed to leverage private investment in brownfields. With over 450,000 brownfields sites nationwide, it is imperative that the federal government assist local cleanup efforts that in turn will stimulate economic revitalization.

The second legislative proposal addresses requirements on the Department of Housing and Urban Development's (HUD) Brownfields Economic Development Initiative (BEDI) grant program that are hampering small city brownfields revitalization efforts. BEDI's required link to Section 108 serves as a deterrent to many small towns in Vermont and throughout the nation, who do not have the resources to commit to brownfields. Our bill would permit HUD to make grants available independent of economic development loan guarantees.

I am very hopeful that the Chairman and Ranking Member of Committee on Environment and Public Works will work with us to advance this important legislative initiatives.

Mr. REID. Mr. President, I would like to thank my colleague from Michigan, Mr. LEVIN, and my colleague from Vermont, Mr. JEFFORDS, for their strong support of S. 350 and commend them for their efforts to provide communities with economic development resources to redevelop brownfields. I commit to my colleagues, Mr. LEVIN and Mr. JEFFORDS, that I will work with Senator SMITH to have a hearing on their Economic Development Administration brownfield proposal. I look forward to working with them to explore options to further address the reuse of brownfields and look forward to working with them to protect our communities.

Mr. SMITH of New Hampshire. I thank Mr. JEFFORDS and Mr. LEVIN for their support and co-sponsorship of S. 350. I appreciate their efforts to craft legislation complementary to S. 350. As such, I will look closely at their proposals and work with them to further advance the issue of brownfield redevelopment.

INDIAN TRIBES

Mr. BINGAMAN. Will the Senator from Nevada yield for a question?

Mr. REID. I yield.

Mr. BINGAMAN. I thank the Senator. Mr. President, I believe that this is a good piece of legislation that will promote the cleanup and reuse of business and industrial sites that now stand essentially abandoned. I would just like to clarify one point. I note that throughout much of the Bill any reference to 'States' is accompanied by a reference to 'Indian Tribes'. However, this is not the case in section 129(b)(1)(B)(ii), as added by section 301 of the Bill, regarding federal enforcement actions in the event of contamination migrating across a State line. Could the Senator confirm that it is the intention of the legislation that references in that section to 'States' should extend to 'Indian Tribes'?

Mr. REID. Yes Senator, that is the intention.

Mr. BINGAMAN. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Hutchinson

The bill (S. 350), as amended, was passed, as follows:

S. 350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2001".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.
Sec. 202. Prospective purchasers and windfall liens.
Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.
Sec. 302. Additions to National Priorities List.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) Definition of Brownfield Site.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) Brownfield site.—

"(A) In general.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"(B) Exclusions.—The term 'brownfield site' does not include—

"(i) a facility that is the subject of a planned or ongoing removal action under this title;

"(ii) a facility that is listed on the National Priorities List or is proposed for listing;

"(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

"(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(v) a facility that—

"(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(vi) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(viii) a portion of a facility—

"(I) at which there has been a release of polychlorinated biphenyls; and

"(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) Site-by-site determinations.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) Additional areas.—For the purposes of section 128, the term 'brownfield site' includes a site that—

"(i) meets the definition of 'brownfield site' under subparagraphs (A) through (C); and

"(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

"(bb) is a site determined by the Administrator or the State, as appropriate, to be—

"(AA) of relatively low risk, as compared with other petroleum-only sites in the State; and

"(BB) a site for which there is no viable responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

"(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

"(III) is mine-scarred land.".

(b) Brownfields Revitalization Funding.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

"(a) Definition of Eligible Entity.—In this section, the term 'eligible entity' means—

"(1) a general purpose unit of local government;

"(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(3) a government entity created by a State legislature;

"(4) a regional council or group of general purpose units of local government;

"(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(6) a State; or

"(7) an Indian Tribe.

"(b) Brownfield Site Characterization and Assessment Grant Program.—

"(1) Establishment of program.—The Administrator shall establish a program to—

"(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

‘‘(B) perform targeted site assessments at brownfield sites.

‘‘(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

‘‘(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

‘‘(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

‘‘(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

‘‘(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

‘‘(A) eligible entities, to be used for capitalization of revolving loan funds; and

‘‘(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

‘‘(2) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

‘‘(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

‘‘(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

‘‘(3) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

‘‘(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

‘‘(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

‘‘(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

‘‘(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

‘‘(E) such other similar factors as the Administrator considers appropriate to consider for the purposes of this section.

‘‘(4) TRANSITION.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

‘‘(d) GENERAL PROVISIONS.—

‘‘(1) MAXIMUM GRANT AMOUNT.—

‘‘(A) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

‘‘(i) IN GENERAL.—A grant under subsection (b)—

‘‘(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

‘‘(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

‘‘(ii) WAIVER.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

‘‘(B) BROWNFIELD REMEDIATION.—

‘‘(i) GRANT AMOUNT.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

‘‘(ii) ADDITIONAL GRANT AMOUNT.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

‘‘(I) the number of sites and number of communities that are addressed by the revolving loan fund;

‘‘(II) the demand for funding by eligible entities that have not previously received a grant under this section;

‘‘(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

‘‘(IV) such other similar factors as the Administrator considers appropriate to carry out this section.

‘‘(2) PROHIBITION.—

‘‘(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

‘‘(i) a penalty or fine;

‘‘(ii) a Federal cost-share requirement;

‘‘(iii) an administrative cost;

‘‘(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

‘‘(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup.

‘‘(B) EXCLUSIONS.—For the purposes of subparagraph (A)(iii), the term ‘administrative cost’ does not include the cost of—

‘‘(i) investigation and identification of the extent of contamination;

‘‘(ii) design and performance of a response action; or

‘‘(iii) monitoring of a natural resource.

‘‘(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

‘‘(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

‘‘(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

‘‘(4) INSURANCE.—A recipient of a grant or loan awarded under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that site.

‘‘(e) GRANT APPLICATIONS.—

‘‘(1) SUBMISSION.—

‘‘(A) IN GENERAL.—

‘‘(i) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

‘‘(ii) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

‘‘(B) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

‘‘(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

‘‘(2) APPROVAL.—The Administrator shall—

‘‘(A) at least annually, complete a review of applications for grants that are received from eligible entities under this section; and

‘‘(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

‘‘(3) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

‘‘(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

‘‘(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

‘‘(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment, including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants.

‘‘(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

‘‘(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

‘‘(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

‘‘(G) The extent to which the applicant is eligible for funding from other sources.

‘‘(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

‘‘(I) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

‘‘(J) The extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

"(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities or nonprofit organizations to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

"(2) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

"(g) AUDITS.—

"(1) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

"(2) PROCEDURE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

"(3) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

"(A) terminate the grant or loan;

"(B) require the person to repay any funds received; and

"(C) seek any other legal remedies available to the Administrator.

"(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).

"(h) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

"(i) AGREEMENTS.—Each grant or loan made under this section shall—

"(1) include a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section, as determined by the Administrator; and

"(2) be subject to an agreement that—

"(A) requires the recipient to—

"(i) comply with all applicable Federal and State laws; and

"(ii) ensure that the cleanup protects human health and the environment;

"(B) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

"(C) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

"(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

"(j) FACILITY OTHER THAN BROWNFIELD SITE.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

"(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

"(1) this Act (including the last sentence of section 101(14));

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

"(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).".

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) CONTIGUOUS PROPERTIES.—

"(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

"(A) IN GENERAL.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

"(i) the person did not cause, contribute, or consent to the release or threatened release;

"(ii) the person is not—

"(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

"(II) the result of a reorganization of a business entity that was potentially liable;

"(iii) the person takes reasonable steps to—

"(I) stop any continuing release;

"(II) prevent any threatened future release; and

"(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

"(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action or natural resource restoration at the vessel or facility);

"(v) the person—

"(I) is in compliance with any land use restrictions established or relied on in connection with the response action at the facility; and

"(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

"(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

"(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

"(viii) at the time at which the person acquired the property, the person—

"(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

"(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

"(B) DEMONSTRATION.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

"(C) BONA FIDE PROSPECTIVE PURCHASER.—Any person that does not qualify as a person described in this paragraph because the person had, or had reason to have, knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

"(D) GROUND WATER.—With respect to a hazardous substance from 1 or more sources that are not on the property of a person that is a contiguous property owner that enters ground water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

"(2) EFFECT OF LAW.—With respect to a person described in this subsection, nothing in this subsection—

"(A) limits any defense to liability that may be available to the person under any other provision of law; or

"(B) imposes liability on the person that is not otherwise imposed by subsection (a).

"(3) ASSURANCES.—The Administrator may—

"(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

"(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).".

SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

"(40) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

"(A) DISPOSAL PRIOR TO ACQUISITION.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

"(B) INQUIRIES.—

"(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

"(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

"(iii) RESIDENTIAL USE.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

"(C) NOTICES.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) CARE.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

"(i) stop any continuing release;

"(ii) prevent any threatened future release; and

"(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

"(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions or natural resource restoration at the vessel or facility).

"(F) INSTITUTIONAL CONTROL.—The person—

"(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

"(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

"(G) REQUESTS; SUBPOENAS.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

"(H) NO AFFILIATION.—The person is not—

"(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

"(I) any direct or indirect familial relationship; or

"(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

"(ii) the result of a reorganization of a business entity that was potentially liable.".

(b) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

"(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

"(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) LIEN.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the owner, obtain from the owner a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

"(3) CONDITIONS.—The conditions referred to in paragraph (2) are the following:

"(A) RESPONSE ACTION.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

"(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

"(4) AMOUNT; DURATION.—A lien under paragraph (2)—

"(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of—

"(i) satisfaction of the lien by sale or other means; or

"(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.".

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the second sentence—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) REASON TO KNOW.—

"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release;

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2001, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional.

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

"(VI) Visual inspections of the facility and of adjoining properties.

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(iv) INTERIM STANDARDS AND PRACTICES.—

"(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

"(aa) any specialized knowledge or experience on the part of the defendant;

"(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

"(cc) commonly known or reasonably ascertainable information about the property;

"(dd) the obviousness of the presence or likely presence of contamination at the property; and

"(ee) the ability of the defendant to detect the contamination by appropriate inspection.

"(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

"(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

"(41) ELIGIBLE RESPONSE SITE.—

"(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

"(B) INCLUSIONS.—The term 'eligible response site' includes—

"(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

"(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

"(I) protect human health and the environment; and

"(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(C) EXCLUSIONS.—The term 'eligible response site' does not include—

"(i) a facility for which the President—

"(I) conducts or has conducted a preliminary assessment or site inspection; and

"(II) after consultation with the State, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the National Priorities List, or that the site otherwise qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

"(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.".

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"SEC. 129. STATE RESPONSE PROGRAMS.

"(a) ASSISTANCE TO STATES.—

"(1) IN GENERAL.—

"(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(B) USE OF GRANTS BY STATES.—

"(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

"(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

"(II) purchase insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

"(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

"(A) Timely survey and inventory of brownfield sites in the State.

"(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

"(i) a response action will—

"(I) protect human health and the environment; and

"(II) be conducted in accordance with applicable Federal and State law; and

"(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

"(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities;

"(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities; and

"(iii) a mechanism by which—

"(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site located in the community in which the person works or resides may request the conduct of a site assessment; and

"(II) an appropriate State official shall consider and appropriately respond to a request under subclause (I).

"(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

"(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.— Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

"(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

"(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

"(B) EXCEPTIONS.—The President may bring an administrative or judicial enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

"(i) the State requests that the President provide assistance in the performance of a response action;

"(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

"(iii) after taking into consideration the response activities already taken, the Administrator determines that—

"(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

"(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

"(iv) the Administrator, after consultation with the State, determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment. Consultation with the State shall not limit the ability of the Administrator to make this determination.

"(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

"(D) EPA NOTIFICATION.—

"(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

"(I) notify the State of the action the Administrator intends to take; and

"(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

"(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

"(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

"(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

"(II) the State is planning to abate the release or threatened release, any actions that are planned.

"(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

"(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

"(2) SAVINGS PROVISION.—

"(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

"(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

"(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

"(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

"(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after February 15, 2001.

"(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

"(1) this Act, except as provided in subsection (b);

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).".

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

"(h) NPL DEFERRAL.—

"(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

"(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

"(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

"(ii) that will provide long-term protection of human health and the environment; or

"(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

"(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

"(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

"(A) the complexity of the site;

"(B) substantial progress made in negotiations; and

"(C) other appropriate factors, as determined by the President.

"(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

"(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

"(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

"(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.".

Mr. SMITH of New Hampshire. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

S. 1, BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

Mr. HATCH. Mr. President, I rise today to speak on the subject of education, a subject about which we have been hearing a good deal in the past several months.

I commend President Bush for putting forth a credible plan for education improvement. The Bush Administration has worked with colleagues on both sides of the aisle to craft a policy compromise which will go along way to securing that all children have access to quality education. I also commend the distinguished Chairman of the Health, Education, Labor and Pensions, HELP, Committee for his tireless work on this issue. As former chairman of the then Labor Committee, I know my friend from Vermont has a job roughly akin to herding cats.

I also appreciate the Majority Leader's diligence and persistence in continuing to bring this measure up for Senate consideration and his efforts at brokering a compromise.

President Bush has made it a priority to ensure that State and local education agencies have the discretion to make key decisions on how education dollars are spent. I support the President's approach. I have often said that we should not be second guessing on a federal level the ability of State and local school boards, educators and parents to direct the education of students.

President Bush has made it a priority to link a reduction in the ridiculous amount of red-tape that State and local education agencies face with real accountability measures.

Paperwork reduction is a decidedly pro-teacher priority, 80 percent of our nation's educators say that paperwork is their number one headache. Teachers just want to teach, not fill out forms or go to meetings required by federal regulations.

The President has made yearly testing a priority and I commend him for that. In my State of Utah, we have already begun implementing an annual test. The Utah Performance Assessment System for Students, U-PASS, requires a statewide criterion referenced test for all students, grades 1st through 12th in reading, language arts, and math. I am proud that, once again, Utah educators are ahead of the curve when it comes to education innovation and reform.

I sincerely hope that my colleagues on the other side of the aisle will not stall, delay or prevent the reauthorization of the Elementary and Secondary Education Act, or as it is now called, BEST, the Better Education for Students and Teachers Act. We really need to pass this bill and set the country on a path toward meaningful education progress.

The need for reform is great. A recent report from the National Center for Education Statistics, NAEP, concluded that reading scores for 4th and 12th graders failed to improve over their 1992 levels. This study also concluded that 58 percent of disadvantaged children in 4th grade scored at the "below basic" level.

There also is an alarming disparity in skills between white students and African American students. According to the National Center for Education Statistics, achievement gaps between white and African-American 9-year-old students have not narrowed since 1975. The score gap in reading narrowed to its lowest, 18 points in 1988, and has since widened to 29 points in 1999. For 17-year-old students, the gap in reading was also its lowest in 1988, 20 points and has since widened to 31 points in 1999.

Clearly, the challenge is before us. And yes, we can do better.

Many local school districts are struggling. They are struggling with class sizes that are too large and school buildings that are too small or dysfunctional. They are struggling to provide books, materials, and equipment that are appropriate for the 21st century.

They are struggling with resources, so they can pay their teachers better, increase professional development for educators, and provide essential music, art and sports opportunities for students as well. They are struggling with transportation needs, especially in many rural Utah communities where children can be bused as many as 100 miles round-trip a day.

There is not a Senator in this body who doesn't want to help solve these problems. Certainly, I have been a long-time advocate of federal support for education, and I will continue to make that a top priority.

I honestly believe that colleagues on both sides of the aisle sincerely and with good intentions want children to attend clean, safe schools with state of the art technology and teachers who are appreciated and well paid in reasonably sized classrooms and up-to-date textbooks.

Sometimes, when the rhetoric gets too hot around these deeply felt issues, I think it would behoove us all to remember that no one gets elected to serve as an anti-education Senator.

So, if we are all pro-education then why the debate? Because, of course, while we all agree on the merits of reform and we all want education progress, we disagree on the means to achieve this goal. We cannot afford to tie this bill up in partisan gridlock over a debate on how much funding to provide. Where there is a will, there is a way, and we simply have to find that way or we will be letting the American public down.

While there are good intentions on all sides, some of my colleagues honestly feel that education policy is best met at the federal level and that the answer to every education challenge is a new federal program. Others of us have markedly differing views.

I sincerely believe that State and local officials in Utah's 40 school districts and 763 public schools are the best ones to decide whether or not to target federal money on school construction, technology improvements, hiring new teachers, or anything else.

I trust the people of Utah to make these decisions. And, I believe Utahns are perfectly capable of debating these issues locally and choosing a course.

I have repeatedly said that Utah does more with less than any State in the nation. Utah is a worst case scenario when it comes to school finance, yet we consistently rank highly on student performance measures. We must be doing something right!

Actually, I think we are doing a lot that is right, and one of the things that Utah parents do right is spend a lot of time with their children. An integral part of Utah's way of life involves family-centered activities. This clearly has spill-over benefits for schools.

Utah can claim some well-deserved bragging rights. For example:

Utah is first in the nation in both advanced placement participation and performance on a per capita basis.

Utah's dropout rates are substantially lower than the nation's as a whole.

In the Statewide Testing Program, the performance of Utah students on the Stanford Achievement Test exceeds national performance in mathematics, reading, science reasoning, and the composite score.

Since 1984, Utah high school graduates have taken increasingly more rigorous programs of study with substantial increases in such areas as mathematics and foreign language.

Utah is second in the nation in the percentage of its adult population holding a high school diploma.

Utah has made a number of important commitments to advancing technology in education.

Utah provides incentives for school districts to acquire technology infrastructure.

Utah installs Internet connections at every school and pays most of the line charges.

Utah has launched a number of professional development efforts.

Utah provides in-service training opportunities and requires pre-service teachers to complete a technology course as part of their preparation program.

Utah parents are educated and informed and take an active role in educating their children. I firmly believe that this is one of the reasons why Utah students perform so well.

But, what we need in my State is not a federal superintendent looking over the shoulder of our State-elected or locally elected school boards. We need additional resources, plain and simple. But, resources with so many strings attached bog us down. Give us the flexibility to manage these resources and apply them to the areas of greatest need in our State. Measure our children's educational progress. We will meet the challenge.

I look forward to a challenging and informative debate. It is my sincere hope that we will be successful in crafting legislation which will genuinely put children first. Children are America's greatest asset, and our future depends on their educational excellence. We must ensure that no child is left behind. We must ensure that the achievement gap is closed between disadvantaged children and their peers. We must ensure that every child in this country is prepared for the challenges and opportunities that await them in the years to come. For it we fail, we have failed not only ourselves, but future generations.

I am confident we are up to the task.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator Kennedy last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred on November 6, 1998 in Seattle, Washington. A gay man was severely beaten with rocks and broken bottles in his neighborhood by a gang of youths shouting "faggot." The victim sustained a broken nose and swollen jaw. When he reported the incident to police two days later, the officer refused to take the report.

I believe that government's first duty is to defend its citizens—to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

VA CONTINUES TO LEAD THE NATION IN END-OF-LIFE CARE

Mr. ROCKEFELLER. Mr. President, I am committed to focusing a spotlight on the good work of the Department of Veterans Affairs, VA, in the area of long-term care. VA has hidden its light under a barrel for too long.

The federally funded VA health care system, out of necessity, has developed some of the most innovative ways to care for older people. The necessity arises because approximately 34 percent of the total veteran population is 65 years or older, compared with approximately 13 percent of the general population. And by the year 2010, 42 percent of the veteran population will be 65 years or older.

As a result of this demand, VA has led the nation in developing adult day health care programs, standardized clinical treatment protocols and specialized units for Alzheimer's patients, home-based services, and respite care. Our older veterans are leading richer lives because of these innovations.

Today, I wish to highlight the Alzheimer's unit at the Salem VA hospital, which has received extraordinary praise from the son of a veteran who was treated there for Alzheimer's.

I know firsthand how difficult it is to care for a loved one afflicted by Alzheimer's. The special needs of Alzheimer's patients are all too frequently misunderstood and therefore go unmet. It seems, however, that the VA is up to the challenge. The family members of this particular veteran found the care at the VA hospital to be first-rate, humane and loving. By all accounts, the veteran suffering from Alzheimer's was well cared for up until the very end.

To quote from the article, "His daily needs were met by the staff less from obligation or duty than from true, honest caring. His aimless wandering was confined behind secured doors, without restraints, thank goodness. Dad's sleepless nights and constant babbling were 'normal' there. The staff was unshaken by any of his peculiar behavior."

The Salem VA Alzheimer's unit is not one of a kind, thankfully. Approximately 56 VA hospitals have specialized programs for the care of veterans with dementia. These programs include inpatient and outpatient dementia diagnostic programs, behavior management programs, adapted work therapy programs for patients with early to mid-stage dementia, Alzheimer's special care units within VA nursing homes (like Salem's) and transitional care units, and model inpatient palliative care programs for patients with late stage dementia. There are also various programs for family caregivers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

Those who would benefit by capitalizing on VA's long-term care expertise are the health organizations, including academic medicine and research entities, with which VA is now connected, and the rest of the U.S. health care system. Ultimately, this expertise can benefit all Americans who will need some form of long-term care services.

As Ranking Member of the Committee on Veterans' Affairs, I am enormously proud of VA's efforts in end-of-life care. However, I have always been dismayed that my colleagues here in the Senate remain for the most part unaware of VA's good work in this area. Those of us in the health policy arena should sit up and take notice. We simply must stay ahead of the curve and explore the various ways to provide such care, so all Americans will have the best choices available to them at the time they need them.

I ask consent that a Roanoke Times article on VA Alzheimer's care by Wayne Slusher, son of a veteran cared for at the Salem VA hospital, be printed in the RECORD along with a press release on VA's newest end-of-life care program, a fellowship in palliative care.

The material follows:

[From the Roanoke (VA) Times, Apr. 1, 2001]

SUCCUMBING TO ALZHEIMER'S—IN THE HANDS OF THE VA, A DECLINING FATHER GOT GENUINE CARE

(By Wayne Slusher)

It started out seemingly innocent enough. Wrong turns on familiar roads, daily tasks forgotten and numerous other little things not so significant as to send up red flags, but still enough that it registered in the back of the mind that something was not quite right.

In the years following, it got worse. Faucets left on, asking for dinner an hour after leaving the table, inability to use the phone, failing to recognize home, and on and on. It had happened.

"If anything ever happens to me," my father would say time and time again, "you take me to the VA." It was a frequent topic, since Dad was a deacon in his church and spent a great deal of time visiting with the sick and the elderly members in the community.

You spend your whole life hearing it, but reject the idea that you'll actually have to act on it, much less take him to the Veterans Affairs Medical Center so far from his home. Even well-intentioned friends asked, "Why the VA?"

But then, it had happened, and we decided that going to the VA for help was what he had always wanted. There was something so intrinsically important about honoring his wish, especially when he was at a point of mental incapacity such that he could no longer contribute to decision-making even about himself.

So, in the middle of the night, we took him to the emergency room. As we sat in the waiting room, Dad thought he was in a train station on his way to visit old Army buddies, and he was deliriously happy. Instead, the visit was with a doctor who quickly determined that admission to the hospital was warranted.

We doubt Dad ever fully understood what transpired that evening. Leaving him there was one of the most difficult tasks any of us had ever had to do.

That would be the beginning of our relationship with the VA and, in particular, the staff providing services for those with various levels of dementia.

Right away, we learned that the building to which he was assigned was filled not only with people just like himself, but also employed a staff of extremely skilled healthcare professionals who began the difficult job of taking care of my father.

His daily needs were not met by the staff less from obligation or duty than from true, honest caring. His aimless wandering was confined behind secured doors—without restraints, thank goodness. Dad's sleepless nights and constant babbling were "normal" there. The staff was unshaken by any of his peculiar behaviors. The specially designed area provided as much of a homelike atmosphere as possible, with bright colors, hanging plants and murals on walls. The unit was always clean, always tidy.

The initial few weeks were full of all sorts of cognitive tests, blood tests and scans. As the results of each test came in, they ruled out, one by one, any chemical imbalances or other underlying culprit that might bring on his state of confusion. If there was a remote possibility, it was tested for. Indeed, the unthinkable had happened. Only now it had an official name: Alzheimer's.

In the months that followed, we watched the VA staff do everything it could for Dad: bathing, dressing, feeding, changing and hundreds of other daily tasks. Different medications were tried, and in different combinations and at different dosages, but his dementia had a mind of its own, for lack of a better term. What had worked yesterday didn't work today.

Each visit, Dad would be brought out to the visitation area—a bright, sunny room with lots of plants, park benches and a garden scene painted on the walls by the gifted wife of another patient. The staff was always as glad to see us as we were to see them, and it was during those months that we began to realize that Dad, for all those years, had been absolutely right about where he needed to be if it ever happened.

The doctors, physician assistants, nurses, social workers, occupational therapists, dieticians and others associated with dementia services became more like family. It was medicine administered in equal portions from the head and from the heart. As Dad's mental state skidded deeper into a quagmire, not one member of the staff ever complained. They looked out for us just as much as they looked after my father. When it appeared at one point that he might be stable enough to consider releasing him to a long-term-care facility, we were dismayed to think he might not receive the same level of care he'd been getting at the VA. These folks had come to know my father's needs, and we trusted them fully with his care.

But the stability was short-lived and all too soon interrupted by more difficulties. In particular, he's lost his ability to swallow. In those last days and hours, he was made as comfortable as possible. Even into the wee hours of that final morning, the staff kept almost as constant a vigil by his side as did the family.

The VA, we found, is full of immensely compassionate, caring professionals who could not have done more for my father. We think, too, perhaps they do not get recognition and praise from the community as often as they should.

With my father's personal nightmare over, the staff at the VA continues to care for others just as they cared for him. They deal daily with patients who have long forgotten how to say thank you. The staff never really knew my "real" father, a man who would have been so humbled and grateful for their help. We hope we said thank you enough on his behalf. We will never forget their kindness.

Department of Veterans Affairs,
Office of Public Affairs Media Relations,
News Release, April 20, 2001.

VA Sponsors New Program for End-of-Life Care

WASHINGTON.—Dying is never easy—not for an individual, not for a family, not for the medical staff who administer the care. But the Department of Veterans Affairs (VA) is taking new steps to ease the process for everyone.

An initiative, called "VA Interprofessional Fellowship Program in Palliative Care," will develop health-care professionals with vision, knowledge and compassion to lead end-of-life care into the 21st century. Although aimed at improving care for veterans, the program will affect how this care—known as "palliative care" in medical circles—is provided throughout the country.

"As VA serves an increasingly higher percentage of older and chronically ill veterans, the need for end-of-life care similarly increases," said Dr. Stephanie H. Pincus, VA chief officer for Academic Affiliations, a program that educates more than 90,000 physicians, medical students, and associated health professionals each year. "This interdisciplinary fellowship will jump-start palliative care as an important field in health care. It will change the way physicians, social workers, nurses and other caregivers approach patients at an extremely difficult time in their lives."

Historically, VA has taken a leadership role in the promotion and development of hospice care and, more recently, in a national pain management initiative. In 1998, VA's Office of Academic Affiliations addressed the need for clinicians trained in end-of-life care and was awarded a $985,000 grant by the Robert Wood Johnson Foundation to support further education. On March 1, 2001, the palliative care fellowship program was announced and will involve up to six sites, with four one-year fellowships provided at each site.

"The training changes the focus of health-care providers who are treating the terminally ill," said Pincus. "In the past, doctors saw death as a failure, so they consequently focused on medical cures and preventing death at any cost. We are training medical care staff now to concentrate on symptom management rather than disease management."

Pincus further explained that the new fellowship program has a large educational component. Trained clinicians are expected to serve as leaders promoting development and research. Selected training sites will be required to develop and implement an "Education Dissemination Project" to spread information beyond the training site through conferences, curricula for training programs, patient education materials and clinical demonstration projects.

And, of course, as resident doctors go out into the community, they take their training with them. More than 130 VA facilities have affiliations with 107 medical schools and 1,200 other schools across the country. More than half the physicians practicing in the United States have received part of their professional education in the VA health care system.

"This is an important step for health-care providers. But what does this mean to the chronically ill veteran?" said Pincus. "It means that he will be more comfortable. It means he might not have to die in ICU but instead be able to remain in the secure surroundings of his home. It means he will be treated by a caring, trained partnership of doctors, nurses, chaplains and social workers. It means his family will be included in decision-making and care giving.

"There comes a time when all the modern medicine in the world can't cure the illness. That's when treating the pain, communicating with compassion and providing support and counseling become paramount. And that's what these fellowships are all about," said Pincus.

50TH ANNIVERSARY MEMORIAL SERVICE OF THE 442ND REGIMENTAL COMBAT TEAM

Mr. INOUYE. Mr. President, on March 25, 2001, I returned to my home State of Hawaii to attend the 50th Anniversary Memorial Service of the 442nd Regimental Combat Team at the National Memorial Cemetery of the Pacific. The memorial address was presented by Mr. H. David Burge, Director of the Spark M. Matsunaga Veterans Affairs Medical & Regional Office Center in Honolulu.

I was moved and impressed by his remarks, and I wish to share them with the American people. I ask that Mr. Burge's address be part of the RECORD.

The remarks follow:

I am very honored to be the first speaker in the 21st century at the 442nd Veterans Club's 58th Anniversary Memorial Service here at the National Memorial Cemetery of the Pacific.

This morning is time to remember and pay special tribute to boyhood friends and classmates lost in battle, dear friends and loved ones no longer with us, and cherished members of the 442nd who continue to serve as good family and community elders and leaders. As we enter the new millennium, this is a time for members, families, and friends of the 442nd to reflect on the past, to celebrate the present, and to contemplate the future.

Our men of the 442nd are testament to the joys, heartache, and major accomplishments of the 20th century both here in Hawaii and the Nation. To reflect on the past, let's roll the clock back to the 1940s and see that period through snapshots familiar to many of you.

In 1940, the U.S. Government felt that war with Japan was imminent. As such, Japanese Americans were released and banned from employment at Pearl Harbor and other military bases in Hawaii without explanation or justification. Despite these early warning signs, Japanese Americans in Hawaii did not feel an acute sense of crisis. While Japanese American bashing was increasing on the mainland, most people in Hawaii where all groups were minorities had no animosity towards their Japanese neighbors.

My mother's 1941 McKinley High School Black and Gold Yearbook, published six months before the attack on Pearl Harbor, provides a glimpse into the daily activities, beliefs, and values of young Nisei in Hawaii prior to the outbreak of World War II. In this regard, let me share with you the introduction section of the yearbook:

In 1941, we find our sports-minded typical McKinley boy standing five feet, six inches in height weighing 124 pounds with naturally straight hair and brown eyes. The typical McKinley girl is a petite lassie, five ft., one inch in height, weighing a dainty 97 pounds, has black hair and is brown-eyed. Both are Americans of Japanese ancestry.

Their trim figures and fresh complexions are accounted for by their nine hours of sleep each night and their daily glass of milk. Typical boy usually buys his lunch outside the school. Not so typical girl. She knows the importance of a healthy meal and depends on the school cafeteria for it.

The typical boy looks forward to weekend social activities. He considers school dances tops and goes to as many of the class, student body, and club dances as he possibly can, but give jitter-bugging and waltzing only slight nod. He usually goes stag to dances because of the small size of his pocketbook. His favorite recreations are football, listening to the radio, and going to movies with his friends."

In general, the description of the typical Nisei student at McKinley could have been a description of a typical student at any American high school at that time. This is not surprising since these high school students truly believed that they were Americans and acted accordingly.

The Nisei students were heavily influenced by the McKinley faculty almost entirely from the mainland with a heavy concentration from the midwest. Their principal, Dr. Miles Carey, indicated that his primary objective was in his words, "helping our young people to develop those attitudes, dispositions, and abilities which we call the democratic way of living together."

The results of a student survey included in the yearbook reflected how strongly these young students embraced these democratic beliefs. Moved by the growing crisis in Europe, the Nisei students believed that the honor of the United States should always be defended, even if it meant going to war. They believed that common people should have more say in the government. They also believed that all races were mentally equal. It was also noteworthy that the Nisei students firmly believed that the Hawaiian Islands would be more efficiently run when they attained voting age.

My final observation in reviewing the yearbook was the dedication page. It underscored the foundation for the Nisei student's core values. It read, "Respectfully dedicated to our parents and the excellent home influence given us."

Six months after publication of that yearbook, on the morning of December 7, 1941, the lives of these young Nisei were forever changed as they became part of one of America's most dramatic stories—a story of shameful treatment by our government, a story of heroic feats on the battlefield, a story of major accomplishments in business and government after the war, and finally a story of full vindication and pride for all Americans of Japanese ancestry.

Just prior to the enemy attack on Hawaii, Washington emphasized the danger of sabotage by the local Japanese population to local military commanders. Follow on actions to cluster aircraft in the middle of airfield to guard against such local sabotage resulted in easy targets for attacking enemy aircraft and needless destruction of most American aircraft on the ground at Hickam, Wheeler, Bellows and Ford Island.

After the attack, Hawaii Territorial Governor Poindexter told President Roosevelt that what he feared most was sabotage by the large Japanese community. Subsequently, 1,000 innocent Japanese Americans—Buddhist priests, language school teachers, civic and business leaders, fishermen, and judo instructors—were arrested and detained in tents on Sand Island. A number of these individuals and their families, without any proof and without any due process, were subsequently transported to prisoner of war camps on the mainland.

Secretary of Navy Frank Knox who visited Hawaii the week following the attack reported to the President and Congress that the devastation at Pearl Harbor was the most effective fifth column work that had come out of any war in history. His sensational and totally unfounded assessment that Japanese Americans in Hawaii had aided the enemy attack hit the headlines in newspapers across America, and significantly fueled anti-Japanese American sentiment. The follow on rumors of sabotage and espionage emanating from Hawaii, although untrue, were used by West Coast groups to demand and justify the wholesale internment of Japanese American families living in California, Oregon, and Washington into concentration camps in remote areas far from their homes.

Immediately after the attack, at a time that Hawaii was still very vulnerable to another raid and possible occupation by enemy forces, 317 Japanese American members of the Hawaii Territorial Guard were involuntarily discharged without any explanation. In addition, 2,000 Japanese American soldiers already on active duty were recalled to Schofield Army Barracks, stripped of their weapons, and separated from their non-Japanese buddies and under orders from Washington, they were shipped to the interior of the mainland for security reasons. Finally, Japanese Americans were declared ineligible for military service and classified as enemy aliens. All of these unthinkable actions occurred at a time that every able-bodied man was needed to defend Hawaii.

The ultimate act of wartime hysteria in Hawaii occurred in February 1942 when President Roosevelt ordered the evacuation and internment of all Japanese Americans in Hawaii in concentration camps on the mainland. Fortunately, the military was unable to carry out the President's order since there were not enough ships to conduct such a massive evacuation and the evacuation of such a large number of workers would have crippled the islands. As such, the evacuation orders were delayed several times and finally abandoned in 1943.

Could any of us today who did not experience this war time hysteria truly understand and appreciate the impact of these outrageous actions on Japanese American families, especially young Nisei family members? Hawaii's Nisei truly believed they were Americans. They were equally offended by the vicious attack on their homeland and equally ready to serve their country. As just teenagers the rejection and hostility vented towards them and their families by their own government were beyond comprehension.

But perhaps unconsciously they responded in a very Japanese way by doing the only thing they could under such extreme circumstances that is stepping forward. Stepping forward with loyalty and courage in order to honor their families and to demonstrate to their fellow countrymen that they were worthy Americans. While there was more than sufficient justification for turning inward and refusing to support the government that had treated them so brutally and unfairly, Nisei young men demanded the right to fight.

As we know today, the Nisei achieved their objective but at a very high price. The 100th Infantry Battalion led the way and after nine long months of bitter fighting from Salerno to Anzio was joined in Rome by the 442nd Regimental Combat Team. Thereafter the two Japanese American units remained as one through the bloody fighting in northern Italy and France to the end of the war.

Bill Mauldin, the Stars and Stripes cartoonist who created the beloved infantry characters Willie and Joe, described the Nisei unit as follows:

"No combat unit in the army could exceed the Japanese Americans in loyalty, hard work, courage and sacrifice. Hardly a man of them hadn't been decorated at least twice, and their casualty lists were appalling. When they were in the line, they worked harder than anybody else. As far as the army was concerned, the Nisei could do no wrong. We were proud to be wearing the same uniform."

This morning we gather to remember and honor the typical McKinley boy and other young Nisei who fell on the battlefields in Europe. They were good and brave Americans. They brought honor to their families and great pride to all citizens of Hawaii. It is unfortunate that these young men did not live to see the full measure of their ultimate sacrifices.

The insignia of the 442nd is the Statue of Liberty hand holding the torch of freedom. This symbol is most appropriate because it exemplifies the unit's steadfast belief in not only freedom for all men but also through their actions and sacrifices on the battlefield final freedom for Japanese Americans in the form of real acceptance by their fellow countrymen.

When President Truman welcomed home the 100th and 442nd, he said to them, "You are on the way home. You fought not only the enemy, but you fought prejudice and you have won. Keep up that fight and we will continue to win, to make this great Republic stand for just what the Constitution says it stands for: the welfare of all the people all the time."

Perhaps President Truman did not fully realize the extent to which the Nisei veterans would take to heart his challenge to keep up the fight to ensure the welfare of all the people all of the time. Although the war abroad was won, Nisei veterans continued to forge ahead on the home front after the war to ensure that their sacrifices in battle were not made in vain. As many can attest today much hard work was needed at the end of the war to accomplish President Truman's goal.

The enormity of the task at hand was reflected in comments made at that time by the U.S. Speaker of the House, Sam Rayburn. In voicing his opposition to statehood for Hawaii he said, "If we give them Statehood they'll send a delegation of Japs here."

This inflammatory statement was made by the powerful Speaker from Texas whose Texas Lost Battalion was rescued two years earlier in Europe by Nisei soldiers at a cost 800 Nisei casualties to rescue 200 Texans. Unfortunately, much work still remained to be accomplished at home, but the Nisei veterans, as previously demonstrated in battle, were undaunted in their quest and pressed on with unrelenting effort.

These veterans were firm in the conviction they expressed in that 1941 McKinley High School survey that the Nisei generation would, in fact, make positive improvements in Hawaii and our nation. More than a half-century later, we know that our Nisei veterans were more than up to the task and, as such, we have much to celebrate today.

Today a Sansei from Kauai, Eric Shinseki, serves as Chief of Staff of the United States Army. This general of all generals often relates stories of personal inspiration based on the experiences of his Nisei family members who served in World War II the same Nisei soldiers from Hawaii who were once designated enemy aliens and denied the opportunity to fight for their country.

Today 22 Nisei World War II veterans are Congressional Medal of Honor recipients. I was honored to attend the ceremonies last year in Washington and to witness the awards made by President Clinton. At the White House ceremony, the President attributed the lack of proper and timely recognition for these individuals to three factors: war-time hysteria, racial discrimination, and a complete breakdown in national leadership. The President went on the praise all Japanese Americans who served in World War II despite the error of our nation in questioning their loyalty and wrongfully interning their families.

Today we have the names of our new Nisei Medal of Honor recipients forever etched in stone in the Hall of Heroes at the Pentagon. In viewing the new inscriptions, I was moved to see these names added along side the names of other American heroes from every war in our nation's history. I was also proud to see great sounding American names on the wall—Hajiro, Hayashi, Inouye, Kuroda, Muranaga, Nakae, Nakamura, Nishimoto, Okubo, Okutsu, Ono, Otani, Sakato, and Tanouye.

Today, a Nisei is the first and only Asian American to serve as a Cabinet member. Norman Mineta, who served as Secretary of Commerce for President Clinton and continues to serve today as Secretary of Transportation for President Bush, was a youngster in California when his family was sent to an American concentration camp. He vividly recollects how the military police took away his favorite baseball bat because they viewed it as a weapon.

Today, a brand new National Japanese American Memorial proudly stands on Capitol Hill in Washington, DC. The Memorial, the first and only memorial dedicated to any ethnic group in our Nation's capitol, is dedicated to Japanese American immigrants who valiantly fought for and attained their full rights as citizens.

When I attended the dedication ceremony for the new Memorial last fall, I was overwhelmed by the great honor finally bestowed upon Japanese Americans by our great nation. Think about it for a moment—America is a country of immigrants—many waves of immigrants. And today, there is only one memorial to honor any of these immigrants in the shadow of our nation's Capitol—that is the Japanese American Memorial.

And finally today, a brand new, state-of-art veteran's medical center, named after the late Senator Spark M. Matsunaga, now proudly serves all our veterans here in Hawaii.

So today, I say to our Nisei veterans you have brought great pride to your families as well as pride in their heritage for future generations of Japanese Americans. More importantly, you have ensured that your friends, who were lost in battle, did not die in vain.

So at this juncture, where are our Nisei veterans headed next? Are they declaring victory and passing the 442nd's Statue of Liberty torch on to others?

While such action would certainly be justified, it would not reflect the values ingrained into many Nisei by their progressive high school teachers who exposed them to the ideals of justice and equality and urged them to continually reach out to others.

It is said that McKinley Principal Miles Carey got people to do what he wanted because he treated them humanely and considerately. If there was any fault with Dr. Carey, and maybe it was not a fault, he was dreamer. But all of this was due to his efforts to treat people right. And in this regard, he did an outstanding job in getting his students to think like him. So it is not surprising that the final chapters of American's Nisei veterans are still being written.

Here in Hawaii, our Nisei veterans are currently developing and endowing at the University of Hawaii a Nisei Veterans Forum on Universal Values for a Democratic Society. The purpose of this effort is to show current and future generations of high school students the benefits of the values drawn from the various ethnic groups here in Hawaii—values similar to those of Nisei veterans that were used to help them persevere through challenging times during their lives. In this manner, Nisei veterans are passing on to future generations of students the same type of beliefs and values they were exposed to during their formative years.

On the national front, Nisei and Sansei from Hawaii and the mainland are actively engaged in the important work of the new Japanese American National Museum in Los Angeles. The Museum is the first and only national museum dedicated to an ethnic group in America. Through both fixed and traveling exhibits, the Museum shares the darkest and brightest moments for Japanese Americans with others both at home and abroad. It is noteworthy that the City of Los Angeles currently lists the Museum as one of seven must see attractions in its brochures provide to tourists.

The Museum has also received a large federal grant this year, through the sponsorship of Senator Inouye, that will use the experiences of Japanese American veterans from World War II, Korea, and Vietnam as the foundation for a new Center for the Preservation of Democracy. In this manner, the sacrifices of our Nisei veterans will be captured and used to construct a very real and moving American story. A story that needs to be told over and over again to current and future generations of Americans so that no group of Americans is ever subjected to what Japanese Americans experienced.

Well, 60 years has now passed since that Black & Gold Yearbook of 1941. Today, the typical McKinley boy from that time is still five ft., six inches tall, but perhaps heavier than the then reported 124 pounds. By contrast, I know that the typical McKinley girl from that same period is still five ft., one inch tall, and still weighs 97 pounds.

Regarding the results of that 1941 high school survey, I say to our Nisei veterans you successfully carried through on your convictions. You stepped forward to defend your country and after the war worked hard to make Hawaii and our nation better places to live.

You are grayer and wiser than you were 60 years ago. You still believe in honor, duty, and country and have a proven record to show these are not just words. You are still humble and as such will not bathe yourselves in glory although most of us realize you deserve such honor. And perhaps more important, you truly care about your families and all families in America. For it is through your story that your children, grandchildren, and future generations will cherish and take great pride in their Japanese American heritage. And it is through this same story that other Americans will learn that the preservation of our democracy requires constant vigilance and courage to not allow hysteria of any kind to strip innocent Americans of their basic rights.

That 1941 yearbook states, "Respectfully dedicated to our parents and the excellent home influence given us." Today I say to our Nisei veterans who died in combat, to our Nisei veterans who returned home and are no longer with us, and to our Nisei veterans we are blessed to still have with us: We dedicated this service to you and the excellent influence you have had on us.

God bless our Nisei veterans and their families, God bless their beloved Hawaii, and God bless the great nation they served so well both in battle and in peace.

THE CLEAN EFFICIENT AUTOMOBILES RESULTING FROM ADVANCED CAR TECHNOLOGIES ACT OF 2001

Mr. HATCH. Mr. President, I rise today to address a bill I have just introduced, S. 760, the "CLEAR Act," which is short for the Clean Efficient Automobiles Resulting from Advanced Car Technologies Act.

Let me begin my remarks by thanking the original cosponsors of S. 760, Senators ROCKEFELLER, JEFFORDS, KERRY, CRAPO, LIEBERMAN, COLLINS, CHAFEE, and GORDON SMITH, all of whom have joined with me in drafting this legislation which will help our country achieve a greater reliance on alternative fuel technologies.

Our proposal relies on a system of tax-based incentives to encourage development of alternative fuel technologies and consumer acceptance of these products. Rather than rely on a system of federal mandates, we use tax credits to promote all of the advanced technologies being pursued by auto manufacturers in a dramatic effort to reduce emissions and improve efficiency. These technologies include: fuel cell; hybrid electric; alternative fuel; and battery electric vehicles.

It is significant that our bipartisan initiative is founded on a belief that government should not be in the business of picking winners and losers in the free market. Rather, the CLEAR Act leaves it up to the consumer to choose among the lowest emitting vehicles.

By promoting the technologies and fuels that improve air quality, S. 760 helps to solve two of our nation's most difficult and expensive problems, air pollution and energy dependence. These are issues of critical concern in my home state of Utah. According to a study by Utah's Division of Air Quality, on-road vehicles in Utah account for 22 percent of particulate matter. This particulate matter can be harmful to citizens who suffer from chronic respiratory or heart disease, influenza, or asthma.

Automobiles also contribute significantly to hydrocarbon and nitrogen oxide emissions in my state. These two pollutants react in sunlight to form ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. In addition, vehicles account for as much as 87 percent of carbon monoxide emissions. Carbon monoxide can be harmful to persons with heart, respiratory, or circulatory ailments.

While Utah has made important strides in improving air quality, it is a fact that each year more vehicular miles are driven in our State. It is clear that if we are to have cleaner air, we must encourage the use of alternative fuels and technologies to reduce vehicle emissions.

Let me paint the picture on the national scale. In 1998, a year for which we have complete data, our nation had 121 regions that failed to attain the Environmental Protection Agency's National Ambient Air Quality Standards, NAAQS. This status directly threatens the quality of life of more than 100 million, or about one-third, of our citizens who must bear the health and the economic burden associated with non-attainment. Non-attainment status can be costly, whether due to the loss of federal highway money, lost economic opportunities, or the expensive measures required to reach attainment.

EPA has set new standards for both ozone and particulate matter, PM 2.5. By the EPA's own estimates, the annual cost of achieving the new ozone standard in 2010 was set at $9.6 billion. Additionally, the EPA put the annual cost of achieving the PM 2.5 standard at $37 billion, for a combined cost of $47 billion annually. These staggering figures paint a graphic picture of why we need to invest more effort toward the promotion of alternative fuels. Every new alternative fuel or advanced technology car, truck, or bus on the road will displace a conventional vehicle's lifetime of emissions and reliance on imported oil.

This brings me to another important benefit of the CLEAR Act, increased energy independence. Whether during the energy crisis in the 1970s, during the Persian Gulf War, or during our current energy crisis, every American has felt the sting of our dependency on foreign oil. And I might add, Mr. President, that our dependency on foreign oil has steadily increased to the point where we now depend on foreign sources for more than 57 percent of our oil. Last month alone, it was over 60 percent. When enacted, the CLEAR Act will play a key role in helping our nation improve its energy security by increasing the diversity of our fuel options and decreasing our need for gasoline. Our nation's energy strategy will not be complete without an incentive to increase the use of alternative fuels and advanced car technologies.

Historically, consumers have faced three basic obstacles to accepting the use of alternative fuels and advanced technologies. These are the cost of the vehicles, the cost of alternative fuel, and the lack of an adequate infrastructure of alternative fueling stations. The CLEAR Act would lower all three of these barriers.

First, we provide a tax credit of 50 cents per gasoline-gallon equivalent for the purchase of alternative fuel at retail. To give customers better access to alternative fuel, we extend an existing deduction for the capital costs of installing alternative fueling stations. We also provide a 50 percent credit for the installation costs of retail and residential refueling stations.

Finally, we provide tax credits to consumers to purchase alternative fuel and advanced technology vehicles. To make certain that the tax benefit we provide translates into a corresponding benefit to the environment, we split the vehicle tax credit into two. One part provides a base tax credit for the purchase of vehicles dedicated to the use of alternative fuel or vehicles using advanced technologies. The other part offers a bonus credit based on the vehicle's efficiency and reduction in emissions. In this way, we are confident that the CLEAR Act will provide the biggest possible "bang for the buck" in terms of providing a social benefit to our citizens.

We all recognize that in the future we will not use gasoline fueled vehicles to the same extent we do today. Our legislation is an attempt to bring benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. S. 760 enables us to tackle these problems with incentives, not mandates.

Our proposal is the most comprehensive legislation ever brought before Congress to promote the use of alternative fuel vehicles and advanced car technologies among consumers. We urge our colleagues to join with us in this forward-looking approach to cleaner air and increased energy independence.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 24, 2001, the Federal debt stood at $5,681,673,830,247.36, Five trillion, six hundred eighty-one billion, six hundred seventy-three million, eight hundred thirty thousand, two hundred forty-seven dollars and thirty-six cents.

One year ago, April 24, 2000, the Federal debt stood at $5,711,906,000,000, Five trillion, seven hundred eleven billion, nine hundred six million.

Five years ago, April 24, 1996, the Federal debt stood at $5,110,704,000,000, Five trillion, one hundred ten billion, seven hundred four million.

Ten years ago, April 24, 1991, the Federal debt stood at $3,438,135,000,000, Three trillion, four hundred thirty-eight billion, one hundred thirty-five million.

Fifteen years ago, April 24, 1986, the Federal debt stood at $1,959,555,000,000, One trillion, nine hundred fifty-nine billion, five hundred fifty-five million, which reflects a debt increase of more than $3 trillion, $3,722,118,830,247.36, Three trillion, seven hundred twenty-two billion, one hundred eighteen million, eight hundred thirty thousand, two hundred forty-seven dollars and thirty-six cents during the past 15 years.

ADDITIONAL STATEMENTS

CONGRATULATING CENTRAL FALLS HIGH SCHOOL

• Mr. CHAFEE. Mr. President, this past weekend, twenty-two exceptional students from Central Falls High School in Rhode Island visited Washington to compete in the national finals of the "We The People . . . The Citizen And The Constitution" program, after finishing in first place in the Rhode Island competition. In fact, this is the fourth time that the Central Falls High School team has won the statewide competition!

For those of my colleagues who are not familiar with it, the "We The People . . . The Citizen And The Constitution" program is among the most extensive educational specifically to ensure that young people understand the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing in which students are given the opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on historical and contemporary constitutional issues.

Administered by the Center for Civic Education, the "We The People . . . The Citizen And The Constitution" program provide an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history. It is heartwarming to see young Rhode Islanders taking such an active and participatory interest in public affairs.

I am very proud of Gabriel Arias, Jorge Bolivar, Andrew Castillo, Karen Corrales, Johnathan DePina, Kinga Dobrzycki, Kayla England, Renee Fisher, Christina Garcia, Roseangel Gavidia, Karen Hurtado, Deborah Navarro, Jessica Pareja, Denisse Reyes, Erik Rua, Shirley Rua, Jesse Salazar, Janet Sanchez, Corey Stad, Monica Torres, Vladimir Uran, Sirabel Uran, for making it to the national finals. I congratulate this outstanding group of young men and women for their hard work and perseverance. Also, I want to applaud Jeff Schanck, a fine teacher who deserves so much credit for guiding the Central Falls High School team to the national finals.

Yesterday, I was pleased to visit with the students from Central Falls to offer my congratulations for what they have achieved. These students, with the guidance of Mr. Schanck, have learned much about the meaning of our nation and what countless men and women have fought and died to protect. No matter what the outcome of the contest, they have each earned the greatest prize of all: Knowledge.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 1238(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) and the order of the House of Wednesday, April 4, 2001, the Speaker on Thursday, April 5, 2001, appointed the following members on the part of the House of Representatives to the United States-China Security Review Commission: Mr. Stephen D. Bryen of Maryland, Ms. June Teufel Dryer of Florida, and Mr. James R. Lilley of Maryland.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 428. An act concerning the participation of Taiwan in the World Health Organization.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NUSSLE, Mr. SUNUNU, and Mr. SPRATT, as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 428. An act concerning the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1534. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report relative to Voluntary Stationary Source Emission Reduction Programs Into State Implementation Plans; to the Committee on Environment and Public Works.

EC–1535. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "1999/2000 PCB Questions and Answers Manual—Part 4"; to the Committee on Environment and Public Works.

EC–1536. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Improving Air Quality with Economic Incentive Programs"; to the Committee on Environment and Public Works.

EC–1537. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Industrial Steam Generating Units" (FRL6965–4) received on April 5, 2001; to the Committee on Environment and Public Works.

EC–1538. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production" (FRL6965–5) received on April 5, 2001; to the Committee on Environment and Public Works.

EC–1539. A communication from the Assistant to the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Federal Aid in Sport Fish Restoration Program, Participation by the District of Columbia and U.S. Insular Territories and Commonwealths, 50 CFR part 80" (RIN1018–AD 83) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1540. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Transportation Conformity: Idaho" (FRL6957–1) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1541. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the navigation study for Ponce de Leon Inlet, Florida; to the Committee on Environment and Public Works.

EC–1542. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the navigation improvements for the Port Jersey Channel, Bayonne, New Jersey; to the Committee on Environment and Public Works.

EC–1543. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to Success Dam, Tule River Basin, California; to the Committee on Environment and Public Works.

EC–1544. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Upper Des Plaines River, Illinois; to the Committee on Environment and Public Works.

EC–1545. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator of the Federal Highway Administration, Department of Transportation; to the Committee on Environment and Public Works.

EC–1546. A communication from the Assistant to the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Federal Aid in Sport Fish Restoration Program, Participation by the District of Columbia and U.S. Insular Territories and Commonwealths, 50 CFR part 80" (RIN1018–AB83) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1547. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Cerro Grande Fire Assistance" (RIN3067–AD12) received on April 6, 2001; to the Committee on Environment and Public Works.

EC–1548. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Mitigation Directorate, Federal Emergency Management Agency; to the Committee on Environment and Public Works.

EC–1549. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "EPA International Green Buildings Initiative" received on April 11, 2001; to the Committee on Environment and Public Works.

EC–1550. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Gasoline Volatility Requirements for Allegheny County" (FRL6962–3) received on April 11, 2001; to the Committee on Environment and Public Works.

EC–1551. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "2001 Update of Ambient Water Quality Criteria for Cadmium"; to the Committee on Environment and Public Works.

EC–1552. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Unregulated Contaminant Monitoring Regulation Guidance for Operators of Public Water Systems Serving 10,000 of Fewer People"; to the Committee on Environment and Public Works.

EC–1553. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report on licensing activities and regulatory duties; to the Committee on Environment and Public Works.

EC–1554. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Nebraska" (FRL6968–5) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1555. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Idaho" (FRL6962–1) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1556. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program" (FRL6967–3) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1557. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL6963–1) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1558. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan; Bay Area Air Quality Management District and Imperial County Air Pollution Control District" (FRL6954–8) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1559. A communication from the Chief of the Division of Scientific Authority, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora" (RIN1018–AH63) received on April 18, 2001; to the Committee on Environment and Public Works.

EC–1560. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Post 96 Rate of Progress Plan, Motor Vehicles Emissions Budgets (MVEB) and Contingency Measures for the Houston/Galveston (HGA) Ozone Nonattainment Area" (FRL6969–3) received on April 19, 2001; to the Committee on Environment and Public Works.

EC–1561. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Control of Gasoline Volatility" (FRL6969–4) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1562. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Bay Checkerspot Butterfly (Euphydryas editha bayensis)" (RIN1018–AH61) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1563. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Reregistration Eligibility Decision: Diclofop-Methyl"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1564. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision for Fenitrothion"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1565. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Interim Reregistration Eligibility Decision (IRED) for Fenthion"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1566. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Reregistration Eligibility Decision: Etridiazole (Terrazole)"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1567. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Interim Reregistration Eligibility Decision (IRED): Oxamyl"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1568. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Reregistration Eligibility Decision: Vinclozlin"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1569. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zoxamide 3,5-dichloro-N-(3-chloro-1-methyl-2-oxopropyl)-4-Methylbenzamide; Pesticide Tolerance" (FRL6774–8) received on April 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1570. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Agricultural Mortgage Corporation Risk-Based Capital Requirements" (RIN3052–AB56) received on April 6, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1571. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy and Cranberry Market Loss Assistance Programs, Honey Marketing Assistance Loan and LDP Program, Sugar Nonrecourse Loan Program, and Payment Limitations for Marketing Loan Gains and Loan Deficiency Payments" received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1572. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Price Support, Dairy Recourse Loan, Livestock Assistance, American Indian Livestock Feed, and Pasture Recovery Programs" (RIN0560–AG32) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1573. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2001 Crop Disaster Program" (RIN0560–AG32) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1574. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Time-Limited Pesticide Tolerance" (FRL6778–1) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1575. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metolachlor: Extension of Tolerance for Emergency Exemptions" (FRL6778–6) received on April 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1576. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin, Pesticide Tolerances" (FRL6778–5) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1577. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL6778–8) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1578. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Exemption from Handling and Assessment Regulations for Potatoes Shipped for Experimental Purposes" (FV00–946–1 FIR) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1579. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; South Dakota" (Doc. No. 00–103–2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1580. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Addition to Quarantined Area" (Doc No. 99–101–2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1581. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Addition to Quarantined Areas" (Doc. No. 00–076–2) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1582. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis Testing for Imported Cattle" (Doc. No. 00–102–1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1583. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Oklahoma" (Doc. No. 01–016–1) received on April 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1584. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1585. A communication from the Inspector General of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to commercial activities; to the Committee on Governmental Affairs.

EC–1586. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1587. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1588. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1589. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on April 6, 2001; to the Committee on Governmental Affairs.

EC–1590. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, the report of the designation of acting officer for the position of Deputy Director of the Federal Emergency Management Agency; to the Committee on Governmental Affairs.

EC–1591. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Budget Estimates and Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1592. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 97–24 consisting of FAR Case 1999–010 (stay), Interim Rule, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings—Revocation" received on April 11, 2001; to the Committee on Governmental Affairs.

EC–1593. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1594. A communication from the General Manager of the Washington Metropolitan Area Transit Authority, transmitting, pursuant to law, the Annual Financial Report for Fiscal year 2000; to the Committee on Governmental Affairs.

EC–1595. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1596. A communication from the Senior Vice President and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the Balance Sheet for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1597. A communication from the President's Pay Agent, transmitting, pursuant to law, a report relative to the General Schedule (GS) locality-based comparability payments to non-GS categories of positions in more than one executive agency; to the Committee on Governmental Affairs.

EC–1598. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on April 18, 2001; to the Committee on Governmental Affairs.

EC–1599. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1600. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1601. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1602. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Certification of the Fiscal Year 2001 Revised Revenue Estimate"; to the Committee on Governmental Affairs.

EC–1603. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1604. A communication from the Acting General Counsel of the United States Office of Personnel Management (OPM), transmitting, pursuant to law, the report of a vacancy in the position as Director of OPM; to the Committee on Governmental Affairs.

EC–1605. A communication from the Acting General Counsel of the United States Office of Personnel Management (OPM), transmitting, pursuant to law, the report of the designation of acting officer in the position of Director; to the Committee on Governmental Affairs.

EC–1606. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Director of National Drug Control Policy, Executive Office of the President; to the Committee on the Judiciary.

EC–1607. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director of National Drug Control Policy, Executive Office of the President; to the Committee on the Judiciary.

EC–1608. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director for Supply Reduction, Executive Office of the President; to the Committee on the Judiciary.

EC–1609. A communication from the Acting General Counsel of the Office of National Drug Control Policy, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director for Demand Reduction, Executive Office of the President; to the Committee on the Judiciary.

EC–1610. A communication from the Acting General Counsel of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of the designation of acting officer for the position of Director of National Drug Control Policy; to the Committee on the Judiciary.

EC–1611. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report concerning the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–1612. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–1613. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to military expenditures for countries receiving United States assistance; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–19. A resolution adopted by the House of the Legislature of the State of Michigan relative to nonindigenous species being released in the ballast water of ships on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 24

Whereas, While the problems created by the introduction of nonindigenous species into the Great Lakes from ballast water are not new, this situation is raising greater concerns as the damage done to this freshwater network becomes more apparent. The alarming rate at which the zebra mussel has spread demonstrates the serious problems that can result when the area's delicate ecology is thrown out of balanee; and

Whereas, In recent years, numerous proposals have been advanced to halt the introduction of new species. Many of these proposals involve strengthening laws and enforcement on the release or treatment of ballast water; and

Whereas, In all discussions to address the issue created by ballast water discharges in the Great Lakes, it is essential that a regional approach be taken. With the multiple levels of government, including states, provinces, and two federal governments, it is important that there be a well-coordinated effort on this matter. A quilt of regulations or practices developed by the individual entities could provide more harm than good, not only to the environment, but also to specific communities and to specific uses of the lakes; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation that offers a regional solution to the problems of nonindigenous species being released in the ballast water of ships on the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, March 7, 2001.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 771. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 772. A bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal years; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 773. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 774. A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself and Mr. REID):

S. 775. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. WELLSTONE):

S. 776. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. BURNS):

S. 777. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KOHL, Mr. DASCHLE, Mr. REID, Mr. WARNER, and Mr. GRAMM):

S. Res. 73. A resolution to commend James Harold English for his 23 years of service to the United States Senate; considered and agreed to.

By Mr. DAYTON (for himself, Ms. STABENOW, Mr. JOHNSON, and Mr. ROCKEFELLER):

S. Res. 74. A resolution expressing the sense of the Senate regarding consideration of legislation providing medicare beneficiaries with outpatient prescription drug coverage; to the Committee on Finance.

By Mr. LOTT (for Mr. HUTCHINSON (for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. INHOFE, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. SPECTER, Mr. EDWARDS, Ms. MIKULSKI, Mr. HELMS, Mr. BIDEN, and Mr. KERRY)):

S. Res. 75. A resolution designating the week beginning May 13, 2001, as "National Biotechnology Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 41

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 60

At the request of Mr. BYRD, the names of the Senator from Missouri (Mr. BOND) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 231

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 231, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 316

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 316, a bill to provide for teacher liability protection.

S. 350

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 350, supra.

S. 393

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 441

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 441, a bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 486

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 656

At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 659

At the request of Mr. CRAPO, the names of the Senator from Virginia (Mr. WARNER), the Senator from New Hampshire (Mr. SMITH, of New Hampshire), the Senator from Michigan (Mr. LEVIN), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 659, a bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis.

S. 706

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 739

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 739, a bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as "National Crazy Horse Day."

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 771. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I rise today with my colleague, Senator BILL NELSON, to introduce legislation that will protect the coast of Florida in the future from the damages of offshore drilling.

In past Congresses, I have introduced similar legislation that sought to codify the annual moratorium on leasing in the Eastern Gulf of Mexico and ensure that state's receive all environmental documentation prior to making a decision on whether to allow drilling off of their shores.

Today, I am introducing legislation that takes these steps, plus several others. The Outer Continental Shelf Protection Act will protect Florida's fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, we transform the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering planning areas in the Eastern Gulf of Mexico, the Straits of Florida, and the Florida section of the South Atlantic.

Second, the Outer Continental Shelf Protection Act corrects an egregious conflict in regulatory provisions where an effected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement, EIS, for them from the Mineral Management Service.

Our bill requires that the EIS is provided to affected states before they make a consistency determination, and it requires that every oil and gas development plan have an EIS completed prior to development.

Third, our bill buys back leases in the Eastern Gulf of Mexico which are an immediate threat to Florida's natural heritage and economic engine.

What does this bill mean for Florida? The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

For years, I have taken my children and grandchildren to places like Grayton Beach so that they can appreciate the natural treasures and local cultures that are part of both their own heritage and that of the Florida Panhandle.

We have a solemn obligation to preserve these important aspects of our state's history for all of our children and grandchildren. Much of our identity as Floridians is tied to the thousands of miles of pristine coastline that surround most of our state.

The Florida coastline will not be safe if offshore oil and gas resources are developed. For example, a 1997 Environmental Protection Agency, EPA, study indicated that even in the absence of oil leakage, a typical oil rig can discharge between 6,500 and 13,000 barrels of waste per year. The same study also warned of further harmful impact on marine mammal populations, fish populations, and air quality.

In addition to leakages and waste discharges, physical disturbances caused by anchoring, pipeline placement, rig construction, and the resuspension of bottom sediments can also be destructive. Given these conclusions, Floridians are unwilling to risk the environmental havoc that oil or natural gas drilling could wreak along the sensitive Panhandle coastline.

Because the natural beauty and diverse habitats of the Gulf of Mexico, the Florida Keys, and Florida's Atlantic Coast attract visitors from all over the world and support a variety of commercial activities, an oil or natural gas accident in these areas could have a crippling effect on the economy. In 1996, the cities of Panama City, Pensacola, and Fort Walton Beach reported $1.5 billion in sales to tourists. Florida's fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

For the last several years, I have been working with my colleagues, former Senator Connie Mack and now Senator BILL NELSON, Congressman JOE SCARBOROUGH, and others to head off the threat of oil and natural gas drilling. In June of 1997, we introduced legislation to cancel six natural gas leases seventeen miles off of the Pensacola coast and compensate Mobil Oil Corporation for its investment. Five days after the introduction of that legislation and two months before it was scheduled to begin exploratory drilling off Florida's Panhandle, Mobil ended its operation and returned its leases to the federal government.

While that action meant that Panhandle residents faced one less economic and environmental catastrophe-in-the-making, it did not completely eliminate the threats posed by oil and natural gas drilling off Florida's Gulf Coast. Florida's Congressional representatives fight hard each year to extend the federal moratorium on new oil and natural gas leases in the Gulf of Mexico. But that solution is temporary.

Today we are introducing the Outer Continental Shelf Protection Act to make permanent our efforts to protect Florida's coastlines. I look forward to working with my colleagues on the Energy and Natural Resources Committee to move this legislation forward and protect the coast of future generations of Floridians and visitors to Florida.

By Ms. COLLINS:

S. 772. A bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional nongovernmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal year; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, today I introduce a bill to provide fair reimbursement to state and local law enforcement organizations for additional costs incurred by them in providing frequent assistance to the Secret Service to protect the President of the United States.

Of course, the Secret Service has the principal responsibility for protecting our Presidents. Without the assistance of state and local law enforcement organizations, however, providing that protection would be more costly and more difficult, if not impossible. For the most part, state and local law enforcers provide this assistance with no need for or expectation of reimbursement from the Federal government. In some cases, however, reimbursement is appropriate. It is appropriate, for example, when state and local law enforcement organizations are required to incur substantial expenses on a frequent basis in localities that are small and thus does not have adequate financial bases to provide the necessary services without reimbursement.

This is not a new idea. Dating back to at least the Administration of President Jimmy Carter, the Federal government has provided reimbursement to local and sometimes state organizations where sitting Presidents maintain a principal residence. In the early 1990s, reimbursement was provided for services provided for then-President Bush's visits to Kennebunkport, Maine. Reimbursement is similarly available now to Crawford, Texas. The bill I am introducing will extend this authority to localities and states other than the place of principal residence when the sitting President so designates.

I envision that it will help, for example, the Kennebunkport Police Department and associated law enforcement organizations in my home state. I expect that the allure of summer in Maine will draw President George W. Bush to the Bush family residence in Kennebunkport for several visits in the coming months. My bill will help ensure that the town, with a population of only 3,720, will not have to shoulder alone the substantial financial burden associated with these visits. In addition, however, I anticipate that in the future other localities will benefit, for this bill has been carefully drafted to provide reimbursement to localities and states designated by future Presidents.

This bill will not result in an unlimited "windfall" to local and state law enforcement organizations. It requires that the organizations requesting reimbursement first incur the expenses and therefore will likely discourage excessive expenditures. It also limits the number of days for which reimbursements may be sought to not more than 60 days per fiscal year. In addition, it provides reimbursement only for services provided in conjunction with visits to small localities with a population of no more than 7,000 residences. Finally, the total amount of reimbursement is limited to not more than $100,000 per fiscal year.

I encourage my colleagues to support this modest, yet important and equitable provision of support to local and state law enforcement organizations.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 773. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. TORRICELLI. Mr. President, today I rise to introduce the Campus Fire Safety Right-to-Know Act so that we can move forward in protecting our children at our colleges and universities. It is an unfortunate reality that it often takes great tragedies to highlight vulnerabilities in our laws.

On January 19, 2000, several New Jersey families experienced an unimaginable tragedy. A fire in a freshman college dormitory killed 3 students and injured 62 others. Investigations into the fire revealed that the dorm was not equipped with a sprinkler system, which could have saved lives. In addition, during that fatal evening, many students delayed leaving the building because they assumed it was a false alarm, an all too common occurrence.

On March 19, 2000, a fire broke out at a fraternity house at a Pennsylvania university, killing three students. This was not the first fire at that fraternity house, in 1994, five students were killed in a fraternity house fire.

On June 8, 2000, a student was killed in an early morning fraternity house fire at an Illinois university. Local authorities said the building was not protected with an automatic fire sprinkler system.

And, as recently as April 1, 2001, a fire in a residence hall at a New Hampshire college forced 100 students out of the building and seriously damaged at least two apartments. This was the second fire to occur at a residence hall at that college within two months.

This is a national crisis that endangers our children's lives.

Although the average number of college residence fires dropped 10 percent in the last decade, an average of 66 students still are injured in campus fires in dorms, and fraternity and sorority houses. In the 11 deadly campus fires between 1900 and 1997, an average of two people died in each.

The National Fire Protection Association reports that 72 percent of dorms, and fraternity and sorority houses that suffer fires are not equipped with life saving sprinkler systems, even though sprinklers are proven to cut by up to two-thirds the risks of death and property damage in fires.

I have a proposal that will help make university housing safer. The Campus Fire Safety Right to Know Act would highlight the issue of campus fire safety by requiring colleges and universities to provide annual reports that explains fire policies, frequency of false alarms, and whether dorms are equipped with sprinkler systems.

These reports would be straight-forward and based on the types of reporting that many campuses already do.

Colleges and universities could use these reports to highlight their successes and progress with campus fire safety. They would be, in part, a marketing tool to attract students and families.

The reports would also bring greater awareness about campus fire safety to schools that have not made progress, and encourage them to take action.

And, the reports would be a resource for students and their families, so that they know whether their dorms are fire safe and can work with their schools to improve fire safety.

My bill is supported by universities in my State, Seton Hall, Rutgers and Princeton, and is also endorsed by the National Fire Protection Association, the National Safety Council, and College Parents of America.

We need to pass this measure so that we can ensure that the tragedies in New Jersey, Illinois, and Pennsylvania are the last of their kinds.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 774. A bill to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. BAYH. Mr. President, it is with great pride that I rise today to pay tribute to a good friend and a great man, former Congressman Lee Hamilton. I am honored to introduce legislation designating the Federal Building and United States Courthouse located at 121 W. Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and U.S. Courthouse."

Lee Hamilton was born in Daytona Beach, FL, on April 20, 1931, and raised in Evansville, IN. He attended Evansville Central High school, where he excelled both in the classroom and on the basketball court. As a senior, he led his team to the final game of the Indiana state basketball tournament, and received the prestigious Tresler award for scholarship and athletics.

After graduation, Congressman Hamilton attended Depauw University, and earned his bachelor's degree in 1952. He went on to study for one year in postwar Germany at Goethe University, before enrolling in law school at Indiana University, where he received his Doctor of Jurisprudence Degree in 1956.

In 1964, Lee Hamilton was first elected to the U.S. House of Representatives, where he went on to serve with distinction for 34 years. During his long tenure in office, he established himself as a leader in International Affairs, serving as the chairman of the House Foreign Relations committee, Intelligence Committee, and Iran-Contra committee. Mr. Hamilton was widely respected for his powerful intellect and impressive knowledge of foreign affairs, and remains unquestionably one of our nation's foremost experts on foreign policy.

In addition to his record on foreign affairs, Mr. Hamilton also played an important role in reforming the institution of Congress itself. He cochaired the Joint Committee on the Organization of Congress where he worked to reform the institution by instituting the gift-ban, tightening lobbying restrictions, and applying the laws of the workplace to Congress.

Even with all his success in Washington, however, Mr. Hamilton never forgot his Hoosier roots. He always remained down-to-earth and accessible to his southern Indiana constituents. Over the years, he was presented with a number of opportunities to ascend to other offices, including the U.S. Senate, Secretary of State, and the Vice-Presidency of the United States. He chose instead to retain his House seat and fulfill his commitments to the people of southern Indiana.

Today, Congressman Hamilton remains active in foreign policy and congressional reform. He currently heads the Woodrow Wilson International Center for Scholars in Washington, DC, and serves as the director of the Center on Congress at Indiana University.

Congressman Hamilton has received numerous public service awards including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Edmund S. Muskie Distinguished Public Service Award, the Phillip C. Habib Award for Distinguished Public Service, the Indiana Humanities Council Lifetime Achievement Award and the U.S. Association of Former Members of Congress' Statesmanship Award. It is only fitting that we recognize Congressman Hamilton's many years of service to the people of Southern Indiana by naming the New Albany Federal Building and U.S. Courthouse in his honor.

It is my hope that the Federal Building and U.S. Courthouse located at 121 W. Spring Street in New Albany will soon bear the name of my friend and fellow Hoosier, Congressman Lee Hamilton.

By Mrs. LINCOLN (for herself and Mr. REID):

S. 775. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Finance.

Mrs. LINCOLN. Madam President, I rise today to introduce the Geriatric Care Act of 2001, a bill to increase the number of geriatricians in our country through training incentives and Medicare reimbursement for geriatric care.

I am proud to be joined in this effort today by Senator HARRY REID of Nevada. Senator REID has been a pioneer in seeking real commonsense solutions to the health care challenges facing our Nation's seniors. In fact, he has graciously allowed me to include in this bill components of a bill he introduced during the last Congress. Moreover, he has been an invaluable resource and ally to me as I have grappled with the solutions to these challenges we are seeking.

Our country teeters on the brink of revolutionary demographic change as baby boomers begin to retire and Medicare begins to care for them. As a member of the Finance Committee and the Special Committee on Aging, I have a special interest in preparing health care providers and Medicare for the inevitable aging of America. By improving access to geriatric care, the Geriatric Care Act of 2001 takes an important first step in modernizing Medicare for the 21st century.

The 76 million baby boomers are aging and in 30 years, 70 million Americans will be 65 years and older. They will soon represent one-fifth of the U.S. population, the largest proportion of older persons in our Nation's history. Our Nation's health care system will face an unprecedented strain as our population grows older.

Our Nation is simply ill-prepared for what lies ahead. Demand for quality care will increase, and we will need physicians who understand the complex health problems that aging inevitably brings. As seniors live longer, they face much greater risk of disease and disability. Conditions such as heart disease, cancer, stroke, diabetes, and Alzheimer's disease occur more frequently as people age. The complex problems associated with aging require a supply of physicians with special training in geriatrics.

Geriatricians are physicians who are first board certified in family practice or internal medicine and then complete additional training in geriatrics. Geriatric medicine provides the most comprehensive health care for our most vulnerable seniors. Geriatrics promotes wellness and preventive care, helping to improve patients' overall quality of life by allowing them greater independence and preventing unnecessary and costly trips to the hospital or institutions.

Geriatric physicians also have a heightened awareness of the effects of prescription drugs. Given our seniors' growing dependence on prescriptions, it is increasingly important that physicians know how, when, and in what dosage to prescribe medicines for seniors. Frequently, our older patients respond to medications in very different ways from younger patients. In fact, 35 percent of Americans 65 years and older experience adverse drug reactions each year.

According to the National Center for Health Statistics, medication problems may be involved in as many as 17 percent of all hospitalizations of seniors each year. Care management provided by a geriatrician will not only provide better health care for our seniors, but it will also save costs to Medicare in the long term by eliminating the pressures on more costly medical care through hospitals and nursing homes. Quite clearly, geriatrics is a vital thread in the fabric of our health care system, especially in light of our looming demographic changes. Yet today there are fewer than 9,000 certified geriatricians in the United States. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. Only three medical schools in the country—the University of Arkansas for Medical Sciences in Little Rock being one of them—have a department of geriatrics. This is remarkable when we consider that of the 125 medical schools in our country, only 3 have areas of residency in geriatrics.

As if that were not alarming enough, the number of geriatricians is expected to decline dramatically in the next several years. In fact, most of these doctors will retire just as the baby boomer generation becomes eligible for Medicare. We must reverse this trend and provide incentives to increase the number of geriatricians in our country.

Unfortunately, there are two barriers preventing physicians from entering geriatrics: insufficient Medicare reimbursements for the provisions of geriatric care, and inadequate training dollars and positions for geriatricians. Many practicing geriatricians find it increasingly difficult to focus their practice exclusively on older patients because of insufficient Medicare reimbursement. Unlike most other medical specialties, geriatricians depend most entirely on Medicare revenues.

A recent MedPAC report identified low Medicare reimbursement levels as a major stumbling block to recruiting new geriatricians. Currently the reimbursement rate for geriatricians is the same as it is for regular physicians, but the services geriatricians provide are fundamentally different. Physicians who assess younger patients simply don't have to invest the same time that geriatricians must invest assessing the complex needs of elderly patients. Moreover, chronic illness and multiple medications make medical decisionmaking more complex and time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

We must modernize the Medicare fee schedule to acknowledge the importance of geriatric assessment and care coordination in providing health care for our seniors. Geriatric practices cannot flourish and these trends will not improve until we adjust the system to reflect the realities of senior health care.

The Geriatric Care Act I am introducing today addresses these shortfalls. This bill provides Medicare coverage for the twin foundations of geriatric practice: geriatric assessment and care coordination. The bill authorizes Medicare to cover these essential services for seniors, thereby allowing geriatricians to manage medications effectively, to work with other health care providers as a team, and to provide necessary support for caregivers.

The Geriatric Care Act also will remove the disincentive caused by the graduate medical education cap established by the 1997 Balanced Budget Act. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs. The Geriatric Care Act corrects this problem by allowing additional geriatric training slots in hospitals. By allowing hospitals to exceed the cap placed on their training slots, this bill will help increase the number of residents in geriatric training programs.

My home State of Arkansas ranks sixth in the Nation in percentage of population 65 and older. In a decade, we will rank third. In many ways, our population in Arkansas is a snapshot of what the rest of the United States will look like in the near future.

All of us today could share stories about the challenges faced by our parents, our grandparents, our families, our friends, our loved ones as they contend with the passing years. These are the people who have raised us, who have loved us, who have worked for us, and who have fought for us. Now it is our turn to work for them, to fight for them, and this is where we must start.

I ask my colleagues to join me in support of this legislation to modernize Medicare, to support crucial geriatric services for our Nation's growing population of seniors. I also urge my colleagues to recognize that this is only the beginning of what I hope will be a grand overhaul of the way we think about and deliver care to our Nation's elderly. There are many more things to discuss and to address—adult daycare, long-term care insurance, just to name a few. But it is essential that we begin soon, that we begin now in preparing those individuals we will need 10 years from now in order to be able to care for our aging population in this Nation.

Madam President, I also want to submit three letters of support for this bill, along with a list of organizations that support this important legislation, and encourage all of my colleagues to recognize the unbelievable responsibility we have today to prepare for the seniors of tomorrow. I ask unanimous consent that the items I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL COUNCIL
ON THE AGING,
Washington, DC, April 24, 2001.

Hon. BLANCHE L. LINCOLN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the National Council on the Aging (NCOA)—the nation's first organization formed to represent America's seniors and those who care for them—I write to express our organization's support for the Geriatric Care Act of 2001.

A major shortcoming of the Medicare program is the grossly inadequate, fragmented manner in which chronic care needs are addressed. Some of the major problems include: specific geriatric and chronic care needs are not clearly identified; services are poorly coordinated, if at all; medications are not managed properly, resulting in avoidable adverse reactions; family caregivers are excluded from the care planning process; transitions across settings are disjointed; and follow-up care and access to consultation to promote continuity are often unavailable. All of these serious problems cry out for Medicare coverage of care coordination. NCOA strongly supports your efforts to address these critical shortcomings in the Medicare program.

NCOA also supports efforts to increase the number of health care providers who have geriatric training. Given the aging of our population and the coming retirement of the baby boomers, it is important to have physicians trained to care for older patients who may be frail and suffer from multiple, chronic conditions. We applaud your efforts to meet this challenge by introducing legislation to allow for growth in geriatric residency programs above the hospital-specific cap established by the Balanced Budget Act of 1997.

We applaud your leadership on behalf of our nation's most frail, vulnerable citizens and stand ready to assist you in working to enact the Geriatric Care Act of 2001 into law this year.

Sincerely,

HOWARD BEDLIN,
Vice President, Public Policy and Advocacy.

AMERICAN ASSOCIATION OF HOMES
AND SERVICES FOR THE AGING,
Washington, DC, April 18, 2001.

Hon. BLANCHE L. LINCOLN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR LINCOLN: I understand that you are introducing legislation to provide incentives for the training of geriatricians and to require Medicare reimbursement for geriatric assessments and care management for beneficiaries with complex care needs. The American Association of Homes and Services for the Aging (AAHSA) strongly supports your proposal, which would help to alleviate the serious shortage of physicians trained to meet the special needs of older people.

AAHSA is a national non-profit organization representing more than 5,600 not-for-profit nursing homes, continuing care retirement communities, assisted living and senior housing facilities, and community service organizations. More than half of AAHSA's members are religiously sponsored and all have a mission to provide quality care to those in need. Every day AAHSA members serve over one million older persons across the country.

Residents of long-term care facilities rely on physician services more than the general population does. The severity of older people's medical conditions compounded by multiple co-morbidities demand more time per visit than younger or healthier people need. Many of these seniors would benefit from the services of a geriatrician, who is trained in the special medical needs of older people. Unfortunately, few physicians elect to specialize in this field. In addition, the Medicare Part B fee schedule does not recognize the specialty services of geriatricians and the time and effort they spend providing medical care of this older, more vulnerable population. Nursing facilities have a difficult time finding physicians, let alone geriatric specialists, to serve residents. Geriatric clinic practices find it difficult to provide the level of service this population requires and deserves for the payment that they receive through the Medicare fee schedule.

Your legislation would do much to address these issues, and AAHSA is anxious to work with you toward its passage. Please feel free to contact Will Bruno, our Director of Congressional Affairs.

Sincerely,

WILLIAM L. MINNIX, Jr., D. Min.
President and CEO.

AMERICAN ASSOCIATION
FOR GERIATRIC PSYCHIATRY,
Bethesda, MD, April 24, 2001.

Hon. BLANCHE L. LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the American Association for Geriatric Psychiatry (AAGP), I would like to take this opportunity to thank you for your introduction of the "Geriatric Care Act of 2001."

Although geriatric psychiatry is a relatively small medical specialty, it is one for which demand is growing rapidly as the population ages and the "baby boom" generation nears retirement. Arbitrary, budget-driven limits on Medicare payment for graduate medical education, such as caps on the aggregate number of residents and interns at a teaching hospital, could discourage the expansion of training programs in geriatric psychiatry and other fields that are extremely relevant to the Medicare population. Your bill would help to increase the number of physicians with the specialized geriatric training that is needed to serve the growing number of elderly persons in this country.

In addition, we support the provision of your bill, which would provide Medicare reimbursement for assessment and care coordination. This will help to provide those Medicare beneficiaries with severe physical and mental disorders with the access to the appropriate and coordinated care that they deserve.

AAGP commends you for your commitment to ensuring that America's senior citizens have adequate access to effective health care, and we look forward to working with you on the "Geriatric Care Act of 2001."

Sincerely,

STEPHEN BARTELS, MD,
President.

SUPPORTERS OF THE GERIATRIC CARE ACT OF 2001

American Association for Geriatric Psychiatrists.
Alzheimer's Association.
Alliance for Aging Research.
American Geriatrics Society.
National Chronic Care Consortium.
National Council on Aging.
National Committee to Preserve Social Security and Medicare.

American Association for Homes and Services for the Aging.

International Longevity Center.

By Mr. BINGAMAN (for himself Mr. ENZI, Mr. BAUCUS, and Mr. WELLSTONE):

S. 776. A bill to amend title XIX of the Social Security Act to increase the floor treatment as an extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators ENZI, BAUCUS, and WELLSTONE, entitled the "Medicaid Safety Net Hospital Improvement Act of 2001." This legislation is absolutely critical to the survival of many of our nation's safety net hospitals. It would provide additional funding to address their growing burden of providing uncompensated care to many of our nation's 42.6 million uninsured residents, including 463,000 in New Mexico, through the Medicaid disproportionate share hospital, or DSH, program.

In recognition of the burden bourne by hospitals that provide a large share of care to low-income patients, including Medicaid and the uninsured, the Congress established the Medicaid DSH program to give additional funding to support such "disproportionate share" hospitals. By providing financial relief to these hospitals, the Medicaid DSH program maintains hospital access for the poor. As the National Governors' Association has said, "Medicaid DSH's funds are an important part of statewide systems of health care access for the uninsured."

Recent reports by the Institute of Medicine entitled "America's Health Care Safety Net: Intact But Endangered," the National Association of Public Hospitals entitled "The Dependence of Safety Net Hospitals" and the Commonwealth Fund entitled "A Shared Responsibility: Academic Health Centers and the Provision of Care to the Poor and Uninsured" have all highlighted the importance of the Medicaid DSH program to our health care safety net.

As the Commonwealth Fund report, which was released just this last week, notes: "The Medicaid DSH program has had a beneficial effect on patient access. The average payment rate for Medicaid inpatient services has increased dramatically. Medicaid payments for hospital services were only 76 percent of the cost of providing this care in 1989. By 1994, Medicaid payments had increased to 94 percent of costs."

Unfortunately, as the Commonwealth Fund report adds, ". . . there are large inequities in how these funds are distributed among states." In fact, for 15 states, including New Mexico, our federal DSH allotments are not allowed to exceed 1 percent of our state's Medicaid program costs. In comparison, the average state spends around 9 percent of its Medicaid funding on DSH. This disparity and lack of Medicaid DSH in "extremely low-DSH states" threatens the viability of our safety net providers. In New Mexico, these funds are critical but inadequate to hospitals all across our state, including University Hospital, Eastern New Mexico Regional Hospital, St. Vincent's Hospital, Espanola Hospital, and others.

In an analysis of the Medicaid DSH program by the Urban Institute, the total amount of federal Medicaid DSH payments in six states was less than $1 per Medicaid and uninsured individual compared to five states than had DSH spending in excess of $500 per Medicaid and uninsured individual. That figure was just $14.91 per Medicaid and uninsured person in New Mexico. Compared to the average expenditure of $218.96 across the country, such disparities cannot be sustained.

As a result, this bipartisan legislation increases the allowed federal Medicaid DSH allotment in the 15 "extremely low-DSH states" from 1 percent to 3 percent of Medicaid program costs, which remains far less, or just one-third, of the national average. I would add that the legislation does not impact the federal DSH allotments in other states but only seeks greater equity by raising the share of federal funds to "extremely low-DSH states."

Once again, the Commonwealth Fund recommends such action. As the report finds, "States with small DSH programs are not permitted to increase the relative size of their DSH programs . . . [C]urrent policy simply rewards the programs that acted quickly and more aggressively, without regard to a state's real need of such funds." Therefore, the report concludes, ". . . greater equity in the use of federal funds should be established among states."

Again, this is achieved in our legislation by raising the limits for "extremely low-DSH states" from 1 percent to 3 percent and not by redistributing or taking money away from other states.

Failure to support these critical hospitals could have a devastating impact not only on the low-income and vulnerable populations who depend on them for care but also on other providers throughout the communities that rely on the safety net to care for patients whom they are unable or unwilling to serve.

As the Institute of Medicine's report entitled "America's Health Care Safety Net: Intact But Endangered" states, "Until the nation addresses the underlying problems that make the health care safety net system necessary, it is essential that national, state, and local policy makers protect and perhaps enhance the ability of these institutions and providers to carry out their missions."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Safety Net Improvement Act of 2001".

SEC. 2. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2002.

(a) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) by striking "fiscal year 1999" and inserting "fiscal year 2000";

(2) by striking "August 31, 2000" and inserting "August 31, 2001";

(3) by striking "1 percent" each place it appears and inserting "3 percent"; and

(4) by striking "fiscal year 2001" and inserting "fiscal year 2002".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2001, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2002 and each fiscal year thereafter.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 73—TO COMMEND JAMES HAROLD ENGLISH FOR HIS 23 YEARS OF SERVICE TO THE UNITED STATES SENATE

Mr. BYRD (for himself, Mr. STEVENS, Mr. LEAHY, Mr. KOHL, Mr. DASCHLE, Mr. REID, Mr. WARNER, and Mr. GRAMM) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Whereas James Harold English became an employee of the United States Senate in 1973, and has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate;

Whereas James Harold English served as Clerk of the Transportation Appropriations Subcommittee from 1973 to 1980;

Whereas James Harold English served as the Assistant Secretary of the Senate in 1987 and 1988;

Whereas James Harold English has served as Democratic Staff Director of the Appropriations Committee of the United States Senate from 1989 to 2001;

Whereas James Harold English has faithfully discharged the difficult duties and responsibilities of Staff Director and Minority Staff Director of the Appropriations Committee of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas he has earned the respect, affection, and esteem of the United States Senate; and

Whereas James Harold English will retire from the United States Senate on April 30, 2001, with over 30 years of Government Service—23 years with the United States Senate: Now, therefore, be it

Resolved, That the United States Senate—

(1) Commends James Harold English for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

(2) The Secretary of the Senate shall transmit a copy of this resolution to James Harold English.

SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE REGARDING CONSIDERATION OF LEGISLATION PROVIDING MEDICARE BENEFICIARIES WITH OUTPATIENT PRESCRIPTION DRUG COVERAGE

Mr. DAYTON (for himself, Ms. STABENOW, Mr. JOHNSON, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 74

Resolved, That it is the sense of the Senate that, by not later than June 20, 2001, the Senate should consider legislation that provides medicare beneficiaries with outpatient prescription drug coverage.

Mr. DAYTON. Mr. President, today I am introducing a resolution which expresses the sense of the Senate that the Senate will consider legislation providing prescription drug coverage for senior citizens by June 20, 2001. The resolution does not specify what form of coverage will be considered; rather, it simply commits us to scheduling consideration of this important legislation, and hopefully its passage, in the near future.

Many of us have promised the senior citizens of our states that Congress would enact this kind of program. As you know, last year the 106th Senate was unable to reach agreement on whether to provide prescription drug coverage directly through Medicare, through subsidized insurance policies, or another mechanism. While these disagreements stymied any one measure's passage, it appeared that an overwhelming majority of Senators then supported some form of coverage.

I believe it is imperative that we get a program of financial assistance for hard-pressed senior citizens quickly enacted. While I have my own preference for direct, voluntary coverage under Medicare, I am most concerned that some form of financial assistance be provided to desperate senior citizens in Minnesota and across the country, whose lives are being traumatized by the unaffordable costs of their prescription medicines. Their economic security, their emotional well-being, and their physical health are being threatened, even ruined, by ever-increasing costs over which they have no control.

I respectfully request your support for this resolution when it comes to the floor for a vote.

SENATE RESOLUTION 75—DESIGNATING THE WEEK BEGINNING MAY 13, 2001, AS "NATIONAL BIOTECHNOLOGY WEEK"

Mr. LOTT (for Mr. HUTCHINSON (for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. INHOFE, Mrs. FEINSTEIN, Mr. CRAIG, Mrs. MURRAY, Mr. SPECTER, Mr. EDWARDS, Ms. MIKULSKI, Mr. HELMS, Mr. BIDEN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 75

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas public awareness, education, and understanding of biotechnology is essential for the responsible application and regulation of this new technology;

Whereas biotechnology has been responsible for breakthroughs and achievements that have benefited people for centuries and contributed to increasing the quality of human health care through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields and farm productivity, and enhances the quality, value, and suitability of crops for food and other uses that are critical to the agriculture of the United States;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, reduction of chemical pesticide usage, production of renewable energy and biobase products, and cleaner manufacturing processes;

Whereas biotechnology contributes to the success of the United States as the global leader in research and development, and international commerce;

Whereas biotechnology will be an important catalyst for creating more high-skilled jobs throughout the 21st century and will lead the way in reinvigorating rural economies and;

Whereas it is important for all Americans to understand the beneficial role biotechnology plays in improving quality of life and protecting the environment: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning May 13, 2001, as "National Biotechnology Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. HUTCHINSON. Mr. President, I rise today with Senators DODD, CRAPO, KENNEDY, INHOFE, FEINSTEIN, CRAIG, MURRAY, SPECTOR, EDWARDS, MIKULSKI, HELMS, BIDEN, and KERRY to introduce a Senate Resolution declaring May 13–20, "National Biotechnology Week."

There have been phenomenal advancements in science over the last few years that are allowing us to improve health care, increase crop yields, reduce the use of pesticides, and replace costly industrial processes involving harsh chemicals with cheaper, safer, biological processes. These advancements have occurred due to the hard work and diligence of scientists and researchers in United States, and all around the world, who have spent their lives promoting and perfecting the practice of biotechnology.

Biotechnology is the use of biological processes to solve problems or make useful products. While the use of biological processes for these purposes is not new, the use of recombinant DNA technology and our greater understanding of the role of genetics in our lives have led to the creation of hundreds of products and therapeutic treatments with a wide variety of health, agricultural, and environmental benefits.

Through the analysis of genes and gene products, we will soon be able to forecast disease and create preventative therapies that will drastically reduce the cost of health care by limiting the number of drug treatments necessary and reducing the amount of time patients must be in the hospital. This same technology will enable us to refocus health care on promoting health and preventing disease rather than restoring health in the sick and treating the symptoms and effects of full-blown illness in our nation's health care clinics.

With the publication of the human genome sequence, we are now one step closer to understanding the mechanisms of disease. The identification of which genes are activated, how, and the determination of the functional characteristics of their RNA and protein products are frontiers that remain for our next generation of scientists. However, we are quickly moving towards those frontiers, shedding light on the complex functions of our own bodies that have been shrouded in mystery and speculation for centuries.

In the area of agriculture, the benefits and potential for biotechnology are no less stunning—allowing us to increase the yield of commodities while reducing the use of pesticides. As the world population continues to balloon and the amount of arable land available decreases, we will increasingly look to biotechnology to meet the needs of people everywhere. Researchers in industry and academia are also exploring the possibilities for genetic traits that will yield maximum production, even in the face of inclement weather.

They are also looking for ways to use biotechnology to create novel plants that will provide food that has value added traits such as reduced fat content and increased levels of vitamins and minerals that our diets here in the United States or those in the developing world may be deficient in. The potential for the product known as "golden rice," which could substantially combat blindness and anemia in the third world, is immense. In the next ten to twenty years, we will likely be able to grow vaccines in plants, eliminating the difficulties of distribution in many areas of the world.

Industrial biotechnology also shows tremendous potential for reducing the pollution and waste generated through industrial production. Through the use of enzymes and other biological components, industries are able to minimize material and energy inputs while simultaneously maximizing renewable resources. An added benefit of those processes is that they limit the production of hazardous pollutants and wastes while producing recyclables or biodegradable products. Industrial biotechnology has been used to create environmentally friendly laundry detergents with fewer phosphates and paper production treatments that reduce the discharge of chlorine. Industrial enzymes have also been used to create ethanol and other alternative fuels from corn and biomass.

Aside from the environmental benefits of both agricultural and industrial biotechnology, researchers have used this technology to actually solve environmental problems and clean up environmental disasters. Through the use of bioremediation, the use of living organisms to degrade toxic waste into harmless byproducts, researchers and environmentalists have been able to clean polluted coastlines and areas where fuels have leaked into the soil. Cities and towns throughout the world are now using microbes to remove pollutants from their sewage systems, and the EPA is now using bioremediation to clean up some of our nation's most serious waste sites.

With all of these marvelous benefits, there is no doubt that biotechnology is touching our lives and improving our world. But, along with this technology comes the responsibility to understand and carefully evaluate it. If there is to be a future for this technology, and we are to fully realize its benefits, elected officials and the public must be informed and engaged about the basics of technology itself and its incredible benefits.

This is why my colleagues and I are pleased to introduce this resolution declaring May 13–20, 2001, as "National Biotechnology Week." It is our hope that public officials, community leaders, researchers, professors, and school teachers across the country will take this week to actively promote understanding of biotechnology in their communities and their classrooms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 352. Mr. SMITH of New Hampshire (for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill S. 350, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

TEXT OF AMENDMENTS

SA 352. Mr. SMITH of New Hampshire (for himself, Mr. REID, Mr. CHAFEE, and Mrs. BOXER) proposed an amendment to the bill S. 350, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; as follows:

Beginning on page 57, strike line 24 and all that follows through page 58, line 3, and insert the following:

"(ii)(I) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(II)(aa) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101; and

"(bb) is a site determined by the Administrator or the State, as appropriate, to be—

"(AA) of relatively low risk, as compared with other petroleum-only sites in the State; and

"(BB) a site for which there is no viable responsible party and which will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

"(cc) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

"(III) is mine-scarred land.".

On page 65, between lines 11 and 12, insert the following:

"(4) INSURANCE.—A recipient of a grant or loan awarded under subsection (b) or (c) that performs a characterization, assessment, or remediation of a brownfield site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that site.

On page 67, line 16, before the period, insert the following: ", including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants".

On page 68, between lines 16 and 17, insert the following:

"(J) The extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

On page 70, between lines 2 and 3, insert the following:

"(4) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds under this section).

On page 71, strike lines 15 through 17 and insert the following:

"(k) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

"(1) this Act (including the last sentence of section 101(14));

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2002 through 2006.

"(2) USE OF CERTAIN FUNDS.—Of the amount made available under paragraph (1), $50,000,000, or, if the amount made available is less than $200,000,000, 25 percent of the amount made available, shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II).".

On page 93, line 4, before "develop", insert "purchase insurance or".

On page 94, line 11, strike "and".

On page 94, line 14, strike the period at the end and insert "; and".

On page 94, between lines 14 and 15, insert the following:

"(iii) a mechanism by which—

"(I) a person that is or may be affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfield site located in the community in which the person works or resides may request the conduct of a site assessment; and

"(II) an appropriate State official shall consider and appropriately respond to a request under subclause (I).

On page 97, line 7, after "Administrator", insert ", after consultation with the State,".

On page 97, line 18, after the period, insert the following: "Consultation with the State shall not limit the ability of the Administrator to make this determination.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 25, 2001. The purpose of this hearing will be to review agricultural trade issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, immediately following the nomination hearing, on status of labor issues in airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee, on Commerce, Science, and

Transportation be authorized to meet on Wednesday, April 25, 2001, at 9:30 a.m. on the nomination of Brenda Becker to be Assistant Secretary for Legislative and Intergovernmental Affairs (DOC), and Michael Jackson to be Deputy Secretary for the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to hear testimony on Medicare and SSI Benefits: Turning off the Spigot to Prisoners, Fugitives, the Deceased and other ineligibles.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 10:30 a.m. and at 2 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, April 25, 2001, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2 p.m., to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 25, 2001, at 2:30 p.m., on west coast gas prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, to conduct a hearing on "HUD's Program, Budget and Management Priorities for FY 2002."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 25, 2001, at 2:30 p.m., in open session to receive testimony on the fiscal year 2002 budget request of the National Nuclear Security Administration in review of the Defense authorization request for fiscal year 2002 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Daniel Wood be given floor privileges for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Mathew Tinnings, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor for the pendency of the debate on S. 350.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR ROBERT KERREY OF NEBRASKA

Mr. KERRY. Madam President, I want to share a couple of thoughts regarding some reports that have appeared in the media in the last few hours regarding our colleague, Senator Bob Kerrey.

Some reports have been written during the last 24 hours about an incident that took place in Vietnam in February 1969, several weeks prior to Senator Kerrey receiving the Congressional Medal of Honor for the secret mission on which he served. I read a couple of those reports. I want to express my personal concern about the approach of the media to this issue, and express my personal support for Senator Bob Kerrey, particularly for the nature and the circumstances of the mission which has been written about.

It is my hope that the media is not going to engage in some kind of 32-year-later binge because there is a difference of memory about a particularly confusing night in the delta in a free fire zone under circumstances which most of us who served in Vietnam understood were the daily fare of life in Vietnam at that point in time.

I served in the very same area that Bob Kerrey did. I served there at the very same time that he did. I remember those free fire zones. I remember our feelings then and the great confusion many people felt about the ambiguities we were automatically presented with then by a military doctrine that suggested that certain areas were wholly and totally "enemy territory," but nevertheless to the naked eye we could often perceive life as we knew it in Vietnam being carried on in those areas.

Inevitably, there were older citizens, women, children, and others who were often, as a matter of strategy by the Viet Cong, drawn into the line of fire and put in positions of danger without regard, I might add, for their side as well as ours.

To the best of my memory, most people worked diligently—I know Senator Kerrey did as well as others—to avoid the capacity for confusion or for accidents. I know certainly within our unit there was a great deal of pride on many occasions when orders were changed on the spot simply because perceptions on the spot made it clear that there was the potential for innocents to be injured.

I fully remember what it was like to "saddle up" for a nighttime mission with no Moon, with no light, trying to move clandestinely and trying to surprise people. The confusion that can ensue in those kinds of situations is not confusion that lends itself to a 32-year-later judgment.

There were occasions in Vietnam, as everyone knows, when innocents were victims. There wasn't a soldier there at that time, or who has come back to this country and home today, who doesn't regret that.

But I also know it is simply a disservice to our Nation and to the quality of the service and a person such as Bob Kerrey to have condemnation after the fact which does anything to diminish the quality of service, or the unit's service, or the service of so many others who spent their sweat and blood and youth in that particularly difficult battlefield.

So it is my hope that in the next days people will understand the appropriate perspective and put this issue in its appropriate perspective. Bob Kerrey served with distinction. He obviously feels anguish and pain about those events, but I do not believe they should diminish, for one moment, the full measure of what he has given to his country and of what he represents. It is my hope that he personally will not allow it to.

TAIWAN

Mr. KERRY. Madam President, I want to say a word about what President Bush said this morning with respect to Taiwan because if what the President said is, in fact, what he means, or if it is indeed the new policy of the United States, it has profound implications for our country. He made a far-reaching comment this morning on the American defense of Taiwan, a comment which suggests that without any consultation with Congress, without any prior notice to the Congress, a policy that has been in place for 30 years is now summarily being changed with implications that I believe are serious.

When asked by Charles Gibson, on ABC's "Good Morning America," whether the United States had an obligation to defend Taiwan if Taiwan were attacked by China, President Bush said:

> Yes, we do, and the Chinese must understand that.

Charles Gibson then asked:

> With the full force of the American military?

President Bush responded:

> Whatever it took to help Taiwan defend theirself.

For almost 30 years, through Republican and Democrat administrations alike, the cornerstone of our approach to policy toward China and Taiwan has been the so-called "one China" policy: There is but one China; Taiwan is a part of China, and the question of Taiwan's future must be settled peacefully.

This policy was laid out in the 1972 Shanghai Communique issued by the United States and China at the end of President Nixon's historic visit. It was reaffirmed in subsequent bilateral communiques—in 1979, when the United States recognized the People's Republic of China and again in 1982 on the question of U.S. arms sales to Taiwan.

A consistent tenet of this policy is the U.S. expectation that the question of reunification of China and Taiwan will be settled peacefully. We have never stated what the United States would do if Beijing attempted to use force to reunify Taiwan with the mainland—until today. We have not stated it in the course of Republican and Democrat administrations alike because we understood the danger of doing so.

We have been deliberately vague about what the circumstances might be under which we would come to Taiwan's defense, not only to discourage Taiwan from drawing us in by declaring independence but also to deter a Chinese attack by keeping Beijing guessing as to what the response might be.

Sometimes some people have talked about trying to reduce that ambiguity and simplify it and simply say, of course we would come to their defense. But if you do that, you invite a set of consequences that might carry with it its own set of dangers, and you may lose control of the capacity to make a determination about what has happened and what the circumstances really are to which you need to respond.

President Bush's comments this morning on "Good Morning America" suggest that the administration has decided to abandon the so-called strategic ambiguity. If so, the President has made a major policy change with absolutely no consultation with the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, or the leadership of the Congress.

In my view, it is a policy change that serves neither our interests nor Taiwan's. Any situation which results in the use of force across the Taiwan Strait is unlikely to be simply black and white, as clear as can be. The Tonkin Gulf is a classic example of that. To this day, people debate over whether or not there really was an attack on the Maddox and the Turner Joy, and whether or not there was an appropriate response under those circumstances.

The scenarios which could lead to the use of force and the conditions under which the United States might respond are simply too variable to lend themselves to a simple, clear declaration such as the declaration made by the President this morning.

For example, if China attacked in response to what it sees as a Taiwanese provocation, would we then respond? Apparently so, according to President Bush. Or if Taiwan declared independence, and China responded militarily, would we then come to Taiwan's defense? Have we given Taiwan a card it wanted all along, which is the capacity to know that no matter what it does, the United States would, in fact, be there to defend it?

The answer to that question is the reason that we have carried this ambiguity through President Ford, President Carter, President Reagan, President Bush, the President's father, and President Clinton.

In a subsequent interview on CNN, the President reiterated that we maintain the "one China" policy, and he hopes Taiwan will not declare independence. But he remained vague as to what we would do if Taiwan did declare independence and China attacked.

To remove the strategic ambiguity runs the risk of decreasing Taiwan's security rather than increasing it and of eliminating the flexibility that we will need to determine how to respond in any given situation.

Notwithstanding President Bush's efforts to clarify that the United States does not want Taiwan to declare independence, the new policy has the automatic impact, if it is in place, and if it is the declaration that was made, of emboldening Taiwan and, frankly, reducing our control over events.

Although I have argued that we need to inject more clarity into our engagement with China, I personally believe that on this question our interests and Taiwan's are better served by the ambiguity that has existed and would be better served by maintaining it. It not only deters a Chinese attack, but it discourages Taiwan from misreading what the United States might do.

President Bush has said that the United States has an obligation to defend Taiwan. Certainly we want to help Taiwan preserve its thriving democracy and robust, growing economy. I have said previously that I think this is enough of a message to the Chinese, that no American President could stand idly by and watch while that democracy that has been gained is set back, by force or otherwise. Nevertheless, we need to press both Taipei and Beijing to reinvigorate the cross-strait dialogue, without any misinterpretations about our role.

So let us be clear: The Taiwan Relations Act does not commit the United States to come to the defense of Taiwan in the event of an attack. The Taiwan Relations Act commits us to provide Taiwan with the necessary military equipment to meet its legitimate self-defense needs. The arms package that the Bush administration just approved for Taiwan, I believe, is the right mix and the right measure, and it will significantly increase the Taiwanese defensive capacities. I support that package.

It may be the case that we would send American forces ultimately to Taiwan's defense if there were an attack, but that decision should not be made by an American President in advance during a television interview.

A decision of this magnitude, which holds the potential for risking the lives of American military men and women, should be made in response to the circumstances at the moment, on the ground, in the air, and, most importantly, in consultation with the Congress of the United States in the due performance of its responsibilities with respect to the engagement of our forces overseas.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN pertaining to the introduction of S. 775 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. LINCOLN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD). Without objection, it is so ordered.

ORDERS FOR THURSDAY, APRIL 26, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 10 a.m. on

Thursday, April 26. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m. with Senators speaking for 10 minutes each with the following exceptions: Senator THOMAS or his designee from 10 to 10:30, and Senator DURBIN or his designee from 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, it is hoped that the Senate can begin consideration of S. 149, the Export Administration Act, at approximately 11 a.m. Therefore, votes could occur during tomorrow's session. In addition, the negotiations on the education bill are continuing, and it is still hoped that an agreement can be reached prior to the end of the week.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:56 p.m., adjourned until Thursday, April 26, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 2001:

DEPARTMENT OF AGRICULTURE

LOU GALLEGOS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE PAUL W. FIDDICK, RESIGNED.

MARY KIRTLEY WATERS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE ANDREW C. FISH, RESIGNED.

FEDERAL TRADE COMMISSION

TIMOTHY J. MURIS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF SEVEN YEARS FROM SEPTEMBER 26, 1994, VICE ROBERT PITOFSKY, RESIGNED.

DEPARTMENT OF ENERGY

LEE SARAH LIBERMAN OTIS, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE MARY ANNE SULLIVAN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CLAUDE A. ALLEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KEVIN L. THURM, RESIGNED.

DEPARTMENT OF LABOR

PAT PIZZELLA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PATRICIA WATKINS LATTIMORE.

IN THE AIR FORCE

THE FOLLOWING NAMED UNITED STATES AIR FORCE RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF AIR FORCE RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 8038 AND 601:

TO BE LIEUTENANT GENERAL

MAJ. GEN. JAMES E. SHERRARD III, 6641

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

TO BE MAJOR GENERAL

BRIG. GEN. GREGORY B. GARDNER, 6945
BRIG. GEN. ROBERT I. GRUBER, 3888
BRIG. GEN. CRAIG R. MCKINLEY, 8368
BRIG. GEN. JAMES M. SKIFF, 1243

TO BE BRIGADIER GENERAL

COL. RICHARD W. ASH, 2052
COL. THOMAS L. BENE, JR., 7944
COL. PHILIP R. BUNCH, 1228
COL. CHARLES W. COLLIER, JR., 5754
COL. RALPH L. DEWSNUP, 6575
COL. CAROL ANN FAUSONE, 9044
COL. SCOTT A. HAMMOND, 1613
COL. DAVID K. HARRIS, 6248
COL. DONALD A. HAUGHT, 0924
COL. KENCIL J. HEATON, 6998
COL. TERRY P. HEGGEMEIER, 5899
COL. RANDALL E. HORN, 6293
COL. THOMAS J. LIEN, 7847
COL. DENNIS G. LUCAS, 9054
COL. JOSEPH E. LUCAS, 2263
COL. FRANK PONTELANDOLFO, JR., 9346
COL. RONALD E. SHOOPMAN, 9650
COL. BENTON M. SMITH, 0099
COL. HOMER A. SMITH, 2189
COL. ANNETTE L. SOBEL, 0183
COL. CLAIR ROBERT H. ST. III, 1938
COL. REX W. TANBERG, JR., 5789
COL. MICHAEL H. WEAVER, 0191
COL. LAWRENCE H. WOODBURY, 2693

EXTENSIONS OF REMARKS

RECOGNIZING THE FRESNO CENTER FOR NEW AMERICANS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno Center for New Americans (FCNA) on their 10 year anniversary. Their work makes a critical difference in the community and the lives of many new Americans.

The Fresno Center for New Americans is a non-profit organization that assists new Americans in becoming productive, self-fulfilled, and self-sufficient members of the community. They also foster cultural preservation and promote cross-cultural understanding.

FCNA was established in 1991 as a non-profit organization. The organization addresses a wide variety of social issues, including health education, employment assistance and placement, and acculturation services. FCNA's vision is to act as a resource to refugees and new Americans, and to contribute to their quality of life.

Mr. Speaker, I rise to recognize the Fresno Center for New Americans for helping new citizens become productive members of our society. I urge my colleagues to join me in wishing the Fresno Center for New Americans many more years of continued success.

A TRIBUTE TO HARLAND B. JOHNSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor a man whose devotion to the youth in my district is an inspiration to us all. Mr. Harland B. Johnson helped start the Boys and Girls Club of Santa Cruz, California in 1966, and he served as its founding President of the Board of Directors. On May 11, 2001, Mayor Tim Fitzmaurice of the City of Santa Cruz will proclaim the day as "Harland B. Johnson Day", and I am proud to be able to salute him here, Mr. Speaker.

Since Mr. Johnson first began the Boys and Girls Club of Santa Cruz, he has continued to sit on its Board of Directors. It is this 35 year tenure that is the milestone we are all celebrating this coming May, and I believe that his commitment to the youth of Santa Cruz is a shining example of dedication and community service.

In his 35 years with the Club, Mr. Johnson has raised literally hundreds of thousands of dollars to ensure the operation and maintenance of the facilities and programs that the Boys and Girls Club offers. Because of his tireless efforts, tens of thousands of Santa Cruz youth have had the opportunity to utilize all that the Club has to offer. This safe environment, which has served as a constant for several generations of schoolchildren, has provided a place for the community to come together and help our children become enriched, educated and dedicated individuals.

Harland B. Johnson has helped make the Boys and Girls Club possible, and has been the driving force behind the success that this institution. For all of his work and dedication for the past 35 years, and for the many years left to come, I join with the City of Santa Cruz in honoring Mr. Johnson.

TAXATION ON MEMBERS OF THE U.S. ARMED FORCES

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I would like to bring attention to the following article by Mr. Dennis Fitzgerald proposing an end to taxation on members of the U.S. armed forces.

George W. Bush has a golden opportunity to effect a meaningful tax cut, spark our flagging economy and restore morale and loyalty in the military in one fell swoop. He should—immediately—end all taxes on members of the armed forces.

It has always seemed to me mildly absurd that those who are being paid by taxes also have to pay them. It would seem that by ending military taxation, President Bush could increase the buying power of our military and at the same time relieve them from the burden of filing federal tax returns. He would also go a long way toward keeping the best people in the service.

Military stationed in a combat zone pay no taxes now. Why should they have to pay while training for that mission? Some training is more dangerous than some combat. And people who change jeep transmissions in a combat zone are often under no more peril than those performing the same task stateside.

It is no secret that re-enlistment rates have reached an all time low. The all—volunteer military is woefully short of competent middle management. And only the Marines last year filled their enlistment quotas. Some have cited the opportunities presented by a booming economy as the reason for the best captains leaving the service before their time.

But the real reason for these departures is morale and a lack of financial incentive. Thirty years ago a career military person could count on a living wage while on active duty, discounted food, gasoline and other creature comforts through the PX system and the GI education bill amounting to a month of education for each month served up to 36 months.

The retirement benefits, if one served 20 or more years, were what kept most "lifers" going. These were one half to three fourths of the highest salary and medical services and PX aid club privileges for life. Both retirement and active duty benefits have been severely curtailed, leading to a malaise that even George Washington's army would recognize.

The solution is a tax-break—big time. There are approximately 1.4 million service people on active duty with total salaries of about $42 billion. Tax revenues from this group currently stand at about $12 billion. This is a drop in the bucket when one considers total tax revenues of $950 billion.

This move would encourage people both to join and stay in the military. In the worst case it would cost the country little, and, if the Laffer curve is still operational, perhaps would actually increase tax revenues.

Increasing the disposable income of service people makes good economic sense. The newly formed XFL is killing to attract male audiences between 18 and 32. Why? Because they have a lot of money to spend. It should dawn on this administration that they have a lot of that cohort in their employ. And If they freed up their income, they might just spend it on stuff.

Camp LeJeune North Carolina on its web site proudly boasts it contributes some $3 billion to the local economy. Fine. With a tax cut it might just contribute $4 billion. And with the multiplier effect, this would pump tens of billions of dollars into an economy that most agree is faltering. And part that increased revenue would find its way to the U.S. Treasury through increased income and excise taxes on civilians who sell to service people.

Congress, especially those members from the South, should support this measure. Increased revenue from businesses surrounding military bases has always warmed their hearts-and filled their campaign chests. With the military tax cut adopted, there would be an easier haul through Congress for a more far-reaching bill later in the year.

These practical considerations aside, the major reason for this measure would be to put pride back in our military. Those on active duty in the armed forces should consider themselves so special that the government exempts them from paying taxes.

In addition to saving administrative headaches, increasing disposable income, bumping up total tax revenues and attracting good people for the military, a zero tax rate would add a certain all-encompassing eclat to serving that medals, decorations or flag ceremonies could never replace.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SPECIAL RECOGNITION OF THE 125TH ANNIVERSARY OF FIRELANDS COMMUNITY HOSPITAL, SANDUSKY, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. GILLMOR. Mr. Speaker, as Sandusky's first hospital, Good Samaritan Hospital, which joined with Sandusky Memorial Hospital in 1985 to create Firelands Community Hospital, has cared for generations of Sandusky area families. It gives me great pleasure today to commemorate the hospital's 125th anniversary and its long tradition of providing quality health care to the community.

The hospital can trace its roots to 1876, when Wilborforce Farr, the minister of Grace Church, Sandusky, and other community leaders founded Good Samaritan Hospital, a place where everyone could receive health care, regardless of their financial or social situation. For the past 125 years, the hospital has played a vital role in the lives of Sandusky area residents.

In 1985, Firelands Community Hospital was established through the union of Good Samaritan and Sandusky Memorial Hospitals. At the time the merger of these two institutions was considered a bold, but necessary move. The federal government's push to lower health care costs was forcing hospitals to reconsider how they did business. Those who did not adapt to the changing health care climate would suffer serious financial trouble.

Although the decision to consolidate was not an easy one, the Board of Trustees and Professional Staffs of both hospitals had the foresight and initiative to put the needs of the community first. Their efforts provided the foundation for Firelands Community Hospital's role as one of the area's leading comprehensive health care systems.

Today, Firelands Community Hospital continues to provide new and innovative services and programs to meet the needs of the Sandusky area community. More than 7000 inpatients and 250,000 inpatients are served annually at four Sandusky facilities. In recent surveys, Firelands has been rated the best in Erie County for quality of physician care, personal care and attention, most modern technology, physical environment and range of services.

For the past one hundred twenty-five years Sandusky, area residents have entrusted their health care needs to Firelands Community Hospital, and I am confident they will continue to do so for generations to come.

TRIBUTE TO ROGERS HIGH SCHOOL

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise to congratulate Rogers High School and its participants in the "We the People . . . . . The Citizen and the Constitution" national finals.

I am pleased to recognize the class from Rogers High School who represented Arkansas in the national competition. The outstanding young people who participated are: David Clay, Jessica Diaz, Mitch Dinowitz, Marcus Emerson, Kenni Floyd, Haris Hasic, Jared Janacek, Amanda Lay, Ashley Marcum, Dylan Mory, John O'Connor, Josh Reece, Stephen Reed, Kyle Schoeller, Brian Shook, Bethany Simmons, Luke Siversen, Cody Steussy, Zack Taylor, David Young. The class is coached by Brenda Patton.

"We the People . . . . . The Citizen and the Constitution" is the nation's most extensive program dedicated to educating young people about our Constitution. Over 26 million students participate in the program, administered by the Center for Civic Education. The national finals, which includes representatives from every state, simulates a congressional hearing in which students testify as constitutional experts before a panel of judges.

I wish these bright students the best of luck at the "We the People . . . . . The Citizen and the Constitution" national finals. They represent the Third District of Arkansas well, and I wish them all the best in their future academic pursuits.

THIS YEAR, EARTH DAY MEANS MORE THAN EVER BEFORE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. HASTINGS of Florida. Mr. Speaker, this past Sunday, America celebrated its 31st annual Earth Day. In the past, Earth Day has been a day of both preservation and celebration. The day has symbolized our commitment to preserving the Earth's beauty for the enjoyment of future generations. This year, however, Earth Day means much more. This year, we are not using Earth Day as a catalyst for the creation of new and innovative ways to keep our environment clean and healthy. This year, we are not spending Earth Day talking about reducing air pollution and cleaning up the water we drink. This year, Earth Day is not a celebration of the environmental accomplishments of the past 31 years.

Instead, this year, we are spending Earth Day toe-to-toe with the Bush Administration to simply maintain the status quo of our country's environmental policies. This year, we are spending Earth Day fighting against the special interests of oil and gas companies. This year, we are celebrating Earth Day with a return to the careless and unhealthy environmental practices of the 1970s. This year, Earth Day means more than it has ever meant before.

In the first 100 days of President Bush's term in office, the Administration has sought to eliminate nearly every major environmental advancement of the past twenty years. Whether it is trying to drill for oil in the Arctic National Wildlife Refuge (ANWR), failing to reduce the amount of carbon dioxide emissions into the air, or halting a plan to lower arsenic levels in drinking water, the Bush Administration has made it clear that it is not serious about protecting our environment.

In Florida, we are facing the relentlessness of the oil and gas industries. As recently as last Sunday, the Bush Administration restated its plan to auction nearly six million acres off of the coast of Florida's Panhandle for the purposes of drilling for oil and natural gas. This is a plan that Floridians have both feared and rejected. Florida has maintained a position that any drilling will not occur within 100 miles of Florida's coast. While Florida's neighboring states have chosen to move forward with offshore drilling programs, the people of Florida have recognized the environmental dangers of offshore drilling and chosen not to move forward with any such program.

Drilling off the coast of Florida's Panhandle could have devastating outcomes. Studies show that the cost of offshore drilling far outweighs the benefits. The potential for oil spills and life-threatening accidents is there. The construction of oil rigs, combined with continued drilling, will undoubtably disrupt the marine ecosystem that currently exists. One only has to look at pictures of an oil rig sinking off the coast of Brazil to recognize the real dangers of offshore drilling. Now, the Administration is seeking not only to destroy Florida's already delicate environment, but to do it against the obvious wishes of Florida's people and government.

This year, we must view Earth Day as an opportunity to rally our troops and fight against the special interests that have been dictating environmental roll backs for the past 100 days. If the Administration will not fight against the oil and gas companies, then we must. We have a responsibility to recognize the role that we play in preserving our environment. If we do not recognize and accept this responsibility, then no one will.

CONGRATULATING JOHN DIENER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor John Diener for receiving the Award of Distinction from the College of Agricultural and Environmental Sciences at the University of California, Davis.

The award is the highest designation given by the college to individuals whose contributions enrich the image and reputation of the college and enhance its ability to provide public service.

Diener earned a degree in agricultural economics in 1974. He worked as a pest control advisor, specializing in viticulture, for six years before beginning a farm operation in 1980. In 20 years his farm grew from 640 acres to 4,500 acres. He began organic production practices and helped develop Greenway Organic Farms.

Diener has supported research and started field studies on reclaiming farmland that suffers from high underground water tables. This sort of research has set the foundation for growers to grow crops on acreage considered too salty. The success of his new farming methods can be seen by the abundant harvesting of crops on land that had previously been considered non-fertile soil.

Mr. Speaker, I rise to congratulate John Diener on his Award of Distinction. I ask my colleagues to join me in congratulating John and wishing him many more years of continued success.

COMMENDING THE VIRGIN ISLANDS FRESHWATER ASSOCIATION, INC.

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. CHRISTENSEN. Mr. Speaker, I rise on this occasion to commend an outstanding group of Virgin Islanders—Helen George-Newton, Eldra Malone-Drew, Ava Stagger, Carol Stagger, Kenneth "Cisco" Francis and Renaldo Chinnery, who, as residents of New York, recognized the need to preserve and promote the culture of the Virgin Islands. In March of 1991, they officially established the Virgin Islands Freshwater Yankees, which was later incorporated as the Virgin Islands Freshwater Association, Inc.

Since then, the Association has grown to 75 dedicated members, who contribute to their Virgin Islands community through educational scholarships, supplying equipment to the health facilities on all three islands, helping our senior citizens and the underprivileged children, providing supplies during natural disasters or emergency occurring in the territory.

Although this organization takes their responsibilities seriously, they also find time to have fun and participate in the annual carnival activities on St. Thomas and St. Croix.

They also serve as an oasis for Virgin Islanders on the mainland by sponsoring yearly social events. They promote and offer guidance to the other Virgin Islands associations throughout the United States and continue to preserve the values that are the roots of their heritage.

For the past ten years, in commemoration of the day that the Virgin Islands were transferred from the Danish government to the United States, "Virgin Islands Transfer Day", this organization has honored numerous outstanding Virgin Islanders in the area of sports, politics, education, health and community involvement. This year, the organization and all of its past honorees was recognized at the Tenth Anniversary Transfer Day Dinner Dance held in New York on March 31, 2001.

Mr. Speaker, I wish to recognize and commend the Virgin Islands Freshwater Association, Inc. as an outstanding model for community involvement and the preservation of their culture. I invite my colleagues to join with me in congratulating the efforts of this organization.

A TRIBUTE TO BONNIE GARTSHORE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of Bonnie Gartshore, a woman of letters and history who will be honored in Monterey, California on June 9.

The living memory of Monterey and Pacific Grove, Bonnie is a mild-mannered journalist, a determined educator, an accomplished poet and a lifelong human-rights activist.

She was a feminist before the term was coined. And as a devoted Catholic, she has always displayed her conviction, piety and humanity through her life and her work.

Bonnie was introduced at a tribute dinner at Carmel Mission in 1983 as "a true peacemonger and an incorrigible advocate for the poor and beleaguered." At that dinner Bonnie, ever the teacher, called attention to the statues of Benny Bufano, pointing out that he always turned the palms of hands outward, "open to receive and also to let go." That's an important lesson, Bonnie explained. "Something I have learned: If you are busy hanging onto things, you are going to miss a lot along the way."

Bonnie was born in Monterey 75 years ago—on Nov. 23, 1925—in the heyday of the sardine industry that was centered just a few blocks from her Filmore Street home. She called it a great place for living and learning, with few houses and a mix of people that included school principals, doctors, drunks and bums.

It was the Monterey that John Steinbeck wrote about. And it conditioned her for life. "I wasn't surprised by anything because I had seen it all growing up," she said later. As for childhood: "What I did as a young girl growing up in the New Monterey that used to be, was soak in the twin pleasures of forest and beach, develop a delight in reading and a curiosity about people and places, and absorb the values of my mother, who was a mixture of middle-class morality and liberal political views."

Her parents tried to calm her independence by sending her to Catholic school in the 1930s, hoping the nuns would straighten her out. But Bonnie ended up writing some of the services and sermons for the priests of the diocese. Bonnie is one of the few women ever asked to deliver a homily at San Carlos Cathedral. She did it, of course, preaching on her theme: "Jesus doesn't leave anyone out."

She graduated from San Carlos School in 1939 and went on to Pacific Grove High School, where she discovered a knack for writing and became editor of the school newspaper. Bonnie then went to San Jose State College as a journalism major. She edited the campus paper, the Spartan Daily, of course, and graduated with honors in 1947.

Once out of school, Bonnie went to work for the Monterey Peninsula Herald and started what has become a 53-year association as a writer and editor through three locations and four owners. She began her career in the society section, where "the girls" were assigned in those days, as the assistant editor. Her first office was in the tower of the building at Pearl and Washington Streets, which was The Herald's location in those days, Morgan's Coffee & Tea these days.

Bonnie's first stint with The Herald lasted for 15 years. Then she left to tour England and Scotland, work for the Paso Robles Daily Press, do research in Big Sur, and work as assistant editor of The Observer, the weekly newspaper of the Roman Catholic Diocese of Monterey. She also took a variety of jobs that included writing advertising brochures, doing publicity for the Monterey County and Santa Cruz County Fairs and writing the introduction to an aphrodisiac cookbook.

Bonnie also handled special sections for The Herald and wrote occasional stories for The Herald's Weekend Magazine until she eventually returned full time. In 1990, after establishing herself as Monterey's "historian in residence," she started a weekly history column, Looking Back, for The Herald. The Monterey History & Art Association recently published a collection of those columns as a book titled "Footprints from the Past."

Bonnie also developed a writers' workshop for the inmates at the Soledad Correctional Training Facility. She described it at the time as "something useful I could do." Subsequently, she was hired by Hartnell College in Salinas to teach English and speech classes at the prison, an avocation that lasted for a 20-year stretch. During that time, Bonnie staged a poetry reading at the Carl Cherry Center for the Arts in Carmel in order to raise money to publish a book of the convicts' poems.

She has also published two books of her own poetry, "Trying to Put it Together" in 1988 and "Taking My Cue from the Walrus" in 2000.

Beyond her professional pursuits, Bonnie's devotion to religion has made her a lifelong activist for peace and social justice. "In the 1960s I came to understand that religion and activism go hand in hand," she explained.

She picketed with the United Farm Workers before it became fashionable, marched with civil rights and peace groups, helped organize a Monterey memorial of the bombing of Hiroshima, interviewed the homeless and presented programs about humanity in Monterey, Pacific Grove and Carmel. She organized programs for Catholic women, presented retreats and wrote liturgies for the priests of the other gender.

Bonnie has made her home in Pacific Grove for the past 45 years, where she's been active in anything literary, including the Monterey Peninsula Dickens Fellowship, The Robert Louis Stevenson Club of Monterey and the Cherry Foundation in Carmel.

In 1989, when Bonnie was presented the Woman of the Year award from the Quota Club of Monterey-Pacific Grove, she told that audience: "I'm learning all the time. . . . There were all these people along the way, all the wonderful people I was learning from."

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise with my colleagues to remember one of the great tragedies of the twentieth century: the deportations and massacres of more than one and a half million Armenians in the final years of the Ottoman Empire. I extend my sincere sympathy to the survivors and their descendants for the hardships they suffered. Our hearts go out to Armenians around the world, including the Armenian-American community, as they mourn the loss of those innocent lives.

However, Armenians deserve not only our sympathy, but our support as well, Although Armenia has made great strides to become an independent and democratic state, many challenges remain. As Armenia, moves towards forging a lasting peace in the region, it is critical that there be an honest accounting of all those who died and why they died.

Taking a moment here today, is the least we can do to honor the victims of that terrible time, but it is essential nonetheless. If there is to be any hope of preventing future acts of such inhumanity, the senseless acts of violence inflicted upon Armenians must be properly recognized.

A SPECIAL TRIBUTE ON THE 125TH ANNIVERSARY OF CENTRAL MUTUAL INSURANCE COMPANY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize an institution in northwestern Ohio. Central Mutual Insurance Company has a history as great and rich as Ohio itself.

The "Van Wert County Mutual Fire Insurance Company" was formed on April 5, 1876, the start of what was to become today's Central Insurance Companies. Twelve days later Central Mutual was incorporated and has been providing insurance for automobiles, homes, and businesses through independent agents in 15 states with regional offices in Atlanta, Boston, Dallas and Van Wert. Central Mutual's family is made up of Central Insurance Companies, the All-American Insurance Company, Central Insurex, and CMI Lloyds, located in Dallas, TX.

Soon after its founding, Central Insurance began to operate through independent agents rather than having salesmen sell directly to the public, which was revolutionary at the time. The first agency to meet the call was the Purmort Brothers Insurance Agency, also in Van Wert, which has been continually representing Central Insurance for its entire 125 years. Quickly the Central Insurance Company began to grow and by 1883, they expanded their operations outside of their home state. Since then, they have spread across the country, opening offices while still retaining the important values that guided them to success in the late 1800's.

In today's extremely competitive market, customer service is the key to success. Central Mutual epitomizes that commitment. An insurance policy is simply a promise to pay for covered losses that occur to a policyholder's assets. For the last 125 years, their primary commitment to policyholders has been to ensure that adequate funds are available to fulfill these promises.

Mr. Speaker, I am proud to recognize this company for all of its contributions to Ohio, including its Fire Museum, which preserves a vital piece of American history. In addition, I want to wish all of the Central Mutual Insurance Company family the best. You are an example for Ohio and the country.

TRIBUTE TO MS. BETTY TIMES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Ms. Betty Times. Betty Times was a truly unique individual whose record of dedicated community service is an inspiration. Her leadership has meant so much to the many agencies she supported as well as the individuals whose lives she touched.

Her work included the Marin City-USA Project, Sausalito School Board, Marin General Hospital Board, Marin Education Fund, the Marin City Community Development Corporation, the National Women's Political Caucus, and many others. She became the first African-American to head a county department when she was named to direct the newly formed Citizens Service Office in 1978. She has been honored by the Marin Women's Hall of Fame, the county Human Rights Commission (the Martin Luther King Humanitarian Award), and the Marin County Grass Roots Leadership Network.

Mr. Speaker, we honor Betty Times for her strength, good humor, wit, and integrity as well as her leadership. The Marin community will be the poorer for her loss.

CONGRATULATING THE ARMENIAN COMMUNITY SCHOOL OF FRESNO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Armenian Community School of Fresno on celebrating their 24th year of existence at their annual banquet.

The Armenian Community School of Fresno was opened with 24 students on September 12, 1977. This was the first community-wide Armenian day school in Fresno. Through generous donations from the Hovannissian and Sahatdjian Families, as well as other individuals and organizations, the school was able to move from the Holy Trinity Armenian Apostolic Church Sunday School room to its present location on September 8, 1980.

The essence of the Armenian Community School is to emphasize serious study, to educate on social responsibility, and to lay the foundation for strong, healthy, moral, ethical, and spiritual values.

The student body has grown to over 120 students. Many features have been added to the education program such as the Fresno County Science Fair, Outdoor Education Camps, a solid Physical Education program, and a Student Council. The students receive a bilingual curriculum, which helps them become model Armenian-American citizens with a strong appreciation and knowledge of their heritage and culture.

Mr. Speaker, I want to congratulate the Armenian Community School of Fresno on the occasion of their 24th year anniversary. I urge my colleagues to join me in wishing the Armenian Community School of Fresno many more years of continued success.

TRIBUTE TO JEANNE STINE, FORMER MAYOR OF THE CITY OF TROY, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. LEVIN. Mr. Speaker, on April 26, 2001, the City of Troy, Michigan will pay tribute at a dinner in honor of their former Mayor, Jeanne Stine. She recently left that post she had held since 1992.

During Mayor Stine's tenure, the City of Troy witnessed remarkable growth and prosperity, whether measured by the total market value of its property, the growth in employment, or most vitally, the quality of life for Troy's citizens. The ground was recently broken for construction of a community center, including a new gymnasium, conference center, computer room, exercise facilities, and a senior citizen dining room. The annual Troy Daze festival prospered under her tutelage. There, I have spent many happy hours with Mayor Stine at the festival, watching her as she pridefully spoke to the annual ceremonies swearing in new citizens and touring the many booths of a wide variety of Troy's public service groups.

Beginning with her first service to Troy's citizens when elected to the City Council in 1976, Jeanne Stine has worked tirelessly for her community. She serves as the Immediate Past President of the Michigan Association of Mayors and Vice President of the Michigan Municipal League. She also serves on the Board of Directors of a number of organizations, including the Boys and Girls Club of Troy, Arab American Chaldean Council and the Troy Community Coalition.

Mayor Stine received her BS and RA from Wayne State University. She worked as an educator and school counselor in the neighboring community of Clawson for 33 years.

Troy is a far more enjoyable, hospitable and cohesive community today because of Jeanne Stine. No matter was too small for her attention, and I was privileged to participate with her in some of her incessant efforts to better life for Troy's citizens, whether improving the post office, modernization of its highways, or the encouragement of the uniquely successful Troy Community Coalition and its anti-drug program.

Mr. Speaker, I ask my colleagues to join me in thanking my friend, Jeanne Stine, for her years of public service and in wishing her good health and happiness in the years ahead.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to stand with the Armenian-American community to commemorate the Armenian Genocide, one of the darkest chapters of world history.

First of all, I would like to thank the gentleman from Michigan and the gentleman from New Jersey for their leadership as co-chairmen of the Congressional Caucus on Armenian Issues.

Today marks the 86th year of the beginning of the Armenian Genocide. The Armenian people were subjected to deportation, expropriation, torture, massacre, starvation, and abduction. April 24, 1915 is recognized the world over as the day the Ottoman Turks rounded and killed hundreds of Armenian leaders in Constantinople. Thousands more were murdered in public. This began an eight year long campaign that claimed the lives of over 1.5 million Armenian men, women and children—half of the world's Armenian population at the time. Moreover, 500,000 Armenians were forcibly driven out of their homeland to seek refuge in other nations.

From 1915 to 1923, in a short eight years, the Ottoman Turks systematically and deliberately slaughtered over 1.5 million Armenians in their homeland. In a short eight years, in the blink of any eye, a 2,500 year-old civilization—the first Christian nation in the world—was almost wiped out.

Because of modern-day Turkey's attempt to disavow the Armenian Genocide and dispute the historical records, we must continue to affirm the Armenian Genocide. We must continue to commemorate the victims and the survivors as a matter of conscience and as a matter of faith. I believe we must have faith that efforts to do so will make a difference and will help keep the memories alive despite the Turkish government's attempt to rewrite history. I believe we must have faith to work together in the hopes of preventing any type genocide from ever occurring again.

As I said two years ago in this chamber and on this floor, we cannot, should not and will not forget the Armenian Genocide. As a matter of conscience, we should all stand together to speak out to remember the victims. While the Armenians have suffered through such tragic horrors, it would be an even greater tragedy if we forget. We will remember and honor their memories in the hopes for a better tomorrow.

IN HONOR OF THE KALINA SINGING SOCIETY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. QUINN. Mr. Speaker, I rise today to recognize and pay tribute to the Kalina Singing Society of my Congressional district on the occasion of its 100th Anniversary.

Founded in Buffalo, New York on March 1, 1901, the Kalina Singing Society is a women's chorus founded under the auspices of the Polish Singing Circle and a member of the Polish Singers' Alliance of America. For the past 100 years, it has proudly promoted American and Polish culture through song, and has garnered a fine reputation as an outstanding performance group.

Throughout its rich history, and still today, the Kalina Singing Society has promoted the Arts, as well as our City's rich cultural heritage. They have performed countless concerts, operettas, recitals, guest appearances, joint concerts, and holiday offerings, and have participated in national competition.

The Kalina Singing Society has continued to exhibit a strong and dedicated commitment to the Polish-American community, the City of Buffalo, and to the spirit of community service and volunteerism that has always been the hallmark of our Western New York community.

Mr. Speaker, today I join with the group's membership, and indeed, our entire Western New York community, to honor the Kalina Singing Society on this historic anniversary. On behalf of the Thirtieth Congressional district of the State of New York, I want to formally extend my enthusiastic commendation, and offer my personal best wishes for the Kalina's second century.

RECOGNIZING PAULINE BLAYNEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Pauline Blayney for being named "Silent Servant" of the year 2001 by the Fowler Chamber of Commerce.

Pauline was born in Fresno and has been a Fowler resident since the age of six. In 1946 she married Laurice Blayney. The couple has three children and nine grandchildren.

Pauline has been involved with several community activities in the community, including: Fowler Improvement Association, Friday Book Club, Iowa Community Club, Presbyterian Church of Fowler, Presbyterian Women of the Presbyterian Church U.S.A., Edwin Blayney Senior Center, Girls Scouts, Cub Scouts.

Mr. Speaker, I congratulate Pauline Blayney for her "Silent Servant" of the year 2001 award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Pauline Blayney many more years of continued success.

HONORING COMMISSIONER JACK BUELL FOR ACTS OF CARING

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. OTTER. Mr. Speaker, this week is National County Government Week. Countless counties across the country are represented in Washington, D.C. to honor outstanding elected officials who do so much to serve their communities. As a former Lieutenant Governor of Idaho for fourteen years, I have had the privilege of working with many fine officials on the county level. One of those officials is Mr. Jack Buell.

For the past twenty years, Jack has ably represented the citizens of Benewah County, Idaho as County Commissioner. He's a Democrat. But that isn't what distinguishes Jack. A lifelong Idahoan, Jack was born in St. Maries, Idaho. He married Eleanor, his wife of 39 years, raised a family and built a successful trucking business. Through the years, he has developed affiliations that have benefited the citizens of Idaho—including, the Idaho Department of Transportation Advisory Board, the Idaho State Scaling Board, and the timber industry, in which he now serves as President of the Associated Logging Contractors, and as Chairman of the Idaho Forest Products Commission. In that last capacity, he has passionately led the timber industry at rallies throughout Idaho, Montana, and Washington with caravans of diesel trucks.

And even those mighty achievements do not explain why I honor Jack Buell today. In 1996, during heavy flooding and cleanup efforts in St. Maries, Jack selflessly donated the use of virtually every piece of heavy equipment he owned to help move homes to safety, provide escape for trapped victims, and help rebuild the flood-ravaged community. That experience, and many others, resulted in his community and peers awarding him the Idaho Association of Counties Sidney Duncombe Award.

Jack is a good friend, a solid family man and businessman, and he deserves my thanks, and thanks from fellow county officials—and Congress—for his service to communities and citizens in Idaho.

CONGRATULATING RJ REYNOLDS TOBACCO COMPANY FOR BEING NAMED ONE OF "THE 100 BEST COMPANIES TO WORK FOR"

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. BURR of North Carolina. Mr. Speaker, today I rise to congratulate Mr. Andy Schindler and the fine folks at R.J. Reynolds Tobacco Company in Winston-Salem, North Carolina in being named to Fortune magazine's annual list of "100 Best Companies to Work For."

I have always been proud of R.J. Reynolds and its employees and I remain honored to be their Representative in Congress. Reynolds is one of North Carolina's best corporate citizens, one of its largest taxpayers, and an invaluable asset to our state. Frankly, Mr. Speaker, it's been a long time coming for Reynolds to receive this national commendation as North Carolinians have known of Reynolds' benefits for years.

During my tenure in serving the people of the Fifth District of North Carolina, I have had the pleasure of working with and getting to know many of the executives and employees at R.J. Reynolds Tobacco Company. They are all extremely dedicated, hard working, creative, and proud of their work. An organization is only as good as its people; and the workers at Reynolds are second to none, and it shows in the final product.

Congratulations to Reynolds and its employees for winning this award. You've always been at the top of my list. Keep up the good work.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Ms. BALDWIN. Mr. Speaker, during the week of March 26, 2001, I was absent from the House due to a death in my family. Although I received the appropriate leave of absence from the House, I want my colleagues and constituents of the 2nd District of Wisconsin to know how I intended to vote on the rollcall votes that I missed.

Rollcall vote 62: I would have voted "No".
Rollcall vote 63: I would have voted "Aye".
Rollcall vote 64: I would have voted "Aye".
Rollcall vote 65: I would have voted "No".
Rollcall vote 66: I would have voted "Aye".
Rollcall vote 67: I would have voted "Aye".
Rollcall vote 68: I would have voted "No".
Rollcall vote 69: I would have voted "Aye".
Rollcall vote 70: I would have voted "No".
Rollcall vote 71: I would have voted "No".
Rollcall vote 72: I would have voted "Aye".
Rollcall vote 73: I would have voted "Aye"
Rollcall vote 74: I would have voted "Aye".
Rollcall vote 75: I would have voted "No".

CONGRATULATING FRESNO AREA CONGREGATIONS TOGETHER (FACT)

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Fresno Area Congregations Together (FACT) for their service to the community of Fresno. They recently celebrated their 2nd Annual Awards Banquet.

FACT has played a vital role in the community of Fresno since 1997. FACT's mission is to develop neighborhood leaders, while improving the quality of life in areas throughout the city. FACT members fulfill their obligation to seek social justice, dignified relationships, and healthier communities in a meaningful, hands-on manner. The 10 congregations/organizations that form FACT are: Anabaptist Community Action, First Mexican Baptist, Grace Lutheran, Our Lady of Mt. Carmel, Our Saviour's Lutheran, St. Alphonsus, St. Helen's, St. John's Cathedral, San Antonio Maria Claret, and San Ygnacio Episcopal Mission.

FACT uses a systematic approach to addressing community concerns. Congregational committee's meet with neighborhood residents to listen to their memories, concerns, pressures, sources of pain, and hopes for a better tomorrow. After community concerns are identified, research is conducted to learn about causes and possible solutions to the concerns. The concerns are then brought to the attention of the public official responsible for facilitating positive results.

Mr. Speaker, I rise to congratulate FACT for their exemplary community service in the city of Fresno. I urge my colleagues to join me in wishing FACT many more years of continued success.

HONORING LIGHTHOUSE OF OAKLAND COUNTY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. KILDEE. Mr. Speaker, it gives me great honor to recognize one of the crowning jewels of my district. On April 26, government and community leaders will gather in Pontiac, Michigan to formally unveil the new program headquarters of Lighthouse of Oakland County, the Robert and Mary Flint Campus of Caring. This wonderful facility, named after its two primary benefactors, was completely constructed with the selfless donations of time, materials, and money from hundreds of individuals who realize the significant impact Lighthouse has made in the community.

Lighthouse of Oakland County began in 1972 as an ecumenical ministry at Pontiac's St. Vincent de Paul Church, designed to assist low-income families and senior citizens in need. Nearly 30 years later, it remains committed to these ideals, providing a full range of human services to help lift the less fortunate from poverty to independence and self-sufficiency. With an army of volunteers and charitable donors, Lighthouse provides service through three subsidiaries Lighthouse Emergency Services, Lighthouse PATH, and Lighthouse Community Development.

With branches in Pontiac and nearby Clarkston, Lighthouse Emergency Services responds to families and seniors with an immediate need for food, medicine, transportation, or temporary shelter. Last year, the two branches assisted more than 76,000 people, many of whom are among Oakland County's working poor.

Lighthouse Pontiac Area Transitional Housing, or PATH began in 1991 and provides a safe, structured environment for 24 women and their children referred by homeless shelters. PATH offers counseling, job training, child care, and instruction in parenting and life skills. With an 84% success rate, many women have gone to become independent and productive members of society.

In 1992, Lighthouse Community Development initiated a neighborhood revitalization program whose goal was to increase affordable housing for low-income families. Through the efforts of community volunteerism and donations, a cluster of vacant and abandoned houses was transformed into the Unity Park housing development. Community Development continues to renovate and repair homes, build new single family housing, maintain neighborhood yards, and also provides financial management training.

Lighthouse's value has been recognized by many, as evidenced by its many collaborations with churches, community programs, and businesses. They have received numerous rewards and citations and serve as one of Michigan's best managed non-profit groups.

Mr. Speaker, I am exceptionally proud to have Lighthouse of Oakland County in my district, and I am grateful for people like Robert and Mary Flint, the Lighthouse staff, and its Executive Director, Noreen Keating. With the new facility, the Campus of Caring will provide programs for computer training center, business and banking, senior independence, and life skills, among others. Through their work, many disadvantaged citizens will indeed reach their full potential. I ask my colleagues in the 107th Congress to please join me in congratulating Lighthouse.

TRIBUTE TO MR. JIM LEEDY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to a friend and lifelong resident of my 34th Congressional District in Norwalk, California. Mr. Jim Leedy recently passed away and I am proud to honor him for his devout community service in organizations like the Knights of Columbus, Veterans of Foreign Wars, the Blind Association and the Rancho San Antonio Boys Home.

Jim was born in Los Angeles in 1935 and educated in the Los Angeles Public Schools. He married his high school sweetheart Kathleen in 1956 and was drafted into the Army in 1958, spending his time in Korea. After an honorable discharge, he and his wife bought a home in Norwalk, where they lived for forty wonderful and memorable years and raised two children, Jim and Theresa.

Jim was a truck driver by trade, however most of his life was spent helping others in various capacities. He became active in the Knights of Columbus in 1972 and was preparing to become a 4th degree Knight when he passed away. Under the leadership of Jim as Community Director, the Norwalk Knights of Columbus won top honors in Community Service at the State convention in 1977. Since then, Jim has remained very active and involved in many different service areas of the Knights of Columbus, as well as the VFW. During the last two years of his life, Jim served as Family Director for the Knights of Columbus under two different Grand Knights. Even when he was not holding a specific office, Jim constantly worked on programs to better the community, organizing and raising funds for numerous charitable organizations.

Jim was also actively involved in St. Linus Church and gave much of his time to helping others. During the Thanksgiving and Christmas holidays, Jim would use his truck to pick up and deliver food baskets to the needy. He also picked up and delivered wreaths and trees for Christmas and palms during the

Easter season for the church. In addition to the service organizations that Jim belonged to, he took it upon himself to volunteer to deliver baked goods from local markets to the Norwalk Senior Citizens Center, Rio Hondo Woman's Shelter, Norwalk Social Service Center, and woman's detention center in Norwalk. He did this Monday through Friday every week of the year. The people he delivered bread to affectionately called Jim the "Bread Man", and he could always be counted on for a great big "bear hug" and a smile no matter what task he was undertaking.

Neighbors and friends used to say that there was nothing Jim would say "no" to when he was asked to do for others. I am grateful to have known Jim Leedy and experience his warmth and compassion that touched so many around him. I wish to express my deepest sympathies to Jim's wife Kathleen, his children, Jim and Theresa, grandchildren and step grandchild.

COMMENDING THE ACADEMIC ACHIEVEMENTS OF STUDENTS AT HAYS HIGH SCHOOL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. MORAN of Kansas. Mr. Speaker, I offer congratulations to the twenty-nine students from Hays High School in Hays, Kansas for their excellence in academic competition: Kristin Alstatt, Tara Bauer, Travis Beam, Chelsea Boldra, Sarah Braun, Kelly Brooks, Ashleigh Dyck, Elise Eilts, Brandon Fross, Rebekah Girard, Daran Herrman, Bojun Hu, Brandon Klaus, Brandi Legleiter, Matthew Leiker, Abby Maska, Fatou Mbye, Jayna Montoia, Charlotte Moore, Kayla Schippers, Jill Seib, Evan Shaw, Kevin Wasinger, Michael Wasinger, Sonya Wesselowski, Jeremy Wilson, Michael Wilson, Joslin Woofter, Alexandra Zehner.

This past weekend, Hays High represented the state of Kansas in the national finals of the We the People . . . The Citizen and the Constitution program. These Kansas seniors joined over 1200 students from across the United States to compete in Washington, DC. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I commend each of these students for their hard work and success.

I would also like to recognize their teacher, Sue Boldra, for helping prepare these young students. Ms. Boldra's commitment and dedication to nurture and encourage our youth shines through the accomplishments of her students. The First Congressional district has been proud to be represented by Hays High for the past four years on the national level in this prestigious competition. I commend Ms. Boldra for her excellent job promoting education and patriotism among the youth of Kansas.

I also applaud Professor Richard Heil at Fort Hays State University for his three years of service as a judge at the We the People national finals. Dr. Heil's commitment to this program has helped students from across the United States take a strong interest in the principles that govern our nation.

It is an honor to recognize such a meritorious group.

HONORING ELMA MANKIN, HERNDON ROTARY CITIZEN OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor a friend of Northern Virginia, Ms. Elma Mankin, who is being recognized by the Herndon Rotary Club as Citizen of the Year at a ceremony on April 25, 2001 in Herndon, Virginia.

Ms. Mankin has dedicated herself to making our community a better place. As an active philanthropist, she spends countless hours volunteering in Herndon's many historical sites. She is involved with the Herndon Historical Society, the Herndon Women's Club, Reston Hospital, Herndon United Methodist Church, the Council for the Arts in Herndon, and other local organizations.

A lifelong member of Herndon, Ms. Mankin has seen it grow from a one-stop-light town to the booming technological corridor it is today. She began her career as a secretary at Herndon High School and eventually moved to the Herndon Elementary School. She retired when she gave birth to her two daughters. After the last of her children grew up, she looked for ways to remain active in the community.

She went to Northern Virginia Community College to receive her associate's degree in fine arts. Her works became well-known, but she decided to keep art as a hobby. Ms. Mankin continues to enjoy art, but her real joy is her love of volunteering. She became involved in over ten organizations after finishing her degree.

Ms. Mankin continues her volunteer efforts, visiting Reston Hospital once a week to assist in the rehabilitation center. She also participates in a social group for local women called "Lunch and Fun Bunch." She serves as a trustee on the Herndon School Board, a lifetime member of the Historical Society, and has served as a town election official for 22 years. Her countless hours of service make our district proud to have such a fine citizen.

Mr. Speaker, in closing, I wish the very best to Ms. Elma Mankin as she is recognized as the Citizen of the Year. She certainly has earned this recognition, and I call upon all of my colleagues to join me in applauding this remarkable achievement.

HONORING PAUL BESSELIEVRE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. RADANOVICH. Mr. Speaker, I would like to congratulate and honor Paul Besselievre, the recently retired C.E.O./Owner of Valley Trane, who was recently featured in an Executive Profile for the Fresno Business Journal newspaper. The question and answer Executive Profile, printed in the Fresno Business Journal on February 26, 2001, reads as follows:

Q. What is the best thing about your job?

A. Dealing with professionals within the company and the community.

Q. What is the worst thing about your job?

A. Those 7 a.m. meetings.

Q. What is your best professional accomplishment?

A. Training many young engineers and other professionals to be successful in the industry, and hopefully, in life.

Q. If you could effect any change in the business community, what would it be?

A. To get back to doing business with a handshake, where a man's word is his bond, and lawyers are used mostly to write your will.

Q. What is your best personal accomplishment?

A. My wife of 39 years is still my sweetheart. Every Friday is date night. And we still make out.

Q. What is a good yardstick of success?

A. Good friends and a family that loves you.

Q. Best decision?

A. I asked Carol Poljansek to marry me.

Q. Worst decision?

A. To skate across Bear Butte Lake before the ice was thick enough. This should stimulate thought.

Q. What is the community service project or event closest to your heart?

A. I belong to too many organizations to pick one. Each has a special place in my heart, or I wouldn't be a part of it. I couldn't pick a favorite child. Any organization or project that improves the livability of my community is close to my heart.

Q. Best advice you've ever received?

A. One night in 1965 while working late, Earl Nightengale came on the radio and asked a simple question. What do you say when someone asks, "Will you do me a favor?" Most people ask what it is. He encouraged them to just say "sure." It's an attitude. Expect the best of people. If they ask for something unreasonable, you can always recant. What you learn when you expect the best of people is that you usually get it. This change in attitude becomes a way of life. That 10-minute broadcast had a profound impact on me. Life as an optimist is a lot more enjoyable.

Q. Favorite book?

A. The Children's Stories of the Bible. My parents read it to my sister and me, and Carol and I read it to our children.

Q. Favorite recreational activities?

A. Camping, skiing, fishing, cooking. Any activity outdoors, especially in the mountains.

Q. Where did you spend your most recent vacation?

A. A trip to Kansas City to spend Thanksgiving with my children, grandchildren, mother, sister, niece, nephew, and friends who are also family.

Q. What type of car do you drive?

A. A 1983 Buick Riviera convertible.

Q. What is your favorite restaurant?

A. Every ethnic restaurant. We will never run out of favorites. This area is rich with them. Indian, Thai, Chinese, Japanese, Basque, Italian, Mexican, Cajun, Vietnamese, Armenian, etc.

Q. What was your first job?

A. Emptying wastebaskets in an office building after school in Lemmon, South Dakota when I was 10 years old. Moved on to a lawn mowing and snow shoveling business when I was 12.

Mr. Speaker, I rise to honor my friend Paul Besselievre for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in wishing Mr. Besselievre a pleasant retirement and many more years of continued success.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. ABERCROMBIE. Mr. Speaker, yesterday I was unavoidably detained in Hawaii on official business during which two rollcall votes were taken. Had I been present I would have voted:

Rollcall No. 85, Motion to Instruct Conferees on the FY 2002 Budget Resolution, "Yes".

Rollcall No. 86, Motion to Suspend the Rules on HR 428 concerning the participation of Taiwan in the World Heath Organization, "Yes".

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. BECERRA. Mr. Speaker, today I rise to honor the 86th anniversary of the Armenian Genocide, in hopes that we will work to ensure that our country's foreign policy reflects a respect for human rights, and renounces ethnic cleansing and genocide. This Special Order brings forth an opportunity to pay tribute to the memory of the 1.5 million Armenians that lost their lives as a result of this tragic event.

As we arrive at this anniversary once again, the United States should now more than ever promote healing with Turkey and the Armenian community in this nation and abroad. By acknowledging the great tragedy of the Armenian Genocide, we would be doing something today that is right for the wrong endured by Armenians 86 years ago. Although we are conscience of the current crisis in the Middle East and value our relationship with Turkey, it does not diminish the need to recognize what Armenians experienced during the early 20th Century. There are many people across the world who will agree that this is a highly sensitive and serious issue to discuss. But in order for us to correct the errors of the past we must never forget they took place by officially recognizing the Armenian Genocide and standing up against such atrocities.

On this April 24th, 2001, we remember and mourn the loss of all the Armenians killed from 1915 to 1923. But we also look forward to the day when we will see peace and stability realized by not tolerating acts of severe cruelty and injustice. Unfortunately, genocide is not yet a vestige of the past. In more recent years we have witnessed ethnic killings in Cambodia, Bosnia, Rwanda and Kosovo. We must continue on with a commitment to prevent such assaults on humanity from occurring again. There are many Armenians living in California today who form a strong and vibrant part of the State's community. The strength they have displayed in overcoming the suffering is an example to us all.

Surrounded by countries still hostile to them, to this day the Armenian struggle continues. Our nation must work to prevent further aggression and assure Armenians throughout the world that they can live free of threats to their existence and property. Now with an independent Armenian state, the United States has an opportunity to contribute to a true memorial of the past by strengthening Armenia's emerging democracy.

Mr. Speaker, as we remember and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all over the world have clung to their identity and have prospered in new communities. For my part, I will vigorously fight to help improve the lives of Armenians in the United States and abroad.

TRIBUTE TO DR. THOMAS STARZL

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in honor of one of the truly great Americans of the 20th century, Dr. Thomas Starzl, the renowned "Father of Transplantation."

Dr. Starzl turned 75-years old on March 11th, and his former students, colleagues, patients and others are gathering in Pittsburgh in late April for the dedication of a portrait to hang alongside other University of Pittsburgh medical research luminaries such as Dr. Jonas Salk, who discovered the polio vaccine. Dr. Starzl's pioneering work on organ transplantation is no less important to our society.

One considered to be mere science fiction, the reality of organ transplantation is today often taken for granted. For years throughout his early career, Dr. Starzl tirelessly experimented with transplantation in the face of adversity and the skepticism of his colleagues and academics. But he succeeded, and because of his work thousands of lives are saved each year by organ transplant surgery.

It was 20-years ago this year that Dr. Starzl performed the first liver transplant in Pittsburgh. Since that time, more than 11,300 transplants have been performed in what is now the UPMC Health System, making Pittsburgh the busiest transplant center in the world. Even though he retired from surgery in 1991, his work and dedication to the field of transplantation continues and is unmatched.

Now as we proceed into a new century, his work continues. Just because he's now emeritus does not mean he will be idle. He still contributes on a daily basis (just a few years ago he was named the most cited in clinical medicine) and he will provide leadership and vision to the program that bears his name.

Few in their lifetimes have pioneered and developed a field of medicine and seen it flourish, as has Dr. Starzl. And expect more from him—there are breakthroughs around the corner.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. HOYER. Mr. Speaker, every year on April 24 we commemorate the Armenian genocide. Between 1915 and 1923, in what is called the first genocide of this century, more than one million Armenians perished and 500,000 survivors were exiled from their homes in Ottoman Turkey. We mark this unspeakable tragedy each year on that date so that we can examine what occurred and honor the memory of the victims. Sadly, Mr. Speaker, the massacre of the Armenians was not the last genocide of the 20th Century. In designing his "final solution to the Jewish problem" Adolf Hitler reflected, "Who today remembers the Armenians?" Decades later, the cries of these victims echoed in Cambodia, Rwanda, Bosnia-Herzegovina and Kosovo.

We must remember, Mr. Speaker, but we must also learn from this event and ultimately act on that knowledge to prevent such indescribable horror from ever occurring again. There are those who deny that there was an Armenian genocide. Mr. Speaker, Yehuda Bauer, historian of Yad Vashem, has said that "to deny a genocide . . . is a denial of truth." We must speak the truth, and that is what we do here in this House today.

As we honor the memory of those who perished, we marvel at the strength of the survivors and the generations which have followed. In the diaspora, the Armenian people have prospered and flourished throughout the world. The creation of the independent state of Armenia in 1991 not only provided the Armenian people with a homeland, but is a beacon of hope for the future. It is our hope, Mr. Speaker, that Armenia will thrive and prosper and continue to fortify its democracy.

It is also our hope, Mr. Speaker, that the people of Armenia and Azerbaijan will redouble their efforts to find a solution to the conflict in Nagomo-Karabagh. I commend our government for bringing the parties together in Florida recently for renewed negotiations, and I hope that this intensified effort will result in an agreement that will ensure lasting peace for all the people of the region.

TRIBUTE TO MR. RICHARD CHRISTMAS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Mr.

Richard Christmas of Lansing, Michigan. Mr. Christmas has been writing letters for over forty years to government officials in an attempt to set aside a day dedicated to space exploration. Over the years his letter writing campaign has payed great dividends. Ten Michigan cities, sixteen cities in other states, and a few states have dedicated a day, and sometimes a week for space exploration.

Mr. Christmas has always had an interest in space ever since he was a young boy. However, due to a severe accident he was forced to put his space ambitions on hold. After his recovery he started to write letters to government officials. At first there were few replies but as the United States Space Program gained momentum so did his letter-writing campaign. He has received several letters from mayors and governors commending him on his continuous effort and dedication to space exploration.

Today, Mr. Christmas wants more cities to become involved with making space exploration a national holiday. With the National Air and Space Museum's 25th anniversary around the corner, this would be a perfect time to promote Space Day across the country and I encourage my colleagues to support the efforts of my civic-minded constituent, Mr. Richard Christmas.

HONORING PAUL POLO FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an outstanding Connecticut business leader and my dear friend, Paul Polo, who has been honored by the Italian American Historical Society of Greater New Haven with their 12th Annual Distinguished Service Award.

Each year, the Italian American Historical Society of Greater New Haven honors members of Connecticut's Italian American community for their service and dedication. The Distinguished Service Award is a reflection of their commitment to the Society and to it's mission—preserving the culture and heritage of Italian-Americans. Throughout his life, Paul has demonstrated a unique commitment to public service in both his professional and philanthropic efforts.

Paul's contributions to the Italian-American community are innumerable. For over four decades, Paul has been a member of the Order Sons of Italy in America, serving as president of the nation's largest and oldest Italian American organization for two years. Under his leadership, the organization raised millions of dollars that was contributed to education, medical research, and social awareness issues. Paul now serves as the president of the Sons of Italy Foundation, where he has again played a crucial role in fund-raising efforts on behalf of a variety of service organizations. In addition to his work on the national stage, Paul is also involved in several organizations in Connecticut. A member of the Knights of Columbus, Elks, Mount Carmel Society, the Chamber of Commerce, and as an organizational representative of the American Society of Association Executives, Paul has dedicated much of his life to making a real difference in the lives of others.

An avid political activist, Paul has long been a figure in Washington as well as Connecticut. In 1991, Paul met with former President Bush as a representative from the Order Sons of Italy in America during an Oval Office meeting to discuss initiatives for social equality. In addition, he served on President Bush's policy round table. Former President Bill Clinton named Paul an alternate delegate to the U.S. Small Business Administration. Currently serving as the chairman of this year's Democratic National Convention and co-vice chairman of the Italian American Democratic Leadership Council—an organization which he helped to establish—Paul remains an active participant in public affairs.

As a respected business leader, volunteer, an political activist, Paul has left an indelible mark on the State of Connecticut. His commitment and dedication has gone a long way to enrich our communities and strengthen the bonds we share. It is with great pride that I rise today to join his children, Paul Jr., Daniel and Michael; grandchildren, Daniel Jr., Anthony, Philip, Nicole and Emily; family, friends, and colleagues in extending my sincere appreciation and congratulations to Paul Polo for his outstanding service to Connecticut and our great nation.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. MYRICK. Mr. Speaker, due to inclement weather, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall vote 85, on the Motion to Instruct Conferees on H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, I would have voted "nay." Rollcall vote 86, on H.R. 428, concerning the participation of Taiwan in the World Health Organization, I would have voted "yea."

COMMEMORATING THE 2600TH BIRTHDAY OF LORD MAHAVIR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. PALLONE. Mr. Speaker, I come to the House floor today to praise the Prime Minister of India, Mr. Vajpayee, in declaring this year as the year of nonviolence. April 6 commemorates the 2600th birthday of the greatest prophet of Jainism, Lord Mahavir.

Jainism is a beautiful religion originating in India over two millennia ago, built on the principles of nonviolence, working on the self, and realization of multiplicity of truth through our varying perspectives of life. Lord Mahavir worked tirelessly all his life until he reached Nirvana, and then embarked barefoot to spread his message of truth across the great nation of India.

Lord Mahavir practiced and preached environmental protection to safeguard trees, plants and animals for the living. The observation of the nonviolent practices of the Jainis was a major influence on the philosophy of the great Indian leader Mahatma Gandhi. The same principles of nonviolence and respect for life were practiced more recently by Dr. Martin Luther King, Jr., in the United States, as he led the struggle for civil rights for all Americans.

Mahavir's principles are extremely important today as well. Mahavir or The Great Soul taught us liberation of soul by right knowledge, right faith and right conduct. We must all bring this into our lives to make this world a better place for our children and grandchildren.

April 6th marks the beginning of pioneering celebrations throughout the world for nonviolence, and thus I ask my colleagues to join me in recognizing the year 2001 as the year of nonviolence worldwide.

LETTER CARRIERS DELIVER HOPE TO FAMILIES IN NEED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. KLECZKA. Mr. Speaker, on Saturday, May 12, 2001, the largest one-day food drive in the country will take place. Letter carriers from across the nation will join together and collect nonperishable food items from their customers and the supplies will be taken to food pantries for distribution. In Milwaukee, last year's food drive benefited the community by providing a total of over 376,000 pounds of donations for more than 100 local food operations.

These contributions come at a critical time when donations to food pantries traditionally fall. During the summer months, demand for food to feed school-aged children typically peaks as access to school breakfast and lunch programs is restricted. Students suffer as their parents struggle to provide well-balanced meals. It is because of this that the National Letter Carriers Food Drive is so important to the health of our communities.

This project has been made possible by the generous sponsorship and efforts of the National Association of Letter Carriers, U.S. Postal Service, AFL–CIO, United Way of Greater Milwaukee, Harley-Davidson Motor Company, Covenant Healthcare, and Hunger Task Force of Milwaukee.

Mr. Speaker, I am here today to ask that my colleagues lend their support to the letter carriers' food drives in their own hometowns and districts. To my neighbors in Milwaukee and Waukesha counties, I ask that they look deep in their hearts and pick up a few extra nonperishable items while doing their weekly shopping. As all food collected remains in the community, these essential donations will benefit those that we work and live with.

Together we can make a difference in the fight against food shortage. May 12, 2001, the

National Letter Carriers' Food Drive provides a practical step in the march to stamp out hunger.

TRIBUTE TO MARY LOU RAYNES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Mary Lou Raynes, who will retire from Central Missouri State University on July 31, 2001, after more than 31 years of devoted service to the Army ROTC Fighting Mules Battalion.

Mrs. Raynes began her service to the Fighting Mules Battalion in August of 1969. During her first decade at CMSU, she served as the university-hired secretary of the department. Later, she was promoted to government service, spending over 20 years as the department's Military Personnel Technician.

Mrs. Raynes has continually gone above and beyond the call of duty. She has received numerous cash awards, two consecutive Annual Formal Inspections with laudatory ratings and received commendation from Cadet Command for excellence on six different occasions. She is continually cited as the "subject matter expert" in Cadet Personnel Management and has been praised many times for "far exceeding the standards expected of a civil service employee." Mrs. Raynes has been a loyal ally of the ROTC Fighting Mules Battalion, even when the group was severely shorthanded in both instructors and administrative support.

On top of her overwhelming support to Central Missouri State University's Army ROTC program, Mrs. Raynes has been successful in other areas. She was recognized as the Warrensburg, Missouri, American Business Woman of the Year. She was also commended for organizing the community Christmas Store and the radio show KOKO Expo Home Show.

Mr. Speaker, Mary Lou Raynes' passion for excellence in Central Missouri State University's Army ROTC has made a difference in the lives of students and teachers. I know all Members of Congress will join me in paying tribute to her outstanding service to the Army ROTC Fighting Mules Battalion.

TRIBUTE TO MATTIE M. HOLLIMAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. EHLERS. Mr. Speaker, I rise today to pay tribute to a truly outstanding woman who did so much in our community to help those who are less fortunate. If only there were more people like Mattie M. Holliman; then this world would be a better place. I am saddened to report that Mattie passed away on March 9 after a brief illness. This lady, known as "Mother Holliman" in our community, leaves behind an outstanding legacy.

During her 79 years, Mattie was a tireless worker who looked out for others who were homeless, hungry or unemployed. Sitting still was a concept that was unknown to Mattie. If there was a community issue to be addressed then Mattie would organize a community meeting with local officials to discuss the issues. She had a special way of bringing people together to solve problems. She was an organizer with an empathetic soul, and she was as much at home with her Mayor or Senator as she was with the homeless person sleeping under the freeway.

For 16 years she worked as a certified social worker at the Sheldon Complex. But her work didn't stop when she turned off the lights and closed the door at the office. Mattie was always doing something to help somebody or some cause. In addition to her job at the Sheldon Complex, she was the founder of two grassroots organizations, Community Volunteers Agency and the Men's Supportive Task Force.

Mattie's dedication and work did not go unnoticed in our community, which is evident by the numerous awards she received for her efforts in community service. Among her many honors were the United Way's Volunteer of the Year Award, YWCA Tribute, Giants Award, NAACP Award, and in 1993 she was recognized by President Clinton for being the first inductee into the Creative Communications Centres Women's Hall of Fame.

All of us who knew Mattie Holliman are thankful for the opportunity to have shared in her life. Her leadership, thoughtfulness, and caring ways will be missed by those who had the privilege of knowing her. She was a remarkable woman with a heart of gold who did so much for so many during her lifetime.

A TRIBUTE TO HOWARD RUBENSTEIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to the extraordinary talent and civic contributions of Howard J. Rubenstein, who will be honored on Sunday at the Fifth Annual Heritage Dinner of the Museum of Jewish Heritage—A Living Memorial to the Holocaust.

Mr. Speaker, Howard Rubenstein was dubbed by Newsweek Magazine as the "Dean of Damage Control." That praise is indeed appropriate because Howard is one of America's foremost public relations consultants. A Phi Beta Kappa graduate of the University of Pennsylvania, he later finished first in his class in the night school division at St. John's University School of Law, and later was awarded an honorary doctor of law degree from the University. Howard founded his public relations agency in 1954 and ran it from his parents' kitchen table until his mother refused to answer the family phone, "Rubenstein and Associates." Today his firm is one of the nation's largest and best-known independent public relations agencies with a staff of more than 190 people.

Mr. Speaker, the Museum of Jewish Heritage—a Living Memorial to the Holocaust, opened to the public in 1997. Overlooking the Statue of Liberty and Ellis Island, its mission is to educate people of all ages and backgrounds about the 20th century Jewish experience before, during and after the Holocaust. The Museum contains more than 2,000 photographs, 800 artifacts, and 24 original documentary films. The Museum's core exhibition combines archival material with modern media to provide a thoughtful and moving chronicle of history, keeping the memory of the past alive and offering hope for the future.

Howard Rubenstein is being honored by the Museum of Jewish Heritage for his extraordinary commitment to public service. He has served as a member of numerous civic and philanthropic organizations, and currently sits on the Executive Committee of the Association for a Better New York. He is a trustee of the Police Athletic League, the Central Park Conservancy, and the Inner City Scholarship Fund of the Archdiocese of New York. He is Vice Chairman of the new York State-New York City Holocuast Memorial Commission and is a special advisor to the New York City Commission on the Status of Women. Howard has served on the Mayor's Committee on Business and Economic Development for Mayors Beame, Dinkins, and Giuliani, and he is a member of the board of directors of the Center for Democracy here in Washington, D.C. he also served as a consultant to the United States Foreign Claims Settlement Commission and, as an attorney, he was assistant counsel to the Judiciary Committee of the U.S. House of Representatives.

Mr. Speaker, one particular episode stands out in my reflection upon Howard Rubenstein's service to his community. In 1991, the Brooklyn community of Crown Heights exploded in a chain reaction of violence, riots, and ever mounting divisions between the area's African-American and Hasidic Jewish populations. These disputes escalated, eventually dividing the city and receiving national attention. Responding to a request for his assistance from then Mayor David Dinkins, Howard undertook the difficult task of diffusing the tensions between the African-American and Jewish communities. He organized a "Peace Conference" in Crown Heights and then planned a "Neighbor to Neighbor" event at the Apollo Theater in Harlem. There he screened the movie, "The Liberators", a film depicting the liberation of a Nazi concentration camp by African-American soldiers, to an audience of over 1300 Jews and African-Americans. The showing was broadcast live on New York television, while simultaneously 500 "Neighbor to Neighbor" meetings were held in homes and community centers around the City. Howard's efforts were critical to defusing tensions as well as restoring civility and understanding in Crown Heights. I believe that this efforts speak volumes about the character and commitment of this outstanding man.

Mr. Speaker, in an era when business leaders all too often fail to demonstrate a devotion to the needs of our society, Howard Rubenstein is a model for all of us to emulate. I invite my colleagues to join me in extending warmest congratulations and sincere appreciation to Howard J. Rubenstein on this special occasion.

U.S. INTERVENTION IN SOUTH KOREA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. PAUL. Mr. Speaker, today I am placing into the record the attached article from yesterday's Wall Street Journal, as I believe it accurately depicts the problem that many nations face in attempting to resolve their difference once our government decides to insert itself into internal or regional matters in other parts of the world. Instead of hindering peace in the ways pointed out by this article, we can play a constructive role in the world. However, to do so will require a change of policy. By maintaining open trade and friendly diplomatic relations with all countries we could fulfill that role as a moral compass that our founders envisioned. Unfortunately, as this article shows, our current policy of intervention is having the exact opposite effect.

SOUTH KOREA FEARS BUSH TEAM IS HINDERING DETENTE WITH NORTH

(By Jay Solomon)

SEOUL, SOUTH KOREA—Amid heightened tension between the U.S. and China over the downing of an American spy plane, frustration is mounting inside President Kim Dae Jung's government that President Bush's Asia policies are undercutting ties between North and South Korea.

President Kim has made his peace initiative toward reclusive North Korea—with whom the South remains technically at war—a cornerstone of his administration. Mr. Bush's advisers say they are still reviewing the merits of engaging the communist North, but a number of Mr. Kim's aides fear time is running out since his term ends next year.

Fueling this unease among some in Mr. Kim's government is their belief that the Bush administration views peace on the Korean Peninsula as working against its principal security interests. Central to this is Mr. Bush's plans to build a national missile-defense shield, for which North Korea's missile program is a primary justification. U.S. military and intelligence officials have played up in recent weeks both the military and nuclear threats posed by North Korea's military, re-emphasizing the Pentagon's need to maintain 37,000 troops in South Korea.

Now, the U.S.-China standoff over an American surveillance plane that landed on China's Hainan island is fanning fears that a renewed Cold War will grip North Asia. "The U.S.'s dependence upon a Cold War strategy . . . is causing the detente mood (on the Korean Peninsula) to collapse," says Jang Sung Min, a legislator with the Millennium Democratic Party and an aide to Mr. Kim. He fears the U.S.'s pursuit of missile defense will exacerbate this tension by leading to a renewed arms race between regional powers China, Japan and Russia.

The South Korean Foreign Ministry, while officially maintaining that it is too early to judge Mr. Bush's policy vis-a-vis North Korea, also is expressing skittishness toward Washington's intentions. Spokesman Kim Euy Taek says the ministry hopes "the Bush administration will rethink its skepticism" toward North Korea after completing its review of the Clinton team's policies toward Pyongyang.

For its part, the Bush administration doesn't accept the premise that its actions are undermining Seoul's peace initiative. "We continue to strongly support President Kim's policy of engagement with North Korea," a State Department spokesman in Washington says. "We share a common concern about the nature and level of the military threat from North Korea, and we continue to discuss ways to deal with that."

Just three months ago, expectations were high that a peace pact could be signed between allies South Korea and the U.S. and North Korea. Then-Secretary of State Madeleine Albright had held an unprecedented meeting with North Korea's supreme leader, Kim Jong Il, after the North sent a senior envoy to Washington. President Clinton was seriously considering a deal in January where North Korea would scrap some weapons programs in exchange for financial aid.

Kim Dae Jung's government followed up by scheduling a March summit with Mr. Bush in Washington in hopes of picking up where Mr. Clinton left off. Instead Mr. Bush voiced "skepticism" toward Kim Jong Il's intentions and placed all talks with North Korea on hold pending the Clinton-policy review.

This rebuke has fueled a marked deterioration in North-South relations. Last month, Pyongyang halted peace talks with the South, a sporting exchange has been cancelled, and Kim Jong Il's proposed trip to South Korea during the first half of the year has been delayed to the second half—at the earliest.

Now, President Kim and his supporters are left hoping Mr. Bush's team will quickly wrap up their review of North Korea policy and sign on to new peace talks. If not, however, there is a helpless sense of what can actually be achieved without Washington's imprimatur. Hahn Hwa Kap, a senior member of President Kim's Millennium Democratic Party, says: "The longer this process takes, the longer it will take for North-South relations to improve."

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE PAUL TESANOVICH

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Paul Tesanovich, a former representative to the Michigan House of Representatives from the 110th Representative District, which is comprised of six counties—Gogebic, Ontonagon, Baraga, Iron, Houghton, and Keweenaw—in my congressional district.

Paul was first elected to the House in 1994, and he has just concluded his service in the Michigan House because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned a dedicated public servant out of office.

Mr. Speaker, the Upper Peninsula of Michigan, where Paul and I are from, is an area rich in natural wealth and scenic beauty. It is also an area that, because of its sheer size, offers a wealth of diverse social and political issues. Because its population is sparse, however, its representation in Lansing is meager in numbers.

Spokesmen for this region, therefore, must stand taller and speak more eloquently than their downstate counterparts. Paul served on the important Appropriations Committee in the Michigan House, a position that allowed him an excellent platform to speak on behalf of his region.

Paul brought an essential understanding of the region with him when he went to Lansing. He knew that the part of the state he represented has a rich and diverse heritage. In fact, one community, Calumet, once was so vital and prosperous that it came within one vote of becoming the capital of Michigan.

Paul and I had the opportunity to work together on many major issues, perhaps the most important of which was trying to rebuild the region's economic vitality in the face of challenges like imports, which have devastated its copper mining industry.

In trying to address the problems of unemployment arising from the closing of the White Pine Mine and related economic fallout from that closing, Paul and I have shared the knowledge that we have great resources at hand in this part of Michigan, which will be at the heart of any development effort. These resources include the excellent quality of the area's workforce and the strength of its nationally-renowned engineering school, Michigan Technological University.

I wish Paul and his wife Julie and their three children the best in Paul's post-legislative career. He has my respect and friendship, and I will miss working with him.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. MOAKLEY. Mr. Speaker, I am proud to rise with my colleagues in calling for the remembrance of the Armenian Genocide. I remain deeply concerned that the United States has not officially recognized this tragedy as a genocide, and believe it is time this nation acknowledges the truth.

That truth is told by those who were there. Many Armenians that saw the killing, saw the destruction and lived through the persecution, are now our neighbors and friends. For years, these brave individuals who lost their loved ones have told the painful story of their experience, yet it has often fallen on deaf ears. They have told of the day in 1915—April 24th—when Turkish officials arrested and exiled 200 Armenian political, intellectual and religious leaders. That terrible day started a campaign of terror that would last for eight years, resulting in the death of 1.5 million Armenians.

Today, despite all of our advances, we still see this kind of brutal ethnic cleansing in several places around the world. In Kosovo, an international military force had to be called in to end ethnic cleansing in that tiny province. And across Africa, in places like Sierra Leone and the Congo, entire groups of women, children and men have literally been wiped out in attempts to control land and resources. If we are ever to stop such inhumane treatment, we must ensure that we speak the truth about the past. We must ensure that our young people hear the wrongs that have been committed against humanity, so that they have the opportunity to stand firmly for basic human rights as they rise to become our leaders.

As a nation, the United States speaks often about respect for human rights. I am proud that we hold such values so close—but until will accept the truth about atrocities like the Armenian Genocide we fail to reach our goals.

BEADS OF HOPE PROJECT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. MORELLA. Mr. Speaker, lymphoma advocates are coming to Washington, DC for the 3rd annual Lymphoma Advocacy Day on April 25, 2001 to unveil a project that will put the rising incidence of lymphoma into perspective for Members of Congress and the public.

Mr. Speaker, according to the American Cancer Society, 1996 saw over 85,000 new cases of lymphoid malignancies in the United States. These included Hodgkin's and non-Hodgkin's lymphomas, the lymphocytic diseases known as CLL (chronic lymphocytic leukemia) and ALL (acute lymphoblastic leukemia) as well as multiple myeloma. Lymphoma is the second most rapidly rising cancer over the last 20 years. Sixty percent of all childhood malignancies are lymphomas or their cousin, leukemia.

The project being unveiled is called "Beads of Hope", it consists of a necklace of beads to symbolize the 64,000 Americans who will be diagnosed with lymphoma in 2001. Each bead represents one newly diagnosed person.

Mr. Speaker, these Beads of Hope have a story of their own that I would like to share, it makes me proud to be an American. The project was conceived by Karl Schwartz, whose wife, Joanne, is a non-Hodgkin's lymphoma survivor. Karl circulated his idea over several lymphoma Internet list-servers and received an enthusiastic response. One member of his email group, Jessica Chen, took off with the bead idea, shared it with Debra of the Bead Fairies and received a donation for all 64,000 beads from The Beadery of Hope Valley, Rhode Island.

Email group members are volunteering to string beads in sections that will be brought to Washington, DC and assembled on Capitol Hill. Jessica estimates that when connected the necklace will be 600 yards long! At the suggestion of Cure For Lymphoma board member Katherine Adams, advocates will continue the theme by wearing beaded safety pins on their clothing and distributing pins to Members of Congress with whom they will be meeting on the 25th. Each bead on a pin will represent one year of being touched by lymphoma.

I ask my colleagues to show your support for this caring initiative by wearing these beaded pins. Make and distribute pins to your family, friends, business associates and Congressional reps. Carry the theme forward into National Lymphoma Awareness Week (Oct. 7–13).

I thank the Lymphoma advocates who have come to our Nation's Capitol, I thank the Lymphoma Research Foundation of America for all the hard work they have done to fight this dreaded disease. As you know I strongly support the increased funding of the National Institutes of Health, and hope to see its budget doubled over the next five years, and with that hopefully diseases such as lymphoma will become history.

PERSONAL EXPLANATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. MORAN of Virginia. Mr. Speaker, on Rollcall No. 87, I was unavoidably detained on official business. Had I been present, I would have voted "nay."

TRIBUTE TO THE FINLANDIA UNIVERSITY LIONS FOR THEIR NSCAA BASKETBALL CHAMPIONSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. STUPAK. Mr. Speaker, I'd like to say a few words about a great accomplishment by a small university in my congressional district—one of the nation's newest universities, as a matter of fact.

Finlandia University in Hancock, Michigan, up on the beautiful Keweenaw Peninsula, is less than a year old. That age is deceiving, however. Finlandia is actually a new name for Soumi College, a school founded by Finnish immigrants in 1896 to ensure their children would have a better life through advanced education.

One of the qualities of Finnish culture is a respect for the quality of "sisu," translated variously as persistence, determination, drive, or stamina. The Finlandia Lions, the university's basketball team, recently demonstrated the characteristic of sisu by capturing the National Small College Athletic Association national championship in basketball.

The team entered the tourney with a 14–14 record and came up in the first round against St. Mary's College of Ave Maria University, an Orchard Lake, Mich., school. After defeating St. Mary's by a score of 76–50, Finlandia University next faced the tournament's No. I seed, Northwest Christian College from Eugene, Ore. In a comeback victory, 69–66, Finlandia won the right to meet Southern Virginia College of Buena Vista, Va., which it defeated 98 84 to take the title.

The Finlandia Lions basketball team was led by second-year coach Art Van Damme and assistant coach Duane Snell. Nine Michigan students and one student from Finland make up the roster of the National Small College Athletic Association championship team. Team members are Nick Forgette and Jacob Polfus of Carney; Jeffrey Stiefel of Capac, Jeremy Suardina of Gwinn; John Abramson, Painesdale; Mark Nolan, Watton; Jon Paul Katona, Negaunee; Pete Flaska, Ishpeming; Bill Loeks, Iron Mountain; and Marcus Ylainen of Helsinki, Finland.

Mr. Speaker, Finlandia University is the only private university in Michigan's Upper Peninsula and one of only 28 colleges and universities in the U.S. affiliated with the Evangelical Lutheran Church in America. In its vision statement, Finlandia University says it is "committed to offering liberal arts based, globally connected, international, ecologically sensitive, spiritually engaged and career focused baccalaureate and associate degree programs as well as community education opportunities."

Clearly, Mr. Speaker, Finlandia is also offering its students an opportunity to cheer for one heck of a basketball team. I ask you and my House colleagues to join me in offering the warmest congratulations to Coach Van Damme and the Finlandia Lions for their success in capturing the NSCAA basketball crown.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 26, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

9:30 a.m.

Armed Services

To hold hearings to examine the report of the panel to review the V-22 Program.

SH-216

Commerce, Science, and Transportation

To hold hearings to examine climate change issues.

SR-253

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.

SD-124

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.
SD–138

Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

Small Business
To hold hearings to examine the Small Business Administration's funding priorities for fiscal year 2002.
SR–428A

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Commerce.
S–146, Capitol

2 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the future relationship between the United States and China.
SD–419

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the United States military's capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.
SR–222

MAY 2

9:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the current status of human rights and democracy in Ukraine and the role of the United States in assisting Ukraine's development as an independent, market-oriented democracy in the face of the current political crisis.
334, Cannon Building

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on individual fishing quotas.
SR–253

Environment and Public Works
To hold hearings to examine the science of global climate change and issues related to reducing net greenhouse gas emmissions.
SD–628

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Labor.
SH–216

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans' Affairs.
SD–138

Appropriations
To hold closed hearings on Plan Colombia.
S–407, Capitol

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on the implementation of the Telecommunications Act and its impact on competition in the industry.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on certain cloning issues.
SR–253

MAY 3

9:30 a.m.
Armed Services
To hold hearings to examine the lessons learned from the attack on USS Cole, on the report of the Crouch/Gehman Commission and on the Navy's Judge Advocate General Manual Investigation into the attack, including a review of appropriate standards of accountability for United States military services, to be followed by closed hearings (in Room SR–222).
SD–106

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of State.
SD–192

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD–124

Judiciary
Immigration Subcommittee
To hold hearings to examine certain aspects of United States immigration policy, focusing on asylum issues.
SD–226

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD–226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.
SD–124

MAY 9

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.
SD–138

MAY 10

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD–138

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

HOUSE OF REPRESENTATIVES—*Thursday, April 26, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 2001.

I hereby appoint the Honorable PAUL RYAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Metropolitan Stephan F. Petrovich, Archbishop and Primate of New York, Ukrainian Autocephalous Orthodox Church in the U.S.A., offered the following prayer:

All powerful God, You know the hearts of all people and guide all things under Your powerful protection. Help us to always acknowledge Your greatness in comparison to our own human frailty and guide us as we continue to work to make Your will to be done on this Earth.

Bless our Nation which is founded on trust in You. Make us always grateful for the freedoms and blessings we enjoy in this great land of prosperity and mindful of the principles of liberty and justice for all, which our founding fathers and mothers have instilled in us.

In Your divine mercy, guide our Nation's leaders, our elected officials and especially these men and women here today, always keeping in mind these awesome principles upon which our country is founded, never to forget that You call us all not to work for self-glory but to serve the greater good and always make them worthy of the work entrusted to them.

We ask You, O God, to give us the courage to work for peace in the whole world, that the example we give may lead others to sincerely desire the furtherance of the right to the pursuit of happiness for all humankind.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. WAXMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. WAXMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

WELCOME TO METROPOLITAN STEPHAN F. PETROVICH, ARCHBISHOP AND PRIMATE OF NEW YORK

(Mr. BALDACCI asked and was given permission to address the House for 1 minute.)

Mr. BALDACCI. Mr. Speaker, it is my honor to welcome His Beatitude, Metropolitan Stephan to the United States House of Representatives and to thank him for offering a very thoughtful prayer this morning. I appreciate his willingness to visit Congress and share those meaningful words with Members of the House.

Despite his distinguished position as the highest ranking official of the Ukrainian Orthodox Church in the United States, Metropolitan Stephan is widely recognized for his great humility in connection to the people he serves. His leadership in bringing people of diverse economic, social, and political backgrounds together in fellowship has made a positive difference in the lives of many Americans.

In addition to his services, Metropolitan Stephan has served our Nation in many other ways. A Vietnam veteran, His Beatitude has founded and supported a number of charitable organizations, including a health care program for seriously ill individuals, and efforts to supply humanitarian assistance to the people of Ukraine.

On behalf of my colleagues, I thank Metropolitan Stephan for joining us today and wish him the very best during his visit to Washington.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 10 one-minutes on each side.

NATIONAL PRETZEL DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, though many people do not know it, today has been designated by the industry as National Pretzel Day. This is a multi-million-dollar industry, and I have a number of large pretzel producers in my district, including Auntie Anne's, which you see in the shopping malls, Herr's, Anderson, Sturgis, Hammond and others. Everybody, it seems, eats pretzels today; but few of us know about the history of the pretzel and that they are one of the world's oldest snack foods.

Pretzels go back as far as 610 A.D., when young students in North Italian monasteries received them as rewards for correctly reciting their prayers.

A monk designed the pretzel to resemble the way students cross their arms across their chest in prayer, and that is also where the pretzel gets its name. Pretzel comes from "pretiola," the Latin word for "little reward."

Pretzels have come a long way in the last 1,400 years and they are now a multimillion dollar industry in the U.S., and they are very popular. I am very proud to say that many of America's most popular pretzels come from Lancaster and Chester Counties in Pennsylvania.

GOLDEN JACKPOT AWARD GOES TO THE SECRETARY OF ENERGY

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, today I am announcing the new winner of the Golden Jackpot Award which has been created to recognize indefensible government decisions that benefit special interests at the expense of the public interest.

There are two worthy contestants for today's award. The recent Bush administration decision to eliminate contraceptive coverage for women in the Federal health insurance plans and to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

freeze funding for family planning programs is an amazing example of a ridiculous policy aimed at satisfying right-wing groups that cannot distinguish between abortion and family planning.

Even this incredible decision pales next to Energy Secretary Spencer Abraham's rollback of air conditioner efficiency standards at a time when America is facing its worst energy problems in 25 years. This is an obscure decision that has enormous implications. Because of the rollback, the United States will have to build over 40 new power plants by the year 2020.

The action benefits the manufacturers of air conditioners who contributed heavily to President Bush and Republicans, but it is a disaster for the American people, and Californians in particular. I give this award to Secretary of Energy Spencer Abraham.

REWARDING PERFORMANCE IN COMPENSATION ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, performance bonuses and gainsharing programs are a way for employees to share in the success of a company that they work for. Whether exempt or nonexempt, all employees should have the same opportunity to receive bonuses for their hard work. For many employers, the administrative costs associated with operating bonus programs for their hourly employees often end up costing more than actual bonuses. Because of this, current law virtually ensures that employers exclude hourly workers from bonus programs.

Today, I am reintroducing The Rewarding Performance in Compensation Act, which will help workers to share when their efforts that they have produce gains for the company. This legislation would amend the Fair Labor Standards Act to specify that an hourly employee's regular rate of pay in calculating overtime would not be affected by additional payments that reward employees who meet certain goals.

Simply put, this bill would give hourly nonexempt employees the same access to bonuses that are exempt from professional employees that they already receive, and I ask my colleagues to support The Rewarding Performance in Compensation Act.

UNBORN VICTIMS OF VIOLENCE ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to the so-called Unborn Victims of Violence Act, which will be before this body later on today.

First of all, we should have truth in advertising. This bill has nothing to do with protecting unborn victims, which in it is defined as broadly as three cells, but everything in rolling back a woman's right to choose. It is not about violence against pregnant women. It is about taking away a woman's right to choose. It erodes Roe v. Wade. It will define for the first time the beginning of life in a criminal statute.

The domestic violence groups in America do not support it, but President Bush does. I have the statement of administration policy, President Bush's policy, which is anti-woman, toothless in protecting women against violence; but it is very strong in depriving a woman of a right to choose.

I urge everyone to vote against this bill when it comes to the floor today.

SPIRIT OF VOLUNTEERS AND WORKERS IN SOUTHWEST MINNESOTA UPLIFTS COMMUNITY

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I want to speak today about the floods that have been wreaking havoc in southwest Minnesota and other areas around the country. A week ago, I was in Montevideo and in Granite Falls with Governor Ventura, and I was saddened by the devastation and flooding that nature can cause; but I was uplifted by the spirit of volunteers and workers that came to help their communities with such a disaster.

I wanted to take this time to thank those communities and the leaders and the many youth who gave so much work and worked so hard to help their neighbors during this time of need: Carver County and Kevin Carrolls; Chaska and Mayor Bob Roepke; Granite Falls and Mayor Dave Smiglewski and Bill Lavin; Montevideo and Mayor Jim Curtis and Steve Jones; New Ulm and Mayor Arnolf Koelpin and Gary Gleisner; Redwood Falls and Mayor Sara Triplett and Jeff Weldon; Shakopee and Mayor Jon Brekke and Mark McNeill; St. Peter and Todd Prafke and Jerry Hawbaker; and to all the others who have worked so hard to help their communities. We applaud their efforts and we thank them.

PROCTOLOGIST SHOULD BE ADVISING JUDGES AT FRENCH BEAUTY CONTEST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, is she or is she not? Rumors persist that Miss France is not a big-bone diva but actually a man. Reports say that pageant officials said they are anxiously awaiting the bathing suit contest. Unbelievable. Maybe J. Edgar Hoover will crown the next Miss France, Mr. Speaker.

Hey, what is next? Will they have certification standards performed by licensed gynecologists for these pageants? Beam me up. This is not brain surgery. Even the University of Dayton School of Political Science can determine human genitalia.

I yield back the fact that a proctologist should be advising these judges at this French beauty contest.

UNBORN VICTIMS OF VIOLENCE ACT, A SHIELD OF PROTECTION TO UNBORN CHILDREN

(Mr. GRAVES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES. Mr. Speaker, I rise today in strong support of H.R. 503, the Unborn Victims of Violence Act. This bill extends a shield of protection to those children that cannot protect themselves.

Under this bill, a criminal who commits a violent crime against a pregnant mother will be charged with a second offense on behalf of the second victim, the unborn child.

My home State of Missouri, along with 23 other States across our Nation, already recognize that unborn children who are victims of crimes must be protected from the violent actions of criminals. This legislation will extend the same level of protection to all mothers and their unborn children which is currently afforded to the mothers and children of Missouri and half the States across our country.

Our vote today will send a clear message to the criminals around this Nation that the laws of this land will not tolerate the violent actions against the mothers and their unborn children and will hold criminals strictly accountable for their heinous crimes.

I urge my colleagues to join me in supporting H.R. 503, Mr. Speaker.

□ 1015

MORE MONEY NEEDED FOR PUBLIC SCHOOLS

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to express my support for more money for our public schools. Our public schools desperately need increased funding as we prepare our students for the next generation for the 21st century. Schools must modernize facilities, provide better training and pay for teachers, reduce class size, and provide innovative learning experiences.

That is why I support the New Democrat's Three R's bill. This bill will increase education funding by $35 billion over 5 years. Right now we only spend 7 percent of our Federal budget on education. That means that some our most neediest schools are not getting enough funding. We need to do more for these schools, and we can.

Let us be honest here: We know that putting more money into the system is not going to solve all our problems. If our schools do the work and use this money to meet their goals, we will reward them with additional funding. But if they do not meet their goals after 3 years, there has to be accountability.

But there is a major difference in the way we approach funding in our schools and the way President Bush approaches it. While the President sends funding to the States without any direction, our approach is that we should send our Federal dollars back to our school districts.

Mr. Speaker, I urge all Members to give all of our schools the help they need by supporting the Three R's.

ENVIRONMENTAL EXTREMISTS DRIVING UP ENERGY COSTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, people all over this Nation are seeing their gas prices and utility bills go way up. Well, they can thank the environmental extremists, who have stopped or delayed almost every type of production in this Nation.

All over the country, small groups of elitist environmentalists protest every time anyone tries to drill for any oil, dig for any coal, cut any trees or produce any natural gas. This destroys jobs and drives up prices and really hurts the poor and working people the most.

Most of these environmentalists seem to come from wealthy families, and perhaps they do not realize or care how much they are hurting lower income people. Their rules and regulations drive small businesses and small farms out of business, and thus help the extremely big businesses who fund them.

But unless people want their gas and utility bills to go much, much higher, they had better start opposing the left wing socialism that is prevalent in much of the environmental movement today.

TRIBUTE TO LUTRELLE FLEMING PALMER

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today to honor a veteran journalist, a political organizer, a constituent, a neighbor, and a long-time friend, Mr. Lutrelle Fleming Palmer. He recently retired after 50 years of hard-fought and committed activism.

Since 1950, Lu Palmer has been using the power of the pen and the radio to relay firsthand accounts of the triumphs and struggles of African Americans.

As a newspaper reporter, mainstream columnist, and black radio commentator, Lu always did it his way. He frequently took unpopular stands on highly controversial issues. Courageously, he always did so in a very public manner, because for Lu, informing his people was a top priority.

In 1981, he began to organize the politically independent organization, Chicago Black United Communities, or CBUC. Once again, Lu's motivation was to inform and galvanize the black community. The visionary efforts of Lu and CBUC were so successful that he is credited with playing a pivotal role in producing Chicago's first African-American mayor, Mayor Harold Washington.

Lu Palmer's talents, vision, insight, independent spirit and love for his people is commendable and should be recognized by this Congress.

So today, I ask my colleagues to join me in saluting the 50 year-career of the legendary Chicago radio and political activist, Mr. Lutrelle F. Palmer, Lu Palmer.

PROTECTING PREGNANT WOMEN AND UNBORN CHILDREN

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the House will today be taking up a very important piece of legislation, H.R. 503, the Unborn Victims of Violence Act. It is a very carefully constructed bill which will fill a gap which presently exists in Federal law.

Right now, under Federal law it provides no additional punishment for criminals who commit an act of violence against pregnant women and kill or injure the unborn children that they might be carrying.

I want to commend the gentleman from South Carolina (Mr. GRAHAM) for his leadership in preparing this long overdue piece of legislation. Let us protect pregnant women in this Nation, and let us also protect the innocent unborn children that they are carrying.

THE MEDICAID SAFETY NET HOSPITAL IMPROVEMENT ACT OF 2001

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, there are 42.6 million uninsured Americans. The critical care needs of this population, when met, is often provided by safety net hospitals. These institutions provide such care, often at a financial loss to the most needy among us.

Today the gentlewoman from New Mexico (Mrs. WILSON) and I will introduce the Medicaid Safety Net Hospital Improvement Act of 2001. This bipartisan measure raises the floor for Federal Medicaid allotments to States for hospitals that serve the uninsured from 1 percent to 3 percent, alleviating some of the growing burden of providing uncompensated care to many of our Nation's uninsured.

The legislation provides a more level playing field by raising the amount of Federal funds to States that have been undercompensated and does not impact the Federal allotments to other States.

As Congress considers policies for improving health care access to America's uninsured, we must not abandon the safety net already in place. I ask my colleagues to join me in supporting these critical hospitals and the vulnerable populations who depend on them.

RECOGNIZING NATIONAL VICTIMS' RIGHTS WEEK

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, I rise this morning in recognition of National Victims' Rights Week. Presently the scales of justice are tilted against crime victims. For too long, victims of crime have gone unrecognized in our criminal justice system. Too often the victim is all but forgotten, left outside of the process. This is not right and must be changed.

Victims should not occupy the fringes of our criminal justice process. It was Supreme Court Justice Benjamin Cardozo who said: "Justice, though due of the accused, is due to the accuser also. The concept of fairness must not be strained until it is narrowed to a filament. We are to keep the balance true."

As we remember victims of crime this week, we see the filament Justice Cardozo spoke of becoming increasingly thin. Our current system is not fair to victims, and the time has come for us to balance the scales of justice.

Our Nation was founded on the principles of equal protection under the law and equal justice for all. It is not until our Constitution guarantees the rights of victims that the scales of justice will truly be balanced.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Without objection, and pursuant to section 127 of Public Law 97–377 (2 U.S.C 88b–3), the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS of Illinois,
Mrs. WILSON of New Mexico.

There was no objection.

APPOINTMENT AS MEMBER OF FIRST FLIGHT CENTENNIAL FEDERAL ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to Section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following citizen of the United States to the First Flight Centennial Federal Advisory Board:

Mr. Neil Armstrong, Lebanon, Ohio.

There was no objection.

APPOINTMENT AS MEMBERS OF JAMES MADISON COMMEMORATION ADVISORY COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to section 5(b) of the James Madison Commemoration Commission Act (P.L. 106–550) the Chair announces the Speaker's appointment of the following members on the part of the House to the James Madison Commemoration Advisory Committee:

Dr. Charles R. Kesler, Claremont, California,

Mr. Randy Wright, Richmond, Virginia.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Thank you for appointing me to serve on the House Permanent Select Committee on Intelligence.

In keeping with the Democratic Caucus rules and Rules of the House that limit me to serving on no more than two full committees I am resigning from my seat on the House Committee on Veterans' Affairs.

Please notify me as to the disposition of this request. If you cannot reach me directly at 226–3787, please notify my Chief of Staff, Mark Brownell, at 225–2165.

Thank you in advance for your prompt attention to this matter.

Sincerely,

COLLIN C. PETERSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 119

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Lofgren of California or her designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a modified closed rule for H.R. 503, the Unborn Victims of Violence Act. The rule provides that the amendment printed in the Committee on Rules report shall be considered as adopted.

The rule provides for 2 hours of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the amendment printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions.

This is a fair rule, which will permit a thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of a Democrat substitute amendment, we will be more than ready to vote on H.R. 503. This is not a complex issue.

Mr. Speaker, on September 12, 1996, Gregory Robbins, an Air Force enlisted man, wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus. To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn. A criminal can beat a pregnant woman in the stomach to kill the baby, and the law ignores her pregnancy.

This is not just an isolated problem. Three years ago in my hometown of Charlotte, North Carolina, Ruth Croston and her unborn child were brutally murdered by her estranged husband. The husband later was charged with domestic violence, but the prosecutors could do nothing about the dead child.

It is wrong, and it has to be stopped. Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends or husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would only apply in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress. Whether you are pro-life, such as myself, or pro-choice, we should all agree to protect young women from forced, cruel, and painful abortions.

All you have to do is ask the woman who just lost her child to such a violent attack. It is not the same thing as a simple assault. Clearly it is more serious and more emotionally jarring, and it should be treated accordingly.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule that I will not actively oppose, but H.R. 503, the so-called Unborn Victims of Violence Act, deserves full and open debate. A truly open rule would have insured that no one was shut out of the process.

But everyone in the Chamber understands what is going on today. The majority did not bring this bill to the floor to protect pregnant women. The majority brought the measure to the floor today to launch its battle to end a woman's right to choose in the 107th Congress. But, more specifically, the majority is responding to the call of the National Right to Life Committee and their goal of achieving legal status and protections for a fetus.

□ 1030

If passed, this bill would mark the first time that our Federal laws would recognize the fetus in early stages of gestational development as a person, a notion that the Supreme Court considered but rejected.

Mr. Speaker, H.R. 503 represents an effort to endow a fetus with rights, such as recognition as a crime victim, and to thus erode the fundamental premise of Roe v. Wade. Aside from this general concern, there is a real threat that the bill will spur the antichoice movement to use the legislation as a building block to undermine a woman's right of reproductive freedom.

The threat to Roe v. Wade could not be more clear. In Roe, the Court recognized a woman's right to have an abortion as a privacy right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted that the unborn have never been recognized in the law as persons in the whole sense, and concluded that "person," as used in the 14th amendment, does not include the unborn.

The supporters of H.R. 503 would suggest that they are advancing the bill in an effort to combat domestic violence. If that is true, it is, at best, an awkward and, at worst, a dangerous effort. If the sponsors of H.R. 503 were truly concerned with the problem of violence against women, they would have supported full funding of the Violence Against Women Act. The amounts appropriated in the 2001 budget are more than $200 million short of the authorization levels.

Mr. Speaker, a far more effective legislative alternative is available, which discourages crimes against pregnant women without undermining Roe v. Wade. Such an alternative is embodied in the Lofgren-Conyers substitute which defines the crime to be against the pregnant woman, whereas H.R. 503 makes the crime against the fetus. This distinction is a critical one because the substitute avoids the issue of "fetal rights" and "fetal personhood" that put the bill at odds with the principles of Roe v. Wade, medical science and common sense. Instead, the Lofgren-Conyers substitute recognizes it as the woman who suffers the injury when an assault causes harm to her fetus or causes her to lose the pregnancy.

The substitute also acknowledges the connection between the woman and her fetus without distinguishing the rights of one from the other. That is a very important point.

The substitute, therefore, accomplishes the stated goals of H.R. 503, deterring violent acts against pregnant women that cause injury to their fetuses or termination of a pregnancy.

Mr. Speaker, it is unfortunate that the majority's goal of averting violence against women in their developing pregnancies is secondary to the goal of undermining the reproductive rights of women. Rather than seeking to score points in the abortion debate, we invite the majority to join us in crafting legislation that protects women and mothers from violence that threatens all those who are under their care.

I would note that H.R. 503 is unanimously opposed by groups concerned about ending domestic violence and protecting a woman's right to choose, including the National Coalition Against Domestic Violence, the National Women's Law Center, the National Council of Jewish Women, the Planned Parenthood Federation of America, and the People for the American Way.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule for consideration of the bill, H.R. 503. The Unborn Victims of Violence Act is a carefully constructed piece of legislation that will help fill the gap in Federal law with regard to protecting unborn children from violence.

Current Federal law provides no additional punishment for criminals who commit acts of violence against pregnant women and kill or injure their unborn children. Thus, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequences whatsoever.

Mr. Speaker, H.R. 503 would correct this deficiency in the law by providing that an individual who injures or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense.

I would like to reiterate what the gentlewoman from North Carolina said about a particularly heinous case. This legislation would ensure that prosecutors have the tools they need to prosecute criminals like Gregory Robbins, who was an airman at Wright-Patterson Air Force Base in my State of Ohio, when he wrapped his fists in a T-shirt to reduce the chance that there might be bruising and visible wounds on the mother of the child and beat his 8-months pregnant wife in the face and abdomen, and he killed the unborn baby in doing that.

Military prosecutors were able to charge Robbins for the death because under Ohio law, there is a fetal homicide law, and they were able to do so under the Uniform Code of Military Justice. But had Mr. Robbins committed this act just across the Ohio River, just across from my district which is Cincinnati, in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that violent criminals who commit violent acts against pregnant women are justly punished for injuring or killing those unborn children. Without the Unborn Victims of Violence Act, the crimes against these innocent victims will continue to go unpunished.

Mr. Speaker, I strongly support this rule, and I urge my colleagues to support the rule and H.R. 503 to provide meaningful protection for violence against unborn children. We ought to stop that in this country, and this is the appropriate legislation to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take a moment to give the penalties from the Lofgren substitute, which are even stronger than those of the underlying bill. The Lofgren-Conyers substitute includes the following elements:

One, it creates a separate criminal Federal offense for harm to a pregnant woman, which protects the legal status of a woman.

Two, it recognizes the pregnant woman as the primary victim of the crime that causes termination of the pregnancy.

Three, it includes exactly the same sentences for the offenses as does the base bill, providing a maximum 20-year sentence for injury to the woman's pregnancy, and a maximum of life sentence for termination of a woman's pregnancy, and requires a conviction for the underlying predicate offense, requiring an intent to commit the predicate offense be proven.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of H. Res. 119, and I would like to commend the gentlewoman from North Carolina (Mrs. MYRICK), the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and all of the members of the Committee on Rules for their hard work on this fair rule.

Mr. Speaker, this rule is almost identical to the rule passed in the 106th Congress to consider similar legislation that provides for thorough consideration of H.R. 503 by authorizing 2 hours of debate and an opportunity for the minority to offer a substitute amendment which will be debated for 1 hour. This is a fair rule which will provide ample time for both debate and amendment.

Furthermore, the rule provides that the amendment committed in the Committee on Rules report, which makes a technical change to the Uniform Code of Military Justice shall be considered as adopted when the rule is adopted. I appreciate the indulgence of the Committee on Rules with regard to the small perfecting provision, and I would also like to thank the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP) for working with me to facilitate the consideration of this legislation.

Mr. Speaker, I urge all Members to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in very strong opposition to the Rule for H.R. 503, "Unborn Victims of Violence Act of 2001." We should have had more opportunity to discuss this extremely vital public policy matter in a serious way. This legislation has regrettably come to the House without more than nominal consideration of the consequences of the sponsor's bill. We can and should do better, Mr. Speaker.

At this time, I would like to express my opposition to H.R. 503, the "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose. That would be a travesty.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal criminal code to create a new federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under federal law. The use of the works as "unborn child," "death" and "bodily injury" are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 503.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to H. Res. 119, the rule just passed, I call up the bill (H.R. 503) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the bill is considered read for amendment.

The text of H.R. 503 is as follows:

H.R. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Victims of Violence Act of 2001".

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.

"1841. Protection of unborn children.

"§ 1841. Protection of unborn children

"(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

"(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

"(B) An offense under this section does not require proof that—

"(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

"(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

"(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

"(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

"(b) The provisions referred to in subsection (a) are the following:

"(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844 (d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

“(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

“(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

“(c) Nothing in this section shall be construed to permit the prosecution—

“(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

“(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) As used in this section, the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

“90A. Protection of unborn children .. 1841”.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

“§ 919a. Art. 119a. Protection of unborn children

“(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

“(c) Nothing in this section shall be construed to permit the prosecution—

“(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

“(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) In this section, the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

“919a. 119a. Protection of unborn children.”.

The SPEAKER pro tempore. Pursuant to House Resolution 119, the amendment printed in House Report 107–50 is considered adopted.

The text of H.R. 503, as amended pursuant to House Resolution 119, is as follows:

H.R. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unborn Victims of Violence Act of 2001”.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

“CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

“Sec.

“1841. Protection of unborn children.

“§ 1841. Protection of unborn children

“(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are the following:

“(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

“(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

“(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

“(c) Nothing in this section shall be construed to permit the prosecution—

“(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

“(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) As used in this section, the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

“90A. Protection of unborn children .. 1841”.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

“§ 919a. Art. 119a. Causing death of or bodily injury to unborn children

“(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

"(c) Nothing in this section shall be construed to permit the prosecution—

"(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

"(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

"(3) of any woman with respect to her unborn child.

"(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

"919a. Art. 119a. Causing death of or bodily injury to unborn children.".

The SPEAKER pro tempore. After 2 hours of debate on the bill, as amended, it shall be in order to consider an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered read and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 60 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 503, the Unborn Victims of Violence Act of 2001. Under current Federal law, an individual who commits a Federal crime of violence against a pregnant woman receives an additional punishment for killing or injuring that woman's unborn child during the commission of the crime. As a result, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence whatsoever.

This deficiency in the law is especially troubling, considering the findings of a recent study of women in Maryland published in the March 21, 2001, issue of the Journal of the American Medical Association. The authors of this study found that homicide is likely the leading cause of death among women who are pregnant or were recently pregnant.

Another recent study of autopsies performed on women here in the District of Columbia revealed that an inordinate number of women who died of violence were also pregnant. This study prompted a call for an investigation by the General Accounting Office and the FBI.

Mr. Speaker, H.R. 503, the Unborn Victims of Violence Act of 2001, was designed to correct this deficiency in Federal law by providing that an individual who injuries or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense. The Subcommittee on the Constitution held a hearing on virtually identical legislation during the 106th Congress, and the bill passed the House with strong bipartisan support on September 30, 1999, by a vote of 254 to 172.

During the current Congress, the Subcommittee on the Constitution held a hearing on this legislation on March 15, 2001. The subcommittee held a markup on the legislation on March 21, 2001, and reported the bill without amendment by a voice vote. On March 28, 2001, the full Committee on the Judiciary held a markup and favorably reported H.R. 503, without amendment, by a recorded vote of 15 to 9.

Under the act, the punishment for an offense against the unborn child will be the same punishment that would have been imposed under Federal law had that conduct resulted in the same injury to the mother. For example, if an individual assaults a Federal official in violation of 18 United States Code Section 111, as a result of that assault kills the official's unborn child, the perpetrator may be punished for either second degree murder, voluntary manslaughter, or involuntary manslaughter, for killing the unborn child, the same punishment the individual would have received had the Federal official died as a result of the assault. By its own terms, the act does not apply to conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency.

□ 1045

So this is not an abortion bill. The act does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or the mother for any conduct with respect to her unborn child.

The Unborn Victims of Violence Act of 2001 will provide just punishment for criminals like Glendale R. Black of Wisconsin, who on February 8, 1992, brutally beat his wife, Terry Marciniak, who was 9 months pregnant with her unborn baby, Zachariah. Little Zachariah was just 4 days from being delivered from his mother's womb. At the hospital, Zachariah was delivered dead.

At that time, Wisconsin did not have an unborn victims law like H.R. 503, so Black was convicted of only assault and is already eligible for parole.

The bill would also provide punishment for criminals like Reginald Anthony Falice, who on April 28, 1998, shot his 8-month-pregnant wife, Ruth Croston, at least five times as she sat at a red light in Charlotte, North Carolina. Falice was convicted by a Federal jury for interstate domestic violence and using a firearm in the commission of a violent crime, but because Federal law did not currently recognize the unborn as victims, he received no additional punishment for killing the near-term infant.

Ms. Croston's brother, William Croston, testified before the Subcommittee on the Constitution regarding the tragic death of his sister and the failure of Federal law to recognize the murder of his unborn niece.

Or criminals who planted a bomb just outside of Tammy Lynn Baker's apartment in Louisa, Virginia. Ms. Baker was near term with her unborn child when the bomb exploded on December 3, 1997, killing her and the child.

Nearly 3 years later, Coleman Johnson, the unborn child's father, was arrested on a Federal explosives charge for the death of Ms. Baker and is awaiting trial. His charges do not include the murder of his unborn child.

A similar incident occurred in Connellsville, Pennsylvania on January 1, 1999, when Deanna Mitts, who was 8 months pregnant, returned home from a New Year's Eve celebration with her 3-year-old daughter, Kayla. A bomb exploded in her apartment, killing Ms. Mitts, Kayla, and the unborn child.

Almost a year later, Joseph Minerd, the presumed father of the unborn child, was arrested for Deanna and Kayla's murder, but is not being held criminally liable for the harm caused to the unborn child.

This legislation would also ensure just punishment for criminals like Gregory Robbins, an airman at Wright-Patterson Air Force Base, in Ohio who wrapped his fist in a T-shirt to reduce the chance he would inflict visible bruises, and beat his 8-months pregnant wife in the face and abdomen, killing their unborn baby.

Military prosecutors were able to charge Robbins for death of the unborn child by assimilating Ohio's fetal homicide law through the Uniform Code of Military Justice. Had Mr. Robbins beaten his wife just across the river in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that criminals who commit violent acts against pregnant women are justly punished for killing unborn children or injuring them. Without this bill, crimes against these innocent victims will go unpunished.

I have given the Members of the House a list of several heinous crimes. It shows the need for this legislation. It shows specifically that killing an innocent unborn child should be prosecuted to the fullest extent of the law.

The only way to do this is to pass H.R. 503, and I urge my colleagues to support this important legislation.

Mr. Speaker, at the request of the Chairman of the Armed Services Committee, Mr. STUMP, I submit for the RECORD a letter he wrote to the Speaker relating to the floor consideration of H.R. 503, the "Unborn Victims of Violence Act of 2001."

COMMITTEE ON ARMED SERVICES,
Washington, DC, April 23, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 503, the Unborn Victims of Violence Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 503, as introduced and ordered reported by the Committee on the Judiciary on April 20, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join my colleagues in this discussion. I have listened to the chairman of the Committee on the Judiciary begin by describing, I lost count, about seven or eight horrible, offensive, violent incidents in which a pregnant mother and her unborn child were hurt or killed.

There is not anyone in the Congress that does not feel very strongly about the violence against unborn victims. But if that is going to be the way we get to undermining Roe v. Wade, I do not think it is going to happen here today, because I think our job is to make it clear what is really going on.

Just for the record, I would like everybody to know that there is punishment for the killing of a fetus. It was stated that there is no punishment that exists today. It is in the Federal law. It is in the current Federal sentencing guidelines that permit the enhancement of a sentence under the vulnerable victims guideline. So that is number one.

Number two, there is a substitute. There is a remedy to the flawed bill that has been brought on the floor. That is the Lofgren-Conyers substitute, which does everything, and in some instances it has more penalty for the person that attacks a pregnant mother and kills an unborn victim than the current bill, but it gets us around the subversion of Roe v. Wade, and it comports with Roe v. Wade.

I am amazed that we would begin this discussion trying to skip around the whole heart of this debate. This is not a matter of how many anecdotes you can dig up. I have 40. The gentleman has 10. I have twice that amount.

The question is, how are we going to deal with the subject, Mr. Speaker. The right way to do it is through the substitute, which is going to be dealing with a way to punish the people that violate mothers, and by the way, it is hard to deal with an unborn victim of violence without hurting the mother as well. So this is what we are here to discuss today.

Let us be friendly about this. This act was designed to erode the foundation of a woman's right to choose under Roe v. Wade by simply elevating the legal statuses of prenatal development under Federal law, and creates a separate offense during the commission of a crime ". . . which causes death to a member of the species homo sapiens at any stage of development." That is a quote from the bill.

Well, that sounds okay, but what does it mean? It means that if enacted, this would be the first time in the Federal legal system that we would begin to recognize a fertilized egg, a zygote, a preimplantation embryo, a blastocyst and an embryo through 8 weeks of pregnancy or a fetus after 8 weeks which can be a person, which can be an independent violent crime. That is what the bill is trying to do.

I did not know I would have to be the first to bring it to discussion, since I am against it, but no sneaking around today, we are going to have to put it all on the table, so we might as well start off now defending the proposition that is embedded fatally in H.R. 503.

These acts against women are tragic and especially for pregnant women. But the true aim of this legislation is not to stop violence against women. In fact, the protections for women are notably absent from this legislation.

So what we are here today to do is to determine whether or not we are going to undermine a woman's right to choose by recognizing that all of these things that have not had separate rights are now equal to and in some cases superior to women who are worthy of the legal protection.

The Supreme Court has held, I remind all the lawyers on the Committee on the Judiciary, the Supreme Court has held that fetuses are not persons within the meaning of the 14th amendment. I am not going to repeat that. If enacted, the bill would improperly inject debates about abortion into criminal prosecutions across the country. That is unfortunate and tragic.

I think that may be one of the purposes of why the proponents have written the bill up in this way. They have crafted a bill that is certain to inflame the national debate about when life begins. We do not want to do that. We just merely want to protect unborn victims of violence. The way to do it is by simply moving away from the notion that we have just created another category of persons that have not ever been recognized in the Federal legal system before now. That is why we are going to have a fair amount of opposition to this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the chairman for yielding time to me, and I thank him for his leadership on this very important issue.

Mr. Speaker, as we conduct this debate today, we going to hear from opponents that, for various reasons, the Unborn Victims of Violence Act of 2001 is unconstitutional. We will also hear that the legislation in some mysterious way applies to abortion.

I want to make very clear from the beginning that these assertions are false. In fact, these arguments only serve as a smokescreen, a distraction from the real issue at hand.

What are the real issues? Those of us supporting this legislation believe that when a criminal commits an act of violence against a woman and her unborn child, the criminal should face punishment for both the harm caused to the mother and for injuring or killing the innocent child that she is carrying.

Opponents of the legislation feel otherwise. They believe that the criminal should not face separate sanctions for harm inflicted on the unborn child, even if the unborn child, a child that the mother greatly wanted to bring into this world, is killed.

With that in mind, Mr. Speaker, I would like to take this opportunity to address the legal issues that have been raised regarding the Unborn Victims of Violence Act.

First, questions have been raised about Congress' constitutional authority to enact this legislation. The challenge to the bill on this ground is completely without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 503 merely provides an additional offense and punishment for those who injure or kill an unborn child during the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is addressed to the constitutionality of the predicate offense, not H.R. 503.

Opponents of this legislation also argued that it somehow violates the decision of the Supreme Court in Roe v. Wade. This argument is also without merit. To begin with, H.R. 503 simply does not apply to abortion. On page 4 of the bill, beginning on line 9, prosecution is explicitly precluded "for any conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law."

□ 1100

So it does not apply to abortion. The act also does not permit prosecution "of any person for any medical treatment of the pregnant woman or her unborn child or of any woman with respect to her unborn child." So it does not apply to abortion, period. The act could not be more clear in exempting abortion.

Moreover, there is nothing in Roe v. Wade that prevents Congress from giving legal recognition to the lives of unborn children outside the parameters of the right of abortion marked off in that case. In establishing a woman's right to terminate her pregnancy, the Roe court explicitly stated that it was not resolving "the difficult question of when life begins," because "the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer." That is what the Court said.

What the court held was that the government could not override the rights of the pregnant woman to choose to terminate her pregnancy by adopting one theory of when life begins. The Supreme Court explicitly confirmed this understanding of Roe in Webster v. Reproductive Health Services. That was a 1989 case.

Courts addressing the constitutionality of State laws that punish killing or injuring unborn children have recognized the lack of merit in the argument that such laws violate Roe and as a result have consistently upheld those State laws. For example, in Smith v. Newsome, which was decided in 1987, the United States Court of Appeals for the 11th Circuit held that Roe was immaterial to whether a State can prohibit the destruction of a fetus by a third party.

The Minnesota Supreme Court echoed that sentiment in 1990 in the case of State v. Merrill, holding that Roe v. Wade protects the woman's right of choice. It does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus.

In 1994, the California Supreme Court held in People v. Davis that the Roe v. Wade principles are inapplicable to a statute that criminalizes the killing of a fetus without the mother's consent. In State v. Coleman, a 1997 case, the Ohio court, my State, the Court of Appeals stated, "Roe protects a woman's constitutional right. It does not protect a third-party's unilateral destruction of a fetus."

Opponents of this legislation have also argued that the use of the term "unborn child" is "designed to inflame." They contend that the use of this term may, in the words of those dissenting from the Committee on the Judiciary report, result in a major collision between the rights of the mother and the rights of the unborn.

This objection reflects nothing more than the semantical preferences of the most radical abortion advocates. It is based upon an apparent lack of knowledge of the widespread use of the term "unborn child" in the decisions of the United States Supreme Court and the United States Courts of Appeals, in State statutes and in State court decisions, and even in the legal writings of abortion advocates themselves.

The use of the term "unborn child" by the Supreme Court can be illustrated by reference to Roe v. Wade itself, in which Justice Blackmon used the term "unborn children" as synonymous with "fetuses." Justice Blackmon also used the term "unborn child" in Doe v. Bolton, the companion case to Roe, in which the court struck down Georgia's abortion statute.

Subsequent Supreme Court decisions have also used the term "unborn child" as synonymous with fetus. These cases include City of Akron v. Akron Center for Reproductive Health, decided back in 1983; Webster v. Reproductive Health services, decided in 1989; and International Union v. Johnson Controls, decided in 1991.

There are so many decisions by the United States Courts of Appeal using the term "unborn child" that it would be too time consuming to go through them all.

There are also at least 19 State criminal statutes similar to H.R. 503 that currently use the term "unborn child" to refer to a fetus, and these statutes have been consistently upheld by the courts.

Even abortion advocates such as Catharine MacKinnon have used the term "unborn child" as synonymous with the term "fetus." In an article that was published in the Yale Law Journal entitled "Reflections on Sex Equality Under the Law," Professor MacKinnon conceded that a "fetus is a human form of life" that is "alive." In her defense of abortion, Professor MacKinnon expressed her view that "many women have abortions as a desperate act of love for their unborn children."

Finally, opponents of H.R. 503 have argued that the bill lacks the necessary means requirement for a valid criminal law and is therefore unconstitutional. This argument reflects a lack of understanding of H.R. 503 and the well-established doctrine of transferred intent in the criminal law.

Under H.R. 503, an individual may be guilty of an offense against an unborn child only if he has committed an act of violence with criminal intent upon a pregnant woman, thereby injuring or killing her unborn child. Relying upon the doctrine of transferred intent, H.R. 503 considers the criminal intent directed toward the pregnant woman to have also been directed toward the unborn child.

The transferred intent doctrine was recognized in England as early as 1576 and was adopted by the American courts during the early days of the Republic. A well-known criminal law commentator describes the application of the doctrine to the crime of murder in language that is remarkably similar to the language and operation of this legislation as follows: "Under the common-law doctrine of transferred intent, a defendant who intends to kill one person but instead kills a bystander, is deemed the author of whatever kind of homicide would have been committed had he killed the intended victim," which is essentially what we have under this legislation.

Mr. Speaker, it is clear that the legal challenges to this bill cannot withstand serious scrutiny. It is clear that this law does not in any way impact abortion. It is especially clear that the opposition of the bill, in fact, stems from an objection to the very concept of unborn children. The opponents insist that a concept that is a well-recognized one in the law is somehow dangerous and subversive. These arguments should be soundly rejected. The only people who have anything to fear from this bill are the criminals who engage in violent acts against women and the unborn children that they are carrying.

So, again, let me remind my colleagues of what the true question is before us. Do you believe that a violent criminal who kills or injures an unborn child, a child who is loved and wanted by a mother and usually the father, should face an additional offense and punishment for their acts? I believe that the American people would answer that question with a resounding yes, and I hope the House would do the same today.

I thank the gentleman from South Carolina (Mr. GRAHAM) for his leadership on this issue. I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his leadership.

I urge Members to vote in favor of the Unborn Victims of Violence Act.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to hear from the gentleman from Ohio (Mr. CHABOT), the subcommittee chairman. I would like him to know that all of us on our side and those that support the substitute believe strongly that victims of violence should be punished; the victims, both the mother and the unborn infant, the unborn victim. Okay. We all believe that. We do not have a different view on that. Okay.

The second thing that you need to know is that, if this bill does not deal with abortion, which I will go into later, why is it coming out of the Subcommittee on the Constitution instead of the Subcommittee on Crime?

Mr. Speaker, I yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding to me. It is because the Subcommittee on the Constitution has jurisdiction over this particular issue, issues of privacy, issues of civil rights, a whole range of issues.

Mr. CONYERS. Mr. Speaker, this is a civil rights bill?

Mr. CHABOT. Pardon me?

Mr. CONYERS. The gentleman from Ohio said this is a civil rights bill?

Mr. CHABOT. Mr. Speaker, I am saying that is one among many of the other issues. I was going to say it also has jurisdiction over constitutional amendments and all kinds of issues.

Mr. CONYERS. All right. Is it a crime bill?

Mr. CHABOT. Pardon me?

Mr. CONYERS. Mr. Speaker, is it a crime bill? Yes or no?

Mr. CHABOT. Mr. Speaker, it is an issue that clearly is a crime against unborn children and as well as the mothers.

Mr. CONYERS. Mr. Speaker, the gentleman from Ohio is saying yes, I take it. It is sort of a crime bill.

Mr. CHABOT. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio. It is a crime bill.

Mr. CHABOT. Mr. Speaker, it is a crime bill as well as a constitutional issue.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio. It took a half a minute of my time to get to that. But it is a crime bill that comes out of the Subcommittee on the Constitution in the Committee on the Judiciary.

Now, you think we do not know why, do you not? You think we thought that it was tossed there by accident. But it is tossed there because it is changing the fundamental constitutional law in the most controlling case on abortion in current Federal judicial practice, Roe v. Wade. That is why it went there.

So I think that we ought to put all these cards on the table and not try to demonize the other side because we have a bill that does the same thing as the primary bill. But the only thing that we do not do is that we do not redefine what an embryo is. We do not change the status of a fetus or a fertilized egg. We do not make them all persons, and you do. There it is, I say to the gentleman from Ohio (Mr. CHABOT). That is the difference. If my colleagues corrected that difference, we would all be supporting their bill.

It turned out that the Lofgren substitute is even more harsh on those who violate women who are pregnant. So I just wanted my colleagues to take that under consideration as we continue to debate.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD) who is the chairperson of the Women's Caucus.

Ms. MILLENDER-McDONALD. Mr. Speaker, let me thank the ranking member for his leadership on this issue.

Mr. Speaker, I rise in strong opposition to H.R. 503. As the cochair of the Congressional Caucus on Women's Issues, I am insulted by this misleading piece of legislation. This legislation is deceptive, destructive, and a poor attempt to mislead and strip away a woman's reproductive rights. This bill is extremely volatile and has the potentiality to eradicate a woman's right to choose as recognized by the landmark case Roe v. Wade.

This bill, in fact, undermines a woman's right to choose as cited in the New York Times editorial yesterday, "The Reproductive Rights Under Attack." In fact, it says, "Packaged as a crime fighting measure, H.R. 503 is actually aimed at fulfilling a long-term goal of the right to life movement."

I stand firmly in the belief that women's reproductive decisions are private and their individual freedoms must be preserved. Those who support this bill claim that it is necessary in order to vigorously punish offenders who harm pregnant women. If the emphasis of the bill is to protect women, why is this not mentioned anywhere in the bill.

Assault against pregnant women is serious. Legislation that has a separate agenda such as this one cannot provide the adequate protection to women.

I oppose H.R. 503 because its real purpose is to erode the reproductive rights of women. It is not intended to recognize violence against women. In fact, it does not even reference a woman. It could make matters worse for women by encouraging antiabortion prosecutors to pursue charges for harm to embryos or the fetus while ignoring the woman who has also been harmed.

Mr. Speaker, this is, indeed, a smoke screen. It is an affront to American women who wish to have their reproductive rights left to them. I say, if you are going to protect the rights of all other folks, the gun owners, the oil drillers, then protect the rights of women. I oppose H.R. 503.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has questioned the Subcommittee on the Constitution considering this bill and has said that this is a wholesale assault on the constitutional rights granted women by Roe v. Wade. He is wrong.

Twenty-four States have statutes similar to the one that is being considered today. If those statutes which protect the rights of unborn children were such an assault on the mother's constitutional right, every one of them would have been struck down by a Federal court, from the District Court to the Supreme Court level. They have not been, because it is not an assault on the constitutional right of a woman to choose.

Then we just heard from the gentlewoman from California (Ms. MILLENDER-MCDONALD) that this strips away women's reproductive rights. I would submit to the gentlewoman from California that, if the woman wanted to have an abortion, she would have had an abortion before the assault took place. In these cases that this bill will protect, the woman wants to have her child born.

□ 1115

So she has already made her choice, and that was for the child to be born. If someone takes away that child's right to life through an assault or through a murder, then that person, that criminal, ought to be prosecuted twice. You do not want the criminal prosecuted twice when the woman has chosen to bring that child to term and have that child born alive.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of this bill and agree with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Ohio (Mr. CHABOT) that this issue has nothing to do with abortion. Unlike the substitute that will be offered later today, this bill specifically exempts any activity involving a legal abortion. This bill is directed only at protecting the unborn child. It is an extension. In fact, this bill allows for an additional prosecution after a person has committed a violent act against the woman herself. Therefore, it does recognize the woman. In fact, it recognizes the woman first.

Mr. Speaker, this woman that we are talking about must be pregnant, but she must first be a victim of a crime of one of over 60 Federal statutes that are violent acts perpetrated against the woman. Only then will this legislation kick in, basically, as a way to also prosecute that perpetrator for the crime done against the unborn child.

I commend to my colleagues that this is a measure that respects the decision of the woman to bear her child. This is a measure that is an additional ability for the Federal Government to prosecute against an extreme act of domestic violence that causes not only harm to a woman, but also harm and often death to her unborn child.

Mr. Speaker, as a State Senator, I worked on issues of domestic violence, and was proud, in 1998, to support Pennsylvania's version of this bill. In fact, the vast majority of Senators and House members in Pennsylvania, both pro-choice and pro-life, supported this measure because we understand that domestic violence is a serious problem in this country. Unfortunately, statistics show that many of the children, the unborn children who are killed in these cases, their mothers are victims of domestic violence, as are they. In fact, as published in the Journal of the American Medical Association, March 21, 2001, a study that was done in Maryland recognized the highest percentage of pregnant women who die, die as a result of homicide.

Mr. Speaker, I submit to my colleagues that this is a serious issue of violence, a serious issue of domestic violence, and it should not be clouded by concern about future legislation or potential legislation that some believe may try to overturn Roe v. Wade.

Our ultimate concern here should be the real victims of crime. The real victims of crime continue to be women who are victims of domestic violence due to an outraged partner. The real victims of crime are their unborn children, who often are the cause of the violence directed towards the mother.

Mr. Speaker, I submit to my colleagues that this is commonsense legislation. It is supported across the country, and it is constitutional.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is unfortunate that this Congress has apparently failed to take the opportunity to unite on something that I think we could agree on, namely, that it is wrong to assault women. It is wrong to assault pregnant women. It is a dreadful crime to cause a miscarriage through an assault on a woman. Instead of addressing these dreadful offenses we are back to that same old fight that divides this country, abortion.

Mr. Speaker, I know that there are Members of this House on both sides of the aisle who disagree on the question of abortion. Oftentimes those viewpoints are rooted in one's religious beliefs. I accept the fact that this country has disagreements about abortion.

It is unacceptable that we would use the issue of violence against women and causing miscarriages as the entryway to having still another fight about choice.

Mr. Speaker, I believe the Unborn Victims of Violence Act will be found unconstitutional. The gentleman mentioned that there are State statutes that define a person as a zygote or an embryo, but those State statutes have not been tested in the Federal courts or in the Supreme Court, and are clearly at odds with Roe v. Wade. Instead we can adopt a substitute that will be offered later today that assures that any woman who is assaulted and, as a consequence of that assault, miscarries and loses her opportunity to have a much-wanted child, occasions a separate prosecution. We should not tolerate behavior that causes miscarriage.

Any person who has lost a child, any person who has had a miscarriage, understands that is a devastating event that one never forgets and never gets over. I am hopeful that we can put the abortion debate to one side and reserve the argument about abortion for another day and come together with the Lofgren-Conyers substitute that will be offered later today and not entangle this very serious issue, of harming a pregnant woman, with that other fight, about abortion and choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

I agree we ought to talk about abortion when an abortion bill comes up. You are not hearing about abortion from this side of the aisle. The other side of the aisle is bringing up the issue of abortion.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I have to agree with the gentleman from Wisconsin (Mr. SENSENBRENNER). This has become an abortion debate because the other side of the aisle has made it such. They are so extreme and so afraid that they would lose their right to have an abortion, that they would even deny those unborn children that are killed by crime the rights that are due every other citizen in this country.

Mr. Speaker, Members should support this bill and oppose the Lofgren amendment because it fails to acknowledge when unborn children are killed, they have been murdered. Life and death should not be subsumed beneath some semantic fog. It is time that our society begin recognizing and defending both victims who are harmed when violent criminals attack pregnant women. Those who would artificially discriminate between lives lost to crime within and outside the womb draw empty and callous distinctions. All life is precious. Society must protect every victim of crime.

Mr. Speaker, current Federal law devalues and denies significance to unborn children. This destructive precedence has two unfortunate consequences. First, current law accrues to the benefit of the murderous thugs who destroy the lives of unborn children. These criminals are not forced to atone for the young life that they have destroyed.

Second, by denying a legal identity to unborn victims, we create a society that is coarser, less feeling and less than it would otherwise be. The law must not look upon a violent criminal's unborn victim with an indifferent eye. Every young life must be acknowledged. Every young life must be protected from predatory criminals.

Of course society through manners and custom have always deferred to the care and comfort of pregnant women, but we would be callously deceived if we limited our heightened attention merely to the woman's physical condition without acknowledging a vital predicate. It is precisely because a woman carries the miracle of life within her that she becomes the most precious and treasured member of society. It is because two lives exist together that society seeks to protect the woman. And the law must protect both lives. The law cannot remain blind on this point.

Mr. Speaker, let us take the logic underlying the opposition to this bill and apply it to the case of an elderly victim. It would be a truly repugnant idea to suggest that criminals should serve diminished sentences if they preyed on elderly victims with only a few years left to live. Fortunately, society does not draw this ugly distinction. We value and protect life until a person draws their final breath. It is intrinsically flawed reasoning leading to an equally gross injustice to deny explicit protection to an unborn person who is months, weeks, or even days from breathing his or her first breath.

Society must extend the protection of a law to every vulnerable victim. The mothers of these murdered children see these crimes with the proper perceptive. In an all-too-common set of horrible circumstances, the criminal's unborn victim is actually the primary target when a murderer stalks a pregnant woman. Under current law, when an unborn victim is murdered, in the eyes of society, no one has died. That has to change in our society.

Mr. Speaker, it is time to end this awful and unconscionable oversight. This bill extends protection to every vulnerable victim in America. Support this bill so that society will acknowledge and defend every vulnerable American.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. NADLER), and ask him to yield to me.

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I wanted to say to the gentleman from Texas, the very distinguished majority whip, before he leaves the floor that we do recognize and make prosecutable killers of women that are pregnant.

Mr. Speaker, we create two separate crimes, so I do not want that misstated again unless you read the Lofgren-Conyers substitute. Two separate crimes, both prosecutable and will be prosecutable because they are constitutional.

Mr. NADLER. Mr. Speaker, I oppose this bill before us today because it is unnecessary, misguided and facially unconstitutional. The Supreme Court in Roe v. Wade clearly said, "The unborn have never been recognized in the whole sense," and concluded that "person," as used in the 14th amendment of the Constitution, does not include the unborn.

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As the gentleman from Texas (Mr. DELAY) just made clear in his speech a moment ago, as everybody I have heard on the other side has made clear in their speeches, the whole purpose of this bill is precisely to label the unborn fetus or zygote or blastocyst as a person in the whole sense of the word. That is their purpose. Therefore, it is an abortion debate, because if it is murder to cause a miscarriage of a zygote or a fetus, then logically it is murder to perform an abortion. That is why we are debating abortion, and that is why they are debating abortion, whether they admit it or not.

Mr. Speaker, we are going to hear a lot today about violence to fetuses, embryos, zygotes, blastocysts. We will hear a lot about horrific acts of violence perpetrated against women at advanced stages of pregnancy, causing injury to the fetus. The sponsors will claim, even though this bill addresses only violence against fetuses, that this bill is really being considered to protect the welfare of these women.

We should have no illusions about the purposes of this bill, that it is yet another battle in a war of symbols in the abortion debate in which opponents of a woman's constitutional right to choose attempt to portray fetuses from the earliest moments of conception as children with the same rights as the adult women who are carrying them. The implication is that anyone who does not share the metaphysical slant of the radical antichoice movement that a two-celled zygote is a person on exactly the same basis and with the same rights as a child or adult must secretly favor infanticide.

This bill, by making the destruction of a fetus or even a zygote, a separate crime of murder without reference to the actual harm to the pregnant woman speaks volumes about that view. If causing a miscarriage is murder, then by implication so is abortion. Even if the sponsors have papered over this premise with language to the contrary, no one should be under any illusions that this is the real and only purpose of this bill.

Let us take the sponsors at their word. In the last Congress, the report of the majority of the Committee on the Judiciary made clear that their concern was that "except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence whatsoever," and that the bill's purpose was "to narrow the gap in the law by providing that an individual who kills an unborn child during the commission of certain Federal crimes of violence will be guilty of a separate offense." Providing such a separate offense clearly recognizes the fetus as the victim of the violence, a proposition that is at odds with the holding of the Supreme Court in reading the Constitution.

In fact, this legislation marks a major departure from Federal law by elevating the legal status of a fetus at all stages of prenatal development to the same as that of the pregnant woman or any other person who is the victim of a crime. This is wrong, Mr. Speaker. It is against the whole scheme of Roe v. Wade, which recognizes a greater ability of the States to regulate, a greater interest in regulation in later stages of pregnancy, precisely because the Constitution recognizes that a fetus is not a full-fledged person from the moment of conception.

For anyone still in doubt about the real purpose of the bill, the National Right to Life Committee, in a memo distributed to members of the Committee on the Judiciary, laid it out:

They say that such a one-victim amendment, talking about the Lofgren amendment, would codify the fiction that when a criminal assailant injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life. The one-victim substitute would also enact the notion that when a criminal assailant kills a pregnant woman, the assailant should be punished once for killing the mother and then again for depriving her of her pregnancy, but if there is only one victim, it shows the difference between us.

So the radical antichoice groups acknowledge that the only difference of opinion here is not how much to punish these offenses, because both this bill and the Lofgren substitute would give heavy punishment, although under certain circumstances, the Lofgren substitute would give much heavier punishment than would this bill; the real difference is that this bill recognizes the crime of murder against a fetus or a zygote.

The bill is also unclear, as one of the majority's witnesses testified in the committee hearings. Does it cover only an embryo after implantation or at conception? Put another way, is it only murder if you cause the miscarriage of a viable fetus? Or is it also murder if you cause the miscarriage of a not-yet-viable fetus or of a two-celled zygote at the moment of conception?

I think the sponsor of this legislation, the gentleman from South Carolina (Mr. GRAHAM), should tell us what the bill means. It is a simple question that should have a simple, straightforward answer. Yet I used my entire 5 minutes at the Committee on the Judiciary trying to get an answer from the gentleman from South Carolina. He would not give me an answer.

So I will ask him now, yes or no, is it murder to murder a two-celled zygote under this bill or is it not?

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, as I said in the Committee on the Judiciary, the language that we adopted in the bill is exactly what exists——

Mr. NADLER. Yes or no. I do not have the time to have the whole explanation that is taken from the language of State law. Is causing a miscarriage murder of a two-celled zygote or not under this bill? Yes or no.

Mr. GRAHAM. When the fetus attaches to the womb, that is what the prosecutor has to prove.

And if I may answer your question, the definition used in this bill is the exact same definition that the House endorsed and passed 417–0 that the gentleman from New York voted for. This is the same definition that he voted for July 25, 2000.

Mr. NADLER. Reclaiming my time, he will not give a yes or no answer because he cannot.

One last sentence on this whole thing. This bill is not about violence against women. That is why all the violence against women groups are opposed to the bill. This bill is simply to undermine Roe v. Wade, and it will not succeed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, look at this picture of Tracy Marciniak and her dead son. This little boy is not a zygote, not a blastocyst, not an embryo, not a fetus, not anything but a little baby, a little child who was brutally killed. His name was Zachariah. He was killed by his father, a man by the name of Glendale Black, 4 days before he was due to be born. He was beaten in the womb where he bled to death. And his father got away with it.

Yes, Glendale Black went to jail, but not because he killed Zachariah. He went to jail for assaulting Zachariah's mother. At the time, it was not a crime to kill a woman's baby in Wisconsin as long as he did it before he was born. If he had done it 4 or 5 days later, he might have gotten life imprisonment. Instead, he is now eligible for parole.

Wisconsin has since changed its law. If Tracy's ex-husband committed the same crime today, he would be charged with killing her child as well as assaulting her. But the Federal Government has no such law. In Federal jurisdictions, that man could get away with killing again.

Look again at this picture. How can anyone say that this child is not a human being? How can anyone say that Zachariah should not have the same right to live as you and I have? How can anyone say that the crime Zachariah's father committed was not more than just assault, but also taking of human life? Or as his mother Tracy herself says, "If you really think that nobody died that night, then vote for the one-victim amendment. But please remember Zachariah's name and face when you decide."

Mr. Speaker, America's first war was fought to prove that each of us has an inalienable right to life as well as liberty and pursuit of happiness. We need to affirm that we still believe in these principles. We need to show that we still believe in God-given rights, the right to life. We need to pass this good legislation. We need to pass it unanimously. And we should reject the so-called one-victim amendment. Pretending that nobody died the night Glendale Black beat his wife and killed his son is to deny reality. Even worse, it is to turn our backs on everything America stands for.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Ms. LOFGREN. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I thank the gentlewoman for yielding.

I wanted to comment on the terrible crime that we just had a discussion of from the prior speaker. Clearly that was a horrible thing, and the monster who did that is now free. That is the wrong thing. That should be changed.

Unfortunately, H.R. 503 would not change a darned thing about that case. I understand from the mother that part of the problem with the prosecution was that the prosecutors could not prove the intent to harm the unborn child. Under H.R. 503, there is also an intent requirement. Otherwise, absent intent, one is limited to the term of years of the underlying offense. In order to have Federal jurisdiction, the only assault that is cited in the bill is assault against a Federal officer.

So passing this bill would not prevent that terrible, terrible tragedy. I just thought it was important to note that.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her statement, her leadership on this, and also the ranking member's.

I rise in strong opposition to the Unborn Victims of Violence Act and urge its rejection. Some Members on the other side of the aisle today have indicated that they do not believe that it is a direct attack on Roe v. Wade, and a woman's right to choose.

Mr. Speaker, I include for the Record editorials from the New York Times entitled "Reproductive Rights Under Attack," and also editorials from the 1999 debate from the Washington Post, the St. Petersburg Times, and the Seattle Times, all in direct opposition to this bill. And all point out that it is a direct assault on Roe v. Wade.

The material referred to follows:

[From the New York Times]

Reproductive Rights Under Attack

Congressional opponents of abortion have no appetite for a direct and politically unpopular assault on Roe v. Wade. So they are pursuing other legislative strategies that would undermine women's reproductive freedom. One of the most deceptive of these schemes is the benign-sounding Unborn Victims of Violence Act, which is expected to come up for a vote in the House this week.

Packaged as a crime-fighting measure unrelated to abortion, the bill is actually aimed at fulfilling a longtime goal of the right-to-life movement. The goal is to enshrine in law the concept of "fetal rights," equal to but separate and distinct from the rights of pregnant women. In essence, the bill would elevate the status of a fetus, embryo or other so-called "unborn child" to that of a "person" by amending the Federal criminal code to add a separate offense for causing death or bodily injury to a "child" who is "in utero." The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation, whether or not the perpetrator knew of the pregnancy.

The vote this week represents a serious test. An identical bill passed the House last year by a 254-to-172 vote, and its present sponsors are plainly hoping the arrival of a new anti-choice administration will help gain passage this time around in the Senate.

Violence against women that results in compromising a pregnancy is a terrible crime. It may well deserve stiffer penalties, which some states have already imposed. But the bill's sponsors are more interested in furthering a political agenda than in preventing and punishing criminal conduct. Lawmakers who care for Roe v. Wade have no business voting for this disingenuous legislation.

Editorials Against "Unborn Victims of Violence Act"

[From the Washington Post, Oct. 2, 1999]

"While the bill specifically exempts abortion; it is a clever, if transparent effort to establish a foothold in the law for the idea that killing a fetus can be murder. What makes this bill a bad idea is the very aspect of it that makes it attractive to its supporters: that it treats the fetus as a person separate from the mother, though that same mother has a constitutional right to terminate a pregnancy. This is a useful rhetorical device for the pro-life world. But it is analytically incoherent."

[From the St. Petersburg Times, Oct. 2, 1999]

"The bill's sponsors . . . claim the measure is not an attack on reproductive freedom, but a bill to fight crime. They point to the bill's exceptions for legal abortion providers, medical caregivers and the mother herself as proof that it's not anti-abortion. They are being disingenuous. . . . The public not be fooled. This bill is about abortion, not crime."

[From the Seattle Times, Sept. 28, 1999]

"It would make sense for Congress to enhance penalties for crimes against pregnant women, especially since pregnancy greatly increases a woman's risk of domestic assault. It does not make sense for Congress to exploit one critical health issue—violence against women—to erode women's reproductive rights. Its ludicrous to separate the pregnancy from the woman. In 1973, the Supreme Court ruled that reproductive freedom is part of the constitutional right to privacy; the state can claim compelling interest only after the fetus can survive outside the womb. For a quarter century, the price of such freedom has been constant vigilance against laws like this."

[From the New York Times, Sept. 14, 1999]

"Congressional opponents of abortion rights have come up with yet another scheme to advance their agenda. . . . [T]he measure aims to chip away at women's reproductive freedom by granting new legal status to unborn children—under the deceptively benign guise of fighting crime. . . . . By creating a separate legal status for fetuses, the bill's supporters are plainly hoping to build a foundation for a fresh legal assault on the constitutional underprintings of the Supreme Court's ruling in Roe v. Wade. Sending the nation down a legal path that could undermine the privacy rights of women is not a reasonable way to protect women or deter crime."

We should call for "truth in Advertising." The sponsors make it sound like they want to protect the fetus. Yet the definition is so broad that it would cover three cells. Make no mistake, this is an attack on a woman's right to choose, and now we know clearly and squarely where the Bush administration stands.

Mr. Speaker, I include for the Record the Statement of Administration Policy on this bill.

Executive Office of the President, Office of Management and Budget,
Washington, DC, April 24, 2001.

Statement of Administration Policy

(This statement has been coordinated by OMB with the concerned agencies)

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001

(Rep. Graham (R) SC and 95 cosponsors)

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Justice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called "One-Victim" Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

I might add, why are we here today? The Bush administration has told us that their top priority is education. Where is the education bill? The Bush administration has told us that they care about the Patients' Bill of Rights to protect our seniors. Where is the Patients' Bill of Rights bill?

But what we get on the floor is an attack on a woman's right to choose, attack on her health and on her privacy. That is what we get. I ask my colleagues, is that compassionate?

My colleagues on the other side of the aisle have said that this is not a pro-life statement, it is not an attack on choice, but the Traditional Values Coalition, on their Web site, I pulled it off today; they state and I quote, "Enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn."

I include for the Record the pro-life organization's statement.

Victory: Unborn Victims of Violence Act Passes in the House

Criminals who murder or assault a pregnant woman will now be held accountable to the violence inflicted on both victims, the mother and her unborn child. This week the Unborn Victims of Violence Act, sponsored by Representative Lindsey Graham (R–SC), passed the House of Representatives by a vote of 254–172. This bill recognizes that an unborn child who is injured or killed during the commission of a federal crime is a human victim, and the assailant could then be punished for the harm caused to this most vulnerable victim. This bill provides vital protection for expecting mothers and their unborn children. We applaud the House for passing such important legislation.

The House also rejected an attempt to water down the original act by opposing a substitute amendment offered by Representative Zoe Lofgren (D–CA) by a vote of 201–224. This victory is one step further in bringing justice for ALL humans, born and unborn.

Regrettably, the United States federal criminal law does not give unborn children the rights of personhood. Currently, a person can attack a pregnant woman, causing the death of her child and only be prosecuted for the assault on the mother! It is a federal crime to attack, injure, or kill a woman, but it is not considered a federal crime to do the same to the unborn child of the woman. However, legislation introduced by Representative Lindsey Graham (R–SC) proposes to recognize the humanity of unborn children by using the same standard to punish violence enacted upon the unborn as any other person. This major pro-life bill would protect unborn children from acts of violence and enactment of the bill would be a landmark pro-life victory by recognizing the rights of the unborn.

This bill treats a fetus as separate from the mother, though that mother has a constitutional right to abortion. This bill does not protect women in any way. In fact, there is nothing in the bill about punishing the perpetrator for the crime against the woman. That is why the National Coalition Against Domestic Violence opposes this bill. According to experts, current Federal law already provides authority for the punishment of criminals that harm fetuses.

Mr. Speaker, I include for the RECORD the statement from Ronald Weich, a former Special Counsel, U.S. Sentencing Commission, that goes into further detail.

Testimony of Ronald Weich, Zuckerman Spaeder, L.L.P., Former Special Counsel, U.S. Sentencing Commission, Before the Subcommittee on the Constitution of the House Committee on the Judiciary, March 15, 2001

Mr. Chairman and members of the Subcommittee: My name is Ronald Weich and I am a partner in the law firm of Zuckerman Spaeder LLP. I respectfully request that this written statement appear in the record of the Subcommittee's hearing on H.R. 503, the Unborn Victims of Violence Act of 2001.[1]

In this statement I analyze the criminal law and sentencing implications of the pending bill. I bring several qualifications to this task. From 1983 to 1987 I worked as an Assistant District Attorney in New York City, where I prosecuted a wide array of criminal cases. Thereafter I served as Special Counsel to the United States Sentencing Commission and participated in drafting amendments to the federal sentencing guidelines. I then served on the staff of several Senate committees where I assisted in the development of federal crime and sentencing policy. I am now in private practice, but I continue to serve on the advisory board of the Federal Sentencing Reporter, a scholarly journal in which I have frequently published articles on sentencing law and policy. I am also a member of the Criminal Justice Council of the American Bar Association.[2]

After reviewing H.R. 503 in light of my experience in the criminal justice system, my knowledge of the federal sentencing guidelines and an examination of relevant case law, I reach one basic conclusion; this bill is unnecessary. Current federal law provides ample authority for the punishment of criminals who hurt fetuses. H.R. 503 adds nothing meaningful to the charging arsenal of federal prosecutors or the sentencing options available to federal judges.

Because the bill is unnecessary from a criminal law perspective, I suspect that its purpose, instead, is to score rhetorical points in the perennial struggle over abortion rights. For reasons that I will explain, I object to the use of the federal criminal code as a battlefield in the abortion wars.

I will first describe why the bill is unnecessary in light of current federal law and then explain why I believe it is an unwise addition to federal law.

I. H.R. 503 IS UNNECESSARY

Current federal law already provides sufficient authority to punish the conduct that H.R. 503 purports to punish.

At the outset it should be understood that very few violent crimes are prosecuted in the federal courts. Most street level violent crimes are prosecuted under state law by state prosecutors in state courts. Under our constitutional system, federal criminal jurisdiction only exists if the crime implicates federal civil rights or interstate commerce—which few violent crimes do—or if the crime occurs on a federal enclave such as a federal office building, a military base or an Indian reservation. Thus there are only a handful of federal murder and assault prosecutions each year, and most of those involve Native Americans.

H.R. 503 targets relatively rare conduct to begin with, namely criminal assault on a fetus. And in the federal context, that rare conduct is even more unusual. I researched federal case law and found only one reported case in recent years in which the victim of the offense of conviction was a fetus. In that case, *U.S.* v. *Spencer*, 839 F.2d 1341 (9th Cir. 1988), the Native American defendant assaulted a pregnant woman on an Indian reservation, kicking and stabbing her in the abdomen. The woman was successfully treated for life-threatening injuries, but her fetus was born alive and then died. The Ninth Circuit upheld the defendant's conviction under the federal murder statute, 18 U.S.C. §1111. Thus, even without the help of H.R. 503, a federal defendant was successfully prosecuted for murdering a fetus.

The Spencer decision is significant for several reasons. First, it illustrates how rare such cases are in the federal system—the court refers to the issue of federal criminal liability for fetal death as one of "first impression" and in the 13 years since it was decided, the issue decided in Spencer appears not to have arisen in another reported federal case. There is no crime wave of federal fetal assaults crying out for a legislative solution. But should this rare scenario present itself in federal court again, Spencer stands for the proposition that criminal liability may be imposed under current federal law.

The Spencer court relies on the well established common law doctrine, developed in state courts, that fetal death subsequent to birth due to fetal injuries may be prosecuted as homicide. See, Annotation, Homicide Based on Killing of Unborn Child, 64 A.L.R. 5th 671 (1998). Among the many state cases upholding homicide convictions for assaults that resulted in the death of a fetus are *William* v. *State*, 561 A.2d 216 (Maryland 1989); *State* v. *Cornelius*, 448 N.W.2d 434 (Wisconsin 1989); *People* v. *Hall*, 158 A.D.2D 69 (New York App. Div. 1st Dept. 1990); and *State* v. *Cotton*, 5 P.3d918 (Arizona 2000).

The broad support for this rule in the state courts does not argue for its necessity in the federal code, since state law of this nature is incorporated into federal law by the Assimilative Crimes Act, 18 U.S.C. §13, when the crime occurs in a federal enclave such as a military base. That was the basis on which the Court of Appeals for the Armed Forces recently upheld the homicide conviction of Gregory Robbins for beating his wife and thereby causing the termination of her pregnancy. *U.S.* v. *Robbins*, 52 M.J. 159 (1999). Proponents of the Unborn Victims of Violence Act had argued in 1999 that the Robbins case, then pending, demonstrated the need for a new federal law, but the successful outcome of the prosecution shows precisely the opposite: current federal law is sufficient.

Analytically separate from the question of criminal liability is the question of punishment. Here again, current federal law is sufficient. There is no dispute that causing harm to a fetus during the commission of a federal felony should generally result in enhanced punishment, and courts have uniformly held that such enhancements are available under the current sentencing guidelines. For example, in both *U.S.* v. *Peoples*, 1997 U.S. App. LEXIS 27067 (9th Cir. 1997) and *U.S.* v. *Winzer*, 1998 U.S. App. LEXIS 29640 (9th Cir. 1998), the court held that assaulting a pregnant woman during a bank robbery could lead to a two level enhancement (approximately a 25% increase) under §2B1.1(b)(3)(A) of the Guidelines relating to physical injury. In *U.S.* v. *James*, 139 F.3d 709 (9th Cir. 1998), the court held that a pregnant woman may be treated as a "vulnerable victim" under §3A1.1 of the Guidelines, again leading to a two level sentencing enhancement for the defendant. And in *United States* v. *Manuel*, 1993 U.S. App. LEXIS 14946 (9th Cir. 1993), the court held that the defendant's prior conviction for assaulting his pregnant wife warranted an upward departure from the applicable guideline range for his subsequent assault conviction.

While there have been no federal death penalty prosecutions of civilians in recent years involving fetal assaults, the military justice system treats the murder victim's pregnancy as an aggravating factor to be considered during the capital sentencing phase of a trial. *United States* v. *Thomas*, 43 M.J. 550 (U.S. Navy-Marine Corps Ct. of Crim. App. 1995). This holding follows state law precedents in which the pregnancy of the victim is a statutory aggravator in capital cases. See, e.g., Del. Code Ann. Tit. 11, §4209(e)(1)(p) (Supp. 1986).

In sum, H.R. 503 is unnecessary because federal case law and the federal sentencing guidelines, building on well-established common law principles, already authorize serious punishment for the harm that the bill seeks to address.

II. H.R. 503 IS DETRIMENTAL TO THE CRIMINAL JUSTICE SYSTEM

To say that H.R. 503 is unnecessary does not end the inquiry. As members of the Judiciary Committee are aware, the federal criminal code is characterized by much redundancy, and one more criminal law prohibiting what is elsewhere prohibited would barely add to the thicket. But for three reasons, H.R. 503 would not only constitute an unnecessary addition to the Code, it would also be an undesirable addition.

First, the bill has been drafted in a structurally unsound manner and will lead to considerable confusion and litigation. To be convicted under 18 U.S.C. §1841, the new criminal offense created by H.R. 503, a defendant must have "engage[d] in conduct that violates" one of the existing federal crimes enumerated in §1841(b). But must the defendant be convicted of one of those other offenses before he may be convicted of the separate offense under §1841? That is a fair reading of the text, but the answer is not without doubt. There is already considerable controversy and resource-draining litigation in the federal courts over whether various title 18 provisions constitute separate offenses requiring proof beyond a reasonable doubt or sentencing enhancements requiring only proof by a preponderance of evidence, see, e.g. *Appendix* v. *New Jersey*, 530 U.S. 466 (2000); *Jones* v. *United States*, 119 S. Ct. 1215 (1999). H.R. 503 would add to this confusion if there were ever a prosecution under the new criminal provision it establishes.

This problem could be addressed if, instead of creating a new criminal offense, H.R. 503 merely directed the Sentencing Commission to either establish a new sentencing enhancement when the victim of the crime is a pregnant woman, or make clear that a pregnant woman may be considered a "vulnerable victim" under existing §3A1.1 of the Sentencing Guidelines. As demonstrated above, the generic provisions of the Guidelines already accomplish this result. But at least a sentencing enhancement bill would not foster confusion and litigation.

Second, H.R. 503 is overbroad. To begin with, it incorporates by reference an unduly broad definition of "bodily injury" from 18 U.S.C. §1365. Whereas the common law rule applied to termination of the pregnancy, H.R. 503 would make it a violation of federal law to cause "physical pain" to the fetus or "any other injury to the [fetus], no matter how temporary." 18 U.S.C. §1365(g)(4). That definition may make sense in the consumer safety context from which it derives, but it is bizarre and extreme in the prenatal context of H.R. 503. Further, H.R. 503 applies to all fetuses, not merely those that are viable, and explicitly applies to unintentional as well as intentional conduct. The common law rule, evolved over centuries of Anglo-American jurisprudence, is that an assault causing the death of a viable (or, in the archaic phrase, "quickened") fetus gives rise to criminal liability. The rule in H.R. 503 is that an assault unintentionally causing "pain" to a weeks-old fetus gives rise to criminal liability.[3]

Third, the bill is a transparent effort to undermine *Roe* v. *Wade*. Since H.R. 503 adds nothing meaningful to substantive federal criminal law, its purpose is purely symbolic: to bestow statutory personhood on fetuses, even those that are not viable.

It is no accident that the bill says nothing about injuries to pregnant women; instead the newly created title is styled "Protection of Unborn Children." An assault on a fetus cannot occur without an assault on the pregnant women, but the bill is deliberately framed in terms that ignore the woman. To be sure, there is an explicit exception to the criminal penalties in the bill for "conduct relating to an abortion" but make no mistake—this bill is just one more step in the anti-abortion movement's methodical strategy to humanize fetuses, marginalize women, demonize abortion providers, and make the image of abortion less palatable to the American people. The extreme overbreadth of H.R. 503 flows directly from that strategy.

The validity of the constitutional protections established in *Roe* v. *Wade* exceeds the scope of this testimony and is beyond my field of expertise. But as someone who cares about the integrity of the criminal law, I regret that this skirmish in the abortion wars flares up unnecessarily in the federal criminal code. The criminal justice system is built on ancient principles such as proportionality of punishment and the requirement that a wrongdoer have acted with intent to cause harm (mens rea). In ignoring these principles, H.R. 503 is an unsound piece of crime legislation.

Because I believe H.R. 503 to be both unnecessary and unwise, I urge the subcommittee to reject it.

NOTES

[1] On July 21, 1999, I testified before this Subcommittee in person regarding H.R. 2436, the version of the Unborn Victims of Violence Act introduced in the 106th Congress. Because H.R. 2436 and the pending H.R. 503 are substantially the same, my testimony this year substantially duplicates the testimony I previously provided. Nonetheless, I wish this statement to appear in the record of the current hearing so that it is available to members of Congress considering the pending bill.

[2] I wish to make clear that I am not testifying on behalf of the American Bar Association or any other entity with which I am affiliated. Nor am I testifying on behalf of any of my law or lobbying clients. For example, it is a matter of public record that I have represented Planned Parenthood Federation of America (PPFA) with respect to pharmaceutical pricing issues, but I do not represent PPFA at this hearing. The views I express herein are strictly my own.

[3] The bill's new §1841(a) defines the term "unborn child" tautologically as "a child in utero." Unless the drafters of H.R. 2426 intend to word "child" to imply viability, the bill would apply to conduct that impacted a first trimester pregnancy. Whether an "unborn child" of such gestational age constitutes a human being raises constitutional issues beyond the scope of this testimony.

Mr. Speaker, this bill really has nothing to do with protecting a fetus and it has everything to do with taking away a woman's right to choose. That is why all the women's organizations, that is why all the domestic violence organizations oppose it, but the Bush administration supports it. It is a sham, it is aimed at overturning Roe v. Wade, it is further aimed at marginalizing female victims, and it is plainly unnecessary.

It is plainly wrong. I urge a no vote against this antiwoman bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, on July 25, 2000, the House of Representatives, by a vote of 417–0, passed the Innocent Child Protection Act. This bill would prohibit either the Federal Government or any State from executing a woman while she carries a child in utero. That bill defined "child in utero" in the same language as the legislation that is before us.

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We heard the gentleman from New York (Mr. NADLER), and others, talk about two-cell zygotes and other terms that have been used during the development of the Homo sapiens, but the protection that was given to the child in utero by the bill that passed last year by a vote of 417–0, I have the roll call here. I noticed the gentleman from New York (Mr. NADLER) endorsed this definition when it came to the death penalty, as did the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from California (Ms. LOFGREN). Why should we not use the same definition that everybody endorsed last year when it came to executing pregnant women at the State and Federal level in the legislation that sets up this separate crime?

I intend to be consistent in my votes by voting for this definition in this bill, as I did last year for the definition in the other bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, I rise today as a new Member of this body in strong support of H.R. 503, the Unborn Victims of Violence Act, offered by my friend and colleague, the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, it amazes this new Member that there are those who oppose this initiative before the House, which is simply an effort to defend unborn children from violence. Do we not all have an interest in protecting mothers and their children from violent attackers? Who in this House has not read a story in the newspaper about an expectant mother like that described by the Committee on the Judiciary chairman, the story of Shawana Pace whose boyfriend paid to have her assaulted and because of that abuse she lost her child? The outrage and the anger of the public after these events demands that we take action.

Mr. Speaker, the opposition, in their zeal to prevent this bill from becoming law, would have us believe that punishing criminals for existing Federal crimes would compromise the rights of mothers. This premise is simply wrong. The Unborn Victims of Violence Act specifically targets not women or women's rights, but criminals who cause death or harm to an unborn child while committing one of 63 existing Federal crimes.

As the gentlewoman from Pennsylvania (Ms. HART) observed, the Journal of the American Medical Association published a recent study that found that homicide is the most common cause of death among pregnant women in Maryland. A week later, JAMA published another study that found that 6 percent of all pregnant women in North Carolina are abused while they are pregnant.

Despite these alarming facts, Federal law does not punish criminals who prey on pregnant women simply because they are pregnant.

The alternative to this bill to be offered later today fails to address a central cause of violence against pregnant women because it fails to recognize that the child is often the primary target of the assailant.

Mr. Speaker, by protecting the child we protect the mother. It is a fundamental axiom of Western civilization, the belief in the sanctity of human life. By failing to recognize crimes against the life of the unborn child, we place not only one life at risk but two. We must correct this oversight in Federal law and ensure that criminals who prey on pregnant women and their unborn children pay the appropriate penalty for their crimes.

I urge all of my colleagues to support the Unborn Victims of Violence Act. This Congress should seize this opportunity to extend the protection of the law to the most defenseless in our society.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) for yielding.

Mr. Speaker, I think the gentleman from South Carolina (Mr. GRAHAM) was the one that said that H.R. 503 is a two-victim bill. The bill on the floor is not a two-victim bill. The bill only recognizes one victim, the embryo or the fetus. Harm to the woman does not factor into the bill at all. The bill does not require prosecution of the crime against the woman, and so to call it a two-victim bill is a fallacy.

Ms. SOLIS. Mr. Speaker, I also would like to join my Democratic colleagues and rise in strong opposition to H.R. 503, the so-called Unborn Victims of Violence Act. While the bill supporters claim that they want to protect pregnant women from crime, their bill does no such thing. Instead, the bill recognizes for the first time a fetus as a person, with rights separate and equal to that of a woman.

I am disappointed that the sponsors of H.R. 503 would play politics with the issue of women's safety. Of course we can all agree that pregnant women deserve protection against crime and violence, but we all hold very different beliefs on a woman's right to choose. Therefore it is simply irresponsible to confuse the two issues in H.R. 503, as this does.

That is why I am not voting for H.R. 503 in favor of the substitute amendment, which will be offered by my colleague, the gentlewoman from California (Ms. LOFGREN). The Lofgren substitute, the Motherhood Protection Act, increases the penalty for attacking a pregnant woman. Let us work together to pass something we can all agree on, rather than playing politics, and let us preserve women's safety.

I urge my colleagues to oppose H.R. 503 and support the Lofgren substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, back in September of 1999, when this bill came before us, one of the opponents of the bill said this, because the criminal attack on a woman causing her to lose a child and an abortion are too easy to confuse, we need to vote against this bill.

Now we are again hearing today that it is hard to distinguish between a criminal attack on a woman which kills her baby and an abortion. But I say, I think the American people can distinguish between the two of those, and I think Members of this body can. We also heard today, and we heard in that earlier argument, that this bill would do a dangerous thing. It would recognize the legal status of an unborn child.

Now that is pretty dangerous, is it not, recognizing the legal status of an unborn child?

Is an unborn child illegal? Are they born into the world illegal? When do they pass from illegal to legal? I think if a mother wants to have a child, wants to have that child born, wants to raise that child, that child is legal.

I want to talk about something else, something else that the opponents I do not think would want to talk about, and I think this is particularly telling, it is an article in the March 2001 Journal of American Medicine, and it simply says one thing, the disturbing finding that a pregnant or recently pregnant woman is more likely to be a victim of homicide than due to any other cause. In other words, a pregnant woman is more likely to be a victim of homicide than die of any other cause.

It compared that to nonpregnant women in the same age group, and that was the fifth leading cause of death.

As that article asks the question, we ought to ask the same question. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can there be comprehensive prevention.

In other words, pregnant women are victims of homicide in a far greater percentage than nonpregnant women. We need to understand that if we are to prevent it.

How do we prevent it? Why does one think pregnant women are five times more likely to die of a homicide in this study and in an earlier study in the Journal of Public Health and in two studies in obstetrics and gynecology? I would submit that the fact they are pregnant is making them a target. These studies certainly say that they are a target. This bill, and I praise the gentleman from South Carolina (Mr. GRAHAM) for offering it, it is a needed step to help what has become an attack on pregnant women.

REMARKS UPON PASSAGE OF BILL IN 106TH CONGRESS

Mr. BACHUS. Mr. Chairman, I rise in support of the Unborn Victims of Violence Act and opposed to the amendment.

We have heard some very interesting statements out here on the floor today. One of the opponents of this act said we ought to vote against this act because, and let me quote, "because the criminal attack on a woman causing her to lose a child, and an abortion, it is too easy to confuse the two."

In other words, a criminal attack on a woman which causes her to lose her unborn child, she said the only difference in that and an abortion is, she says, the result is the same except for the criminal intent, and we cannot always determine the difference.

Now, do my colleagues buy that? Do my colleagues buy that this Congress or the American people cannot distinguish between a criminal attack on a woman which causes her to lose her unborn child and an abortion? I do not think so. I think that is ludicrous.

Another reason we were told to vote against this act, we were told that the Federal court or the Federal jurisdiction may have jurisdiction over the mother, but they might not have jurisdiction over the unborn child.

In other words, an FBI agent who is pregnant, we can try someone for assaulting her or murdering her, but not her unborn child, because that would not be a Federal act.

Well, what do we do in those cases? Do we always try those? Would we try them, as that person who opposes it said, we ought to try that case in the State court? Of course not. That is ludicrous.

The final thing, which is probably the worst, is this statement, and I say this with respect to all Members: that this is the first occasion that this Congress or this Supreme Court has ever recognized the legal status of an unborn child. If we pass this act, we will be recognizing the legal status of an unborn child.

Well I ask you, is it an illegal status? Are unborn children illegal?

How about an unborn child whose mother has made a decision to keep that child? She wants to keep that child. She wants to have that child. She wants to raise that child. Is there anything wrong with recognizing the legal status of that child? Should that child have no status, no rights? Of course not.

[From JAMA, March 21, 2001]

ENHANCED SURVEILLANCE FOR PREGNANCY-ASSOCIATED MORTALITY—MARYLAND, 1993–1998

(By Isabelle L. Horon and Diana Cheng)

Complete and accurate identification of all deaths associated with pregnancy is a critical first step in the prevention of such deaths. Only by having a clear understanding of the magnitude of pregnancy-associated mortality can comprehensive prevention strategies be formulated to prevent these unanticipated deaths among primarily young, healthy women.

Death statistics compiled through the National Vital Statistics System by the National Center for Health Statistics, Centers for Disease Control and Prevention, are a major source of data on deaths occurring during pregnancy and in the postpartum period. Original death certificates from which state and national vital statistics are derived are filed in and maintained by individual states. Causes of death on death certificates are reported by attending physicians or, under certain circumstances such as death from external trauma or unexplained death, by medical examiners or coroners.

The National Center for Health Statistics is required to use the World Health Organization (WHO) definition of a maternal death for preparation of mortality data. According to the WHO definition, a maternal death is "the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes."[1] This definition includes deaths assigned to the cause "complication of pregnancy, childbirth, and the puerperium" (International Classification of Diseases, Ninth Revision [ICD-9] codes 630–676).

Death records are an important source of data on pregnancy mortality because they are routinely collected by the states and are comparable over time and across the nation. However, there are several limitations to using these data to identify all deaths associated with pregnancy. First, the cause-of-death information provided on these records is sometimes not accurate. Previous studies have shown that physicians' completing death records following a maternal death fail to report that the woman was pregnant or had a recent pregnancy in 50% or more of these cases,[2–4] resulting in the misclassification of the underlying cause of death. Since these deaths cannot be identified as maternal deaths through routine surveillance methods, they are not included in the calculation of maternal mortality rates.

An additional limitation of using death records alone for comprehensive identification of all deaths associated with pregnancy is that the WHO definition of a maternal death limits the temporal and causal scope of pregnancy mortality. As defined by WHO, a maternal death does not include deaths occurring more than 42 days following termination of pregnancy or deaths resulting from causes other than direct complications of pregnancy, labor, and the puerperium.

To address these issues, the term "pregnancy-associated death" was introduced by the Centers for Disease Control and Prevention, in collaboration with the Maternal Mortality Special Interest Group of the American College of Obstetricians and Gynecologists, to define a death from any cause during pregnancy or within 1 calendar year of delivery or pregnancy termination, regardless of the duration or anatomical site of the pregnancy.[5] Pregnancy-associated deaths include not only deaths commonly associated with pregnancy such as hemorrhage, pregnancy-induced hypertension, and embolism—which are captured in the WHO definition—but also deaths not traditionally considered to be related to pregnancy such as accidents, homicide, and suicide. The term also includes deaths occurring 43 to 365 days following termination of pregnancy. Since cause-of-death information on death certificates cannot identify deaths from nonmaternal causes or deaths occurring 43 or more days following termination of pregnancy as associated with pregnancy, additional sources of data must be used for complete ascertainment of all pregnancy-associated deaths.

Previous studies on pregnancy-associated deaths have relied largely on linkage or records[2,6–8] or the use of a check box on the death certificate[9] to identify pregnancy-associated deaths. Only 1 study (Allen et al[10]) in New York City used death certificates, linkage of records, and review of autopsy reports to identify pregnancy-associated deaths. However, this study did not include all pregnancy-associated deaths since only records for deaths occurring within 6 months of termination of pregnancy were collected, and medical examiner records for only certain causes of death were reviewed.

This article, based on Maryland resident data for the years 1993–1998, presents more comprehensive data on pregnancy-associated deaths since it includes all deaths occurring during pregnancy or within a year of termination of pregnancy. In addition, medical examiner records for all women of reproductive age who died during the study period, regardless of cause of death, were reviewed to identify pregnancy-associated deaths.

METHODS

Data for this analysis were collected from the following 3 sources: (1) review of death certificates to identify those records on which a complication of pregnancy, childbirth, or the puerperium (ICD–9 codes 630–676) was listed as an underlying or contributing cause of death; (2) linkage of death certificates of reproductive-age women with corresponding live birth and fetal death records to identify a pregnancy within the year preceding death; and (3) review of medical examiner records for evidence of pregnancy.

Vital records data were obtained from the Vital Statistics Administration of the Maryland Department of Health and Mental Hygiene. Identification of pregnancy-associated deaths through linkage of vital records was accomplished by matching death certificates for all women of reproductive age against live birth and fetal death records to identify pregnancies occurring in the year preceding death. Successful linkage of records was achieved by matching either mother's Social Security number or mother's name and date of birth on the death record with corresponding information on live birth and fetal death records. All linked records were manually reviewed to ensure accurate matching of records.

Medical examiner records, which include autopsy reports and police records, were reviewed for all 4195 women aged 10 to 50 years whose deaths were investigated by the medical examiner during the study period. Maryland law mandates that the medical examiner investigate all deaths that occur by violence, suicide, casualty, unexpectedly, or in any suspicious or unusual manner. Death certificates were obtained for 116 women for whom medical examiner records indicated evidence of pregnancy.

With the exception of 1 death to a 14-year-old adolescent, all deaths identified through medical examiner records occurred among women who were within the traditional reproductive age group of 15 to 44 years. All deaths identified through death certificates and record linkage were among women between the ages of 15 and 44 years.

All death records that did not identify a maternal cause as the underlying cause of death (n = 184) were reviewed by trained nosologists to determine the underlying cause of death that would have been assigned if a history of pregnancy had been reported on the death certificate. Nosologists were provided with information on pregnancy outcome and, if available, the date of delivery, date of pregnancy termination, or gestational age. Revised underlying cause-of-death information was used to categorize data by cause of death.

RESULTS

A total of 247 pregnancy-associated deaths occurring between 1993 and 1998 were identified from the 3 data sources. Sixty-seven pregnancy-associated deaths (27.1%) were identified through cause-of-death information obtained from death certificates. Sixty-two of these records listed pregnancy complications as the underlying cause of death; the remaining 5 certificates listed pregnancy complications as a contributing, but not underlying, cause of death. Linkage of records identified 174 (70.4%) of all pregnancy-associated deaths and review of medical examiner records resulted in the identification of 116 (47.0%) deaths (Table 1).

TABLE 1.—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY PREGNANCY OUTCOME AND SOURCES OF DATA, MARYLAND, 1993–1998[1]

Pregnancy outcome	Total deaths	Sources of data		
		Death certificates	Record linkage	Medical examiner records
All outcomes	247	67	174	116
Live births	182	46	172	60
Fetal death	5	3	2	4
Therapeutic abortion	1	0	0	1
Undelivered	53	12	0	50
Ectopic pregnancy	7	7	0	5
Molar pregnancy	1	1	0	1
All other undelivered	45	4	0	44
Unknown	6	6	0	1

[1] Deaths from any cause during pregnancy or within 1 calendar year of delivery or termination of pregnancy, regardless of the duration or anatomical site of the pregnancy. A single death may have been ascertained from more than 1 source, therefore columns do not sum to the total number of deaths.

Sixty-five percent (n = 160) of pregnancy-associated deaths were identified through a single surveillance method. One hundred two (41.3%) were identified only through linkage of records, 45 (18.2%) only through review of medical examiner records, and 13 (5.3%) only through cause-of-death information provided on death certificates. Thirty-five percent of pregnancy-associated deaths were identified through more than 1 data source (n = 87).

One hundred eighty-two (73.7%) of the 247 pregnancy-associated deaths identified in this study followed a live birth, 5 (2.0%) followed a therapeutic abortion, and 53 (21.4%) occurred among women who were pregnant at the time of death. Of the 53 deaths that occurred among pregnant women, 7 were the result of ruptured ectopic pregnancies and 1 resulted from a molar pregnancy (Table 1). Eighty-four (34.0%) deaths occurred within 42 days of delivery or termination of pregnancy, and 103 (41.7%) deaths occurred 43 to 365 days following delivery or termination of pregnancy. The time of death was unknown for 7 women (Table 2).

TABLE 2—NUMBER OF PREGNANCY-ASSOCIATED DEATHS BY CAUSE OF DEATH, SOURCE OF DATA, AND TIME OF DEATH, MARYLAND 1993–1998[1]

Cause of death	All sources				Death certificates				Record linkage				Medical examiner records			
	Total[2]	During pregnancy	After delivery of termination of pregnancy		Total[2]	During pregnancy	After delivery or termination of pregnancy		Total[2]	During Pregnancy	After delivery or termination of pregnancy		Total[2]	During Pregnancy	After delivery or termination of pregnancy	
			≤42 d	43–365 d			≤42 d	43–365 d			≤42 d	43–365 d			≤42 d	43–365 d
All causes	247	53	84	103	67	12	45	3	174	0	71	103	116	50	48	16
Homicide	50	23	3	24	0	0	0	0	27	0	3	24	25	23	1	1
Cardiovascular	48	5	21	18	13	2	6	1	36	0	18	18	30	5	15	8
Embolism	21	5	14	2	11	1	9	1	14	0	12	2	14	5	8	1
accidents[3]	18	6	2	10	0	0	0	0	11	0	1	10	9	6	2	1
Hemorrhage	17	7	9	0	16	7	8	0	5	0	5	0	10	5	5	0
Hypertensive disorders of pregnancy	16	0	15	1	14	0	13	1	16	0	15	1	10	0	9	1
Infection	16	0	7	8	4	0	3	0	15	0	7	8	3	0	2	1
Neoplasms	15	0	0	15	0	0	0	0	15	0	0	15	0	0	0	0
Substance abuse	13	1	3	9	1	0	1	0	11	0	2	9	4	1	2	1
Suicide	7	2	0	5	0	0	0	0	5	0	0	5	3	2	0	1
All other causes	26	4	10	11	8	2	5	0	19	0	8	11	8	3	4	1

[1] Deaths from any cause during pregnancy within 1 calendar year of delivery or termination of pregnancy, regardless of the duration or anatomical site of the pregnancy. A single death may have been ascertained from more than 1 source, therefore columns do not sum to the total number of deaths ascertained from all sources.

[2] Totals include 7 deaths for which the time of death was unknown.

[3] Includes deaths from motor vehicle collisions, falls, drowning, and other unintentional injuries.

The leading cause of pregnancy-associated death was homicide (n = 50). All homicides were identified through record linkage or review of medical examiner records rather than from death certificates, as would be expected since homicide is not a maternal cause of death. Deaths from cardiovascular disorders, the second leading cause of death (n = 48), were identified through all 3 data sources, although no single source was able to identify all deaths. Of the 26 deaths from cardiovascular disorders that occurred during pregnancy or within 42 days of delivery and should therefore have been classified as maternal deaths, only 8 were identified through death certificates. A substantial proportion of deaths from other maternal causes, including embolism and infection, could not be identified from death certificates since the physicians filling out the certificates failed to report that the women were pregnant or had recent pregnancies (Table 2).

All maternal deaths, by definition, occurred during pregnancy or within 42 days of delivery or termination of pregnancy. This included most deaths from embolism, hemorrhage, and hypertensive disorders of pregnancy as well as a substantial proportion of deaths resulting from cardiovascular disorders and infection. Homicide was responsible for the majority of deaths during pregnancy (23 [43.4%]) and during the 43- to 365-day period following delivery or termination of pregnancy (24 [23.3%]), but accounted for only a small proportion of deaths occurring within 42 days of pregnancy (3 [3.6%]), when obstetric causes were responsible for most pregnancy-associated deaths. Cardiovascular disorders (n = 21) were the leading cause of death in the 42-day period following delivery or termination of pregnancy and the second leading cause of death (n = 18), following homicide, in the late postpartum period (Table 2).

Homicide, the leading cause of pregnancy-associated death, was responsible for 20.2% of all pregnancy-associated deaths. By comparison, homicide was the fifth leading cause of death among Maryland women aged 14 to 44 years who had not had a pregnancy in the year preceding death and was responsible for 457 (6.4%) of total deaths among this group (z = 7.737, P<.001). The pregnant group was younger and included a higher percentage of African American women than the nonpregnant group, factors that are associated with higher rates of homicide independent of pregnancy. However, these factors did not explain the higher proportion of homicide deaths in the pregnant group. While adjustment for race and maternal age increased the proportion of deaths due to homicide to 11.2% among women who had not been pregnant in the year preceding death, the adjusted figure was still significantly lower than the figure of 20.2% among women who had been pregnant (z = 4.349, P<.001).

COMMENT

The use of multiple data sources substantially enhances pregnancy mortality surveillance because no single source can identify all pregnancy-associated deaths. Death certificates are designed to collect only a small subset of pregnancy-associated deaths. Even these deaths are frequently not included in maternal mortality statistics because physicians completing death certificates fail to provide the information needed to correctly classify a maternal death. Analysis of data in this report indicated that 30 (34.5%) of the 87 deaths meeting the WHO definition of a maternal death could not be identified through cause-of-death information reported by physicians on the death certificate. Data linkage is an additional tool for identifying pregnancy-associated deaths, but it is limited to those deaths with a reported outcome, such as a live birth or fetal death. Medical examiner records are the most useful source for identifying pregnancy-associated deaths among women who have not delivered at the time of death.

Data linkage and review of medical examiner records contribute substantially to identification of pregnancy-associated mortality. In Maryland, this led to the disturbing finding that a pregnant or recently pregnant woman is more likely to be a victim of homicide than to die of any other cause. Other reports have identified homicide as a cause of pregnancy-associated death. However, none of these studies reported on pregnancy-associated deaths from other causes as well, and therefore could not provide a ranking of deaths by cause.

Although we have shown that homicide is responsible for a greater proportion of deaths among pregnant and postpartum women than among women who have not been pregnant in the year preceding death, our findings do not address the issue of whether the homicide rate is higher among pregnant and postpartum women in general than among women who have not had recent pregnancies. This highlights a well-recognized limitation of proportional mortality statistics, ie, that these statistics include only individuals who die, not those at risk of dying. Therefore, no direct inferences regarding increased homicide rates for all pregnant women can be made using only proportional mortality statistics.

The question of whether the homicide rate is higher among pregnant and postpartum women than among women who have not had recent pregnancies could be answered by comparing mortality rates in the 2 groups. However, a methodology for computing pregnancy-associated mortality rates and mortality rates for nonpregnant women has not yet been established because of complexities in determining the number of pregnant women in a population. Since a woman may experience more than 1 pregnancy and more than 1 pregnancy outcome (live birth, fetal loss, or induced abortion) in a given time period, the number of pregnant women cannot be computed by summing the number of pregnancy outcomes. Even if the number of pregnant women could be estimated, an additional issue that would have to be addressed is how to adjust mortality rates to account for differences in the time period of risk of death in the 2 populations. It is important that increased efforts be placed on development of appropriate methodologies for calculating pregnancy-associated mortality rates so that the questions raised by this article may be addressed.

The findings of this article also suggest that maternal mortality review committees should investigate homicides occurring during pregnancy and in the postpartum period to determine potential relationships between these events. For example, a homicide resulting from domestic violence may be related to the stress of pregnancy. Similarly, a suicide soon after delivery may result from postpartum depression. By broadening pregnancy mortality to include all possible causes, factors previously neglected may assume increased importance in prenatal and postpartum care.

Despite the use of enhanced surveillance techniques, it is likely that some pregnancy-associated deaths remain undetected, particularly those occurring in women who were pregnant at the time of death. Since autopsies are performed on all homicide victims, it is more likely that pregnancy would be detected among these women than among women dying from other causes, who are less likely to be autopsied. Since Maryland law mandates that the medical examiner investigate deaths among individuals who were in apparent good health at the time of death, which describes most pregnant women, the majority of deaths among these women should have been investigated by the medical examiner. Autopsies were in fact performed more frequently among women with recognized pregnancy-associated deaths who died from causes other than homicide (123

[62.4%]) than among women of reproductive age without recognized pregnancies (6696 [30.6%]). However, it is still possible that some pregnancies remain undetected, which could have an impact on the total number of pregnancy-associated deaths as well as on the distribution of deaths by pregnancy outcome, time of death, or cause of death.

Efforts are being made in Maryland to improve the identification of pregnancy-associated deaths. Recent legislation mandates that health care professionals and facilities report all pregnancy-associated deaths to the Maryland Maternal Mortality Review Program. In addition, the Maryland death certificate was revised in 2001 to include questions about current or recent pregnancies. Currently, only 17 states and New York City have a pregnancy check box or ask about pregnancy status on their death certificates. Use of pregnancy question by all states on the revised US Standard Certificate of Death has been recommended to the National Center for Health Statistics by the Panel to Evacuate the US Standard Certificates and Reports. Such a change, which would be consistent with a recommendation of the World Health Assembly in the International Classification of Diseases, 10th Revision (ICD-10),[13] would substantially improve ascertainment of pregnancy on death certificates. If approved by the US Department of Health and Human Services, states could adopt the pregnancy question in the 2003 revision of their death certificates. This change should help to identify deaths that remain difficult to detect, such as deaths that cannot be identified through linkage of records and deaths among women who had not delivered that are not reported to the medical examiner. However, it would be a service, as well as good medical practice, if physicians made a greater effort to report pregnancy as a factor contributing to death when appropriate.

Comprehensive identification of pregnancy-associated deaths can only be accomplished by collecting information from multiple data sources and including all deaths occurring up to 1 year after pregnancy termination. Through such enhanced surveillance, the Maryland Department of Health and Mental Hygiene has shown that the number of pregnancy-associated deaths is substantially higher and causes of death substantially broader than previously believed. Enhanced surveillance of pregnancy-associated deaths is necessary to accurately document the magnitude of pregnancy mortality, identify groups at increased risk of death, review factors leading to the death, and plan prevention strategies. It is therefore a critical step in the reduction of pregnancy-associated mortality.

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Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, first let me disabuse the gentleman from Wisconsin (Mr. SENSENBRENNER) of his notion that those of us who voted for the bill to bar capital punishment for pregnant women were recognizing the fetus or the unborn child as a person.

I vote against anything to limit capital punishment. I would say to the gentleman from Wisconsin (Mr. SENSENBRENNER), I am opposed to capital punishment. I think it is barbaric whether it is against pregnant women or barbaric against nonpregnant women.

Mr. Speaker, violence against pregnant women is first and foremost a criminal act of violence against the women that deserves strong preventive measures and stiff punishment.

The gentleman from Alabama (Mr. BACHUS) referred to the article in the Journal of the American Medical Association that said homicides during pregnancy and the year after are the largest cause of death among women, and they are.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, it is a disgrace that Congress fails with this largely symbolic legislation rather than taking affirmative steps to deal with the problem. Why, for example, did the Republican majority fall $209 million short of President Clinton's request last year for full funding of the Violence Against Women Act? Why did the Republicans on the Committee on the Judiciary vote against an amendment for full funding of the Violence Against Women Act? If we are concerned about violence against women and pregnant women and murders of pregnant women, as the Journal of the American Medical Association indicates, that is how to prevent it, by early intervention, by preventing the crime, not by fighting about the legal definition of the fetus from a legal point of view.

Are the Members who vote for this legislation today going to join the rest of us in seeking full funding for the Violence Against Women Act in the next fiscal year? Will they fight efforts to zero out for the second year in a row programs authorized by the Committee on the Judiciary last year to prevent such violence?

No one who listened to the testimony at our subcommittee could have been left unmoved by the terrible story of the young woman who was murdered by her intimate partner in the eighth month of pregnancy. I think we owe it to her and to the many women like her to ensure that early intervention is available that would prevent us and that States and localities receive the full resources of the Violence Against Women Act to prevent murders like this by intervening before the violence escalates to that level.

We should also enact strong penalties, ones which are enforceable, which are not constitutionally suspect, which will not lead to lengthy litigation for these violent crimes.

Finally, Mr. Speaker, this bill opens the door to prosecuting women or restraining them physically for the sake of a fetus. Some courts have already experimented with this approach. Just a few weeks ago, the Supreme Court struck down a practice in the home State of the gentleman from South Carolina (Mr. GRAHAM) where a hospital would give the results of a pregnant woman's blood test to local law enforcement for the purpose of initiating legal action against them if they had used crack. Once we recognize the two-cell zygote or even a blastocyst just implanted in the womb as having the same legal status as a pregnant woman, it would logically follow that the liberty interest of the mother could be restricted to protect the fetus.

Do not believe the rhetoric that this is not an abortion bill. Women are already being prosecuted and imprisoned by courts, including courts in the sponsor's own State, in order to protect the fetuses.

The whole purpose of Roe v. Wade was to protect the liberty interests of these women. The women who sit in prison today can say what the legal consequences of making fetuses crime victims recognized in law really are. They can say what the real agenda is. The real agenda is to subject women's liberty to the interests of the fetus and to make the fetus accepted as a person, and that is why this is an abortion bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of the bill.

Mr. GRAHAM. Mr. Speaker, this has been a spirited debate, a lively debate. I think it is good for the country to have this debate. I hate to interrupt good stories with facts and law, but I guess I will.

I am going to go red herring fishing. That is a hard thing to catch; but when one catches it, they have something.

A couple of red herrings that I think have been thrown out here about the bill: this is an abortion bill. If this is an abortion bill, it is one of the worst-drafted abortion bills one could think of. It does a lousy job, and let me read from the bill: "Nothing in this section shall be construed to permit the prosecution of any person for conduct relating to an abortion, for which the consent of the pregnant woman or person authorized by law to act on her behalf has been obtained or for which such consent is implied by law."

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If we are trying to outlaw abortions, we did a pretty lousy job in that paragraph. "Nothing in this section shall allow the prosecution of any person for medical treatment of the pregnant woman or her unborn child; or of any woman with respect to her unborn child."

Why is that language in there? The purpose of this bill is very simple: Once the woman chooses to have the child and someone takes that child away from her through an assault or an act of violence, we want to put them in jail for the damage done to the unborn child.

This is not a two-victim bill. The gentleman from Michigan (Mr. CONYERS) is right. The reason it is not a two-victim bill is because there are laws all over the country preventing assaults against women who are pregnant in their own States. There are 24 States that make it a separate offense to take her unborn child's life. At the Federal level, there is no such law. There soon will be.

That will coexist with Roe v. Wade. Roe v. Wade has never stood for the proposition that the State or Federal Government cannot protect the unborn against violent criminal activity. It stood for the proposition that the Federal-State government cannot interfere with a woman's right to choose an abortion first trimester and under certain circumstances thereafter.

Why did 254 Members of this body last year vote for this bill? All of them are not pro-life. I happen to be pro-life. Why would a pro-choice person vote for my bill? I think they have sat down and read it, and they understand a couple of things about the bill, and I want to applaud them for doing it. We may disagree on a woman's right to choose, and America splits evenly on that. If you disagree with me on that issue, I will not question your politics, your religion, or your patriotism. I have my view; you have yours.

But here is what I am so excited about from last year's vote, and hopeful for this year that Congress has come together on this central theme, that once a woman chooses to have the baby, we are going to protect the baby and the mother. This body spends millions of dollars a year helping women through pregnancy. Low-income women get help from the Federal Government to make sure the child is fully developed. We help at-risk pregnancies. That is a good thing. That is not a bad thing. That is not about the abortion debate.

I think most Americans, even though we divide on the issue of abortion, would come together on the issue that if a woman has the child and some criminal takes that right away from the woman, we ought to put them in jail to the fullest extent of the law. That is what we do, and that is what 24 other States do.

Another red herring about the definition: The definition in this bill is exactly what exists in 11 other States and it withstood constitutional challenge and it is exactly what the House voted on on July 25, 2000.

Let me tell you how important that is. 417–0, the House came together and said we are not going to execute a pregnant woman. Why? Does that infringe on Roe v. Wade? No. I think there would be riots in the streets in this country, from pro-choice and pro-life people, if a pregnant woman was executed, because nothing good is served. No public policy is advanced by taking that unborn child's life. We have not helped anybody. We have done a bad thing, not a good thing.

So let us come together and do a good thing. Let us put criminals in jail who assault pregnant women to the fullest extent of the law, no more, no less, and my bill does that.

The definition will withstand constitutional scrutiny. It is a matter of proof. The two-cell zygote defense is a red herring. It is the same definition the body voted on before. It is the burden of proof problem for every prosecutor. If you said you could be prosecuted after 6 weeks of pregnancy, you would have to prove that the pregnancy existed longer than 6 weeks. Prosecutors can do those things, and defense attorneys will have their objections.

This bill is well drafted. It makes a lot of common sense. It is not about the abortion debate; it is about America coming together protecting unborn life when we find consensus.

We should be looking for consensus, from adoption to this bill, to partial-birth abortion, to bring life into the world where we can. And when we have these debates about a woman's right to choose, I honor your right to disagree with me, but that is not today. Today is about bringing the country together, this body together, to put people in jail that deserve to go.

As to the question does this really happen, let me tell you, it happens more than I thought it did. When I was a prosecutor in the Air Force, we had a handful of cases of pregnant women being assaulted and losing their child. There was no statute to prosecute them for that. That was frustrating. If this bill passes, they will have those tools.

Timothy McVeigh will be in the news again soon, and I respect the view of the gentleman from New York (Mr. NADLER) on the death penalty. I disagree with that. But we will be reminded about Oklahoma City soon.

You may not know this, but three women in that building were pregnant. One of them was the wife of Michael Lenz. They had a sonogram of the baby, she is showing it to office workers. The next day she goes to work, the building is blown up, she is killed, and the baby is lost. Mr. Lenz came to Congress 2 years ago and told us, "That day will mark me for life, but that day I lost two things, not one. I lost the mother of my child, my wife, but I also lost Michael Lenz, III."

Without this bill, there is no recognition of him as being a victim of Oklahoma City. He should have been a victim, because he was wanted by the family and his life was taken away through an act of violence. That person should go to jail for that act of violence.

I will tell you later why the substitute does not get us to where we need to go. It is not the way the law is trending here.

But read the bill, think about what we are trying to do. And to those pro-choice Members of Congress who voted for this bill last year, thank you. Thank you for coming together and having a rational debate on how to protect the unborn without getting into the abortion debate. I want to thank you very much.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to let the author of this bill, the gentleman from South Carolina who just spoke, know that what he claimed as a red herring really is not a red herring at all. The threat to Roe v. Wade made in this bill cannot be made more clear because this bill contradicts the definition of who a person is by writing it the way they did.

The Court, in Roe, recognized the woman's right to have an abortion as a right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted, "Except in narrowly defined situations, the unborn have never been recognized in law as persons in the whole sense," and concluded "person" as used in the 14th amendment does not include the unborn. The Court declined to grant fetuses the status of person because it recognized the difficulty in finding an end point to rights that the fetus might claim.

The current bill raises those same issues. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus; and that, I would say to the gentleman from South Carolina (Mr. GRAHAM), is what the problem is about the bill; that, I would say to the gentleman from Ohio (Mr. CHABOT), is what the problem is about the bill; that, I would say to my dear chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), is what the problem is about the bill.

The gentlemen are contradicting the definition of "person" by writing it in the way that they have. That is why the gentlewoman from California had to write a substitute, because we had to get that corrected. As a matter of fact, we go further to prosecute an assailant of a pregnant woman than you do.

So, let us not talk about that being a red herring. That is what the debate is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to thank particularly the gentleman from South Carolina (Mr. GRAHAM) for doing an excellent job on shepherding this legislation through, as well as the chairman of our committee.

Yesterday I had a conversation in my office with a lady who is a student at Georgetown University; and I thought, well, I will just ask her her view of this legislation. I said, have you looked at this, the Unborn Victims of Violence Act? She said she had.

I said what is your view on it? She said she supported it. I said are you pro-choice or pro-life? She said I am pro-choice.

So here is a pro-choice lady, a student at Georgetown University, very thoughtful, who recognized the importance of protecting women by extending the protection in this instance to the loss of the unborn child.

I asked her why, and she explained it particularly in those words, that there is nothing more important whenever you have someone commit a violent act against a pregnant woman than that they be held accountable for all of the loss that occurs.

I think this is a thoughtful person. I think she describes where we should be able to come together, whether it is pro-choice or pro-life, that this is something we should be able to unite together on.

I believe it simply follows the leads of a variety of States that have already given legal protection in the circumstance where a pregnant woman is attacked and there is the loss of the unborn child. Arkansas is a great example of that.

Many people have referred to the case of Shawana Pace. It was my nephew, Representative Jim Hendren, who sponsored the fetal protection law in the Arkansas General Assembly, and I am thankful that was passed, because that law allowed the perpetrators of the violence against Shawana Pace to be prosecuted.

It was simply an assault upon her, but it was the intentional death of that unborn child, literally days before that child was born, with the words saying, "Today, your child will die." It was an intentional act. Other than under the fetal protection law, they could not have been prosecuted. So I think it does credit to the women.

The argument is made here that well, we are not fully supporting the Violence Against Women Act. I just want to tell my colleagues I have written to the appropriators and asked them to fully fund the Violence Against Women Act. I joined in the news conference for that purpose. I think it is very important, and you are right to raise the level of attention to the importance of the Violence Against Women Act. We need to join together. But that should not be a reason not to support this legislation.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to congratulate the gentleman on his latest observation. Now, with the woman that visited his office, and his asking her unsolicited opinion, did the gentleman ask her what she thought about the Lofgren substitute?

Mr. HUTCHINSON. Mr. Speaker, reclaiming my time, let me continue on with the Lofgren substitute.

Mr. CONYERS. Did the gentleman ask her?

Mr. HUTCHINSON. No, I did not ask her, sir. I did not.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today to urge my colleagues to oppose this bill. I ask my colleagues to look at this legislation for what it is, not for what it claims to be.

On its face this bill could seem as an attempt to provide protections for pregnant women from assault and to provide prosecutors with another tool to punish those who cause the non-consensual termination of a pregnancy. However, on closer examination, this bill sets the stage for a legislative assault on Roe v. Wade by treating a fetus from the moment of conception as an individual with extensive legal rights, distinct from the mother.

Every time a criminal causes injury or death through violence, it is a tragedy. But we must all acknowledge that an attack against an unborn child is necessarily an attack against a pregnant woman. Unfortunately, rather than supporting tougher laws against domestic violence, sexual assault and battery, we are instead debating a bill that does not even recognize the harm to a pregnant woman.

I have heard some Members debating talk about stories of people they have met. I remember in the Wisconsin legislature hearing the personal story of a woman who was beaten when pregnant and lost her child. She was also beaten right after she first got married and beaten before her pregnancy and beaten in the early stages of pregnancy. If we had tough enough laws against violence against women, it would not have created that result.

I am a cosponsor of the Violence Against Women Act which expands protections for women against callous acts of violence. I believe we would be much better served by laws to protect women, pregnant or not, from violence, instead of establishing an entirely new legal framework to protect fetal rights. By switching the focus of the crime, we are diverting attention from the victimized women.

I urge my colleagues to vote against the underlying bill and support the Lofgren amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, one thing that makes America great is its longstanding tradition to defend those incapable of defending themselves. Our Founding Fathers acknowledged the proverb to "Speak up for those who cannot speak for themselves."

It is our duty to stand up for the weaker members of society, and I believe the Unborn Victims of Violence Act does just that. Currently, when someone commits a crime in which a woman and her preborn baby are harmed, the accused can only be prosecuted for harm to the mother. This sends the wrong message. It says there is only one victim in this situation, and nothing could be further from the truth. There are two victims harmed in this crime, the mother and her preborn baby.

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My colleagues who oppose this bill want to offer a substitute that would recognize the mother as a victim, but not the baby. I would like to remind them again that half the States do not agree; fully 24 have homicide laws that recognize unborn victims.

Furthermore, and I know we discussed this today, I would like to bring to my colleagues' attention a similar act that took place in the House last year. It was in July of last year that we voted 417–0 to deny Federal funds to execute pregnant women. This bill specifically protects a "member of the species homo sapien at any stage of the development who is carried in the womb."

If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalty?

Let me say it again: If we are willing to protect preborn babies from Federal execution, why would we let a criminal harm an innocent life without facing specific penalties?

Those who say they believe in choice should be the strongest advocates of this bill. After all, any criminal who harms a preborn baby has interfered with a woman's choice to carry that baby to term.

Mr. Speaker, I urge my colleagues to join me in voting to defend those who cannot defend themselves.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, let us be candid. This debate is all about preserving the woman's right of choice. It is about preserving a woman's right of choice at the beginning of this debate, it is about preserving a woman's right of choice at the middle of this debate, and at the conclusion of this debate, it will be all about preserving a woman's right of choice.

The women of America who are afraid of losing that right sincerely, and rightfully so, understand this debate. They understand that if the desire of this Chamber is to punish, to give jail time, to give long periods of incarceration to any heinous criminal who attacks a pregnant woman, we would pass a bill that would do that with 435 votes, and the bill that the gentlewoman from California (Ms. LOFGREN) has brought before us does exactly that.

Now, why cannot intelligent members of this House, 435, come together on a bill that does exactly that? Why can we not design a bill like that?

The reason is that certain folks who want to take away a woman's right of choice. And I understand that their beliefs are sincere, and I respect their beliefs, but their beliefs do not respect the U.S. Constitution. Those folks have proposed language that is trying to set the stage to end the right of choice in this country. It is a calculated, concerted, and long-term plan to do that.

Let me tell my colleagues why that is important. Every morning I walk by the U.S. Supreme Court building. I live right across the street from the Supreme Court building, and every morning I look at that building, and when one looks at that building, one understands that if one vote changes, as the current President of the United States will attempt to do, there will be no longer constitutional protection in this country for a woman's right of choice, and that issue will be here in this Chamber.

Those who resist the approach of the gentlewoman from California (Ms. LOFGREN), those who resist the thing that would get 435 votes, those who resist the approach that brings union, not disunion, to this Chamber, seek to set the stage for a legislative taking away of a woman's right of choice as soon as the Supreme Court's protection for a woman's right of choice is taken away from American women. That is what this debate is about.

Support the Lofgren amendment. That is the goal we want to pursue, with 435 votes.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Washington is dead wrong. This is similar to bills that have been enacted into law in many States, and anybody who is charged for killing an unborn child would have used that constitutional argument as a defense. In no State has a Federal court or a State court struck down a similar law.

The woman who is assaulted and whose unborn child has been killed or maimed has already made her choice, and that is to bear that child. Why do we not respect the choice that that woman has made?

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, today I rise in support of H.R. 503, the Unborn Victims of Violence Act, and I commend the gentleman from South Carolina for introducing this legislation.

Let us consider for a moment the human side of this legislation. A friend of mine and his wife tried for years to conceive a child. They had almost given up when unexpectedly they conceived twins, a double blessing. If someone had assaulted or otherwise committed a crime of violence against her that killed these children, one cannot tell me that punishment should only occur for the crime against the woman when the unborn children were the innocent victims of the violence. If these two lovely children that the couple had longed for had tragically died in the commission of a crime of violence, the criminal must be held accountable.

This legislation takes the important step of recognizing that violence against an unborn child against the will of the mother, taking away the mother's right to choose, can be prosecuted in a court of law. This is not a new concept. In fact, over half of the States in this Nation have State laws which protect unborn victims of violence in some form. I have with me today a list of these State homicide laws that recognize unborn victims, which will be inserted into the RECORD.

This legislation would not supersede those State laws, nor would it impose a new law for crimes which are under State jurisdiction. Rather, this bill recognizes an unborn child as a victim in the eyes of Federal criminal law.

Currently, if a criminal injures or kills an unborn child during the course of a violent Federal crime, he has not committed an additional offense, other than the violent crime. But that is not fair. If an unborn child dies because of a violent act perpetrated against his or her mother, then the criminal must be held accountable.

We have heard about an amendment to this legislation which would take away the recognition that a violent crime has occurred against an unborn child. I would urge my colleagues on both sides of the aisle to vote against this weakening amendment.

The title of this bill describes exactly what this bill is about: unborn victims of violence. This bill works to correct an unjust situation in which the life of an unborn child is lost, and there are no legal repercussions. I challenge my colleagues again on both sides of the aisle and on both sides of the abortion issue to hold criminals accountable for their violent crimes.

Mr. Speaker, I urge all of my colleagues to stand with me today and vote in favor of H.R. 503, the Unborn Victims of Violence Act.

STATE HOMICIDE LAWS THAT RECOGNIZE UNBORN VICTIMS

FULL-COVERAGE UNBORN VICTIM STATES (11) (STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS THROUGHOUT THE PERIOD OF PRE-NATAL DEVELOPMENT)

Arizona—The killing of an "unborn child" at any stage of pre-natal development is manslaughter. Ariz. Rev. Stat. §13–1103(A)(5) (West 1989 & Supp. 1998).

Illinois—The killing of an "unborn child" at any stage of pre-natal development is intentional homicide, voluntary manslaughter, or involuntary manslaughter or reckless homicide. Ill. Comp. Stat. ch. 720, §§5/9–1.2, 5/9–2.1, 5/9–3.2 (1993).

Louisiana—The killing of an "unborn child" is first degree feticide, second degree feticide, or third degree feticide. La. Rev. Stat. Ann. §§14:32.5–14.32.8, read with §§14:2(1), (7), (11) (West 1997).

Minnesota—The killing of an "unborn child" at any stage of pre-natal development is murder (first, second, or third degree) or manslaughter (first or second degree). It is also a felony to cause the death of an "unborn child" during the commission of a felony. Minn. Stat. Ann. §§609.266, 609.2661–609.2665, 609.268(1) (West 1987). The death of an "unborn child" through operation of a motor vehicle is criminal vehicular operation. Minn. Stat. Ann. §609.21 (West 1999).

Missouri—The killing of an "unborn child" at any stage of pre-natal development is involuntary manslaughter or first degree murder. Mo. Ann. Stat. §§1.205, 565.024, 565.020 (Vernon Supp. 1999). *State* v. *Knapp*, 843 S.W. 2d 345 (Mo. 1992), *State* v. *Holcomb*, 956 S.W. 2d 286 (Mo. App. W.D. 1997).

North Dakota—The killing of an "unborn child" at any stage of pre-natal development is murder, felony murder, manslaughter, or negligent homicide. N.D. Cent. Code §§12.1–17.1–01 to 12.1–17.1–04 (1997).

Ohio—At any stage of pre-natal development, if an "unborn member of the species homo sapiens, who is or was carried in the womb of another" is killed, it is aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, negligent homicide, aggravated vehicular homicide, and vehicular homicide. Ohio Rev. Code Ann. §§2903.01 to 2903.07, 2903.09 (Anderson 1996 & Supp. 1998).

Pennsylvania—The killing of an "unborn child" at any stage of pre-natal development is first, second, or third-degree murder, or voluntary manslaughter. 18 Pa. Cons. Stat. Ann. §§2601 to 2609 (1998).

South Dakota—The killing of an "unborn child" at any stage of pre-natal development is fetal homicide, manslaughter, or vehicular homicide. S.D. Codified Laws Ann. §22–16–1, 22–16–1.1, 22–16–15(5), 22–16–20, and 22–16–41, read with §§22–1–2(31), 22–1–2(50A)(Supp. 1997).

Utah—The killing of an "unborn child" at any stage of pre-natal development is treated as any other homicide. Utah Code Ann. §76–5–201 et seq. (Supp. 1998).

Wisconsin—The killing of an "unborn child" at any stage of pre-natal development is first-degree intentional homicide, first-degree reckless homicide, second-degree intentional homicide, second-degree reckless homicide, homicide by negligent handling of dangerous weapon, explosives or fire, homicide by intoxicated use of vehicle or firearm, or homicide by negligent operation of vehicle. Wis. Stat. Ann. §§939.75, 939.24, 939.25, 940.01, 940.02, 940.05, 940.06, 940.08, 940.09, 940.10 (West 1998).

PARTIAL-COVERAGE UNBORN VICTIM STATES (13) (STATES WITH HOMICIDE LAWS THAT RECOGNIZE UNBORN CHILDREN AS VICTIMS, BUT ONLY DURING PART OF THE PERIOD OF PRE-NATAL DEVELOPMENT)

Note: These laws are gravely deficient because they do not recognize unborn children as victims during certain periods of their pre-natal development. Nevertheless, they are described here for informational purposes.

Arkansas—The killing of an "unborn child" of twelve weeks or greater gestation is murder, manslaughter, or negligent homicide. Enacted April 9, 1999, 1999 AR H.B. 1329. (A separate Arkansas law makes it a battery to cause injury to a woman during a felony or Class A misdemeanor to cause her to undergo a miscarriage or stillbirth, or to cause injury under conditions manifesting extreme indifference to human life and that results in a miscarriage or stillbirth.)

California—The killing of an unborn child after the embryonic stage is murder. Cal. Pen. Code §187(a) (West 1999).

Florida—The killing of an "unborn quick child" is manslaughter. Fla. Stat. Ann. §782.09 (West 1992).

The killing of an unborn child after viability is vehicular homicide. Fla. Stat. Ann. §782.071 (West 1999).

Georgia—The killing of an "unborn child" after quickening is feticide, vehicular feticide, or feticide by vessel. Ga. Code Ann. §16–5–80 (1996); §40–6–393.1 (1997); and §52–7–12.3 (1997).

Massachusetts—The killing of an unborn child after viability is vehicular homicide. *Commonwealth* v. *Cass*, 467 N.E.2d 1324 (Mass. 1984). The killing of an unborn child after viability is involuntary manslaughter. *Commonwealth* v. *Lawrence*, 536 N.E.2d 571 (Mass. 1989).

Michigan—The killing of an "unborn quick child" is manslaughter. Mich. Stat. Ann. §28.554 (Callaghan 1990). The Supreme Court of Michigan has interpreted this statute to apply to only those unborn children who are viable. *Larkin* v. *Cahalan*, 208 N.W.2d 176 (Mich. 1973). (A separate Michigan law, effective Jan. 1, 1999, provides felony penalties for actions that intentionally, or in wanton or willful disregard for consequences, cause a "miscarriage or stillbirth," or cause physical injury to an "embryo or fetus.")

Mississippi—The killing of an "unborn quick child" is manslaughter. Miss. Code Ann. §97–3–37 (1994).

Nevada—The killing of an "unborn quick child" is manslaughter. Nev. Rev. Stat. §200.210 (1997).

Oklahoma—The killing of an "unborn quick child" is manslaughter. Okla. Stat. Ann. tit. 21, §713 (West 1983). The killing of an unborn child after viability is homicide. *Hughes* v. *State*, 868 P.2d 730 (Okla. Crim. App. 1994).

Rhode Island—The killing of an "unborn quick child" is manslaughter. The statute defines "quick child" to mean a viable child. R.I. Gen. Laws §11–23–5 (1994).

South Carolina—The killing of an unborn child after viability is homicide. *State* v. *Horne*, 319 S.E.2d 703 (S.C. 1984); *State* v. *Ard*, 505 S.E.2d 328 (S.C. 1998).

Tennessee—The killing of an unborn child after viability is first-degree murder, second-degree murder, voluntary manslaughter, vehicular homicide, and reckless homicide. Tenn. Code Ann. §39–13–201, 39–13–202, 39–13–210, 39–13–211, 39–13–213, 39–13–214, 39–13–215 (1997 & Supp. 1998).

Washington—The killing of an "unborn quick child" is manslaughter. Wash. Rev. Code Ann. §9A.32.060(1)(b) (West Supp. 1999).

STATES WITHOUT UNBORN VICTIMS LAWS, WHICH INSTEAD CRIMINALIZE CERTAIN CONDUCT THAT "TERMINATES A HUMAN PREGNANCY" OR THAT CAUSES A MISCARRIAGE (7)

Note: These laws are gravely deficient, because they do not recognize unborn children as victims, nor allow justice to be done on their behalf. These laws are included here for informational purposes.

Indiana—An individual who knowingly or intentionally "terminates a human pregnancy" commits feticide. Ind. Code Ann §35–42–1–6 (Burns 1994 & Supp. 1998).

Iowa—An individual who intentionally "terminates a human pregnancy" without the consent of the pregnant woman commits a felony. This law also sets forth other crimes involving the termination of a human pregnancy, such as during the commission of a forcible felony. Iowa Code Ann §707.8 (West Supp. 1999).

Kansas—Injury to a pregnant woman during the commission of a felony or misdemeanor which causes a miscarriage results in specific levels of offense severity. Kan. Stat. Ann §21–3440 (1997). Also, injury to a pregnant woman through the operation of a motor vehicle which causes a miscarriage results in specific levels of offense severity. Kan. Stat. Ann. §21–3441 (1997).

New Hampshire—It is a felony to cause injury to another person that results in a miscarriage or stillbirth. N.H. Rev. Stat. Ann §§631:1–631:2 (1996).

New Mexico—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. N.M. Stat. Ann. §30–3–7 (Michie 1994). It is also a crime to injure a pregnant woman through the unlawful operation of a vehicle which causes her to undergo a miscarriage or stillbirth. N.M. Stat. Ann §§66–8–101.1 (Michie 1998).

North Carolina—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. It is a misdemeanor to cause a miscarriage or stillbirth during a misdemeanor act of domestic violence. N.C. Gen. Stat. §14–18.2 (Supp. 1998).

Virginia—The premeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is capital murder. Va. Code Ann. 18.2–31 (Michie Supp. 1998). The unpremeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is also a crime. Va. Code Ann. §18.2–32.1 (Michie Supp. 1998). It is a felony to injure a pregnant woman with the intent to maim or kill her or to terminate her pregnancy and she is injured or her pregnancy is terminated. Va. Code Ann. §18.2–51.2 (Michie Supp. 1998).

New York: Conflicting Statutes

New York—Under New York statutory law, the killing of an "unborn child" after twenty-four weeks of pregnancy is homicide. N.Y. Pen. Law §125.00 (McKinney 1998). But under a separate statutory provision, a "person" that is the victim of a homicide is statutorily defined as "a human being who has been born and is alive." N.Y. Pen. Law §125.05 (McKinney 1998). See *People* v. *Joseph*, 130 Misc. 2d 377, 496 N.Y.S.2d 328 (County Court 1985); *In re Gloria C.*, 124 Misc.2d 313, 476 N.Y.S.2d 991 (N.Y. Fam. Ct. 1984); *People* v. *Vercelletto*, 514 N.Y.S.2d 177 (Co.Ct. 1987).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to comment on the gentleman's argument about other States having similar laws, and so why can we not do the same thing? The reason we have not done the same thing is that many of these State laws are obviously drafted differently. They do not use controversial terms, some of them, as "unborn child" or "child in utero."

The second thing is that none of these State laws have been validated or upheld in a Federal court, let alone a Supreme Court decision. They have not been tested. So I do not think that gives us a presumption that we can copy State law. I say to my colleagues, we should be creating Federal law that States may want to pattern themselves after.

Then, we might want to take into consideration the experience with State laws that have not been very favorable on this subject. Some of these laws have been used as excuses to justify prosecuting women for their conduct while they are pregnant. A whole host of problems arise this way.

In South Carolina, ironically, now they prosecute women whose babies are found to have drugs in their system; the mothers are prosecuted. In another case, the court ordered into custody a pregnant woman who refused medical care because of religious convictions, in an attempt to ensure that the baby be born safely. We had a National Public Radio case about a pregnant woman being forced into custody at a State medical facility in Massachusetts to ensure that her baby was born safely. In another case, a court sent a student to prison to prevent her from obtaining a midterm abortion.

So I say to my colleagues, let us stop pointing recklessly to all of these laws in State courts as if they are giving us a reason to make the same kind of untested legislation that they are doing.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, despite the claims of my colleagues who oppose H.R. 503, this legislation before us today is not about abortion. It does not infringe on a woman's legal right to abort her child. It does not place legal limitations upon those in the medical profession who perform abortion. In fact, the only time this bill even mentions abortion is to protect the woman's legal right to have one, and the doctor's legal right to perform them. Yet, those who oppose this bill would like the American people to believe that this is an attempt to reverse Roe v. Wade.

This leads me to ask my colleagues who oppose this bill, why the smoke screen? Why are they so fearful of protecting a pregnant woman and her unborn child? Why are they standing in the way of legislation which provides protection for a woman against violence? Recognizing the unborn child as a victim of crime does not affect the woman's legal right to abort the child.

Mr. Speaker, the smoke screen of abortion used by those in opposition to this bill will not work. The majority of Congress and the American people know that a woman and her unborn child must be protected against criminal acts of violence. When a pregnant woman is assaulted and bodily harm is brought about to her unborn child, there are two victims, not one.

This bill was not introduced to erode current abortion law. Let me tell my colleagues why this bill was introduced. Currently, under Federal law, if a criminal assaults or kills a woman who is pregnant and thereby causes the death or injury to that unborn child, the criminal faces no consequences for taking or injuring this unborn life. That is why this bill is introduced, and that is why it is a tragedy that this worthwhile piece of legislation is being muddled in abortion politics by those who instinctively reject any bill that deals with the child in the womb.

It is unfortunate that those in opposition to this bill today believe that a victim such as Zachariah Marciniak, whose story has been described previously by my colleagues, was not a child or not a human being. I wonder how many of my colleagues would suggest that when planning for the miracle of a birth, in painting the nursery, attending baby showers, buying a crib and clothes, often name the child before he or she is delivered, all in preparation for a newborn, is not preparation for a life, a life that lives within.

Mr. Speaker, I strongly believe, like the father who lost his wife in the Oklahoma City bombing, that the loss was even greater. He lost his wife and his unborn baby. In that awful tragedy, we as a nation lost not 168, but 171 people, as three of the women killed during that atrocity were with child. They were murdered along with their mothers.

Consider also the fact that last year the House of Representatives passed the Innocent Child Protection Act by a vote of 417–0. This bill prohibited a State or Federal Government for executing a woman "while she carries a child in utero." That bill, which again passed unanimously, defined "child in utero" the same way it is defined in the Unborn Victims of Violence Act. If the House is, without dissension, willing to protect unborn children from execution, why is it controversial to also protect unborn children from a deadly assault?

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, those in the gallery, those watching this debate on national television around the Nation might assume that the reason that we are spending these hours on the floor pursuing this legislation is because we are trying to solve a problem, that there is somehow a problem that exists, that out in America on Federal property women are being assaulted, and they are losing their fetuses in those assaults, and their perpetrators are going unpunished or going too lightly punished.

□ 1230

I do not think there is any evidence at all that that is the problem. If it were, this legislation would be a priority for the police and law enforcement officials of our country. This would be a priority for the district attorneys in our counties. This would be a priority for the attorneys general. This would be a priority for the coalitions against domestic violence.

That is really not why we are here. My friend, the gentleman from South Carolina (Mr. GRAHAM), is a good friend of mine. I admire him more than I admire many Members of this Congress. He is a good man.

But I think in truth we all know that this bill is here because it is aimed at abortion politics. This bill is strategized, is being pushed. The grassroots organizations that are pushing for this legislation are pushing it because they are part of the anti-abortion part of this country's population.

The reason they do that is because for the last 30 years abortion has been legal in this country and because the courts have said that, particularly in the early stages of a woman's pregnancy, the choice of what to do with that pregnancy is hers. It is well-established law.

How do you defeat that? You do not bring an amendment to the floor to change the Constitution in that regard. That is not popular in this country. So we bring bills like this, which are designed to come in the back door, and try to define a fetus as a human being, a full person.

This is brought here for the purpose of abortion politics to establish in law under the guise, under the obviously compelling notion that we want to protect women against violence, when its purpose is really quite otherwise.

If those Members who are really interested in solving this problem will support the Lofgren amendment, this really does get tough on those who would assault a pregnant woman; it does get tough, and does not have the ulterior motive of trying to play abortion politics with something as critical as a woman's assault.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate under the rules of the House to refer to our guests in the gallery.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly support this bill. One of the reasons to address a comment made by the prior speaker about there are not crimes like this being committed out there, I want to cite the March edition of the Journal of the American Medical Association, which published a study revealing that the leading cause of death among pregnant women in the State of Maryland was not health-related ailments, but rather, murder.

This is not simply a case that might occur on Federal property, but it covers a range of potential offenses where it is important for that unborn child to be recognized, and if injured or killed, appropriate punishment be given for that unborn child as well as the pregnant mother. In kidnapping cases, that is a Federal offense; in drug deals gone bad, bank robberies, and even the most recent example of Oklahoma City and the terrorism there, and the fact that there were three unborn children killed in that.

This type of violent act is exactly what H.R. 503 is designed to hopefully deter. We can maybe deter some of these offenses from taking place, and if necessary, if they occur, to appropriately punish them.

This bill will correct the failure of both Federal and military law to treat a criminal assault against a pregnant woman as an additional crime perpetrated against the unborn child. Currently, as has been said numerous times today, even one who purposely kills an unborn child, who sets out to kill that unborn child, has not committed a Federal crime, as the law now stands.

Let me make three additional points, if I could, very quickly. This is not an abortion vote. The sky is not falling on the issue of pro-choice pro-life. I do not understand why people come up here and stand and say that this is an abortion vote. I respect their opinion; but in reading the bill, I do not understand it.

Someone maybe can connect the dots for me on this, because if this bill is wrong, it is unconstitutional. It does not square with Roe v. Wade. This bill is not going to overturn Roe v. Wade; this bill will be held unconstitutional with Roe v. Wade being cited. So if there is a problem there, this bill is not going to overturn Roe v. Wade. It will be the other way around.

This act specifically excludes abortion, an abortion procedure consented to by the mother. It also specifically excludes any action by the mother which results in harm to the unborn child. So all these South Carolina cases and other cases that have been cited would not apply here. They are not covered.

To me, it should not matter whether one is pro-choice or pro-life, one ought to be able to support this bill. As has been mentioned several times already, this definition is something that is not new to this House. Last year we voted 417–0 to prohibit the death penalty being given to a pregnant woman. We use that same definition.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to remind my friend, who is a former member of the Committee on the Judiciary, who assured us that Roe v. Wade was not under attack, well, most people understand that it is under attack. That is why the National Abortion and Reproductive Rights Action League is opposed, Planned Parenthood Federation of America is opposed, the National Abortion Federation is opposed, the National Women's Law Center is opposed.

Does the gentleman think they do not understand this bill very much? I think they do.

The National Partnership for Women and Families, they are opposed. The Center for Reproductive Law and Policy, they are opposed. The American Civil Liberties Union, they are opposed. The Feminist Majority, they are opposed. The American Association of University Women, they are opposed. The National Family Planning and Reproductive Health Association, they are opposed. The American Women's Medical Association, they are opposed. The National Coalition Against Domestic Violence, they are opposed. The National Council of Jewish Women, they are opposed. The National Organization for Women, they are opposed. The Physicians for Reproductive Choice in Health, they are opposed. The People for the American Way, they are opposed.

Now, they do not understand what the Members are trying to do, do they? They do not get it? They have misunderstood the bill of the gentleman from South Carolina? All of these organizations, a dozen of them, they should relax, Roe v. Wade is not under attack. The gentleman in the well on the Republican side just told us so. It is okay. Relax.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I stand here today in opposition to H.R. 503.

As the mother of a pregnant daughter and the mother-in-law of a pregnant daughter-in-law, a proud grandmother of Isabel and Eve, the sense that somehow I do not understand the incredible mystery and magic and holiness of a pregnancy because I do not support this legislation, I really resent that very much.

We look forward in our family to welcoming these two new babies, and a crime against my daughter or daughter-in-law would be absolutely devastating, and even more so because each is pregnant. We all agree on that.

That is the part that I do not get. We all do agree that we need to change the law to add penalties because a crime against a pregnant woman is really devastating. Why can we not agree on that? We have the Motherhood Protection Act, the Lofgren amendment, that does just that, it increases the penalties. It is not their bill or no bill. We could agree that we should increase the penalties.

I am happy to connect the dots for the gentleman on why this is an anti-abortion bill. It creates personhood for even a fertilized egg equal to that of a woman. That does not make any sense. Even if she does not know she is pregnant, that fertilized egg now has equal value to her.

We should create law that recognizes that this is a devastating crime, and we should increase the penalties if my daughter or my daughter-in-law is violently assaulted. We agree on that.

Why do we not, then, move forward as a body in agreement that we should pass this amendment? It does not detract. In fact, it increases the deterrent against violence against women at a time when more violence than other times occurs. Pregnancy is an incentive for violence against women. That is when it occurs more.

Let us get together and pass the Lofgren amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, most of the Members of the House remember that I served as a prosecutor and a judge before I came to Congress. In fact, I served as a prosecutor with the acting Speaker this afternoon in the State of Ohio.

I hear the cry for legislation to deal with a situation that none of us want to happen, a situation where harm comes to a woman while she is pregnant. I hear the cry under the veil that we as Members of Congress have to stand up for pregnant women, and we have to do things so nothing happens to pregnant women.

But legislation is not the only answer to help pregnant women who are harmed. There are other ways in which we can help them. In fact, the Violence Against Women Act legislation could have helped women in this circumstance.

But be that as it may, as we are debating legislation, one of the jobs of a good legislator is to make sure that when we pass the legislation that we know it will stand up to judicial scrutiny. For those who are the proponents of this legislation, if they only look to it, they will recognize that it has problems to the extent that a judiciary would send this back.

As a prosecutor, I tried my darnedest to never take a case into court if I knew the law had a problem, because how could I explain to the victim that I prosecuted the case with the knowledge that the law had a problem that would not stand appellate scrutiny?

Let us look at why this legislation has some dilemmas. The provision or key phrase "child who is in utero" is vague. It makes it difficult to get before an appellate court and explain the vagueness of that phrase.

The legislation lacks a mens rea requirement, that one did not know or have reason to know that the woman who is the victim of the crime was pregnant.

And then even more importantly, the legislation lacks a predicate for the offense, that the crime against the woman be first established.

Now, to my colleagues who want to push for women who are harmed while they are pregnant, we offer them an alternative. We offer them an alternative that we as good legislators believe will withstand the scrutiny of an appellate court. We offer them an alternative that provides for the same penalty, that we believe is consistent with current law, regardless of what is happening in the other States.

As has previously been said, let us try and be 435 strong in favor of pregnant women who are harmed. Let us step up to the plate and say that this Congress, on a bipartisan basis, regardless of our view on choice, regardless of our view on many other issues, and we have not agreed on much since we have been here in this 107th Congress, but let us choose this legislation to agree on; that regardless of our position, we will support the Lofgren alternative.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise today in opposition to the Unborn Victims of Violence Act of 2001. This bill will be the first, the first in the Federal statutes, to give separate legal status to a fetus.

The proponents of the legislation claim that they are protecting the mother, but that is not their true intention. If it were their true intention, why would the anti-choice right-to-life groups support the bill, and why would the domestic violence victims advocacy groups oppose the bill?

If people were so concerned about violence against pregnant women, why are not those pregnant women even mentioned in the bill?

□ 1245

If the issue is about violence to women, why do the proponents of the bill not support the Lofgren substitute, which is concerned about the woman and her fetus? Mr. Speaker, the majority of Americans are pro-choice and they depend on this Congress to protect a woman's right to choose while simultaneously working to make abortion a rare occurrence. The women of this country count on us as legislators to craft Federal policies that are really intended to protect their health and well-being. They rely on us to pass legislation that will protect their reproductive choices. Women depend on us to know the difference between legislation that is truly intended to protect them and a poorly disguised vehicle designed to reopen the debate on Roe v. Wade.

We are not fooled by this legislation, Mr. Speaker, and, frankly, neither are the women we represent. If Members of this House really care about taking steps to protect pregnant women and to punish the terrible perpetrators who mercilessly beat them, then we will all join together, pro-life and pro-choice, and join hands across the aisle to vote for the Lofgren substitute.

The Lofgren substitute actually, as we will hear, provides greater levels of punishment to the perpetrators of the heinous crime of harming a pregnant woman. In fact, there is only one difference between the substitute and the underlying bill; and that underlying difference reveals the true goal of H.R. 503. The underlying bill creates a Federal criminal offense that provides a pregnancy from conception to birth with a legal status separate from that of the mother.

Regardless of what we are hearing today from proponents of this legislation, there is only one reason to support this new criminal offense over the Lofgren substitute, and that is to take the first step of defending a fetus at any stage of development as a person.

If the supporters of this legislation want to debate the merits of abortion, I think we should do it out in the open. They should be embarrassed about cloaking their true intent in an issue. They should be embarrassed about cloaking their true intent on an issue that we all agree upon and that we care deeply about, and that is protecting pregnant women from violence.

But the fact is, this is intentional; and the reason is there is a great reluctance on the part of the proponents of this bill to openly debate the issue of a woman's right to choose in this Chamber. Opponents of the right to choose know they are out of step with the majority of the American public, and so they are working sideways to begin to erode that right in our statutes.

We keep hearing that those who support this bill talk about two victims. But what they are omitting is the fact that this act does not mention women. So, in fact, the bill is not about two victims at all.

Mr. Speaker, the Lofgren substitute improves the bill. It is a good alternative. It punishes the perpetrators. I urge adoption of the amendment; and if the amendment is not adopted, I urge defeat of the ill-intentioned legislation.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield the balance of my time to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a ranking subcommittee member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, let me quickly discuss something that is extremely private and extremely important. When I first came to this Congress, we started discussing this concept called partial-birth abortion.

As a new Member, I was unaware of a procedure that was out of line of a decision between mother and physician and God. But all of a sudden, this Congress began to raise its head about something called partial-birth abortion. It simply was a procedure that doctors were using to save the lives of mothers who wanted to have children.

We come here today, as the New York Times has said, with another scheme very personal for me, because I have had pregnancies that have survived and those that have not. I wish I did not have to come to the floor of the House to discuss this.

But I believe the Lofgren substitute speaks to the concern that we have as Americans. How dare you assault a woman who is pregnant. How dare you abuse her. How dare you take her as girlfriend or wife or friend and abuse her and cause the loss of that pregnancy. The Lofgren substitute answers that concern. If that woman is injured that results in an injury to that pregnancy or a death, that means that that pregnancy does not come to term, you will be faulted and convicted, 20 years or maximum life.

This is a scheme. Year after year after year, this is an attempt to violate Roe v. Wade. Why? Because H.R. 503 does not speak to that woman who has been violated and abused. It simply says that we are tying it to that embryo. Why? Because we want to say to America that we are trying to destroy Roe v. Wade. That is a privilege of the American people. That is the constitutional law. That is the law of the land. That is the Supreme Court decision.

In committee, I tried to offer an amendment that would suggest to us whether the opposing side is truly sincere; and that amendment said that replacing unborn children in H.R. 503 to violence during pregnancy, that gets to the issue. It says that, if there is violence during pregnancy that resulted in the loss or injury to the woman and then the fetus, then there would be penalty.

But, no, they refused because they want to ensure that there is no relationship to that pregnant woman, there are no feelings about that pregnant woman. It is only to tear apart Roe v. Wade.

Let me say, Mr. Speaker, this is a constitutional issue because it comes to the Subcommittee on the Constitution of the House Committee on the Judiciary, and the very reason is to undermine Roe v. Wade.

I have passion and I have feelings about any woman who involuntarily is forced to lose that child that she is carrying. There is no doubt that our hearts are pure on both sides of the aisle. But this body is forced to follow the law. Vote for the Lofgren substitute and defeat that bill because this is an unconstitutional attack on the right to choose and the privacy of every American.

Mr. Speaker, I rise in very strong opposition of H.R. 503, "Unborn Victims of Violence Act of 2001." This is an unacceptable attempt to create a legal status for the unborn, which would could have enormous adverse ramifications for women in America.

Let me be clear. I would like to express my opposition to H.R. 503, "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal crime code to create a new Federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under Federal law. The use of the words as "unborn child," "death" and "bodily injury" are designed to inflame and establish in Federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard people opposed to this bill say time and time again that this bill takes away the right to choose, and they are so so wrong. This bill respects the right of those who have chosen to carry their baby to term, because they want the baby to be born.

The opponents of the bill have massed their arguments saying that we are providing legal protection for fertilized eggs and zygotes and blastocysts, but they ignore the fact that this bill provides protection regardless of at what stage of development the unborn child is.

They would turn around and say defeat this bill because this dead child as a result of an act of violence against a woman in my home State of Wisconsin should not be protected. This is a child that was about ready to be born before he was murdered. The man who committed this crime, because it was a mere assault on the mother, is now out of prison.

We have to pass this bill so that somebody who kills a child like this one spends a lot of time in prison to pay for his crime.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to a bill that I find troublesome on many levels. H.R. 503, the Unborn Victims of Violence Act, at first glance, seems to be a compassionate piece of legislation that harbors only good intentions towards women. However, Mr. Speaker, this legislation has a significant impact on the Supreme Court's findings in Roe v. Wade.

This measure would conflict with the Supreme Court's ruling in Roe v. Wade, and the Constitution in general.

An alternative measure that I have reviewed and which I can support is the Lofgren substitute amendment.

Under the Lofgren proposal, a separate Federal criminal offense would be created for any harm done to a pregnant woman; the pregnant woman being recognized as the primary victim of a crime causing the termination of a pregnancy. An offense would be created that protects women and punishes violence resulting in injury or termination of a pregnancy; a maximum 20-year sentence would be provided for the injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy; and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment, otherwise known as the Motherhood Protection Act, provides for the full protection of expectant mothers against violent crimes without legislating any direct conflict with the highest court of the land.

If the supporters of H.R. 503 are truly concerned about protecting of pregnant women, then let us craft a bill that can be supported by all involved, and actually speaks to women's rights instead of advancing the pro-life agenda in this backdoor fashion.

When a crime is committed against pregnant women which results in the termination of the fetus, a tragedy has occurred. Accordingly let us adopt legislation that recognizes this tragedy without recognizing something antithetical to the Supreme Court's prior decision.

Mr. HOLT. Mr. Speaker, I rise today to express my opposition to H.R. 503, the "Unborn Victims of Violence Act." This bill continues to demonstrate the troubling tendency in Congress to undermine women's constitutional reproductive rights.

Since 1973 and the Roe v. Wade decision, we have seen Congress slowly chip away at women's right to choose in an effort to ultimately nullify this landmark decision. H.R. 503 is an ill-disguised attack on Roe v. Wade. That is because at root it is an attempt to redefine when life begins.

The bill seeks to create a separate Federal criminal offense for criminal acts that cause death or bodily injury to the "unborn" fetus. Tellingly, it does not create any comparable offense for killing or injuring the woman bearing the fetus. I think that makes it clear that the real purpose here is not to protect the victims of violence, but to try to get Congress on record as specifying that life begins at conception.

There are serious threats to women, including women bearing children, that we need to address. Domestic violence is the single greatest cause of injury to women. Although the statistics vary, according to the American Medical Association, approximately four million women were physically abused by their husbands or live-in partners in 1998. That means that 10,959 women on average are abused every day. This statistic is deeply disconcerting.

Domestic violence crimes resulting in the loss of pregnancy are terribly tragic, and these acts should be punished, but H.R. 503 is not the proper approach to eradicating this problem. We need to concentrate our efforts on protecting abused women by passing measures, such as the reauthorization of the Violence Against Women Act, to promote protection from violence as well as increasing assistance to abused women. That is why I support the amendment proposed by the gentlewoman from California, Congresswoman LOFGREN.

Mr. Speaker, I strongly urge my colleagues to help these victims of violence and protect their well being. Domestic violence is a national concern, and we need to do everything within our capabilities to make sure that it receives due attention. Let us avoid passing any Federal law that will undermine a woman's right to choose as protected by the Constitution of the United States, and let us focus on the real issue at hand—eradicating violence against women.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support for H.R. 503, the Unborn Victims of Violence Act.

This important legislation would finally make it a separate Federal offense to cause death or bodily injury to a child in utero in the course of committing an already defined Federal offense. It is imperative that we hold criminals responsible for conduct that harms or kills an unborn child. I cannot understand the opposition to this bill. It will not affect abortion laws, it merely affirms that a violent act against a pregnant woman affects not only her but her unborn child as well. There are most certainly two victims in such crimes, as 24 States have already recognized.

I am horrified by stories such as that of Tracy Scheide Marciniak who was only 4 days from delivering her baby boy Zachariah. Four days. For 9 months she had been eagerly awaiting his arrival, planning for his birth and life, bonding with him in her womb. Unfortunately, her husband brutally attacked her, targeting a few blows specifically on her abdomen. Zachariah bled to death in her womb because of the blunt-force trauma. Tracy nearly died herself but did recover from her injuries and had to bury her baby boy without ever getting a chance to see him alive. At the time Wisconsin did not have an unborn victims law so Glendale Black was convicted on a assault to her alone and is now eligible for parole. The law did not recognize the loss of Zachariah's life and Glendale Black did not pay for his crime.

Ohio is one of the states where it is a crime to kill an unborn child in a violent act. Unlike Zachariah, Jasmine Robbins' father was prosecuted for her manslaughter. Gregory Robbins assaulted his wife Karlene who was 8 months pregnant with their daughter Jasmine. he repeatedly struck her in the face and abdomen. Due to the assault, Karlene' uterus ruptured and Jasmine died. Gregory Robbins pled guilty to assault and battery to his pregnant wife and involuntary manslaughter for Jasmine's death.

Jasmine's murder is no less tragic than Zachariah's but at least her mother did not have to suffer the heartbreak of not having her murder recognized under our laws.

We live in a society that does not respect life and that troubles me. We have children killing children in our schools, husbands beating their wives, and other violent crimes signifying that we as a culture do not value and treasure life as we should. A good first step towards recognizing the miracle of life is to ensure that those who take a life are punished for their crime.

We cannot bring back Zachariah or Jasmine or the other hundreds of unborn children violently murdered. We can, and must, however, protect other unborn children from the same fate. We must respect life and make criminals pay for attacks against all Americans, born and in utero.

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to H.R. 503, the Unborn Victims of Violence Act. While many proponents of this bill contend that it is necessary to protect pregnant women from assault which results in the death of her fetus, I believe that this bill could jeopardize a woman's right to choose. I say this because H.R. 503 attempts to legally recognize the fetus as a "person" with rights and interests separate from and equal to those of the woman. In fact, if H.R. 503 is enacted into law, it will be the first time a federal law recognizes a zygote, embryo, or fetus as an independent victim of crime entitled to full legal rights distinct from the woman.

I would like to make it clear that I am not advocating leniency for a perpetrator of abuse against a pregnant woman. Instead, I believe that we need to recognize that the true victim of a violent act is the woman first and foremost.

Last year, I supported the Motherhood Protection Act which established a separate offense for abusive conduct against a pregnant woman resulting in the termination of her pregnancy. This crime would be punishable by a fine and imprisonment of up to 20 years, and if the pregnancy is terminated, regardless of if it was intentional, the assailant could be sentenced to life in prison. I will support this substitute again today.

It is undeniably a tragedy when a violent act committed against a woman results in the termination of her pregnancy. Actually, I believe it is a tragedy when violence against women, whether pregnant or not, is carried out. However, I believe the best way to enforce the law is to help the woman, not unnecessarily bring the threat of rescinding the right to choose into the debate.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong opposition of H.R. 503, the Unborn Victims of Violence Act of 2001 and in support of the Lofgren-Conyers substitute.

While I fully support punishment for violent acts against women at any and every time, but most especially against pregnant women, the Unborn Victims of Violence Act of 2001 should be opposed. This bill as drafted will diminish, rather than enhance the rights of women and do nothing to protect pregnant women from violence.

Additionally, it is worthy to note, that H.R. 503 is unanimously opposed by a plethora of groups whose mission is the protection of women's rights and who oppose domestic violence; including Planned Parenthood Federation of America, the Women's Law Center, the American Medical Women's Association, National Coalition Against Domestic Violence, National Council of Jewish Women and People for the American Way.

I support the Lofgren-Conyers substitute because it would protect pregnant women while upholding a woman's constitutional right to choose. We must focus on the goals that H.R. 503 calls for, which is to deter acts of violence against pregnant women that cause injury to their fetuses or the termination of a pregnancy. We must do so, however, without opening the door to overturning Roe v. Wade and making an abortion a federal crime.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to submit for the RECORD an article about Tracy Scheide Marciniak, a fellow Wisconsinite. She was brutally beaten 4 days before she was supposed to give birth to her son, Zachariah. I would like to submit her story for the RECORD.

Her husband at the time punched her twice in the abdomen and brutally beat her. Her husband refused to call for help until it was too late. By the time she reached the hospital, Zachariah had died from blunt force trauma. Her ex-husband, Glendale Black, was convicted of assaulting his wife, but not of murdering Zachariah, their unborn child.

In the aftermath of this violent crime, the Wisconsin Legislature enacted one of the nation's strongest unborn victim's laws. Regardless, there is no coinciding federal law. If this incident were to happen today in a federal jurisdiction, the killer would still only be prosecuted for assault. This needs to change.

H.R. 503, the Unborn Victims of Violence Act, can fix this injustice. Passage of this bill would make it a federal crime to harm an unborn child during a violent criminal act. Federal judges could impose the same punishment as if injury or death occurred to the unborn child's mother, except for the death penalty.

I disagree with those who believe that Zachariah was not yet a human being. Had his mother gone into labor a week before her husband abused her, Zachariah would today be a healthy and happy child. There was no difference between the Zachariah that was in his mother's womb when she was beaten with a Zachariah that may have been born a week earlier. He was still a living person. There should be no exception in the criminal code for violent acts on babies inside the womb as opposed to those who are in their mother's arms. The current law makes no logical sense and should be changed according to this act.

Zachariah is a biblical name. In the Bible, Zachariah and his wife Elizabeth were faithful followers of God's commandments. They never had any children and were both too old to do so. As Zachariah entered a room within the temple he presided over, Gabriel appeared before him and told him that he and his wife will have a son. God blessed this couple for being faithful. Their child was blessed, as was Tracy's child. In scripture, Zachariah means "God remembers."

We will not forget Zachariah. Because of him, hopefully violent offenders will not only be deterred from hurting pregnant mothers, but from harming their unborn children.

One Victim . . . Or Two?

My name is Tracy Scheide Marciniak.

On February 8, 1992, I carried within my womb an unborn baby boy, Zachariah. We were in our ninth month, only four days from delivery.

That night, the man to whom I was then married, Glendale R. Black, brutally beat me. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from doing so.

When he relented, I was taken by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death within my womb because of blunt-force trauma. I nearly died, but I recovered.

In 1992, Wisconsin, where the crime occurred, did not have an unborn victims law, and state prosecutors were unable to convict Glendale Black under a law that required them to prove that the assault was intended to kill Zachariah. So, Black was convicted of his assault on me, but not of any charge that recognized the loss of Zachariah's life. He is already eligible for parole.

In 1998, in response to my case and others like it, the Wisconsin Legislature overwhelming enacted one of the nation's strongest unborn victims laws.

But federal law still fails to recognize unborn victims, like Zachariah. Even today, if Zachariah had been killed in the same manner in a federal jurisdiction, his killer could be prosecuted only for assault.

That is wrong. Congress should approve the Unborn Victims of Violence Act (H.R. 503, S. 480). Under this bill, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, that child will be recognized as a victim.

Opponents of the bill have put forth a counterproposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the woman who is pregnant.

Please hear me on this: On the might of February 8, 1992, there were two victims. I

> was nearly killed—but I survived. Little Zachariah died.
>
> Any lawmaker who is thinking of voting for the Lofgren "one-victim" amendment should first look at the picture of me holding my dead son at his funeral.
>
> Then I would say to that representative, "If you really think that nobody died that night, then vote for the 'one-victim' amendment. But please remember Zachariah's name and face when you decide."

Mr. BLUMENAUER. Mr. Speaker, today I voted in opposition to H.R. 503, the Unborn Victims of Violence Act. Since the landmark Roe v. Wade Supreme Court decision, Congress has slowly passed legislation that has eroded women's reproductive choices. This is a personal and private decision that should be made by a woman, her family, her physician, and her beliefs, not subjected to increasing levels of government interference.

Rather than being merely a good faith effort to protect pregnant mothers from violence, the "Unborn Victims of Violence Act" is actually a back door attempt to interject government into individuals private lives. Harsh penalties already exist in 38 States for crimes against pregnant women that result in the injury or death of her fetus.

The overwhelming majority of crimes against pregnant women that cause injury to her fetus occur in cases of domestic abuse or drunk driving accidents, instances that are prosecutable under currently existing state laws. H.R. 503 would do nothing to add to the existing protections against these serious and prevalent crimes. Nearly one in every three adult women experiences at least one physical assault by their partner during adulthood. Drunk driving accidents continue to result in substantial loss of life in every city across the nation. Instead of focusing on purely political measures aimed at the erosion of a woman's reproductive freedom, we should be protecting women from violence and increase assistance to women in life threatening domestic situations.

I did support the Lofgren Amendment that would have enacted strict punishments for crimes that result in the injury or death of the fetus with out the inclusion of constitutionally questionable language. If protecting pregnant women from violent crime were truly our priority, Congress would have passed this amendment to H.R. 503.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to H.R. 503, legislation that does nothing to end violence against pregnant women but rather is a backdoor attempt to give a fetus the same legal status as the assaulted woman. Specifically, this measure affords a pregnancy at "all stages of development" legal rights that are equal to, and separate from, those of the woman. Though abortion is explicitly excluded from this bill, it clearly establishes new legal rights for the "unborn child" and would be a major step toward dismantling Roe v. Wade. The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation whether or not the perpetrator knew of the pregnancy.

In recent days, advocates of H.R. 503 have bombarded us with bone-chilling accounts of pregnant women being subject to heinous assaults. Clearly, no one in this body believes such acts of senseless violence should go unpunished. I strongly believe that violent crimes committed against women and in particular, pregnant women, should be punished to the fullest extent of the law. Moreover, we, as lawmakers, have a responsibility to ensure that Federal law properly addresses such violence. That being said, H.R. 503 does nothing to combat domestic violence. In fact, the National Coalition Against Domestic Violence has come forward in opposition to H.R. 503, arguing that it would only divert the attention of the legal system away from violence against women. Unfortunately, this bill is a canard, a red herring, purporting to do one thing while actually accomplishing another.

Mr. Speaker, rather than immersing this House in the theatrics of abortion politics, as the underlying bill does, Congress can make a difference in such heinous cases. The Lofgren substitute, known as the "Motherhood Protection Act" would more effectively address the concern of violence against pregnant women, creating a separate Federal criminal offense for harm to a pregnant woman. Specifically, under the Lofgren substitute, assaults of women that compromise a pregnancy would be subject to a maximum 20-year sentence and, if the assault results in termination, could mean a life sentence. Thus, under this measure, assaults that result in injury or death of an "unborn child" would be subject to the same punishment provided under Federal law as for the violent act against the woman. These penalties would be in addition to any punishment imposed on the assailant for the underlying offense. The key difference between the Lofgren alternative and H.R. 503 is that it does not create a new legal status for the "unborn child."

Mr. Speaker, the question at hand is what Federal law can do to address assaults on pregnant women. I am certain that my colleagues agree that such attacks should be punished to the fullest extent of the law. The penalties in the Lofgren substitute are equal to, and in some instances, actually stronger than, those in the underlying bill. Accordingly, Mr. Speaker, let's put our difference on abortion aside and enact legislation that genuinely addresses harm to pregnant women and provides a deterrent to violence against women—the Motherhood Protection Act.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to support H.R. 503, the Unborn Victims of Violence Act. I commend the Gentleman from South Carolina, Mr. GRAHAM on this fine piece of legislation.

Mr. Speaker, there is no greater joy than seeing your child for the first time. Personally, I would not trade that feeling for anything in the world.

However, there is no greater pain than losing a child. I have seen the pain in the eyes of potential parents who have suffered the loss of their unborn children. Mr. Speaker, if you had ever seen the look in the eyes of those parents, then you would know that you would never want to feel that pain yourself. Especially, when the unborn child was lost due to an act of violence. Under current Federal and military laws, it is not a crime to end the life of an unborn child, regardless of the circumstances.

Mr. Speaker, today this body will rise up and take a stand against this atrocity. Today, we will make this act of violence a felony and illegal under all Federal laws.

I urge all of my colleagues to protect the lives of the unborn, and protect pregnant women by voting for H.R. 503, the Unborn Victims of Violence Act.

Ms. McCOLLUM. Mr. Speaker, in the Minnesota State Legislature, I worked to secure health care for families, to fight against domestic violence, and to protect a woman's right to reproductive health choices. In the Minnesota State Legislature, we addressed the issue of violence against women in all stages of life—working with women, their families and doctors.

I am particularly concerned about the legislation that we are considering today. It appears the intention of this legislation is to reverse the Supreme Court ruling of Roe versus Wade.

Fundamentally, this legislation seeks to redefine when life begins. I support the landmark decision of Roe versus Wade in 1973 that establishes a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

H.R. 503 fails to recognize that injury to a pregnancy is first and foremost an injury to a woman. This bill ignores the pregnant woman entirely, and would do nothing to stem violence against women. Crimes of this nature are more appropriately addressed by enhancing penalties for termination of, or injury to, a pregnancy.

H.R. 503 is said to be protection for pregnant women against a violent crime. But the words "mother," "women," or "pregnant women" are not even mentioned in the language of the bill.

I would proudly support a bill to prevent and punish the violent crimes against women and especially pregnant women. This bill does not address where and when these crimes most often occur or how to stop them.

This bill does not help the 37 percent of women who need to receive emergency help because of assault by their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State because her life is in danger?

If we want to protect women and their children from violence, let us debate funding for domestic violence shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

I urge my colleagues to vote for the Lofgren substitute, which recognizes that when a violent crime is perpetrated against a pregnant woman and causes injury to or termination of her pregnancy, there is additional harm to that woman.

Crimes committed against pregnant women are heinous and should be punished to the fullest extent. The Lofgren substitute actually provides harsher penalties on perpetrators of violent crimes against pregnant women than does H.R. 503.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 503 and yes on the Lofgren substitute.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill.

Let me make something perfectly clear from the outset: The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. Those who injure or kill a pregnant woman and her fetus should be severely punished, and families should have the legal tools to have their loss recognized. We will offer a substitute that does that, and I believe that the Lofgren substitute demonstrates very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attack on a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I—for the first time in Federal law. Instead of addressing the real issues at hand—the horrible pain for a woman who loses a pregnancy to a cowardly, violent act—this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a Human Life Amendment. In fact, the National Right to Life Committee admits that it participated in the drafting of the bill, and according to the NRTL website, "[t]he bill challenges that [pro-choice] ideology by recognizing the unborn child as a human victim, distinct from the mother."

If anti-choice members of this House want to recognize the fetus as a person—do that. Bring a Human Life Amendment to the floor and let us vote on it. But don't tell pregnant women in this country that you're trying to protect them with this bill when there are existing State and Federal laws to do that and when we are willing to join you in addressing the tragic cases when pregnant women are attacked. The American people are smarter than you're giving them credit for. They know that you're proposing a political statement today, not a real solution.

If you really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you're serious about protecting women in this country from violence, let's fully fund the Violence Against Women Act today.

VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. And one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman's right to choose.

I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die every hour. And it is tragic that 1 of every 3 women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers.

Please vote "no" on H.R. 503.

Mr. PAUL. Mr. Speaker, while it is the independent duty of each branch of the Federal Government to act Constitutionally, Congress will likely continue to ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 2001, H.R. 503, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) Federal murder and assault statutes apply, the Federal Government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our Federal Government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom Federal murder and assault statutes apply—it further entrenches and seemingly concurs with the Roe v. Wade decision (the Court's intrusion into rights of States and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not only a Federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (With respect to only the fetus, the bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status and clearly a violation of the equal protection clause.) It is becoming more and more difficult for congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said "the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our Federal system." Rehnquist further criticized Congress for yielding to the political pressure to "appear responsive to every highly publicized societal ill or sensational crime."

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three Federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a Federal and State crime). "Concurrent" jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal

Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the cost. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive with their criminal laws, citizens can vote with their feet to a "competing" jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the States' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous States have adequately protected the unborn against assault and murder and done so prior to the Federal Government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 503 ignores the danger of further federalizing that which is properly reserved to State governments and, in so doing, throws legal philosophy, the Constitution, the Bill of Rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 503, and I thank Representative GRAHAM for introducing this legislation again in the 107th Congress. I am a cosponsor of this bill that makes killing a women's unborn child punishable as a Federal crime. The bill simply states that an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. Twenty-four States have already enacted laws which recognize unborn children as human victims of violent crimes—this bill simply gives the same protection in Federal jurisdictions.

Opponents of the bill have said that it is a back door to eliminating a women's right to choose, but this bill is about choice, Mr. Speaker, it is about respecting—and protecting—a women's choice to bring a new life into this world. H.R. 503 will allow under Federal law for the prosecutions of those who callously disregard that choice.

Mr. BRADY of Texas. Mr. Speaker, I strongly support H.R. 503, The Unborn victims of Violence Act and want to thank my colleague from South Carolina for introducing it.

As you know, H.R. 503 would make it a separate Federal crime to hurt or kill an unborn child during the commission of a Federal crime against a pregnant woman. 24 States currently recognize both the mother and the unborn child as victims of violent crimes. And in 1999, this chamber passed this legislation by a vote of 254 to 172. However, it was never brought up for a vote in the Senate.

I also strongly oppose the Substitute Amendment being offered by Congresswoman ZOE LOFGREN. Her amendment fails to recognize the unborn child as a victim of a crime, even in circumstances when the perpetrator acts with specific intent to kill the unborn child. Under her amendment, a criminal could receive a stiffer sentence for interfering with "the normal course of the pregnancy" while committing a Federal crime. The premise of this approach is that there has only been one victim, the mother, who has suffered a compound injury. However, if an expectant mother is shot and her baby is born disabled because of the bullet, would anyone say that only the mother and not the child had been injured. However, if the baby dies before being born, the supporters of the substitute amendment say only one person has suffered. This is wrong.

Mr. Speaker, I would also like to submit for the RECORD a letter from the National Right to Life Committee in support of H.R. 503 and why the Lofgren Substitute should be defeated. I urge my colleagues to consider the points it raises.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
Washington, DC, April 23, 2001.

RE: In opposition to "one-victim" substitute amendment to the Unborn Victims of Violence Act (H.R. 503)

DEAR MEMBER OF CONGRESS: As the House of Representatives prepares to take up the Unborn Victims of Violence Act (H.R. 503), the National Right to Life Committee (NRLC) urges you to reject the assertion of those who say that when a criminal assaults a woman and kills her unborn child, nobody has really died.

That is the callous ideological doctrine embodied in the substitute amendment that we anticipate will be offered to H.R. 503 on the House floor (it was offered by Congresswomen Lofgren in the Judiciary Committee, where it was rejected).

The Unborn Victims of Violence Act creates no new federal crimes. Rather, the bill would come into play only when federal authorities have cause to arrest someone for an offense against a woman in one of 68 already-defined federal crimes of violence, by also allowing them to bring a second charge if there has been a second victim, an unborn child. A document circulated by the Planned Parenthood Federation of America asserts that "nowhere in the bill is harm against women mentioned," but that is a blatantly misleading statement. The bill really mentions harm against women 68 times, as it cites the 68 federal crimes of violence against women in which H.R. 503 would apply.

Under the Lofgren Substitute, a criminal could receive a stiffer sentence for interfering with "the normal course of the pregnancy" while committing a federal crime, but under the premise that there has only been one victim, the mother, who has suffered a compound injury. This approach is incoherent. In those cases in which the woman dies in the assault, is it not a duplicative charge to prosecute the assailant both for killing the woman and for doing her an additional injury? In other cases, in which the mother survives but the baby dies, the Lofgren Substitute would impose a penalty of life in prison—which seems a harsh penalty, unless somebody has died.

Consider the words of Tracy Marciniak of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked an unborn victims law, the assailant was convicted only for the injury he did to Mrs. Marciniak, and he is already eligible for parole. Mrs. Marciniak explains, "This one-victim proposal is offensive to me. Its premise is this: On the night my husband beat me, nobody died. But that is not true. That night, there were two victims. I was nearly killed—but I survived. Little Zachariah died." Mrs. Marciniak urges House members to look at the photo of her holding Zachariah in her arms at his funeral, and asks, "Can anybody honestly tell me there is only one victim in that picture?" (The photo is posted at www.nrlc.org, and appears in NRLC ads that are running various publications this week.)

H.R. 503 explicitly states that nothing in the bill "shall be construed to permit the prosecution of any person for conduct relating to an abortion for which the consent of the pregnant woman . . . has been obtained." Nor does the bill pertain to any action by a woman that results in harm to her own unborn child. Moreover, the laws of 24 states already recognize the "unborn child" as a victim of violent crimes for all or some of the baby's period of pre-natal development. These laws are listed at www.nrlc.org/Whatsnew/sthomicidelaws.htm.

Numerous state and federal courts have ruled that these state unborn victims laws do not contradict Roe v. Wade or otherwise affect legal abortion. Moreover, the U.S. Supreme Court in 1989 found no problem with a Missouri law that establishes the "unborn child" as a legal member of the human family for purposes far broader than those covered by the Unborn Victims of Violence Act. Indeed, the April 21 issue of National Journal (page 1173) quotes Heather Boonstra, senior public policy analyst at the Alan Guttmacher Institute, as "acknowledging that [Rep.] Graham's bill would probably survive a court challenge." For further discussion of the constitutional issues, see the Judiciary Committee report at ftp://ftp.loc.gov/pub/thomas/cp107/hr042.txt.

Some opponents of H.R. 503 have objected to the bill's recognition of the "child in utero" as a member of the human family. Yet, on July 25, 2000, the House by a vote of 417-0 passed a bill that contained the same definition of "child in utero" and that embodied the same basic legal principle. The roll call on that bill, and the text of the bill, are appended.

In NRLC's scorecard of significant congressional votes for 2001, a vote in favor of a one-victim substitute amendment to H.R. 503 will be accurately described as a vote to declare that when a criminal injures a mother and kills her unborn child, there has been no loss of a human life. Thank your for your consideration of NRLC's views on this legislation.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director.
PATRICIA COLL,
Legislative Assistant.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my opposition to H.R. 503, the Unborn Victims of Violence Act.

H.R. 503 claims to protect unborn children from assault and murder by giving the fetus—at any stage of development from the time of fertilization—the status of a person under the law so that crimes resulting in the death of a "child in utero" can be charged separately. The bill does not address the violence against the mother that resulted in the harm to the fetus.

The purpose of H.R. 503 is not to protect pregnant women from violence, it simply seeks to confer the same legal status to an embryo or fetus as to the woman who is pregnant. In fact, this act would give even a fertilized egg this status. H.R. 503 seeks to establish in law the principle of "fetal rights" that are equal to but distinct from the rights of pregnant women. The bill seeks to undercut Roe v. Wade, in which the Supreme Court held that at no stage of development are fetuses persons under the law.

I wish that the Members of this body who so fervently want to overturn the right of women to a legal abortion would present an honest and straightforward bill to confer full personhood on an embryo or fetus. Let's take a vote on that.

But we should not pretend that this bill is about protecting women from violence. If you want to protect pregnant women from violence, then it is important to address the problem of domestic violence by fully funding the Violence Against Women Act. The vast majority of attacks against pregnant women are domestic violence. In fact, this bill will only divert the attention of the legal system away from domestic violence or violence against women. The National Coalition Against Domestic Violence, which represents organizations and shelters in all 50 states, opposes this legislation.

H.R. 503 ignores the fact that when harm comes to a pregnancy, it happens to the woman who is pregnant. The bill fails to address the need for strong federal legislation to prevent and punish violent crimes against women.

If you want to provide for an enhanced penalty for attacks against women that result in harm to her pregnancy, then vote for the Lofgren amendment.

Mr. LANTOS. Mr. Speaker, H.R. 503 would undermine Roe v. Wade by recognizing for the first time in federal law a zygote, blastocyst, embryo, or fetus as a "person," with rights equal to those of a woman. As a strong supporter of the Violence Against Women Act, I am concerned that the "Unborn Victims of Violence Act" does not ensure that programs aimed at taking action against domestic violence are fully funded.

Mr. KLECZKA. Mr. Speaker, we all agree that violence against a pregnant woman, where harm is brought to not only the mother but also the fetus, is a most heinous offense. These acts of violence are tragic and should be recognized by increased federal penalties for those convicted of violence to a pregnant woman.

To accomplish this goal, I will be supporting The Motherhood Protection Act, which creates a new, separate federal criminal offense for harm done to a pregnant woman. This bill provides for a maximum twenty year sentence for injury to a woman's pregnancy. Further, it provides a maximum life sentence for termination of a woman's pregnancy.

The underlying Unborn Victims of Violence Act (H.R. 503) and The Motherhood Protection Act achieve the exact same goal and provide identical penalties. The only difference is that H.R. 503 includes a legal definition of when life begins. However, medical experts and knowledgeable scientists are still debating this issue, and I don't believe Congress is in a position to make that determination today.

Sadly, this serious issue has been turned into an abortion debate, which it is not. The goal of the sponsors of this legislation is to protect pregnant women and the unborn, and The Motherhood Protection Act, sponsored by Representative ZOE LOFGREN, accomplishes this purpose. The Motherhood Protection Act has my full support.

Mr. GOODLATTE. Mr. Speaker, first, I want to thank my colleague on the Judiciary Committee, Mr. GRAHAM, for bringing this very important legislation before the House. I commend you for your extraordinary efforts on behalf of the unborn victims of violence.

I am proud to be a cosponsor of the Unborn Victims of Violence Act which promotes justice by holding violent criminals accountable for their conduct. It is unthinkable that under current federal law, an individual who commits a federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

Approximately half of the states, including my home state of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby. Unfortunately, our federal statutes provide a gap in the law that usually allows the criminal to walk away with little more than a slap on the wrist. Criminals are held more liable for damage done to property than for intentional harm done to an unborn child. This discrepancy in the law is appalling.

Regardless of whether you are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child or replace a child lost to violence. However, we can ensure that justice is done by making the criminals who take the life of an unborn child pay for their actions.

When a mother chooses to bring a life into this world and that life is cut short by a violent criminal, that criminal should be held accountable under the law. Justice demands it, and so should we. I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 503, the Unborn Victims of Violence Act.

I oppose this legislation because of its implications for the future of a woman's right to lawfully terminate a pregnancy, not because I oppose punishing crimes against pregnant women—or anyone else—to the full extent of the law.

Don't be fooled, this bill is an attack on the fundamental principles of Roe v. Wade. H.R. 503 would establish a zygote, blastocyst, embryo, and fetus as a person under federal law. Although the Supreme Court has held that fetuses are not persons under the 14th amendment, this bill would bestow separate rights to the fetus equal to that of the mother.

The Lofgren substitute, on the other hand, creates a separate criminal offense for harm to a pregnant woman, while maintaining the woman as the primary victim of the crime. It also creates an offense for violence resulting in the injury or termination of a pregnancy.

I urge my fellow colleagues to oppose H.R. 503 and to support the Lofgren substitute. H.R. 503 dislodges the cornerstone underpinning Roe v. Wade. In contrast, the Lofgren substitute strengthens punishments for crimes against pregnant women without weakening a woman's right to choose.

Mr. BARCIA. Mr. Speaker, I rise today as the Democratic Chair of the Pro-Life Caucus, to express my strong support for the Unborn Victims of Violence Act and to dispel some of the myths we've heard about it from those who are opposed to this commonsense, anticrime legislation.

In recent years, 28 States have passed laws similar to the Unborn Victims of Violence Act, allowing criminals who assault pregnant mothers to be prosecuted for injuring or murdering the unborn child during the attack. Unfortunately, under current Federal law, the criminal faces no such consequences.

We have all heard the tragic stories told here today, stories of brutal assaults on pregnant mothers which resulted in the deaths of their unborn children. These violent acts went unprosecuted and unpunished. For the sake of these women and their unborn children, Congress must correct this oversight in Federal law and pass the Unborn Victims of Violence Act. It is pro-woman, pro-child, and anti-criminal.

This bill and its goal seem pretty straightforward. How could anyone oppose it? After all, every Member of this body wants to protect women and children, and punish criminals. Well, Mr. Speaker, it appears that we have a simple misunderstanding about what this bill actually does and I want to take a moment to set the record straight.

Some of my colleagues are concerned that The Unborn Victims of Violence Act prevents women from obtaining a legal abortion. This assertion is simply not true. The Unborn Victims legislation specifically prohibits the prosecution of women who terminate their pregnancies through abortion. While I am pro-Life and therefore very much opposed to abortion, I want to make it clear that this legislation has absolutely no impact on a woman's legal ability to terminate her pregnancy. This is not an abortion bill. It is a crime bill.

Others in this body are concerned that the act undermines the Roe v. Wade decision by recognizing unborn children as having rights outside of the mother. In fact, the Unborn Victims of Violence Act has zero impact on Roe v. Wade, because the Supreme Court has stated that unborn children already have legal rights outside the mother, specifically in tort and inheritance cases, and these rights do not preclude a woman from obtaining an abortion. This is not a bill which restricts abortion. It is a bill that punishes criminals who commit brutal acts of violence against women and their children.

Finally, we have heard from some who honestly believe that this act is somehow antiwoman. Mr. Speaker, the Unborn Victims of Violence Act not only reinforces existing laws which protect women against violence, but also ensures that the horrible emotional and physical anguish a pregnant woman would suffer from the death of her unborn child would not go unpunished due to a loophole in the law. It is hard for me to find any legislation which is more pro-woman than this.

In conclusion, Mr. Speaker, I urge my colleagues to support this important pro-woman, pro-child and anticriminal legislation, and vote in favor of the Unborn Victims of Violence Act.

Mr. TERRY. Mr. Speaker, I submit to the CONGRESSIONAL RECORD, and commend to my colleagues, the following document from the National Right to Life Committee. It provides important details on H.R. 503, the Unborn Victims of Violence Act.

KEY POINTS ON THE UNBORN VICTIMS OF VIOLENCE ACT

The Unborn Victims of Violence Act has been introduced in companion bills as H.R. 503, sponsored by Congressman Lindsey Graham (R–SC), and S. 480, sponsored by Senator Mike DeWine (R–Ohio). The full text is available at the NRLC website at www.nrlc.org/Unborn Victims/index.html.

The Unborn Victims of Violence Act would establish that if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child. The bill would recognize that when a criminal attacks a pregnant woman, and injures or kills her unborn child, he has claimed two human victims. The bill would apply this two-victim principle to about 70 existing federal laws dealing with acts of violence. These laws affect federal geographical jurisdictions, the military justice system, protection of federal officials, and specific acts defined by law as federal crimes (such as certain terrorist bombings).

In current federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. Thus, for example, if a criminal beats a woman on a military base, and kills her unborn child, he can be charged only with the battery against the woman, because the unborn child's loss of life is not recognized by the law. This gap in federal law results in grave injustices, some real-world examples of which were described by former Congressman Charles Canady (R–Fl.) at a July 21, 1999 House Judiciary Constitution Subcommittee hearing on the issue. Congressman Canady's statement is posted at http://nrlc.org/news/1999/NRL899/cana.html.

Twenty-four (24) states have already enacted laws which recognize unborn children as human victims of violent crimes. Eleven (11) of these states provide this protection throughout the period of in utero development, while the other 13 provide protection during specific stages of development. For detailed information on state unborn victims laws, see "State Homicide Laws That Recognize Unborn Victims," available at www.nrlc.org/Whatsnew/sthomicidelaws.htm. The Unborn Victims of Violence Act would not supersede state unborn victims laws, nor would it impose such a law in a state that has not enacted one. Rather, the bill applies only to unborn children injured or killed during the course of already-defined federal crimes of violence.

The bill explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself (legal or illegal), or to any form of medical treatment. Nevertheless, NRLC supports the bill because it achieves other pro-life purposes that are worthwhile in their own right: the protection of unborn children from acts of violence other than abortion, the recognition that unborn children may be victims of such violent criminal acts, and the punishment of those who harm unborn children while engaged in federally prohibited acts of violence.

It is well established that this type of legislation does not conflict with the Supreme Court's pro-abortion decrees (Roe v. Wade, etc.). Criminal defendants have brought many legal challenges to the state unborn victim laws mentioned above, based on Roe and other constitutional arguments, but all such challenges have been rejected by the courts. (A list of pertinent court decisions is available on request.)

Moreover, in the 1989 case of Webster v. Reproductive Health Services, the U.S. Supreme Court refused to invalidate a Missouri statute that declares that "the life of each human being begins at conception," that "unborn children have protectable interests in life, health, and well-being," and that all state laws "shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state," to the extent permitted by the Constitution and U.S. Supreme Court rulings. A lower court had held that Missouri's law "impermissibl[y]" adopted "a theory of when life begins," but the Supreme Court nullified this ruling, and held that a state is free to enact laws that recognize unborn children, so long as the state does not include restrictions on abortion that Roe forbids. The Minnesota Supreme Court took the same view in upholding the Minnesota law: "Roe v. Wade . . . does not protect, much less confer on an assailant, a third-party unilateral right to destroy the fetus." [State v. Merrill, 450 N.W.2d 318 (Minn. 1990)].

Some opponents have objected to the bill's recognition of the "child in utero" as a member of the human family who can be harmed in a crime. Yet, on July 25, 2000, the House passed on a vote of 417–0 a bill that contained the same definition of "child in utero" and that embodied the same basic legal principle. That bill, the Innocent Child Protection Act, said that no state or federal authority may "carry out a sentence of death on a woman while she carries a child in utero. . . . 'child in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb." The principle embodied in the Innocent Child Protection Act was obvious. Whatever one's position regarding the morality of capital punishment as such, there is only one rational reason for delaying a lawfully ordered execution of a woman because she is pregnant—that is, carrying out the execution would take two human lives, not just one. The Unborn Victims of Violence Act would extend that same principle to the rest of the federal criminal code, recognizing that when a criminal attacks a woman, injuring or killing her and injuring or killing her unborn child, he has claimed two victims.

The Unborn Victims of Violence Act has come under vehement attack from pro-abortion groups such as NARAL, Planned Parenthood, and the ACLU. Even though the bill deals with acts of violence other than abortion, the pro-abortion lobby's ideology apparently compels it to deny the very existence of unborn human beings in any area of the law. Thus, during the 106th Congress, pro-abortion lawmakers proposed alternative legislation, the "Motherhood Protection Act" or Lofgren substitute amendment, which the House of Representatives rejected on September 30, 1999. This "one-victim" proposal did not mention the unborn child (by whatever name), but instead defined as an offense "interruption to the normal course of the pregnancy." This approach would have codified a falsehood—the notion that there is only one victim in these crimes. In the real world, however, when an unborn child loses her life in a criminal attack, the parents and society mourn the death of a separate individual, rather than viewing it simply as an additional injury to the mother.

Moreover, arguments in favor of the one-victim proposal are internally inconsistent and illogical. Supporters of the one-victim approach insist that when a criminal injures a mother and kills her unborn child, there has been only a compound injury to the mother but no loss of any human life—yet, the Lofgren Amendment would have imposed a penalty (up to life in prison) commensurate with loss of human life. Also, advocates of the one-victim approach argue that when a criminal assailant kills a pregnant woman, the assailant should receive double punishment: once for killing the mother and then again for depriving her of her "pregnancy"—but if there is only one victim, it is difficult to see why this would not be a duplicative criminal charge, since legally speaking a woman who has been murdered cannot herself suffer an additional "loss."

Some opponents of the bill have charged that the bill would punish harm to the unborn child "utterly ignoring the harm to the pregnant woman." Others have charged that the bill would "separate the mother from her fetus." These objections reflect misunderstandings or misrepresentations of how the bill is structured. In reality, the bill would allow the government to win a conviction for harm to an unborn child only if it first proves that the defendant violated one of the 70 or so enumerated federal laws with respect to the mother.

Some opponents of the bill have charged that it would allow defendants to be convicted without a showing of intent to do harm. This is false. Under the bill, it is necessary to prove beyond a reasonable doubt that a defendant had intent to do criminal harm, at least towards the mother. If such criminal intent towards the mother is proved, then the defendant also will be held responsible for the harm done to the unborn baby, under the doctrine of "transferred intent." As the House Judiciary Committee report (106th Congress) explained, transferred intent is a well-established principle in the law. (If a man shoots at a woman with intent to kill, and the bullet misses her, passes through a wall, and kills a child who the shooter did not know was there, he can be convicted of the murder of the child.) As the Minnesota Supreme Court ruled in upholding the Minnesota unborn victims law, "The possibility that a female homicide victim of childbearing age may be pregnant is a possibility that an assaulter may not safely exclude." [State v. Merrill, 450 N.W. 2d 318 (Minn. 1990)].

In order to win a conviction under the bill, it would be necessary for the prosecution to prove beyond a reasonable doubt that a human being (1) already existed, and (2) was "carried in the womb," which would be utterly impossible until after the embryo had implanted in the womb and sent out the chemical signals that announced his or her presence (i.e., after implantation). Moreover, even after the prosecution has met that burden, it must also prove beyond a reasonable doubt that a defendant's criminal conduct caused the death of the child in utero. The mere possibility or even the strong likelihood that a defendant's criminal conduct caused a baby's death would not suffice—the bill requires proof beyond a reasonable doubt.

National Right to Life legislative staff are available to discuss this issue with journalists and congressional offices. Please call (202) 626-8820, or e-mail to: Legfederal@aol.com. Extensive additional information on the federal bill and on state unborn victims laws is available at the NRLC website at www.nrlc.org/UnbornVictims/index.html.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motherhood Protection Act of 2001".

SEC. 2. CRIMES AGAINST A WOMAN—TERMINATING HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 934(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The SPEAKER pro tempore. Pursuant to House Resolution 119, the gentlewoman from California (Ms. LOFGREN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

This debate this morning has been interesting, but I think it is clear, and we need to be honest about it, that the debate and the underlying bill is about choice and it is about Roe v. Wade. That is why the National Right to Life Committee has vigorously lobbied for H.R. 503 and why the National Coalition Against Domestic Violence has lobbied actively against 503.

What we are doing here today is offering a substitute that we hope can bring both sides of the choice to come together in unity to protect pregnant women from violent assault when that assault injures or terminates their pregnancy.

The Lofgren-Conyers substitute does not threaten Roe v. Wade as the underlying bill does. I have heard a lot of the arguments made here this morning, but I think it is worth pointing out that redefining personhood legislatively for the purposes of the 14th amendment in this criminal statute may have the impact of allowing, even though certain activities are carved out of the bill, for prosecutorial purposes, it does not deal with civil actions.

Clearly the bill could outline the ability for guardians to be appointed for fetuses or even zygotes, and that civil action and injunctions could be based upon this bill. The Lofgren-Conyers substitute does not do that. We do not needlessly inject the abortion debate into the matter of criminal justice. This bill focuses on the harm to the pregnant woman and provides, we hope, a deterrence of violence against women and provides very tough penalties when that violence results in injury to the fetus or a miscarriage.

This bill is tougher, this substitute is tougher than the underlying bill; and I will give my colleagues just an example of how that would work. Each of the measures, both the underlying bill and the substitute, recites various Federal criminal laws as jurisdictional offenses. One of the sections, one of the predicate offenses is section 248 of Title 18, which provides for a scheme to deter violence against women and others who are entering clinics, health clinics.

Now, in my part of California, Planned Parenthood provides extensive health care services. They provide prenatal care, pediatric care, and the like. If a pregnant woman is trying to enter the Planned Parenthood clinic through the protesters in San Jose to get her prenatal care and is assaulted by one of the protesters and miscarries, under the H.R. 503, there would need to be proven an intent to cause that miscarriage or in the language of the bill kill the unborn child.

Under the Lofgren substitute, no such requirement is in place. If a miscarriage occurred, the full sentence of up to a life sentence could be imposed. In the case of the underlying bill, the maximum sentence that could be imposed without proving intent, which is very difficult to do, would be 1 year or, if bodily injury was not afflicted on the woman, it would be 10 years.

So we have a difference really with the substitute providing up to a life sentence and the underlying bill merely 1 or 10 years. I think that those of us who want to give a strong message to those who would assault women would prefer the life sentence.

This is stronger as well because it is constitutional unlike the underlying bill. I recently reread Roe v. Wade, something that I think all of us should do from time to time. Some of us had not read it since law school. It was good to be reminded in the language of the Justices, their consideration, first of the personhood of the fetus, but also the discussion of what can be regulated and when.

Clearly, and we all know this as people, the horrible situation of the woman who was assaulted, and she was 4 days away from delivery, and I do not want to get into the personhood argument, but she could have induced labor. She lost her child in my view, and that was a tragedy. Our bill would protect that. But it also protects something else. If one is 6 weeks pregnant, the substitute that we are offering provides the same level of protection as the poor woman who was assaulted in the picture that has been used several times today.

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Why is that? Those of us who have experienced a miscarriage understand this very essential truth. If a woman miscarries, whether it be from assault or from some other reason, that woman has lost one of life's great, great opportunities. A miscarriage is something that a woman never forgets, and it is a major life blow. Whether the woman is 6 weeks pregnant or 6 months pregnant, that loss is acutely felt by women who want to have a child, and it deserves the full penalty that the law can provide and up to a life sentence.

Mr. Speaker, I hope that we can come together on this substitute. Last Congress there were a number of Members of this House who are anti-choice who voted for the substitute, understanding that the penalties are indeed more severe and it would provide complete protection. I urge those individuals to do so again.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman from Ohio (Mr. CHABOT) claim the time in opposition to the amendment?

Mr. CHABOT. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 30 minutes.

Mr. CHABOT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the former chairman of the Committee on the Judiciary and the current chairman of the Committee on International Relations.

Mr. HYDE. Mr. Speaker, John Quincy Adams, in a famous summation to the Supreme Court in 1841, spoke on behalf of 35 Africans he represented in the historic Amistad case involving that slave ship. Adams told the Supreme Court they would not have a more important case before them because this concerns the very nature of man.

Mr. Speaker, today we confront the same issue only today it is the unborn whose humanity is being threatened, not the slaves. The question we are faced with is whether a preborn child has value; value sufficient to warrant protection in the law from a criminal assault, or whether the tiny, unborn infant is beneath protection, without value, without standing, without significance. Whether this little unborn is merely a randomly multiplying bunch of cells, a sort of tumor, like Shakespeare's sound and fury, signifying nothing.

A famous novelist, Saul Bellow, once wrote, "A great deal of energy can be invested in ignorance when the need for illusion is great." To rationalize the divesting of the little battered body of the unborn child, divest it of its humanity, its membership in the human family, is the ultimate indignity. My colleagues will not even call him a victim.

In the endless debate on abortion, the term "extremist" is hurled across the aisle. I cannot imagine a more extreme posture than to deny the humanity of the unborn. If you hold the view that the unborn child is without value, you have to explain why this House on July 25, 2000 voted 417 to zero to forbid the execution of a woman while she carries a child in utero. That pregnancy must have meant something. So the fact of a pregnancy makes a difference.

An obstetrician treats two patients when he treats a pregnant woman. Specialists perform fetal surgery of incredible complexity, heart surgery, spina bifida, exchange transfusions, all sorts of surgery to save that baby. How many times has a young couple exhibited proudly pictures of the sonogram? Tell these prospective parents their unborn child is without value.

Mr. Speaker, the Lofgren substitute dehumanizes the child in the womb. It echoes a line from a New York Times editorial yesterday, which cannot bring itself to describe the assault that kills a mother's child in the womb as anything more than "compromising a pregnancy." Have you ever heard a colder phrase describing the death from violence in the womb than "compromising a pregnancy." That is like saying a drug dealer is an unlicensed pharmacist or a bank robber is a holder not in due course.

Listen to the words of a famous obstetrician, Dr. Joseph DeLee, who wrote in the Yearbook of Obstetrics and Gynecology in 1940 as the world was about to be plunged into a bloody war, "At the present time when rivers of blood and tears of innocent men, women and children are flowing in most parts of the world, it seems almost silly to be contending over the right to live of an unknowable atom of human flesh in the uterus of a woman. No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us. That we, the medical profession, hold to the principle of the sacredness of human life and of the rights of the individual, even though unborn, is proof that humanity is not yet lost."

The need for illusion is too great to justify weeding out of the human race the unborn. A pregnancy has not been compromised. A baby has been killed. In the words of Willy Loman's wife, Linda, in "Death of a Salesman," "Attention must be paid." Support Graham, defeat Lofgren.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I would like to note for the House Chamber, I am here with my daughter-for-the-day, Laura Wasserman, who is sitting next to me, who is taking the place today for my four wanted children.

Mr. Speaker, I have borne children. I have also suffered a miscarriage; and I would like to say to the gentleman (Mr. HYDE) who just spoke before me who talked in terms of the Lofgren amendment dehumanizing the child, that the underlying bill dehumanizes the woman bearing the child, and I think that point needs to be noticed. We are talking about unborn children, and I take that very seriously. We are also talking about pregnant women who are bearing those fetuses that are about to become children. Mr. Speaker, I think attention must be paid to the mothers.

I rise in support of the amendment offered today by my friend and colleague, the gentlewoman from California (Ms. LOFGREN), which creates a separate Federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury to or the termination of a pregnancy.

If we are trying to protect pregnant women, let us protect them. Let us not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Mr. Speaker, I have read Roe v. Wade. It was a decision of the Supreme Court after I was a practicing lawyer. I knew Harry Blackmun, the late Justice Blackmun, who drafted Roe v. Wade and whose experience in this area came from his being general counsel to the Mayo Clinic. He carefully defined a framework in that decision that includes a definition of viability of the fetus. The underlying bill here would interfere with that definition and undercut Roe v. Wade.

Mr. Speaker, I urge support for this amendment and rise in opposition to the underlying bill.

Mr. Speaker, I rise today in strong opposition to H.R. 503, the Unborn Victims of Violence Act. Once again, opponents of choice are making an attempt to interfere with a woman's right to choose.

Supporters of H.R. 503 claim it increases punishments for individuals who commit violence against pregnant women. They claim it will help protect these women—however, the protection of the pregnant woman is never mentioned in the text of this bill.

Instead, the bill defines an unborn fetus as a person against whom a crime can be committed. It creates "fetal rights." Congress should not be involved in defining when life begins nor should it create "rights" for which we do not know the full repercussions.

I strongly support the alternative offered by my friend and colleague ZOE LOFGREN, which creates a separate federal criminal offense for harm to a pregnant woman and specifically punishes violence against her resulting in injury or the termination of a pregnancy. If we are trying to protect pregnant women, then let's protect them. Let's not insult the intelligence of women in this country by attacking their rights under the guise of protecting their unborn fetuses.

Roe v. Wade establishes a careful framework which includes a definition of viability of the fetus. H.R. 503 is a backdoor attempt to weaken Roe v. Wade and interfere with a woman's right to make her own reproductive choices.

Mr. Speaker, let's respect the women of this country. Let's not undermine a woman's Constitutional right to choose. Vote no on H.R. 503!

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that making reference to persons on the floor who are not Members of the House is not appropriate.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Lofgren substitute amendment would provide an enhanced sentence for a violent crime that causes an interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy. This substitute clearly must be opposed.

First, the substitute ignores the injuries inflicted by violent criminals upon the unborn. It appears to operate as a sentencing enhancement. A sentencing enhancement is when you get attacked and the attacker throws you down and hurts your arm, your leg and your back, too. The attacker's penalties gets enhanced by the additional penalties done to the victim. But I challenge anyone to sit back and reflect on the loss they would feel if they were a pregnant woman who lost her unborn child or a relative of that woman. Would the loss felt be the same as the loss of an appendix or pancreas? I think not. Would you feel the same regret you felt for a bone if a bone were broken or a slipped disk in one's back? Surely not.

The loss that a person would feel would be a distinct and a unique loss, and the criminal law should appropriately reflect that loss in a separate offense protecting the unborn children. It is our goal to protect them and the mothers in this instance. The law does not simply punish criminals. The law, and especially criminal law, embodies the judgment of civilized society. As such it must credibly and fully respect and reflect the magnitude of the loss felt when a woman loses her unborn child to violence. This can only be done by creating a separate offense to protect the separate unborn person.

Second, the substitute is hopelessly ambiguous. So ambiguous that it puts in jeopardy the prosecution of any criminal for violence against the unborn. The confusing verbiage in the substitute amendment is incomprehensible; and if adopted, it will almost certainly doom any prosecution for injuring or killing an unborn child during the commission of a violent crime.

The substitute amendment provides an enhanced penalty for "interruption to the normal course of the pregnancy resulting in prenatal injury, including termination and pregnancy." The amendment then authorizes greater punishment for an "interruption" that terminates the pregnancy than it does for a mere interruption of a pregnancy.

What is the difference between an interruption of a pregnancy and an interruption that terminates the pregnancy? Does not any interruption of a pregnancy necessarily result in a termination of the pregnancy; or have supporters of the substitute managed to find a way to place a developing human being in some sort of suspended animation.

Mr. Speaker, what does the phrase "termination of pregnancy" mean. Does it mean only that the unborn child died, or could it mean that the child was just born prematurely without suffering any injuries.

These ambiguities make the substitute almost impossible to make any sense of. But maybe this is not what the substitute does. It is so ambiguous that it admits of several readings. It is more like a bowl of tea leaves.

Subsection 2(a) of the substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. Yet the language of subsection 2(b) describes the additional punishment provided in subsection 2(a) as punishment for a violation of subsection (a), suggesting that subsection 2(a) creates a separate offense for killing or injuring an unborn child. Which is it? What is going on here? Let us not support a substitute that is more like a Magic 8-Ball.

This ambiguity is magnified by the fact that subsection 2(a) requires that the conduct injuring or killing an unborn child "result in the conviction of the person so engaging." So does this indicate a conviction must be obtained before the defendant may be charged with a violation of subsection 2(a); or does it mean that the additional punishment must be imposed at the trial for the predicate offense, so long as it is imposed after the jury convicts based on the predicate offense.

Mr. Speaker, is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply makes no sense except perhaps to criminals who will understand its significance crystal clear. They get away with the heinous crime.

Unlike the current language of the bill, the substitute stunningly contains no exemptions for abortion-related conduct, for conduct of the mother, or for the medical treatment of the pregnant woman or her unborn child. This omission leaves the substitute amendment open to the charge that it would permit the prosecution of mothers who inflict harm upon themselves or their unborn children, or doctors who kill or injure unborn children during the provision of medical treatment. This substitute as written is a magnet for a constitutional challenge.

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The substitute amendment also appears to mischaracterize the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes a death or a bodily injury to a child who is in utero at the time the conduct takes place.

The substitute amendment seems to transform the death of the unborn child into the abstraction "terminating a pregnancy." "Bodily injury" inflicted upon the unborn child appears to become "prenatal injury." Both injuries are described as resulting from an "interruption to the normal course of the pregnancy."

These abstractions ignore the fact that the death of an unborn child occurs whenever a pregnancy is violently "terminated" by a criminal. They also fail to recognize that a "prenatal injury" is an injury inflicted upon a real human being in the womb of his or her mother.

For example, if an assault is committed, for example, on a Federal employee, and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a "pregnancy." It is an injury to a human being. Our bill recognizes that. The substitute does not. The substitute is thus fatally flawed and must be rejected.

The substitute amendment is so poorly drafted and ambiguous that obtaining a conviction of a violent criminal under it will be almost impossible. The substitute amendment is also subject to constitutional attack because it contains no exemption for abortion-related conduct, for conduct of the woman, or for medical treatment. And finally the substitute amendment ignores the injuries inflicted by violent criminals upon unborn children, transforming those injuries into mere abstractions.

For these reasons, the substitute amendment should be rejected.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I would just note that the gentleman's analysis, I thought, was both confused and confusing. The bill is well-drafted. The reason why there is no carve-out for abortion is that so far abortion is not a crime in America. The bill is based on criminal conduct in the code.

Finally, I would just note that the gentleman may not know what a miscarriage is, but those of us who have had one do understand it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to express my wholehearted support for the Lofgren amendment and strong opposition to the underlying bill without that amendment. We must be clear on one thing. H.R. 503, the underlying bill, is a sneak attack on Roe v. Wade, and there is no question whether it would threaten a woman's right to reproductive choice. At the same time, this bill does nothing to address the real need for Federal measures to prevent and prosecute violent crimes against women.

Mr. Speaker, we all agree that the loss of a pregnancy through violence to a woman is a tragedy for the woman and for her family. That is why I urge my colleagues to vote for the Lofgren amendment. The Lofgren amendment recognizes that a crime causing the end of a pregnancy is a crime against the woman. If my colleagues truly care about women and children, vote for the Lofgren amendment and vote no on H.R. 503 if the amendment is not included.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank my friend from Ohio for yielding me this time.

Mr. Speaker, I rise today in support of holding criminals accountable for their actions that affect the unborn. The Unborn Victims of Violence Act represents a much-needed clarification of current Federal code to protect preborn children from violent crime.

Last year, the House voted 415–0 in favor of the Innocent Child Protection Act. That act prevents any U.S. authority from carrying out a death sentence on a pregnant woman. There is no difference between the rationale of that bill and this one. If you believe in protecting an innocent, preborn child when the criminal mother is to be executed, you should agree that we must protect an innocent, preborn child when its innocent mother is attacked.

This bill supports women who want to carry a child to term, and it gives law enforcement the right to penalize someone who criminally interferes with her ability to do so. This bill is pro-choice, if you will. The choice in this case has already been made by the mother to keep the child, and when a criminal act takes away that woman's choice, there should be legal remedies to mete out punishment for that crime.

I urge my colleagues to protect the rights of the unborn and all mothers who have chosen to carry a child to term. Support H.R. 503 and reject the substitute.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the Lofgren amendment.

I would like to point out to the gentleman from Oklahoma (Mr. LARGENT) that actually I want to hold criminals accountable for crimes against pregnant women. Twenty-four States have higher penalties for assault of a pregnant woman and, in Connecticut, for assault of an elderly person. That is right and justified. If that is what this bill, the underlying bill, did, I would strongly support it. It is what the amendment does and that is why I support the amendment.

The amendment imposes much higher penalties, even up to the death sentence, on people who assault a woman who is pregnant. But it does something else.

I do find it almost unbelievable that my conservative colleagues would advocate such a radical piece of legislation. This legislation is truly extraordinary, because it changes the fundamental concept of law that has governed America since its founding. What is radical about this bill is not that it wants to punish people who assault pregnant women; I want to do that, too. What is radical about this bill is that for the first time under our laws, it will define fetal personhood. The consequences are going to be extraordinary.

What happens if a woman has a miscarriage because she worked too hard, she stayed up late, she drove herself, she did not take care of herself, and she has a miscarriage? Is she going to be a murderer? That may not be in this bill, but let me tell you, it is the next one down the road. What if, for good reason, for health reasons, she has to have an abortion? What if the doctor says, you will not survive if you do not have an abortion? Is the doctor then a murderer?

That is the underlying goal of this bill. Do not hide it from yourself. If you vote for it, know that you are voting for a radical change in the American legal statutes.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, when a woman and a child are assaulted or, even more seriously than that, the child is killed, there are two victims. The problem currently with our law is that we only recognize one of those victims. That is the purpose of H.R. 503 and that is the problem with the substitute. It fails to recognize one of the victims.

The gentlewoman before me made reference to the foundational principles of this country. What is it that is unique, that defines America? Why is America a different nation than other nations? Why is it that people have chosen to immigrate here? I would suggest that a great deal of our unique character is found in a sentence that says, "We hold these truths to be self-evident, that all men are endowed by their Creator with certain inalienable rights." That is the purpose of our law, to create equal protection, because each life is important to us. That is a foundational American principle, and it is not currently in our law.

That is the purpose of H.R. 503. This substitute does not protect one of the victims of potential crimes, and that is the problem with the substitute.

I would urge my colleagues to vote against the substitute and to support the very foundational principle that America is based on, that all people deserve the protection of law.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentlewoman for yielding and for her leadership on this and so many other issues important to women.

Mr. Speaker, today in this Chamber we rise again to protect a woman's right to choose. Yes, once again. This full-scale assault on a woman's right to choose is dangerous and it is wrong. As a woman, I am deeply offended and angry.

First, President Bush reinstitutes the global gag rule as one of his very first actions in office. And now we have the Unborn Victims of Violence Act before us today. Where is the compassion for women?

I deplore acts of violence against women and stand as a strong advocate against domestic violence and domestic abuse. However, while this legislation claims to protect pregnant women, the reality is that it will harm women. H.R. 503 represents a direct attack on the Supreme Court ruling of Roe v. Wade, and therefore a woman's constitutional right to reproductive freedom. The National Coalition Against Domestic Violence has indicated that H.R. 503 would actually worsen the plight of women in domestic violence situations.

This substitute offered by the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) is equally tough on crimes against women without weakening our reproductive freedom. The substitute recognizes the pregnant woman as the primary victim of a crime. However, it also allows for further punishment if that woman's pregnancy is ended as a result of the attack.

If Congress wants to ensure safe pregnancies for both mothers and babies, we should be passing legislation to increase access to prenatal care and to support and strengthen WIC nutrition programs and food stamp programs. But, instead, we are once again forced to speak out to defend women's fundamental rights.

I urge my colleagues to recognize H.R. 503 for what it is, a misguided initiative, dangerous and harmful to women. I urge a no vote on H.R. 503 and support of this substitute.

Mr. CHABOT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we have once again heard this described as an assault on a woman's right to choose. I want to reiterate that the woman has made her choice to keep that baby. It is the criminal that took away that choice. We just want to punish that criminal more severely than he is under existing law.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

Mr. GRAHAM. I thank the gentleman for yielding me this time.

Mr. Speaker, the best way to describe how the substitute and the bill actually works in the real world is to tell a story that actually happened. You talk about an assault on Roe v. Wade; I am talking about a assault on Shawana Pace, an African American woman who lived in Arkansas. On August 26, 1999, she was kidnapped by three men, she was pregnant, she was near her due date, she had already named the baby Heaven once she got the ultrasound test back. She had a baby boy, and she had already named her unborn child Heaven.

Her boyfriend, the father, former boyfriend, paid three people $400 to kidnap her and terminate her pregnancy because he did not want to pay child support. They did that. They kidnapped her, they took her away. She is lying on the floor and they are beating her within an inch of her life, and one of them says, "Your baby is dying tonight." Strangely enough, she was pleading for her baby's life, not hers.

The good news in this story, if there is any, is that the three people plus the boyfriend, two of them are on death row in Arkansas because Arkansas, several weeks before, had passed a law recognizing the unborn child as a separate victim; and under that statute, the prosecutor was able to bring a murder charge, not enhance the punishment on the assault charge.

Now, I did not have the death penalty in this bill because I did not want to get into that debate, but if this had happened in Federal jurisdiction, there would have been no enhancing of the assault charge, there would have been a murder charge because that is what they were hired to do, that is what they did, and I think most Americans would want them to be prosecuted for murder, not play some game of enhancing punishment that ignores what really happened.

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They can do that without affecting Roe v. Wade. That is why I had so many pro-choice votes last time. One can be pro-choice and still support this bill. It happened before, and it is going to happen again today. Those people that were hired to do a terrible thing get the full force of the law because there is a statute on the books in Arkansas that is just like the one that I am trying to pass here in Congress.

Rae Carruth, NFL football player, hired a person to kill his pregnant girlfriend. She refused to have an abortion. He did not want to pay for the child. The hit man charged $5,000 for the mother and $5,000 for the baby, charged him twice.

Let us punish him twice. That is what this bill does.

The substitute is just an irrational way to deal with the unborn. We can have an honest, healthy debate about abortion rights. In my bill, I protect the right to have an abortion because it is the law of the land; but pro-choice and pro-life people should come together when the woman chooses to have the baby and put the full force and effect of the law against a criminal who is paid or otherwise takes that life away. They are not inconsistent.

It would be a better country if we passed this bill, and prosecutors will have more tools because if one takes the murder or assault charge off because they do not recognize the baby, the ability to fully prosecute that case is undermined, and I think most prosecutors would agree.

The gentleman from Pennsylvania (Mr. GREENWOOD) is my friend. He says this is an assault on abortion. It is not. In his State, they passed this same law using the same words in 1998.

People still have the Roe v. Wade rights in Pennsylvania, but people assaulting pregnant women face stiffer penalties and more punishment because of what Pennsylvania did.

Let us do this at the Federal level. Let us come together and make sure that people in the future who take money or otherwise assault a pregnant woman and destroy the unborn child are prosecuted to the fullest extent of the law, no excuses, no apologies.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to note that the Arkansas statute is inconsistent with the Supreme Court decision, Meadows v. State, in Arkansas, and I do hope that the monster who committed that heinous crime does not walk because the statute is unconstitutional.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), a former prosecutor and a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I am not going to attempt to speak on the unique tragedy and trauma suffered with the loss of a child. I think other Members have already spoken to that, and could speak to it with a passion of familiarity that neither I nor any other male Member of this Chamber could. Instead, I would like to speak as a former prosecutor, someone who for 6 years went into court and prosecuted a variety of Federal crimes, and has experience not only with the job of prosecuting those cases but also handling the inevitable motions, the appellate process, the habeas corpus petitions and all of the delays attendant to litigating complex issues.

This is a criminal justice bill. This is a public safety measure. Its ostensible purpose is to use the vehicle of the criminal justice system to deter attacks on pregnant women, to incapacitate those who would conduct them by lengthening the sentences, to bring about retribution on those who would commit such a heinous act. All of the purposes of the criminal justice system are served by both bill and substitute; but if one has to choose as a prosecutor going into court under one law or going into court on another, they would certainly choose to go into court under a law that is less subject to constitutional challenge and attack.

The bill, as it is drafted, using definitions like a member of the species Homo sapiens at any stage of development who is carried in the womb, invites, demands in fact, constitutional litigation. As a prosecutor, one can be assured in both motion and appeal to the highest courts of the land they will be required to litigate when life begins under the bill.

That is not required under the substitute. If it is our goal to give prosecutors that extra tool, as the gentleman from South Carolina (Mr. GRAHAM) mentioned, if it is our goal to allow prosecutors to take more vigorous action to have greater penalties at their beck and call to deter, to incapacitate, to bring about retribution for these crimes, let us choose a substitute which makes that possible without this unprecedented constitutional litigation.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I wonder if one would imagine with me an infant in a nursery in a hospital on life support. There is a terrorist bomb or an arsonist fire, and that infant and several others are killed. Can one imagine an argument that says that those babies that were not on life support were murdered but the baby on life support was not murdered?

Mr. Speaker, the preborn baby, in its mother's womb, is simply on life support through the umbilical cord. When a pregnant woman is killed, clearly two lives are snuffed out. There are two murders. When a woman is assaulted, sometimes with the intention of killing that preborn child who is simply on life support in her womb, indistinguishable from a baby just born, clearly that also is murder.

This legislation is long past due. Defeat the amendment. Support the base bill.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader in the fight for rights for women.

Mrs. MALONEY of New York. Mr. Speaker, I thank very much the gentlewoman from California (Ms. LOFGREN) for yielding and congratulate her for her extraordinary leadership on this issue and so many other issues before the committee protecting women.

Very simply, if one wants to punish people who attack pregnant women and injure or destroy their fetuses, then vote for the Lofgren substitute, because that is what it does. Its penalties are stricter. If, however, the goal is to declare fetuses to be separate people under the criminal code and to thereby further the right-to-life movement, then the underlying bill is what should be voted for. That is what the difference is about. The Bush administration is clearly in the camp of the right-to-life movement.

Mr. Speaker, I would like to place in the RECORD the statement of administration policy that clearly supports the underlying bill that erodes a woman's right to choose, knocks out one of the fundamental pillars under Roe v. Wade.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 503—UNBORN VICTIMS OF VIOLENCE ACT OF 2001 (REP. GRAHAM (R) SC AND 95 COSPONSORS)

The Administration supports protection for unborn children and therefore supports House passage of H.R. 503. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal offenses. The bill also would make substantially identical amendments to the Uniform Code of Military Justice. The Administration would strongly oppose any amendment to H.R. 503, such as a so-called "One-Victim" Substitute, which would define the bill's crimes as having only one victim—the pregnant woman.

Mr. Speaker, vote for the Lofgren amendment. Vote for a woman's right to choose and a reasonable approach to protect her and against the underlying bill.

Mr. CHABOT. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why is it that on the floor of the House on a very pleasant Thursday afternoon that so many intelligent and talented and gifted lawmakers, to whom so much has been given, are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed or otherwise mauled by an attacker?

Could it be that America's abortion culture, a culture of death, has so numbed our hearts and dulled our minds that we have become incapable or unwilling of recognizing the obvious? Could it be denial?

Amazingly, as a result of breathtaking breakthroughs in medicine, unborn children are today often treated as patients in need of curative procedures and healing, just like any other patient.

Is the concept of unborn child as victim really so hard to grasp, even when we are not talking about abortion, but assault by a mugger? Is it lacking in logic or courage or common sense or compassion? Have the soothing voices of denial by credentialed people, especially in medicine and the media, ripped off our capacity to think? Has the horrific specter of 40 million poisoned or dismembered babies, legally enabled by Roe v. Wade, robbed us of our capability to see and to understand and to empathize? Have unborn children now become mere objects, a dehumanizing and deplorable status that feminists once rightly rebelled against?

Does a mugger, Mr. Speaker, have an unfettered access to maim or kill a baby without triggering a response for a separate penalty for that crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women, and that is as it should be. Crafting such protections and penalties for perpetrators are among our highest responsibilities and duties as lawmakers.

Last year, I am happy to say, I was the prime sponsor of bipartisan legislation, Public Law 106-386, the Victims of Trafficking in Violence Protection Act of 2000, a $3.4 billion comprehensive package of sweeping new laws designed to protect women from violence at home and overseas.

Women who are victims of violence need every legal protection, appropriate shelter and assistance a caring society has to muster; but I would respectfully submit to my friends, so do children. A victim is a victim no matter how small. Why is it so difficult to recognize an unborn child as a victim who is all too capable of suffering trauma, disfigurement, disability or death?

Unborn children feel pain. Unborn children bleed and bruise easily. Unborn children are as vulnerable as their mothers to an assailant wielding a knife, a gun or a steel pipe. The amniotic sac is like a protective bubble, but it is not made of Kevlar. It pierces easily.

Earlier this week, Mr. Speaker, I met with Tracy Marciniak. Three years ago, her husband beat her and killed her almost full-term baby. The child, Zachariah, died from the bleeding; and this is what Tracy has said to all of us: "Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counterproposal known as the Lofgren amendment. I have read it," she said, "and it is offensive to me because it says there is only one victim in such a crime, the woman who is pregnant. Please hear me on this," she goes on to say. "On the night of February 8, 1992, there were two victims. I was nearly killed but I survived. Little Zachariah died," she goes on.

"Any law maker who is thinking of voting for the Lofgren one-victim amendment should first look at the picture of me holding my dead son at the funeral. Then I would say to that representative," she continues, "if you really think that nobody died that night, then vote for the one-victim but please remember Zachariah's name and face when you decide."

Vote for the underlying bill and against the substitute.

Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activities in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead?

Why is it, that on the floor of the House of Representatives on a pleasant Thursday afternoon in April, so many intelligent, talented and gifted lawmakers to whom so much has been given, are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed, or otherwise mauled by an attacker?

Could it be that America's abortion culture—a culture of death—has so numbed our hearts and dulled our minds that we have become incapable—or unwilling—of recognizing the obvious? Could it be "Denial" with a Capital D?

Amazingly, as a result of breathtaking breakthroughs in medicine, unborn children are today often treated as patients in need of curative procedures and healing just like any other patient. Is the concept of unborn child as victim really so hard to grasp—even when we are not talking about abortion, but assault by a mugger?

Have the soothing voices of denial by credentialed people—especially in medicine and the media—ripped off our capacity to think? Has the horrific specter of 40 million poisoned or dismembered babies legally enabled by Row v. Wade robbed us of our capability to see and understand and empathize?

Is it a lacking in logic, or courage or common sense or compassion?

Have unborn children become mere objects—a dehumanizing and deplorable status that feminists once rightly rebelled against?

Does a mugger—like an abortionist—have unfettered access to maim or kill a baby without triggering a separate penalty for the crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women. And that is as it should be. Crafting such protections—and penalties for perpetrators—are among our highest responsibilities and duties as lawmakers.

Last year, I was the Prime Sponsor of bipartisan PL 106–386,—"Victims of Trafficking and Violence Protection Act of 2000—a $3.4 billion comprehensive package of sweeping new laws designed to protect women from violence at home and overseas.

Women who are victims of violence need every legal protection, appropriate shelter and assistance a caring society has to muster.

But, I would respectfully submit—so do children. A victim is a victim, it seems to me, no matter how small.

Why then is it so difficult to recognize an unborn child as a victim who is all too capable of suffering serve trauma, disfigurement, disability or death? Unborn children feel pain; unborn children bleed and bruise easily; unborn children are as vulnerable as their mothers to an assailant wielding a knife, or gun, or steel pipe.

The amniotic sac is like a protective bubble, but it isn't made of Kevlar. It pierces easily.

Earlier this week, I met with Tracy Marciniak. A few years ago her husband beat her and her almost full term baby. The child—Zachariah—died from the beating. Her attacker was charged and convicted of an assault on Tracy. He did minimal time. No charges, however, were brought against the abuser for the crime—murder—he committed on Zachariah. Why? Because Zachariah had no legal value or standing—and could be killed with impunity.

Tracy has written:

> Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counter proposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the women who is pregnant.
>
> Please hear me on this: On the night of February 8, 1992, there were two victims. I was nearly killed—but I survived. Little Zachariah died.
>
> Any lawmaker who is thinking of voting for the Lofgren "one-victim" amendment should first look at the picture of me holding my dead son at his funeral.
>
> Then I would say to that representative, "If you really think that nobody died that night, then vote for the "one-victim" amendment. But please remember Zachariah's name and face when you decide.

Anybody who thinks there is no dead baby in this picture should vote for the "one-victim" amendment. But anyone who sees a grieving mother holding her dead son should vote for the Unborn Victims of Violence Act.

Mr. Speaker, under H.R. 503, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim—the unborn baby.

Of significance, 24 states have enacted laws recognizing unborn children as victims of violent crime. In upholding the Minnesota statute, the Minnesota Supreme Court said "Roe v. Wade does not protect, much less confer on an assailant, a third party unilateral right to destroy the fetus."

The Lofgren amendment, stripped of its surface appeal trappings and enhanced penalty has one pro-abortion strategic objective—Denial. Denial that an unborn child has inherent dignity. Denial that an unborn child has worth. Denial that an unborn child has innate value. How incredibly sad—and dangerous.

The Lofgren amendment must be rejected.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that the gentleman from New Jersey (Mr. SMITH) asked, is there unfettered access for a mother to maim her child at any time in the pregnancy? If one reads Roe, clearly post-viability, the ability to secure abortions is severely limited only to those cases where a woman's health is severely damaged. I think that that needs to be made clear.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time, and for her great leadership on this issue.

Mr. Speaker, I want to commend the ranking member of the Committee on the Judiciary as well for facilitating the Lofgren amendment coming to the floor.

It is masterful, it really is, because it answers the concerns that are posed by the proposers of the original bill to expand the penalty for those who commit violence against pregnant women, and it does so in a way that achieves that goal but is constitutional.

Mr. Speaker, we can all agree that acts of violence against pregnant women are reprehensible and should be punished. We all agree that acts of violence that harm a fetus are obviously unacceptable and repulsive to us. We can all agree that we must prevent violence against women whether pregnant or not.

The gentleman from New Jersey (Mr. SMITH), who just spoke, whom I hold in very high esteem, asked the question how could otherwise intelligent, caring people come to the floor and be opposed to this legislation that is being opposed by our colleagues on the other side? He said, could it be, he had a series of could-it-be's, that we could ignore violence against a pregnant woman?

□ 1345

But we are not ignoring it. The Lofgren amendment addresses it very directly without doing violence to the issue.

I urge my colleagues to vote for the substitute proposed by my colleague. The substitute would create a separate Federal criminal offense for harm to pregnant women, but would not confer new legal status on the fetus.

So I respond to my colleague, could it be that, as a woman, I know a little bit more about this subject than maybe he does? Could it be that as a mother of five, a grandmother of four, and hopefully more grandchildren to come, that I understand how reprehensible violence against a pregnant woman is?

But if that is the issue, the gentlewoman from California (Ms. LOFGREN) has responded to it. The bill on the floor is unconstitutional. It is a move to undo, which it cannot do, unless it is a constitutional amendment, but it is an attempt to undo Roe v. Wade.

In 1973, we all know the Supreme Court in Roe v. Wade stated that the unborn have never been recognized in the laws as persons in the whole sense. The Court specifically rejected the theory that grants personage to the fetus because it may override the rights of pregnant women that are at stake.

I urge my colleagues to accept the solution that is here, that addresses the problem in a constitutional way, and does not do violence to a woman's rights.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania, (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the underlying bill and in opposition to the Lofgren amendment. It does not, as is claimed by its supporters, accomplish the same goal that those who sponsored the original bill, the underlying bill, have. In fact, it does complicate and somewhat confuse the issue.

Claims have been made that are quite disingenuous regarding the underlying bill and also regarding the effectiveness of the proposed substitute. Firstly, the underlying bill is very clear about the violent act that must be committed against the pregnant woman. Although those supporters of the substitute claim that the pregnant woman is not recognized, she clearly is. Federal law recognizes violence against everyone as a crime, and enumerates a number of different crimes which would be the basis for the actual use of this proposal, H.R. 503.

The amendment does not refer to these particular laws. It in fact creates a separate offense which is unclear as to its effectiveness by prosecutors. The other legislation that has been on the books has been prosecuted many times. Those who were not even the intended victim of a crime would still be, those women, would still be victims, as a result of transferred intent. It is unclear in the substitute that that principle would be able to be used.

Mr. Speaker, I would implore my colleagues to quit hiding from the real issue. The real issue here is actual violence against women and children. The real issue is a way for us to actually prosecute a more severe crime when the woman is lucky enough to survive a dreadful assault, but the child is not.

Our goal here is to recognize reality. What our responsibility is here as Representatives is to recognize reality and to protect the citizens of the United States, the women who are victims and the children who are victims.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing the gentlewoman from the District of Columbia, I would like to note that the criminal offenses in H.R. 503 are exactly the same as those in the substitute, except that we do require prosecution and then a separate prosecution for the miscarriage.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am outraged at the use of old-fashioned abortion politics to get at a serious problem. Let me indicate just how serious the problem is. I participated recently in a press conference called by the American College of Nurses and Midwives here in the District of Columbia, now published in an AMA Journal.

In the District of Columbia, autopsies had been performed on pregnant women. What was discovered was that there were 13 homicides of pregnant women that had not been reported along with maternal deaths. These 13 unreported deaths accounted for 38 percent of pregnancy-associated deaths.

Now, these women had several things in common. They tended to be very young, 15 to 19; they were unmarried; they were murdered early in their pregnancy. There was no category in the FBI or accepted among the States to report these deaths. I have written to the FBI to ask that a category be created, and I have written to the GAO asking that a study be done of such deaths throughout the country, because clearly what we found here is nationwide.

What is our answer this afternoon? Our answer is a clearly unconstitutional bill that defines a fetus as a person, in direct in-your-face violation of Roe v. Wade. There is a real problem out there. That problem is here in the Nation's capital. It is in your districts as well.

The substitute, the Lofgren substitute, gives us an opportunity to do something about a horrible crime, rather than play the same old abortion politics we have been playing ever since Roe v. Wade. In the name of nameless murdered pregnant women, unnoted even in the crime records, let us seize the opportunity to pass a constitutional bill that will help eliminate a crime of immense and unspeakable seriousness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members and persons in the Chamber that it is the Speaker's policy that all audible devices be disabled before entering the House Chamber.

Mr. CHABOT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would say that I respect the right of the gentlewoman from California (Ms. LOFGREN) to take the position she does. But let me address it as a father myself of two beautiful daughters and an adopted son.

If my wife was attacked and she was pregnant, or my daughters, and they both survived, then I would support the enhancement clause that the gentlewoman is trying to put in here. If either my wife or the unborn child was killed, then I would want justice, not enhancement. As a father, to know that a child that I was going to have that would not be born in this life because of some criminal act, I feel that that is wrong.

In Bosnia there was a Muslim that offered a private a child and says, "Help me get my child to the hospital." On the way, the Muslim man said that, "Help me, private." The point is that they are all our children.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note that the Lofgren-Conyers amendment is not a sentencing enhancement measure; it is a second offense that is prosecuted and hopefully convicted in the case of heinous crime.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership, and the ranking member for his leadership as well.

This should be a debate, Mr. Speaker, about protecting women against violence, specifically about protecting pregnant women against violence, and the Lofgren amendment, the Lofgren substitute, does just that. It makes a new and very specific crime against violence to a pregnant woman that injures the fetus or terminates the pregnancy. That is the appropriate way to give such protection to pregnant women.

The underlying bill politicizes this issue. I do not think it is intended to politicize the issue, but it does, because it would give to the fetus a legal status that the courts nor Congress have ever given. It would give to the fetus the same legal status and a separate legal status from the woman, and that is the heart of the abortion debate. By writing their bill in such a fashion, they open up the whole floodgate to the very polarizing and politicized abortion debate that has not moved forward nor helped us deal with the issue at hand.

We should focus on potential injury to the woman, to violence to the pregnant woman, and pass the Lofgren substitute that is carefully written, that is constitutional, that is effective. It avoids the polarizing debate that prohibits us from solving this problem. The Lofgren substitute gets the job done. We should vote for it to protect women.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong opposition to H.R. 503. The Unborn Victims of Violence Act is the first volley this term by the anti-choice legislators to restrict a woman's right to choose. This bill would add to the Federal criminal code a separate new offense to punish individuals who injure or cause the death of a child which is in utero, regardless of the stage of development. It sounds innocuous enough, but in essence it is a sham.

No one would argue that an attack on a pregnant woman that results in a miscarriage or an injury is not a tragedy. As one of the most vocal leaders in Congress on behalf of women and families, I have spoken on this House floor numerous times to end violence against women and domestic violence of all sorts.

But that is not what we are talking about here today. H.R. 503 eliminates the mother from the picture. She is of no concern. Instead, it affords an embryo the legal status that should be hers as a human being. Precisely the goal that the authors of H.R. 503 and the National Right to Life Committee seek to achieve is reaching this status.

The supporters candidly admit that their purpose is to recognize the existence of a separate legal person, separate from its mother, before it is born. And supporters rejected a number of alternative tougher ways to address violence against the pregnant woman, each time citing the reason being that the alternative did not recognize embryonic personage.

Do not be fooled. This is an anti-choice bill disguised as a crime bill. I strongly urge my colleagues to vote for the Lofgren substitute which will provide the same penalties but does not separate the fetus from its mother.

Last Friday, the press reported that President Bush does not intend to launch a frontal attack on Roe v. Wade or let his Presidency become mired in this controversy. If that is true, then we hope that we will not see more of these bills. In the meantime, please vote for the Lofgren substitute.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that both pro-choice and anti-choice Members of this body will vote for the Lofgren-Conyers substitute. It provides stronger penalties and greater protections in the case of assault on a pregnant woman.

I note, and this is especially important to me and others who have spoken today from personal experience, that the protection will be to those who are in their 6th week of pregnancy, just as in their eighth month of pregnancy, and that is enormously important to us all.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Michigan (Mr. CONYERS).

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3¼ minutes.

Mr. CONYERS. Mr. Speaker, I wanted to thank my colleague, the gentlewoman from California (Ms. LOFGREN), for the splendid substitute that she has let me help her work on, that we hope will bring us all back together.

Just a couple of points: Please let everyone that is voting on this measure know that the substitute is not a penalty enhancement. Lofgren-Conyers is not a penalty enhancement. It provides a new and separate offense for harm to a pregnant woman that can cause injury or termination of her pregnancy.

□ 1400

It contains two separate offenses. We got that out of the way.

Okay, next. The substitute is tougher on criminals than is H.R. 503. Under the substitute, if a pregnancy is terminated, even unintentionally, the assailant can be sentenced to life in prison. By comparison, H.R. 503, the criminal must intentionally terminate pregnancy in order to get a life sentence. There is a big, big difference there.

Now, to the reality of the matter. Because the major bill, H.R. 503, undermines Roe v. Wade, the Senate is not going to take it up. The Senate is not going to take up H.R. 503. We must come to that reality. They did not take it up in the last Congress; they will not take it up in this Congress in its present form. So if my friends on the other side of the aisle really want to protect unborn children, they will join us in supporting the substitute. So we are begging that our colleagues put policy above the normal abortion politics.

Now, there is still the heart of the matter here that under the 14th amendment, as provided in Roe, "person" as used in the 14th amendment does not include the unborn. We cannot change that. We are not here to change it today. In the 28 years since Roe, the Supreme Court has never afforded legal personhood to a fetus. So in the name of all of the women and the men in this country that support a woman's right to choose, please join with me in supporting the Lofgren-Conyers substitute. We think it would be a beautiful day forward, and we will give this bill the life that it needs to go to the other body.

Mr. Speaker, I urge the support of the substitute and the rejection of the base bill, H.R. 503.

Mr. CHABOT. Mr. Speaker, I yield myself 15 seconds. Once again, we keep hearing the term, "a woman's right to choose"; and I just want to say again that the woman chose to have the baby, it is the criminal that took away her right by killing her baby. And we are just trying to make it tougher on those criminals and to make the penalties much tougher and make it a separate offense if they take that child's life or harm that life.

Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM), a proponent of this bill.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I respectfully disagree with the gentleman from Michigan (Mr. CONYERS), my good friend. I am asking my colleagues to vote against the substitute and for the underlying bill.

When one writes a bill that says you cannot prosecute someone under the bill who is performing a lawful abortion, you can never prosecute the mother for any of her conduct, you cannot prosecute medical providers, one would think it would not be about abortion. But some people want to talk about that, and that is politics. That is okay. That is the way politics works.

I want to talk about the law and common sense. If one is a prosecutor and can pick between the substitute and my bill, I think every prosecutor I know of would pick my bill, because you could really have the full force and effect of the law against the criminal.

Abortion rights are not going to be enhanced by voting against my bill and for the substitute. The only person that wins is the criminal. In the Arkansas case, she was begging for her baby's life and the criminal was saying, "Your baby is dying tonight." Let us get together as a Congress in saying, once the woman chooses to have the baby and she is assaulted by a criminal who is paid to terminate her pregnancy through beating her and her baby to death, that that is a crime, not a fiction.

She is begging for the baby's life; the man is saying, "I am going to take your baby away from you tonight." Let us have a statute that allows that person to be prosecuted for what they intended to do, and that is, kill the unborn child; and in that statute, you protect Roe v. Wade rights.

The pro-choice people who voted for my bill last year, thank you. You can be pro-choice and not pro-abortion. People say that it is possible. This is a case of being pro-choice, but not being pro-abortion because there is no reason to let the criminal go or diminish their punishment with a poorly drafted substitute, simply because one is worried about abortion when it is not covered by the bill.

Let us focus our energies on putting criminals in jail when the mother chooses to have the baby. America will be better, prosecutors will have better tools, and we can go home and look pro-life and pro-choice people in the eye and say, Congress responded to a very serious event in a very logical way.

Please vote for the bill and against the underlying substitute. A lot is at stake. America will be better if we could pass this bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Lofgren substitute. Unlike the underlying bill before the House today, the substitute truly addresses the serious issue of violence against women and would impose stricter penalties for causing harm to a fetus or forcibly terminating a pregnancy than exist today.

Surely if we can find common ground on nothing else, we should all be able to agree that crimes against women that cause the loss of a pregnancy are tragic and deplorable acts. These crimes ought to be punished severely.

The fundamental problem with the underlying bill is that it ignores where and when these crimes most often occur. H.R. 503 establishes criminal punishments for those who harm a fetus while committing any one of 68 specified federal crimes. The difficulty with this approach is that few of these crimes are actually tried in federal court, and many of the listed offenses are unlikely to result in harm to pregnant women. For example, how many pregnant women are impacted each year as a result of transactions involving nuclear materials? How many pregnancies are lost each year due to assaults or kidnappings of Members of Congress, the President's cabinet or members of the Supreme Court? The answer is: not many.

At the same time, the bill is completely silent on the much more prevalent problem of domestic violence. It is estimated that domestic violence victimizes one million women a year. How can we discuss punishment of violence against pregnant women and ignore the crimes where this violence most often occurs?

The Lofgren substitute, on the other hand, creates legal protection that truly helps women and punishes violence resulting in injury or termination of a pregnancy. It provides for a maximum 20-year sentence for injury to a women's pregnancy and up to a life sentence for violent conduct against a woman that interrupts or terminates her pregnancy. It makes it a federal crime. The substitute focuses on the harm to the pregnant woman, providing a deterrent against violence.

I urge my colleagues to support the Lofgren substitute and oppose the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to H.R. 503, "Unborn Victims of Violence Act of 2001." I am pleased that the "Lofgren Substitute" to H.R. 503, the "Unborn Victims of Violence Act of 2001," brings the real issue of who is victimized in clear fashion. The substitute would replace the term "unborn children" where it appears in the appropriate places throughout the bill with "violence during pregnancy." The result of my amendment would essentially ensure that the legislation recognizes the pregnant woman as the crime victim, not the "unborn child."

The substitute seeks to address what I believe is a veiled attempt to create a legal status for the unborn. While I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others, I believe, however, that H.R. 503 would obscure the rights of women. The substitute would prevent this legislation from opening the door to future legislation by which a woman could be held civilly or criminally liable for fetal injuries caused by behavior during her pregnancy that might have potentially adverse effects on her fetus including failing to eat properly, using prescription, nonprescription and illegal drugs, being exposed to infectious disease, engaging in immoderate exercise or sexual intercourse or using general anesthetic or drugs to include rapid labor during delivery.

A new status of "human-ness" extended to the unborn fetus of a pregnant woman creates a situation of constitutional uneasiness. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus. This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present. Thus, disenchanted husbands and relatives would be able to bring suit who exercises her right to choose.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

I urge my colleagues to vote in favor of the Lofgren Substitute. We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 119, the previous question is ordered on the bill and on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 229, not voting 6, as follows:

[Roll No. 88]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Capps
Lantos
Leach
Meek (FL)
Moakley
Roybal-Allard

□ 1427

Messrs. YOUNG of Alaska, CRENSHAW, WHITFIELD, GILCHREST and PORTMAN and Mrs. JONES of Ohio changed their vote from "aye" to "no."

Mr. ROSS changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 172, answered "present" 1, not voting 7, as follows:

[Roll No. 89]

YEAS—252

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Blunt

Boehner
Bonilla
Bonior
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Condit
Conyers
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Roukema
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Rush

NOT VOTING—7

Capps
Jones (OH)
Lantos
Leach
Meek (FL)
Moakley
Roybal-Allard

□ 1447

Mr. BONIOR changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, I originally voted "yes" on rollcall 88. I then walked to the well thinking I was voting on 89 and I voted "no". Therefore, my vote on 88 was changed to "no" and I was not recorded on 89. I intended to vote "no" on rollcall 89.

Mr. LANTOS. Mr. Speaker, due to a longstanding commitment to deliver a graduation commencement address, I am unable to be present to vote against H.R. 503, the Unborn Victims of Violence Act today. Had I been present I would have voted "no" on final passage of H.R. 503 because this legislation is an attack on a woman's right to choose.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not present on rollcall Nos. 88 and 89 due to a recent death of a close friend. Had I been present, I would have voted "aye" on rollcall No. 88 and "nay" on rollcall No. 89.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 503, UNBORN VICTIMS OF VIOLENCE ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 503, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1051

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent, pursuant to clause 7 of rule XII, that my name be deleted as a cosponsor of H.R. 1051. My name was inadvertently added to this bill in a clerical error by committee staff.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

JOELLE RICE RETIRES AFTER 34 YEARS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today I want to thank Joelle Rice, the assistant manager of the cloakroom, who is retiring from the Hill after 34 years of dedicated service. Joelle is responsible for making this House run smoothly. Day after day, Joelle keeps Members and staff up to date on what is happening on the floor. She lets us know what we are voting on, what time we are voting, and what time votes will end. Members have relied on her for years for good information; and no matter how busy she is and no matter how many phones are ringing off the hook, she delivers.

Thank you, Joelle, for all that you have done for us. You have served this Congress well. Joelle, we wish you and your husband, Wes, the best in your future years together. Thank you.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, thank you for yielding. On behalf of us as individual Members, and even more importantly our offices, as Members go through the day all day long every day trying to find out when we are going to vote. All of our staff and all of us as Members talk to Joelle or others in the cloakroom on an ongoing basis from morning until late at night. As a Member who has been here for 10 years and on behalf of my staff who talks to her often, Joelle has been an invaluable asset to make our lives work, to make sure that we are here when we need to be here, and I know how much all of the staff across the street and all of the Members appreciate her worthwhile efforts.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I want to rise on behalf of all of the Members on this side of the aisle. Joelle works for the majority. She used to work for the minority, and I was in the majority. Joelle and I have switched places. And I have been here 20 years, so I have known Joelle for a long, long time. I think I speak for everybody on our side of the aisle, Mr. Speaker, that she is perhaps not equally, because I do not want to get her in trouble with the majority, but she is very helpful to us, always courteous, always with a good word, always cheerful, and has made this institution a better place.

Mr. Speaker, on behalf of all of us on this side of the aisle, she has operated in a nonpartisan, bipartisan, efficient and effective way to make this institution run better; and we all join, Mr. Speaker, in congratulating her and thanking her for her service to this institution and to her country.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to join the Speaker for taking this time to honor Joelle Rice, who has been of invaluable assistance to so many of us with her warm personality and always willing to be of help. We are going to miss Joelle. She is not only married this year, but now retiring. We wish her health and happiness in her years ahead.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may close this and if I may dare speak for the body, Joelle, we wish you Godspeed; and in the best spirit of a Texas country western song, let me say, we miss you already, and you are not even gone.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purposes of informing us of next week's schedule, I am pleased to yield to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, May 1, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Member's offices tomorrow. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday, May 2, and Thursday, May 3, the House will consider the following measures, subject to rules: H.R. 10, the Comprehensive Retirement Security and Pension Reform Act; and H.R. 1088, the Investor and Capital Markets Fee Relief Act.

Mr. Speaker, this week the House and the Senate appointed conferees for the Budget Resolution. Members should be advised that the Budget Resolution Conference Report may become available for consideration in the House at some point next week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for giving us that information. I understand that the gentleman said that we are going to conference on the budget. We are not sure when it is coming back.

Mr. Speaker, does the gentleman have any guess as to whether, if it comes back, it will come back Wednesday or Thursday?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, obviously we intend to do the Comprehensive Retirement Security Act on Wednesday. That is fairly well scheduled. What we would want the House to do is act on that conference report any day, and I think one would realistically have to expect it may be Thursday before it comes back. Members will be concerned about their travel arrangements; and as has been our convention, Thursday is a day we return to our districts for work. And Thursday we will be out no later than 6 p.m. that evening.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEY), the majority leader, for that information.

ADJOURNMENT FROM FRIDAY, APRIL 27, 2001, TO TUESDAY, MAY 1, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, April 27, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 1, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, May 1, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 2, 2001

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 1, 2001, it adjourn to meet at 9 a.m. on Wednesday, May 2, for the purpose of receiving in this chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PLATTS. Mr. Speaker, I ask unanimous consent that the business in order under the calender Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

OUR LADY OF LOURDES ACADEMY PLACES FIRST IN "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" COMPETITION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, once again students from Our Lady of Lourdes Academy, a school in my congressional district, came to Washington, D.C. for an outstanding performance in the national "We the People . . . The Citizens and the Constitution" competition. Our Lady of Lourdes Academy represented Florida proudly, and for the second consecutive year, placed first out of 50 competing schools from every State in the Nation.

I warmly congratulate Katherine Almon, Yvette Cordova, Anna Fedak, Lauren Fernandez, Roxanne Flint, Cristina Garcia, Rebecca Gidel, Jacqueline Koch, Natalie Ladd, Alina Lopez, Stefanie Lopez-Boy, Kristina Maranges, Natalie Merino, Arianne Plasencia, Cristina Rosell, and Elizabeth Velez.

With the help and guidance of their teacher, Rosie Heffernan, these young ladies demonstrated vast knowledge and understanding of U.S. history, as well as the fundamental principles and values of our constitutional democracy.

I ask that my colleagues in the U.S. Congress join me in commending these fine young girls and their teacher for their participation in this program and for an outstanding victory and achievement this year.

EXPRESSING SENSE OF CONGRESS IN SUPPORT OF NATIONAL CHILDREN'S MEMORIAL FLAG DAY

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the concurrent resolution (H. Con. Res. 110) expressing the sense of Congress in support of National Children's Memorial Flag Day, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of National Children's Memorial Flag Day and encourage national, State, and local agencies and private organizations to recognize the Children's Memorial Flag. This year all 50 States, plus the District of Columbia, will either fly the flag or recognize it in an appropriate manner.

Mr. Speaker, every year in the United States, thousands of children die unnecessary deaths. Of these children, three a day die from physical abuse or neglect, and unintentional accidents are the leading cause of death in those children ages 1 to 14. Of children who died of abuse and neglect in 1996, 86 percent were under the age of 5, nearly 40 percent were less than a year old. Our children are our future.

Mr. Speaker, this is the reason that I support the National Children's Flag Day and would encourage my colleagues to do the same and hope that this raises the recognition that we should take as a Nation to ensure the safety of our children.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I rise in strong support of this resolution.

Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Kentucky and the gentleman from California for joining me to show our support for National Children's Memorial Flag Day. The fourth Friday of every April has come to be known as National Children's Memorial Day. This is a day to remember the children we have lost to violence and to raise awareness about the continuing problem of violence against children. It is a day to fly the Children's Memorial Flag in remembrance. This flag depicts six figures of children holding hands, and in the middle is a chalk outline of one child. This chalk outline symbolizes the devastating loss of lives.

Almost daily we are reminded of the violence that plagues our children and the Nation. The statistics are startling. Among the 26 richest nations, the United States accounted for 73 percent of the homicides in which a child was the victim. Three children a day die as a result of child abuse or neglect. Too many children are lost to violence. So many of these deaths are preventable.

□ 1500

I want this day to remind us that we must do a better job of keeping our children safe. Children are the most vulnerable members of our society. We as a nation have an obligation to guide and protect them. We all must work together to end the violence against our children.

Tomorrow, all 50 State governments and the District of Columbia will participate in National Children's Memorial Flag Day. Many States are flying or displaying the children's memorial flag on or near their State capital. Other States are participating by issuing proclamations.

In Nevada, because of the diligence of Donna Husted of the Children's Advocacy Alliance, the children's memorial flag is being flown over the Nevada State capital, the Nevada Department of Child Protective Services, City Hall in Las Vegas, the Clark County government building, and the Clark County Child Protective Services building. I commend Donna Husted for her efforts and thank her on behalf of all the loved ones of the children we have lost.

This day is a community effort, a community effort that involves everyone. It crosses racial and ethnic lines. It crosses religious lines. It crosses party lines. I encourage all of my colleagues to support the goals of National Children's Memorial Flag Day. It is a day to remember, to remember the innocent lives we have lost.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her statement.

Mr. STARK. Mr. Speaker, I am pleased to join with my colleague SHELLEY BERKLEY to support this concurrent resolution that honors National Children's Memorial Flag Day.

This concurrent resolution supports the commemoration of the 4th Friday of each April as National Children's Memorial Flag Day. In addition this resolution encourages national, State, and local agencies and private organizations to fly the Children's Memorial Flag to remember the children lost to violence and to raise public awareness about the continuing problem of violence against children.

I support this resolution nationally because of its successful observance in my Congressional district. In 1996, the Alameda County Board of Supervisors adopted the Children's Memorial Flag Project, and established a National Children's Memorial Day on the fourth Friday in the month of April to remember children who have died by violence. I want to commend Supervisor Gail Steele of Alameda County for her tireless work and dedication to get this resolution adopted. In addition, the California Assembly formally declared the fourth Friday in April as a statewide annual observance day. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally.

This Congressional resolution is particularly timely in the wake of the two school shootings in California at Granite Hills High School in El Cajon, California and Santana High School in Santee, California. Unfortunately, acts of violence against children happen far too often. According to the Child Welfare League of America, three infants and children die from abuse and neglect in the U.S. each day, and ten children die a day as a result of gun violence. In fact, more children lose their lives to criminal violence in the U.S. than in any of the 26 industrialized nations of the world.

We have lost far too many children in violent, preventable deaths. I encourage my colleagues in Congress to work with renewed resolve to ensure that our children have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my fellow members to support the National Children's Memorial Flag Day concurrent resolution through unanimous consent.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 110

Whereas among the world's 26 richest nations, the United States accounted for 73 percent of child homicide victims;

Whereas at least 3 children a day die from physical abuse or chronic neglect in the United States;

Whereas April has been designated as National Child Abuse Prevention Month, an annual tradition started by President Jimmy Carter in 1979; and

Whereas the fourth Friday of each April is National Children's Memorial Flag Day, when many State and local governmental agencies and private organizations fly the Children's Memorial Flag to remember children lost to violence and to heighten public awareness of the need for communities to help vulnerable children and families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports National Children's Memorial Flag Day; and

(2) encourages national, State, and local agencies and private organizations to fly the Children's Memorial Flag—

(A) to remember children lost to violence; and

(B) to raise public awareness about the continuing problem of violence against children.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 110.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER of Maryland,
Mr. CARDIN of Maryland,
Ms. SLAUGHTER of New York,
Mr. HASTINGS of Florida.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 14 U.S.C. 194(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. TAYLOR of Mississippi.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON H. CON. RES. 106, COMMENDING THE CREW OF THE U.S. NAVY EP–3 FOLLOWING THE ACCIDENT WITH A CHINESE AIRCRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to commend the crew of the U.S. Navy EP–3 aircraft for their outstanding performance of duty following the collision with the Chinese F–8 fighter on April 1 and during their subsequent detention by Chinese authorities on the island of Hainan, China.

I want to make several points about this incident. First, our plane and its crew did nothing to precipitate this incident. They were flying straight and level, on autopilot, at a slow speed in international airspace. They were performing a routine and legitimate reconnaissance and surveillance mission similar to those performed by many other countries around the world.

It was the Chinese jet that flew in front of and dangerously close to our EP–3 aircraft. It was the Chinese pilot who displayed poor and unprofessional airmanship, causing his plane to collide with ours. To me, it is simply implausible to suggest a slow and level flying multi-engine turboprop airplane could fly into a fighter jet aircraft. I do not think there is any question about who was really at fault in this accident. It was the Chinese pilot.

Once the collision occurred, our pilot and crew did everything they could do. They transmitted multiple "Mayday" signals to alert others to their in-flight emergency. They tried to alert the Chinese that they would have to divert for an emergency landing in China. And our plane landed on Hainan Island only because it was an emergency.

Our pilot and crew deserve high praise for safely landing the aircraft despite severe structural damage and in attempting to follow procedures to minimize the compromise of sensitive national security information. They also deserve credit for behaving so professionally during the 11 days they were detained against their will by Chinese authorities.

Beyond the crew and this incident, there are also broader issues here about which we should all be concerned. I refer, of course, to the Chinese demand that the United States should cease reconnaissance and surveillance flights off the coast of China. We should not. Our flights are lawful and are carried out in international airspace and are important to the national security of the United States. Moreover, the Navy EP–3 aircraft should be returned. It is clear under international law that under the circumstances under which this collision and the emergency landing of our plane occurred, the Navy EP–3 airplane is the property of the United States. It should be returned to us.

Finally, if Chinese aircraft continue to intercept and employ aggressive tactics against our airplanes when we resume our reconnaissance surveillance flights, as we surely will, they run a grave risk. They run the risk of jeopardizing the important relationships that now exist between the United States and China. Despite ideological and governmental differences between the governments of our two countries, the last several years have shown that our countries can get along and have beneficial relationships, cultural, educational and economic.

The Chinese Government should realize that the beneficial relations that now exist between our countries could deteriorate if they continue to harass our airplanes when we are operating lawfully in international airspace.

I have introduced a resolution, H. Con. Res. 106, that expresses my commendation of the crew of the Navy EP–3 aircraft for the exemplary performance of their duties. The resolution also expresses the sense of Congress that reconnaissance and surveillance flights should continue, that our plane should be returned to us, and that continued interception of our flights may have broader political consequences. I invite Members of the House to cosponsor my resolution.

Mr. Speaker, Americans are immensely proud of the 24 members of the EP–3 crew and share the joy of their families and friends on the crew's safe return to the United States. Our men and women in uniform make personal sacrifices and take great risk every day to keep our Nation free. We should not take them for granted. In this case, we should all be grateful that the 24 service members of the Navy EP–3 have returned safely. I applaud them for their professionalism and performance of duty under most arduous circumstances.

HUMAN CLONING

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to speak on the issue of human cloning.

What would it be like if we had five Michael Jordans to suit up an entire team? Or what if there were two of you to accomplish more in a 24-hour day? The prospect of human cloning has been the stuff of science fiction novels for years. However, on February 27, 1997, Ian Wilmut from the Roslin Institute in Scotland cloned Dolly the sheep, a feat which has triggered international debate on the issue of human cloning. Since that time, scientists have cloned mice, cows and pigs. Richard Seed announced he would clone a human being.

President Clinton called for a 5-year moratorium on human cloning and advised the National Bioethics Advisory Commission to review human cloning. They recommended that cloning humans for reproductive purposes is unsafe and unethical. I would certainly agree.

If you speak to Dr. Wilmut, he will tell you that they had something on the order of 230 or more attempts to produce Dolly, with most of those attempts ending in miscarriage, but many, many of them resulting in the birth of sheep with very, very severe birth defects. To even consider doing such a procedure for the purpose of creating a human being is immoral and unethical in the worst possible way. However, cloning technology is available that could allow biotechnology companies and researchers to produce human embryos in the lab.

This issue of cloning human embryos, I must stress, is not an issue of fetal tissue research or an issue of stem cell research. It is an issue of cloning human embryos. This year, Panos Zavos of the University of Kentucky and his Italian colleague, Severino Antinori, have begun the work of creating a global consortium for the purpose of producing a human clone. Dr. Brigitte Boisselier, the Director of Clonaid, which has part of the Raelian extraterrestrial movement attached to it, has stated that they have already been offered substantial sums of money to begin the process of working on developing children through the process of human cloning.

I believe the time now is right and the time is ripe for the Congress of the United States to act, and that is why I have introduced legislation today that would make human reproductive cloning, as well as embryonic cloning, illegal in the United States of America.

Now, I want to stress that some people who favor embryonic cloning like to refer to this as therapeutic cloning. Indeed, this term has already been established in the press. I have had two reporters bring this issue up. Therapy implies that there is some sort of useful purpose for these embryonic clones. I would assert that if you look at the medical literature, there is no defined therapeutic purpose for cloning human embryos today in science. Therefore, this term is a misnomer.

The proper term is destructive cloning, or embryonic cloning, the cloning of a human embryo, the cloning of a human embryo for the purpose of just merely doing research on it and then further to proceed to just simply destroying it, or destructive cloning.

□ 1515

I think this process displays a profound disrespect for human life, and it needs to be made illegal in the United States of America.

Many countries in Europe have already taken action on this issue and have made human cloning illegal. This is what my bill attempts to do. The bill has been introduced in the Senate as well by the Senator from Kansas, SAM BROWNBACK.

I would encourage all of my colleagues to consider seriously getting much more well informed on this issue and signing on to my legislation. It is timely. It is right. We need to do it.

VICTIMS OF ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker: Sarkis Papazian, Elizabeth Khatchadourian, David Khatchadourian, Haroutiun Barseghian, Annik Mugurdichian, Mari Zadoian, Ghazar Ghazarian, Zkon Chouldjian, Takvor Kazandjian, Hagop Kazandjian, Avedis Aghjayan, Garabed Garabedian, Tavriz Garabedian, Shoushanig Garabedian. These are a few, a precious few, of the more than 1.5 million men, women, and children who lost their lives in the first genocide of the 20th century.

Ardeni Gureghian, Nazeni Kalustian, Antoine Kalfayan, Antranig Antoian, Rouben Gureghian, Anoushig Antoian, Mardiros Alemian, Haigaz Alemian, Hampartz Alemian, Caloust Alemian, Shmavon Tetezian, Sirpouhi Nahabedian Tetezian: 1.5 million people whose lives were as precious to them as our lives are to us, who loved their children and were loved; who aspired for a better life just as we aspire for a better life for ourselves and our families.

Nahabed Nahabedian, Hampartzoum Tetezian, Sarkis Tetezian, Kourken Tetezian, Marnos Meneshian, Hovnan and Knar Neneshian, Aghavni Meneshian, Elmast Meneshian, Voski Meneshian, Mgerdich Meneshian. Pray for us, they would say, as Ambassador Morganthau recalls in his memoirs; pray for us, they said as they left their homes, homes in which they had lived and their ancestors had lived for 2,500 years. We will not see you again in this life, they said, but we shall meet again. Pray for us.

Kevork Meneshian, Hampar Meneshian, Eknadios Meneshian, Hripsime Meneshian, Senekereem Meneshian, Edmund Kalfayan, Boghos Arzougaldjian, Flor Megerdichian, Ohanes Nigoghosian, Karekin Sherestanian. This administration, our administration, the U.S. administration, prides itself for being plain spoken, for not engaging in the diplomatic nuances that often make a moral judgment, a moral position of a nation ambiguous.

Then let us be plain spoken. Let us call genocide, genocide. Let us not minimize the deliberate murder of 1.5 million people by the Ottoman Empire. In this Congress, in this administration, let us be frank. By acknowledging the first genocide of the 20th century, we will give the families of the victims the justice and the peace that all the principles of humanity require.

Krikor Zohrab, Vartkes Serengoulian, Siamanto, Daniel Varoujan.

YORK COUNTY SCIENCE FAIR WINNERS AND DELTA-CARDIFF VOLUNTEER FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

Mr. PLATTS. Mr. Speaker, I rise today in honor of four of my constituents from back home in Pennsylvania who were recently recognized for their outstanding achievements. The first two constituents are young women who have demonstrated true educational excellence in the areas of science and engineering, while the second two constituents are gentlemen who have dedicated most of their lives to community service.

It brings me great pleasure to bring the accomplishments of these four individuals before the United States House of Representatives and our Nation.

Earlier this year, two students, Jessica Brillhart, a sophomore at Dallastown Area High School, and Anne Jensen, a sophomore at York Suburban High School, my alma mater, were named co-grand champions in the York County Science and Engineering Fair.

Jessica Brillhart won her prize for a project called "The Sound of Music." Jessica picked ten categories of music ranging from classical to heavy metal in 20 noises, such as a dog barking, a chandelier tinkling, and water rushing.

She matched each musical style with the noises possessing similar sound waves. A survey of 35 individuals then proved that there was, in fact, a correlation between the noises that people found pleasing and their favorite music.

Anne Jensen won the co-grand champion status for her project called "Haze and Ground Level Ozone." Anne constructed a haze monitor to measure the amount of sunlight that filters through the atmosphere. She determined through calculations based on the results of the monitor that haze and the amount of ground-level ozone were not directly proportional, contrary to her original hypothesis.

Nevertheless, the haze monitor turned out to be a very impressive and complex piece of machinery.

Both Jessica and Anne will now be going to California to compete in an international science fair against 1,200 other students from throughout our Nation, as well as 40 other nations around the world.

Jessica's and Anne's ingenuity, inventiveness, and imagination are certainly worthy of much praise. I proudly congratulate these outstanding young citizens on their grand champion success at the York County Science and Engineering Fair.

Mr. Speaker, I also recently had the honor of attending the Delta-Cardiff Volunteer Fire Company's annual banquet. At that event, I was pleased to join with the fire company's president, Mr. Bill Griffith, and many other citizens there that evening in honoring two dedicated individuals, Mr. John Williams and Mr. Ralph Morris, for going above and beyond the call of duty.

John Williams, a retired Federal employee, has served as a member of the volunteer fire company for 65 years. That is correct, he has been a member of that volunteer fire company for 65 years. During that time, he has held just about every office possible: ambulance captain, chief, treasurer, and has served as a member of the board of directors. He also served as president of the fire company for 20 years.

Mr. Williams currently serves as an administrative adviser and is every bit as active today in the operation of the fire company as he has been in the past. He resides in Delta, Pennsylvania, with his wife and two grown sons, who are also active volunteers.

Mr. Speaker, I am also proud to recognize the dedicated service of Mr. Ralph Morris, a member of the fire company for 42 years. Mr. Morris was born and raised in Delta and has given back many years of service to his community. A small business owner for much of his life, Mr. Morris also served in various capacities at the fire company. He was chairman of the board, captain, and assistant chief.

It is my understanding that Mr. Morris remains very active and often drives the fire truck in responding to emergency calls. I know his wife and daughter are very proud of his long record of dedicated public service.

All four of these individuals I have recognized this afternoon would probably never ask for this sort of individual attention and recognition, but I was moved by the common theme they all share: dedication, dedication to reaching a goal and dedication to their various efforts.

In today's fast-paced world, we so often overlook giving such deserving citizens who have distinguished themselves through hard work a pat on the back. I am pleased to have the opportunity to do just that here today in paying tribute to their service to our community and their success in their academic endeavors.

PASSAGE OF UNBORN VICTIMS OF VIOLENCE ACT

Mr. PLATTS. Mr. Speaker, with my remaining time, I just want to touch on one other issue, a very important issue, completely separate, and that is to voice my pleasure at the support of this House in the passage of H.R. 503, the Unborn Victims of Violence Act. I am pleased to be a cosponsor of that legislation, was proud to vote in favor of it with the majority of my colleagues.

I can so well remember 5½ years ago seeing the first ultrasound of my son TJ, who will turn 5 next month, at 10 weeks in utero; and that picture from that ultrasound remains on my desk today as the first picture of our child; not of a fetus but our child. I am delighted with the success of H.R. 503.

OUR UNITED STATES STEEL INDUSTRY IS STRUGGLING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I am brought to the floor by two recent bits of news that were called to my attention, one that fills me with foreboding and another that fills me with hope.

Yesterday, I received sad news from my district. Another local steel company, MacInnes Steel, had filed for bankruptcy, a company that has been a long partner and a long contributor in our community; a company that I visited only a few weeks ago as I traveled my district to announce my chairmanship of the Congressional Steel Caucus; a company that is progressive and in which management has been making a major capital investment; a modern steel company. This company had filed for protection under our bankruptcy laws.

Their CEO called it, and I quote, "a last resort as it struggled with the double blow of a domestic slump in the industry and surging energy costs."

I must say this is not the first time recently this has happened in my district. Earlier this year, we received the news that an employee-owned company, Erie Forge and Steel, another long-standing institution in our community, had filed for bankruptcy. They cited a variety of reasons for this, including foreign dumping and a slow economy.

The fact is, this is part of a pattern we are seeing around the country. America's steel industry is struggling. We are experiencing a steel crisis. A major core industry of our manufacturing capacity is being threatened, and in the process we face the risk that a major strategic part of our manufacturing sector could be hollowed out in the near future.

Our companies are facing predatory trade practices from our foreign competitors, and so it was encouraging to me to read on Tuesday that the U.S. Department of Commerce had made a preliminary determination confirming that a number of our foreign trade competitors were dumping hot-rolled steel in the U.S. market. I have to say this is a very important decision and a very encouraging one. This preliminary ruling found that 11 countries had been violating our trade laws, including Argentina, China, India and Taiwan, and were benefiting from countervailable subsidies as high as 40 percent.

This finding points to major infringements not only of international trade norms but also our anti-dumping laws.

This preliminary decision is good news for our struggling domestic steel industry. It means that beginning this week, we collected a bond from the importers in the amount of the preliminary dumping margin, providing immediate relief to our employers. If, in the final determination, the decision stands that these countries are indeed dumping on U.S. markets, anti-dumping orders will be issued.

The problem of dumping, Mr. Speaker, is not unique to western Pennsylvania employers but, rather, is part of a bigger picture of what is happening nationwide with the steel industry facing a cascade of layoffs. The companies that were injured by unfair trade practices in this decision are not only from Pennsylvania; but they are also from Kentucky, Illinois, North Carolina, Indiana, and Ohio.

□ 1530

This decision by the Commerce Department is an important and initial recognition of how severe the problem of dumping is as it faces our domestic industry.

I would like to commend the Bush administration for their quick action in this area. It is good to know that President Bush is willing to enforce the existing trade laws. But this is only a beginning. I urge the administration to continue to take action to protect American workers and their jobs when they face clearly unfair competition.

The economic slowdown in the United States and East Asia intensifies the need for enforcement of our trade laws. Yes, there was a drop in steel imports last month, but as we have analyzed that change, clearly this only reflects a buildup of excess inventory. The steel industry continues to be flat on its back facing a depression even as we debate whether other areas of the economy are heading toward a recession.

We must be very vigilant against dumping and unfair trade practices by our competitors. I encourage President Bush to look at all of his options, including seeking an action under section 201 and supporting our efforts to dramatically strengthen domestic trade laws that allow the administration to police our markets.

REVIEWING THE PRESIDENT'S FIRST 100 DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, as we approach the 100th day of the Bush presidency, we have seen history made. President Bush just may have compiled the worst environmental record in the shortest time of any President ever.

Let us run through the milestone of the Bush administration's environmental policy: Repealed the arsenic standard; unilaterally declared the Kyoto agreement on global warming dead; abandoned a campaign pledge seconded by his EPA administrator to reduce carbon dioxide emissions; supported drilling in the Arctic National Wildlife Refuge.

And the manner in which the Bush White House has executed its environmental policy makes matters even worse. The President, who repeatedly claimed during his campaign that the previous administration had failed to author a consistent principled energy policy, seems to be making environmental policy based on no principle at all, but rather on the basis of what he can get away with at the behest of the oil companies, at the behest of the mining companies, at the behest of the chemical companies.

It is no secret that the Bush administration owes these big polluters for the President's election last year, and they are cashing in their chips fast.

The White House even seems to be disregarding the advice of its own Environmental Protection Agency Administrator, Christie Todd Whitman. Earlier this year, Administrator Whitman publicly acknowledged the issue of global warming and said that President Bush would honor his campaign promise to regulate carbon dioxide as a pollutant. She recommended by memo that he do so, only to be publicly rebuked. It seems Administrator Whitman was told, along with the rest of us, that President Bush was simply abandoning his campaign pledge.

Then, earlier this week, Whitman was publicly rebuked again by her boss. Just 2 days ago, Bush spokesman Ari Fleischer appeared to chide the EPA administrator for speaking in "confusion" Sunday when she announced that a White House energy task force would not recommend oil drilling in the Arctic National Wildlife Refuge in Alaska. He clarified that Vice President CHENEY's task force would in fact recommend that oil drilling be allowed in the Refuge after all.

When big oil talks, this administration listens. It is no big surprise, considering Vice President CHENEY as an oil executive last year, in 1 year as an oil executive, made $36 million.

Strangely, it now seems possible that Christine Todd Whitman, not necessarily a great friend of the environment when she was Governor of New Jersey, Whitman may become the lone administration official willing to occasionally, occasionally oppose the naked assault on the environment.

As cochair of the Water Infrastructure Caucus in the House, the Bush administration decision that has irked me most is his weakening of the arsenic standard. Those of us who pushed for a stronger, safer new arsenic standard during a 5-year administrative process know that EPA's January decision ordering arsenic levels in America's drinking water be reduced, strengthened, if you will to 10 parts per billion, was quite simply the right thing to do.

EPA took this action in response to a National Academy of Science report, not a partisan group, not an ideological group, a scientific group, which recommended that the 1942 standard of 50 parts per billion be reduced "as promptly as possible."

Arsenic's toxic properties have been common knowledge for a long time. Two hundred years ago, Napoleon's death was attributed by some to arsenic poisoning at the hands of the British. In 1942, there was sufficient concern about the dangers of arsenic in our country for a 50 parts per billion standard to be put into place. But during the last 5 years, in response to the Safe Drinking Water Act, EPA asked the National Academy of Science to specifically investigate the danger posed by smaller quantities of arsenic.

The Academy produced reams of evidence that arsenic is not only a toxic, which we all knew, but is a potent carcinogen that causes bladder cancer, lung cancer, skin cancer, and has also been linked to kidney and liver cancer, birth defects and reproductive problems. Newborn babies and small children are at the greatest risk of health problems from the arsenic in water.

By adopting an updated standard, the U.S. would not be leading the developing world, but joining it. Our allies in Europe and Great Britain and in Japan had already put into place arsenic standards to protect the public's health.

In the face of all this evidence, the Bush administration still put the new drinking water standard on hold. Score another win for America's largest corporations.

In my home State of Ohio, 137,000 residents may be drinking water with arsenic levels higher than the standard recommended by the World Health Organization. This standard puts the U.S. on the same levels as India, Bangladesh, Bolivia, and China.

When you look at the President's campaign finance reports, you see the reason. In the last election, mining companies gave $5 million to Republicans, the chemical industry gave $10 million. We ask the President to reconsider.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. ARMEY) for today on account of touring flooded areas in home district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. PLATTS) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, May 2.

Mr. HORN, for 5 minutes, May 2.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 350. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Energy and Commerce, in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, April 27, 2001, at 10 a.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Betty McCollum, Jim McCrery, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1611. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Packaging and Transfer or Transportation of Materials of National Security Interest—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1612. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Explosive Detection Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1613. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Extension of DOE O 311.1A, Equal Employment Opportunity and Diversity Program—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1614. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Security Conditions—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1615. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Guide of Good Practices for Occupational Radiological Protection in Uranium Facilities— received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1616. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule—Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. Section 1464 and Enforcemnet Policies Regarding Broadcast Indecency [File No. EB–00–IH–0089] received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1617. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 03–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1618. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 010–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1619. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for defense articles and defense services to Norway [Transmittal No. DTC 013–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1620. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with France [Transmittal No. DTC 015–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1621. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 014–01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1622. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 008–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1623. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Republic of Korea [Transmittal No. DTC 016-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1624. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy [Transmittal No. DTC 035-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1625. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1626. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD05-01-004] (RIN: 2115-AE46) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1627. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [CGD05-01-003] (RIN: 2115-AE46) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1628. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, East River, New York, NY [CGD01-01-026] (RIN: 2115-AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1629. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Mission Bay, San Diego, CA [COTP San Diego, CA; 01-002] (RIN: 2115-AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1630. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—DOE Facilities Technology Partnering Programs—received April 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MOAKLEY (for himself, Mr. Delahunt, Mr. McDermott, Mr. McGovern, Ms. Rivers, and Mr. Filner):

H.R. 1594. A bill to provide for increased accountability with respect to the education and training of foreign military personnel, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1595. A bill to protect innocent children; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Foley, Mr. Sam Johnson of Texas, Mr. Schaffer, Mr. Rangel, Mr. Watkins, Mr. Jones of North Carolina, Mrs. Thurman, and Mr. Lewis of Kentucky):

H.R. 1596. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and the Foreign Service, and other employees, in determining the exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Ms. Baldwin, Mr. Stark, Mr. Conyers, Mr. Rohrabacher, Mr. LaTourette, and Mr. Sanders):

H.R. 1597. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. HOUGHTON (for himself, Mr. Cardin, Mr. Ramstad, Mr. Udall of New Mexico, Mr. Foley, Mr. English, Mrs. Johnson of Connecticut, Mr. Hoeffel, Mr. Coyne, Mr. Nadler, Mrs. Thurman, Mr. Neal of Massachusetts, Mr. Matsui, Mr. Shays, Mr. Waxman, Mr. Weldon of Pennsylvania, Mr. Horn, Ms. Ros-Lehtinen, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mr. McDermott, Mr. Payne, Mrs. Kelly, Ms. Dunn, and Mr. McHugh):

H.R. 1598. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1599. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. Rangel, Mr. Sam Johnson of Texas, Mr. Crane, Mr. Armey, Ms. Dunn, Mr. Matsui, Mr. Jefferson, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Watkins, Mr. Foley, Mr. Ramstad, Mr. Herger, Ms. Hart, Mrs. Thurman, Mr. Becerra, Mr. Hayworth, Mr. Pomeroy, and Mr. English):

H.R. 1600. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. Tanner, Mr. Hayworth, Mr. Matsui, Mr. Pomeroy, Mr. Ramstad, and Mr. English):

H.R. 1601. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Ways and Means.

By Mr. BALLENGER:

H.R. 1602. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments; to the Committee on Education and the Workforce.

By Mr. WELLER (for himself, Mrs. Johnson of Connecticut, and Mr. English):

H.R. 1603. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on retirement plans; to the Committee on Ways and Means.

By Mr. BARRETT (for himself and Mrs. Wilson):

H.R. 1604. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002; to the Committee on Energy and Commerce.

By Mrs. BONO (for herself and Mr. Condit):

H.R. 1605. A bill to require that perishable agricultural commodities be labeled or marked as to their country of origin and to establish penalties for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. CLYBURN (for himself, Mr. Bishop, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clement, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Fattah, Mr. Ford, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Ms. McKinney, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott, Mr. Thompson of Mississippi, Mr. Towns, Mrs. Jones of Ohio, Ms. Waters, Mr. Watt of North Carolina, and Mr. Wynn):

H.R. 1606. A bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for other purposes; to the Committee on Resources.

By Mr. DeFAZIO (for himself, Mr. Stark, Ms. Baldwin, and Mr. George Miller of California):

H.R. 1607. A bill to amend the Military Selective Service Act to suspend the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, except during national emergencies, and to require the Director of Selective Service to prepare a report regarding the development of a viable standby registration program for use only during national emergencies; to the Committee on Armed Services.

By Mr. EHLERS:

H.R. 1608. A bill to amend title 18 of the United States Code to prohibit human cloning; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. Tanner, Mr. Riley, Mr. Kennedy of Minnesota, Mr. Hilliard, and Mr. Cramer):

H.R. 1609. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 1610. A bill to amend the Agricultural Reconciliation Act of 1993 to make leaf tobacco an eligible commodity for the Market Access Program; to the Committee on Agriculture.

By Mr. GALLEGLY:

H.R. 1611. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty with regard to income limits for the IRA deduction for active participants in pension plans; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 1612. A bill to amend the Internal Revenue Code of 1986 to remove the cover over of tax for Puerto Rico; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. TIERNEY, Mr. BONIOR, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. PALLONE, Mr. CAPUANO, Mrs. MALONEY of New York, Mr. FILNER, Mr. MARKEY, Mr. PASCRELL, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. DELAHUNT, Mr. SHAYS, Ms. HOOLEY of Oregon, Ms. KILPATRICK, Mrs. TAUSCHER, Mr. SANDERS, Mr. MALONEY of Connecticut, Mr. BLAGOJEVICH, Mr. SERRANO, Mr. ALLEN, Mr. STARK, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. WOOLSEY, Mr. BAIRD, Mr. DEFAZIO, Mr. MCNULTY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. BECERRA, Ms. LEE, Mr. WEINER, Mr. SHERMAN, Mr. WYNN, Mr. PAYNE, Mr. SMITH of Washington, Mr. COYNE, Mr. UDALL of Colorado, Mr. CLAY, Mr. CONYERS, Mr. HOLT, Mr. EVANS, Mr. KUCINICH, Mr. NEAL of Massachusetts, Mrs. MEEK of Florida, Mr. GONZALEZ, Mr. FATTAH, Mr. BENTSEN, Mr. MATSUI, Mr. SMITH of New Jersey, Mr. REYES, Mr. INSLEE, Mr. OLVER, Mr. HILLIARD, Mr, SAWYER, Mr. MOORE, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. HALL of Ohio, Mr. LUTHER, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. KLECZKA, Mrs. NAPOLITANO, Mr. DEUTSCH, Mr. KILDEE, Mr. HOEFFEL, Mr. FERGUSON, Ms. ROYBAL-ALLARD, Ms. RIVERS, Mr. WAXMAN, Mr. CROWLEY, Mr. MEEHAN, Mr. WEXLER, Mr. SIMMONS, Ms. WATERS, Mr. CARDIN, Mr. NADLER, Mrs. MINK of Hawaii, Ms. MCCOLLUM, Ms. DEGETTE, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. ANDREWS, Ms. MCCARTHY of Missouri, Ms. KAPTUR, Ms. ESHOO, Mr. ENGEL, Ms. VELÁZQUEZ, Mrs. LOWEY, Ms. BERKLEY, Mr. LANGEVIN, Mr. MENENDEZ, Mr. TOWNS, Mrs. KELLY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SABO, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, Mr. FARR of California, Mr. LEACH, Mr. THOMPSON of California, Mr. SPRATT, Mrs. MORELLA, Mr. MURTHA, Mr. OWENS, Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Mr. FRANK, Mr. CLEMENT, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Mr. JEFFERSON, Mr. CLYBURN, Mr. HILL, Mr. BERMAN, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. STRICKLAND, Mr. RUSH, Mr. HONDA, Mr. BARRETT, Mr. BALDACCI, Mr. WU, Mr. CUMMINGS, Mr. FORD, Mr. MEEKS of New York, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. PHELPS, Ms. SANCHEZ, Ms. LOFGREN, Ms. CARSON of Indiana, and Ms. SOLIS):

H.R. 1613. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. HOEFFEL (for himself and Mr. MALONEY of Connecticut):

H.R. 1614. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 1615. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. KELLER (for himself and Mr. DIAZ-BALART):

H.R. 1616. A bill to amend the Immigration and Nationality Act to provide for the granting of United States citizenship, through the issuance of a certificate of citizenship, to any person who, after obtaining the status of an alien lawfully admitted for permanent residence, completes 3 years of honorable service on active duty in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. ANDREWS, and Mr. SOUDER):

H.R. 1617. A bill to promote youth entrepreneurship education; to the Committee on Education and the Workforce.

By Ms. LOFGREN:

H.R. 1618. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 1619. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. MCNULTY, Mr. DEUTSCH, Ms. LEE, Ms. BERKLEY, Mr. BERMAN, Ms. PELOSI, Mr. ENGEL, Mr. NEAL of Massachusetts, Mr. WEXLER, Ms. MCCARTHY of Missouri, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, and Mr. MCGOVERN):

H.R. 1620. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCKINNEY (for herself and Mr. LEWIS of Georgia):

H.R. 1621. A bill to establish the Arabia Mountain and National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mrs. MINK of Hawaii, Ms. WOOLSEY, Ms. SOLIS, Mr. ANDREWS, Mr. WU, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 1622. A bill to reduce the costs of Federal student loans to students and their families, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself and Mr. CHAMBLISS):

H.R. 1623. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. HOBSON, Mr. FOLEY, Mrs. CAPPS, Mr. BLUNT, Mr. HALL of Ohio, Mrs. MYRICK, Mr. SNYDER, Mr. EHRLICH, and Mr. BENTSEN):

H.R. 1624. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 1625. A bill to establish the Samuel Kelner Commission on Youth; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself and Mr. TOM DAVIS of Virginia):

H.R. 1626. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative discipliniary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, and accountability, and due process laws; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1627. A bill to redesignate the Federal building located at 1100 Pennsylvania Avenue, NW, in the District of Columbia, and known as the Old Post Office Pavilion, as the "Paul Leroy Robeson Old Post Office Pavilion"; to the Committee on Transportation and Infrastructure.

By Mr. RODRIGUEZ:

H.R. 1628. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

By Mrs. ROUKEMA (for herself and Mr. FRANK):

H.R. 1629. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Financial Services.

By Mr. SAXTON (for himself and Mr. ARMEY):

H.R. 1630. A bill to encourage the International Monetary Fund to fully implement transparency and efficiency policies; to the Committee on Financial Services.

By Mr. SCARBOROUGH (for himself, Mr. DAVIS of Florida, Mr. SHAW, Mr. STEARNS, Mr. WEXLER, Mr. DEUTSCH, Mrs. THURMAN, Mr. KELLER, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CRENSHAW, Mr. BILIRAKIS, and Mr. FOLEY):

H.R. 1631. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. Armey, Mr. Sherman, Mr. Souder, and Mr. Flake):

H.R. 1632. A bill to provide for the compensation of the people and Government of the United States who suffered damages as a result of the attack on, and occupation of, Kuwait by Iraq in 1990; to the Committee on International Relations.

By Mr. STUPAK:

H.R. 1633. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 1634. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. STUPAK:

H.R. 1635. A bill to provide that the first $5,000 received from the income of an Indian tribe by any member of the tribe who has attained 50 years of age shall be disregarded in determining the eligibility of the member or the member's household for benefits, and the amount or kind of any benefits of the member or household, under various means-tested public assistance programs; to the Committee on Resources, and in addition to the Committees on Agriculture, Financial Services, Energy and Commerce, Education and the Workforce, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. Pomeroy, Mrs. Emerson, Mr. Johnson of Illinois, Mr. Kennedy of Minnesota, Mr. Graves, Mr. Shimkus, Mrs. Clayton, and Mr. Moran of Kansas):

H.R. 1636. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. Blagojevich, Ms. Lofgren, Mr. Moran of Virginia, Mr. Stark, Mr. Clay, Mr. Farr of California, Mr. Conyers, Mr. Carson of Oklahoma, Ms. Woolsey, Mr. Lantos, Mr. Davis of Illinois, Ms. Kaptur, Mr. McDermott, Mr. Barrett, Mr. Hoeffel, Mr. Pascrell, Mr. Evans, Mr. Kind, Mrs. Maloney of New York, Mr. Frank, Mr. Markey, Ms. Baldwin, Mr. Blumenauer, Mr. Fattah, Mr. Waxman, Mr. Pallone, Mr. Kucinich, Ms. Lee, Ms. McKinney, Mr. Capuano, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Ms. Eshoo, Mr. Ford, Mr. Hinchey, Mr. Jackson of Illinois, Mr. Lewis of Georgia, Mr. McGovern, Mr. Meehan, Mr. George Miller of California, Mr. Nadler, Mr. Olver, Ms. Pelosi, Mr. Rodriguez, Mr. Sanders, Ms. Schakowsky, and Mr. Weiner):

H.R. 1637. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Ms. Hooley of Oregon, Mr. George Miller of California, Ms. Kaptur, Mr. Sweeney, Mr. Hall of Ohio, Mr. Pallone, Mr. Menendez, Mr. Watt of North Carolina, Mr. Thompson of California, and Ms. DeLauro):

H.R. 1638. A bill to amend title XVIII of the Social Security Act to provide that geographic reclassifications of hospitals from one urban area to another urban area do not result in lower wage indexes in the urban area in which the hospital was originally classified; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself and Mr. Schaffer):

H.R. 1639. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. Paul, and Mr. Schaffer):

H.R. 1640. A bill to amend title XVIII of the Social Security Act to facilitate the use of private contracts under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1641. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. Bachus, Mrs. Maloney of New York, Mr. Sanders, and Ms. Lee):

H.R. 1642. A bill to urge reforms of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1643. A bill to provide for the recognition of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. WELDON of Florida (for himself and Mr. Stupak):

H.R. 1644. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Ms. DeGette):

H.R. 1645. A bill to amend title XVIII of the Social Security Act to designate certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. Fletcher, Mr. Hinchey, Mr. Ackerman, Mr. Schiff, Ms. Brown of Florida, Mrs. Morella, Ms. Millender-McDonald, Ms. Schakowsky, Ms. Carson of Indiana, Mrs. Napolitano, Mr. Hinojosa, Mr. Honda, Mr. Gonzalez, Mr. Lipinski, and Mr. Stark):

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day; to the Committee on Education and the Workforce; considered and agreed to.

By Mr. BOEHLERT:

H. Con. Res. 111. Concurrent resolution commending the President for proclaiming May 6–12, 2001, as Global Science and Technology Week; to the Committee on Science.

By Mr. PAYNE:

H. Con. Res. 112. Concurrent resolution regarding the human rights situation in Sudan, including the practice of chattel slavery; to the Committee on International Relations.

By Mr. PAYNE:

H. Con. Res. 113. Concurrent resolution regarding human rights violations and oil development in Sudan; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 114. Concurrent resolution expressing the Sense of the Congress with respect to Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. Gilman, Ms. DeLauro, Mrs. Morella, Mr. Stark, Mrs. Tauscher, Mr. Serrano, Mr. George Miller of California, Ms. Pelosi, Mr. Lipinski, Mrs. Thurman, Mrs. Maloney of New York, Mr. Frank, Ms. Lee, Mrs. Mink of Hawaii, Mr. Bishop, Mr. Blagojevich, Ms. Baldwin, Mrs. McCarthy of New York, Ms. Carson of Indiana, Mr. Filner, Mr. Rush, Mrs. Meek of Florida, Mr. Kucinich, Ms. Sanchez, and Ms. Norton):

H. Con. Res. 115. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. Cox, Mr. Lipinski, Mr. Wolf, Mr. Borski, Mr. Kucinich, Mr. Knollenberg, Mr. Schaffer, Mr. Hilleary, Mr. McNulty, and Mr. English):

H. Con. Res. 116. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Mr. CRENSHAW:

H. Res. 124. A resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day; to the Committee on Education and the Workforce.

By Mrs. MORELLA (for herself, Mr. Tom Davis of Virginia, Ms. Norton, Mr. Knollenberg, Mr. Petri, Mr. Moran of Virginia, Mr. Doolittle, Mr. Frank, and Mr. Clay):

H. Res. 125. A resolution expressing the sense of the House of Representatives that the National Capital Planning Commission should adopt a plan that permanently returns Pennsylvania Avenue to the use of residents, commuters, and visitors to the Nation's capital and that protects the security of the people who live and work in the White House, and that the President should adopt and implement such a plan; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 126. A resolution expressing the sense of the House of Representatives that

Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Thomas.

H.R. 17: Mrs. Johnson of Connecticut.

H.R. 25: Mr. LaFalce.

H.R. 37: Mr. Blumenauer and Ms. Sanchez.

H.R. 57: Mr. Baca.

H.R. 97: Mr. Maloney of Connecticut, Mr. Sweeney, Mrs. Bono, Mr. Thompson of Mississippi, and Mr. Thompson of California.

H.R. 98: Mr. Walden of Oregon, Mr. Schaffer, Mr. Green of Wisconsin, Mr. Larsen of Washington, Mr. Sherman, and Mr. Bereuter.

H.R. 127: Mr. Crane and Ms. Sanchez.

H.R. 157: Mr. LaTourette.

H.R. 179: Mr. McInnis and Ms. Waters.

H.R. 190: Mr. Paul.

H.R. 199: Mr. Holt, Mr. Burr of North Carolina, Mr. Ney, Mrs. Thurman, Mr. Hyde, Mr. Doolittle, and Mr. Walsh.

H.R. 219: Mr. Mica.

H.R. 224: Mr. Largent.

H.R. 232: Ms. Sanchez.

H.R. 236: Mr. Brady of Texas and Mrs. Wilson.

H.R. 267: Mr. Green of Wisconsin, and Mr. Rehberg.

H.R. 270: Mr. Andrews and Mr. Sabo.

H.R. 280: Mr. Gutknecht and Mr. Deal of Georgia.

H.R. 336: Ms. Waters.

H.R. 340: Mr. Sandlin, Mr. Hastings of Florida, Ms. Brown of Florida, Mrs. Thurman, Mr. Olver, and Ms. Waters.

H.R. 436: Mr. Skelton, Mr. Nussle, and Mr. Traficant.

H.R. 437: Mr. Foley and Mr. Largent.

H.R. 458: Mr. Armey, Mr. Brown of South Carolina, and Mr. Green of Wisconsin.

H.R. 464: Mr. Rangel, Mrs. Maloney of New York, Ms. Slaughter, Mr. McHugh, Mr. George Miller of California, Ms. DeLauro, Mr. Davis of Illinois, Mr. Evans, Mrs. Mink of Hawaii, Mr. Kucinich, Mr. Frost, and Ms. Kilpatrick.

H.R. 478: Mr. Frost.

H.R. 491: Mr. Lantos, Ms. Jackson-Lee of Texas, Mr. McDermott, Mr. Rohrabacher, Mr. Towns, Mr. George Miller of California, Mr. Frost, Mr. Honda, and Mr. McGovern.

H.R. 500: Mr. Bonior.

H.R. 510: Mrs. Maloney of New York and Mr. Baca.

H.R. 519: Mr. Cunningham.

H.R. 570: Mr. Bryant, Mr. Gonzalez, Mr. LaHood, and Mr. Hutchinson.

H.R. 580: Mr. Sandlin, Mr. Murtha, Mr. Quinn, Mr. Pallone, Mr. Frost, Mrs. Morella, Mr. Payne, and Mr. Baldacci.

H.R. 583: Mr. Tom Davis of Virginia, Mr. Blunt, Mr. Thune, and Mrs. Roukema.

H.R. 600: Mr. Bishop, Mr. Hilleary, Mr. Gonzalez, Mr. Hyde, Mr. Blumenauer, Mr. Farr of California, Mr. Pastor, Mr. Rothman, Mr. Pomeroy, Ms. Woolsey, Mr. Lucas of Kentucky, Mr. Levin, and Ms. Roybal-Allard.

H.R. 612: Mr. Rush, Ms. Sanchez, Ms. Waters, Mr. Pence, Mr. Stearns, and Mr. Green of Texas.

H.R. 622: Mr. Mica.

H.R. 623: Ms. Waters.

H.R. 638: Mr. Towns, Mr. Sabo, Ms. Woolsey, Mr. Conyers, and Mr. Matsui.

H.R. 654: Mr. Baca.

H.R. 659: Mr. Gutierrez, Mr. Hill, and Mr. Sununu.

H.R. 664: Mr. Gallegly, Ms. Schakowsky, Mr. Clement, Mr. Stump, Mr. Conyers, Mr. Condit, Mr. Lampson, Ms. Solis, Mr. Hall of Texas, Mr. Frelinghuysen, Ms. Waters, Mr. Udall of Colorado, Ms. McCollum, Mr. Skeen, Mr. Weller, Mr. Farr of California, Mrs. Clayton, and Mr. Sandlin.

H.R. 668: Mr. Strickland, Mr. LaTourette, Mr. Cunningham, Ms. McCollum, Ms. Brown of Florida, Mr. Ramstad, and Mr. Tiberi.

H.R. 686: Mrs. Tauscher and Ms. Lofgren.

H.R. 690: Mr. Markey.

H.R. 713: Ms. Baldwin, Mr. Baldacci, Mr. Wu, Mr. Thompson of Mississippi, and Ms. Pelosi.

H.R. 716: Mr. McKeon, Mr. Ramstad, and Mr. Ballenger.

H.R. 717: Mr. Peterson of Pennsylvania, Mrs. Maloney of New York, Mr. Lucas of Kentucky, Mr. Spratt, Mr. Hefley, Mr. Pastor, and Mr. Pascrell.

H.R. 721: Ms. Carson of Indiana, Mr. LoBiondo, Mr. Shows, Mr. LaFalce, Mr. Berry, Mr. Ortiz, and Mr. Menendez.

H.R. 752: Mr. Issa.

H.R. 770: Mr. Sawyer.

H.R. 774: Mr. Shays and Mr. Gutierrez.

H.R. 777: Mrs. Emerson, Mr. Shays, and Mr. Kildee.

H.R. 783: Ms. Sanchez.

H.R. 790: Mrs. Thurman.

H.R. 808: Mr. Ross, Mr. Regula, Mr. LaTourette, Mr. Graham, Ms. DeLauro, Mrs. Clayton, Ms. Millender-McDonald, Mr. Hoyer, Mr. Ford, Mr. Baca, Mr. Matheson, Mr. Duncan, Mr. Kerns, Mr. Norwood, Ms. Velázquez, Mr. LaFalce, Mr. LoBiondo, and Mr. John.

H.R. 848: Mr. Johnson of Illinois, Ms. DeLauro, Mr. Rodriguez, Ms. Solis, Ms. Schakowsky, Mr. Rush, Mr. Conyers, Mrs. Thurman, Mr. Shows, Mr. Lampson, Mr. Hall of Texas, and Mr. Wynn.

H.R. 862: Ms. Sanchez.

H.R. 868: Mr. Brown of South Carolina, Mr. Barcia, Mr. Otter, Mr. Mica, Mr. Largent, Mr. Gekas, and Mr. Diaz-Balart.

H.R. 912: Mr. Sweeney, Mr. Costello, Mr. Kanjorski, and Mr. Doggett.

H.R. 917: Mr. Weiner.

H.R. 951: Mr. Udall of Colorado, Mrs. Jo Ann Davis of Virginia, Mr. Luther, Mr. Schaffer, Mr. Riley, Mr. Delahunt, Mr. Lucas of Kentucky, and Mr. Gary G. Miller of California.

H.R. 954: Mr. Allen and Ms. Carson of Indiana.

H.R. 959: Mr. Honda and Ms. Sanchez.

H.R. 964: Mrs. Lowey and Ms. Sanchez.

H.R. 968: Mr. Bilirakis, Ms. Kilpatrick, Mr. Oberstar, and Ms. Sanchez.

H.R. 969: Mr. Sam Johnson of Texas, Mr. Pitts, and Mr. Bachus.

H.R. 978: Mr. Abercrombie and Mr. Boehlert.

H.R. 984: Mr. Blunt and Mr. Filner.

H.R. 985: Mrs. Thurman, Mr. Smith of New Jersey, and Mr. Ramstad.

H.R. 1005: Mr. Osborne.

H.R. 1016: Mr. McNulty.

H.R. 1019: Mr. Cox, Mr. Doolittle, and Mr. Scarborough.

H.R. 1020: Mr. Cummings, Mr. Berry, Mr. Hilliard, Mr. Boyd, Mr. Ryun of Kansas, Mr. Kleczka, Mr. Kanjorski, Mr. Carson of Oklahoma, Mr. Towns, Mr. Stupak, Mr. Pascrell, and Mr. Greenwood.

H.R. 1026: Mrs. Thurman and Mr. Ross.

H.R. 1035: Mr. McDermott.

H.R. 1037: Mr. Ferguson.

H.R. 1043: Mr. Inslee and Mr. Levin.

H.R. 1044: Mr. Inslee.

H.R. 1088: Mr. Otter.

H.R. 1093: Mr. Bereuter.

H.R. 1094: Mr. Bereuter.

H.R. 1119: Ms. Millender-McDonald.

H.R. 1121: Mrs. Thurman.

H.R. 1127: Mr. Ney and Mr. Barton of Texas.

H.R. 1129: Ms. Millender-McDonald and Ms. McKinney.

H.R. 1130: Ms. Millender-McDonald and Ms. McKinney.

H.R. 1134: Mr. LaHood, Mr. Green of Wisconsin, Ms. Baldwin, Mr. Moran of Kansas, and Mr. Ramstad.

H.R. 1143: Mr. Pallone, Mr. Dooley of California, and Mr. Frost.

H.R. 1162: Ms. DeGette, Mr. Gonzalez, Mr. Waxman, and Ms. Baldwin.

H.R. 1170: Mrs. Thurman, Ms. Woolsey and Mr. Ortiz.

H.R. 1180: Mr. Waxman and Mr. Bereuter.

H.R. 1189: Ms. Sanchez and Mr. Jackson of Illinois.

H.R. 1192: Mr. Clay, Mr. Upton, Mr. Lewis of Kentucky, Mr. Tierney, Mr. Owens, Mr. Payne, Mr. Holt, Mr. Pickering, Ms. Carson of Indiana, Mr. Pomeroy, Mr. John, Mr. Frank, Mr. Mollohan, Mr. Wynn, Ms. DeLauro, Mr. Sanders, Ms. Norton, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Ferguson, Mr. Bereuter.

H.R. 1194: Mr. Oberstar and Mr. Kind.

H.R. 1195: Mr. Frost, Ms. Schakowsky, Mr. Bonior, and Ms. DeGette.

H.R. 1199: Ms. McCollum, Mr. Oberstar, Mr. Luther, Mr. Ramstad, Mr. Kennedy of Minnesota, Mr. Abercrombie, Mr. Moore, Ms. DeGette, Mr. Underwood, Mr. Hinchey, Mrs. Mink of Hawaii, Mr. McDermott, and Mr. McGovern.

H.R. 1220: Mr. Bonilla, Mr. Thornberry, Mr. Nethercutt, Mr, Gilman, Mr. Stenholm, and Mr. Paul.

H.R. 1252: Ms. Pelosi and Ms. Sanchez.

H.R. 1256: Mr. Holt, Mr. Nadler, Mr. Frank, Mr. Towns, Mr. Owens, Mr. Neal of Massachusetts, Mr. Rothman, Mr. Cummings, Ms. Berkley, Mr. Engel, Mr. Cardin, Ms. Eshoo, Ms. Pelosi, Mrs. Davis of California, Mr. Meeks of New York, Mrs. Lowey, Ms. Velázquez, Mr. Farr of California, Mr. Gutierrez, Mr. Evans, Mr. Stark, Mr. Markey, Mr. Sherman, Mr. Matsui, Mr. Baldacci, Mr. Ackerman, Mr. Pascrell, Mrs. Capps, Mr. Rush, Mr. Lipinski, Ms. Hooley of Oregon, Mr. LoBiondo, Ms. Eddie Bernice Johnson of Texas, Ms. Slaughter, Mr. Reyes, Ms. Norton, Mr. Udall of Colorado, Mr. Grucci, Mrs. Clayton, Mrs. Mink of Hawaii, Ms. DeGette, Ms. Sanchez, and Mr. Walsh.

H.R. 1257: Mr. Kind, Mr. Gonzalez, and Mr. Holden.

H.R. 1262: Mr. Sandlin, Mr. Owens, Mr. Davis of Illinois, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Filner, Mr. Farr of California, Ms. Schakowsky, and Mr. Kucinich.

H.R. 1263: Mr. Turner.

H.R. 1271: Mr. Mica.

H.R. 1280: Mr. Foley and Ms. Waters.

H.R. 1285: Mr. Hinchey.

H.R. 1287: Mr. Bentsen.

H.R. 1291: Ms. Sanchez, Mr. Stearns, and Mr. Allen.

H.R. 1304: Ms. Sanchez.

H.R. 1306: Mr. Schiff.

H.R. 1330: Mrs. Morella, and Mrs. Davis of California.

H.R. 1342: Mr. Deal of Georgia, Mr. Crane, Mr. Foley, and Mr. Goode.

H.R. 1354: Mr. Sweeney, Mr. Holden, Mr. Hilleary, Mr. Honda, Mr. Jefferson, Mr. Clyburn, and Ms. Solis.

H.R. 1357: Mr. COLLINS, Mr. FERGUSON, and Mr. LEVIN.

H.R. 1358: Mr. KNOLLENBERG.

H.R. 1366: Ms. HARMAN, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mrs. BONO, Ms. LOFGREN, and Mr. ROYCE.

H.R. 1367: Ms. SANCHEZ.

H.R. 1369: Ms. ESHOO.

H.R. 1372: Mr. BROWN of South Carolina.

H.R. 1389: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1390: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1391: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1392: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1393: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1394: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1395: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1396: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1397: Ms. BROWN of Florida and Ms. HOOLEY of Oregon.

H.R. 1407: Mr. SWEENEY, and Mr. COSTELLO.

H.R. 1412: Mr. SPRATT, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. BARTON of Texas, Mr. MCDERMOTT, Mr. NEY, Mr. DEMINT, and Mr. ROYCE.

H.R. 1434: Mr. MATSUI, Mr. EHLERS, Mr. LAFALCE, and Ms. RIVERS.

H.R. 1436: Mr. FRANK, Mr. HOEFFEL, Mr. ISRAEL, and Mr. OBERSTAR.

H.R. 1438: Mr. KLECZKA, Mr. CHAMBLISS, and Mr. SMITH of Michigan.

H.R. 1464: Ms. SANCHEZ.

H.R. 1475: Mr. CARDIN, Mr. ROTHMAN, Mr. EHRLICH, Mr. RUSH, Mr. SCHIFF, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. LEVIN, Mr. MATHESON, Mr. MCDERMOTT, Mr. WAXMAN, Mrs. THURMAN, Mr. LIPINSKI, Mr. SMITH of Washington, Mr. MEEHAN, Mr. WALSH, Mr. WHITFIELD, Mrs. KELLY, Mr. BOEHLERT, and Ms. WATERS.

H.R. 1476: Mr. SANDLIN.

H.R. 1477: Mrs. JONES of Ohio.

H.R. 1479: Mr. BARCIA, Mr. DEAL of Georgia, Mr. HERGER, Mr. MORAN of Kansas, Mr. PICKERING, and Mr. WAMP.

H.R. 1487: Mr. ISAKSON, Mr. WU, Mr. LANTOS, and Mr. PRICE of North Carolina.

H.R. 1510: Mr. HOEKSTRA, Mr. BOUCHER, Mr. GOODE, Mr. MCDERMOTT, Mr. BALDACCI, Mr. FROST, Mr. PETRI, Mr. MCHUGH, and Mr. SCHAFFER.

H.R. 1512: Mr. BROWN of Ohio.

H.R. 1523: Mrs. ROUKEMA, Mr. ENGLISH, and Mr. SMITH of New Jersey.

H.R. 1524: Mr. WELLER, Mr. SENSENBRENNER, Mr. MICA, and Mr. CANNON.

H.R. 1541: Mr. MURTHA, Mr. FILNER, Mr. SIMMONS, and Mr. PASCRELL.

H.R. 1553: Mr. TOM DAVIS of Virginia.

H.R. 1592: Mr. SIMPSON.

H.J. Res. 6: Mr. WEINER.

H.J. Res. 36: Mr. MOAKLEY, Mr. PLATTS, Mr. BRYANT, and Mr. STUPAK.

H. Con. Res. 16: Mr. PAYNE, Ms. LEE, Mr. LANTOS, Mr. MEEKS of New York, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. TOWNS, Mr. CROWLEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi.

H. Con. Res. 17: Mr. SANDLIN, Mr. CARSON of Indiana, Ms. LEE, and Mr. PALLONE.

H. Con. Res. 23: Mr. SESSIONS.

H. Con. Res. 58: Mr. GALLEGLY and Mr. TOWNS.

H. Con. Res. 68: Mr. BLAGOJEVICH, Mr. STUPAK, and Ms. NORTON.

H. Con. Res. 104: Ms. WATERS and Ms. SANCHEZ.

H. Res. 72: Mr. DEUTSCH.

H. Res. 120: Mr. SWEENEY.

H. Res. 123: Mr. HAYWORTH, Mr. PENCE, Mr. HOSTETTLER, and Mr. COLLINS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1051: Mr. KANJORSKI.

SENATE—*Thursday, April 26, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Rev. Monte Frohm, of Good Shepherd Lutheran Church, Reston, VA, offered the following prayer:

Merciful Father, You are the source of all authority and power. You hold in Your hand all the nations of the world, including our own beloved United States of America. You have ordained the powers that be for the punishment of evildoers and for the praise of them that act rightly.

We humbly beg You to so guide the men and women of this Senate, that they might in due modesty and with undying hope pursue Your gracious will and purpose. Enlighten them with Your vision for our Nation, equip them with Your strength, instill in them a spirit of integrity that mirrors Your truth, and grant them patience in well doing that reflects Your long-suffering mercy.

May their labors yield a nation that is marked by justice and peace, righteousness and unity, gratitude and hope. As each of us is created in Your image, so let our common life reflect Your glory.

O Lord, our troubles are many, but Your strength is great. Our fears confound us, but Your promise gives hope. Our sins are many, but Your mercy is deep. Leave us not to our own devices, but work Your gracious purpose through us, to the glory of Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma, the acting majority leader, Mr. NICKLES, is recognized.

SCHEDULE

Mr. NICKLES. Mr. President, today we will be in a period of morning business until 11 a.m. Following morning business, it is hoped that the Senate can begin consideration of S. 149, the Export Administration Act. Senators interested in this legislation are encouraged to be present on the floor at 11 a.m.

In addition, negotiations are continuing on the education bill, and consideration of that bill is expected in the not too distant future. As announced, there will be no session of the Senate on Friday.

I thank my colleagues for their attention.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I want to mention that I am glad we are going to attempt to get to the Export Administration Act. I think that is what it is called. It is a very important measure. Senator GRAHAM and I worked with Senator ENZI and other Senators trying to get that considered last year and we were unable to do that. I was happy to see in today's press—and I only read the Washington Post, and that may not be the best paper to read, but I read it—the indication that President Bush expressed in statements to the press several times yesterday that he was going to have to work with us, compromise on taxes and education.

I say this because I don't think it shows a sign of weakness of the President. I think it shows a maturity he knows—of course, because he worked with the Texas Legislature for 6 years as Governor—that legislation is the art of compromise, and he is going to have to compromise some of his positions. We will also have to compromise some of ours. This is the beginning of, I hope, some productivity in the Congress.

I think we did our job yesterday by passing by a 99–0 vote the brownfields bill from the Environment and Public Works Committee. I hope this is the beginning of a very productive session of Congress.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I have always enjoyed working with Senator REID. I think this can be a very productive month. This can be a month that we finish the budget and the tax bill, and we can finish the education bill. It is a month in which we can accomplish a lot for the American people that will make a difference in their lives and in their paychecks.

A lot of times people wonder what do we do and are there real results and are there real differences in what we do. Considering the education bill and tax measures pending, we can make a lot of difference, whether you are talking about the marriage penalty or a $500 tax credit per child, cutting taxes across the board, reforming education, giving more power to parents and teachers. We can do all that this month. By Memorial Day, we can have great, significant accomplishments by working together. I look forward to working with my friend and colleague from Nevada.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Tennessee.

EDUCATION

Mr. FRIST. Mr. President, I rise to speak briefly this morning on an issue about which we have heard a lot in the last few days and in which a number of us have participated diligently over the last several months. The subject is education, kindergarten through 12th grade, a period of time which, as we all know, in large part determines how successful one is later in life—how well equipped one is to deal with challenges in an increasingly challenging world.

This important issue has caused many of us to reflect over the last several years on what has been accomplished in the last 35 years with Federal intervention in education. What we have found, for the most part, is that in spite of major expenditures by the Federal government—a small fraction of what is spent across the country but a huge and growing investment, to the tune, in just one program, title I, of about $120 billion focused on disadvantaged children—the results have been disappointing.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

They have been disappointing to Republicans, Independents, and Democrats. They are disappointing because through careful study, through careful documentation, people have come to realize that we have not succeeded. By practically every single measurement, the results have been flat.

Some people say that is a good result; we could have gotten worse.

But there is no reason in a time of economic prosperity and increasing prominence of the United States in the world order—we are the superpower—for results to be flat when billions of dollars are being expended.

When we peel away the layers and look at the results, we see growing achievement gaps between the served and underserved; between those financially well off and those less financially well off; between minority and non-minority. However one looks at the achievement gap over the last 35 years, it has deteriorated; it has gotten worse.

The subject is complex. It is hard. It is not a matter of just more money, smaller class size, or better school buildings. Society has changed. The challenges before us have changed. Our responsibility is to look at the last 35 years and address what has not worked and, through debate, hearings, and discussions, come forth with a policy that will reverse the trend of an achievement level that is flat. No net results after an increase in attention and after an increase of dollars is not an acceptable outcome.

From both sides of the aisle, we have heard over the last several days—and very appropriately so—applause for President Bush's first 100 days. Education is his No. 1 policy priority. We have made significant progress on tax relief, spending, and a number of military and defense issues.

Now we come back to what is most important to the United States of America—where we are today and where we want to be 5 years from now, 10 years from now, 20 years from now in what is becoming a smaller and smaller world.

The President's top priority is education. We have heard it from all sides; we have seen it in the newspapers and other media; and we have said it ourselves on the campaign trail. But the message really comes from the words of President George W. Bush, and that is "to leave no child behind." When you say "leave no child behind," you look at an individual and wonder how, in spite of 20, 50, 100, 150, 200 programs, all well intended, coming out of a Congress that says here is another good program to address a particular problem, we fall short. In spite of hundreds of different federal education programs, and in spite of $120 billion spent in a single program, title I, we continue to fail.

Leaving no child behind means we probably have to change our targeting. Many of us believe we should channel increased resources to the child who is disadvantaged, to raise that child's performance. That has not been possible from a political standpoint.

In leaving no child behind, the solution means we should focus on the child. We do not focus on bureaucracy. We focus on the child. We do not focus on more money for still another program. That has been tried again and again. It means we need to make sure the child, the individual, learns.

Right now, we have testing and some general accountability measures. People argue passionately about national standards, State standards, and local standards. That needs to be debated. But for 35 years we never said of the child: we will follow you over time so we can determine whether you are failing, staying the same, or progressing and, based on that, determine the proper action for this body.

We need to make sure kids learn. That will require increased accountability.

How do we do that? The bill that will be put forward and marked up in the Health Education Committee, the BEST bill, is strong on accountability. Through the bipartisan working groups that have been very actively involved over the last 2 months, that accountability can be strengthened. We need to reward schools that are performing well. If schools are not doing well, we will have to give them the tools, the equipment, the resources, and the chance to do better. When they repeatedly fail, year after year after year and if a child is locked into such a school, at some point we have to reconstitute that school or give the parents the opportunity to take their child out of that failing environment that society has created and put them in an environment where they have a real chance to learn.

Students in persistently failing schools should not be trapped there. They are trapped today. We need to do something about it. We have not been able to do anything about it in 30 or 35 years. The failure is in part because of Federal involvement. It is in part a failure of the current system. We need to change the system. That means make sure kids learn, with accountability. No. 2, give parents a choice. No. 3, let's proceed with reform.

No longer can people sit back and say: here is the system of 760 programs, let's pour more money into that system and we will be OK. We know that will not work. Therefore, we have to have reform. We have to have modernization of that system.

The good news is Democrats and Republicans together and from a policy standpoint understand what modernization means today. It means flexibility, knowing what works and what doesn't work, taking what works and putting it on a pedestal and supporting it. Yes, that means financially. More money will be put in education. We heard the President of the United States say again and again and again over the last several days, especially as we are at the negotiating table, that he is willing to put more money than has been put into education last year or the year before that or the year before that. This President will invest in education if we agree to link it to reform, to modernization, to flexibility, to accountability, to having some element of parental involvement. Nobody cares more about that individual child than the parents.

Global competition is one of the reasons we can stand up and say we are failing today in spite of our good intentions, in spite of teachers who are working hard, getting up each morning, teaching all day, preparing through the night and working summers to become even better teachers. In spite of their best efforts, we are failing. The National Assessment of Educational Progress, NAEP, is the only test using an accurate and careful statistical sampling from a cross-section study across the country of what happens at a certain point in time in various States and various school districts. It is also longitudinal, comparing what happens after 1 year to 3 years to 5 years to 10 years later.

A recent NAEP study confirmed that our current education system is not working. The statistics, the data, are very accurate. As a scientist and someone who depends on statistics, I am convinced it is good data. The data show that the achievement gap is not closing, but continues to widen.

I am hopeful we can address the issue of education now or next week in a way that links that policy to the debate we are talking about, which is how much more money it will take to succeed.

The NAEP uses four levels of achievement. They are: advanced, proficient, basic, and below basic. You can track each of these. Looking at the below basic category is fascinating. Take one element, such as reading. In the below basic level, for the most part, too many students simply cannot read. Mr. President, 37 percent of those tested scored below basic. Even more disturbing is the fact that 63 percent—almost two-thirds of black fourth graders, 58 percent of Hispanics, 47 percent of students in urban areas, and 60 percent of poor children—scored below basic. That means they cannot read.

Secretary Paige—a wonderful leader—articulates through his experience what is happening on the ground: "After spending $125 billion of title I money over 25 years, we have virtually nothing to show for it."

The data also show how well we are performing internationally. Look at math and science. I have a junior in high school; so we are thinking about college. As a physician, math and science are two fields that mean a lot to me as we predict how well prepared people will be in this new economy fueled by technology and dissemination of information. In math and science, we are not first in the world. We are not fifth in the world. We are not tenth in the world. We are not fifteenth in the world. The United States of America is seventeenth in math and eighteenth in science.

What does that say as we go out and compete in this global economy for jobs, for economic growth?

We have a wonderful opportunity to go forward under the leadership of President George W. Bush. He has put on the table a very clear agenda that stresses accountability; an agenda that focuses on what works; an agenda that will reduce the redtape and bureaucracy that is handcuffing our teachers; and an agenda that will increase flexibility and local control. It is an agenda where needs can be identified locally and an agenda that empowers parents.

I very much appreciate the opportunity to participate in this discussion. I am hopeful we will be able to turn to the bill next week. It means at the end of 2 weeks from now we can have a bill that will engage in a major modernization of education, where we truly can say that the United States of America has stepped up to that big challenge, that challenge of leaving no child behind.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I be yielded 10 minutes or until a Senator arrives, at which time I will yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise once again to continue remarks from a few minutes ago on education, and I will do so until another Senator arrives to speak. I want to take a moment to bring my colleagues up to date on the underlying bill that came out of the Committee on Health, Education, Labor, and Pensions. It is a bill called BEST—I mentioned it earlier—the Better Education for Students and Teachers Act. It is a bill we debated in the Committee and most probably will be the bill that is brought forward once we make further progress in discussions on the appropriate amount of money to invest.

This particular bill, which will be modified and debated and discussed on the floor, has four principles about which I want to briefly comment. What it does, is to embody what President Bush has focused on and that is this very important belief, fundamental belief, that enterprise works best when authority and responsibility are aligned. Good results occur when responsibilities are accompanied by latitude and flexibility so that judgments can be made on information that is available and when those who are responsible for teaching, for making decisions for education, for leaving no child behind, are held accountable. Those principles are very simple. They link innovation responsibility, flexibility, and results.

The BEST bill has four components to it. No. 1, it will increase accountability for student performance. It is just remarkable, I believe, and it is important for our colleagues to understand and people around the country to understand, that we as a government are investing taxpayer money without demanding accountability—no measurement, no results, are required. We are pouring money into a system and we don't know if it works. As I mentioned earlier the data that has come out this morning shows the current system does not work.

First and foremost, accountability: States and school districts and schools that improve achievement that eliminate or narrow that achievement gap which we know is getting worse those entities, will be praised, will be rewarded in the underlying bill.

The flip side of that is those schools and those districts and even those States that continue to fail after they receive new resources and a fair clause to show progress—they will then be sanctioned. They will be held accountable. That is something basic. It is something we do in our homes. It is something we do in our small businesses. We do it in our everyday lives. But when it comes to government, for some reason for the last 35 years we have not done it. Now is the time to do it. And we are going to do it.

The parents will have new information on how their children are progressing. They will no longer be limited to just assessing at night and talking to their child, or talking to other parents at night. That will continue, of course, but parents will know much more about whether the schools are succeeding. For the first time, assessments can be compared across communities and States, and across the U.S. and even to other countries. Parents will know that their schools are being held accountable as well.

Parental involvement is crucial, we can do a lot here in Washington, DC, in this great Capital and this great body, but ultimately it has to be the millions of parents who are out there holding accountable the schools, the teachers, the school districts, and the local governments.

There are going to be annual State reading and math assessments for grades three through eight. That is something I feel very strongly about.

Two, the BEST bill focuses on what works. Federal dollars will be spent on effective research-based programs and practices. Funds will be targeted to improve schools and enhance teacher quality.

That ultimate goal has to be to have a student and a classroom that is safe and drug free, but with a good teacher at the head. Therefore, the "t" in the BEST bill means teachers. And the focus will be on teachers.

Third, the BEST bill will also reduce bureaucracy and increase flexibility. Additional flexibility will be provided to States and school districts, and flexible funding will be increased at the local level.

Finally, this bill will empower parents. Parents don't now have the information to be able to either hold schools accountable or make decisions. They will be given that information about the quality of their child's progress and their child's school. Students in persistently low-performing schools will be provided options so that they are not locked in a bad school.

It is important as we go forward to understand what the underlying bill is. It is a sweeping introduction of the four principles: accountability, focusing on what works, reducing bureaucracy and increasing flexibility, and empowering parents.

I look forward to discussing that in greater detail as we, hopefully, get to this bill next week. I think the BEST bill is a great start for what we all want, and that is to leave no child behind.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

CLIMATE CHANGE

Mr. LIEBERMAN. Mr. President, I rise today to speak with colleagues about global warming, which quite literally is a cloud that is looming on our horizon. As many have feared, there is evidence that this cloud has recently grown darker and more ominous.

Over the last few months, in fact, the United Nation's Intergovernmental Panel on Climate Change released its third report on global warming. This report was authored by over 700 expert scientists. Their conclusions, I am afraid, offer convincing evidence of a planet in distress, one that is slowly overheating with very serious—some would say disastrous but certainly very serious—consequences for those who will follow us on this Earth.

According to these scientific experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next 100 years. Such a large rapid rise in temperature will profoundly affect the Earth's landscape in very real and consequential terms. Sea levels could swell enormously, potentially submerging literally millions of homes and coastal properties under our present day oceans. Precipitation would become more erratic, leading to droughts that would make hunger an even more serious global problem than it is today. Diseases such as malaria and dengue fever would spread at an accelerated pace. Several weather disturbances and storms triggered by climate phenomena, such as El Nino, would be aggravated by global warming and become, I am afraid, more routine.

Unfortunately, that is not the first time we have heard such disconcerting predictions, which in their way are so extreme that they may be hard for some to believe, although I find as I go around my State and on occasion around the country that the public is ahead of their political leadership on this issue—at least a lot of the political leadership. The public has been reading these reports and understands that something is happening with the weather that will affect life on this planet unless we do something about it.

For years, scores of scientists from throughout the world have issued warning after warning attesting to the harmful effect of increasing amounts of carbon dioxide and other greenhouse gases. While it is true that there have been some efforts to curb the release of these gases, I am afraid we have spent a lot more time debating the credibility of the warnings than doing something about them.

Truly, this new data does not end the serious debate about whether global warming is a fact. This most recent scientific report is the most advanced study we have had on the subject. I personally conclude that the science is now incontrovertible.

As this latest report reminds us, the threat is being driven by our own behavior. Remember the old Pogo cartoon: We have met the enemy and it is us. That is, unfortunately, the case with global warming. Let me quote the scientists in the report directly.

> There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

Human beings have added more than 3 billion metric tons of carbon to the atmosphere every year for the past two decades. In fact, the current levels of carbon dioxide are likely the highest they have been in 20 million years of history.

In the face of this mounting evidence, what have we done? I am afraid we have a statement from President Bush saying that he "takes the issue of global warming very seriously." But, unfortunately, thus far the acts that have followed that statement do not match the statement.

I am afraid the only global cooling that will occur under this administration is the cooling of our foreign relations with countries around the world, including some of our foremost allies who are very anxious to work with us to do something about global warming. Last month the administration unilaterally announced, without consultation with Congress, and apparently without consultation with our allies or others around the world, that it had "no interest in implementing" the Kyoto Protocol. In doing so, the administration did not just back away from America's signature on an international agreement. They backed away from the process that resulted in the accord, and that action not only undermines our global environment but it also undermines our credibility with our allies.

This is one issue that is so serious and will so profoundly affect the lives of our children and grandchildren and those who follow us here on Earth that we ought to be at the head as the greatest nation in the world of international efforts to stop this problem, to deal with it, and not be viewed by most of the rest of the world as loners going our own way not listening to science experts and not acting responsibly.

I am afraid the Bush administration has also walked away from its chief domestic initiative on climate change, which was a very hopeful initiative, when it reversed the President's campaign pledge to adopt a market-based trading mechanism regulation of carbon dioxide emissions from powerplants. Those emissions account for up to 40 percent of our Nation's carbon dioxide emissions and 10 percent—one-tenth—of the global carbon dioxide emissions at this point coming from American powerplants.

We have to take firm and decisive action—we ought to be taking it together; we ought to be taking it across party lines—to address global warming. If we act soon, we can still avoid the bleak fate that will otherwise await our children and grandchildren on this good Earth that the Good Lord gave us. We are visitors here, temporary visitors. We have an obligation to act not only as good visitors but as trustees of the planet for those countless generations that will follow.

Science is giving us a warning. We all ought to put ideology aside and figure out a way to cooperate to respond to that warning, to protect the planet and those who will follow us on it. Doing so will require two things. One is global leadership, and the other is a shared effort to change the source of the problems and deal with them through technology and through cooperative effort.

In the clear absence of Presidential action thus far, we in the Senate, I am pleased to say, have begun to provide some leadership on this issue. Just before the recess, we passed an amendment to the budget resolution that reestablished funding for all climate change programs throughout our Government, including funding for energy efficiency programs, funding for programs to encourage emissions reductions in developing countries, and the funding for full and adequate participation in international negotiations.

I hope President Bush and others in the administration will take note of the Senate's concern about climate change, represented by this amendment, and join with us in taking action on this problem. There have been some strong voices within the administration that clearly understand the dimensions of the problem and want to work to be leaders in dealing with it. I am speaking of the Secretary of the Treasury, Mr. O'Neill, and the Administrator of the EPA, Ms. Whitman.

The alarming conclusions of the U.N. scientists' report should be of concern to all of us. Global warming is most decidedly not a partisan issue; it is a human problem. It is a problem for all of us who inhabit the Earth. Neither party wants to allow the apocalyptic future projected by the scientists' report. The evidence is compelling. Our planet is, in fact, slowly overheating. So now we have to join together across party lines and international borders and agree to act. This is a challenge because we are talking about a problem whose beginnings we can see now but whose worst effects will probably, hopefully, not be felt until some years have passed.

So this requires leadership—political leadership—to avoid a problem whose worst effects most of us will not experience in our lifetimes, but it is the responsible thing to do to take such action.

Kyoto set a framework. I was at Kyoto when that agreement was negotiated. It is not a perfect document by far. But considering the fact that we were dealing with so many of the nations of the world, approaching this problem from different places, it is a framework for international cooperation.

I hope the administration, on second look, will view it that way, will go to the international meeting in Germany in July, which is the next step in the Kyoto process, will consult with our allies and others in the world, and will find a way, together with us—both parties in Congress—to move forward to deal with this problem.

We deal with serious problems every day in the Senate. It is part of the challenge and, indeed, the excitement of the privilege we have to serve our Nation. It is when we deal with those problems effectively that we have together—all of us—the moments of greatest satisfaction.

This, in the long run, is one of the largest problems which any of us in this Chamber will ever confront. The sooner we get together and make some progress to deal with it, the better will be the world's future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— S. 149

Mr. LOTT. Mr. President, there has been a lot of discussion and effort over the past couple of years put into trying to address the export administration issue. I know that Senator GRAMM and the ranking Democrats and Senator SARBANES have worked on this issue. I know there are a number of Senators who have reservations about this whole area and this particular piece of legislation.

It is my understanding that the new administration has had input and a number of previous concerns have been addressed. I understand this is an area where we need to be careful to make sure we do it in the right way and that we pay attention to very important security concerns.

I think one of the only ways, though, to have those issues properly aired and addressed, and hopefully resolved, is to begin the discussion and see if we can get a final agreement and move on this legislation.

I ask unanimous consent that the Senate turn to the consideration of calendar No. 26, S. 149, the export administration bill.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

EXPORT ADMINISTRATION ACT OF 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 149, and I understand that there are some opening statements that can be made. I hope that we can work through the objections so that we can actually move to the legislation. I move to proceed to the bill at this time.

The PRESIDING OFFICER. The question is on agreeing to the motion, and it is debatable.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the majority leader for moving to bring this bill to the floor of the Senate. As many of my colleagues know, the Congress has not reauthorized the Export Administration Act on a permanent basis since the early 1990s. As a result, we have been in a period where we have sought to get multilateral action on export controls to protect critical national security secrets, but we have had a very difficult time having standing on those issues among our allies when we do not even have a regime in place to monitor exports coming out of the United States of America.

I think it is a terrible indictment of the Congress that for so many years we were unable to enact a bill to restore our export control authorities. I understand that these are very difficult issues, and they are difficult for a very simple reason: the Nation has apparently conflicting goals. We want to export high-tech items, we want to dominate the world in new technology, we want new innovations to occur in America, and we want to be the principal beneficiary of the technological revolution that is changing our lives and the life of every person who lives on the planet. And to do these things, we want Americans to be able to sell high-tech products on the world market.

Wages in these industries are among the highest wages in the world. They really will determine the future of economic development on the planet, and it is a very high American priority to see that we generate these new technologies, that we generate these new jobs, and that Americans be the highest paid workers on the planet.

Our problem comes in that we also have an objective of trying to prevent sensitive technologies that have defense applications from getting into the hands of people who might, at the current time or in the future, become adversaries of the United States of America. First of all, I think we have to admit to ourselves that there is an apparent conflict in these two goals and, hence, you have the difficulty in dealing with this problem.

Now, I want our colleagues to understand that, first, the Banking Committee has very large jurisdiction as it relates to national security. In fact, other than the Armed Services Committee, no committee in Congress has authorizing jurisdiction in defense that rivals the Banking Committee.

Let me give some examples. The Defense Production Act is under the exclusive jurisdiction of the Banking Committee.

The Trading with the Enemy Act is under the exclusive jurisdiction of the Banking Committee.

The International Emergency Economic Powers Act, which has frequently been used for export control purposes, is under the exclusive jurisdiction of the Banking Committee.

The Export Administration Act, which is before us today, is under the exclusive jurisdiction of the Banking Committee.

The Exon-Florio amendment, which set up the process whereby we look at foreign ownership of defense industries, to look at the national security implications of foreign investments and mergers, is under the exclusive jurisdiction of the Banking Committee.

Sanctions bills that imposes economic sanctions against any country, whether it be the Iran-Libyan Sanctions Act, or whether it be any sanction imposed in the future, would be imposed in legislation that falls under the jurisdiction of the Banking Committee.

Quite frankly, I believe some of this dispute is about jurisdiction. I did not write the rules of the Senate, but I believe that when this jurisdiction was put under the Banking Committee, it was the right decision because the Banking Committee is basically the Banking and Economic Committee. These issues have to do with economic matters that have defense implications. I think the correct decision was made in placing these items within the jurisdiction of the Banking Committee.

We have spent 2 years exercising our responsibility in trying to come up with a workable and, I believe, if I may say so immodestly, a superior Export Administration Act. We have held extensive hearings on the Export Administration Act.

I want to show my colleagues some of the studies that have been done that we have looked at. We have had the authors of these studies appear before our committee.

The first, of course, is the now famous Cox Commission report. This was focused on China, and it was focused on the loss of American defense secrets. The Cox Commission report made a series of recommendations. Those recommendations are now embodied in the bill that is before the Senate.

Rather than trying to go through all of the elements of this lengthy report at this time, which obviously would empty the Chamber for several days as I would be standing alone talking about them, given how voluminous they are, I will share with the Senate one point that CHRIS COX made in presenting these reports to us and giving us the recommendations which we have incorporated in this bill.

And this is critically important because I have colleagues who say that now is not the time to do this bill because of our recent problem with China. I say to my colleagues, we should have done this in 1995, but given the problems we have had with China, given their irresponsible behavior, we need this bill in place now more than ever. If it was not the time to do this 3 weeks ago, it is the time to do it today. I say the time to do it was 5 years ago, and we certainly need to do it today.

CHRIS COX, in looking at the loss of technology to China, cautioned the committee on something that I think every Member of the Senate, as we begin this debate, needs to be cautious about. What he cautioned us about was doing feel-good things, doing things where we pound our chest and act as if we are doing something, when in reality we are not achieving anything.

One of the things I am very proud to say about this bill is that there is no feel-good provision in this bill. Everything we did we did because we believed it would work, not because it simply made us feel good to place it in the bill.

The quote I want to read from CHRIS COX is the following:

> We ought not to have export controls to pretend to make ourselves a safe country. We ought to have export controls that work, and you have to assume that if the Ministry of State Security in the People's Republic of China can gain access to the computers at Los Alamos, they can probably gain access to the Radio Shack in Europe.

One of the fundamental principles of this bill is that we want to focus our attention on technologies that have defense implications, that are significant, and where we have some hope of being successful in controlling those technologies. When a million copies of a computer have been manufactured, when they are sold at Radio Shack in Bonn, when there are a million distributed worldwide, there is no possibility that we can keep that computer from falling into anyone's hands who might be potentially hostile to the United States of America.

We might want to do it. We might wish we could keep an agent from a foreign country from going into Radio Shack in Bonn and buying this computer, but when there are a million copies of it worldwide, only divine intervention could keep someone who wanted that computer from having it.

So rather than waste our time and energy on products that are sold by the millions, we try to focus our attention in this bill on trying to deal with those technologies where we have some realistic hope of being successful. Our current Secretary of Defense, Donald Rumsfeld, said it best when he said we need to build higher walls around a smaller number of things, and that is what we have tried to do.

The next point that I want to raise from one of the witnesses before our committee I think reinforces what Congressman Cox said. It is from Donald Hicks, who is the former Under Secretary of Defense for Research and Engineering and chairman of the Defense Science Board Task Force on Globalization and Security. Here is what Donald Hicks said. He refers to what he calls the "utter futility of the U.S. attempt to control unilaterally technologies, products, and services that even its closest allies are releasing on to the world market."

This study in my hand is the study that was done by Under Secretary Hicks making this point.

The next quote I want to give is from John Hamre, who is the former Deputy Secretary of Defense. We all knew him when he was the staff director of the Armed Services Committee. Here is what he says on this subject:

> America needs effective export controls to protect its national security. Our current system of export controls fails that test and fails badly. In ultimately approving 99.4 percent of the requests, we are not really protecting our security. In fact, we are diverting resources from protecting the most important technology and products.

That is a critical point of this bill. When we have a system where we are approving 99.4 percent of the requests for licenses, we have a system where many things are in the system that should not be in the system. We are granting licenses on computers that are being manufactured by the millions and sold all over the world.

We try to focus our attention where it can do us the most good. Frank Carlucci, the former Secretary of Defense and former National Security Adviser, gets right to the heart of it when he says:

> But we should do only that which has an effect, not that which simply makes us feel good. Many technologies are uncontrollable, given the access to the Internet. Others can and will be supplied by our competitors. Our job, your job, is to strike the right balance. Don't help our enemies. But at the same time, allow and encourage innovation and research to flourish.

We have spent 2 years looking at all of these studies, having the authors of all of these studies appear before our committee, and in each and every case their recommendation to us is quit doing things that make you feel good. Quit forcing us into a mechanism where we are having to deal with thousands of items, when 10 are really important. By dealing with thousands, we are not paying enough attention to the 10 that ultimately affect American security.

We have put together a bill that I believe dramatically improves the export control process, the export control review mechanism that is used, and greatly enhances national security. I am proud to say this bill is supported by the President. The President said in very simple terms, "I believe we've got a good bill and I urge the Senate to pass it quickly." He said this in the East Room of the White House on March 28.

The bill before the Senate has been endorsed by the Secretary of Defense, by the Secretary of State, by the President's National Security Adviser. We gave them an opportunity when the new administration came in, to take the bill we had worked on, and go through it in detail. They suggested some 21 changes. We adopted those changes. In several cases I thought the previous bill was stronger, but we adopted those changes. I think in the process, on net, we have improved the bill.

What does the bill do? The bill strengthens national security. No. 1, and most importantly of all these other things, while it doesn't sound as robust as these other things I will mention, it is actually more important. We focus the attention of the export administration process on defense sensitive items where we have some hope of being successful.

We set up a procedure whereby the President is given tremendous powers to negotiate international agreements with our major trading partners to cooperate to try to prevent sensitive technologies from getting into potentially hostile hands.

We establish new criminal and civil penalties for knowing and willful violations. One of our problems under the current situation we face is, for example, that with the question of an illegal transfer of missile technology to China, given the laws that are in place, even if the parties are convicted, the penalties would be trivial. No one will call the penalties in this bill trivial. The penalties in this bill begin with $5 million for a violation. In the case of multiple violations, the penalties could run into the hundreds of millions of dollars. We have tough prison sentences for knowing and willful violations. When we have those penalties, we affect people's behavior, which is what we need to do.

Again, it is very difficult to enforce these laws. It is difficult to prove intent. Knowing it is difficult to catch people, we wanted to have very severe penalties when they are apprehended, prosecuted, and convicted.

We strengthened the hand of the national security agencies by, for the first time, giving them a formal procedure by which to be involved in this process. We were very concerned that in the previous administration the Defense Department was in a position of not being in concurrence with some decisions that were being made but not having an effective way to show it did not agree. So we provided a process whereby if any member of the review panel—and we would assume in general it would be the Defense Department—objects, that individual, with the concurrence of the designated political appointee in his or her department, has the ability to object and force that decision to the next highest review level. That is a substantial strengthening, in my opinion, of the process.

We have greater predictability in the process, as well, which is important both for national security and economic reason.

I will end with this: We do have a cloture motion. At some point that petition may be filed, because it is critical to national security we get on with this process.

I conclude by talking about the balance we are trying to establish. We want a balance that allows us to provide for the national security of the United States, but on the other hand, we want to be able to be the dominant high-tech manufacturer in the world.

Please remember, despite any feel-good speech we could make, most high-tech companies have operations worldwide, so when they are developing a new product, they can develop it in Germany or they can develop it in Dallas. If we have an export control process that is cumbersome or inefficient or costly or overly burdensome, they will develop these products in Germany and not in Dallas. That is harmful to our security, and it is harmful to people who are working in America.

This bill is good for security because it restores the expired control authority. It adopted the recommendations from the studies I referred to earlier, such as the Cox Commission and the commission studying proliferation of weapons of mass destruction. It protects sensitive U.S. goods and technologies. It strengthens the role of the national security agencies, and it toughens criminal and civil penalties.

That is how it strengthens national security, why it is good for national security.

Why is it good for trade and for job creation and for the economic development and economic dominance of the United States of America?

No. 1, it streamlines controls and procedures.

No. 2, it removes ineffective controls where we know an item is mass marketed. A million copies are sold on the world market, and an American company trying to get market share ends up, under current practices, being delayed for long periods of time to get approval to sell something that is readily available on the world market. That makes no sense and it burdens the process to such a degree that we are not paying attention to the things that are really important when we are doing those things. This bill changes that, it fixes that problem.

This bill brings certainty and transparency to the licensing process. When somebody applies, they know how the process works. They know what the timetables are. They know they are going to get an answer—yes or no. As anybody who has ever been contacted by a high-tech manufacturer knows, what they want to know is, yes or no. If the answer is no, they can deal with it. If the answer is yes, they can rejoice. What they cannot deal with is no answer, which is what the current process is producing, even though it is eventually approving 99.4 percent of the applications.

This bill seeks to restore the international cooperation that we had under the cold war export control regime, where we had multilateral agreements and, where we could prevent things from being sold by one country or another to our potential adversaries. This bill, first, sets up the best system we can set up given we are acting unilaterally, but it also gives the President strong new directive to go to England, to go to Germany, to go to Japan, and try to work out multilateral agreements, and then this bill automatically makes those binding.

Finally, it creates a framework compatible with the high-tech economy in which we live and work. We have currently set into static law the number of MTOPS, millions of theoretical operations per second, that a computer could generate as a condition for export, when we know that this number is doubling every 6 months. So what did this provision of the law do? What it did was put American producers at a disadvantage because they would have to go through our export control process, while their competitors in Germany and Japan could rush right out into the marketplace. Our producers would fool around, trying to get a Presidential decision to update the standard, generally with legions of high-tech people coming to kiss the President's ring and in some cases attend his fundraisers.

That is an unworkable system. It breeds corruption. It hurts America. It does not enhance security. So we in this bill we repeal the MTOP limit and set out a process where the focal point is not on something that is doubling every 6 months—we cannot change that, we cannot legislate it away.

I do not question the sincerity of the critics of this bill. I do not think their hearts are any less pure than mine. But I would like to say that I don't take a backseat to anybody in America in supporting national defense. I was in the House, and I helped write the budget in 1981 that rebuilt defense and helped fund Peace Through Strength that tore down the Berlin Wall. I am concerned about American security. My dad was a sergeant in the Army. I am from a part of the country that lost a war. I understand something about national security and why it is important. So while I do not doubt that I have colleagues who have national security concerns, I have those concerns as well. They are reflected in this bill and its provisions.

I believe we put together a good bill. I know that not everybody agrees with that. We got a vote of 19–1 in the Banking Committee. I have been the "1" many other times, on other committees under other circumstances, and that didn't make me any the less right that the other 19 people voted the other way. I understand that. But we have come to the point where we have to make a decision.

I urge my colleagues, let's go to the bill, let's make our cases, and I will pledge to them if they convince me that they are right—I helped my colleagues in the committee write the bill the way we wrote it because I thought it was best, but if there is a better way, I am willing to support changing it. I cannot speak for other people. But if my colleagues can convince me there is a better way of doing it, I will do it that way.

What I do not think I can be convinced of is that the best thing to do is to do nothing, that the best thing to do is to continue to limp along without having an effective process in place. I am concerned about the potential threats we face as a nation. I think we need this bill to help meet those threats. I urge my colleagues to support the bill, but if they are not going to support the bill, tell us how they would make it better, let's look at it, let's have votes on it. Again, anybody who has a way to make it better, I am willing to support it. I do not think we have reached the perfect bill yet, but I do think we have a dramatic improvement on the status quo.

I thank my colleagues. I thank Senator ENZI and Senator JOHNSON for the great work they have done. I have never seen a Member get as involved in issues as Senator ENZI has been involved in this process. I have never seen a Member of the Senate who went to the actual meetings of these agencies and sat for hours, trying to figure out what they do and why they do it and how it works. The quality of this bill is in large part due to the work that he did and the work he did with Senator JOHNSON on the International Finance and Trade Subcommittee.

I thank Senator SARBANES. This is a bipartisan effort. Senator SARBANES and I are far apart on some kind of mythical, philosophical line. But I think the reality is that we have been very effective in legislating and we have been effective because we have tried to work on a bipartisan basis. If we can work in a bipartisan basis, it can be done.

I thank my colleagues for their leadership and their cooperation. I am hopeful we will pass this bill. I hope after the debate our colleagues who are concerned about the bill will be convinced—not necessarily to be for it—but will be convinced that maybe it is an improvement over the status quo, and maybe it is not quite as bad as they would think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is debating the motion to proceed to S. 149.

Mr. SARBANES. I thank the Chair.

Mr. President, I urge the Senate to adopt the motion to proceed and give itself the opportunity to move to the substantive consideration of S. 149, the Export Administration Act of 2001. The adoption of this motion to proceed would enable Senators, then, to consider the bill on its merits, to offer amendments, if they have them, to alter or change the bill in whatever direction they think is desirable. I think this is important legislation. I am frank to say I think this bill before us is well crafted and deserves the support of the Senate. But in any event, whatever your attitude on that question is, I certainly think this issue, and this legislation dealing with this issue, deserves to be considered by the Senate.

I very much hope, after we have had this opportunity for some discussion, we will be able to move ahead and consider the bill on its merits. I understand it is the leadership's intention to file a cloture motion—the leadership, as I understand it, on both sides of the aisle—in order to enable us to go to this legislation. I hope that will not be necessary. I think there is a compelling argument for taking up this bill and addressing this issue.

Let me say a few words about the bill itself. Earlier this year, I was pleased to join with my colleagues, Senator ENZI, Senator JOHNSON, and Senator GRAMM, in introducing this legislation. It was reported out of the Banking Committee on a bipartisan vote of 19–1, so there was a very strong majority within the committee. That was on March 22 that we met and marked up the bill and reported it to the floor of the Senate.

The Export Administration Act provides the President authority to control exports for reasons of national security and foreign policy. I think there is a strong national interest in Congress reauthorizing the Export Administration Act. If we do not do that by August, there will be no Export Administration Act. And, in fact, we are now working under a temporary extension of the Export Administration Act, passed in the last Congress, which will expire in August.

Before we passed that temporary extension, we were dealing under the International Economic Emergency Powers Act. Let me be very clear about this because it is very important. We need to understand what the situation has been and what the situation will be if we do not act on this legislation. The Export Administration Act has not been reauthorized since 1990, except for temporary extensions in 1993, 1994, and last year. In other words, for most of the past decade we have been operating without an Export Administration Act. We are now in the framework of a temporary extension that expires on August 20 of this year.

Without these temporary extensions—in other words, for over this past decade—the authority of the President to impose export controls has been exercised pursuant to the International Economic Emergency Powers Act—the so-called IEEPA.

In my view, it is highly desirable for the Congress to put in place a permanent statutory framework for the imposition of export controls. That is what this bill will do. That underscores the importance of considering this legislation. Export controls should not be imposed pursuant to the emergency economic authority of the President.

One example of the reason for depending on IEEPA is that penalties that may be imposed under export controls under IEEPA are significantly less than those imposed by this legislation. In other words, reliance on IEEPA and the President's extraordinary authority under that legislation still leaves us falling short in terms of the penalties for violations of export controls for what this legislation provides.

It is ironic that this bill is being in effect contested on these national security grounds when in fact it does more to protect the national security concerns than the existing IEEPA scheme.

The IEEPA scheme is also weak in the sense we are quite worried that it will be subject to a court challenge, which in effect would make the limited penalties that it contains inapplicable. I think that has to be kept very much in mind as we consider taking up this legislation.

This legislation has been worked over very carefully. I think it represents a carefully balanced effort to provide the President authority to control exports for reasons of national security and foreign policy while at the same time responding to the need of U.S. exporters to compete in the global marketplace.

We have two major objectives we are trying to harmonize. I think this legislation does it in a balanced way.

In preparation for acting on this legislation, the Banking Committee held two hearings in this Congress. We held a number of hearings in previous Congresses and two hearings with representatives of industry groups and foreign and Defense Department officials. Extensive consultation took place with representatives of the current administration, including representatives of the Defense Department, the State Department, the intelligence agencies, the Commerce Department, and the National Security Council.

Prior to the markup of the legislation in the Banking Committee, Condoleezza Rice, Assistant to the President for National Security Affairs, sent a letter to the committee. I will quote it because I think it is important. I will quote it actually in full. The Assistant to the President for National Security Affairs in a letter to the chairman of our committee stated:

> The Administration has carefully reviewed the current version of S. 149, the Export Administration Act of 2001, which provides authority for controlling exports of dual-use goods and technologies. As a result of its review, the Administration has proposed a number of changes to S. 149.

Actually a number of colleagues were involved in urging the administration to seek such changes, including colleagues I see on the floor now and who remain, I take it, concerned about this legislation.

To go back to the letter:

> The Secretary of State, Secretary of Defense, Secretary of Commerce, and I agree that these changes will strengthen the President's national security and foreign policy authorities to control dual-use exports in a balanced manner, which will permit U.S. companies to compete more effectively in the global market place. With these changes, S. 149 represents a positive step towards the reform of the U.S. export control system supported by the President. If the Committee incorporates these changes into S. 149, the Administration will support the bill. We will continue to work with the Congress to ensure that our national security needs are incorporated into a rational export control regime.

Mr. SARBANES. Mr. President, a major effort was made by the committee to work through the list of proposals by the administration. Those proposals were incorporated into the bill during the Banking Committee's markup. I thought the administration's recommendations were a balanced set of proposals. I believe they strengthen the overall bill.

Subsequent to that and subsequent to the committee reporting the bill out, the President in remarks to high-tech leaders at the White House on March 28 urged quick passage of this bill by the Senate.

In that appearance at the White House—and I will quote briefly from the President's—actually, he started off by saying to this group:

> Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. And I'm glad I'm living here.

That is the President talking.

He went on and said to the high-tech group:

> I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

He then goes on to say that "this has been crafted as a good bill. And I urge the Senate to pass it quickly."

Mr. President, I ask unanimous consent that these remarks of the President in a meeting with high-tech leaders be printed in the RECORD at the conclusion of my remark.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I commend very strongly Senator ENZI, who was chairman of the relevant subcommittee in the last Congress and chairman of the International Trade and Finance Committee, and Senator JOHNSON, who is the ranking member of that subcommittee, for their extraordinary work in developing this legislation. They worked tirelessly both in the last Congress and again in this Congress to help bring us to this point.

I commend Senator GRAMM and the staff of all Senators and the committee staff for their strong efforts to develop a bipartisan consensus on this legislation.

Senator HAGEL and Senator BAYH, who have taken over these positions now in the new Congress on the subcommittee, also made constructive contributions in moving this legislation forward this year.

Let me say this about the legislation. It generally tracks the authority provided the President under the Export Administration Act, which expired in 1990, as I indicated earlier. But a significant effort was made with the excellent assistance of the legislative counsel's office to delineate these authorities in a more clear and straightforward manner.

We made a very strong effort to inject an element of clarity and directness into the statute which would make it easier for the executive branch agencies to administer the statute and for the exporters to comply with it.

The bill makes a number of significant improvements to the EAA. It provides, for the first time, a statutory basis for the resolution of interagency disputes over export license applications. The intent is to provide an orderly process for the timely resolution of disputes while allowing all interested agencies a full opportunity to express their views.

This is very important. There is an orderly process now by which disputes can be moved up the ladder in order to be resolved. So any concern that any department or agency of the Government has as they work through this interagency process can be heard and dealt with and resolved, and, if necessary, at the final level, be resolved at the Presidential level. This orderly process was an issue of great concern to the administration, to the national security community, and to industry.

I think we have reached a reasonable resolution of the issue in this bill. This was an issue on which Senator ENZI and Senator JOHNSON spent countless hours in order to try to work out arrangements that would be acceptable to all. As I have indicated, now they are acceptable to the agencies and the departments of the executive branch across the board. Not one department or agency is coming in now and telling us they think this is not a workable system under which they can operate.

The bill significantly increases both criminal and civil penalties for violations of the Export Administration Act, reflecting the seriousness of such violations.

The bill provides new authority to the President to determine that a good has mass market status in the United States and should therefore be decontrolled. This gets at this issue of, well, you can go out and buy a store on the market. Why are we controlling this good? But the bill retains authority for the President to set aside a mass market determination if he determines it would constitute a serious threat to national security and that continued export controls would be likely to advance the national security interests of the United States. So we retain an ultimate authority in the President with respect to this matter.

At the particular urging of Senator ENZI, the bill contains a provision that would require the President to establish a system of tiers to which countries would be assigned based on their perceived threat to U.S. national security. The intent of this provision is to provide exporters a clear guide as to the licensing requirements of an export of a particular item to a particular country.

The bill would also require that any foreign company that declined a U.S. request for a postshipment verification of an export would be denied licenses for future exports. The President would have authority to deny licenses to affiliates of the company and to the country in which the company is located as well.

You get a sense of the reach of some of these provisions in providing important protections for national security concerns.

We also included a provision in the committee to make a number of technical corrections and incorporate the suggestions made by the administration.

The bill contains a provision from the expired EAA relating to the imposition of export controls on crime control and detection instruments that inadvertently had not been included in the bill as introduced.

So, to close, let me just again underscore that this is a very carefully crafted piece of legislation. It is a very balanced piece of work. I believe that the Senate, when it finally is able to get to the substance of the bill, will provide broad support for it, just as it had broad support in the committee.

Again, I underscore that though it is asserted now that the protections are inadequate for national security and foreign policy, that runs so counter to the situation in which we find ourselves. If you compare what is in this bill with the existing arrangements, or with the previous arrangements under the EAA, this bill has done a good job of providing clarity and providing process of procedure of the arrangements to be followed, which gives to the exporters more definition and more certainty in how they can proceed, what the rules of the road are, while at the same time retaining for the administration, ultimately for the President, very significant powers in controlling exports.

As I indicated, it establishes tough new criminal and civil penalties for export control violations. It strengthens our ability to control critical technologies by building a higher fence around the truly sensitive items. That is very important. One of the things we are trying to accomplish is a focus on the truly sensitive items. It grants the President special control authorities for cases involving national security, international obligations, and international terrorism. It promotes discipline in licensing decisions by codifying the role of national security agencies in the licensing process and then streamlining licensing procedures, and it encourages U.S. participation in strong multilateral export control regimes.

We have a short timeframe to deal with this legislation this year, given that the short-term extension of the EAA expires this summer in August. We need to put in place a permanent statutory framework for the imposition of export controls. I believe this legislation is that framework. I strongly urge my colleagues to support the effort to move to this legislation and subsequently to enact it.

Mr. President, I yield the floor.

EXHIBIT 1

REMARKS BY THE PRESIDENT IN MEETING WITH HIGH-TECH LEADERS, MARCH 28, 2001

The PRESIDENT. Thanks for coming. I appreciate that warm welcome. And welcome to the people's house. It's a nice place to live. (Laughter.) And I'm glad I'm living here.

. . . As well, I've got some good news and you may have been watching the Senate Banking Committee. But after a lot of work with industry leaders and the administration and members of the Senate, the Export Administration Act—a good bill—passed the Banking Committee 19–1.

The technology that you all have helped develop obviously gives us an incredible military advantage, and that's going to be important. And it's an advantage, by the way, that we tend—want to develop, to make sure we can keep the peace, not just tomorrow, but 30 years from now. We've got to safeguard our advantages, but we've got to do so in ways that are relevant to today's technology, not that of 20 years ago.

The existing export controls forbid the sales abroad of computers with more than a certain amount of computing power. With computing power doubling every 18 months, these controls had the shelf life of sliced bread. They don't work.

So in working with the Senate, we're working to tighten the control of sensitive technology products with unique military applications, and to give our industry an equal chance in world markets. And I believe we've got a good bill. It's a bill that I heard from you all during the course of the campaign. The principles we discussed are now a part of this bill. I want to thank Senator PHIL GRAMM for his hard work in working with us and industry and some members of the Senate to make sure the bill that has been crafted is a good bill. And I urge the Senate to pass it quickly.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Alabama.

Mr. SHELBY. Mr. President, I objected to the motion earlier to proceed to the Export Administration Act. I want to share some of my concerns in why I did that.

I, too, serve on the Banking Committee. I have been on it 15 years. I worked with Senator GRAMM, Senator SARBANES, Senator ENZI, and Senator JOHNSON. It is a great committee. It is the committee of jurisdiction for this legislation. I also happen to be chairman of the Select Committee on Intelligence. And this is why I am concerned about this piece of legislation today.

Yesterday, we in the Intelligence Committee spent 2 hours being briefed on the damage to our national security from China's seizure of sensitive technologies aboard our EP-3 reconnaissance plane, which remains, as of this hour, in Chinese custody.

Chinese technicians are picking that plane apart, and I do not believe they are looking for loose change under the seat cushions.

Yet today, right now, we are talking about moving to debate a bill that will make it easier for the Chinese, and others, to get technology like that aboard the EP-3 and other advanced technologies without any licensing or export restrictions.

I ask my colleagues: What is wrong with this picture?

I am sure the Chinese leadership can't believe its luck. The U.S. Senate, which until a few days ago was criticizing China's aggressive tactics, militaristic policies, and disdain for the rule of law, is now rushing to open the floodgates for the advanced technologies China needs to upgrade its military.

And a few days after the administration announced an unprecedented package of arms to help Taiwan defend itself, the Senate wants to sell China the very technologies that will help it to overcome Taiwan's defenses, and threaten the U.S.

The events of the last several weeks underscore a fact that has been apparent to many of us for some time: China is not our strategic partner. It is our competitor and could be our adversary.

Yet we are moving ahead on this bill today as if these events never occurred. I fear the Senate is signaling to the Chinese that whatever they do and however much we may criticize their actions, we will always put our commercial interests ahead of our national security.

We have done this in the past, and we are reaping the results today.

Equally important is the risk of advanced dual-use technologies falling into the hands of countries such as Iran, Iraq, or Libya.

While supporters emphasize the economic benefits of provisions in this bill that would ease controls on exports to large markets like Russia and China, they don't tell you that Russia and China are routinely identified by the Director of Central Intelligence as the "key suppliers" of nuclear, biological, and chemical weapons technologies.

Although this bill may help our U.S. technology industry increase its exports in the short run, I believe its impact on our national security in the long run may be disastrous.

As a result, I cannot support proceeding to this bill at this time until the entire U.S. Government has had an opportunity to thoroughly review the legislation, take a fresh look at our overall China policy, conduct an in-depth study of our export control policies, and address the national security concerns shared by the chairmen of the national security committees in the Senate.

In addition to these governmentwide efforts, we in the Senate must do our homework. This is an extremely complex piece of legislation that raises a host of extremely complex issues. They need to be debated and looked at thoroughly.

The economic benefits of increased high technology exports are quickly apparent and relatively obvious; the national security implications are less immediate, less obvious, and often classified.

Therefore, before voting on this legislation, every Senator should have the benefit of the extensive briefings that Senators WARNER, HELMS, THOMPSON, KYL, MCCAIN, and I have had.

Should the Senate now vote to take up the EAA, I intend to join my colleagues from the other national security committees in setting forth in detail our concerns about the national security implications of this bill.

We believe the case is compelling for those who are willing to listen.

That is why I object to proceeding with the bill so soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today in support of this historic legislation before the Senate. I regret that there is resistance to the motion to proceed. I believe it would be best to proceed to the consideration of this legislation by the full Senate, to debate the merits of the legislation, and, for those who object, to provide opportunities for them to offer amendments to be debated on their merits in the course of our consideration.

Whether we move forward today or are delayed a couple more days, it is important that we move ahead as expeditiously as we can on passage of the Export Administration Act reauthorization.

This legislation is the culmination of many long hours of bipartisan cooperation to modernize America's export laws to reflect our rapidly changing world. It was first put together last year, when I served as ranking member of the Subcommittee on International Trade and Finance of the Banking Committee. Senator ENZI, my Republican colleague from Wyoming, served as chairman of that subcommittee. We were able to pass similar legislation out of the committee on a 20–0 vote. This year Senator ENZI and I have moved on to other subcommittees but have remained actively involved in this issue.

I particularly commend Senator ENZI for his continued strong leadership and the work he and his staff have put into this effort. The consequence of that work during this Congress has been the legislation before us that passed out of the Banking Committee on a bipartisan vote of 19–1 and which has the support of the President of the United States, the Secretary of Defense, the Secretary of State, the Secretary of Commerce, as well as the National Security Adviser to the President.

While there are some who raise the specter of diminished security concerns, it is interesting that, in fact, not only is there overwhelming bipartisan congressional support for this balanced piece of legislation, but the people who are most knowing or most in the position to advocate for strong national security in America, our President and Secretaries of Defense and State, are all supportive of this legislation. To raise the specter of China strikes me as something that has been thought through very carefully by our President and our defense establishment in the course of endorsing and supporting this bill.

The fact is, under this legislation, our national security would be strengthened, not diminished. Yes, sales of technology items could be made to China but only those items which our defense establishment and our President endorse as appropriate sales and which are otherwise available on the open market.

I have had the great pleasure of working on a team with Senators ENZI, GRAMM, SARBANES, and their staffs, to craft this legislation. I thank them for their professionalism and their cooperation on this effort. It is rare that legislation of this importance comes before the Senate with this level of bipartisan support, and the cooperation and support of the White House and the defense and commerce establishments in the United States. It is a rare day that legislation of such consensus comes before us. I had hoped we would not lose this opportunity to advance the interests of our national security and our economy at the same time.

I am gratified for the support of the Bush administration and their willingness to express their support for the legislation.

I also note with appreciation the role Senators GRAMM and SARBANES have played. We have had constructive participation across the board, and that spirit contributed to the construction of the newly amended version of S. 149 that is before the Senate today.

As my colleagues know, we live in a truly global economy. America has enjoyed unprecedented growth in recent years in large part because of the expansion of our marketplace overseas. American businesses look well beyond our borders for customers, and exports play a critical role in keeping our economy strong. We have also seen enormous changes in the goods, services, and the technologies American companies produce.

Back in my home State of South Dakota, we have seen a 172-percent increase in high-tech employment over this past decade. Our workers have benefited from the good jobs and fair salaries that the high-tech sector brings. The goods, the services, and the technologies they produce are in tremendous demand throughout the world.

However, we must not be naive. Certain products and technologies can be used for the wrong purpose. But we must not allow fear to prevent us from crafting laws that face those issues head on and establish a balance between economic growth and national security, and our other needs.

The Export Administration Act is a thoughtful, balanced bill. EAA is an important step toward ensuring our continued ability to export American goods to the rest of the world. At the same time, EAA includes the necessary safeguards to ensure that our export policy protects our vital national security interests.

Since EAA's expiration in 1990, Congress has declined numerous opportunities to reauthorize the EAA. I lament those missed opportunities, and strongly urge my colleagues not to squander the opportunity before us today.

Reauthorization has become still more urgent as the courts consider the legality of our reliance on an expired EAA, and on the annual temporary extensions we provided in the underlying legal authority claimed under the International Economic Emergency Powers Act. I fear the day that one of these challenges will ultimately succeed and strip this Congress of any control over sensitive dual-use technologies. Contrary to what some of my distinguished colleagues may argue, reauthorization of the EAA in fact greatly enhances our national security.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on exports with no security implications, and tighten controls on exports that raise security concerns. These principles are not controversial; yet crafting legislation that puts these principles into practice has been difficult to accomplish.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns in a balanced manner.

We increased the penalties on export violations, so that violators of export control laws will pay a real price for breaking the law. We made realistic assessments with respect to what items should be decontrolled based on foreign availability and mass market standards.

It does us no good to be trying to limit the export of items that can be found anywhere on the open market throughout the world.

In one respect, however, I am disappointed. I am disappointed that we were forced to drop title IV, which lifted the practice of using food and medicine as a weapon against rogue nations. It is my understanding that a majority of the national farm groups believe our language could potentially delay regulatory actions with respect to the lifting of sanctions.

But as important as that legislation is, I also acknowledge that there are other forms, other vehicles, legislatively for those issues to be taken up at a time when we need to focus primarily on the export of high-technology products and the defense implications of those exports in the course of this debate. I am confident there will be other opportunities to raise the larger issue of economic sanctions on agricultural and medical products throughout the world.

My colleagues, the Export Administration Act is a good bill. It is a balanced bill. It is good for America and for Americans.

S. 149 strengthens our national security—it doesn't weaken it. To those who argue against this legislation in light of recent events with China, I respectfully refer to them to the Cox Report that specifically recommended reauthorization of the EAA as a way to strengthen our national security with respect to exports to China. The EAA is a strategic, intelligent response to the real threats that face America.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The high-tech field will lead our economy into the next century. We understand, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to limited specific goods, services and technologies. That is the balance we seek to strike, and I believe S. 149 does that.

That is the balance that has caused this broad-based, bipartisan support, and the support of the White House, for this effort.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

I regret that we may not proceed today on the motion. If that is the case, I have great confidence that with the cloture motion we will be back on this legislation within a very short period of time.

Again, in closing, I commend the leadership of Senator ENZI, my friend from my neighboring State of Wyoming, and his staff for the work they have devoted to this effort, as well as to Chairman GRAMM and the ranking member, Senator SARBANES, who have worked with us and with their staffs throughout this entire effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I support the chairman of the Intelligence Committee, who objected to proceeding at this time on this bill. First of all, I wish to state my reasons for supporting an objection to proceeding at this time.

I do not think this bill is going to be delayed indefinitely. It is not my wish to do that. I think the Export Administration Act ought to be reauthorized. I have thought that for a long time.

The question is, What is going to go in the act when we reauthorize it? We have had a vigorous bipartisan debate inside the Senate, and I would venture to say also inside the House, among our Members, as to what we ought to do about controlling or decontrolling certain sensitive items in this country. We all have the same goals, but we have markedly different views regarding certain aspects of how to achieve those goals. We now are being—after having about 24 hours' notice—asked to take up a piece of legislation which has national security implications, which is controversial, which is going to take some time in order to consider amendments which we think can benefit and strengthen the bill. It is going to take some time in that regard. It is simply not something that we should be fitting in in the middle of a week for a day, or day and a half, and either dispose of it or continue it on to another time. We ought to try to get together and set aside some time, a reasonable time—I would be in favor of a time agreement to do that—so amendments can be heard and we can debate the merits of the bill.

This is not the time to do that. It is going to take more time than what we have right now. At the outset, perhaps in some respects in a very general sense, balancing our concern over commerce with national security is what we are about. But that is not what the Export Administration is all about. That is not what export controls are all about.

It is pretty clear that what that is all about is national security. It doesn't say anything in this bill or anything in the legislation on the books now that we should engage in this balancing act of commerce versus national security. What it says is that you protect national security. In the bill before us, the purposes are set out. The purposes of national security export controls are the following: To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States and to stem the proliferation of weapons of mass destruction.

That is what this bill before us states is the purpose of these controls. That is with what we are dealing.

As we proceed, I hope we do not think we should strive so hard to draw a 50-50 balance with regard to the considerations involved because they are heavily weighted, to say the least, toward national security. That, of course, is the basis of our concern.

In terms of the timing, it is my understanding that a part of the administration's position is they want to draft an Executive order that will strengthen the visibility and the voice of other Federal agencies in the interagency dispute resolution process that will give the Department of Defense greater visibility and a major role in the commodity classification process and ensure that deemed exports are covered, which are not covered by this law. Those are three very important provisions that the administration says it wants to address by means of an Executive order.

I think we are entitled to see that Executive order. I believe we would want to consider whether or not to make them a part of the legislation. They are very important items, as important as several of the items that are in the legislation.

It is only proper, considering the severity of the issues with which we are dealing, that we have all of the cards on the table and that we deal with them in an appropriate manner.

Also—and the chairman of the Intelligence Committee alluded to this—this is the wrong time to bring this up for another reason. It has broad ramifications and broad applications with regard to many different items and many different countries, but this is, in many respects, a China trade bill.

Much of the impetus among the commercial world for getting this passed has to do with decontrolling previously controlled items, many of which are high-technology items, many of which have potential military application, and many of which would be going to China. They have a vast potential market. Only about 10 percent of the items we export to China are controlled items. So it is not a large part of what we are doing with them right now.

Apparently the idea is, with China's concentration on high tech and their need for our supercomputers and other sensitive matters, that trade will pick up and the desire among industry is to more easily export without having to apply for a license, that trail of what granting a license entails. That is what this is all about.

At a time when the Chinese leadership is issuing belligerent statements with regard to our policy toward Taiwan, right after they detained 24 American crew members and, as the chairman of the Intelligence Committee pointed out, we are feverishly trying to destroy computers aboard those airplanes and other items of hardware and software, at a time when the Chinese are engaged in a rapid military buildup and have 300 missiles on their coastline that can be used against Taiwan, at a time when they are detaining Chinese American scholars against their will, I do not think this is the time to send the message to China that we are going to engage not only in business as usual but become even more liberal in our policies of sensitive exports. We had best wait until that dust settles a little bit before we take it up.

We have had a policy in this country for some time of controlling certain matters that fall into the sensitive category with regard to supercomputers, milling machinery, centrifuges, and a host of items which have dual use, both civilian and potential military use.

It has always been a concern as to how far we can go in allowing civilian trade without the items being used by the military. We find from time to time, on the rare occasions we check on them, that China has diverted from civilian to military use. The Cox Commission points out to us that they are using our high technology to benefit their military. It is not that we have to speculate about that.

This Congress has responded in various ways with regard to high-performance computers which can be used for simulation, for nuclear testing, reliability, and without actually doing the testing of the bombs. They can use computers nowadays to test the efficacy of their bombs by use of high-speed computers. So Congress in 1998, as a part of the National Defense Authorization Act, provided, with regard to these high-speed computers, that there should be a national security assessment to see to what extent we might be harming ourselves.

That act also provided for postshipment verifications for tier III countries, such as China; in other words, to see how these computers are actually being used in China.

It also required congressional review with regard to notification thresholds. We require our exporters to notify the authorities when they are doing certain things at certain levels. If the President is going to change that notification threshold, he needs to notify Congress.

The bill before us would basically do away with all of those requirements and would abrogate those requirements that Congress set down in 1998. If we take these broad categories of items totally off the books and say there is no licensing at all, there will be no monitoring even of what is being shipped to whom. There will be no ability for a cumulative effect analysis. This particular item or that particular item does not have a serious effect but the cumulative effect of all of them might. That is a requirement of the law that has not been observed in the last decade, as far as I know.

This is going to be the basis of the discussion. That is not to say we should not reauthorize the act. That is not to say we cannot improve and close some of these openings that I believe are unfortunate and uncalled for and deleterious to those issues on which we all agree.

We hear all this talk about building bigger fences around a smaller and smaller number of items, but I do not see where the fences are. I would like to have explained to me how we are building higher fences by this act, because this is a decontrolling, in large part. There are certainly other provisions, but I see nothing where there is a tightening of the process in building higher fences. We are winding up with more openings in that fence instead of building a higher fence.

Substantively, the bill before us is a good improvement over the first draft last year. We had certain concerns about it. We had a lot of discussions about it. It was vigorously defended.

The administration has come in and just within a few days—they have two people confirmed in the Department of Defense right now. That is with what we are dealing. When we talk about the administration and all these various agencies that have a piece and a part of this as we go through the licensing process, let's keep that in mind.

It will be the better part of a year before this administration is intact because of the scandalous difficulty we have in getting people through this process in our Government. It has been going on for a long time.

A lot of these things require input of people who are appointed by the President and confirmed by the Senate. If this bill was part of the law today, as far as defense is concerned, as far as appealing something, for example, in the export control process, it would either have to be Mr. Rumsfeld or Mr. Wolfowitz because they are the only ones who fit that criteria. That is totally unworkable.

Another reason not to rush is that we do not have an administration that is fully staffed in the relevant departments.

One of the key provisions involves foreign availability, the idea if under the Secretary's determination, after consulting with others, the Secretary of Commerce determines there is foreign availability of an item, they will lift controls, the idea being it will not do any good to try to control that.

There is probably some truth to that. It very well may be we are trying to control more than what can be controlled. The real question is not whether or not we on this side of the issue or our colleagues on the other side of the issue can sit here and determine what ought or ought not be controlled. The question is, can we come up with a procedure where on the questionable items, we know they will get full, fair, and complete consideration by people who ought to be considering the products. That is the question. We are not talking about things all over the world, through Radio Shacks around the world. Keep in mind, we are not talking about restricting any of these items from being exported. We are talking about whether we ought to have a license requirement.

Most of these items are going to be exported anyway. The difference is whether or not it will take 30 or 45 days or whatever the normal amount of time is. Sometimes goods are held up longer than that. Sometimes they are held for national security reasons and this cannot be explained to the person making the application. There is a bit of delay there. In most cases it is not a great delay.

Some say our competitors are so hot on our trail, our European allies are so close to us in technology that the month delay will mess up a large number of sales. That is not very credible as far as I am concerned. We have the lead in so many areas that going through the licensing process, if it goes through as it should and is supposed to, is not going to make the difference in terms of this commercial activity.

We need to think through the foreign availability argument. If the genie is out of the bottle and none of these things can be controlled, why do we still have restrictions on rogue nations? If we furnish Saddam with the computers, wouldn't that be better than having somebody else furnish them, if he is going to have them anyway, or the centrifuges or the milling machines—they are sensitive—that go to make nuclear items? There are certain good arguments, good reasons to be made that he will have it anyway; why not supply it with our companies so we know exactly how it works.

I find it a bit inconsistent to say none of this stuff is controllable. It is out there; you can't do anything with it. But we want to make real sure we keep these controls on rogue nations—Iran, Iraq, and the bad guys. Clearly there is a limit. Clearly there is a line. Maybe we have not drawn the line in the right place in times past. Maybe even the old end top criteria is out of date. It has been going so rapidly up it has become almost irrelevant. Many have been critical of the Clinton administration for raising it so rapidly and now it will be done away with altogether. We are having to take a new look at that. People say you cannot regulate computing power. You have to regulate or deal with the software. You have to deal with the application being made with the use of the computer. It is a different kind of world with which we are dealing.

We have to be careful. While acknowledging that technology has greatly expanded and there are more things in the world that perhaps can't be controlled, there are still some areas where we do not want to open the floodgates. The question is, What are those areas and what kind of procedure will we have to ensure that those are not sent along with the rest? When we deal with thousands and thousands of items, it is not an easy answer.

The President, it has been pointed out, under this bill, can have a set-aside if there is a threat to national security. On this business of balancing commercial interests over national security, get a load of this: The set-aside provides the President can take this action only if there is a threat to national security, not because it has national security implications. I assume this is a direct threat. I don't know. But the President cannot do this until there is a threat to national security. Then once he makes the determination that there is a threat to national security, he has to leap more hurdles than if he were in the average track meet. If he makes the designation, he has to report to Congress and justify himself. Then under this bill he is required to pursue negotiations to try to get the countries making this available to quit making it available. He has to notify Congress about that. Then the President has to review this matter every 6 months.

Remember, this is a matter that is a threat to national security. He is required to review this every 6 months so it can be lifted if the circumstances change. He has to report that to Congress and justify not lifting it. Then the President, after having gone through all of that, if the set-aside is still standing, has to relinquish his set-aside if there is still not a high probability that there will be any changes made in terms of the foreign availability picture, and if there is no agreement under any circumstances after 18 months, the President has this authority. We make the President do a lot of things and place burdens on him to do that.

As far as mass marketing is concerned, it has to be a serious threat to national security. Foreign availability, he can set it aside with a threat to national security. For some reason, if the item in question is mass marketed, just in the United States, presumably, the President has a set-aside if there is a serious threat to national security.

We will want to debate and see whether or not we can improve that language, whether or not we want to set that high standard for a President to stop an export, that it has to reach that extremely high standard when we know already that the Chinese are using our high technology to benefit their military.

The penalties are great in this bill. There is no question about that. But before an item has already been decontrolled, there is no danger of any penalty coming into play.

My concern is this: We have a couple of basic trends going on in this country. One is that we are moving pell-mell to decontrol. The genie is out of the bottle. There is no question about that. The last administration certainly liberalized our control procedures. The Chinese and others certainly took advantage of that. We are still moving in that direction. Perhaps we should, to one extent or another. But there is no question that using the word "decontrolling" with regard to matters of high technology, with regard to matters of dual use, with regard to matters that have military significance, we are saying, "What, me worry?" and rapidly decontrolling. This would enhance that process and take it to another level.

Mr. McCAIN. Will the Senator yield for a question?

Mr. THOMPSON. I am glad to.

Mr. McCAIN. Is there any doubt in the Senator's mind that over the past 8 years of the previous administration—is there any doubt in his mind that sensitive technology that affects American national security was transferred to China, Iraq, and other nations?

Mr. THOMPSON. No, there is no doubt in my mind, Senator.

Mr. McCAIN. So my further question is, If sensitive technology which affects American national security was transferred to China, to Iraq, and perhaps other countries, are we going in the right direction with this legislation or are we going in the opposite direction of loosening these controls, according to this legislation?

Mr. THOMPSON. There is no question that we are loosening. There is no question that it will inure to the benefit of the Chinese, who are well known to be concentrating especially on high-technology matters, building up their military, building up their missile capability—both ICBMs and shorter range missiles.

I think the best witness on this, Representative COX, has been quoted a few times. The Cox Commission stated in July 1999:

> The People's Republic of China was diverting U.S. manufactured high-performance computers for unlawful military operations. Specifically, it was using American-made computers to design, model, test, and maintain advanced nuclear weapons. The commission clearly stated that the illegal diversion of high-performance computers for the benefit of the People's Republic of China military is facilitated by the lack of effective post-sale verifications of the locations and

> purposes for which the computers are being used. High-performance computer diversion for PRC military use is also facilitated by the steady relaxation of U.S. export controls over the sale of high-performance computers. The committee added that U.S. origin high-performance computers have been obtained by PRC organizations involved in the research and development of missiles, satellites, spacecraft, submarines and military aircraft, just to name a few.

Mr. MCCAIN. If there is no doubt in the Senator's mind, and I think it has been clearly established in several cases—I think one was the case of Loral where the Chinese missile technology was increased through the transfer of technology—I am curious, if it is a severe problem, and obviously our relations with China have not improved recently, to say the least, our sanctions efforts against Iraq have been eroded by the disappearance or dramatic reduction in the coalition that imposed sanctions on Iraq, yet we are now trying to pass legislation in very short order that reduces these controls that inhibit our ability to examine these systems and their export to these countries.

Finally, could I ask the Senator, how much involvement have the sponsors of this legislation allowed the Senator from Tennessee and my colleague from Arizona, Senator KYL, and Senator SHELBY? Have they tried to involve you in negotiations, conversations, or amendments?

Mr. THOMPSON. We have had extensive conversations on this over the past, I guess, year and a half. My desire would be that—this has been off the table now for some time. Until yesterday, I did not know it was going to be brought back up. But now that it has been brought back up, it is back on the table, as we all knew it would be and should be, that we would sit down again on some proposed amendments to see if we could agree on some. We might be able to.

As I say, I think they have improved the bill. It is all in the eye of the beholder. The thinking was it was a bill right where it ought to be. The administration came along and made 20-some-odd suggestions. I understand they were adopted. Presumably, it is a better bill. Maybe it can be even a better bill.

Up until yesterday, the negotiations did not go the way I would have liked for them to go, frankly, but I cannot complain about not having been included in discussions. We have had a lot of discussions.

What I would like to do is address the question of the Senator, though, a little bit more directly, the other question he asked. The question is: Why? I think the answer would be that for some of these items, there is foreign availability. If they are out there and France or someone, or Russia, let's say, is supplying China with these items, why shouldn't we?

It raises a question—I did not plan on getting into the substance of the debate as much today as we will later on—as to whether or not there is a moral dimension to our foreign policy, whether or not there is a moral dimension to our export policy, whether or not, because some other entity is supplying somebody with something they should not have that hurts our national security potentially—and these items I am talking about, some of them, are serious threats to our national security, as acknowledged in the bill, if it is mass marketed—whether or not, even if they would get them, we ought to be supplying them.

I would not feel any better to find American troops shot down with technology supplied by American companies if I knew there was mass marketing of those products. In the last year, the PRC reportedly was illegally using American supercomputers to improve their nuclear programs. Just 2 months ago, we learned that Chinese technicians were installing fiberoptic cable for Iraqi air defenses, a clear violation of U.N. sanctions.

Worse yet, this assistance and technology which were provided to Chinese companies by American firms when President Clinton decontrolled this equipment over the objections of NSA in 1994 aided Saddam Hussein in his quest to shoot down American and allied pilots.

I don't know if it proved whether or not this very strand of fiberoptic was used down there or not. But what apparently is pretty clear is that we took this Chinese company from a startup and, because of business that we did with it, put it in a position where they could go down to Iraq and help Saddam Hussein better shoot down our pilots. That merits serious consideration. It does not merit a day or a day and a half of discussion in some kind of desire to balance what we are talking about with our commercial interests.

Mr. MCCAIN. May I ask a final question—and I would like to state I agree with Senator THOMPSON. This is a very serious issue. It brings into question the influence of big money and big business in American politics. But would the legislation that we are discussing have facilitated the ability of the Chinese to acquire that technology and transfer it to Iraq or would it have been made more difficult?

Mr. THOMPSON. I have not thought it through. I think after it was decontrolled in 1994, over the objections of the National Security Agency, the cat was out of the bag. I am not sure it would have made any difference.

I think the point is that what we are dealing with today would further decontrol a host of additional items that heretofore you had to have a license to get.

Some of those—I would venture to say the large majority of those things—would be harmless. But my concern is whether or not we have a procedure to catch the ones that are not harmless. That is what we are trying to deal with here. I hope we can move in that direction.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. THOMPSON. I will be happy to.

Mr. JOHNSON. I am interested, given his remarks today, whether the Senator views President Bush's support for this legislation, support expressed by our Secretary of Defense and Secretary of State, as reflecting an inadequate consideration of the implications relative to China and inadequate consideration of the moral dimensions of our trade policy in the United States and certainly an inadequate consideration of the national security fundamentals of our Nation. Does the Senator suggest the Bush administration is in error in their support of this legislation?

Mr. THOMPSON. I would respond to the Senator that my concentration has to do with my own obligation. I respect the members of this administration who have taken a look at this in a few days, and with the few people they have had take a look at it.

I respect their opinion. I weigh it very seriously. We are another branch of Government. We have obligations also. The Senator from Texas points out that the Banking Committee has a lot of jurisdiction. That is true. The chairman of the Intelligence Committee has a lot of jurisdiction. The chairman of the Foreign Relations Committee has a lot of jurisdiction. The chairman of the Armed Services Committee has a lot of jurisdiction. They are all concerned about this. I am concerned about it.

I would like to always be in agreement with all of my friends. Sometimes it is difficult to do.

I referred to the Cox Commission report. As I say, he has been quoted in regard to this piece of legislation. I am not sure where he stands on this piece of legislation. I am sure he supports the Export Administration Act reauthorization, as I do, but it has been said that the bill addresses the major findings and recommendations of the Cox Commission report. Upon closer examination, many of the Cox Commission's conclusions are not addressed. For example, the Cox Commission recommended that the Government conduct a comprehensive review of the national security implications of exporting high-performance computers to the PRC. Yet S. 149 does away with that requirement.

The Cox Commission also recommended reestablishing higher penalties for violations, which was done, but the evidentiary standard was lowered and promotes the sale of high-performance computers to the PRC for commercial but not military purposes provided the PRC establishes an open and transparent system to conduct on-site inspections of the end use of these machines.

This bill takes these recommendations in an opposite direction. We are going to have an opportunity to go through in detail the extent to which this comports with the recommendations of the Cox Commission.

The Rumsfeld Commission, of course, points out that one of the more serious concerns that we have had in Congress for some time is the proliferation of weapons of mass destruction. Even though it was significant to learn the extent to which some of these rogue nations have the ability, or rapidly developing the ability to hit the United States with missiles and weapons of mass destruction, and the fact that they were getting a lot of their capability from China and Russia, I think perhaps the most significant and troubling part was the fact that our intelligence was not aware of the extent of these things.

Intelligence is not perfect—nobody's intelligence and no country's intelligence. I think they do a good job on most occasions, but they were behind the curve on this.

I simply reiterate that in matters of this importance it is not something we ought to take to the floor and discuss in general terms, talk about balancing, and do in a day and a half. We need to be concerned about what else is not going to be caught by this process. We need to be concerned about the big picture, and we need to be concerned about the little details that have to do with the interagency dispute resolution.

For example, as was pointed out, if someone disagrees with a determination as to whether or not an item ought to be controlled, it can be escalated by a majority vote. But it can only be escalated by someone who has been appointed by the President and has been confirmed by the Senate.

Hopefully, we will have these Departments staffed. We have Defense, we have Commerce, and we have several other Departments that have a place in this. But they are grossly understaffed and will be for some time.

Incidentally, the process has never been taken to the President of the United States in the history of process, if you want to know about the practical application of this thing. But it looks pretty good on paper, and maybe it can work.

Do we really want to have that escalation done only by someone appointed by the President? Shouldn't he be able to delegate that somewhere for someone to handle that kind of paperwork on the thousands of the items that are going to be coming to the floor? Is the intention to make it such a high level to escalate that there will be much less escalation so that people who may have concerns and objections will not bother under that kind of a system? I think we have seen that before.

We had extensive hearings before the Governmental Affairs Committee with our inspector general, who looked at all of this. They came to the conclusion at that time that the Defense Department was under the impression that there was inadequate input by the Defense Department.

Will this cure that? I do not know. It looks to me as if it is more difficult under this regime to raise a question. They are supposed to be included under the bill. Are they really going to have a practical voice? Those are the kinds of things we need to look at.

Again, my objection to doing this now after having learned about the consideration of it yesterday was not because I necessarily opposed the reauthorization of the Export Administration Act. I do not. The world is not going to come to an end if we don't consider this now. It has been in this condition for several years now. It can wait a little while longer until hopefully the dust settles down in terms of our relationship with some of the people to whom we are going to be sending all of these additional items. Wait until the administration becomes a little better staffed so they can deal with these things.

I respect the administration and the people handling it. I respect my colleagues who have pushed this because I think they have legitimate interests in making sure we are not unnecessarily hurt in terms of our economy.

But we have to make sure in the present environment—I read as well as anybody else about the tremendous interests out there that have been brought to bear on getting this done, and we have to make sure we listen to their legitimate points but that we don't lean too far too fast in that direction until we have thoroughly explored the alternatives. Hopefully, we will have some amendments that will improve upon this, and maybe we can even agree to some amendments.

But, again, we are on a motion to proceed right now. It has been objected to. I agree with that objection for those reasons.

This is not the kind of issue we should consider in short order and in the limited amount of time that we have now, unless we can reach some time agreement that I will agree to right now after consulting with my colleagues who have other amendments in order to have a thorough debate on this issue. It is going to come.

We cannot and will not hold this up. I know which way the wind is blowing. I can guess probably what the outcome is going to be. But hopefully it will be done after a thorough and deliberate consideration in this Chamber of all of the ramifications and with a fair consideration of some amendments.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The gentleman from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate the comments of all the Members who preceded me. It has been a very nervous situation to have to sit through all the statements when I would like to have been contributing all along. Over 2 years of my life I have invested in extensive meetings on this bill. I figured I could wait a little longer.

I support the motion to proceed. I unequivocally support the motion to proceed. I am sincerely disappointed that we didn't get the motion to proceed. I would be happy to agree to a time agreement. What we are faced with right now is unlimited debate on whether we get to debate.

So I would like to have some kind of a time agreement, if we got passed this motion to proceed—which is unlimited debate on whether to debate—then we have unlimited debate on unlimited amendments. So there is the capability of doing extensive debate on any amendment that anybody wants with no time limits on any of those amendments or debate on the entire bill. So I would be just delighted if we could proceed and look at those amendments.

I appreciate the Senator from Tennessee's response about the extensive meetings that we had previously. I am sure he has noticed that in this bill there are extensive changes that resulted from those meetings. The most particular one is the Presidential set-aside, the Presidential set-aside that allows the President ultimate authority over every bit of national security, which is what the President should have. We did allow that in every instance. We think it is constitutional. We did not think it had to be in the bill, but it is in the bill now. We think that change alone makes the biggest difference in national security in the history of the United States, but particularly in the history of export administration.

We have some things in this bill that are absolutely crucial. We have some things that need to be done for national security. I am not talking about a balance. I am talking about basic national security, where everybody who looks at national security says we need this Export Administration Act. We do not need a temporary extension of it. We definitely do not need to be operating under the President's Executive order, the IEEPA process, in order to have some control over our national security. That is what has led to the national security problems we have had since the act expired in 1994.

These problems we are talking about in relation to China—and I am glad we are having that discussion—you will recall we said, bring this bill up any time; we do not care what kind of international crisis there has been with

China; it is a good time to discuss national security, no matter what the timing with China. We did not expect it to be quite this timely, but we are willing to work with that because we want to make sure this country's secrets are not taken.

Most of what has been referred to happened after the act expired in 1994. When it expired in 1994, we were faced with an Executive Order and the President using some of his emergency powers. What is the big difference with that? Penalties are the big difference with that. Penalties dropped down to $10,000 a violation. On the multimillion-dollar contracts we are talking about around the world, $10,000 is less than a contingency. It is less than the cost of an ad in many cases.

Mr. President, $10,000 is not a penalty. It is not a deterrent.

Penalties are an important part of this act. The penalties expired in 1994. We have them under a short extension of that old bill that lacks a lot of the security we need, purely by an agreement that we would extend it until August 20 of this year. That means on August 20 of this year we are back to the same old bind where companies can violate national security for less than the cost of an ad. It should never happen in our country.

When I became chairman of the International Trade and Finance Subcommittee, with Senator JOHNSON as the ranking member, and found out that the main piece of business we had to face was this Export Administration Act, we started digging into it. We have kind of lived together for a couple years, going to meetings, meeting with anybody we possibly could who had an interest in it, trying to find out how the process worked, looking at what had happened to it before. There were 12 previous attempts to get this passed. How could something that is this important to the country not make it through on 12 successive attempts? Well, I am getting a better and better idea every day. Part of the reason is that we are so security minded we would lock up all exports in exchange for security. But that will not provide security. So we need a system that will work. Bringing everybody together on a mechanism that will work has been an interesting and difficult process.

I do thank my colleagues on the Banking Committee for their support and their recognition that this legislation is needed to strengthen our export control system. I do appreciate the support of the administration. President Bush and his team immediately realized that the reauthorization of EAA was vital to the national security and the economic interests of this country.

With the few changes that were made by the Banking Committee during markup, the bill received the written endorsement of President Bush's national security team. That includes the Secretary of State, the Secretary of Defense, and the National Security Adviser. Those are people who are in place. I know they have had advice from people who have been working on this issue for years.

On March 28, 2001, not very long ago, President Bush called the committee's action good news and urged the Senate to pass it quickly. You have heard the longer versions of that earlier in this Chamber.

Mr. JOHNSON. May I put a question to the Senator from Wyoming?

Mr. ENZI. Certainly.

Mr. JOHNSON. Given the support of this legislation by the Bush administration, including the Department of Defense, the Secretary of State, the Secretary of Commerce, it has been noted in this Chamber that somehow the Bush administration is not yet staffed up. Do you believe that the Bush administration would endorse legislation of this consequence and of this importance if they felt that somehow their counsel had been inadequate or had been short? Or do you believe that the Bush administration felt very comfortable about its familiarity with the details of this legislation in issuing its recommendation for passage?

Mr. ENZI. I am certain that the Bush administration has felt the importance of getting the EAA reauthorized. They have been looking at the documents that have been mentioned on the need for this for several years.

I was very pleased during the campaign that President Bush addressed, as part of his campaign, this Export Administration Act. He had looked at a number of the principles. In fact, on his Web site he has listed what he thought ought to be included in the Export Administration Act. It gave me a lot of confidence that he had looked at the Export Administration Act that you and I worked on because it went point by point on it. I was pleased with the diligence with which the administration and their staff spoke to me and my staff. We were able to go through a lot of the points and a lot of the questions and a lot of the past discussions and a lot of the past meetings we had had with other Members to be sure to cover as completely as possible those items of national security.

Mr. THOMPSON. Will the Senator yield for a brief question?

Mr. ENZI. I will. I was hoping to finish my statement.

Mr. THOMPSON. I am sorry.

Since my comment was referred to, I want the Senator to be aware, if he is not, that my reference was meant to be with regard to staffing, not with regard to making the recommendations that they have made. It was with regard to carrying out the bill once it has been enacted. It has to do with personnel, people appointed by the President and confirmed. My concern is, these various departments, they have a skeleton crew of people that fit that description.

So my reference to a lack of staffing has to do with their ability to effectuate the appeals process, and what have you, once this is enacted.

Mr. ENZI. I am glad the Senator raised that point because we have export security that is being executed at the moment. We do not need this bill for export security to begin. It is happening right now. The people who are in place right now are in charge of our national security under export administration. They are having to deal with inadequate legislation to be able to do what needs to be done.

So while the staff isn't there, they are still having to comply with licensing. I do not know how they are doing it except that there are still many civil service employees who have been around, and will be around, and are dealing with these problems. But the problem goes on right now. It does not matter whether this bill is in place or whether we are operating on the extension of the old one.

There are some definite improvements in this Export Administration Act that absolutely need to be in place to provide for our national security. I hope that, first of all, we do not have to continue to operate under that old Export Act, regardless of who is in place, and, secondly, that that old Export Act does not expire on August 20 without a backup bill that does something extensive such as this bill does.

I congratulate the chairman of the Banking Committee, Senator GRAMM. He has probably been more involved at a member level on this bill than perhaps any bill Banking has done. He has involved all of us in that process; at least whenever Senator JOHNSON and I have asked him to be at a meeting, he has been at the meeting. He has been willing to participate, learn the bill in tremendous detail, and work on it that way.

The same is true with Senator SARBANES. There has never been a time Senator JOHNSON or I have invited him that he did not show up to help out in the process. He has been involved with this particular bill for about 20 years and understands it to a higher level than most of the people we have run into who have been involved. His comments have been extremely valuable, and a couple of times he has even reined in my enthusiasm a little bit, making very good points that needed to be incorporated. He has been one of the Senators who contributed very much by listening to the other side in the debates to make sure we got these processes included.

I have already mentioned Senator JOHNSON and his help on the subcommittee. I don't know how many panels we served on, answering questions about how this works and how it could work better. That has always been our approach to the bill: How can we make it better? How can we improve it so that it works?

This legislation is unfinished business left from the 106th Congress. The activity Senator JOHNSON and I engaged in didn't happen this year. As soon as we got chairmanships, we started working on the bill. That was our prime emphasis for the 2 years of the last session. It took all of that time. It took all of that time to go through the process of understanding exactly how the bill works, reviewing previous failures, visiting the Department of Commerce. Of course, the Cox report we have referred to several times came out during this process.

One of the actions I took was to go over to the Intelligence Committee and read the Cox report when it was still a secret document. I am always amazed that just by being elected a Senator, one gets a top security clearance. I understand why that is and I am glad that it happens. I understand we have had a pretty good review of our background by the time we get elected, whether we want it or not. I went over and received a briefing and read the document. I wanted to be sure the ideas we were generating for solving the problem followed the direction of the people who were really concentrated on the Export Administration Act and the security of the country, particularly as it related to China.

I was convinced and am convinced that we did what can be done legislatively. There are a lot of other processes that need to go on, particularly in the executive branch, to deal with this, but that is not legislation. We deal with the legislative part.

We also lived with people from the Departments of Defense, Commerce, and State for a long time. I have to thank Dr. Hamre and Secretary Reinsch for their dedicated devotion to coming up with a solution. Both of them had worked intensively on this issue from their own positions in Defense and Commerce. Without their interaction and daily meetings and telephone calls, we would not have been able to get to the reasonable position that we have.

I was able to get some people on my staff for a very short time who had dealt with license applications. We wanted to know what the person putting in the license had to go through. Then following that, because of the concern over enforcement and particularly the postshipment verification, I brought somebody into my office who was an enforcement officer, somebody who had actually done some of these things on site, somebody who knew how to calculate old penalties under IEEPA versus the penalties under EAA as we propose it. It was fascinating, absolutely crucial to what we are doing.

Of course, this was reviewed and endorsed by the Clinton administration. Now the Bush administration has taken a look at it, and it has been endorsed by them. We have many people from both sides of the aisle who have been looking at this, working on it, and hoping that at some point, after extensive debate and amendment, it would come to a vote.

What we are debating today is whether or not we ought to proceed. We could save a lot of time if we proceeded to offering amendments. All of those amendments won't be debated on the floor. If there are some that deal with a top secret security, those will be dealt with as we do with that kind of an amendment. If some of the discussion or parts of the discussion cannot be in the Chamber, it will be held in one of the rooms designed for that kind of discussion. We have done that before. In fact, two of the hearings we held were done under those circumstances so that the people in the intelligence community who needed to communicate some of the problems they saw could get those problems directly to us.

We invited every Member of the Senate, but we haven't had every Member of the Senate listen to it. Those of us who have attended, who have worked on this bill, think we have incorporated the solutions that were brought out in the hearings into this bill.

What happened on it last time? We ran out of time. It is pretty easy to run out of time on a bill, I am finding. This one is in trouble of running out of time. I am hoping, because we were able to bring up this version at this point in time, that that will not be the case.

We need this bill. I emphasize, the reauthorization provides authority to control exports for commercial or dual-use items. I need to mention that because we are not talking about munitions here. That is a separate process. That needs to be reviewed, too. In fact, one of the suggestions we had was that the fines in this bill should not get out ahead of the fines in the munitions bill. This is way out ahead of the fines in the munitions bill. It was our suggestion that maybe if we cut the fines back a little bit, that the munitions bill could be brought up to this so that there were sufficient fines in that bill.

At any rate, we don't want the two confused. I don't want to talk about that very much because that has been one of the difficulties with this. It gets confused with munitions and satellites. These are the dual-use items. These are items that, yes, there could possibly be a military application for them. If there is a military application that would be detrimental to the security of this country, we have put in the provision that the President of the United States can set aside any other permission, any other possibility of licensing, and protect that item. We have included that national security aspect.

It does establish the modern effective framework recognizing items available in foreign or mass markets that are not effectively controlled. It puts stronger controls over a few items, which should equal more effective controls. We are talking about building a higher fence around fewer items. I will talk about that, too.

I did have the fortunate opportunity to cochair and work with Congressman COX on the study group to enhance multilateral export controls for U.S. national security. Together we released the study group's final report on Tuesday, April 24. That was this week. There is a need beyond the export and included in the Export Administration Act to enhance multilateral controls. What we do as a country by ourselves, if it is being done everywhere else, isn't going to cut it. We need to have everybody who has that item working with us to make sure it doesn't get in the wrong hands.

That is what the report we released on Tuesday dealt with. Mr. COX referenced the fact that we need a commonsense export control policy. He said that we should not make the mistake of confusing a more burdensome system with the more effective system. He went on to mention that the current export control system has "an instinct for the capillary rather than the jugular." In other words, the current system often has the tendency to put the same focus and expend the same amount of energy on the more trivial items, as opposed to concentrating on the truly dangerous items. That is what we are trying to do. That is what we talk about in building higher fences around fewer things, but being able to control them. If we try to control absolutely everything and expend an equal amount of effort on each item that the United States produces, we don't stand a chance of keeping up. So this bill focuses and gets some concentration and handles the problem.

I do happen to agree with Mr. COX that S. 149 is structured in a way that will focus on the jugular, not the capillary. As everybody is aware, Mr. COX chaired the Select Committee on U.S. National Security and Military Commercial Concerns with the People's Republic of China. I mentioned that before. It investigated several export-control-related problems concerning China and offered recommendations to improve our export control systems. He noted during his testimony before the Banking Committee last year that:

> We ought not to have export controls to pretend to make ourselves safe as a country. We ought to have export controls that work.

That is what S. 149 aims to do. It will make export controls work. It will make export controls effective.

The bill would establish a strong, but flexible, export control framework that can adapt to our national security needs in today's globalized and uncertain world. Recent events tell us that as situations change, the administration should be provided with the flexibility it needs to adapt to that change. S. 149 does not lock the U.S. into a policy position toward any particular country or any particular item. It sets the framework that the administration would carry out. The Congress would then have the appropriate oversight responsibilities.

The bill provides the President with authority to control items beyond current law. Section 201(d) of the bill—and I have mentioned this before—grants the President special control authorities for cases involving national security and international terrorism, as well as international commitments made by the United States. Section 201(c) allows controls to be imposed based on the end use or end user of an item if it could contribute to the proliferation of weapons of mass destruction.

I remind my colleagues that these two provisions could be used regardless of foreign availability or mass market status of the item.

Other national security items are also included in the bill. For example, it requires that whenever items are to be taken off the list, the Secretary of Defense concur with the decision. In addition, country tiering would be made by the President. He would be the one to determine where a country is assigned to a tier for each controlled item or group of items. The President is to take into consideration several risk factors, including the present and potential relationship of the country to the U.S. and the country's weapons of mass destruction capabilities and compliance with multilateral export control regimes. In other words, if they are cooperating with us and our allies, they will be rated better. If they are a rogue state, they will be rated terrible, and that can vary as we find out things about a country. There is no country referred to by name in this bill, and that is so that the President and the Congress have the total flexibility in dealing with any country as they become friends or as they become enemies.

Additionally, it will establish tough new criminal and civil penalties for export control violations much greater than are in the current law. Those penalties were outdated and needed to be enhanced, and they have been enhanced dramatically. These penalties will deter potential violators, rather than be computed as part of doing business.

The bill establishes a program to increase compliance with the freight-forwarding firms—the people shipping the items. This will in turn allow enforcement to detect and interdict possible illegal shipments. That is an improvement over the old system. It increases the overseas presence of enforcement agents who conduct prelicense and postshipment checks.

A very important part of the bill is its emphasis on multilateral export controls—the report that we put out this last Tuesday. Many dramatic changes have occurred over the past decade that present additional challenges to the effective control of sensitive technology. The U.S. now is rarely the only producer of militarily useful high-tech product. The effects of globalization, such as increased flows of trade, foreign investment, and international communications have contributed to the more widespread production and availability of high-tech products. The threats are now different and more diffuse. Therefore, the bill urges the administration to strengthen the existing multilateral export control regimes. Multilateral export controls are has to exercise its leadership in this area now more than ever, and the bill provides a mechanism for encouraging and, in fact, forcing that.

Our position of world leadership in stemming the transfer of weapons of mass destruction is compromised by our failure to enact a more permanent national vehicle to authorize our export control program. Passage of S. 149 will reaffirm U.S. leadership in the area of export controls. U.S. leadership in this area has been lacking in large part because of Congress' failure to reform and reauthorize EAA. If we don't have good controls in place, it is very difficult for us to talk to our allies and ask them to join us in these multilateral processes.

I look forward to the President signing this bill. It is essential that the EAA be reauthorized and reformed this year before August 20. Passage of S. 149 will advance both our national security and our economic objectives.

Is this the final answer? No. There is always going to be more work that is needed to be done on national security. Times change. We have had a drastic change in the times. The Iron Curtain came down. But this bill operates the same way. We always have to be working on it, but we have to have something in place now. We ought to be proceeding to the debate on this bill. We should be talking about those amendments that were referred to earlier and debating them now. We should be proceeding on the debate.

If we can proceed on the debate, we can reach a logical conclusion that will solve the security problems of the United States, or at least begin the process. I could answer some of the other things, and I should answer some of the other things that were mentioned. Computers is one of the items that was brought up, and it was mentioned that we are taking out a provision that has been present for a decade. Well, the way the computers operate now, as everybody in the country knows, has changed dramatically. They are not the same mechanism they once were. They are being linked in unusual ways to provide capabilities using older machines or less capable machines than some of the brand new machines.

Another discovery: I sat by a guy on the airplane and he was talking to me about supercomputers. I had to check out what he said. He said the U.S. was no longer producing any supercomputers; that Japan is the only country producing them. Do you know that he is right? We have some special linkages of computer chips that provide as much or more capability than the supercomputer that Japan makes. But if you are talking about a single computer, Japan makes the supercomputer; we don't. That takes out some of the mechanism for measurement that we used to have. We need to have a knew measurement. That is recognized by the Department of Defense and the Department of Commerce and the Department of State and the security agencies. So that is why we have made some provisions to do something with computers.

Foreign availability: A lot of what was talked about isn't current law. The change in foreign availability is that we have a Presidential set-aside. We give the President authority to set aside in national security instances. We change the word "significant" down to "detrimental" so it would be easier. But we are talking about the President of the United States.

Who determines whether the President of the United States sets it aside for a significant security reason or a detrimental security reason? Actually, the President of the United States determines that. So whatever he says is detrimental or significant would be detrimental or significant. It is very easy for him to justify any of his actions.

We also call for multilateral controls when foreign availability is put in place so it is not just the United States saying what cannot be done, it is all of the countries that produce that product saying it cannot be so. That is the only way to solve that problem.

I have to talk a little bit about the appeals process because there is some confusion on that. I suspect a lot of the reason we are not debating this right now, why we are not proceeding to this legislation is that there is some confusion.

I have a little trouble with the suggestion that we are moving ahead too fast. We did it last year. We met extensively last year. We brought it up this year. We talked to all of the parties—all of the parties—who were willing to sit down and talk again this year. We brought it to committee. We debated it in committee. We had amendments from the President's staff. Those were circulated, and the people who were opposing our motion to proceed had meetings with the President.

When we passed it out of committee, everybody had to suspect that at the first possible moment we could bring up this bill, particularly in light of the August 20 deadline, that we would bring it up for the security of this Nation. We wanted to bring it up as soon as possible.

This is one of those gaps in legislative time that came up. We were asked: Do you want to bring it up now, particularly in light of what has happened with China?

We said: We need to bring this up at any time we can, particularly in light of what has happened with China, both now and in the past.

We are not afraid of any amendments. There are ways that a bill can always be improved. That is why we have this legislative process in which 100 people participate. It is so everybody can have a say from their perspective. The group as a whole can determine whether that is something that needs to be a part of whatever legislation is being considered at that time.

I ask unanimous consent that, following my remarks, the summary of EAA discussions that me and my staff have had with different groups be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ENZI. Mr. President, under the present appeals system, for someone to appeal a decision on licensing at the committee level, they have to talk to their boss and educate their boss enough about that particular license so their boss can file the appeal. There has to be a lot of tension, particularly in the military, of someone having to disturb somebody further up the line over a decision. Uniformly people agreed there was some difficulty with that.

We have provided for an appeal in the first round by the person sitting on that committee. He prepares the documents now. As it gets up to the decision level, then the decision has to be made by people who are in office.

Did China get our secrets? Yes, China got our secrets. Does this bill stop that? This bill stops it to the best ability I know, and it is certainly better than doing it under an Executive order, an emergency provision by the President.

This bill is needed. We should be debating it. We should be proceeding with whatever amendments are needed. The country desperately needs this bill.

Again, I thank Senator GRAMM, Senator SARBANES, and particularly my ranking member on the subcommittee, Senator JOHNSON, for all of the hours they have spent on this legislation. We are still willing to spend hours. We want to have a debate. We want to proceed.

I yield the floor.

EXHIBIT 1

SUMMARY OF EAA DISCUSSIONS, 1999–2000

Jan. 20, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act.

Jan. 28, 1999, 3:30 p.m.—Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.

Feb. 8, 1999, 10 a.m.—Enzi staff meet with Gary Milhollin, Wisconsin Nuclear Arms Control Project.

Feb. 8, 1999, 2 p.m.—Enzi staff meet with NSA staff.

Feb. 9, 1999, 10 a.m.—Enzi staff meet with Senate Intelligence Committee staff member (Joan).

Mar. 16, 1999, 9:30 a.m.—Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act and Managing Security Risks for High Tech Exports.

Mar. 18, 1999, 3 p.m.—Enzi staff meet with WMD Commission staff.

April 14, 1999, 10 a.m.—Subcommittee on International Trade and Finance—Hearing on the Export Control Process.

April 28, 1999, 1 p.m.—Enzi staff meet with Kyl staff.

June 7, 1999, 9 a.m.—Banking staff meet with Cox Commission investigator.

June 10, 1999, 10 a.m.—Banking Committee Hearing on Export Control Issues in the Cox Report.

June 17, 1999, 10 a.m.—Banking Committee Hearing on Emerging Technology Issues and Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.—Enzi meets with John Barker, State Department.

June 23, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.

June 24, 1999, 10 a.m.—Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.

June 28, 1999, 4 p.m.—Enzi staff meet with Mack staff.

July 29, 1999, 9:30 a.m.—Enzi staff meet with Kyl staff.

June—July/Sept. 1999—Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss draft EAA.

Sept. 16, 1999, 9 a.m.—Banking Committee staff meet with AIPAC staff.

Sept. 23, 1999, 10 a.m.—Banking Committee Votes 20–0 to Approve Export Administration Act of 1999.

Sept. 27, 1999, 11 a.m.—Banking Committee meets with DoD staff to discuss S. 1712 issues.

Oct. 6, 1999, 10 a.m.—Banking Committee meets with AIPAC staff.

Oct. 10, 1999, 10 a.m.—Enzi meets with Cochran. Cochran says he will not hold up consideration of the bill.

Oct. 20, 1999, 11:30 a.m.—Enzi meets with Kyl. Kyl says we did not listen to his staff at all when putting bill together.

Oct. 25, 1999, 4:15 p.m.—Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.

Oct. 28, 1999, 4 p.m.—Gramm/Enzi meet with Lott to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.

Nov. 1, 1999, 6 p.m.—Banking Committee staff meet with SFRC staff (Marshall Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.

Nov. 4, 1999, 3 p.m.—Banking Committee staff meet with SASC staff. SASC says they don't know how the bill will impact military since military now incorporates more off the shelf commercial items.

Nov. 5, 1999, 1:30 p.m.—Banking Committee staff meet with SASC staff, Hamre, NSA.

Dec. 14, 1999, 11 a.m.—Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).

Fri., Jan. 21, 12:30 a.m.—Banking Committee staff to meet with Marshall Billingslea.

Wed., Feb. 2, 10 a.m.—Banking staff meets with SASC staff.

Wed., Feb. 9—Senators Warner, Helms, Shelby, and Thompson send a letter to Senator Lott expressing concerns with S. 1712 and requesting referral to the Committees on Armed Services, Foreign Relations, Governmental Affairs, and Intelligence.

Wed., Feb. 9, 3 p.m.—Senators Gramm and Enzi meet with Senator Lott in the Leader's office.

Thu., Feb. 10, 5 p.m.—Senators Gramm and Enzi meet with business community in Senator Gramm's office.

Fri., Feb. 11, 10 a.m.—Lott staff holds meeting with Gramm, Enzi, Warner, Helms, Shelby, and Thompson staff in Appropriations Committee room [3 hours].

Tue., Feb. 15, 11 a.m.—Lott staff schedules staff meeting/canceled by Lott staff.

Wed., Feb. 16, 12 p.m.—Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson and Kyl staff in Leader's office [2.5 hours].

Thu., Feb. 17, 3 p.m.—Banking staff hold informational briefing re S. 1712 for all Senate staff in Banking hearing room.

Fri., Feb. 18, 1 p.m.—Lott staff hosts third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader's office; Gramm/Enzi staff provide document outlining provisions that may be accepted. [45 min].

Tue., Feb. 22 9:30 a.m.—Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, and Thompson in Leader's office; Senators Gramm and Enzi identify three key issues in contention; agree to provide Managers' Amdt.

Wed., Feb. 23—Gramm and Enzi staff provide Managers' Amendment CRA00.098 to other senators' staff.

Fri., Feb. 25—Gramm and Enzi staff provide pullout CRA00.120 regarding three issues to other senators' staff.

Fri., Feb. 25—Senator Thompson sends a letter to Senators Gramm and Enzi, cc'd to Senator Lott and the other senators, expressing "grave concerns" about S. 1712.

Mon., Feb. 28, 4 p.m.—Senator Warner holds SASC hearing on EAA; Senators Enzi and Johnson among witnesses.

Mon., Feb. 28, 6 p.m.—Warner staff host impromptu meeting with DOD and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences [4 hours].

Tue., Feb. 29, 10 a.m.—Warner staff host meeting with DOD and DOC officials and Gramm, Enzi, Sarbanes, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tue., Feb. 29—Senators Warner, Helms, Shelby, Kyl, Thompson, Roberts, Inhofe, and B. Smith send a letter to Senator Lott to express "continuing concerns" with S. 1712, stating that "even with its proposed managers' amendment" the bill fails to address concerns, and objecting to its consideration.

Tue., Feb. 29—Senators Abraham and Bennett send a letter to Senators Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.

Wed., Mar. 1, 2 p.m.—Gramm, Enzi, Sarbanes, Johnson staff meet with business community in Banking hearing room.

Fri., Mar. 3, 2 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, and Thompson in Senator Gramm's office; walk through their concerns [3.5 hours].

Mon., Mar. 6, 11 a.m.—Senator Gramm meets with Senator Kyl in Senator Gramm's office to discuss concerns [1 hour].

Mon., Mar. 6, 1 p.m.—Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office to discuss concerns raised [1 hour].

Mon., Mar. 6, 3:30 p.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson in Senator Gramm's office; finish walking through their concerns [2 hours].

Tue., Mar. 7, 8 a.m.—Senators Gramm and Enzi meet with business community in Banking hearing room to discuss ongoing member negotiations.

Tue., Mar. 7, 4:30 p.m.—Gram and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby staff; walk through 4-page Managers' Amendment document [1.5 hours].

Tue., Mar. 7, 5:45 p.m.—Senator Lott brings up EAA by unanimous consent (Senator Thompson raises concerns on floor but does not object).

Wed., Mar. 8, 11 a.m.—Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson at those senators' request. Members agree to suspend floor consideration of EAA until details agreed; Gramm/Enzi provide revised 4-page Managers' Amendment document and ask for comments by the end of the day [1 hour].

Wed., Mar. 8, 12:30 p.m.—Senator Gramm takes EAA off floor via special UC agreement among Senators Lott, Daschle, Thompson, Reid, and others.

Wed., Mar. 8, 4 p.m.—Gramm and Enzi staff provide other senators' staff with revised Managers' Amendment CRA00.262.

Thu., Mar. 9, 3 p.m.—Senator Warner gives Senators Gramm and Enzi misdated letter with attachment of proposed amendments to Managers' Amdt.

Thu., Mar. 9—Senators Warner, Helms, Shelby, Kyl, and Thompson send another letter to Senator Lott expressing "continuing concerns" with S. 1712 and objecting to moving to its consideration.

Fri., Mar. 10, 12 p.m.—Senator Gramm meets with Senator Warner (other senators represented by staff); gives him Gramm/Enzi final response document; asks for final decision from senators.

Week of Mar. 13–17—Gramm/Enzi staff wait for response re 3/10 document.

Thu., Mar. 16—Senator Gramm schedules members' meeting for 10 a.m. Fri. 17th to get response to 3/10 document; postpones to following week after being told that Kyl/Helms/Shelby not in town and Warner and his staff both "unable to attend."

Mon., Mar. 20—Senator Gramm schedules members' meeting for 2 p.m. Tues. 21st to get response to 3/10 document; postpones to later same week after being told that Shelby not back til Tues. night and that the senators first need to meet to confer.

Week of Mar. 20-23—Gramm/Enzi staff continue to wait for response re 3/10 document.

Tue., Mar. 21—Senator Warner announces sudden SASC hearing for Thurs. 23d; cites "considerable differences" remaining between Banking and other senators.

Wed., Mar. 22, 1 p.m.—House International Relations Subcommittee on Economic Policy reluctantly removes Senators Gramm and Enzi from their witness list, and instead holds hearing solely with industry witnesses; hints at marking up narrow EAA bills.

Wed., Mar. 22—[Other senators apparently hold meeting to confer].

Thu., Mar. 23, 10 a.m.—Senator Warner holds second SASC hearing, at which he presses GAO witness to say S. 1712 "must" be strengthened, and states that "the four chairmen have not received some legislative language which we feel is essential to making our decisions on this."

Thu., Mar. 23—Senator Reid gives floor statement urging Senate passage of S. 1712, noting that its sponsors "tried to move a bill . . . but frankly, the majority is unable to join with us to allow us to move this bill forward."

Fri., Mar. 24—Two weeks from the date on which they gave the other seniors their final offer, Senators GRAMM and ENZI receive a letter dated March 23 from Senators WARNER, HELMS, SHELBY, KYL, and THOMPSON. The letter stated:

"As you know, on March 6 [sic], 2000, we provided you with a package describing the issues that we consider critical to reaching an agreement on the proposed reauthorization of S. 1712 [sic], the Export Administration Act. We were disappointed that you were only able to agree to at most four of the eighteen issues we identified, and were unable to agree to some issues on which we believed we had previously reached agreement in principle. Accordingly, we cannot agree at this time to return the bill to the Senate floor under the terms of the unanimous consent agreement filed on March 8.

"There are important issues remaining to be resolved, and we feel that negotiations should continue in order to for there being hope for achieving an Export Administration Act that successfully balances the needs of industry and national security."

Week of Mar. 27-31—Gramm/Enzi staff do not hear from other senators' staff.

Week of Apr. 3—Gramm/Enzi staff do not hear from other senators' staff.

Tues., Apr. 4—Senator McCAIN holds hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security. Senators THOMPSON and ENZI testify.

Tues., April 11—Gramm staff call the staff of other senators to alert them that Senator LOTT planned to make a pro forma effort to bring up S. 1712 by UC on Wed., at which point Senator GRAMM would object pursuant to the gentleman's agreement made with the other senators on Mar. 8; and that Senators LOTT and GRAMM then would file a cloture on a motion to proceed to S. 1712.

Wed., Apr. 12—At Senator LOTT's request, Senators GRAMM and ENZI give Senator LOTT two cloture petitions (one on a motion to proceed to S. 1712, and one on S. 1712); both were signed by 16 Republicans representing a broad diversity of states and of Senate Committees (including SASC, SFRC, SGAC, and SCST).

Wed., Apr. 12—Senator THOMPSON holds SGAC hearing on multilateral export controls.

Apr., May—Gramm/Enzi staff do not hear from other senators' staff.

Thurs., May 25—Senators THOMPSON and TORRICELLI hold a press conference on S. 2645. According to press reports, Senator THOMPSON said that in his opinion, legislation to reauthorize the Export Administration Act is probably dead as a stand-alone measure in 2000; when asked whether he was partly responsible, he replied, "Let's just say that truth and justice were served".

Fri., May 26—Senator THOMPSON holds SGAC hearing on mass market/foreign availability; no Administration witnesses are invited.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Mr. President, what is the time arrangement? Is Senator ENZI controlling time?

The PRESIDING OFFICER. There is no control of time.

Mr. HAGEL. Mr. President, I rise this afternoon to support the Export Administration Act of 2001. I support the effort to move this debate along for all the reasons my distinguished colleagues have mentioned.

I am an original cosponsor of this bill. I have participated in a number of the hearings over the last 2 years, so I have some sense of the thoughtfulness and the depth of the hearings, the testimony taken and the analysis given to this bill. I do want to make some brief comments, but as I lead into those comments, I want to make a couple of general observations.

First, Senator ENZI said a few minutes ago that the previous administration supported this bill and the current administration supports this bill. The current administration consists of Vice President CHENEY, who has some practical and working knowledge of national security as he served with great distinction in the House of Representatives, was the No. 2 Republican there for years, and he was our Secretary of Defense at a very critical time in the history of this country.

Secretary of State Powell supports this bill. Secretary of State Powell's entire life has been about national security as he served as National Security Adviser to President Reagan, as he served as Chairman of the Joint Chiefs of Staff under Presidents Reagan and Bush; two tours in Vietnam, decorated. I do not think there is a question about whether Secretary Powell or Vice President CHENEY would risk national security for the dynamics of any legislation, but yet they strongly support this bill.

Our current Secretary of Defense, Don Rumsfeld—we all recall that Secretary Rumsfeld is on his second tour of duty as Secretary of Defense. I ask the same question about Secretary Rumsfeld: Would he, in fact, be supporting a bill that would jeopardize the national security interests of this country? I do not think so, nor do I think President Clinton would have risked the national security interests of this country, nor do I believe President Bush would risk the national security interests of this country.

So this talk about national security not being well thought through and not being advanced and prioritized, that somehow we are selling out to big business and commercial interests, with all due respect, that is nonsense. That is complete fabrication.

Senator ENZI talked a bit about the current law, the current rules, restrictions, and regulations that we are dealing with today. Does it enhance our national security? Is it relevant to today's challenges? No, it is not. This update, this new bill makes our export control regime relevant to the challenges of a very complicated new world.

America is faced with a very challenging dilemma. We live in an unpredictable and dangerous world. Part of our dilemma is a result of the fact that America leads the world in products and technologies that can be used for the best possible technologies, ends, and purposes and also the worst technologies, ends, and purposes.

Again, there is no higher interest for America than our national security interest. We all agree America's national security interest is its most fundamental interest, so let's not cloud this debate about that.

While always putting our national security first, our responsibility and challenge is to develop a workable and relevant balance that allows America's economic and trade interests to be protected as well. That is the challenge. In fact, our economic and trade interests are very much integral and part of our national security interest. They are not separate. You do not deal with trade and economic interests in this vacuum and national security interest in this vacuum. It doesn't work that way.

The Export Administration Act of 2001 is a very important piece of legislation. It represents an effort to deal with this balance, to come to grips with the realities of this balance: How do we ensure we continue to sustain our economic growth and yet ensure, as best we can, that Saddam Hussein and other dangerous tyrants on the world stage do not gain access to our technologies that could aid in advancing their weapons programs, detrimental to our national security interests and the national interests of the world.

We will begin to build a missile defense system in the near future because of the real and growing threat posed by infant ballistic missile programs in other nations. The world's collective failure to prevent nuclear proliferation is a constant threat to civilization. We need an export control regime that recognizes the real threats to this Nation, to our allies, to all the world and, at the same time, recognizes the utter futility of trying to control everything.

This bill is based on the premise we need to build a higher fence around a smaller number of items, just as Senator ENZI said a few minutes ago. In the 1970s, you could track high-performance computers worldwide because there were fewer of them, less sophisticated, less powerful, easy to do in a bipolar world—the Soviet Union and the United States. Today, computers with nearly unlimited power, far more powerful than anything we saw in the 1970s or the 1980s, with far more capacity and capability, are available at Radio Shack. Are we going to shut down Radio Shack? Let's get real with a sense of economic sense in how we deal with this.

Many components manufactured and sold in the United States are reproduced by foreign competitors with little lapse of time or effort. The world is simply too integrated. Some may not like that, but it is a fact of life. Capabilities abroad advanced so far to put the old system in jeopardy are not working, and we are dealing now with an old system that, in fact, is not effective. It is no longer relevant to today's global economy and national security interests and world threats.

Our exports must recognize the realities of today's worldwide interconnections. The President of the United States, Secretaries of Commerce and Defense, our entire intelligence community, and our business community can all work within this legislative structure to provide a flexible export regime and continue to protect our national security interests. This bill establishes a system which meets both our security and commercial concerns.

Only a control regime that raises the fence on the most critical dual-use technologies makes any sense. Our dilemma on exporting technology can only be solved by making control of critical technology a critical issue. Exporters and national security officials need clarity.

We should not treat exporters as unpatriotic or unconcerned about proliferation or our national security interests. I have heard in the Senate over the last year not so veiled charges to that point. I have heard in the Senate things such as the almighty dollar is most important for many of the corporations of America. My goodness, what are we saying?

I come from the business world. I am a businessman personally offended by that kind of statement. I don't know one businessman—there may be a businessman out there—I do not know one responsible corporate citizen in this country who would say to me privately or publicly that the interests of his or her company are more important than the national security interests of this country. It isn't true. Be careful about throwing around loose language, saying many of America's companies and corporations are more concerned about their bottom line than the national security interests of this country. That is not correct.

This legislation provides a structure that will allow our exporters to be partners in the overall objective of helping to prevent weapons development by the world's most dangerous and irresponsible dictators. We need to work more closely with our allies to continue to enhance multilateral controls and reporting on the movement of sophisticated technologies.

America continues to provide the leadership and the negotiating process, as we have from the beginning, for more effective, multilateral controls. This bill ensures continued U.S. participation in multilateral export control regimes that support U.S. national security objectives. The United States will continue to exercise its leadership in export controls worldwide under this bill.

In conclusion, I acknowledge Chairman GRAMM and Senators ENZI, SARBANES, and JOHNSON. These four have worked tirelessly, effectively, over the last 2 years to bring together a responsible, relevant piece of legislation of which we can be proud, and I am proud of being part of it. They have developed a commonsense and strong proposal for improving the current system. I look forward to continuing to work with them to get this legislation enacted so we can update America's approach to export controls for this hopeful new world where all 6 billion people reside together. That is doable. Let's get on with the work at hand.

I yield the floor.

Mr. JOHNSON. I ask unanimous consent to have printed in the RECORD a document I received from the White House and their Office of Management and Budget, a statement of administration policy expressing support for S. 149 and also clarifying that there is minimal pay-go consequence to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

The Administration supports S. 149, as reported by the Senate Banking Committee. The bill provides authority for controlling exports of dual-use goods and technologies. The Administration believes that S. 149 would allow the United States to successfully meet its national security and foreign policy objectives without impairing the ability of U.S. companies to compete effectively in the global marketplace. As reported, S. 149 includes a number of changes that the Administration sought to strengthen the President's national security and foreign policy authorities to control dual-use exports. The Administration will continue to work with Congress to ensure that our national security needs are incorporated into a rational export control system.

PAY-AS-YOU-GO SCORING

S. 149 would affect receipts and direct spending; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimates is that the PAYGO effect of this bill is minimal. Final scoring of this legislation may deviate from this estimate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I express regret the Senate is being asked to take up this legislation at this time. As pointed out earlier, the Export Administration Act, which this bill reauthorizes, with changes, has not been reauthorized for over a decade. It is not as if there is an emergency to do it this week. We have lived without a reauthorized bill for over 10 years.

What we have done is reauthorized it on a year-to-year basis from time to time—most recently, last year. I believe it is in October that reauthorization runs out, so we have to take some action before that time. I believe we should. I believe the Senate should act on this legislation before that time. I suspect there will be some amendments offered. I suspect there will be a healthy debate.

But at the end of the day, in one form or another, the bill will pass and the Export Administration Act will be reauthorized as significantly modified. President Bush, when campaigning, campaigned on that promise, and he has made good on that promise by supporting this legislation. I appreciate that effort on his behalf. But I think it would be wrong to suggest that it was the administration that requested the bill be considered at this time.

The administration was asked by a group of Senators who have expertise in national security matters to evaluate the bill that is before us. In less than a 2-week period that evaluation was complete, and it was done largely by people about whom Senator THOMPSON was talking this morning, who are not new additions to this administration. Meeting this morning with Secretary Rumsfeld, we found that there are only two confirmed positions in the Defense Department—Secretary Rumsfeld and the No. 2 person in the Defense Department, Secretary Wolfowitz: That is it. So it is not as if a new Bush team has evaluated this legislation, has had the time to give it the kind of critical look I had hoped it would be able to do.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. KYL. I would like to continue making a point. The Senator has had quite a bit of time. I will note, however, I have heard the questions of my colleague. The question is the same: Essentially, as a good Republican, why wouldn't you support the Republican administration with all its expertise on this? I guess part of my answer is if the Senator from South Dakota is willing to abide by the expertise and recommendations of this administration on all matters from here on, I would almost be persuaded to sit down and to pocket his votes on the tax cuts, education bill, all the defense matters that come before us, and everything else.

The fact is, reasonable people can differ. The Senator from South Dakota can agree with the administration on some things and disagree with them on others, just as people on this side of the aisle can do. So it is no great argument to say if you belong to the party of the President, you have to walk in lockstep with the President or somehow there is a suggestion that your position is tainted.

But let me go on with my point.

Mr. JOHNSON. If I might respond?

Mr. KYL. I will be happy to yield for a moment.

Mr. JOHNSON. I will be very brief. I appreciate the Senator's thoughtful remarks. I do not want to delay his proceeding with those.

The question is not whether the Senator supports the White House on each and every issue. The question simply is, Does the Senator support the administration and Colin Powell and the defense establishment of this administration on this specific issue?

The point the President has made is that he wished this legislation would be brought up in a very timely, very expeditious manner. The question is not whether he supports the President—of either of our parties, all the time. Certainly we do not. The question is whether there was a disagreement with the defense establishment of this administration on this specific issue.

Mr. KYL. I appreciate the question being reasked by the Senator from South Dakota, and my answer is as I indicated and as I will continue to demonstrate in my remarks. I think it would be a mistake for us to take the position on either side that this is an all-or-nothing proposition. It is not.

I respect, for example, the work of Senator ENZI from Wyoming, a member of the Banking Committee, who has worked very hard on this issue, and in good faith, and his chairman, Senator GRAMM. There is no one in this body for whom I have greater respect than Senator GRAMM, the chairman of the committee. Because they are putting this legislation forward at this time, and some other Senators disagree on national security grounds as to whether it is exactly the right bill to be passing at this time, I would think it absolutely appalling that anyone would question in any way their commitment to national security because that would simply be wrong.

By the same token, it would be wrong for anyone to question the sincerity or the knowledge of those who may oppose every jot and tittle of this legislation on the grounds that they are somehow either not in synchronization with the administration, not in favor of free trade, or somehow caught in cold war legislation, or something of that sort.

Anytime you get that kind of personal suggestion in a debate, it lowers the tone of the debate and is not productive to a rational and constructive solution to the problem.

What is the problem? We need to reauthorize the law in a way that properly melds both the trade and national security ramifications. There are those in this body with a great deal of expertise in national security matters who have come to the conclusion that the bill that came out of the Banking Committee would in some respects be inimical to national security and have asked for an opportunity, a greater opportunity, to try to work out some of the differences they have with the sponsors of the bill.

These are not people without expertise. We are talking about committee chairmen of every committee in this body that has jurisdiction over national security matters; specifically, Senator JOHN WARNER, chairman of the Armed Services Committee, who I believe is going to be here within the hour to speak to the issue; Senator SHELBY, who is chairman of the Intelligence Committee on which I sit; Senator THOMPSON, who chairs the Governmental Affairs Committee, the committee that had the jurisdiction to look into Chinese espionage and other matters; Senator MCCAIN, chairman of the Commerce Committee and also a member of the Armed Services Committee; and Senator HELMS, chairman of the Foreign Relations Committee. All of these Senators have extensive experience in matters relating to our national security.

I have not added up the combined years of wisdom represented by them, but it is not inconsiderable. They have all raised a red flag. None of them has said they are opposed to reauthorization of an Export Administration Act. All of them assume we are going to do this. But all would like to do so in a way that accommodates both interests. These Senators simply are not of the view that we have had the opportunity to do that yet.

I spoke to the issue of timing a moment ago. There is another reason I think it is unfortunate that the legislation is brought up right now. Not only is it not critical that it be done this week or even this month, I am fearful that having this kind of debate at this time could very well send the wrong signal to China. China is very much in the news today. It holds our reconnaissance aircraft. It improperly held American crewmen for 11 days. Its pilot wrongly and accidentally endangered the lives of our crew members, in the process of which he lost his own life. China has been making extraordinarily belligerent comments in recent months. It has continued to hold and has arrested people, some of whom are U.S. citizens or relatives of U.S. citizens, without much explanation, and it has acted very negatively to the U.S. response to these actions.

This is all in the context of a buildup of military might across from Taiwan, accompanied by threats that if Taiwan does not negotiate its return as a province to mainland China, there is a possibility that China would use force against Taiwan to achieve that reunification.

This is all quite troubling, and it is a circumstance that requires great care on the part of the United States. We want to live in peace with China. We expect we are going to be able to do that for decades and decades. We would like very much to have good trading relationships with China. But we also understand that there are some tensions in our relationship.

Part of the reason for these tensions is, I suspect, misunderstanding between the leaders of our two countries—misunderstandings, frankly, between the peoples of our two countries. It is frequently said we just do not understand the Chinese well enough and we do not deal with them very well as a result. I suspect the converse is true as well. So there is a great deal of talk about sending messages. I think it is important for us not to send the wrong messages.

I think in this regard the President was masterful in his handling of what was a serious crisis. A country was improperly holding U.S. citizens. The President, in a very understated but very firm way, was able to effect the return of our people and I hope not send any negative messages and in fact send some pretty positive messages, at least designed to elicit cooperation from China.

He was very sensitive, in other words, to the notion of what kind of messages were being sent. He sent another message when he decided to sell defensive arms to Taiwan—arms necessary for Taiwan's defense in the face of an attack by the PRC. That has grated on the PRC. And they reacted publicly to it. But he was very candid and clear about obligations of the United States in this regard. Again, he sent the right message: We mean you no harm. Obviously, we want to avoid conflict.

The best way to do that is to ensure that Taiwan can defend itself because, obviously, we wouldn't want the PRC to be tempted to engage in any kind of belligerent activity toward Taiwan.

Messages that are sent are very important. My fear is that by acting on this legislation at this time, whatever we end up doing, we are going to end up sending the wrong message. To the extent that this debate boils down to a question of whether or not those who are in favor of enhancing trade prevail over those who are involved in trying to preserve our national security—a very false dichotomy—but to the extent that is the way it is played—and it will be played that way by the media—we send a very bad message to our friends in China. It is a message that trade trumps national security. That is wrong. It would be an incorrect interpretation. But that is a message that I guarantee you will be in the headlines and in the papers to the extent that people pay attention to this debate.

I am trying to bend over backwards not to characterize it that way. The people who are sponsoring this bill are very interested in national security, and they believe they have crafted a bill that meets national security requirements, as does the administration.

There are others who very much believe in free trade and expanding our trade with China but who believe there are additional changes that need to be effected in this legislation and that it can best be done before the bill is brought to the floor for the amendment process.

It will be a wrong message, but it will be, nonetheless, a message that will be delivered, and I guarantee you that the longer this debate goes on the more of us are going to be called by the talk shows. They are going to call, for example, the Senator from Wyoming and myself. They are going to say: Will the two of you debate trade versus national security? Both of us are going to say that we really do not want to debate this issue in those terms because that is a false dichotomy. But that is the way it is going to be interpreted. It would be the wrong message at this crucial time in our sensitive relations with China. China represents only something like 1 percent of our trade and much less than that relates to dual technology.

In some sense, this whole question about what kind of export controls to put on dual technology items is much overblown. It is not nearly as important as a lot of people would have us believe. We are not talking about an amount of trade that is going to affect the U.S. economy, or even any specific segment of our economy. We are talking about a very small number of items.

I happen to agree with the authors of the bill that there are many items that can be decontrolled. That is the word we use. It is now possible because of the evolution in technology to take items that were at one time deemed to be sophisticated off the list because they are simply no longer state of the art, and they are no longer all that useful if applied to military weaponry.

That is one of the features of the bill that I think is good. I think we all agree with that. But I also think it would be a big mistake to assume that just because the cold war is over there is no longer any concern or shouldn't be any concern on our part and any justification on national security grounds for controlling the exports of technologies which have dual uses; that is to say, both civilian uses and military uses. It would be just as wrong to characterize the proponents of this legislation as believing in that.

There is a middle ground. I think one of the problems with the legislation that has not been adequately addressed is the fact that a new regime has been introduced. The regime is that if these items are readily available, either domestically or on the foreign market, then they are no longer subject to the same kinds of stringent controls that they were before. That something has a dual application to both civilian use and military use, by definition virtually everything that we are concerned about will, therefore, have applicability because it will be available either in the United States or on the foreign market for civilian uses, and, therefore, for military uses as well.

That is the definition of dual-use technology, and that is the concern we have. The mere fact that something is available to be purchased in the United States or abroad for civilian purposes doesn't necessarily mean we should forget about any kind of restrictions with respect to its export, irrespective of whether its export might result in its use in military equipment that could be used against the United States. It doesn't mean that at all.

Yet because of provisions of this bill, it is going to be very difficult to regulate the export of items which one can argue are available either in the United States or abroad.

Why is that argument so important? When it comes to U.S. military equipment, we have always had superior technology, and while it is possible that a particular item might be available in another country—I am just speaking hypothetically. But let's say the French manufacture it, the Israelis manufacture it, and maybe the Germans manufacture it as well as the United States. It doesn't necessarily stand true that all of those items are equal and that purchasers of those items are indiscriminate with respect to from whom they buy it. If that were the case, it wouldn't much matter unless the U.S. products were a whole lot cheaper. These other countries are going to be able to export their products, in any event.

The truth is that in most cases, even when U.S. products are more expensive—in some cases much more expensive—they are the items that are sought because other countries understand that for various reasons the U.S. product is superior. Some of these products have intelligence components associated with them. They know that in certain cases other countries have certain capabilities with respect to that equipment that makes their use suspect. Not so with the United States. They know they can buy these products from the United States and have no worry about being compromised through their use. They cannot be so sure with respect to the very same item that they might buy from someone else.

Just because an item is available someplace else doesn't necessarily mean that it is comparable, or that the United States should allow our product to be exported even when we know that its use will be embedded in military equipment and it could be used against the United States in the future.

That is part of the problem. While the legislation itself grants to the President, and only the President, the ability to waive certain of these requirements, even the President is limited. He can only do it three times. He can only do it for 6 months at a time, and after 18 months even he can't control the item or require an export license for it.

There are some significant concerns that I think we have to be aware of before we just necessarily assume that because we are all for free trade—and most of us are for free trade—therefore, we ought to adopt this legislation.

The very fact that the President just this week announced the arms sales to Taiwan because of the threat that China poses to Taiwan should give us some pause. China is the same country which bought fiberoptic-cable technology items from American companies and then was found to have helped the Iraqis imbed those fiberoptic cables in Iraqi air defenses causing the United States enough concern that in February the President ordered U.S. jets—and British jets accompanied ours—to carry out airstrikes against those very same Iraqi air defense systems. It was because of the upgrade through the installation of the fiberoptic cable provided and installed by China.

Fiberoptic cable is a dual-use item, and it is of considerable strategic importance. Its export to China is permissible under Senate bill S. 149. Let there be no mistake, fiberoptic cable not only increases the amount of data that can be transmitted, virtually exponentially, but it is also extraordinarily difficult to intercept signals in fiberoptic cable as opposed to, for example, through microwave transmissions or through regular copper wire.

This is an item that is in clear use all over the United States. You can buy it on the market. But when it is applied to certain kinds of military uses, such as military equipment, it can become very dangerous to the United States. We have actually taken action against it for that very reason.

Why should we liberalize its export to countries? If Iraq could have gotten that equipment and China could have gotten that equipment from anywhere else in the world, why didn't they? They buy it from the United States because we have the best products. If we deny that for military use to countries in the world that we do not want to have it, then they are going to have to accept an inferior product, one which presumably, at least, hopefully, we would be able to deal with much better than our own particular product.

Let me try to also put in perspective what all the bill relates to. There are literally thousands of items on the list of dual-technology materials or services that could be, in effect, decontrolled through this legislation. I certainly do not have time to go through all of them. Let me give you some ideas of what some of these are. I have a very lengthy report which, given the time, I will be happy to go through in some detail because I think it is most illustrative in relation to those who believe there is not much of a problem. One of my colleagues said that you can buy it all from Radio Shack. The truth is, you cannot buy all this from Radio Shack. Yet it has enough availability to escape the requirements of an export license.

We talked about the Chinese company that helped Iraq outfit its air defenses with fiberoptic equipment. This results in high-speed switching and routing. That equipment is all provided by U.S. companies which, by the way, would like to sell some additional items, various communications technology, to the very same Chinese firm that provided this technology to Iraq. Is that what we want to be doing? I am not so sure. I think we want to think about this very carefully.

We ought to have the ability to deny an export license for this kind of dual-use technology to a company such as the Chinese company that bought it in this case. Yet under this bill these technologies would be determined to have foreign availability because of their marketing abroad, and they would meet the mass market criteria in the bill. Therefore, unless the President himself exercised the authority that I talked about, they would be eligible for export.

That is a very recent example. Let's go back to look at some other examples. There were news stories at the time of ball-bearing grinders purchased from the United States. Since then, there have been quite a few public reports, although much of it is classified. But the fact is, in the 1970s the Soviet Union purchased ball-bearing grinders from the United States ostensibly for its use in civil industry. It used them, in fact, to produce pin-sized bearings for use in the SS–18 guidance system.

The SS–18 is the most fearsome weapon on the Earth today—a nuclear-tipped intercontinental ballistic missile. These ball bearings are crucial to produce the guidance system capable of ensuring the very high degree of accuracy which this missile possesses. Those are the missiles that could incinerate every American living today. The guidance systems are perfected because of the ball bearings produced by equipment that the United States sent.

These precision machine tools and ball bearings are controlled by the Commerce Department under the authorities granted by the Export Administration Act. But under the legislation pending here, these items would be available to foreign sources. The bill prohibits export controls on them unless the President is able to set aside the determination. And he can only do that for 6 months at a time.

Submarines have to be quiet in order to be effective. The advantage of United States submarines is that they are the quietest submarines in the world. The other side cannot detect them, and we can pretty much go where we want to at will.

The dual-use technology control list contains numerous technologies that can be used to make submarines quieter. This technology is, to some extent, available from foreign suppliers. Its export should be regulated to prevent nations such as China from freely purchasing it from American companies.

While foreign submarine manufacturers such as Russia and Sweden have made great strides in submarine technology, we think U.S. technology is superior, and it is unique to U.S. submarines, and, if nothing else, its export could compromise the vital capability of U.S. submarines.

There are those in Government who also like to talk about something a lot more mundane. I am choosing examples almost at random, but this caught my eye: a variety of devices that can be used to torture prisoners.

We are now talking human rights, folks. These devices that can be used to torture prisoners—some of which are as mundane as electric prods and shock batons and shackles, and so on—are controlled for export due to human rights considerations. You can get these on the open market. If you are a bad guy, and you go shopping for them, you can find them somewhere in the world.

Should the United States be selling them to countries that we know engage in human rights abuses? That is the kind of consideration that distinguishes America from many of the rest of the nations of the world. We just do not sell equipment and items to other countries that we know will be used to hurt people improperly, even though that equipment can be obtained from other places.

It is perhaps a small point, but I think it makes a big difference. Even if people can buy something from someplace else, it is not necessarily a good idea for the United States to be selling it, again, partially because of the signals that we send.

I may, if I have a little time later, also discuss in greater detail about technology that relates to the production of nuclear weapons, nuclear reactors, tritium plants, fissile material, liquid and solid propellant rocket engines, chemical and biological processing equipment, encryption software, flow-forming machines for a variety of production applications. All of these are items that are on the dual-use control list.

I am going to talk a bit about maraging steel and gas centrifuges in just a moment. But suffice it to say, on this list there is page after page after page of items that have dual uses; that is to say, perfectly permissible civilian uses and also very sophisticated and, in some cases, very dangerous military uses.

The question is, just because you can buy them for civilian purposes, should the United States be allowing the export of these items, without some control, to nations of the world that we believe would or could use them against us?

In some cases, we use the export control regime for the purpose of not prohibiting the export but providing some conditions on it or limiting it in some way. Part of the ability to calibrate what we allow to be exported is lost as a result of the specifics of this legislation.

I am sure my colleagues would agree with me—those who are supporting this legislation—that in some cases we may want to ultimately grant the export license but to have certain conditions on them.

One of the conditions we have had in the past, for example, has to do with who the end user is. There are some fairly well-known cases of situations in which we thought that the end user was a civilian entity, and it turned out not to be the case. I have in mind two cases. One of the cases is where McDonnell Douglas—a very prominent company; a company that was formerly in my State, as a matter of fact—thought it was selling machine tools for the manufacture of civilian aircraft, and it turned out it went to China for the production of military aircraft.

We also had some very sophisticated computers that we did not want to go to a military end user in China. It went, I think, to a research institute. But it ended up in the wrong hands. My recollection is, in that case, because of some limitations we had put on the export license, we were able to pull it back.

There are cases where if you have some ability to regulate the specifics of how the license is granted, you can actually prevent items from falling into the wrong hands.

I haven't talked about computers yet. We know that high-performance computers are one of the main areas of contention here because the evolution of the technology is so rapid now that something that was really leading edge a year or 18 months ago is relatively passe today, overtaken by much more high speed and capable computers. U.S. computer technology exceeds that of all foreign competitors, yet our manufacturers argue for more and more liberal ability to export, to the point that the Clinton administration, for all practical purposes, eliminated controls on high-performance computers without any compelling evidence that reasonably comparable foreign systems were seriously sought by foreign customers.

That brings up another question. There isn't any real definition in this bill of what we mean by "availability." It is a very subjective term. One wonders why or how it is that we are going to judge something to be available. If the market that they really want to buy from is the U.S. market, then maybe the availability of a so-called comparable foreign product isn't as great as we might think it to be. That is an element that needs a further look.

There is a very interesting example that was pointed out by Gary Milhollin of the Wisconsin Project on Nuclear Arms Control. He noted that high-precision electronic switches needed to detonate nuclear weapons would be decontrolled under the act because of their civil application in medical instruments. I believe this device is used in the lithotripters, the equipment now that can actually blast apart gall stones so you don't have to painfully extract them from an individual. They are blasted apart and taken out like little bits of sand. The electronics of that are the very same electronics that are used in the nuclear detonation components of weapons.

Similarly, he points out that glass and carbon fibers are used in ballistic and cruise missile construction as well as in the enrichment of uranium for nuclear weapons and that they could be decontrolled because of their use in the manufacture of skis and tennis rackets and boats and golf clubs. We have heard recent reports in the news about the possibility that different countries—Iraq comes to mind—might be buying some of these items off the shelf in fairly huge quantities. Everyone asks: Why would they be buying so many of those? The speculation is, of course, that it just might be because they want to apply them to one of their military uses.

I mentioned maraging steel before. This is a very special kind of steel that is used in the manufacture of solid rocket motor cases, propellant tanks, and interstages for missiles as well as in the enrichment of uranium. It would be decontrolled because its application in commercial rocketry and also the fact that in many forums it is available in other countries. There are many other items.

I will summarize a couple: Corrosion resistant valves used in the enrichment of uranium for nuclear weapons; they are also used in the commercial paper, energy, and cryogenic industries. This is a list of pretty deadly serious military applications of items that nonetheless would be decontrolled under this legislation because of their applicability to civilian uses as well.

I talked in the beginning about a concern I had that this legislation is being debated at the wrong time. I hope I am not, by articulating this list of items—and again, we can talk about a lot more—leaving the impression that there is no role for the approach of this legislation to get rid of a lot of items on the list that have both civilian and military applications. The legislation moves in the right direction because there are a lot of items that don't need to have this kind of regulation. There are some that do. The question is, have we discriminated properly in drawing the dividing line between those that do and those that do not?

There is another provision of this bill that has to do with another way we can judge whether or not something would be automatically exempt from the export control regime. It has to do with how much value an embedded component has. On the surface, you would say, what difference should that make? If you have a very highly classified component and it represents only, let's say, 10 percent of the cost of an item, simply because it is only 10 percent of the cost of the overall item, should that mean that the entire item is decontrolled and another country has the ability, then, to reverse engineer the entire component so that it can take out the part that is highly classified?

That is what this legislation allows. It says that if only a certain percentage of the value is in this very highly controlled component, you can go ahead and sell it. There is sort of a presumption that it can't be all that big a deal if it is only a small percentage of value—10 or 25 percent. A case that I don't think is included in this legislation, because of action that the Congress took last year to take it out of the Commerce Department and put it back with the State Department, but which obviously we had to act on or it would have been, is the case of rocket motors. I shouldn't say rocket motors, rather, the so-called kick motors that are in many cases embedded in satellites. These are very highly classified items. We take a satellite that we want to launch, and when it is kicked into its final orbit by this little motor, it can actually perform the way we want it to perform.

In the case of China, for example, the Chinese have made it a condition for some companies doing business in China that those companies allow China to launch a certain percentage of the satellites that they want to launch. So those companies, in order to do business in China, have to agree to that, and they have. These satellites are supposed to be under the control of Americans at all times because they are very sophisticated. We don't want them to fall into the wrong hands and to be reverse engineered. We don't want our technology to be stolen from them. That certainly applies to an item such as the kick motor embedded in the satellite.

We recall that a couple years ago there was a great deal of evidence of the fact that certain American companies had allowed satellite launches in China without adequate security, the result of which was that we believe there was some compromise of American technology by the Chinese. It is not only the kick motors. There are other components, too. Had Congress not acted last year to retrieve those satellite items from the Commerce Department and put them back on what was called the munitions list, where the State Department would have the authority to require license, we wouldn't have had the same degree of control over them that we do today. This is the kind of thing that can happen.

Again, the timing is wrong here because we are forced to talk about situations involving China over and over and over again. I don't particularly care to do that. This is a time when it would be nice if we could kind of lower the rhetoric and try to develop a relationship with China which very clearly states our goals and tries to deal with China in a way that doesn't result in more belligerency on their part.

By the authors of the legislation being insistent on bringing it up now, some of us have no choice but to use examples that are, unfortunately, very real examples of where we believe that sensitive technology has been either sold to or acquired by China in ways that this legislation would not prevent. I wish we didn't need to talk about that at this time, but since they are very real examples, we will talk about them. Again, I hope the message isn't misunderstood. This is not about either having trade or national security. The authors of this legislation agree with me and I with them that we can do both. We have to do both. We will do both. But this will be portrayed as trade trumping national security. That would be a mistake.

With the indulgence of my colleagues, I will continue now to discuss some of this other technology that I mentioned would be impacted by this legislation. I talked before about maraging steel. Here are some of the countries where this product is of particular interest. This, again, is the high-alloy steel that has very high yield strength. Pakistan has used it for uranium enrichment centrifuges; India for its polar satellite launch vehicle; Russia and Iran, special alloys for missiles.

I talked before about the bearings and gas centrifuge. There are military applications for high uranium production, and there is some evidence that China has sold this technology to Pakistan for the production of nuclear weapons in Pakistan. The centrifugal isotope separation plant, equipment and components, the military applications: Russia's uranium isotope separation plant has played a significant role in warhead production. The plant is primarily a centrifuge enrichment facility, and it has produced about 40 percent of the Soviet Union's enrichment uranium. I talked about explosive detonators earlier.

Aluminum alloys is another very interesting case. This is obviously very useful in rocket technology and missile technology for casings. China has developed a welded aluminum alloy used in the design of the torpedo hull. It manufactures aluminum alloy casings. India is manufacturing heavy-duty aluminum alloy extruded composition and has conducted studies on this that are very significant relating to its satellite launch vehicle.

All of these are items that would be impacted by this legislation. The ceramic composite materials are a new and increasingly important kind of material because they don't conduct electricity. Therefore, they have some very unique military applications. They have been used in ballistic missiles and reentry vehicle antenna windows, for example. They are produced, by the way, by companies in France, Germany, India, Japan, Russia, as well as the United States.

Laminates: Again, missile parts are often made from these other kinds of materials. Composite structures and laminates are materials used in rocket systems, including ballistic missiles and space vehicles, and they are produced in a whole variety of countries, including the United States.

There are military applications to something called crucibles. These are used to melt and reduce and cast uranium and plutonium for nuclear explosive devices. I realize when I read these, people may say: Wait a minute; we are not talking about just putting these things on the open market. What I am saying, folks, is they would be items that are no longer controlled under the dual technology control regime under the old Export Administration Act, which everybody would like to see reauthorized, with some changes. Because of the liberalization under this act, these items, in effect, become decontrolled.

In the early 1990s, for example, the U.S. was licensed to sell a significant volume of this equipment for making crucibles for high-performance furnace systems. It found its way to Iraq and to Iraq's nuclear missile and chemical weapons program, and for its nuclear weapons design and research center. This particular item at that time, because of a law that existed, was stopped by Presidential order. That would not be possible today if this legislation were to pass.

Guidance sets for missiles—you might think this is pretty technical stuff that we should not be selling on the open market. But there are items here that have dual uses. So ballistic missile guidance sets are often built to fit into a particular missile to be used in a hostile environment, and it would perform with a high degree of accuracy. It could have both civilian and military uses. They are produced in a whole variety of countries, in addition to the U.S.

There are services as well as products—and I will not go into all of these. We are not just talking about the military applications of specific pieces of equipment. We are also talking about certain kinds of services showing people how to do certain kinds of things.

We talked about propulsion systems and components. Here are some of the military applications of that. On one occasion, they were disguised as automotive spare parts on the airwaves of a certain country and were destined for Libya. This was very recently, by the way. Some of the paperwork indicated that the seized shipments had already reached Libya, I might add.

The China Aerospace Science and Technology Corporation, which was sanctioned by the U.S. in August of 1993 for missile proliferation activities, designed and researched propulsion systems, among other things. Russia aided Iran with the design of guidance and propulsion systems, some of which found their way into the Shahab 3 and Shahab 4 ballistic missiles for Iran. There are a variety of examples that I can give you.

Reentry vehicles—we are familiar with those—for both commercial and military applications. These, too, would be subject to the provisions of this legislation.

And I hate to talk about China again, and I wish we didn't have this debate right now. Chinese engineers were arrested for trying to steal some blueprints from a plant in the Ukraine. Yet these very items would be subject to sale because they are produced by a variety of countries and have dual applications.

Without getting into a lot of detail, I will indicate the nature of some of these other activities or products. Propellant additives, propellant control systems, propellant production equipment, radar software—you can easily understand why that could be a dual item—radiation-hardened computers. The applications here for military use are obvious.

Ramjet engines: The military applications there, I think, are fairly obvious; rocket motor mounts and sounding rockets as well. These all have to do with space, and also aircraft, such as airborne radar, navigational systems, depleted uranium, fly-by-wire flight control. Obviously, that is the way our commercial aircraft is now designed. It is also a very important military design. We have various kinds of noise reduction and acoustic mounts and valves and other kinds of things that are used in quieting for the Navy, primarily.

Precision tracking systems: We are all familiar with how we are able both in civilian and military applications to precisely track using the global system. Yet many of those items would also be covered by this legislation and no longer require license: side-looking airborne radar, sonar signal processing equipment, underwater breathing apparatus, wind tunnel applications.

Mr. ENZI. Will the Senator yield for a question?

Mr. KYL. Yes.

Mr. ENZI. Mr. President, is the Senator aware that we are not doing away with the control list and any item on the list continues to stay on the list unless it goes through the process? Is the Senator aware that we have added country tiering so that rogue states are taken care of that way?

Mr. KYL. Yes. Is China defined as a rogue state in the legislation?

Mr. ENZI. It could be.

Mr. KYL. But it is not.

Mr. ENZI. It doesn't say any particular state.

Mr. KYL. I answer the Senator that I am aware that the items are not automatically decontrolled. But by virtue of what I talked about before—and I think the Senator was here—because of availability for commercial purposes, the items will also be available under the dual technology regime that is contemplated by the legislation.

Mr. SARBANES. If the Senator will yield, the legislation specifically gives the President the authority to continue to control any item. I don't think the items the Senator is listing would be mass market items under this legislation. But even if one or a few were to be sold classified, the President has the authority under this legislation to deny that category and to continue to control the item.

Mr. KYL. First of all——

Mr. SARBANES. I don't understand.

Mr. KYL. Does my colleague want an answer to his question?

Mr. SARBANES. There are examples that happened under the previous regime. This bill will actually improve the regime.

Mr. KYL. The Senator has mischaracterized what I said. I pointed out a couple of instances in which these items got into the wrong hands in the past. But under the previous law, we had the ability to pull them back. I did cite some examples. We would not have that authority under the legislation as the Senator has written it. Moreover, I am perfectly aware that many of these items would not necessarily be mass marketed. Yet every one of them would be subject to the definition of availability, foreign availability, or U.S. availability.

That is precisely why I picked these items because under any reasonable definition, you would have to say, yes, those are available someplace. Now, if the Senator is telling me some of those look serious and I don't think we would want to consider them available, then I say we have to be more careful about how we draft this legislation.

On that point I agree with the Senator, but as to the first point, the Senator raised the suggestion—I heard it made several times: The President has the authority to waive this. No, the President does not have the authority to waive this. The authority is very constricted. The President, and only the President—as if he did not have anything else to do—can three times for 6 months only, for a total of 18 months, waive the applicability of that section.

Mr. GRAMM. That is not right.

Mr. KYL. That is absolutely correct, and I would be happy to cite the provision of the legislation. To think it is going to work very well——

Mr. SARBANES. Would the Senator do that for us?

Mr. KYL. To think it would work very well to have a regime in place where the President is going to have to continually be waiving its requirements I think is going at it the wrong way.

Therefore, while it is important for any President to have a waiver component—we frequently have national security waivers of one kind or another—if you set up the presumption that it is going to be sold and require only the President to stop it, you are going to be putting a pretty big burden on him.

In the past, the presumption has been effectively the other way. Part of this is due to the fact that there is no really clear way of defining availability. I talked to that before the Senator arrived.

Mr. President, my colleague from Wyoming may wish to join in this. If so, that is perfectly fine with me. I stand corrected. The authorization for this current extension of the EAA runs through a date in August—August 31?

Mr. ENZI. August 20.

Mr. KYL. Not October. We will either have to pass a resolution extending the date beyond that, which I presume would be relatively easy to do; or act on the reauthorization of the EAA in some form prior to that time.

Frankly, that is fine with me. As I have said now several times, the effort of the Banking Committee to rewrite this legislation in light of changed circumstances in the last decade is a laudable effort, and there are a lot of changes that need to be made in the legislation. There is no argument about that. That, frankly, is what President Bush campaigned on and what he said he was for. That is perfectly appropriate.

We are talking about details. It is evident that reasonable people—or at least I hope the chairmen of these committees would be deemed to be reasonable; certainly my friends in this administration are extraordinarily competent on these matters. I believe with a little bit of time reasonable people will be able to resolve whatever differences exist. I know some are not quite that sanguine about those prospects.

I also am aware of the fact that the administration has an idea which is a good one. That is, not everything in this regard ought to be put in the legislation itself, which can become relatively inflexible. As we have seen, it is a little bit harder to change than an administrative action. Therefore, the administration has in mind developing an Executive order that would implement this legislation and related legislation in such a way as to provide the President with a little more flexibility to handle particularly those situations that arise very quickly.

The shelf life of some of the equipment we are talking about is very short, and therefore sometimes there may be a need to act with alacrity. Under the provisions of the bill, it may be too slow, though they intend to speed it up.

There are also intelligence considerations which I cannot go into at this point, but they, too, can be dealt with by means of an Executive order.

I applaud those members of the administration who raised this as a possible way of dealing with some of these issues. The fact is they have not had time to do this, and I fully appreciate that. Those of us who have concerns about the legislation would very much appreciate the opportunity to await the drafting of that order. As I said, I suspect that will remove many of the concerns some of us have just about the bill itself.

That said, I go back to the point I made in the beginning, which is, this is the wrong time to bring up this legislation.

I also, again with some trepidation, make the following point: Some of my colleagues have said: Look, bringing it up now actually helps you because you are able to talk about a situation that has rubbed the American public pretty raw these days, and that is a belligerent and overly hostile China. In fact, China has obtained a lot of its technology in the past, not all of it properly so, as pointed out before. So actually this is a good time to bring this up because you will be at your strongest in arguing we should not be passing this legislation right now when it could only make it easier for China to obtain this equipment.

At the same time, some of these folks say: Look, this legislation is actually tighter; it is more strict; it is more conservative than ever in the past. We are actually tightening the law; we are enhancing national security. Mr. President, you cannot have it both ways. It is my view the legislation is not tight enough, that it could result in technological acquisition by countries that would use that technology against the United States and that we do not want to do that; there are ways to prevent that.

Our argument is over some relatively narrow points. If we appreciate that, then we can also appreciate that it is possible to come together on those, come to closure on those without necessarily engaging in a great long public debate which I really do not think serves anybody's purpose at this point in time, especially given the circumstances that exist with respect to our current relationship with China.

My hope is the authors of the legislation on this Thursday afternoon will say, all right, let's talk about this for a little bit, get a date certain to bring up the legislation, and see what additional fixes are needed, if necessary, and get additional amendments that might be offered so we can persuade colleagues, if there are certain changes to make, we can do that and take it up at a time when perhaps nerves are not quite as raw.

Frankly, I fully expect the administration to engage at that point in time because they have a great deal of expertise and they are all people whom I know people on this side of the aisle respect a great deal. So we will be taking their views very much into consideration.

That is my hope. I hope our leadership will focus on elements of this President's agenda of which everybody on our side of the aisle is very much in favor, including this tax cut and education proposals.

By virtue of the fact I had to be on the floor, I missed discussion of the tax proposals that I very much hoped to attend because we are trying to put together the final package that will effectuate President Bush's campaign promise of tax relief for all Americans. I hope we can take that up next week. If not, we will take up education reforms next week and take the tax bill up the week after that.

If we are stuck debating the Export Administration Act, all of that gets delayed. That is not good for the American people. My hope is the authors of the legislation will be willing to work with us and defer this until we take care of these other items that are a little bit more important, in my view, and then come back to this with plenty of time to do it prior to the time the authorization expires. If need be, we can clearly do a temporary resolution extending the time of the EAA until we are able to act upon it later this year.

With that, I relinquish the floor at this time.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Wyoming.

Mr. ENZI. Mr. President, I need to answer some of the items that have been raised. I appreciate the Senator correcting the date on which the present extension of the EAA runs out. I know that confusion came from me. I am involved in another bill with a sunset at a later date, and I mentioned the wrong date. August 20 is the drop-dead date on the Export Administration Act.

Can we extend it again? It was extended last time under a unanimous consent agreement in both Houses. That won't necessarily happen again. Unanimous consent is not the easiest thing to get. We were running out of time under appropriations last time and believed that was an appropriate action to take. However, it is not necessarily the same action that will be taken again.

We are running out of time to solve the export administration problem. Education will be coming to the floor. I am on the Health, Education, Labor, and Pensions Committee. We did the education bill. It actually went through committee faster than any other ESEA bill of which I am aware. Normally it takes a couple of weeks for debate. It went through the committee in 2 days. Normally the bills come out of that committee along party lines. It came out unanimously. There are still details on which to work.

I think we will have an Elementary and Secondary Education Act reauthorized shortly. I would not want to stand in its way. However, it is not ready or we would be debating that now. There are still details being worked out.

That leaves a window. It was mentioned that taxes need to be debated. I am one of the proponents of the tax cut and have been working steadily to get that and would not stand in the way of a tax cut. However, the tax cut isn't ready for floor debate. It will be.

Education will be ready. Taxes will be ready. And then something else extremely important to this country—appropriations will come out. We have to pass 13 appropriations bills. That is supposed to be over by October 1, but that usually takes us well into October, sometimes into November. That is past October 20, without an opportunity to do this extensive debate that is purported to be needed.

One of the things we have done is killed 4 hours—not really "killed" because everybody needed to make their statement and get their stance out on the Export Administration Act. I am glad we have done that. From this point forward, the time we are taking is time we could actually be debating these amendments.

I have had some Members on the other side say, we know what will happen to those amendments. That is how education works around here. If you don't have the majority of the vote, you lose on your amendment. There is a point to which people see amendments as being reasonable and helping national security, but there is a point where they see it as stopping all trade.

There is a balance. We still intend to be a country that has a good economy—not just a country that is militarily capable of being the best in the world. This bill has been a deliberate and timely attempt to reach that kind of situation.

What we need is the amendment suggestions through the debate process. I submitted the list earlier. It is in the RECORD. You can look at all the meetings we have had—probably not all of them, but the ones we recorded as having. Those produced the suggestions in this bill.

Now a perfect bill will prevent any law from being in place. There isn't such a thing as a perfect bill. When I was legislating on the State level, as well as here, I had a pretty good idea when I was holding hearings on a bill that there was somebody in the audience who knew a loophole to that bill and they were not about to share it until they had taken advantage of it. However, we hope to catch as many of those as possible when it is being considered. That is why we have 100 people, we have 100 different opinions—at least 100 different opinions from 100 different perspectives contributing to a bill.

When we debate whether we go ahead and debate, we are not making any progress toward a final solution.

On the China issue, there probably isn't a time that could be more sensitive. But the ones who are talking about greater security than what this bill provides would have it to their advantage to talk about it because of the timing of the situation with China.

We don't have any problem debating it. We don't have any problem considering amendments to this bill, even in light of the China situation. The reason we don't is that we are sure we have addressed those issues. If we missed something, we need to know about it and take action.

Everybody keeps saying there are a very small number of items that need to be regulated. How do we go about doing that? Give me a suggestion if you have one other than the way we are doing it.

There was a comment that there is a new regime, that we are talking about things readily available in either foreign or mass markets; that these other countries have access to all of those things and we will give up all of our control. Not true. We have tried to address keeping control in every possible way. There still will be a control list. We didn't get rid of the control list. The wording in the bill says any item that is controlled now will continue to be controlled until the committee makes a decision otherwise. So if it is controlled now—and a bunch of the items mentioned were controlled and were against the law, but they were done anyway.

How did somebody get away with that? I imagine things will still be done illegally no matter what kind of bill we pass because we don't handle ethics and morals; we just handle the law.

One of the problems we have under the law is, for about a 6-year period we did not have sufficient findings to get anybody's attention of the fines and penalties and prevention, more so than beating somebody up after it happens—although that has to be there for the bad actors.

We have a number in this bill that will get people's attention. For those people who are talking about this bill not having enough security, the last version, the one we could have done at the end of last year, had penalties that were twice as big, but we were asked to reduce those to get them more reasonable, to make it closer to what the munitions list has. If anything ought to have fines and penalties to get the attention of people, it ought to be the munitions list. We would not agree to go to that low a level.

In fact, there is even jail time involved in this one. I think some of the those things are needed to keep people's attention. So we have tightened up the bill.

We talked a little bit about Iraq. We have to trust that the administration will rate Iraq as one of those countries that should get a very poor rating under the tier system—the worst. I suspect they will. I will not dictate which ones ought to be the bad guys and which ones ought to be the good guys. I have been contacted by a number of countries that wanted to be specifically mentioned in the bill as one of the good guys. I said: No, the administration makes that decision based on your relationship with the United States and your involvement in making and selling weapons of mass destruction. We have some criteria by which you are considered a good country. I have no doubt the administration will adequately do that rating on those countries.

That is something brand new, too. We did not have the tier system before. Now we have a tier system so countries that are adverse countries will not get items. We have a control list so that items we do not want people to get they cannot get. So some countries are going to be prohibited both for being on the control list and being a country to which we will not sell that kind of item. I do not know how you could make it tighter than that.

Then—and this was at the suggestion of the people who are asking we not be allowed to go ahead and debate this motion—that the President be able to have total control over absolutely any item that can be sold. This is a Presidential enhanced control. Yes, it says the President has to do it. We know the President will get a suggestion from somebody along with all the backup reasoning on why it ought to happen. Some of those decisions will be pretty pro forma. I do not think we are talking about a huge expenditure of time on the President's part. On those items that are really a national security issue, I hope the President is personally and timely involved.

But the President can control absolutely everything. How much documentation, how much review does he have to do? That is for a little transparency, so we know what is being controlled. But the President is the ultimate authority on all of it. We have given him that constitutional right. We have now put it in writing.

We also have some extra control authority, which are on page 183 of this little document that is on every single desk for the end use and end user controls. And then the most important paragraph, the enhanced controls. So if somebody has a suggestion on how to make it tighter than that and still be able to sell to our allies the things that we want our allies to have that would be beneficial to them and to us, tell me how to do that; present an amendment.

Of course, we cannot present an amendment until we get past this debate about how long we are going to debate about whether we get to debate.

I have been here before on this bill. I have to say it is a lot easier to defeat a bill than it is to pass a bill—I noticed that through my legislative career, as well as my senatorial career—because if you create a little confusion, confusion goes a long way.

We have heard a lot of confusion. I think we can address everything that has been mentioned to this point. We can show where it has been covered in the bill. But it is easier to defeat a bill. I have to say in the Senate it is even easier than that because we have this thing called filibuster and that is where you stop the motion to proceed and have people debate on whether to debate for a long period of time.

I understand the other side understands how many people there are who have been working on this bill, been involved in this bill, who will vote for this bill. If we file cloture, we will get cloture. It is just a long process and a way of delaying it. But it is a route that can be taken.

We had the signatures for that last year but ran out of time. I only mention this time again to get back to the original point, which is August 20 is when the bill runs out. If we have not solved it by that time, we may not be able to solve it. So I ask that we get past this motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reluctantly I rise to differ with my good friend from Wyoming. I come from the perspective of chairing the Readiness Subcommittee of the Senate Armed Services Committee. I have looked carefully at some of the problems over the last 8 years in a couple of respects. First of all, we are dramatically and grossly underfunded in most of our accounts for our military relative to the threat that is out there. We have gone through a difficult time with China and hopefully it is coming to an end now. If we go back to 1995 when we started getting some of the very first comments made by the Chinese that have been very threatening to the United States, it was during the elections not long ago in Taiwan when the Chinese were demonstrating their missiles in the Taiwan Strait and the statement was made "we are not concerned about the United States coming to the aid of Taipei because they would rather defend Los Angeles." That is at least an indirect threat.

Most recently there have been statements made from more than one high Chinese official saying war with America is inevitable. Over the last 8 years, we found that half of our nuclear secrets—we had a total of 16—were compromised during the Clinton administration, 8 of them were compromised prior to the Clinton administration. We found out in 1999 that way back in 1995 the other 8 nuclear compromises took place. There was an informant who came in, in 1995, and informed us these compromises had taken place. This was covered up, I am sorry to say, by the administration until the Cox report discovered it and released it in 1999, 4 years later.

We look at those things that have taken place, the transfer of technology to the Chinese, and we now see a massive military buildup by the Chinese. This is the same country that is saying war with America is inevitable. We know they made some purchases of SU27s and SU30s. They will have aircraft that is better and more modern air-to-air aircraft than anything we have in our arsenal, including the F-15. We are looking at a percentage of their budget that is going now to buildups. We also know they have virtually all—at least those 16—of our nuclear secrets.

We have been facing also, during the Clinton administration, the signing of waivers. In order to make it easier to transfer technology, they took the waiver process out of the State Department and put it into the Commerce Department, only to reverse that later on when we found out that many of the transfers had taken place.

We remember regretfully the time President Clinton signed a waiver to allow the transfer of guidance technology that was produced by the Loral Corporation. That is something that would be very dangerous for the other side to have.

Considering what little we do have left in terms of technology, I cannot imagine a worse time in our Nation's history to be making it easier to transfer technology from a pure national security standpoint than right now. So I am hoping my colleagues will look at what has happened over the last 8 years, look at what has happened over the last 2 weeks, and come to the conclusion that maybe this is a good idea for sometime in the future. It is not a good idea for this time.

I yield the floor.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, we have had considerable discussion about the President's authority under this proposed legislation. The point has been made that we have a fail-safe provision—that the President can always intervene and stop some item from being exported that should not be exported. But I think if you examine the legislation, you would have to conclude that through this legislation the drafters have made it difficult for the President to intervene and step in under those circumstances even in matters that constitute a threat to the national security.

If you look at section 212, which gives the President the right to set aside the foreign availability status—as you recall, under this legislation, something that heretofore has been controlled required a license. If there is a determination made by the Commerce Secretary that it is a matter of foreign availability under the criterion that they come up with, it will be decontrolled. They will be able to send it to China, Russia, or any of the other what have been tier III countries in times past. But there is a provision in here that the President can step in and exercise a set-aside.

Here is what the set-aside language says. It says if the President determines that decontrolling or failing to control an item constitutes a threat to the national security of the United States, and export controls an item which advances the national security interests of the United States—I will skip some of what I don't think are particularly pertinent provisions—it says the President may set aside the Secretary's determination of foreign availability.

Then it goes on to say that the President may not delegate the authority provided in this paragraph.

In the first place, we make it so that the President and only the President must deal with this matter, considering all the matters that he has to deal with, especially as I would again point out while he is trying to build his administration and while he is trying to get his people in place.

Then the act goes on to say that the President shall promptly, if the President chooses to use their nondelegation authority, notify the Congress. He shall promptly report any set-aside determination as described along with any specific reasons for the determination to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations in the House.

In other words, if the President chooses to intervene for reasons of a threat to national security, he must justify that to the Banking Committee and to the Committee on International Relations in the House. Then he must publish the determination in the Federal Registry.

That is not all the President has to do. Then the President has to engage in negotiations with foreign powers. It says in any case in which the export controls are maintained on an item because the President has made a determination under subsection (a), the President shall actively pursue negotiations with the governments of appropriate foreign countries for the purpose of eliminating such availability.

It may be a desirable thing. It might have been a desirable thing to negotiate with foreign countries even before somebody wanted to export something under this act to get them to try to do the right thing. But do we want to require the President to enter into negotiations with foreign countries? I assume we can do that under the separation of powers doctrine, if we choose to do so. But it is a rather significant step—all, again, under the rubric of the conditions that the President must comply with if he is going to step in and exercise this authority that we say he has to stop something from being sent abroad that constitutes a threat to the national security of this country.

That is not all the President has to do. It says he then has to report to Congress. Not later than the date the President begins negotiations, the President shall notify in writing the Committee on Banking, Housing, and Urban Development of the Senate and the Committee on International Relations in the House of Representatives that the President has begun such negotiations, and why the President believes it is important to the national security that the export controls on the items involved be maintained.

Again, the President is required not only to enter into negotiations but to justify to the Senate Banking Committee and to the International Relations House Committee as to why he thinks this is important. But that is not all that we impose on the President if he wants to intercede on behalf of national security because of a threat to the Nation.

There is a periodic review of determination provision. It says the following:

> The President shall review a determination described in subsection (a) at least every six months.

Here he has made this determination that this item constitutes a threat to the national security, and now he must review it every 6 months. Promptly after each review is completed, the Secretary shall submit to the committees of Congress a report on the results of the review together with the status of international negotiations to eliminate the foreign availability of the item.

Again, the President has to make the review every 6 months. Then the Secretary has to go back to the committee and give them a report about the review, and then the status of negotiations. The President, through his representative, has to give the committee a status of these negotiations that have been imposed on the President.

But that is not all we require the President to do in order to intervene on behalf of national security.

There is an expiration of Presidential set-aside time. It says the determination by the President described in subsection et cetera shall cease to apply with respect to an item on the earlier date—that is 6 months after the date on which the determination has been made—or if the President has not commenced international negotiations to eliminate the foreign availability of the item within that 6-month period; B, the date on which the negotiations described in paragraph 1 have terminated without achieving an agreement to eliminate foreign availability; C, the date on which the President determined that there is not a high probability of eliminating foreign availability on the item through negotiation; or D, the data is 18 months after the date on which the determination described in subsection et cetera is made if the President has been unable to achieve an agreement to eliminate foreign availability within that 18-month period.

In other words, after setting up all of these obligations on the President, in order for him to intervene on behalf of national security because of a direct threat to this country, the determination that has been made will go away and the thing can still be shipped unless he complies with the provisions I just read—if at the outside it is an 18-month time period, unless he can report back that they have concluded their negotiations successfully.

So then it says:

> Action On Expiration Of Presidential Set-Aside.
>
> Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

Then we get to the final point. If the President, after going through this process, has not followed each of these items in any way, then the item is still shipped even though he originally made a determination that it constituted a threat to national security.

My point is this. I do not particularly object to any particular provision. I have not thought about it enough, quite frankly. I did not realize yesterday we were going to be having this debate in this much detail. But my point is this. Clearly, we are making it kind of tough on the President to intervene on behalf of national security, even when there is a threat to the national security of the United States.

He is going to look at this—and somebody on his behalf, hopefully, will look at it beforehand—and look at the onerous requirements, including entering into negotiations with foreign countries, reporting requirements time after time to congressional committees and certifications, in effect, as to what they are doing, giving up-to-date reports on how negotiations are going.

The President has to make the determination himself because under the act you cannot delegate. He has to do it himself. This is a burden on the President. While it is true that the President, under some circumstances, can intervene on behalf of national security, it is not an easy path for the President to take. That has to do with regard to matters of foreign availability status.

There is another section—I am not going to put you through the entire section 213, but there is another section called the "Presidential Set-Aside Of Mass-Market Status Determination." So even though there is a determination that an item is mass marketed in this country:

> If the President determines that—

And I am reading from the provision—

> decontrolling or failing to control an item constitutes a serious threat to the national security of the United States, and
>
> export controls on the item would advance the national security interests of the United States, or [et cetera]
>
> the President may set aside the Secretary's determination of mass-market status with respect to the item.

Why it requires a threat to national security under the foreign availability set-aside, and a serious threat to the national security for the mass-market status determination, I do not know. But there is that distinction.

So here, even more than was applicable in the preceding discussion we had, it focuses our attention on a matter where the President of the United States could make a determination that something is a serious threat to the national security and still "[i]n any case in which export controls are maintained on an item . . . the President shall promptly report the determination."

He must give reasons for the determination to the committees that I just mentioned and "shall publish notice of the determinations in the Federal Register not later than 30 days after the Secretary publishes notice of the Secretary's determination that an item has mass-market status."

The President shall review a determination made under subsection (a) at least every 6 months.

Here is a President who has made a determination that something is a serious threat to the national security of our country, and we, as a Congress, require him to review that because we want to make sure the President did not make a mistake and say something was a serious national security threat when it was not, presumably. He is required to review it every 6 months. I quote:

> Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

So, again, my point is not that there is anything intrinsically wrong with any particular part of what I just read. It is that clearly this legislation is designed to make things more easily subject to export. It is clearly designed to decontrol even to the point where we give the President authority to step in. We are setting up several steps for the President to go through over a period of time before he can do that.

So I want to make sure anyone who might be listening to this understands that, yes, the President can step in under some circumstances with regard to certain determinations but that he cannot snap his fingers, and he cannot pick up the phone, he cannot write out a memo; he has to go through a procedure that is a long-drawn-out procedure involving several steps if he wants to do that.

One of the things we are going to have to ask ourselves when we deal with this in a little bit more detail is whether or not, in matters involving a serious threat to this country, it is so important for us to lower the export standards that we are not willing to give the President a little more leeway, that maybe even if he justifies it to Congress and we do not agree with him, are we not willing to give the President perhaps a little more leeway in making a determination that under the words of the statute is a serious threat to our national security?

That is a serious question. That is one question that we are going to have to answer. That gets back to why we are in this Chamber today. We are still on a motion to proceed today. That is why we do not believe it is appropriate to notify us 24 hours in advance, and to try to push for a resolution of this matter in such a short timeframe, when amendments have not been fully drafted, when the Executive order that the administration is working on has not been drafted.

These are serious matters, serious questions. I may be overly concerned about what I just talked about. I am not sure. I have not had a chance to really digest it. All I know is that it is not enough to say that the President can step in and, lickety-split, there is no problem; he has taken care of the problem. It is not that simple at all.

Mr. KYL. Will the Senator from Tennessee yield for a question?

Mr. THOMPSON. I am delighted to yield.

Mr. KYL. Apart from the steps the President has to take if he is going to obtain this national security waiver, so that the item would be controlled, how long does that order last? And isn't there a limitation so that he can only issue that three times, for 6 months at a time, after which the President no longer has any control? In other words, the longest period of time he can control an item is 18 months. And after that, even the President has no authority.

Mr. THOMPSON. That gets back to the provisions in subsection (3) (A) (B) (C) and (D) on pages 200 and 201 in the document I think we are all looking at. It talks about the expiration of the Presidential set-aside. It says: "A determination by the President described in subsection (a)(1)(A)(i) or (ii) shall cease to apply with respect to an item. . . ." and it sets up conditions under which it ceases to apply with respect to the earlier of several dates. The Senator is right, there is an 18-month maximum period.

If some of these things happen earlier than 18 months, it would cease to apply then, as I understand it.

Mr. ENZI. Will the Senator yield for a question?

Mr. THOMPSON. Yes, I will.

Mr. ENZI. I am beginning to see the problem. We have ignored page 183 which is the section that, when we went through those extensive negotiations, we added that supersedes all of these 18-month, 6-month paragraphs about which we have been talking. Those are options. But undoubtedly the option the President would take would be the one on page 183, which allows the President to override anything in section 204, which are provisions that deal with components we have heard about earlier, and 211, which is the foreign availability and mass market status determination. This is a much easier section for him to use.

It does mention significant threat, but the President gets to determine significant threat. Nobody has the right anywhere in this bill to override whatever the President thinks. There is a reporting requirement, but that is all it is. He reports to the committees that have some jurisdiction on foreign availability and mass marketing. It doesn't say that the committee can challenge anything he says.

There is no recourse for the Congress other than knowing that he did it, and we asked for the transparency through the process. That paragraph overrides, at your request, the sections on foreign availability and mass marketing. I was hoping that had taken care of the problem and was of the understanding that that did eliminate the problem.

Mr. THOMPSON. This is very good, if I may respond. We did indeed talk about this. I was interested to see whether or not it was your view that this provision you just described did in effect override what I just read. If so—and I ask the Senator if he will agree with me—are these pages I have been discussing with regard to criteria for Presidential set-aside under 212—does that not make those requirements under 212 superfluous or irrelevant, and in what case would 212 apply when the enhanced controls provision would not apply?

Mr. ENZI. We had the language in section 212 in the versions when we were discussing it before. The President could use that. It is a mechanism. We thought that that provided Presidential control, even before we had our discussions. But we were specifically asked for sections 204 and 211, that we do something that was more overriding and more comprehensive, and we did.

Mr. THOMPSON. But 212 is not discretionary. The language of 212, and in certain important respects, requires the President to do certain things—the President shall actively pursue negotiations, et cetera. So if the language remains there, it is mandatory language, and it seems there might be some inconsistency there. I am wondering whether or not one of the things we might talk about is maybe paring this thing down a little bit in terms of some of this language in that it does appear—if my friend agrees that the enhanced control provisions are overriding. It does appear that this language would be superfluous and, if it remains, would be contradictory. I am wondering if perhaps that would be the basis of some discussion.

Mr. ENZI. It wasn't our intent to make it contradictory, but it was language that was already in there. The request was to override those sections, and we did that by putting in another one. Perhaps there could be a way to address this.

Mr. THOMPSON. With all due respect, I suggest there is more to it than that. It is not a matter of shortening it or making it more difficult. We have one provision here that says the President can intervene and override, in effect, if he goes through several steps, including negotiating with foreign countries. Then we have another provision—although the standard is a little bit different—that lets him do the same thing without going through all those steps.

Mr. ENZI. The criteria you mentioned of foreign availability is current law. That is what the President is forced to do at the moment.

Mr. THOMPSON. I am not saying I necessarily object to any portion of this. I am saying there is an inconsistency here.

Mr. ENZI. We were trying to get the administration, whatever administration it was, to work more on multilateral controls because everybody agrees that multilateral controls have more impact than unilateral controls. That is why we were encouraging the President to negotiate with the other governments to get them to fall in line on the controls so that we would have an effective multilateral control process as well. That was covered in the report we put out last Tuesday.

Mr. THOMPSON. Well, I understand it might be desirable for the President to do that. For my part, I would rather leave it up to the President to decide when he wants to negotiate with foreign leaders on these matters.

I will also suggest that when the President makes the determination under this enhanced control provision, that you just pointed out, that an item on one of these lists would constitute a significant threat to the national security, he ought to be given quite a bit of leeway. It might be a good idea to negotiate with foreign leaders; it might be a good idea to do a lot of things. We have to ask ourselves how many hoops we want the President to jump through if, in fact, he makes a determination that it constitutes a significant threat to national security.

I am not trying to negotiate the details of the bill with my friend today. This is one of the benefits of discussing this today and one of the reasons we are not ready to put a bill to bed. I don't claim to have all the answers to it. I haven't had a chance to think all the details through. But I believe we really need to ask ourselves how many hoops we want the President to have to jump through before he can exercise some authority when he makes a determination that there is a significant threat to the national security.

All these requirements I read a while ago having to do with the President negotiating, with reporting to Congress, having the thing expire—it even expires under that set of provisions—that is greatly different from the enhanced control provision that doesn't put any of those requirements on him if he determines that there is a significant threat to national security.

We don't want a court 2 years from now having to be the one to decide what we meant when we drafted this legislation. We need to decide here in this Chamber, after thorough debate and consideration, just exactly how that ought to be worded and whether or not we want to have what appears to me to be inconsistent provisions in the legislation.

I thank my friend for his comments. It is the basis for some discussion, as far as I am concerned, in an attempt to reach some resolution. I was not aware we were going to debate all the details. I welcomed the opportunity to have done that. The issue before us today is whether or not this is the right time, in the midst of everything that is going on in the country right now and everything that is happening internationally, to choose to signal to the world that we want to liberalize our export policies with regard to dual-use, high-tech, military-related items when we know the primary beneficiary of it is going to be China.

It is not a good time, and that is the reason I join my colleagues in opposing the motion to proceed. I do look forward, when we have had a chance to draft our amendments and hopefully have had a chance to look at the administration's Executive order that is supposed to fill in some of the areas that are a little bit sparse, to coming up with an Export Administration Act that is reauthorized but one that does what the Export Administration Act was designed to do—not to balance commerce with national security but to protect national security and do those things that are reasonable.

Nobody is intent on trying to protect things that are unprotectable. Nobody is intent on basing the legislation on yesterday's technology. Everybody knows that the world has changed. But that does not mean we should, without very careful consideration, change a policy we have had in this country for decades in terms of controlling those kinds of items and go to something that might sound reasonable and logical: The genie is out of the bottle; they can get it anywhere else; our friends will sell it to them; we might as well sell it to them. I am not there yet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wonder if the Senator from Wyoming might respond to a question I have. As I read the bill, the section that he cited before, which relates to an override of sections 204 and 211, does not apply to section 213. Section 212 has to do with foreign availability, 204 deals with incorporated parts and components. The mass marketing section is 213.

As I read the President's authority under enhanced controls in that section the Senator referred to, on page 183, it deals with sections 204 and 211 only.

Mr. ENZI. Section 211 covers both foreign availability and mass market status. You are talking about the set-aside of the mass market status.

Mr. KYL. So the significant threat override authority would apply to any of the three items that we just talked about—mass marketing, foreign availability, or component parts; is that correct?

Mr. ENZI. Yes.

Mr. KYL. I thank the Senator.

Mr. ENZI. We are hoping that adequate information will be given to the Senate for their oversight and their understanding of what is going on. We have always wanted that.

Mr. KYL. I thank the Senator for his information.

Mr. MCCAIN. Mr. President, I join Senators THOMPSON, SHELBY, KYL, and other members in objecting to the rushed consideration of the Export Administration Act of 2001.

This legislation, which governs the exports of sensitive technology to overseas buyers, has critical ramifications for American national security. Republicans in Congress rightly raised grave concerns over the Clinton Administration's export control policies, which had the appearance of being linked to campaign donations, and which we know improperly enhanced Chinese and Iraqi military capabilities. This Republican Congress, and our Republican Administration, must ensure that our national security controls on sensitive exports prevent powerful technology from falling into the hands of those who would do America harm.

This bill does not yet meet that threshold. Since the beginning of this year, six Senators, including Senator KYL and the Chairmen of the Armed Services, Foreign Relations, Intelligence, Governmental Affairs, and Commerce Committees, have sought and continue to hope to work with the sponsors of this bill, and with the Bush Administration, to ensure that S. 149 strikes the proper balance between our country's commercial and national security concerns.

I will save my specific, technical concerns about this legislation for the full floor debate on this measure, whenever it should occur. At this time, let me say that the bill's restrictions on presidential authority to regulate national-security related exports, the enhanced role given the Secretary of Commerce in the national security decision-making process, and the liberalization of exports of all goods, however dangerous to U.S. security interests, that may be otherwise available for sale in the United States or overseas pose problems that need to be resolved before the Senate can properly address this legislation.

As Chairman of the Commerce Committee, and as a strong supporter of free trade, it comes as no surprise to me that American businesses dominate world markets and have propelled the Information Age. Unlike businesses, however, we in this body have responsibility not only for the prosperity of this country, but also for its security in an uncertain and hostile world.

Let's be clear, far less than 1 percent of total U.S. exports fall under the jurisdiction of the EAA. Within that small proportion of exports that are sensitive, we have an obligation to ensure that these goods are appropriately controlled so that the peace and prosperity we enjoy are not threatened.

Have no doubt, our enemies, be they foreign nations or terrorist groups, have no qualms whatsoever with buying dual-use American products and putting them to military use. In this time of peace, let us work to sustain the dynamism of our economy while safeguarding our people by striking the right balance between the commercial and national security provisions in this bill. We have much work to do. That is why I join my distinguished colleagues in objecting to consideration of this measure until we have had the chance to prepare amendments and continue our work with the Administration to improve the bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I don't want to interrupt the flow of debate. I have a matter I would like to discuss that doesn't pertain to the matter before us. I see my good friend from Virginia. He may want to comment on this debate. If that is the case, then I will yield for this discussion to go forward, since I don't want to necessarily interrupt the flow.

Mr. WARNER. Mr. President, I have joined my colleagues for the purpose of contributing to the debate at hand. I think maybe I need 10, 12 minutes. Much material has already been covered. I don't wish to be redundant, but there are some points I would like to make.

Mr. DODD. I am happy to yield to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I reflected, as I approached the Chamber, that in my 23 years in the Senate, I don't know if I have ever opposed my leader on a motion to proceed. But, reluctantly, I do so this time because of my fervent belief that the views I have and share with a number of my colleagues are in the best interests of our Nation's security. With that in mind, I have tried for over 2 years to work with my distinguished colleagues, who have been speaking for some time, to resolve disputes within this legislation.

These disputes have cut to the very essence of how the United States plans to protect its national security in an era of rapid globalization and proliferation of technology—most particularly technology related to weapons of mass destruction.

On many occasions over the past year, I have joined others and have thought that we were close to obtaining a resolution on how to proceed on this bill. But each time, details have derailed us, regrettably, and those details indeed have overwhelmed the ability to compromise. I say "details," but I think they are very important points.

My goal has been to strike, together with others, the proper balance between national security and commercial interests. This is a complicated issue that cuts across the jurisdiction of six committees. Five committee chairmen with the responsibility for national security matters in this country are together on this issue. I think that carries a subtle message in and of itself.

We have continuously expressed opposition to this bill in a respectful manner. I will not list the others because they are in the RECORD in the course of this debate. In addition, Senator KYL, although not a chairman, has taken a leading role. He has sort of been the "Paul Revere." Each time this matter is approaching, he sounds that alarm and we respond.

This is an effort that requires careful thought and deliberate action. All of our committees should be united in an effort to reform our export control laws. If we do not obtain that type of unanimity—and I say this respectfully to my good friend from Wyoming and my good friend from Texas—we could be doing a disservice to our country.

At the present time, I believe it is premature to move this bill through the Senate, for two very good reasons: First, we need to give the administration, our new President, sufficient time to provide Congress with the promised details on how it plans to implement this legislation. I know full well that it has been stated—and I believe it is factually correct—that the administration has contributed a number of suggestions—which I think is 21—in the Banking Committee. The distinguished manager of the bill is present, and they have incorporated all of those. But when I look at it and listen and talk with the administration, those areas in which we have special concern are to be brought forth in an Executive order.

Very simply, we are just saying allow time for the administration to do the Executive order. Otherwise, we risk spending a lot of time on the floor with amendments if we should go ahead with the bill and proceed in addressing issues that may be better left to the discretion of the executive branch.

Secondly, moving this bill at this time without establishing consensus sends a wrong signal and could complicate a very difficult and tenuous policy toward China, which is still evolving. I cannot think, therefore of a worse time to pass legislation that could result in an increase of exports of high technology to China. I think we should listen carefully to the people in this Nation on this issue. This China policy is not just reserved to the bureaucrats in Washington—I say that respectfully—the executive branch and the Congress. The people of this Nation have very deep-rooted concerns about our relationship with China, and this subject goes to the very heart of those relationships.

I have serious reservations about bringing up the bill at this time, as I said. We are still awaiting specifics from the administration on how it will implement this bill. We need to give the administration enough time to respond to our inquiries and deliver on their promises of additional information.

The administration reviewed this bill at the request of myself, Senators McCAIN, SHELBY, THOMPSON, HELMS, and KYL. We had one meeting with the National Security Adviser on this issue. While the review was conducted without the benefit of working level political officials in place with responsibility for export control issues, I am confident the administration did the best it could given the timeframes and the people with whom they had to do the job.

Based on this review, the administration came up with a series of legislative changes that the Banking Committee included in its bill. This was a positive step, and I commend them. I support it, although I would have preferred this review take place with the benefit of the full administration package; that is, these amendments that have been adopted, together with other commitments that they have made to Congress on other issues.

More remains to be done. We have not received specific comments or recommendations from the Department of Defense. That input, in my judgment, is critical. The Banking Committee's bill, including the changes made to the bill at the request of the administration, provides for even less protection for national security than changes proposed to us by the last administration.

When the National Security Committee chairmen of the Senate were briefed on the results of the administration review, we were informed at that time that an interagency agreement had been reached on how the administration would enhance national security controls during implementation of the bill. We were then informed that the national security protections that we have sought would be included in an Executive order that would implement S. 149.

Despite several inquiries on the part of my staff and others to get the information that we sought, we have not been able to get any specifics on what is in this interagency agreement or what might be in the Executive order.

This information is critical in helping this Senator, and I think to not only the team we have put together, but many others, in order to make an informed judgment on this important piece of legislation.

Therefore, I most respectfully urge our majority leader and sponsors of the bill to wait until we have more information from the administration about how it intends to implement the national security protections.

Many of my concerns, as well as those of my colleagues, may be alleviated by the details of the administration's implementation plan.

If, however, we do not get an answer from the administration in a reasonable amount of time, I urge the majority leader to chair a working group of interested members to work to clear as many amendments as possible prior to taking the legislation up on the floor, so as not to waste a great deal of time.

At this time, in the absence of additional information from the administration, I have fundamental concerns with this bill. This bill continues the trend of dismantling our export control structure. During the height of the cold war, this Nation had a carefully formulated and carefully crafted export control process. There was a consensus—both here at home and with our allies—that we needed to protect our Nation's technology. The bottom line: It must never be used against us.

This consensus has broken down with the end of the cold war. Technology is proliferating, and this bill will continue that trend. If our pilots are shot down over Iraq or put in harms' way due to enhanced communications and computing technologies that enhance Iraqi air defense capabilities, we need look no further than to the lack of will and leadership over the last decade to control this technology. While this proliferation of technology may be inevitable, we need to understand the implications of any decision that leads to freer trade in advance technology. With that understanding, we then must do whatever it takes to protect our soldiers, sailors, airmen and marines as they face these new threats.

Since the fall of the Berlin Wall, we have witnessed a slow demise of the cold war consensus on export controls. I make three observations:

First, we have seen a dramatic liberalization—primarily through Executive orders of successive Presidents—of export controls. We are only controlling about 6 percent of what we controlled during the height of the cold war.

Second, because of the decline in defense R&D, technology innovation is primarily advancing in the commercial rather than the defense sector. This makes dual use export controls covered by the EAA even more critical in protecting our national security.

Finally, as a result of both of these developments, we are witnessing the global spread of advanced technology that was once solely in the military realm. This threat will require a significant investment in defense capability to counter.

Simply put, our export control policy has gotten out of balance. The Export Administration Act before the Senate, as currently drafted, tips the balance even further toward meeting commercial needs versus national security needs. There is a predominant emphasis in this bill on export decontrol, without, in my judgment, an adequate assessment of the national security impact of that decontrol. The bill now gives the Commerce Department the predominant role. I believe that this must be brought back into balance with enhanced DOD authorities and discretion. As now drawn, this bill also unnecessarily limits the President's discretion to control items for legitimate national security reasons.

At a minimum, we must address in this bill:

No. 1, the need to protect militarily sensitive technology. DOD and the intelligence community need to be able to protect sensitive technology from falling into the hands of potential adversaries. Technologies which, if proliferated, would undermine U.S. military superiority must be controlled. The national security agencies must be able to block any decontrol or export that might harm national security now or in the future. For example, hot section engine technology and other technologies that DOD and the intelligence community consider critical need to be protected.

No. 2, the need to enhance the role of the Secretary of Defense and the intelligence community in the export control process, given the limited amount of items we are now controlling, and provide for a workable national security waiver for the President. At a minimum, the concurrence of the Secretary of Defense should be required in matters relating to which products should be controlled, the process for reviewing export licenses, the rules for any interagency dispute process, and regulations implementing dual use export controls; and

No. 3, the need to ensure that the national security impacts of any proposed decontrol are well understood and articulated before decontrols are allowed to proceed. This assessment should be based on how this technology can be used as part of, or to develop, a foreign military or intelligence system or capability. Ongoing assessments need to be made to assess the cumulative impact of decontrols and the proliferation of technology.

This last point is critical. Congress needs to look at the impact on national security of export decontrol and the global diffusion of technology. We need to assess the degree of technology proliferation that is occurring and the risk that our adversaries will use this technology to gain some type of asymmetric advantage over our forces. Global technology proliferation could put at risk our military superiority. Future historians may look back on the rapid decontrol and leakage of western technology as the biggest national security lapse of the post-cold-war period.

I also want to ensure that unnecessary restraints on the ability of the private sector to compete in the global marketplace are removed. It is in our interest that U.S. businesses are able to maintain their commercial and technological edge over foreign competitors. However, when hard decisions must be made, national security must always be the paramount consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. DODD. Mr. President, I came to speak on an education matter, but I have enjoyed the last 45 minutes. I thank my colleagues from Tennessee, Virginia, and Arizona. I serve on the Banking Committee and have great respect for my colleague from Wyoming who chairs the subcommittee that deals with these issues.

The committee had extensive hearings going back into last year. The Senator from Wyoming deserves a great deal of credit—I know my colleagues share these views—for his tireless efforts to bring forth a bill that reflects not only the desires of exporters, but also takes into consideration the very important national security issues that our colleagues from Virginia, Tennessee, and Arizona have raised this afternoon.

The committee sent out this bill in March after seven different hearings with extensive testimony. I have been supportive of this effort.

I say to my colleague from Virginia, that he raises some very good points. This is not a debate that is going to attract nightly news attention. It can get rather detailed, as the Senator from Tennessee pointed out when he started talking about various provisions and what is intended by them.

As I listened, I clearly heard the spirit with which my colleagues raised these concerns, and they are concerns to which we should all pay attention. I know my colleague from Wyoming does. I, for one, thank them. I do not know what is going to happen with the debate. I hope my colleagues can address some of these concerns. Some amendments may be necessary. I suspect they will get broad-based support.

So, I came over to give a speech about education and I got educated, myself. I thank my colleagues, and I appreciate the points they raise. They are very valuable. The point raised about China is worthy of valuable note.

Mr. WARNER. Mr. President, I thank the Senator for his courtesies as always. It is a very simple equation. The bill got the attention of the administration. It is a new administration. Secretary Rumsfeld, for example, has in place today only three persons who have reached the full confirmation process and are now sworn into office. Six more have been processed by the advise-and-consent procedures of my committee and will come before the full Senate next week.

The administration is struggling to put together this highly technical response. I think they should be given a reasonable period of time before we plow into a legislative process in this Chamber.

Mr. President, I thank my colleague.

Mr. DODD. Mr. President, I thank my good friend and colleague from Virginia.

Mr. President, I am not going to take much time. I see my good friend from West Virginia who always has worthwhile information to share with this body. I see my colleague from Louisiana is here as well.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. DODD. Mr. President, I am here to continue to raise my voice and express concerns about the forthcoming debate regarding elementary and secondary education.

During almost my entire service in the Senate, I have been fortunate to serve on what now is called the Health, Education, Labor, and Pensions Committee.

I have had the privilege of serving with many wonderful Members, Democrats and Republicans, over the years, who have dedicated themselves to improving the quality of public education in America: Senator Pell, Senator Stafford, Senator KENNEDY, the present ranking member, Senator JEFFORDS, the present chairperson of the committee. Each of them deeply committed to seeing to it that this Nation provides our children the best educational opportunities possible. I believe that the Members of the Committee, today, are anxious to continue that tradition.

I do not know exactly when this matter will come before the Senate for consideration, but I am troubled that during the process of negotiation, while we are trying to work out our differences, not all the issues are on the table for discussion.

It has been most worthwhile for us to deal with the issues of accountability. Our colleague from New Mexico, Senator BINGAMAN, has for years championed the cause of the accountability of our schools across America, both as a Member of this body, and earlier as a Member of the other body. He brings to this debate years of experience and knowledge and I am particularly grateful to him for his help.

Over the years, we typically have passed education bills that enjoyed broad support, 90 or 95 votes, to support our elementary and secondary schools. I enjoyed being part of those truly bipartisan efforts.

Every day, about 50 million children attend public schools in the United States. Many of them, through Title I of the Elementary and Secondary Education Act, depend on Congress to provide them with resources that they need to help them get the education they need and deserve. Yet, we spend only about 2 cents of every Federal dollar on public education. In my view, we have not been a very good partner with our local communities in helping to improve the quality of education. Another—probably surprising—fact is that the Federal government contributes only about 7 cents to every dollar spent on education. Our small towns, cities, counties, and States provide the other 93 cents education.

So, for all we talk about what needs to be done about public education, we really haven't put our money—your money —where our mouth is. A couple weeks ago, we debated the budget of our country. The great debate was over the size of the tax cut that the President has proposed. Virtually every Member, in fact, virtually everyone I know, believes that a tax cut makes sense given the budget surpluses projected.

But how much of a tax cut? The President wants $1.6 trillion, based on ten-year economic projections. I don't know of a single economist worth his or her salt who believes that we can project with any degree of certainty what America's and the world's economic situation will be a decade from now. Yet the President of the United States and those who support him on this matter want to spend $1.6 trillion of this budget over the next 10 years on a tax cut. And, Mr. President, $680 billion of that $1.6 trillion, will go to individuals who presently earn more than $300,000 a year. Over that same period, the President would increase spending on education by $42 billion, or about one-sixteenth of what he would spend on tax cuts for the wealthy.

I think in that context that we really ought to do better than spending only 2 percent of our budget to support America's educational. The administration and others say that full funding for title I of ESEA, which provides Federal dollars to the most needy school districts in America, is just too costly; that full funding for special education is just too costly; that we just can't afford it. But, we can afford $680 billion for a tax cut for people who make more than $300,000 a year which by the way is about twice as much as the Federal, State, and local governments combined spend on education in this country.

I represent the most affluent State in America on a per capita income basis. Some of my constituents want a tax cut. I have represented my State for more than two decades in the U.S. Congress. I am home almost every weekend. I have a fairly good idea of how people in Connecticut feel on issues.

On this issue, the overwhelming majority of my constituents, including those from the most affluent communities, tell me that we don't need this size tax cut, in light of the economic forecast and the many needs that America has. And, these are the people who would be the direct beneficiaries of the proposal the President is advocating.

This tax cut threatens to throw us back into the situation I encountered when I arrived in this body 20 years ago. I had been here a year, I say to my colleague from West Virginia, when I was asked to vote on a tax cut proposal that I thought was dangerous then. I wasn't sure. I was a new Member.

I was one of 11 people who voted against the tax cut proposal, and as I look back over 20 years of public service in this body, I don't think I ever cast a better vote. And I don't know many Members who were here that day who wouldn't like to have that vote back because of the great harm it did to our country, throwing us into a deficit that took our national debt from $900 billion to almost $5 trillion in a little less than a decade.

Today, we have come out of that situation for a lot of reasons which I will not go into this afternoon. We have been given a second chance not to make the same mistake we did two decades ago. In the midst of this, we are going to have a debate about educational needs. The President has said many times that this is his No. 1 priority. How many times during the past year did we see the President campaigning in from of a banner that said "Leave No Child Behind."

I supported Al Gore for the Presidency, but I liked that the President said he was committed to leaving no child behind. And, part of me said that maybe he would take the right track. But, I am sad to report after 100 days that the "Leave No Child Behind" administration will do just that, if we adopt their education program that imposes strict new mandates on local communities—that they can't afford on their own—but won't commit the resources to match.

Unlike the defense authorization or the agriculture bill, which we consider every year, we won't consider the elementary and secondary education bill again for seven years. This is our one chance to establish our educational priorities as we start the new global millennium.

A child entering an elementary school in Connecticut today is not competing with a child from Louisiana or West Virginia or Oregon. They are competing with children from Beijing, Moscow, Australia, South Africa, and Europe. We are in a global economy. We have to produce the best educated, best prepared generation America has ever produced. And in no small measure what we do in the next few weeks will determine whether or not we are successful in that endeavor.

We talk about testing teachers and testing students. Well, we are about to take a test, ourselves. The test is whether we can get beyond politics in discussing an education bill, as we used to do around here. It is an embarrassment that we spend only two cents of each dollar of the national budget on education, when the President says that education ought to be our top priority. I agree with the President on that, but not on the resources he is willing to devote to education.

I am very worried that, during the ongoing negotiations, as we talk about testing and accountability, which I agree have and merit, we have not reached a consensus about how we will support real improvements in the schools. Tests are measurements, not reforms. We also need to support the real reforms that the tests will measure.

An educator in my home State of Connecticut said the other day: Taking someone's temperature three times an hour does not improve their health, medicine does. Or, as my good friend and colleague from Louisiana, Senator LANDRIEU, said the other day: Resources without reform are a waste of money. But reform without resources is a waste of time.

That is about as good a statement I have heard in this debate over the last number of weeks. She is exactly right.

I would like to place on the table, in addition to accountability and testing and the other things we are discussing, the principle that we ought to have resources committed to school construction, and other issues. It is a disgrace that the average American child goes to school in a building built in the 1950s. And, we need to help schools get class sizes down to a level where teachers can teach and kids can learn. That ought to be a part of this negotiation.

Teachers do a magnificent job every day. I am somewhat biased in this. My oldest sister has been a teacher for about 30 years in the public schools of my State. She taught in the private schools; in the Montessori system of teaching before that. I have a brother who taught 25 years at the university level and my father's three sisters taught for 40 years apiece in the public school system in my State. All three are now gone, but they prided themselves on that and dedicated themselves as teachers. One of them was a Fulbright scholar. She taught in the Hartford Public High Schools. So I come to this debate and discussion, I suppose, with somewhat of a bias in that I have grown up with two generations of my family dedicated to teaching young people.

Nothing makes me more angry than when I hear people suggest that teachers do not care. Maybe there are some, but I have never met one. The ones I have met, the ones I know, could have chosen other career paths in their lives and been financially rewarded to a far greater extent than they were as teachers. But they were dedicated to improving the educational quality of their pupils.

This Nation is built on a number of great things. One of the best is a commitment to education by a group of people who educate succeeding generations of Americans. Those teachers embrace the values incorporated in our Declaration of Independence and our Constitution. We ought to applaud them every single day and thank them.

I listen to teachers talk about what needs to be done. We all ought to pay attention to that. We ought to listen to our PTAs and school boards, people who work every day with these issues. When I talk about class size, school construction, afterschool programs, teacher quality—these are not my ideas; these are not issues the Senator from Louisiana or the Senator from West Virginia or the Senator from Oregon thought up on our own. We were back listening to the folks at home who told us this is what is needed to make the system work better.

In the remaining hours and days here, before we begin a debate on this subject matter, let us not be co-architects of a plan we will come to regret. There are those who are anxious to see the public educational system of this country disappear. I know that sounds like a radical thought, but there are those who believe it. I believe we may be setting up a system that will have a self-fulfilling prophecy ingrained in it, to produce the result that schools do not work and that we have to come up with alternatives to those to educate people in this country.

That is not an answer. Mr. President, 55 million children went to school today: 50 million went to a public school, 5 million went to a private or parochial school, 5 million. There is no way in the world we are going to create a private or parochial school system to accommodate the educational needs of generations of Americans for the 21st century and beyond. We have an obligation, every one of us here and at home, to weigh in and to make our schools better. We need national leadership that is going to put their shoulders behind that effort. And you cannot do it on the cheap. You cannot go around the country and talk about it every day and show up in classrooms for photo opportunities and come back here and say: We just cannot afford to do this, but we can afford to spend $1.6 trillion on a tax cut, nearly half of which goes to the most affluent.

I hope my colleagues in the coming days will find that common ground and put these items on the table. Let's negotiate these items as well before we come to the floor with an education bill that runs the risk of testing kids and holding schools accountable but not providing the resources that our most needy schools require to implement reforms.

I apologize to my colleagues for taking a bit more time than I thought I would, but I thank you for your attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate my colleague on his speech this afternoon. I share his thoughts, so beautifully and so eloquently expressed on this Senate floor. I salute him, and I will be working shoulder to shoulder with him to advance the education of our children.

During a recent break, I read a book by Sir Francis Bacon. The book is entitled, "The Advancement Of Learning." He was talking about some of the same things we are talking about today: the need for equipment in our educational institutions; the need to pay, the need to remunerate the people who teach in these schools. So I think we are—I was about to say "walking in good footsteps." I hesitated because Sir Francis Bacon was impeached and went to the tower for a while. But anyway, I congratulate my friend.

Mr. President, I understand my friend and colleague from Louisiana is also interested in speaking. May I ask her how much time she would need?

Ms. LANDRIEU. I could probably use 5 minutes, if the Senator could be so gracious to allow that, for comments on education.

Mr. BYRD. I have three speeches. I am not noted for brevity in my speeches, but I do not worry about that too much because Cicero was once asked which of Demosthenes' speeches, he, Cicero, liked the best.

Cicero's answer was, "the longest." He liked the longest of Demosthenes' speeches the best. Of course his speech "On the Crown" was probably the greatest speech ever made.

I wonder if the distinguished Senator will let me do my first speech, which will require less than 10 minutes. Then I ask unanimous consent that I may yield to the Senator for her remarks, and that I retain the floor so I might complete my other two speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, this morning's Washington Post contained a front page story on our distinguished colleague, Senator STROM THURMOND.

I am the Senator in this body who has served longest with Senator THURMOND. I served with Senator THURMOND when Senator THURMOND was a member of the party on this side of the aisle. So, having served with Senator THURMOND all of these long years, I began reading the story, thinking how nice it was that the paper would devote time and space to take notice of the longest serving U.S. Senator in American history, Senator THURMOND, who has cast more than 15,800 votes. He is a man who loved his country so much that he gave up his draft exemption status during World War II in order to enlist in the U.S. military and take part in the invasion of Normandy and the liberation of Europe. I salute Senator THURMOND for his patriotism. He didn't have to do that, but he did it.

As I read the story, I was filled with dismay, then revulsion. Contrary to my expectation, what I was reading was a demeaning drivel filled with denigrating language and insensitive images.

As I read, I kept asking myself, what is the point of this story? Is there any purpose to be served by it?

This is certainly not a news story. Yet, it is on the front page of a major national newspaper—a newspaper that is read around the world everyday, a newspaper that is a great newspaper.

I can see neither a point nor a purpose to the story other than a pathetic attempt to demean an outstanding man and a long serving, distinguished federal lawmaker.

Every senior citizen in America ought to be offended by this orgy of pejorative blather which aims only to viciously exploit something as normal as the human aging process.

We are all going to be old one day, if we live long enough. We ought to be conscious of that fact. We should be conscious of it every day regardless of what pursuit we follow in life.

Is there no decency anymore?

Is there no respect for anything anymore?

The people of South Carolina continue to place their confidence and their trust in Senator THURMOND. They elected Senator THURMOND to represent their State in the U.S. Senate. And they have elected him and reelected him many times. That is their judgment to make, and I respect their judgment, and so should everybody else.

The Senate is a collective body of 100 men and women who have been elected by the people of their various States to make the Nation's laws. We are a unique body. One-thousand, eight hundred and sixty-four men and women have served in the Senate since the first day it met in 1789.

We are a special body. While we may have our disagreements on this floor, I believe that the Members of this body for the most part respect each other off the Senate floor as well as on the Senate floor.

However, midway through the story, the Post journalist quotes a Senator who "agreed to speak candidly only if he was granted anonymity."

I am speaking candidly today, and I don't do so with anonymity.

At any rate, the story quotes the unnamed Senator as saying, in talking about Senator THURMOND, "At what point do you draw the line?"

That is the question I kept asking myself as I read this inappropriate, tasteless, cheap-shot piece of journalism: At what point do you draw the line?

That is the very question the Washington Post should have been asking before they chose to print their tabloid tripe: At what point do you draw the line?

May I suggest that the real story here is not Senator THURMOND's age. The real story should be that he loves this institution so much and loves serving the people of South Carolina so much that he, at the age of 98, continues to serve and have the courage to carry on, and that he loves his country so much that he was willing to set aside his exempt status in World War II and participate in that dreadful landing on the beaches of Normandy and risk his life, as so many others risked their lives. And many of them never returned. Senator THURMOND continues to serve and have the courage to carry on, in spite of non-news, deeply offensive stories such as the one in today's Washington Post.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

EDUCATION

Ms. LANDRIEU. Mr. President, I thank the Senator from West Virginia for his heartfelt and wonderful remarks. I thank him for yielding just a few minutes this afternoon to me to speak about the subject of education to follow up on many of the things our colleague from Connecticut, Senator DODD, said so eloquently just a few minutes ago. I appreciate the Senator from West Virginia yielding.

I could actually spend over an hour speaking about this subject because it is so important to our Nation, and it is so important to the State I represent, Louisiana. I will come back often during this debate to try to help focus our attention on some of the aspects of this educational debate that is so important.

Let me begin by simply saying that we are spending a good amount of money on education today. We are spending about $18 billion. That is a lot of money. It is a lot of money to the people of Louisiana. And title I is $8.6 billion with a "b"—not a million but a billion. That is a huge amount of money, but, unfortunately, I am here to say today that it is not enough to do the things we know we need to do to help reform and improve our schools and to truly give every child in this country a chance to succeed.

As the Senator from West Virginia knows, there are no guarantees in this life. The Government cannot guarantee every citizen a good life. But our Constitution, the formation of this country, and the reason we come to work I think every day as Senators and Members of this body is to try to provide at least equal opportunity and an equal chance to succeed, to be a part of this great Nation.

There are many ways we can try to do that. But one fundamental way is through the process of formal education—providing excellence in education to every child, whether they be born into a wealthy family, or a poor family, a black family, or a white family, whether they are born in California or New York or Louisiana or Minnesota.

Today, as a nation, we believe we have an obligation. We did not always believe that because prior to 1965 education was a very local enterprise. But since 1965, this Government has recognized that the Federal Government does, in fact, have a role to play, not only in helping States with dollars but, hopefully, now helping them with direction, and moving them to reforms into excellence because while some of our public schools are working, too many of them are failing.

So as we speak about this education debate, yes, we are spending a significant amount of money, but it is not nearly enough. In fact, you can look at how our money has really not increased.

For the record, let me share with you that the title I portion, which is $8.6 billion of the $18 billion total, since 1965, has barely kept pace with inflation. So while every year we come to Washington and say education is our No. 1 priority—the polls most certainly indicate that on the Republican side and Democratic side—our budgets have not reflected that because when items are a No. 1 priority, they get greater than an inflationary increase. They get significant increases in the budget to reflect that No. 1 status. That is simply not happening in the area of education, particularly in title I.

So we want to fight for reform. We want to fight for accountability. But we must have those investments to make those reforms real or it is an empty promise and we are going to be leaving many children behind—millions of children, as Senator DODD said.

Let me just share with you, first, a chart that shows that money does matter. There have been hundreds of studies done, but let me just share one with you. This is a New York study that was recently done that links the rises in school financing to test scores.

In New York, 39 low-performing schools were targeted. These are schools that were failing to meet academic standards. These schools were targeted, and they were given a set of reforms: higher standards, testing, all of the things that we want to do; and, in addition, money, anywhere from $500,000 to $1 million was invested, for smaller class sizes, longer school days, and teacher training.

Do you know what happened. Children began to learn because the reforms were matched with the dollars. In this particular study, we saw an increase of 7 percent in reading, and 3.5 percent in math, based on the reforms and the investment.

I could share with you hundreds of studies and case examples in Louisiana, New York, and California where it proves the point that money matters. Will money correct the problem by itself? Absolutely not. We could triple the amount of money in education under the current system, and we probably would not see much in the way of results. But we are on the threshold of mandating rigorous tests, very high standards, and real consequences for failure.

I believe passionately that if we do not match that historic commitment to excellence and accountability with an historic increase in funding, we are going to leave many millions of our children behind, disappoint communities around this Nation, with unfunded mandates and broken hearts and broken promises. We simply cannot do that. We need to increase funding substantially.

Let me share another number for the record. The proposed tax cut will return $69 billion this year. The current education budget provides only $2 billion extra. Mr. President, with $69 billion for investments in tax cuts, $2 billion for investments in education, it is not nearly enough.

The three R's bill that I have been supporting and promoting asks for an $8 billion increase in education. That would be a significant start—more than the rate of inflation. Not only would the increase help to match our commitment to reform and accountability, but the targeting aspect is also important.

Let me share one other chart today.

One of the problems, as I have tried to outline, is the lack of adequate funding and the real need to match these new accountability standards—new testing standards and new standards of excellence—with real dollars to help our schools to meet these new targets. But equally important as the amount of the funding is the way the funding is distributed.

Right now, we are missing the mark. We are missing our targets. The Federal Government provides a portion of education dollars to the State, and all of us agree—Republicans and Democrats alike—that the primary role of the Federal Government is to help level the playing field so that whether you are in a poor community or a poor State, you have an equal opportunity for an excellent education. Regardless of the fact that he or she might live in a district where there is no capacity for raising taxes, that student should still have a chance for a good education.

Our targets are missing the mark. Depicted in the center of this chart are the schools that are up to 100 percent of poverty. After 35 years, we are still not funding 100 percent of the poorest children in our Nation. We have not reached them. We have tried for 35 years, but we are not reaching the target. When you move out to those schools that are between 50 and 75 percent of poverty, we are only reaching 80 percent of our children. When you move out further, to those schools that are between 35 to 50 percent of poverty, we are reaching less than 50 percent of our children. We need 100 percent for the poorest of our children. We need 100 percent for those schools between 50 and 75 percent of poverty. And we need at least 75 to 100 percent for those schools at 35 to 50 percent of poverty. If we do not, the promise that we make to help the poor children in this country, many of whom live in States such as Louisiana, West Virginia, California, and New York—and they exist in every part of this Nation—will simply be empty. It is not fair.

As I conclude, let me just say that not only is it not fair; it is not smart because our Nation will not function at its highest capacity. We cannot remain the supereconomic power that we are. We cannot provide our industries with workers who have had skilled training if we do not make a commitment at the national level to not only increase the amount of funding for education significantly, over and above the inflation rate, but that we also target those extra dollars to the communities that need the most help, hoping that wealthier communities and affluent communities could step up to the plate and do the job, but communities that are poor and disadvantaged, the Federal Government would help.

In conclusion, let me be clear that we want to help every child in every district in every State. In our formula that we are recommending—and I am going to be offering an amendment that will certainly do that—every child, every community, and every school district will get help from the Federal Government. But we will give special help to those districts that need it the most. This is not just about taking temperatures; it is about having the medicine to give to our children to help get them well and to give to our schools to help make them excellent. If we raise the standards and do not help our children meet the standards, we are going to have a high level of frustration, anxiety, and pain across this Nation.

So I commend the President for wanting to move to a system of greater accountability. I have supported that. My State of Louisiana is leading that effort. But if we do not couple that new accountability with increased targeting and increased investment, we will be making a very bad mistake that our Nation will pay for dearly in the decades ahead.

Let us start this new century with a renewed commitment, with renewed vigor, with a commonsense approach; yes, with more accountability and reform, with real dollars to match, targeted in a way that will really bring the promise of this great Nation to each child, whether they live in West Virginia or Louisiana. We can do it. We have the money to do it. The question is, Do we have the will? I believe we do. With the President's leadership, with bipartisan support, we can find the will to do right by our children in their schools and in their communities.

Mr. BYRD. Mr. President, I thank the Senator from Louisiana. I share her enthusiasm for education. I am grateful that she is a Senator who is using her foresight and vision and talents to advance the cause of education.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, the Senator from West Virginia should note what for all of us is a special day on Capitol Hill. It is Take Your Daughter to Work Day. While my own precious little 3½-year-old daughter is not with me today because she is not quite old enough to appreciate the significance of this day, I do have nine beautiful little girls from Louisiana whom I have adopted for the day and a whole Girl Scout troop here from Capitol Hill, Troop 4062. I will submit their names for the RECORD.

I want the RECORD to reflect that they were here today working with us to help make this Senate and this country a better place. I wish them all much success. I am glad that so many of our Senators and staff invited the young girls today to share this experience with us.

I thank the Senator for yielding the time and ask unanimous consent to print the names in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LOUISIANA GIRLS

Jillian Willard, Tricia Boh, Caitlin LeBlanc, Kristin Scianna, Katie Scianna, Brooke Holmes, Katherine Klimitas, Adriana Klimitas, Ashlyn Wink, Rebecca Wink.

GIRL SCOUTS—TROOP 4062

Vicki Faling, Savannah Jameson, India Teal, Daniella Harvey, Skye Dantzler, Sabina Tarnowka, Danielle Flynn, Sharae Hughley, Casey Beasley, Maeve Wiegand, Blaire Laney, Sybil Bullock, Moredia Akwara, Samantha Snow Marsh, Clara Wiegand, Lakisha Campbell.

Troop leader: Sandy Lelan.

Assistant troop leader: Connie Jameson.

Mothers of Girl Scouts: Carrie Campbell, Mary Ann Snow.

THE ROLE OF TELEVISION

Mr. BYRD. Mr. President, I want to take a few minutes to discuss an issue that I have addressed several times before on this floor—that is, the role of television in the lives of the American people. Today's television would have you believe that the television program "How to Marry a Millionaire" is a guide on how to find the perfect mate; that "Temptation Island" is a guide to stable relationships; that Al Bundy is a paragon of parental nurturing, while his wife, Peg Bundy is reflective of virtuous American womanhood; that "Who Wants To Be a Millionaire?" is educational television.

I am ashamed and embarrassed that according to a survey by the Annenberg Public Policy Center at the University of Pennsylvania, 70 percent of the parents surveyed regard "Who Wants To Be a Millionaire?" as educational television.

I regret to say that the sorry state of television is becoming the sorry state of America: 59 percent of Americans can name the three Stooges, but only 17 percent of the American people can name three Supreme Court Justices; only about 50 percent of the American people could identify the Vice President of the United States, but 95 percent could identify Homer, Bart, and Marge Simpson.

Three years ago, I came to this floor to express my shock and utter amazement at the details of a story in Time magazine entitled, "Everything Your Children Already Know About Sex." The story told how our children are learning their sexual values from television programs like "Dawson's Creek," which boasted of a character who lost her virginity at the age of 12 while drunk. There was "Buffy the Vampire Slayer" in which a male vampire turned bad after having sex with 17-year-old Buffy.

"Why are we letting our kids watch this morally degrading, thoroughly demeaning, junk on the airwaves?" I asked.

But from that low point, television has only continued to degenerate. It seems that many television programs are busily intent on answering the question, "how low can you go?" with the fare that they put before us.

The land, the society, the country that once produced the works of James Fenimore Cooper, Herman Melville, and Nathaniel Hawthorne, now gives us the works of Howard Stern and Jerry Springer. No wonder the late Steve Allen, a pioneer in the television industry, complained that television had become a "moral sewer."

When I think of television today, I seriously wonder whether Charles Darwin's theory of evolution is being stood on its head by popular culture. Evolution implies progress. Going from the musical accomplishments of Beethoven, Bach, and Mozart to the groans and moans of HBO's "Sex in the City" is anything but progress.

By the age of 18, the average American child will have viewed about 200,000 acts of violence on television. Before that child leaves elementary school, that child will have watched, on the average, about 20,000 murders and more than 80,000 other assaults. This means that during their most formative years, our children will witness approximately 100,000 acts of violence.

But the problem with television is more than the content of the programs alone. It is the nature of the beast—or should I say, the nature of the boob tube. There are 102 million TV homes in the USA; 42 percent of them have three or more sets. The average American spends four hours of each day—that amounts to two full months of each year—staring at the boob tube. Forty percent of the American people stare at the boob tube even while eating.

The negative impact of too much television is becoming more and more apparent as more and more studies have demonstrated: the link between television violence and real violence; the link between television and increasing obesity among young people; the link between television and declining interest in the fine arts; the link between television viewing and low academic performance. To put it bluntly, Mr. President, television is helping to create a morally irresponsible, overweight, lazy, violent, and ill-informed society.

Mr. President, this week, April 23–29, is national "TV Turnoff Week." Turn it off! Let's have more turnoff weeks; make it 52 weeks of the year, national "TV Turnoff Week." This is an effort sponsored by the TV-Turnoff Network, a grass-roots organization that has organized thousands of schools, clubs, community organizations, and religious groups to get the American people to turn off or limit their television viewing for one week to discover that there is actually life beyond the boob tube. The group has won the support and endorsements of dozens of powerful organizations, such as the American Medical Association. They have certainly won my support and my hearty endorsement. Hallelujah! Turn off that TV.

The organization's motto is, "Turn off TV. Turn on life." Their point is well taken. Life should be more rewarding and interesting than sitting in front of a box and becoming mesmerized with morally degrading, mind-numbing nonsense. That is what it is.

Instead of sitting in front of the television for 4 hours a day, get some exercise! Get out-of-doors. Go for a walk, a hike, a bike ride, or swim. It will be far better for your health.

Instead of sitting in front of the television for 4 hours a day, read a good book! Read Emerson's Essays, Carlyle's "History of the French Revolution," read history, read the Bible, read Milton's "Paradise Lost, Paradise Regained." Read "Robinson Crusoe."

Read something that is worth reading. I ask, which will make one a better person, spending hours watching "Survivor," "Big Brother," and "The Weakest Link," or using the time to read a great literary work by Shakespeare, Dickens, or Goethe. Groucho Marx said that he found television to be very educational because, "Every time somebody turns on a set, I go into the other room and read a book." I like that. I say, "be like Groucho." Let's have more Groucho's. Simply turn off the television set and read a good book.

Instead of sitting in front of the television for 4 hours a day, spend some time with the family. Family members can use the opportunity to take a trip together to the local museum or art gallery, or simply talk to each other during dinner. Make your family the center of home life, not the television set. Studies by professor Barbara Brock at Eastern Washington University found that in TV-free families, parents have about an hour of meaningful conversation with their children every day, compared with the national average of 38 minutes a week. Here would be an opportunity for parents to emphasize their values—not Hollywood's—to their most precious asset—their children.

I don't want to leave the impression that all television is bad. I have seen some very educational, very informative, very uplifting, very good pictures, shows, and plays on television. There is much programming that is truly educational. I have been to one movie since I have been in Washington. I have been in Washington now 49 years. I have been to one movie. I left that movie. I didn't stay and watch it through. I became bored and I walked out. Yul Brynner was, I think, the main player in that movie. I walked out. But just within the last few weeks, I watched a picture in which Yul Brynner played. I believe it was—I am trying to remember now. I have watched some good pictures recently. I watched "The Ten Commandments," which was a good picture. That may have been it. Yul Brynner plays in it and I liked him in it. He played well. So I don't want to leave the impression that all television is bad. I think that C-Span, PBS, and the History Channel provide worthwhile viewing to the audience. I also believe that programming like Ken Burns's series on the Civil War is quality programming that expands our knowledge and deepens understanding.

But I do want to emphatically stress that there is much more to life than the boring, degrading, demeaning fare on the boob tube. I urge the American people to use this week to break your addiction to television. Just say no! As the TV-Turnoff Network urges, "turn off TV, turn on life."

In addition to becoming healthier, both mentally and physically, one might be able to name three Justices on the Supreme Court.

One might even be able to name the Vice President of the United States.

Mr. President, I applaud the efforts of the TV-Turnoff Network and urge them to keep up the good work. And I urge my colleagues and the American people to participate in national "TV Turnoff Week."

Mr. President, I have another statement I want to make. But I am very conscious of the fact that my favorite U.S. Senator on this side of the aisle has been on the floor waiting. I am very willing to set aside my speech and listen to my colleague before I proceed further.

(Mr. ENZI assumed the chair.)

Mr. KENNEDY. If the Senator will yield, I thank the Senator from West Virginia, who is typically courteous, as always. I am very grateful for his thoughtfulness. I welcome the opportunity to continue to listen to his very fine statements. There are many important things that are happening in the Nation's Capitol and around this country today, but I think if the American people will pause and listen to the good advice of my friend and colleague about the importance of reading as opposed to television, in his excellent presentation, I think this would be a wiser and more thoughtful country. I commend the Senator for his statement and the subject matter. I look forward to continue listening.

Mr. BYRD. Mr. President, I thank my colleague. But I want to give him a second chance. I want to give my friend a second chance. I want to warn him that this is poetry month. I am all ready to talk about poetry, and I am ready to at least render my memorization of at least 8 or 10 or 12 poems. So I will give my colleague one more chance. If he would like to make his speech now before I start, I would be happy to yield.

Mr. KENNEDY. The Senator may be even more reluctant to interfere. We have a good prospect of listening to him quote poetry. All of us are enormously impressed that when the Senator travels back to West Virginia, he takes time to learn and to memorize poems. As a result of that experience, and a very long and distinguished career in the Senate, he has an enormous reservoir of knowledge of poetry and an incredible encyclopedic memory for poetry that always seems to be right for every special occasion. I look forward to hearing some of those this afternoon.

Mr. BYRD. Mr. President, I thank Senator KENNEDY. I really have enjoyed my long service with the distinguished senior Senator from Massachusetts. I have learned a great deal from him, and I prize that friendship.

Mr. KENNEDY. If the Senator will yield, does the Senator intend to mention that wonderful poem about the ambulance in the valley? That was always one of my favorites. I don't know whether the Senator planned to include that.

Mr. BYRD. I did not plan to include it, but I will be happy to try to do that.

Mr. KENNEDY. I thank the Senator.

Mr. BYRD. I thank the Senator. That is very thoughtful of him and very good of him. I appreciate his interest in that particular poem, among others. Let's do it this way. I will make my speech and do the poems that I have included, and then I will give the Senator a chance to make his speech, and if he is still interested in my giving that poem, I will be happy to, or I will be happy to wait until another day.

Mr. KENNEDY. I thank the Senator.

A CELEBRATION OF POETRY

Mr. BYRD. Mr. President, this is entitled "Looking Up At Him":

I asked the robin, as he sprang
From branch to branch and sweetly sang,
What made his breast so round and red;
Twas "looking at the sun," he said;
I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, "looking to the sky";
I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
They answered, "looking to the light";
I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, "looking up at Him."

Mr. President, this month, our nation recognizes National Poetry Month, a celebration of poetry and its place in American society. Like spring, poetry offers man a rebirth of his inner spirit. Poetry expresses our humanity, and, through meter, makes music of the spoken world as it rhythmically sways and floats through our imaginations. It is the laughter of children, the gentle rustle of an autumn breeze, and the pitter-patter of a sun shower. Poetry, simply put, is beauty defined.

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.
Far roads have felt his feet, forgotten wells
Have glassed his beauty bending down to drink.
At altar-fires anterior to Earth
His soul was lighted, and it will burn on
After the suns have wasted on the void.
His feet have felt the pressure of old worlds,
And are to tread on others yet unnamed—
Worlds sleeping yet in some new dream of God.

Whether constructed with long cadenced lines or intricate stanzas, conventional or openhanded sonnetry, light quatrains or heavy ballads, or the age-old epic yarns of Homer and Virgil, the power of poetry surrounds us. It tells of love, of death, of things temporal or spiritual, and of the hereafter. It speaks of the most common of occurrences and the most revealing of emotions, and it flows like a symphony, its meter enhancing the expressiveness of its words. These virtues can be seen in Alfred Tennyson's "Crossing the Bar":

Sunset and evening star,
And one clear call for me!
And my there be no moaning of the bar,
When I put out to sea,
But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.
Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

I have often found that a good poet helps me to examine my inner self through the poet's use of words, meter, and rhyme. Such poets enable their readers to look within and to confront their own vexations and perplexities, and then sort out the wheat from the chaff and deal with the inevitable dilemmas of life. An example of this can be seen in Robert Frost's ageless masterpiece, "The Road Not Taken:"

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same,

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

Frost's words sing, and at the same time, as I reflect on his deft metaphor for the choices we all make in our lives, they burn in my mind. For 83 years I have encountered diverging roads, some in the beautiful woods of West Virginia and many here in this Chamber. The choices that I have made at these crossroads have, in fact, made all the difference.

Speaking of roads, there are many bridges also that we have to cross in this great country of ours. It brings to my mind a poem by Will Dromgoole. One might think this is a man who wrote this poem—Will Dromgoole, but it is a female author:

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim,
The sullen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim near,
"You are wasting your strength with building here.
Your journey will end with the ending day,
You never again will pass this way.
You've crossed the chasm, deep and wide,
Why build you this bridge at eventide?"
The builder lifted his old gray head.
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
The chasm that was as nought to me
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim—
Good friend, I am building this bridge for him."

The lines of a poem contain the timeless power of concentrated thought. Whether a poem is as ancient as the "Aeneid" by Virgil or as straightforward as the verses of Emily Dickinson or Ella Wheeler Cox, poetry can evoke the full range of human emotions from joy to sadness. Poems are, as William Butler Yeats once said, "monuments of unaging intellect." Poems may also be monuments to historical eras—speaking for every man and woman of the time. One such poem, "The Right to Labor in Joy," by Edwin Markham, captures the discord and tension of the era when the grasp of European despotism began to weaken:

Out on the roads they have gathered, a hundred-thousand men,
To ask for a hold on life as sure as the wolf's hold in his den.
Their need lies close to the quick of life as rain to the furrow sown:
It is as meat to the slender rib, as marrow to the bone.

They ask but the leave to labor for a taste of life's delight,
For a little salt to savor their bread, for houses water-tight.
They ask but the right to labor, and to live by the strength of their hands—
They who have bodies like knotted oaks, and patience like sea-sands.

And the right of a man to labor and his right to labor in joy—
Not all your laws can strangle that right, nor the gates of hell destroy.
For it came with the making of man and was kneaded into his bones,
And it will stand at the last of things on the dust of crumbled thrones.

Whether introspective, political, or pastoral, all poetry is intended to elicit an emotional response. Some poems use free-flowing meter and cleverly crafted verse to bring a smile to the reader's face. But, very often such verses also embody simply universal truths which make us nod our heads in agreement. One such example is the poem, "Trees," written by Joyce Kilmer.

I think that I shall never see
A poem lovely as a tree

A tree whose hungry mouth is prest
Against the earth's sweet flowing breast;

A tree that looks at God all day,
And lifts her leafy arms to pray;

A tree that may in Summer wear
A nest of robins in her hair;

Upon whose bosom snow has lain;
who intimately lives with rain.

Poems are made by fools like me,
But only God can make a tree.

Other poems delve into more complex and profound regions of the human experience. These poems resonate deeply and touch the deep chords of our senses, echoing through our imaginations over and over again. Thomas Moore's "The Scent of the Roses," comments on love, death, and poignant memories.

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy,

That come in the night-time of sorrow and care,

And bring back the features that joy used to wear.

Long, long be my heart with such memories filled,

Like the vase in which roses have once been distilled,

You may break, you may shatter the base if you will,

But the scent of the roses will hang round it still.

Nothing has the capacity of poetry to condense the pain and the beauty of living and to reach the spiritual side of our natures. A talented poet can elicit tears with only a few lines of verse, while the novelist must reach for plot twists and character development to garner a similar response. In no form of expression is the choice of each word so important. Listen to William Earnest Henley's "Invictus" and its description of the author's triumph over an infection that almost cost him his only leg and threatened his life.

Out of the night that covers me
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud;
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the Shade,
And Yet the menace of the years
Finds, and shall find, me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

In plain and simple words, William Earnest Henley draws from courage and the depths of his soul a supreme strength of human will, while in the crucible of excruciating pain and under the shadow of death.

Poetry has always been a passion of mine, and a form of art which I hold dear to my heart. Consequently, I have sought to discipline my mind through the memorization of lines and verses of poetry. Many people jog today in the exercising of their bodies. I do little of that. But I mostly try to jog my mind, jog my memory, give it exercise, keep it busy. I have memorized poem after poem, trying to capture the beauty and wisdom of each one. Poetry has been my consummate companion over the years, and the verses that I have committed to memory are not only a delight to my ears, but a balm to my soul as well. I try to be selective in the poems I memorize. It does take time. It takes effort. It takes energy. It takes determination. It takes discipline to memorize poetry. I frequently make use of these poems in my speeches, carefully choosing a verse that captures the essence of my message, always assured that its beauty will deliver in the keenest sense what I try to convey. One such poem which has served me well is by Henry Wadsworth Longfellow: "The Building of The Ship."

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears.
Our faith triumphant o'er our fears,
Are all with thee, are all with thee!

Can one think of a more beautiful description of the promise of America, and of what we as Senators have a duty to protect? We have nothing less than the hopes of mankind in our charge!

Poetry is man's attempt to reach up and out of his human skin, and connect, just for a moment, with something perfect and eternal.

Edwin Markham's, "A Workman To The Gods," could be seen as a tribute to the perfection sought by the poet.

Once Phidias stood, with hammer in his hand,
Carving Minerva from the breathing stone,
Tracing with love the winding of a hair,
A single hair upon her head,
Whereon a youth of Athens cried,
"O Phidias, why do you dally on a hidden hair?
When she is lifted to the lofty front
Of the Parthenon, no human eye will see."
And Phidias thundered on him:
"Silence, slave: Men will not see, but the Immortals will!"

Like the carving of Minerva that Phidias so carefully chiseled into the relief of the Parthenon, a well crafted poem lifts all of humanity and is an undeniable testimony to the immortal nature and exceptional beauty of the human soul.

A poem is a symphony of words just waiting to be played, and, like any good piece of music, it only improves with the playing. My own repertoire of poems has provided me with great spiritual enrichment and the special comfort of finding meaning in my own experiences which I might not otherwise have easily discerned. I applaud the efforts of the Academy of American Poets and the programs that they have organized for the sixth annual National Poetry Month. Through celebrations such as this, I hope that poetry will come to be appreciated by a new generation of Americans so that they might enjoy the deep spiritual enrichment that poetry has provided to so many. I should mention that great English novelist and poet, Rudyard Kipling, who received the Nobel Prize for literature in 1907 and about whom I was reading when I was yet in high school in the early 1930's.

In his "Recessional" and similar pieces, Kipling addressed himself to his fellow countryman in times of crises. Today I shall only quote from Kipling's "The Heritage":

Our fathers in a wondrous age,
Ere yet the earth was small,
Ensured to us a heritage,
And doubted not at all,
That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity

Then, fretful, murmur not they gave
So great a charge to keep,
Nor dream that awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our father's title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

I shall close with one of the poems by Henry Van Dyke, another poet and essayist popular in the closing days of the 19th century and the early decades of the 20th century. This poem, "America 'For Me," has been very popular with my own constituents for whom I have quoted it so many, many times during my travels in the West Virginia hills.

Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumply castles and the statues of the kings,
But now I think I've had enough of antiquated things.

So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.

I like the German fir-woods, in green battalions drilled,
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodland where Nature has her way!

I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.

Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Mr. President, Senator KENNEDY was planning to speak. While we are waiting for Senator KENNEDY, I shall quote another poem:

I saw them tearing a building down,
A group of men in a busy town;
With a "Ho, heave, ho" and a lusty yell.
They swung a beam and the sidewall fell.

I said to the foreman, "Are these men skilled
The type you'd hire if you had to build?"
He laughed, and then he said, "No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do."

I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a fellow who walks the town,
Content with the labor of tearing down?"

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

TRIBUTE TO JIM ENGLISH

Mr. DASCHLE. Mr. President, I come to the floor today to honor a very special person. His name is Jim English. He is the Democratic staff director of the Senate Committee on Appropriations. In the course of the 30 years he has worked in the Federal Government, 23 of which were right here in the Senate, Jim has served the Senate and the American people with great distinction.

I have had the privilege of working with and getting to know Jim well as he carried out his responsibilities on one of the most important committees of the U.S. Senate, the Senate Appropriations Committee. Very few people I have encountered in my time in the Senate—be they members or staff—have made as big a difference in the lives of everyday working people. Throughout his Senate career, Jim has constantly and consistently done what is best for the American public, regardless of their political persuasion and social status.

Although he worked directly for our colleague, Senator BYRD, Jim has always had time to listen to and help deal with the needs and requests of any

Senator who came to him seeking assistance. I have seen first hand his patience, his expertise, and his willingness to lend his considerable talents to help Member after Member do right by their constituencies. Perhaps the greatest tribute one can pay to Jim's professionalism and expertise is that he has managed to attain the absolute trust and confidence of Senator BYRD. Suffice it to say that such a feat is as major as it is rare.

During his time in the Senate, Jim has set a standard of conduct and accomplishment that will be exceedingly difficult to match. In my mind, Jim has come to symbolize what we mean when we use the term public servant. I thank him for choosing to spend part of his life with us. We are all better off as a result.

I wish him well in whatever he chooses to pursue in the next stage of his life and hope that others who follow in his footsteps remember the lofty standards he established.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came to the floor and I heard Senator BYRD and Senator DASCHLE speak about Jim English. The only thing I can say about Jim English—not nearly as well as the two of them have spoken about him—is, No. 1, he has worked for and with the master, Senator BYRD. I think he knows almost as much as Senator BYRD does about the appropriations process—maybe not quite as much. But I can tell Senator BYRD that I think Jim is a lot like Mike Epstein, my former deputy. I came here and I knew so little. Maybe I now know a little more. I still have a lot to learn.

Jim is just so gracious and so willing, when people are just rushing and rushing, to take time and mentor you and to be your teacher. Jim worked for Senator BYRD, but in a way I believe he was there to work for all of us. He certainly helped me a lot. At the beginning I hesitated to ask him. I knew of his expertise. When he was so gracious and so obliging and never made me feel as if I was a fool, then I believed he was a great teacher, willing to answer more questions. I have asked him many, many questions. He has answered those questions. He has helped me. He has helped a lot of Senators.

He truly represents the very best of public service. We are going to lose a great man. The country is going to lose a great man. There is no question about it.

I thank you, Jim.

Mr. KENNEDY. Mr. President, I am delighted to have the opportunity to join my colleagues in this well-deserved tribute to Jim English, who is retiring from the Senate after 30 years of outstanding service. Jim has done a brilliant job over the years as both a majority staff director and a minority staff director on the Senate Appropriations Committee, and we will all miss him very much.

Jim was talented and always helpful, and he was an enormous source of advice and counsel for all of us on so many aspects of the appropriations process. Whatever the issue, and however complex the process, especially as the annual deadline neared, Jim was always a steady hand and a remarkable source of inspiration and wise counsel.

Jim's name may not be well known to the citizens of our states, but over the years, the people of all 50 states have benefitted immensely from Jim's skillful work.

It is a tribute as well to our distinguished colleague, Senator BYRD, that he has had the remarkable service of such an outstanding member of his staff over the years. We will all miss Jim very much. We thank him for his extraordinary services to the Senate and the nation, and we extend our best wishes to Jim and his family for a long and happy retirement in the years ahead.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1

Mr. LOTT. Mr. President, I think it is essential that we go forward with our education reform package. A lot of good work has been done in the Health, Education, Labor, and Pensions Committee. Senators on both sides of the aisle—Republican and Democrat—have worked hard. They reported out a bill overwhelmingly from the committee. A great deal of negotiation has gone on since then between members of the committee, the House and Senate, both parties, and the administration. A lot of the reform language has been agreed to, with a lot of understanding about the amount of funds that will be necessary to implement this legislation.

But the important thing is that we go forward. I do not think you could ever get every detail worked out and agreed to in advance. It is called the legislative process. You go to the Chamber, you have debate, you have amendments, you have votes, you get a result, and you pass the bill.

Over the past couple years, I have quite often been criticized that I would not let the Senate work its will. And now, for a week, the Democrats have been blocking going to the bill, blocking the motion to proceed to the education bill.

This is the highest priority for this President, I believe for the Congress, both parties, and for the children.

I believe that if we go forward and have a good debate and have amendments that we will get a result that will be good in improving the quality of education in America.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 23, S. 1, the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, I say to the majority leader that where I would dissent from his remarks is that actually there is a lot of negotiation going on. I think Senators on our side have made some very basic points. One is, it is important what is in the bill before it comes to the floor. Two, I think we are quite far apart, although hopefully we at some time will be together about whether or not, in fact, there will be the investment in children, to make sure that the children and the teachers and the schools have the tools to succeed. This is really a choice between whether or not you want to put so much into, I say to the majority leader, Robin-Hood-in-reverse tax cuts, with over 40 percent of the benefits going to the top 1 percent of the population, or you are willing to make the investment in education and children.

I am so pleased the President has announced the goal of leaving no child behind. But it cannot be done on a tin cup budget. We are looking at the whole issue of kids with special needs, the IDEA program, the title I program, afterschool programs, teacher recruitment, smaller class size, and doing something about these dilapidated buildings.

So my hope is we will be able to resolve what I think are important questions. But I think the Democrats are very committed to this discussion about education, very committed to doing it right. If, in fact, we are going to call this piece of legislation, as the President has, the BEST, then we ought to be doing our best for children. I have no doubt that the people in Minnesota and the people across this country are looking for a real commitment of resources and the Federal Government living up to its obligation. We should be accountable. Just as we call for the teachers and the children to be accountable, we should be accountable as well. That is what we are going to be strong on.

I object.

Mr. LOTT. To clarify, does the Senator object to bringing up and going forward with the education bill?

Mr. WELLSTONE. I said I object to going forward with the education bill while we are in negotiation, while we do not know what is in the bill, while we do not have a commitment yet on the investment of resources and the Federal Government and the Senate and the House living up to our commitment to children and education in the country.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 149.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 1, the Elementary and Secondary Education Act.

I say to the Senator from Minnesota, there have been many days of negotiation. A lot of progress has been made. Everybody acknowledges that. But this bill should have been taken up in March. Now here we are almost in May and we are still negotiating. If we are going to have everything wrapped up before it ever comes to the floor of the Senate, there would not be much for the Senate to do around here.

Ordinarily, you get as much of an agreement as you can, get a bill reported out, and bring it to the floor. Negotiations are not going to end. They are going to continue. But on some of them we are not going to be able to reach an agreement.

I say to my colleague, in a State that is trying to improve education, and, again, as a son of a schoolteacher, if just money would solve the problem, we would have a higher quality of education in America than we do today.

We have spent well over $130 billion over the past several years for the title I program. I don't want to demean that program. It has done some good and can do more good, if we give a little more flexibility at the local level where the money can be used, where it may be used differently in Minnesota than it would be in Texas, give a little flexibility to make sure you are addressing the needs of those title I children in an appropriate way.

But just money is not enough. We have to have some real reforms. Money is part of it. I admit that. The President has asked for more money for the reading program. The President has indicated he supports more funding for title I and for IDEA and for bilingual education.

We are making progress. He is moving in the right direction. But I don't know if we can ever come up with enough money in this area or a lot of the other areas to suit every Senator. They can always find some way—it is easy—to say "give me more."

One of the reasons we ought to have tax relief is to let the people keep a little bit more of their money to help the children with their needs. That is why I think we ought to double the child tax credit; let the parents get more of the benefit of their money to help their children with their needs. Let them decide if they need a little tutoring, if they need a computer, whatever it may be.

One of the reasons parents can't always do what they need for their own children is that they don't get to keep enough of the money they earn. Why in the world would we take from the mouths of labor the bread that they have earned? That is a quote from Thomas Jefferson—a great line.

At any rate, some Senators are adamant about objecting to proceeding to the education bill. I think that is a mistake. I think we ought to move forward. I suspect that some of the amendments that would be offered—and maybe the Senator from Minnesota would support and I would oppose—probably will pass. What are they worried about? We can bring this to a satisfactory conclusion that would be good for everybody. This is a win-win opportunity. Let's not blow it.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending motion to proceed so that we can get under way. I have let the Senate basically mark time now for the last week without achieving any real progress or closing the negotiations. I think it is time we guarantee that we can get on the bill.

The PRESIDING OFFICER (Mr. BENNETT). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

Mr. LOTT. Mr. President, I have consulted with Senator DASCHLE and advised him that I would be filing cloture. This is not a surprise on his part. I know Senator KENNEDY was aware of it. I am sorry he was not on the floor because he has been working very hard doing a good job.

Under the rules, this vote then would occur on Tuesday. I ask unanimous consent that this cloture vote occur at 9:30 a.m. on Tuesday and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I want to make a statement on a recent trip I have made to the Mideast. I want to alert my colleagues to the fact that beyond what is available in the news media, the situation in the Mideast is so serious it is really hard to describe. The concern I have is that the violence is likely to move beyond the borders of Israel where Hamas and Islamic Jihad may be targeting other installations, perhaps even U.S. installations.

I had an opportunity to talk with the Israeli leaders, including Prime Minister Sharon, who has the understandable position that he is not going to negotiate for peace until the violence has ended.

I had an opportunity to talk with Palestinian Authority Chairman Yasser Arafat, who makes representations which simply are not true. Arafat makes the contention that he has issued an unequivocal edict for the Palestinians to cease the violence, citing as an example a speech he made at the Arab summit. When that speech is examined, it is so conditional as to be meaningless.

We had an opportunity to travel as well to Damascus where conversations were held with Foreign Minister Shara.

The situation between Israel and Syria is very tense. Israel retaliated against a Syrian radar installation because of the Hezbollah attacks against Israel from southern Lebanon Hezbollah being backed by Iran with the concurrence of Syria.

The trip I made occurred during the past Easter recess, and I will describe it in some detail in the course of this floor statement.

Upon coming back to the United States, I have written to the President urging him to appoint a special representative in the Mideast, just as that had been the practice going back to the days when Henry Kissinger shuttled for President Nixon, special envoys being appointed by President Jimmy Carter, President Ronald Reagan, President George H. W. Bush, and President Bill Clinton.

Mr. President, from April 7 to April 21, we traveled from New York City to London, Florence, Ashkelon, Tel Aviv, Jerusalem, Cairo, Damascus, Beruit, Souda Bay, Crete, and Rome en route to Philadelphia.

In London, we met at the British Ministry of Defense with Ian Lee, the Director of the NATO and European Security Policy Department, and Deputy Director, A. D. Richards. The meeting touched on a range of issues. Among those were President Bush's position on missile defense, the British outreach to rogue nations, the viability of NATO absent a Soviet threat, plans for the proposed European defense force, and the British thoughts on the War Crimes Tribunal and the International Court.

Mr. Lee stated that the British reaction to President Bush's position on Missile Defense and its effect on the ABM Treaty was one of general support. They have an appreciation for the risks and agree with the United States on the threats. However, they are waiting to see what the actual proposal would be.

Mr. Lee stated that the United Kingdom was at a different stage than the United States in regards to its relation with several rogue nations. Its mission in Iran is moving toward having an ambassador, while it continues an effort to establish diplomatic ties to Libya.

I next met with Mr. Emry Jones Parry, the Political Director and Deputy Undersecretary of State for the Foreign and Commonwealth Office. Also attending was Mr. Jonathan Darby, the U.S. Desk Officer, Foreign and Commonwealth Office, and Mr. Mort Dworken, the Chargé d'Affaires at the American Embassy.

When questioned about the proposed European Defense Force, Mr. Parry offered insight as to why Mr. Blair, who is a strong supporter of NATO, had come out in favor of an European defense force. According to Mr. Parry, Mr. Blair apparently believes that by putting a European flag on the force structure, European nations will be more likely to put money into it as well as spend the money on what they should in a NATO context.

Mr. Parry noted the idea of a European defense force has been around since 1952. He said it is not designed to remove the U.S. from the theater, but make it more likely to have the U.S. there because the Europeans would be pulling more of their own weight.

On the issue of the International Criminal Court, Mr. Parry stated that the U.K. is generally in favor of it. It believes there is a need for a forum to hold those accountable who would otherwise escape justice because of a lack of interest in their home jurisdiction. He was surprised when I told him that War Crimes Tribunal Prosecutor Carla Del Ponte was thinking of indicting General Wesley Clarke and other NATO officers for targeting civilians and for recklessly endangering them in targeting military objectives. Mr. Parry said it was his understanding that British troops could not come under indictment because of provisions that the United Kingdom would take care of its own.

When I asked why we are putting so much into NATO in light of the loss of the Soviet threat, Mr. Parry replied that NATO's actions in Kosovo show that it is still necessary.

Our conversation then turned to the U.K.'s actions with Iran and Iraq. Mr. Parry noted that Britain was looking to keep a relationship open with the nations, and then if firm action was later required, the relationship could be adjusted accordingly.

I then asked Mr. Parry if the Europeans might eventually be on board the idea of missile defense. He responded that the assumption in Britain was the United States would go ahead and deploy a missile defense system, if it would work. The British position is that they will do what is necessary to ensure its success, but would like it to be "arranged in such a manner as to generate greater solidarity on the issue."

We then had substantive discussions in a working tea with the Baroness Scotland of Asthal QC, the Parliamentary Under-Secretary of State for Foreign & Commonwealth Affairs with ministerial duties including North America. Over tea at the House of Lords, we discussed the American/British relationship. She also described her background and how she came to be in the House of Lords.

After having tea in the House of Lords, we then walked across Parliament to the House of Commons Central Lobby, where I was met by the Rt. Hon. Geoffrey Johnson Smith, MP, with whom I had a wide ranging discussion of issues. Smith and I had debated in November 1949 when he represented Oxford and I was on the Penn team.

Later that same day, we met with the country team headed by Mort Dworken, Chargé d'Affaires, who briefed us on the latest information regarding foot and mouth disease, fallout from the Administration's position on the Kyoto Accords, European security policy and the status of US/British relations.

In attendance were Mort Dworken, Chargé d'Affaires; Tom Hamby, Foreign Agriculture Minister-Counselor with the U.S. Department of Agriculture; Ed Kaska, Economic Affairs Officer; Captain Stu Barnett, USN, Defense Attaché; and Sonya Tsiros, Political Officer.

We initially asked about the current status of the foot and mouth epidemic and were told the disease was still not under control. The British Government was undertaking a massive control program to try and isolate the virus. This included the slaughter of over 1 million head of livestock with another half million yet to be killed. In addition, the government was restricting movement in the countryside including the closure of such historic sites as Stonehenge.

Tom Hamby, from the U.S. Department of Agriculture, noted that the U.S. currently has sixty veterinarians in the country both to help as well as become educated on successful ways to combat the disease. He described the effort much like a military campaign so that if the virus gets to the U.S., we will have people trained and on the ground to fight it.

We inquired into the political and economic effect of the disease and found that both had been affected. Prime Minister Blair postponed the national elections until June 27th due to the severity of the disease. Economically, the disease had yet to show its full weight. Although the UK has less than 2% of its Gross Domestic Product in agriculture, the closure of the English countryside had a clear economic affect in regards to tourism. At the time, there was no definitive number on the economic impact.

Early the next morning, we traveled to Florence, Italy where our first meeting was with a trio of lawyers with the famed Ferragamo family businesses to discuss trademark protection. During the meeting, we were told that the majority of Ferragamo products which are illegally copied originate in Asia. We asked how counterfeiting was detected, and whether there were any trouble in distinguishing the quality between counterfeit and non-counterfeit goods. The answer was yes, there often is a difference in the quality of the leather and accessories. But that is not always the case. Now counterfeits can often be of a very good quality, and be very difficult to differentiate.

We were surprised that the Italian government doesn't do more to stop this form of theft, especially since so many of the top designers are from Italy, and asked how much litigation they are involved in to protect the Ferragamo name. Most litigation, it turns out, is of a civil nature and is injunctive in nature. Even though most actions are civil, it is very difficult to get damages based upon the design of Italian law.

As for criminal actions, it is recognized as a form of larceny, but the criminal courts consider it to be of nominal value and not as important as other crimes. We were told that in one case often cited by the courts, a customer went to buy a "Ferragamo" purse and paid a low price for it. The court reasoned that since the price was so low, the purchaser had to know it wasn't a real Ferragamo purse, and therefore no fraud occurred. I commented that by prosecuting a few white-collar crimes, a real deterrent effect could be achieved.

Later that day, we discussed a wide range of US/Italian/European issues over lunch with Consul General Hilarion Martinez at his home above the American Consulate. During the course of our discussion, he stated that although American students widely participate in education programs in Florence and all throughout Italy, it was difficult to get Italian students to come to the U.S. because Italian Universities often do not recognize the credit hours bestowed by American Universities, absent a one on one agreement between the institutions.

Early the next day, we set out to visit the Georgetown campus in the hills above Florence. Upon arrival, we were greeted by Ms. Heidi Flores, the Director of the Georgetown program. The campus is located on a beautiful villa overlooking the whole of Florence, and was established in 1981 when the facility was donated to the university. It has 27 students currently enrolled and 6 faculty. Other similar programs in the area include New York University, Syracuse, Smith College, California State, Florida State, Stanford, and the Universities of Michigan and Wisconsin.

We asked them who it was that we could talk to about producing a reciprocal agreement between the U.S. and Italy which would seek to recognize credits equally. The Minister of Universities was identified as the appropriate individual. He could give substantial background information regarding the problem.

During my visit at the Georgetown campus, we met Cuffe Owens a student and a nephew of my colleague Senator JOE BIDEN.

After returning to the city, we met with Mr. Patrick McCormick, the Director of Communications for the UNICEF Innocenti Research Centre on Piazza SS. Annunziata. Mr. McCormick gave me a brief on the activities of his center which was founded in 1988 "to strengthen the research capability of the United Nations Children's Fund, UNICEF, and to support its advocacy for children worldwide." We touched on several areas including an ongoing study in West Africa on trafficking in children, religious persecution in the Sudan and child protection. His firsthand accounts of children as young as five being used as soldiers and camp slaves in Sierra Leone were quite troubling. His organization continues to push for the education of young children which they see "as central to poor countries economic well-being."

After leaving UNICEF's Research Center, we participated in a press conference at the Florence City Hall, Palazzo Vecchio, regarding a joint effort between Italian Police and Microsoft in Livorno, Italy, in which a large counterfeiting operation was uncovered. Attending were representatives of Microsoft, and local government officials.

At the news conference, the Microsoft representatives stated that counterfeiting was most prevalent in Tuscany so they had started a law enforcement action in Florence. They said that the reproduction or cloning was so good that it took Microsoft experts some 15 minutes to tell the difference between a counterfeit product and a genuine product. They also stated that they had located in the past year in Europe some 25 million Microsoft counterfeit products on the market at a loss of 1.7 billion dollars.

According to Microsoft, the national (Italy) rate for illegal/counterfeit Microsoft sales was in the 31–37 percent category. In Brescia, the illegal reproduction was 65 percent before passage of the copyright law in 1999, and have since been reduced to 29 percent. The law provides for fines and a jail sentence and also has provisions for search and entry. There have been some efforts to apply the copyright infringements to internet apparently to online sales.

We had an opportunity to discuss with the attorneys whether there had been any criminal prosecutions brought under the new law. They responded with a lengthy description of the process. Apparently, there had been no criminal prosecutions. We then asked if there had been a use of the search and entry law, and he said that they had one such case where counterfeit products had been transported from Singapore to Holland to Milan. The Microsoft experts aided the police in the search and entry, helping to identify counterfeit products.

In Israel, we met with Prime Minister Ariel Sharon, former Prime Minister Ehud Barak and Foreign Minister Shimon Peres. Our first meeting was with Mr. Peres whom I first met in Tel Aviv in 1980 and have seen him on many occasions since, both in the United States and in Israel.

Minister Peres was in good spirits, displayed his great sense of humor, proceeded to give a comprehensive discourse on the state of affairs in the Mideast, and to respond to our questions. Minister Peres started our conversation by saying that terrorism was as un-American as communism used to be. The topic of conversation on our minds was the escalating violence on the border with Gaza, and the northern border with Lebanon. Peres was firm in his conviction that when the time to negotiate comes, everything must be on the table, no impositions on the Israelis, and no impositions on the Palestinians.

Peres then asked me to explain to Palestinian Authority Chairman Arafat whom I was scheduled to meet later in the trip, that some of Sharon's words are very tough, but that the Israelis have several guiding principles. They will respect signed agreements as long as both sides respect them. Israel, he said, is ready to make painful compromises for peace, including redeployment in the territories. He also added that the final proposal offered under former President Clinton is dead since he left office. He stated that he thought it was a big mistake on Arafat's part not to accept that deal.

Peres stated that it is currently very hard to negotiate because of all the anger. Arafat's delivering of "impossible" speeches only makes it more difficult as well. His view is that the Palestinians think Israelis are militarily harsh in the territories, and that in order to move forward, a different climate must be created there. The best thing that could happen is to change the conditions there. The answer for the Palestinians is not the battlefield, but the bargaining table—as it has historically been.

I asked Minister Peres whether Arafat could control terrorism. He replied he could do a lot by making a strong and unambiguous declaration against it, and prevent the police force participation in the violence. Minister Peres stated that the current situation was not one of absolutes, except that the Israelis seek absolute effort. The first expression of that effort is an unambiguous, unconditional and strong statement rejecting violence delivered in Arabic.

Following our meeting with Foreign Minister Peres, we walked a block to a meeting with former Prime Minister Ehud Barak. I had first met the former Prime Minister when he was just out of the army, and starting to become active in labor politics, perhaps five or six years ago. I have met him on several occasions subsequently, including his visit to the White House in July 2000 where President and Mrs. CLINTON hosted a large dinner in his office in his honor, in a big tent on the South Lawn.

Mr. Barak was also in good spirits considering the strenuous campaign, his recent election defeat, and the difficult negotiations and tenure as Prime Minister. The former Prime Minister spoke at length about his extensive three-way discussions involving President Clinton, Arafat and himself. He spoke about, as he put it, his "contemplation" as to what might have been encompassed in a settlement, but emphasized that none of the discussions about Jerusalem or the concessions on land were final offers until the entire deal was complete.

I told him that I had met in Washington several weeks ago with the Egyptian Foreign Minister who said he knew I had a trip planned to the Mideast and urged me to meet with Arafat. I told him I would consider it. When President Mubarak was in Washington in early April, he also urged me to meet with Arafat and I agreed to do so providing the meeting took place in Cairo. In my discussions with President Mubarak, I had anticipated his being present during my meeting with Arafat. As it worked out, Mubarak was not in Cairo for my scheduled meeting with Arafat. His deputy Osama El-Baz joined me in the meeting.

The former Prime Minister stated that he thought it would be very useful for me to meet with Arafat, so Arafat would understand the thinking of a member of the Senate. I asked Mr. Barak about the prospects for the peace process from this point forward and he said he thought it would be very difficult for the immediate future. He emphasized that he had great admiration, respect and friendship for Prime Minister Sharon whom he has known for decades, and emphasized he would do anything in his power to help the new Prime Minister.

Mr. Barak asked me about Israel's standing in the United States. I replied that U.S. Congressional support for Israel was continuing, and I thought that the new Bush Administration would similarly be very favorably disposed. We talked about the evenly divided Senate, and he was very interested to know about our recent budget battle and the significant role played by Vice President CHENEY. He asked about the economy which we then discussed at some length.

Upon leaving my discussion with former Prime Minister Barak, I met with Ambassador Uri Lubrani, the Lebanon Coordinator for the government of Israel at the Ministry of Defense Headquarters. Joining us was the former Foreign Minister to Iran, Zidma Divon, Deputy Director General of the Foreign Ministry, and John Scott, Counselor for Political Affairs at the American Embassy. They expressed real concern with Iran's backing of the Hezbollah movement in South Lebanon. During the course of our discussion about Iran, Ambassador Lubrani showed me a quote from a report of a British Ambassador to Tehran in the sixties, at the end of his tour of duty: "The Iranians are people who say the opposite of what they think and do the opposite of what they say. That does not necessarily mean that what they do does not confirm to what they think."

After our meeting with Ambassador Lubrani, we drove from Tel Aviv to Jerusalem where we met the next morning with Prime Minister Ariel Sharon. Also in attendance was Binyamin Ben-Eliezer, the Minister of Defense, and Daniel Ayalon, the Foreign Policy Advisor to the Prime Minister.

Our meeting was conducted with a backdrop of an escalating conflict. During the previous evening, Israeli planes had bombed a Syrian radar installation in Lebanon in retaliation for the actions of Hezbollah in south Lebanon. I started my conversation with the Prime Minister by noting that the Egyptian Foreign Minister had asked me to talk to Chairman Arafat. Prime Minister Sharon wasted no time in delivering his message. The policy of the Israeli government would be to draw a distinction between the civilian population and terrorists, supporters of terrorists and instigators. He stated that he plans to ease the conditions in the territories. And at the time, he stated he was ready to show flexibility except in one area, under no circumstances will he be flexible with the security of the Israeli citizens.

Although Sharon did express some willingness to negotiate, it was clear that in his eyes the plan pushed by President Clinton in his waning days in office is dead. "Peace is more painful than war," he said, "because you have to make concessions for peace." "I have a true desire to move the process forward, not the process that has already failed." No negotiations would occur, Sharon assured me, under the "threats of terror." The violence must stop. The Prime Minister noted the violence occurring in Gaza, and stated that the violence could not continue. The Israelis wouldn't accept it. "We are very much interested in stability in the Middle East, but we are not going to pay for it. We have the natural right to exist and defend ourselves."

I told Sharon that we were planning on driving from Damascus to Beirut as part of our trip. He said the current situation that exists in south Lebanon, is not what was contemplated by the withdrawal agreement. Hezbollah wasn't supposed to occupy the positions they currently hold.

Sharon then stated that Iranian influence continued to grow in the area, with the approval of Syria. "Iran is building an independent center of international terror, which could not have been done without the support of Syria. Syria could have stopped them."

Sharon then noted that the actions of the previous evening in bombing the Syrian facility was a warning to Syria. He wanted to send a signal that Israel would not accept the possibility of Israeli soldiers being killed in Israel. Negotiations do not currently exist with Syria. First must come the Palestinian question. "Israel can't negotiate on two fronts when peace requires painful concessions."

Our talk concluded with Prime Minister Sharon noting that the immediate threat to stability in the region remained Tehran, and that only the United States could lead the anti-terror struggle in the free world.

After our meeting with Sharon, we flew to Cairo, Egypt and at approximately 6 p.m., had a meeting with Dr. Osama el-Baz, advisor to President Mubarak. Dr. el-Baz and I talked at some length about the current situation in the Middle East, the U.S. role, and about my meeting with Chairman Arafat later that evening. During that meeting, some issues arose as to U.S. intelligence questions, so I called CIA Director George Tenant in Washington to get the current status report.

Dr. el-Baz arranged a boat ride and dinner for us on the Nile river where we met with a variety of Cairo's leading citizens including journalists, professionals, businessmen and industrialists. I was questioned about why the U.S. continued to support Israel when Israel has responded with disproportionate force to the actions of the Palestinians. I responded that the U.S. was trying to carry out the Camp David Accords in which their great President Anwar Sadat had invested so much time and effort, and that Israel had agreed to discuss peace once the violence had stopped.

Shortly before 10:30 p.m., we arrived at Chairman Arafat's guest house. After meeting quite a number of his colleagues Dr. el-Baz, Chairman Arafat and Arafat's chief deputy, Saeb Erakat and I went upstairs to a private room so we could have, as Osama el-Baz said, a tête-á-tête. Arafat and Erakat were visibly disturbed about the status of the violence between Israel and the Palestinian Authority. They were especially distressed because, as they told us immediately upon our arrival, Israel was taking forceful military action against Gaza as we spoke.

During the course of our discussion which lasted more than an hour, we were interrupted six or eight times by Arafat's men who came in and handed Arafat written messages. Arafat spoke in Arabic which was interpreted by Erakat on detailing the action being taken by Israeli military with helicopters and missiles.

Arafat and Erakat described the situation as very serious recounting the number of Arabs who had been killed and wounded and then reciting the number of Israeli casualties which showed a much larger number of Arab casualties. Erakat was especially fervent in pleading for some help as to a way to break the impasse.

After a considerable discussion, I said that I would venture a possible approach which was not a recommendation because I thought that would not be appropriate. I then said that one approach might be for Arafat to make a public statement that the cycle of violence was untenable, and that while he would much prefer to have a joint statement made by Sharon and himself with a schedule on a comprehensive approach, he would make a unilateral statement directing all Palestinians to stop any acts of violence. I said to Arafat that the instruction to stop any acts of violence would be in accordance with his famous letter of September 9, 1993 which was the inducement for Prime Minister Rabin and Peres to meet with Arafat at the White House on September 13, 1993. In that letter Arafat renounced the use of violence and said he would take disciplinary action against any of his people who violated his direction.

Arafat then said that he had said all the things that I had mentioned. Erakat then said that not only had Arafat made these statements in a speech at the Arab summit, but that Shimon Peres had asked Arafat to make these statements from his own lips, and that Arafat had done so.

Dr. Osama el-Baz and I both stated that we had not heard any such statement. If any such statement was ever made, it was doubtless in a long speech and was followed or preceded by many conditions.

I told Arafat that there was considerable anti-Palestinian Authority sentiment in the Congress with some 87 members of the Senate and over 200 members of the House writing a letter urging action that the Palestinian Authority be ousted from its Washington office.

At one point I asked Arafat why he had not accepted the very generous offer from Barak on territorial concessions on the West Bank and significant concessions on Jerusalem. Arafat replied that he had accepted that offer on a number of occasions including his meeting with President Clinton at the White House. Again, Arafat's statement did not comport with the facts since he had imposed so many conditions.

I said that my staff and I had met with Prime Minister Sharon earlier that day and that Sharon had said, among other things, that peace was more painful than war because in peace you had to make concessions. I thought from that, it was apparent that Sharon was interested in peace talks.

Erakat commented that he had expected a call from an Israeli contact. I told Erakat that I would call the contact which I did the next day. When I telephoned Erakat later in the day, he confirmed that the Israeli contact had called him.

I further told Arafat that Sharon had told me earlier in the day that he was prepared to allow Palestinians to come into Israel for work providing there was no security risks. Sharon had specified that he was not doing this in exchange for anything from the Palestinian Authority because he did not want it viewed that Israel was making concession or buying peace in any way.

I asked Arafat if there was any substance to the contention that the Palestinians had been firing out of Gaza into Israel. Arafat replied that he did have a report of three such mortar shots, but that as soon as Arafat found out about it, he had ordered it stopped with the people doing the shooting to be arrested. In the course of the next several days there was repeated mortar shelling into Israel by Palestinians. Contrary to Arafat's assertions, our intelligence sources advised he had authorized the shelling.

From Cairo, we departed for Beirut by way of Damascus. Climbing up the mountains on the way to Beirut, we passed the location of the Syrian Radar site that Israeli forces destroyed in a raid just a few days earlier. The U.S. Embassy compound in Beirut is the most heavily fortified embassy in the world. Standing in the middle of the compound, as a stark reminder, are the remains of the prior Embassy that was destroyed by a bomb.

While remaining in the compound overnight, we received an in-depth briefing on the current situation in Beirut and Lebanon, with insight provided by Ambassador David Satterfield, and his Deputy Chief of Mission David Hale. As Ambassador Satterfield pointed out, Lebanon was very badly divided because of its charter (its form of a constitution) which divided authority between three Lebanese factions. He commented about how Beirut had the potential to regain its status as "Paris of the Mideast," but that there would have to be major economic reforms. He also commented that the Prime Minister Rafik Hariri had been discussing with the World Bank and International Monetary Fund about ways to get financing which could lead to a revitalization of Beirut. Satterfield also noted that Hezbollah was a very strong force in Southern Lebanon, with only a few hundred fighters.

Beirut still shows the scars of its savage civil war with its once beautiful hotels reduced to shells. There is a rebuilding effort, however, and its central business district has been rebuilt to some extent.

We drove back from Beirut to Damascus. Ambassador Ryan Crocker hosted a dinner for visiting Assistant Secretary of State for Near Eastern Affairs Edward Walker and our party. We had a wide-ranging conversation about the current state of affairs in the Mid-East. I reported on our trip to Beirut, which Ambassador Ryan noted with some interest as he was the Ambassador to Beirut when our embassy was last bombed.

The next morning we met with Syrian Foreign Minister Faruq al-Shara and Deputy Foreign Minister Walid al-Mu'allim. At the start of our meeting we discussed my last visit to Syria, which was for President Assad's funeral. I told Foreign Minister Shara that my fellow Senators were very interested in Syria, and then mentioned that I had just been to see Chairman Arafat in Egypt. I discussed my recent travels in the area, and related that everyone would like the violence to stop. The Foreign Minister asked me what Israel was seeking, and I told him of my discussions with Prime Minister Sharon, who stated that he is determined to avoid Israeli loss of life and will act accordingly. I also told him that the Israelis intended to ease up on the borders as long as there were no threats to security; the Israeli government position was that all the violence must stop prior to any talks taking place. I then encouraged him to talk to the Israelis.

Foreign Minister Shara said I had persuaded Syria, or perhaps, more accurately been a factor, to enter into negotiations with Israel in my numerous discussions with former President Hafez al-Assad during the 1980's and 1990's. I had first visited Damascus in 1984 and had met with President Assad almost every year from 1988 to 1998. Minister Shara stated that only after beginning discussions with the Israelis did it become apparent that they didn't want peace. I reminded him that both sides came very close on the Golan and that a dialogue must continue.

Our attention then turned to Iraq, China and recent American politics as well as efforts to exchange Parliamentarians with Iran.

We left Damascus and flew into Souda Bay, Crete, which houses the U.S. Naval Support Activity Souda Bay, and Fleet Air Reconnaissance Squadron Two, VQ-2, a unit responsible for reconnaissance missions for the Mediterranean, and which is the counterpart to the unit that was involved in the recent mishap with a Chinese pilot in international waters off the coast of China.

I was met by Captain Steve Hoefel, the Base Commanding Officer and was set up in quarters for the night. That night, Rear Admiral Steve Tomaszeski, the Commander of the Mediterranean Air Fleet, flew in for a brief to be held the next morning.

On Friday, April 20, we received a classified brief on the mission of the base and its reconnaissance aircraft. The base's main responsibility is to support and resupply the forward-deployed Navy and Marine Corps forces. It has the largest fuel storage facility, largest ammo storage facility and the deepest port in the Mediterranean, and is strategically located near the Mideast.

We toured the base, and the port facility located nearby. A large amount of construction was occurring on the dock with the installation of new facilities designed to give sailors and Marines all the amenities of home when they dock. I was pleased to find two Pennsylvanians among the many Navy Construction Battalion sailors working on the structures.

We also had the opportunity to tour an EP-3 aircraft similar to that which remains in China, and were briefed on the various station's responsibilities during flight operations, as well as talk to several of the crew members. We also had the opportunity to see an E3 AWACS on the runway.

From Crete we flew to Rome where we received a brief by the Chargé d'Affaires William Pope, and Margaret Dean, Minister-Counselor for Economic Affairs. We discussed the effect of the European Union on NATO, reviewed the current areas of work for the embassy, and the effect of the strong U.S. dollar on tourism. In addition, I briefed them on parts of my visit to Florence including our meeting with the attorneys for Ferragamo, and our visit to the Georgetown campus.

Margaret Dean was familiar with the case that the Ferragamo attorneys had told us about in which a person purchased counterfeit goods at such a low price that the judiciary reasoned the purchaser could not have believed the goods to be authentic, and therefore found no fraud in the sale. She stated that often, because of that case, sellers of counterfeit goods often go so far to label the goods as "fake" to avoid prosecution.

The Embassy reported that it doesn't have anyone overriding area that it concentrates on. It has several areas of concentration which include tourism, trade disputes, military issues, and the Mideast situation. Chargé d'Affaires Pope reported that Italy had changed a lot and had become a fairly different place in the last decade. He reported a recent high-tech emphasis that has helped propel the country's economy to the 6th largest in the world. The country has also benefitted from the increase in tourism generated by the strong American dollar.

On April 21, we flew from Rome to Philadelphia.

Mr. President, I ask unanimous consent to have printed in the RECORD a "Commentary" on the mideast peace process.

There being no objection; the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Apr. 27, 2001]

MIDEAST PEACE PROCESS MUST RESUME

(By U.S. Sen. Arlen Specter)

Escalating violence has deadened the Middle East peace process. As usual, all sides look to the United States to influence the parties to end the violence and resume the quest for peace.

In mid-April, at the request of Egyptian President Hosni Mubarak, I met with Palestinian Chairman Yasir Arafat in Cairo. When I arrived for our 10:30 p.m. meeting, Arafat said that as we spoke, Israeli helicopters and missiles were attacking Palestinians in Gaza. He did not mention that the Israeli action was in retaliation for mortars fired into Israel earlier that day.

Our discussion, which lasted until nearly midnight, was interrupted every few moments by aides bringing him the latest dispatch on the fighting. I told Arafat I was convinced Israeli Prime Minister Ariel Sharon would not resume the peace process until the violence ended.

Since the sequence of events demonstrated that Israel was responding to Palestinian provocation, it was up to Arafat to demonstrate his best efforts to stop the violence. After all, it was Arafat's famous letter of Sept. 9, 1993, that induced then-Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres to shake Arafat's hand at their historic meeting with President Clinton on the White House lawn four days later. In that letter, Arafat renounced violence and promised to punish any Palestinian who violated that commitment.

Arafat responded that he had made an unequivocal declaration at the recent Arab summit. When his statement was examined, it was obvious it was so conditional as to be meaningless. I then asked Arafat why he had rejected former Prime Minister Ehud Barak's generous settlement offer on major concessions on Jerusalem and additional territory on the West Bank. Arafat said he had accepted the Barak proposal. Again, on examination, there were so many ifs, ands and buts that his response was meaningless. Our meeting ended with no realistic hope that any significant action could be expected from Arafat.

The situation was equally bleak when I traveled on to Beirut and Damascus. Hezbollah, backed by Iran and Syria, had continued to attack Israeli border settlements from Southern Lebanon, leading Israel to bomb Syrian radar. Beirut once touted as the Paris of the Middle East, has not recovered from Lebanon's civil war because of factional quarrels and Syria's continuing dominance of the country.

In Damascus, Syria's foreign minister Farouk Shara agreed with Sharon that Israeli-Syrian peace talks on the Golan Heights would be pointless at this time. Before President Hafez al-Assad's death, the parties had come very close to a settlement but were now back to square one.

Notwithstanding the bleak prospects, the Bush administration, aided by Congress, must push the parties back to the bargaining table. There is no doubt that the countries involved listen to Uncle Sam. When Secretary of State Colin Powell criticized Sharon's tough retaliation as "excessive and disproportionate," Israel modified its tactics.

Congress has spoken emphatically: 87 senators and 209 House members wrote on April 6 to the President calling for the closing of the Palestinian office in Washington if the Palestinians did not stop inciting violence. I have urged President Bush to appoint a special envoy for the Middle East just as President Richard Nixon used Henry Kissinger for shuttle diplomacy and Presidents Jimmy Carter, Ronald Reagan, George H.W. Bush and Bill Clinton assigned envoys such as Dennis Ross to the peace process. President Bush may soon find it necessary to become personally involved like his predecessors.

The escalation of Israeli-Palestinian violence may encourage other terrorist groups, such as Hamas and Islamic Jihad, to attack not only Tel Aviv and Jerusalem, but also U.S. interests around the world. The peace process cannot be abandoned; one way or another, a way must be found for Israelis and Palestinians to live together on that tiny parcel of hallowed and historic land. Our vital national interests in the region make it imperative that the United States actively pursue a resumption of the Middle East peace process.

IN APPRECIATION OF ALYCE AND JACK BERGGREN

Mr. DASCHLE. Mr. President, I appreciate the opportunity today to honor two very special people from my hometown of Aberdeen, SD. Alyce and Jack Berggren have contributed tirelessly to the arts of South Dakota, and I am blessed to call Alyce and Jack my long-time friends.

Alyce Bedrosian grew up in Chicago in an Armenian family. After earning a masters degree in piano from Northwestern University, she was hired by Northern State Teachers College in 1947. Though she carried a return train ticket from her concerned father, Alyce decided to remain in South Dakota. She never used the ticket.

Jack Berggren's boyhood was spent a world away in Scottsbluff, a small town in western Nebraska. He studied voice at Hastings College in Hastings, NE, and came to Northern State University in Aberdeen in 1949. There, he met Alyce, and they began performing together. In Jack's own words, he married his "accompanist" in 1950.

For almost half a century, the Berggrens have touched the lives of countless NSU students and music lovers of the northern plains. "Dr. B.," as his students affectionately call him, taught voice, directed choirs and served as the NSU Dean of Fine Arts. His annual Messiah performances rekindle fond memories among many Aberdonians. Alyce continues to define excellence in piano performance and teaching, regularly accompanying students to this day.

Over two decades ago, friends, faculty, alumni and students surprised the Berggrens with a musical thank you. In 1978, to honor both Jack and Alyce, their community sponsored "The Gala Concert for the benefit of the Northern State College Music Department." In addition to NSU music students and faculty, the concert included the Aberdeen Barbershop Chorus and the Elks Chorus.

Gala II was held in 1989, and this year, May 5, marks the third Gala concert. I am pleased to know that the Johnson Fine Arts Center will once again display the talents of those touched by the Berggrens. I only regret that I cannot be there in person to enjoy the event and the company of Jack and Alyce. Instead, I hope this statement will serve as my small contribution and a symbol of immense gratitude to Jack and Alyce for their contributions to the musical arts in South Dakota.

TRIBUTE TO KATHRYN COLE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to express my gratitude to a very special person in South Dakota who has dedicated many years to the Northern Black Hills' Retired Seniors Volunteer Program.

Today, the directors and volunteers of this RSVP program will gather at their annual recognition banquet to celebrate the dedication and hard work of Kathryn Cole, who is retiring from this RSVP community after 21 years of service. In fact, for 20 of those years, Kathryn served as the director of this important program.

The generous gift of Kathryn Cole's time and experience has benefitted those around her in countless ways, and I truly applaud her "can-do" spirit, her determination, and her dedication to the betterment of the communities of the Northern Black Hills area. From Spearfish to Belle Fouche to Lead, Kathryn has sent hundreds of volunteers to serve and support local communities. With her warm spirit, she has always made a special effort to ensure that volunteers have the opportunity to participate in the activities that both interest and inspire them. From tutoring at local schools to delivering Meals on Wheels to offering services to the High Plains Heritage Museum and the Mathews Opera House, Kathryn has made an immeasurable contribution to the Northern Black Hills.

There is a special feeling of satisfaction that comes only from volunteering. Through her tremendous leadership, Kathryn Cole has helped seniors experience that satisfaction with service to their communities. I know my colleagues will join me in honoring her dedication to improving the quality of life for area residents. We all owe an enormous debt of gratitude to Kathryn for such an invaluable contribution to the Northern Black Hills and the entire State of South Dakota. We wish her well as she begins her well-deserved retirement.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2001

Mr. DOMENICI. Mr. President, today I want to take a moment to share some thoughts on the Brownfields Revitalization and Environmental Restoration Act. I believe that this act is important and can do positive things in communities across America.

Laws related to brownfields were the result of a much broader Act, which we commonly refer to as Superfund. Superfund was intended to bring about the clean up of some of the most contaminated sites in our nation. As Superfund has been implemented in our society we have found that it is often too cumbersome to bring about clean up and restoration of many brownfield sites. When we talk about brownfields we are not talking about the most contaminated sites in our communities, but about sites that are less contaminated and could realistically be bought, cleaned up, and developed thus bringing economic and other benefits to American citizens. Therefore, I share the thoughts of many of my colleagues and support removing the barriers to brownfields redevelopment.

When the average person wishes to invest in something such as an abandoned gas station, they are often discouraged from doing so for fear of the strict liabilities that could be imposed on them by Superfund. Attempting to relax the daunting liability provisions for those willing to buy brownfields sites for the purpose of cleaning and upgrading them is a huge step in the right direction.

I believe that enactment of this brownfields legislation, will provide a significant foundation for rebuilding many of our communities. Many of these sites are located in downtown areas and often serve as the breeding grounds for crime, drug trafficking and contamination. I am hopeful that passing this legislation will help restore downtown communities making them once again attractive to business, industry and prospective residents.

Many of us have watched these downtown areas slowly die. I know that in Albuquerque, NM, the largest city in the State, we have seen a huge shift away from the downtown area. Local businesses that once thrived were forced to close and slowly, what was once the metropolis of Albuquerque, began to seem like a ghost town.

I support this legislation because of the potential it brings to restoring places like downtown Albuquerque. As I briefly touched on, some of the most important benefits of the bill are its liability and finality provisions. The bill specifies that prospective purchasers, innocent landowners, and contiguous property owners, who exercise due diligence in purchases, are not responsible for paying cleanup costs. The stringent liability scheme under Superfund hinders those who want to invest in these sites for fear of liability. These barriers are unnecessary and do not foster development and growth in our inner cities. Additionally, the bill precludes EPA from taking action on a site that a State has already placed in a cleanup program, unless there is an imminent and substantial endangerment to the environment or public health, and some additional work must be completed.

Finally, the bill authorizes $150 million per year to help State and local governments perform assessments and cleanup at brownfields sites. Further, $50 million per year is also authorized to establish and enhance brownfields programs, more than double the current level of funds available through the current EPA program.

Pumping federal tax dollars back into localities and fostering partnerships with States and their local communities can help rid our communities of the negatives such as crime and contamination while rejuvenating downtown economies.

Economics and Environmental health are not mutually exclusive. This bill would allow these types of areas to be cleaned up, thus providing both economic and environmental benefits. It is a win-win for everyone—cities and citizens alike.

I am hopeful that New Mexico, as well as many other communities across the nation, will see great benefits as a result of this legislation. I hope that we are successful at reviving the ghost towns that currently exist in many downtown areas and that they will once again come alive with prosperity.

CRIME VICTIMS' ASSISTANCE ACT OF 2001

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and to be notified of important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, this is why my colleagues and I are re-introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill defines the rights of victims and establishes an effective means to implement and enforce these rights. Equally important, it does so without taking the drastic, unnecessary, and time-consuming step of amending the Constitution.

Our bill provides enhanced protections to victims of both violent and non-violent federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and consulted on detention and plea agreements; the right to be heard at sentencing; the right to be notified of the escape or release of a criminal from prison or a grant of executive clemency; and the right to a speedy trial and prompt disposition, free from unreasonable delay.

The rights established by this bill will fill existing gaps in federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment. Our bill achieves these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of federal funds to establish effective pilot programs to promote victim-rights compliance. It increases resources for the development of state-of-the art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based justice programs relating to those rights. Finally, it creates and funds additional personnel in federal law enforcement agencies to assist victims in obtaining their rights. These initiatives will provide victims with the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible.

There is no need to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The framers deliberately made the Constitution difficult to amend, because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary *not* to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH or Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred Nov. 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore and called the victim a "fag." The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NUANCE MATTERS, GETTING TAIWAN POLICY RIGHT

Mr. BIDEN. Mr. President, as we were reminded yesterday, words matter in diplomacy. Wednesday morning, the President of the United States appeared on national television in an interview taped Tuesday night with Charles Gibson of ABC News. In that interview, the President was asked if the United States had an obligation to defend Taiwan if it was attacked by China.

President Bush replied, "Yes, we do, and the Chinese must understand that. Yes, I would."

The interviewer pressed further, asking, "With the full force of the American military?"

President Bush replied, "Whatever it took to help Taiwan defend itself." He did not elaborate at that time.

A few hours later, the President appeared to back off this startling new commitment, stressing in an interview on CNN that the United States would continue to abide by the Taiwan Relations Act and the One China policy followed by each of the past five Presidential Administrations.

I want to make clear that I believe the security of Taiwan to be a vital interest of the United States.

Senator HELMS and I are among a handful of current members of the U.S. Senate who were around to vote for the Taiwan Relations Act when it was introduced 22 years ago.

And I remain as committed today as I was then to the peaceful resolution of the Taiwan question.

And because of my strong support for Taiwan, I was inclined to believe that the President had made an honest, and mostly harmless, mistake yesterday, especially when the State Department issued a clarification stressing that U.S. policy remained unchanged. State Department spokesman Phil Reeker said, "Our policy hasn't changed today, it didn't change yesterday, and it didn't change last year, it hasn't changed in terms of what we have followed since 1979 with the passage of the Taiwan Relations Act."

But by the end of the day, senior national security officials at the White House were singing a different tune, insisting that the President meant what he said in the morning interview.

The President's National Security Adviser claimed that, "the Taiwan Relations act makes very clear that the U.S. has an obligation that Taiwan's peaceful way of life is not upset by force." And a White House Aide said, "Nothing in the act precludes the President from saying that the U.S. would do whatever it took to help Taiwan defend herself."

As my colleagues may know, the Taiwan Relations Act obligates the United States to provide Taiwan "with such defense articles and defense services . . . as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

It also states that any attempt to determine the future of Taiwan by other than peaceful means would constitute a "threat to the peace and security of the Western Pacific area" and, would be, "of grave concern to the United States."

Finally, it mandates that in the event of, "any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom, the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger."

Contrary to the President's statement to Charles Gibson, the United States is not obligated to defend Taiwan, "With the full force of the American military," and hasn't been since we abrogated the 1954 Mutual Defense Treaty signed by President Eisenhower and ratified by the United States Senate.

And contrary to the White House spokesman's comments, the President does not have the authority unilaterally to commit U.S. forces to the defense of Taiwan. Under the Constitution, as well as the provisions of the Taiwan Relations Act, that is a matter which the President must bring to the American people and to the Congress of the United States.

During the campaign, President Bush implicity criticized the policy of "strategic ambiguity" which has governed the use of American forces to defend Taiwan in the event of a conflict with China for more than 20 years since the United States abrogated the 1954 Mutual Defense Treaty with Taiwan and normalized diplomatic relations with China.

The point of that policy, which I support, was to retain the right to use force to defend Taiwan, while reserving to the United States all the decision-making authority about the circumstances in which we might, or might not, commit U.S. forces.

Otherwise, the United States might find itself dragged into a conflict between China and Taiwan even in the event of a unilateral Taiwanese declaration of independence, something the President said yesterday he would not support.

This policy of strategic ambiguity was consistent with our One China policy and also with our desire that the Taiwan question be resolved only through peaceful means.

Well, today I guess we have a new policy, and I am calling it the policy of "ambiguous strategic ambiguity."

What worries me is not just what the President said, but the utter disregard for the role of Congress and the vital interest of our key Pacific Allies, specifically Japan.

Perhaps the President is unaware that without using U.S. bases in Japan, we would be hard-pressed to make good on his commitment to use U.S. forces to defend Taiwan in the event of a conflict with China.

Perhaps he is unaware of how sensitive an issue this is for the Japanese government, which has taken great pains to avoid explicitly extending the U.S.-Japan Security Alliance to a Taiwan contingency.

I was quick to praise the President's deft handling of the dispute with China over the fate of the downed U.S. surveillance aircraft.

But in this case, as in his rocky summit meeting with South Korean President Kim Daejung, the President has damaged U.S. credibility with our allies and sewn confusion throughout the Pacific Rim.

Words matter. Nuance matters.

Other events, the challenge of engaging North Korea, the emergence of a reformist prime minister in Japan, and the threat of political instability in Indonesia, will surely test America's resolve and diplomatic agility in the Pacific during the months ahead.

WORLD INTELLECTUAL PROPERTY DAY

Mr. HATCH. Mr. President, it is with great pleasure that I rise today to pay tribute to the first celebration of "World Intellectual Property Day."

Last fall, the World Intellectual Property Organization dedicated April 26th as "World Intellectual Property Day" with the objective of highlighting the valuable contributions intellectual property makes to economic, cultural and social development and to raise public awareness of just what intellectual property is all about.

Intellectual property, which includes patents, trademarks and copyright protections, is hardly a household phrase, but its significance to all Americans should not be underestimated. Intellectual property is really about creativity and innovation; it is about ideas that start out as just a dream, but then go on to become the creations and products that enrich our daily lives and improve our standard of living.

Included among our Founding Fathers' many accomplishments were the express intellectual property protections of Article 1, Section 8 of our Constitution. This section is so seemingly simple, "to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries", but it has done more to shape our Nation's economic growth than almost any other provision in the Constitution.

Indeed, one of the most significant results of this constitutional provision was the creation of the U.S. patent system. Today, more than six million patents have been issued, for inventions ranging from Farnsworth's cathode ray tube to the airplane to life-saving pharmaceuticals. The value of our patent system was perhaps best summarized by President Abraham Lincoln, himself a patent holder, when he noted that it "adds the fuel of interest to the spark of genius."

We also are world leaders in copyrighted works. Books, movies, music, and other examples of American creativity entertain and enlighten the world, and make a generous contribution to our balance of trade.

Our country's technological prowess and our high standard of living stem from the creativity, determination, and entrepreneurial drive of our citizens and the protection we provide for their creations. So, today, as nations around the world mark "World Intellectual Property Day," let us take pride in the fact that our intellectual property system is recognized as the most effective in the world. As we look to the future, let us also pledge ourselves to ensuring that the United States remains the world's pre-eminent provider and protector of intellectual property.

CHRONIC INFECTIOUS CHILDHOOD DISEASES

Mr. JEFFORDS. Mr President, I rise today to bring attention to the single most common chronic infectious childhood disease, namely dental decay. In fact, it is five times more common than asthma and seven times more common than hay fever. Young children with severe decay, affecting multiple teeth, may need to be treated in a hospital under general anesthesia. This level of treatment is unnecessarily costly. An estimated $100 million each year is spent for operating room charges associated with treating severe decay in very young children.

One of the most cost effective ways to reduce the burden of tooth decay, before it starts, is community water fluoridation. Since 1945, water fluoridation has been the cornerstone of the nation's oral health, by safely, inexpensively and effectively preventing tooth decay regardless of an individuals' socioeconomic status or ability to obtain dental care. Today, close to 144 million Americans receive this benefit through fluoridated water. Unfortunately, more than 100 million others do not.

This is especially disturbing, because water fluoridation remains the most equitable and cost-effective method of delivering fluoride. The average lifetime cost of fluoridation per person is less than the approximate cost of one dental filling.

In my home State of Vermont, three communities with over 7,000 residents, do not benefit from community water fluoridation. According to the Vermont Department of Health, high school students in one of these communities have the worse dental health in the State, by a significant margin. Because of the high disease rate in these three communities, they have responded by developing dental clinics to serve low-income residents. Although we applaud these communities for responding accordingly, the old adage holds true here, an ounce of prevention is worth a pound of cure.

Dental sealants have also proven to be an effective method of preventing tooth decay. Studies have shown that sealants can reduce tooth decay by over 70 percent. Despite the proven effectiveness of this method, only three percent of low-income children have had sealants applied to their teeth.

The inequities in oral health care are especially apparent in Medicaid patients. In 1993, only 1 in 5 children and adolescents covered by Medicaid received preventive dental service such as application of fluoride or sealants. Alarmed by these statistics, Senator RUSS FEINGOLD and I, along with 26 of our colleagues, wrote to the Health Care Financing Administration asking that they explore what Medicaid could do to improve access to comprehensive dental services for underserved children.

Oral health is a key determinate of overall health. It is essential that we continue to pursue these low-cost and effective measures to ensure that all children in this country, regardless of income and geography, are free of dental disease.

TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Mr. CONRAD. Mr. President, I would like to engage the Chair of the HELP Committee in a colloquy regarding eligibility for Section 117 of the Carl Perkins Vocational and Applied Technology Education Act. Section 117 authorizes funding for Tribally Controlled Postsecondary Vocational and Technical Institutions. The funds have been awarded annually to the two existing tribally controlled postsecondary vocational institutions that are devoted to providing vocational and technical education, United Tribes Technical College and Crownpoint Institute of Technology. Historically, these two institutions have not received assistance under the Tribally Controlled College and University Assistance Act, so the Perkins funds are key to their existence.

On March 28, 2001, the Department of Education issued a Request for Proposals, RFP for funding under Section 117 that would open up funding for this program to the tribal colleges. The Department is operating under the mistaken view that the 1998 Perkins Amendments-changed the previous Perkins law with regard to eligibility for these funds. In fact, it was not the intent of Congress to in any way alter eligibility for Section 117 funding when it enacted the 1998 Perkins Amendments. The members of the North Dakota and New Mexico delegations disagree with the Department and have written to Secretary Paige stating our view that the 1998 Perkins amendments did not change the eligibility for what is now the Section 117 program. Do the Chairman and Ranking Member of the HELP Committee agree with our view?

Mr. JEFFORDS. Yes, I agree with the view of the North Dakota and New Mexico delegations. The 1998 amendments to the Perkins Act made no substantive changes to the Tribally Controlled Postsecondary Vocational Institutions section of the law concerning eligibility. The section that authorizes the grants retained the purpose of providing assistance solely to institutions whose focus is vocational and technical education.

Mr. DOMENICI. The Crownpoint Institute of Technology and United Tribes Technical College depend on Perkins funding for their core operational funds, and the Department should not make radical changes in eligibility simply by issuing a new grant announcement. The 1992 regulations for the Tribally Controlled Postsecondary Vocational Institutions Program state, at 34 CFR 440.5, that tribal colleges are not eligible for these funds. The regulations have not been changed. Would the Ranking Member of the HELP Committee comment on this?

Mr. KENNEDY. The senior Senator from New Mexico is correct. The 1992 regulations have not been changed, nor has there been a need to change them because the 1998 Perkins Amendments made no changes concerning which institutions are eligible for the Tribally Controlled Postsecondary Vocational Institutions funding.

Mr. DORGAN. I would like to inquire of the junior Senator from New Mexico and a member of the HELP Committee, what difference, if any, was made in the eligibility for the Tribally Controlled Postsecondary Vocational Institutions funding in 1998?

Mr. BINGAMAN. No change was made. We included a parenthetical reference to the definition of "institution of higher education," this has no practical effect as both the 1990 and 1998 Perkins laws require that a grant recipient be an institution of higher education. The Department should continue providing grants for Section 117 under the current regulations unless and until new regulations are issued pursuant to the Administrative Procedures Act. Crownpoint Institute of Technology and United Tribes Technical College were intended to be the only beneficiaries of this section.

Mr. DORGAN. Thank you. I would like to include for the RECORD a copy of the letter from the North Dakota and New Mexico delegations to Secretary Paige on this matter. I would also like included in the RECORD a letter from Dr. Jim Shanley, President of the American Indian Higher Education Consortium, objecting to the Department's RFP that would open up the Section 117 program to the tribal colleges. Dr. Shanley notes that such an action would likely result in the closing of the doors of the tribally controlled postsecondary vocational institutions.

The letters follow:

WASHINGTON, DC,
March 27, 2001.

Hon. ROD PAIGE,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY PAIGE: We write to express serious concerns about the process used by the Department of Education in issuing the March 23, 2001, Federal Register grant announcement for Section 117 of the Carl Perkins Vocational and Technical Education Act. Section 117 is specific to tribally controlled postsecondary vocational institutions, of which there are two: United Tribes Technical College (UTTC) and Crowpoint Institute of Technology (CIT).

We understand that the March 23 notice has been withdrawn for technical reasons but that the Department intends to reissue the notice shortly. The March 23 notice makes drastic changes in Section 117 eligibility and uses of funds that are inconsistent with the existing program regulations in 34 CFR Part 410. The eligible applicant pool would be expanded to include tribally-controlled community colleges for the first time and the uses of the funds would be restricted.

If put into place, these changes could result in closure of the two institutions that have depended on this funding for their core operations. The Perkins funds support the ongoing operations of UTTC and CIT, just as funding under the Tribally Controlled Colleges and Universities Act supports the ongoing operations of tribal colleges. We ask that you not reissue the notice regarding Section 117 but rather engage in a formal rulemaking process. Pending that, the FY 2001 Perkins funds should be issued under the current regulations.

We view the March 23 notice as an end-run around the regulatory process; it is, in effect, a set of new regulations without the benefit of any formal process or consultation with the affected parties. The 1998 amendments to the Perkins Act were signed into law on October 31, 1998—almost two-and-a-half years ago—and no regulations have been issued. Now the Department asserts that the 1998 amendments "substantially revised" the tribally controlled postsecondary institutions program and wants to waive the regulatory process on the grounds that there is no time to issue regulations if the awards under Section 117 are to be made in a timely manner. This is disingenuous and certainly not in keeping with the federal government's policy of working with tribes on a government-to-government basis, including consultation with tribes and tribal organizations on policy matters that will affect them.

Again, we urge you to direct that the March 23 grant announcement not be reissued but rather use the existing regulations for Tribally Controlled Postsecondary Vocational Institutions for this grant period. If the Department feels that new regulations are warranted for the 1998 Perkins Act Amendments, such regulations should be issued through the Administrative Procedures Act in consultation with the affected tribal parties.

We appreciate your attention to this important matter.

Sincerely,

KENT CONRAD,
PETE DOMENICI,
BYRON L. DORGAN,
JEFF BINGAMAN,
U.S. Senate.

EARL POMEROY,
TOM UDALL,
U.S. House of Representatives.

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, March 27, 2001.

Mr. ROBERT MULLER,
Deputy Assistant Secretary (Acting), Office of Vocational and Adult Education, Department of Education, Washington, DC.

DEAR MR. MULLER: On behalf of the 32 Tribal Colleges and Universities, I am writing to request your assistance with a serious matter involving our two tribally-controlled postsecondary vocational institutions, United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT). It has come to my attention that your office is about to publish a solicitation opening up eligibility requirements for Title I, Sec. 117; therefore, significantly changing the intent of the program. It is of great concern that no consultation has been done with our institutions on this matter. To make this change would seriously jeopardize the funding for UTTC and CIT's core operations and force their closure.

Because of the immense ramifications of this action, we strongly urge you to hold the solicitation to be published March 28, 2002. We also request that appropriate consultation occur with AIHEC, UTTC, and CIT as soon as possible so that this matter can be resolved constructively and expeditiously.

It is important to note the value of these two institutions and their historic role in providing vocational education opportunities to American Indian students. UTTC and CIT were founded because of limited access to opportunities in vocational education in serving their respective tribal communities. However, because these two institutions are vocational in nature and did not meet the eligibility requirements of the Tribally Controlled College Assistance Act for core operational support, Sec. 117 was created by AIHEC's advocacy efforts on their behalf.

Thank you for your immediate attention and consideration. We look forward to your response. I can be reached at 703-980-4456/cell or 505-982-4411 until March 29th.

Respectively,

DR. JAMES SHANLEY,
President.

GUN SHOW BACKGROUND CHECK ACT

Mr. LEVIN. Mr. President, this week I joined Senator REED and a number of my colleagues in introducing the Gun Show Background Check Act, which would close the gun show loophole. If enacted, prospective buyers at gun shows would be required to undergo Brady background checks to ensure that they are not felons, fugitives, domestic abusers, or other persons prohibited from purchasing firearms.

It is incredible to me that more than two years after Columbine, lawmakers have not yet acted to reduce the availability of guns to criminals and other prohibited persons by closing this loophole in our federal firearm laws. Just a few days ago, America memorialized the worst school shooting in our nation's history. On April 20, two years ago, Eric Harris and Dylan Klebold brought terror to Columbine High School. Of the four guns used by the two Columbine shooters, three were acquired at a gun show. The teenage shooters took full advantage of the gun show loophole, which allowed their friend, Robyn Anderson, to buy them two rifles and a shotgun without ever submitting to a background check. Later, Robyn Anderson testified about her experience to the Colorado Legislature. She said:

> While we were walking around [at the gun show], Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> I was not asked any questions at all. There was no background check . . . I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all.

> I wish a law requiring background checks had been in effect at the time. . . It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

Of all the testimony that came out of Columbine, Robyn Anderson's is among the most memorable. The citizens of Colorado and Oregon, States with high rates of gun ownership, reacted by supporting referenda to close the gun show loopholes in their States. Now, Congress should do the same and enact legislation to close the gun show loophole nationwide.

CAMPAIGN FINANCE

Mr. BIDEN. Mr. President, I rise to call my colleagues' attention to an article by the distinguished First Amendment scholar, Ronald Dworkin, "Free Speech And The Dimensions Of Democracy." The article appears in If Buckley Fell: A First Amendment Blueprint for Regulating Money in Politics, sponsored by the Brennan Center for Justice at New York University's School of Law.

Professor Dworkin's work illustrates a point some of us made during the recent debate on campaign finance reform: the shocking state of our current political life is a perversion of the public discourse envisioned by the Founding Fathers, a perversion directly rooted in the mistaken understanding of the First Amendment underlying the Supreme Court's decision in *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

As Professor Dworkin puts it, "[o]ur politics are a disgrace and money is the root of the problem."

There is no need to detail the disgraceful state of our political life brought about by politicians' need to chase dollars. Members of this body, myself included, described the current state of affairs in all its painful and embarrassing detail during the recently concluded debate on campaign finance reform.

Professor Dworkin's article makes explicit what many of us have argued in supporting Senator HOLLINGS' proposal to amend the Constitution so that reasonable limits can be placed on campaign expenditures: Senator HOLLINGS' Amendment is not an affront to the First Amendment, as some have portrayed it; it is an affront to Buckley, which was wrongly decided. Senator HOLLINGS' Amendment is restorative: it returns First Amendment jurisprudence to what it was before the ill-conceived Buckley decision.

In holding that limitations on campaign expenditures violate the First Amendment, Buckley mistakenly equates money and speech. But, as Justice Stevens pointed out recently in *Nixon* v. *Shrink Missouri Government PAC*, 528 U.S. 377 (2000), money is not speech; money is property.

Professor Dworkin's article shows that the mistaken factual premise in Buckley is rooted in a fundamental misconception of First Amendment jurisprudence. Senator HOLLINGS' effort to make clear that reasonable limits can be imposed constitutionally on campaign expenditures would restore that jurisprudence by overturning Buckley.

The First Amendment and most of the important decisions interpreting it presuppose a democracy in which citizens are politically equal, not only as judges of the political process through voting, but also as participants in that process through informed political discourse. Reasonable regulations on campaign expenditures would enhance speech and contribute to a more rational political discourse. Professor Dworkin illustrates this point through a historical and philosophical analysis of First Amendment precedent and the threat that unrestricted campaign expenditures pose to the values underlying the First Amendment. Treating money as speech debases genuine democratic dialogue.

Justice Brandeis made this point in another way in his justly famous dissent in *Whitney* v. *California*, 274 U.S. 357, 375 (1927):

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty; . . . [They believed] that the greatest menace to freedom is an inert people; that public discourse is a political duty; and that this should be a fundamental principle of the American government.

The damage that unrestricted campaign expenditures has done to our public discourse is clear. If money is speech, then inevitably one will need money, and large amounts of it, to speak politically. The result, in Professor Dworkin's words, is that our last two presidential campaigns were "as much a parody of democracy as democracy itself."

I will not repeat Professor Dworkin's analysis of the legal precedents interpreting the First Amendment and Buckley's distortion of them, except to point to the oddity that Buckley at times recognizes the constitutional jurisprudence it undermines. It does so in holding that, in contrast to campaign expenditures where any limit purportedly violates the First Amendment, Congress may constitutionally place limits on campaign contributions. The latter holding, as Professor Dworkin points out, is premised on a principle deeply rooted in First Amendment jurisprudence: reasonable restrictions on activity in the political realm, like contributing money, may be erected to protect core First Amendment values, like equality of political discourse. That is all that most proponents of campaign reform want to do, and that is all that the Hollings Amendment will do.

AMERICAN PRISONERS OF THE HOLOCAUST

Mr. HOLLINGS. Mr. President, in September of 1944, the 106th Infantry Division embarked for Europe and soon joined heavy fighting at the Battle of the Bulge. But one member of the division, the Academy Award-winning filmmaker Charles Guggenheim, was left behind in Indiana due to a minor illness. His connection with this brave group and the 350 American soldiers taken prisoner after the battle and sent to a Nazi camp in Berga, Germany led Mr. Guggenheim to undertake a new documentary, which is the subject of an excellent New York Times article by Roger Cohen. So that more Americans can be educated about the events leading up to the Holocaust and the unspeakable horrors inflicted upon Americans as well as Europeans, I ask that Mr. Cohen's article be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 17, 2001]

WHERE G.I.'S WERE CONSUMED BY THE HOLOCAUST'S TERROR; A FILMMAKER HELPS THAW MEMORIES OF WARTIME GUILT

(By Roger Cohen)

BERGA, Germany. Four plain wooden crosses stand in the cemetery above this quiet town in eastern Germany. One of them is inscribed "Unknown Allied Soldier." He is unlikely to be an American, because the G.I.'s who died here were exhumed after World War II and taken home. But the mystery of this soldier's identity is only one of many hanging over Berga and its former Nazi camp.

On a cold, late March day, with snow falling on the graves, a thin, soft-spoken American stands filming in the cemetery. He has hired some local volunteers, one of whom is portraying a Nazi guard, as two others turn the earth in preparation for the burial of the simulated corpses whose limp feet dangle out of sacks. The scene has an eerie luminosity in the silence of the snow.

The weather is cinematographically perfect. It is also unseasonably cold and infernally damp. The American, Charles Guggenheim, shivers as he says: "This is a slow business, filming something like this. Sort of like watching grass grow."

But for him the fate of the American soldiers imprisoned and worked to death more than a half-century ago in Berga has become something of an obsession.

Time may be needed for an obsession to take hold, time for the half-thoughts, nagging regrets and suppressed memories to coalesce into a determination to act. Mr. Guggenheim, a documentary filmmaker who has won four Academy Awards, waited a long time to embark on this movie. His daughter, Grace Guggenheim, has a theory as to why. "This is sort of a survivor's guilt story," she said.

In September 1944 Mr. Guggenheim, now 77, was with the American 106th Infantry Division, preparing to go to Europe. But when the other soldiers embarked, he was immobilized with a foot infection. He remained in Indiana while his fellow infantrymen were plunged, within weeks, into the Battle of the

Bulge; two regiments were lost. Thousands of American soldiers were captured, and several hundred who were Jewish or who "looked" Jewish ended up in Berga. Up to now their fate has received relatively little attention, partly because the surviving soldiers largely tended to repress the trauma.

"I could have been among the captured or the killed," Mr. Guggenheim mused. "I never wished I had come to Europe. Anyone in the infantry who wishes for war has something wrong with them. But I've thought a lot: why in the hell am I here and they not? Perhaps in the next life they'll get even. I'm trying not to believe in a next life."

Even this life seems incredible enough when gazing at little Berga, a place outside time. It was exploited by the Nazis before being taken over by the Russians, who mined uranium in the area. In 1990 it was made part of a united Germany.

Unemployment here stands at about 24 percent, so Mr. Guggenheim had no problem finding volunteers for his film. To conjure an atmosphere of desolation was not difficult either: beside the unused red-brick textile factory of a vanished Jewish family (named Englander), stray cats wander through junkyards, watched by old men standing huddled against the cold. Germany's ghosts, its myriad secrets, are almost palpable in a place like this.

Among the onlookers near the cemetery is Sabine Knuppel, a municipal worker. She says she has photographs of the "old days" in Berga: a lighted swastika glowing among trees heavy with snow. None of the old people in town like to talk about those days, she says, when the Nazis set up a satellite camp to Buchenwald in the middle of town and used the slave laborers imprisoned there to dig tunnels into the rock cliffs bordering the Elster River.

All that, she continues, constitutes a "lost world." But once there were perhaps 1,000 prisoners working in the tunnels, where the Nazis planned to install a factory producing synthetic fuel. But until now, nobody in the town knew there were Americans among the prisoners, Ms. Knuppel says.

After the war the Russians blew up many of the tunnels. In their vestiges bats established a vast colony now officially designated as a German nature reserve. Along the wooded banks of the Elster, a dozen entrances to the tunnels may still be seen; they are barred with steel doors.

Layer upon layer of German secrets: more tangible in a place like Berga than in the west of the country, where postwar prosperity wiped away most traces of tragedy. Mr. Guggenheim, whose award-winning documentaries include "J. F. K. Remembered" and an account of the civil rights movement called "A Time for Justice," has been digging into the secrets for two years now. He has interviewed 40 American survivors of Berga for a documentary tentatively titled "G.I. Holocaust."

The film, a co-production of Mr. Guggenheim's company and WNET, the public-television station in New York, centers on what happened to a group of American soldiers captured by the Germans after the Battle of the Bulge (which began on Dec. 16, 1944) and later transported to Berga.

This group of about 350 men was selected from among the more than 2,000 American prisoners initially taken to the Stalag 9B prisoner of war camp at Bad Orb, 50 miles north of Frankfurt. Among them was William Shapiro, now a retired doctor living in Florida. A medic attached to the 28th Infantry Division, he was captured on Dec. 17, 1944, the day after the battle began.

"On arrival at the prisoner of war camp, we were interrogated," Dr. Shapiro said in a telephone interview. "With a name like Shapiro, it was quite evident I was Jewish. I was then pushed into a particular barracks, mostly for Jews and other undesirables. Our job was to clean the latrines. We were guarded by the SS with dogs, rather than the Wehrmacht. I'd never even trained with a gun. I thought the Geneva Convention would protect me as a medic. At that time I knew nothing of Auschwitz or the planned extermination of European Jewry, although of course I knew of Hitler's hostility to Jews."

In the special barracks he was eventually joined by the other 350 Americans who would go to Berga. Their identities had not been as immediately obvious. Many were selected in a grim process recalled to Mr. Guggenheim by several soldiers of his own 106th Division.

They described how prisoners were ordered to stand at attention in the parade ground. The commandant then gave the order for all Jews to step forward. "Nobody moved," said Joseph Littell, one of the survivors. "He said it again. Nobody moved. He grabbed a rifle butt and hit Hans Kasten, our leader, with a blow you couldn't believe. Hans got up. He hit him again. The commandant said he would kill 10 men every hour until the Jews were identified."

The group of 350 was eventually assembled of some Jews who identified themselves under pressure; some soldiers, like Mr. Kasten, who volunteered; and some who were picked by the Germans as resembling Jews. Mr. Kasten, an American of German descent, suffered repeated taunts, being told that the thing worse than a Jew was a German who turns against his country. After several weeks the group was loaded into boxcars without food or water, arriving at Berga on Feb. 13, 1945.

The Nazis had a policy, "annihilation through work," and these Americans learned what this meant. Housed in a barracks beside the prison camp, fed only on bread and thin soup, sleeping two to a bed in three-level bunks, deprived of water to wash, urinating and defecating into a hole in the floor, regularly beaten, the soldiers were herded out to work 12 hours a day in the dusty tunnels.

"The purpose was to kill you but to get as much of you before they killed you," Milton Stolon of the 106th Division told Mr. Guggenheim. Gangrene, dysentery, pneumonia, diphtheria did their work. In the space of nine weeks about 35 soldiers died.

The persecution of American prisoners at Berga has remained little-known because many of the victims, like Dr. Shapiro, chose not to speak of it for a half-century after the war. With the cold war to fight and West Germany a postwar ally, the United States government had little interest in opening its archives and inflaming conflict between Americans and Germans.

In recent years, however, the research of an Army officer, Mack O'Quinn, who investigated the events at Berga for a master's degree thesis, and a 1994 book by Mitchell Bard, "Forgotten Victims" (Westview Press), have thrown light on the treatment of the G.I.'s. Still, many of the soldiers said they spoke about their experiences for the first time to Mr. Guggenheim; the notion that American prisoners of war were persecuted as Jews or Jewish sympathizers has not received broad attention.

Mr. Guggenheim said it was still a shock that this happened to Americans, bringing home the realization that if the Nazis had won the war, "they would have gotten us, too."

A descendant of German Jews, he grapples with ambivalent feelings about the country, unable to forget what a "civilized nation" did to its Jews even as he is surprised by how civil postwar German society is.

He also grapples with how to find an appropriate treatment of a Holocaust movie, troubled by what he sees as the frequent trivialization of the Holocaust in film. Too often, he said, Hitler's crimes have become a "quick fix for involvement" and a good fix for raising money from Jewish families. Like sex and violence, the Holocaust "demands people's attention, even if they do not feel good about it."

His answer to the ethical dilemma is the sobriety of his research and treatment: painstaking interviews, careful reconstruction of a little-known chapter in the war, attention to detail. The scenes filmed in Berga will supplement a core of archival film, photography and interviews. "What is most moving to me is the way the survivors have talked about themselves and about each other, often for the first time," he said. "In many instances they had never talked about this before."

Dr. Shapiro was among those who suppressed his memories. "It took 50 years for all of us to begin to come to terms with this," he said. In early April 1945, with the American and Soviet armies closing in, the camp at Berga was ordered evacuated, and a death march began for hundreds of prisoners. At least another 50 Americans died in the ensuing days before advance units of the American 11th Armored Division liberated the prisoners on April 22, 1945, near Cham in southeastern Germany.

The rate of attrition—more than 70 American dead in just over two months after arrival at Berga—was among the highest for any group of G.I.'s taken prisoner in Europe. Dr. Shapiro weighed 98 pounds on his liberation; he cannot recall the last days of the forced march despite repeated efforts to do so. "I had become a zombie," he said.

Time has passed, but Dr. Shapiro's voice still cracks a little as he thinks back. Periodic nightmares trouble him. "I traveled the same road as an American prisoner of war as the Jews of Europe," he continued. "I was put in a boxcar, starved, put on a death march. It was a genocidal type of approach."

That road might also have been Mr. Guggenheim's. After the war he asked a returning member of the 106th Division about a Jewish soldier he had known and was told the man had died in a German mine. But where, how, why?

The questions lingered in his mind for more than a half-century before taking him where an infected foot prevented him from going in 1944: to a remote town in Germany where the bat-filled tunnels are now sealed and snow falls on a cemetery where an "Allied Soldier" lies.

TRIBAL COLLEGES AND UNIVERSITIES

Mr. CONRAD. Mr. President, I would like to engage the Senior Senator from Iowa in a colloquy about funding for the Nation's 32 tribal colleges and universities.

These schools, located in 12 States, serve more than 250 federally recognized tribes nationwide. The colleges serve students older than the traditional college age who are seeking another chance at a productive life. The vast majority of tribal college students are first-generation college students.

However, the States provide little, if any, funding to the tribal colleges and universities because the vast majority of tribal colleges are located on federal trust lands. Additionally, non-Indians account for about 20 percent of tribal college enrollments, although the States do not provide financial support for these students.

Does the Senator from Iowa agree that the Federal Government needs to play a significant role in funding these schools?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota. The Federal Government provides the core operating funds for the tribal colleges and universities. Without this funding, many of them would have to close their doors.

Mr. CONRAD. And is it the view of the Senator from Iowa that this funding has not reached the level authorized by the Tribally Controlled Colleges and Universities Assistance Act?

Mr. HARKIN. The Senator from North Dakota is correct. Although annual appropriations for tribal colleges have increased in recent years, the per Indian student funding is still less than two-thirds the level authorized by law and significantly lower than the public support given to mainstream community students.

Mr. CONRAD. I thank the Senator. I would also like to note that the need for federal funding is especially critical for these schools because most tribal colleges and universities were founded less than 25 years ago and are located in rural and impoverished areas, and they do not have access to alumni-based funding sources and local financial support.

Mr. JOHNSON. Given the circumstances described by the Senator from North Dakota and my own knowledge of the five tribal colleges in my own State, I ask that every effort be made in Fiscal Year 2002 and beyond to fund the colleges at the level at which they are authorized in the Tribally Controlled College and University Assistance Act. Would the Senator from Iowa agree that with respect to the education funding amendment adopted by the Senate that this will be a priority?

Mr. HARKIN. Yes, I agree with the Senator from North Dakota that a portion of the funding provided by my amendment should be used to help close the gap between the level of funding authorized by the Tribally Controlled College and University Assistance Act and the level of funding the colleges are currently receiving. I believe the funding in my amendment is sufficient to meet the needs of the tribal colleges and universities as well as the other educational needs throughout the country.

Mr. CONRAD. I thank the Senator for his remarks. I am pleased that the Senator from Iowa, who is a champion of education, shares my strongly-held view that Congress must continue work toward current statutory federal funding goals for the tribal colleges. I look forward to continuing to work with him on this.

TRIBUTE TO SENATOR JENNINGS RANDOLPH AND HIS FIGHT FOR THE 26TH AMENDMENT

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to Senator Jennings Randolph on the anniversary of the passage of the 26th Amendment. In 1971, a young West Virginian named Debbie Phillips skipped a day of high school. Skipping school is usually frowned upon by parents and teachers, but Debbie, then 18, was anything but another student trying to ditch chemistry, algebra, and history. In fact, Debbie was missing school in order to make history: that day, she registered to vote under the newly-ratified 26th Amendment to the Constitution at the Kanawha County Court House in Charleston, WV. A year later, the 26th Amendment also allowed Debbie to seek an appointment as a delegate at a national convention, making her the first West Virginian under 21 years of age to file for public office.

I was the Secretary of State in West Virginia at the time, so Debbie came to my office to register. Her actions, and those of millions of other young Americans who have accepted the 26th Amendment's invitation to participate in the political process, show how critical young people are to our democracy.

These extraordinary developments were made possible by a great man and a friend of mine—Senator Jennings Randolph, my predecessor as Senator from West Virginia and the "Father of the 26th Amendment." Senator Randolph drafted the amendment and worked tirelessly for its passage, based on his belief that America's youth had a right to be part of our political process. The ratification of the amendment marked a great moment in our country's history. It has allowed young adults to speak for themselves and have their voices heard in the greatest democratic society in the world.

Thirty years ago Saturday, the State of West Virginia ratified the 26th Amendment. This action came in the midst of the Vietnam War, in which nearly half of all the soldiers that America lost were younger than 21. Despite making the ultimate sacrifice for their country, those young soldiers had been unable to vote for the President that was sending them to war. In addition, they were paying taxes and participating in society in every other way; yet they were unable to vote. Senator Randolph changed that forever.

Tomorrow, West Virginia Secretary of State Joe Manchin is holding an event at our State Capitol encouraging schools to register voters under his West Virginia SHARES program—Saving History and Reaching Every Student. It is so important that young people realize what an awesome power Senator Randolph's crusade brought them. Young Americans were excited to have the right to vote in the early 1970s, but today many 18- to 21-year-olds do not even bother to register. With the exception of 1996, voter participation among citizens between the ages of 18 and 24 has decreased in each Presidential election. Secretary of State Manchin's project is therefore of utmost importance. It is essential that we let young people know of their right, and indeed their responsibility, to vote, and help them register to do so.

Again, I salute Senator Randolph for his tireless efforts to allow Debbie Phillips and countless other young people to improve our democracy.

TAX SIMPLIFICATION

Mr. FEINGOLD. Mr. President, I rise to speak on a report issued yesterday by the Joint Committee on Taxation and hearings that are being conducted today in the Finance Committee on the subject of tax simplification.

Last week, on April 16, millions of Americans mailed their tax returns, completing the last step in a process that many found arduous, burdensome, and needlessly confusing. The tax code has become increasingly complex since its last major reform in 1986. Taxpayers grow increasingly frustrated filling out their returns or are forced to pay others to prepare their tax returns for them. The government has thus imposed a kind of tax on paying taxes.

In response to this complexity, most people have apparently thrown up their hands and paid others to fill out their returns. The Internal Revenue Service recently estimated that through the first week of April, about 57 percent of all individual income-tax filers used paid preparers. That rate was up from 56 percent last year.

Paid tax preparers report that they did a booming business this year. Through March 30, H&R Block's revenue for tax preparation services rose by more than 10 percent over last year, to $1.5 billion. Its average fee rose to about $109.

Aside from using paid preparers, to avoid tax complexity, many Americans forgo tax benefits to which they are legally entitled. For example, many people use the standard deduction, even though they would save money by itemizing their deductions. The General Accounting Office recently estimated that on more than half a million returns for 1998, taxpayers did not itemize, even though mortgage interest payments alone would have reduced their taxes or increased their refunds.

GAO estimated that the resulting overpayments may have totaled $311 million, or $610 per tax return.

Earlier this year, the IRS's acting national taxpayer advocate issued a report to Congress in which he summed up: Complexity "remains the No. 1 problem facing taxpayers, and is the root cause of many of the other problems on the Top 20 list."

All this complexity comes with substantial costs to our economy. Treasury Secretary Paul O'Neill said recently: "The [tax] code today encompasses 9,500 pages of very small print. While every word in the code has some justification, in its entirety it is an abomination. It imposes $150 billion or more of annual cost on our society with no value creation."

The difficulty of filling out the income tax form is undermining Americans' confidence in the system. When people's interaction with the Federal Government is dominated by complex and burdensome tax forms, it can impair the people's trust in government generally.

We need tax reform and simplification. And now is the perfect time to do something about it.

In a fine Brookings Institution Policy Brief issued this month, scholars Len Burman and Bill Gale write:

> Tax complexity is like the weather: everyone talks about it but nobody does anything about it. . . . Unlike the weather, though, policymakers can do something about complexity. And if they do not simplify the tax system now, when there are surplus funds to pay for simplification, they will have lost a golden opportunity.

Burman and Gale are right. Tax simplification needs to be an important part of this year's tax policy debate.

If Congress is to enact a greatly simplified tax code, it needs to have a thorough understanding of the problem as well as specific proposals to consider. Comprehensive studies of the issue can provide a needed impetus. The Report of Secretary of the Treasury Donald Regan, for example, laid the groundwork in substantial part for the 1986 reform.

I chaired the Taxation Committee of the State Senate in Wisconsin when we reformed the tax code in the mid-1980s. Democrats controlled both houses of the Legislature, and we had a Democratic Governor, but we used the Regan tax reform proposal as the basis for much of our own tax reform. The result was a greatly simplified tax system.

Following on that model, in last year's budget resolution, I offered an amendment calling for the Joint Committee on Taxation to conduct a study of means by which we might simplify taxes. The Senate Budget Committee adopted the amendment unanimously. And the budget resolution that Congress adopted on April 13 of last year included it as section 336. That section said, in relevant part: "It is the sense of the Senate that . . . the Joint Committee on Taxation shall develop a report and alternative proposals on tax simplification by the end of the year. . . ."

The staff of the Joint Committee on Taxation, under the direction of Chief of Staff Lindy Paull, took this and other requests along these lines seriously. They consulted with academics, former chiefs of staff of the Committee, and former Commissioners of the IRS. Staff reviewed proposals that have been made, and considered particular issue areas. The resulting report, released yesterday, suggests ways to accomplish the same policy goals that underlie the current income tax code, but in less duplicative or less convoluted ways.

I am glad to see that the Joint Committee has released its report. Similarly, I am gratified that Finance Committee Chairman CHUCK GRASSLEY is holding a hearing today to receive the report and discuss this important subject.

Although I do not agree with every suggestion put forth in the report, I am convinced that this report and these hearings are exactly the kind of institutional step that we need to take if we are to reform the tax code.

Here are just a few examples of areas where Congress could well simplify the tax code:

The AMT: The complicated Alternative Minimum Tax is beginning to affect more and more middle-income taxpayers. It needs reform.

Capital Gains: Ever since the 1997 law created differing capital gains rates for differing holding periods, the capital gains form has become very complicated. Some have proposed an exclusion from capital gains income for the first several hundred dollars of capital gains income, so that modest investors in mutual funds would not be subjected to filling out the capital gains schedule.

The Earned Income Tax Credit: At the Finance Committee hearing today, Richard Lipton, head of the American Bar Association tax section, argues for simplifying the earned-income tax credit, designed to help low-income working families. In Mr. Lipton's words, "In effect, Congress has given the poor a tax break with one hand and then taken it away with the other by making it too complex to understand."

Child Credits: Robert Cherry and Max Sawicky of the Economic Policy Institute have proposed a universal unified child credit that combines the dependent care credit, the earned income tax credit, the child credit, and the additional child credit. Similar work has been advanced by David Ellwood and Jeff Liebman of Harvard University's John F. Kennedy School of Government. Congress could well examine combining various child credits to make them fairer and easier to use.

The Standard Deduction: We could expand the standard deduction so that fewer taxpayers needed to itemize their deductions.

The Personal and Dependent Exemptions: Alternatively, we could expand the personal and dependent exemptions.

The Nanny Tax: Congress has simplified the law by raising the threshold of wages paid for filing employer taxes and by incorporating the filing into the form 1040. The threshold could be further raised.

Education Incentives: Today's code contains several different education incentive provisions, including tuition credits, like Lifetime Learning or the Hope Credit, Education IRAs, State deductible tuition programs, limited interest deductions, and employer provided assistance. These provisions contain numerous and differing eligibility requirements. Congress might work to harmonize these programs.

A simplified tax code makes good economic policy sense. We would improve the economy's efficiency if we could minimize the impact of the tax code on the economic decisions of businesses and individuals.

The tax code's complexity frustrates average households. This is a real issue with many people of fairly modest means. I hold listening sessions in each of Wisconsin's 72 counties every year, and I frequently hear of people's frustrations with the tax code's complexity.

I am gratified to see that the Joint Committee on Taxation has addressed the budget resolution's request seriously, and has produced its extensive product. I commend the Joint Committee's efforts.

We need to advance the process of simplification further. I look forward to working with colleagues in the Finance Committee and the Senate on ways to reform and simplify the tax code.

INFORMATION BROKERS

Mr. NELSON of Florida. Mr. President, the Washington Post reported this morning that several prominent banks, insurance companies and law firms regularly purchased consumers' confidential financial information from an information broker that illegally gathered the data using "pretext" calling. This despicable practice involves a caller who contacts a business or government entity and uses a person's social security number or other personal identifier to trick an unsuspecting clerk to provide confidential information about everything from a person's checking account balance to her investment portfolio.

The prohibition against this fraudulent practice was recently strengthened by Congress through the Gramm-Leach-Bliley Act, but reports of abuse have continued. Information brokers with little regard for people's privacy are doing the dirty work for organizations that otherwise portray themselves as privacy proponents. These so-called information brokers allow companies seeking such information to cut corners at the expense of consumers.

And the apparent willingness of some in the financial industry to purchase such information calls into question the industry's commitment to protecting consumers' privacy. Further, if companies buy information from suspect sources, there are limited prohibitions on redistributing it.

If a company isn't required to get a customer's express consent prior to selling, sharing or disclosing his information, then the customer has little opportunity to stop the spread of inaccurate information.

Earlier this year, I introduced legislation that, if passed, would help minimize the collateral damage that can occur when financial institutions purchase information from these suspect firms. My bill would require a consumer's express consent before a financial company can share personally identifiable financial information with its affiliates and express written consent before it can transfer personally identifiable medical information. I want to put the consumers in control. Consumer control ensures that personally identifiable information is only used for the purpose it was gathered for and protects consumers from the further spread of inaccurate information.

Too often these days, personally identifiable medical and financial information is being shared, bought, or sold; and, it's being done without the consent of the consumer. This practice must stop. And it is our job to pass legislation that will stop it.

I call on my colleagues in the Banking committee to move forward with this legislation as soon as possible, so that it can be considered by the full Senate. Now is the time to close the financial privacy loophole so that we prevent a further erosion of our privacy rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 25, 2001, the Federal debt stood at $5,681,916,012,004.34, Five trillion, six hundred eighty-one billion, nine hundred sixteen million, twelve thousand, four dollars and thirty-four cents.

One year ago, April 25, 2000, the Federal debt stood at $5,714,810,000,000, Five trillion, seven hundred fourteen billion, eight hundred ten million.

Five years ago, April 25, 1996, the Federal debt stood at $5,092,768,000,000, Five trillion, ninety-two billion, seven hundred sixty-eight million.

Ten years ago, April 25, 1991, the Federal debt stood at $3,425,956,000,000, Three trillion, four hundred twenty-five billion, nine hundred fifty-six million.

Fifteen years ago, April 25, 1986, the Federal debt stood at $2,003,491,000,000, Two trillion, three billion, four hundred ninety-one million, which reflects a debt increase of more than $3.5 trillion, $3,678,425,012,004.34, Three trillion, six hundred seventy-eight billion, four hundred twenty-five million, twelve thousand, four dollars and thirty-four cents during the past 15 years.

ADDITIONAL STATEMENTS

IN HONOR OF NAVY LIEUTENANT SHANE OSBORN

• Mr. JOHNSON. Mr. President, I rise today to honor South Dakota's native son, Lt. Shane Osborn, the Navy pilot whose leadership and piloting skills saved the lives of the crew detained in China for the first part of April.

Even at three years of age, Shane exhibited a fascination with planes. Shane's family lived on a farm near Rapid City, South Dakota, where the farmer owned a small, two-seat aircraft. The hangar wasn't far from the house, and Shane would often climb into the plane and pretend to take to the skies in flight. This lifelong interest led Shane to the Navy where he trained as a pilot and was commissioned an officer in 1996.

Shane eventually was transferred to Whidbey Island Naval Station in Washington where he was trained to fly naval reconnaissance. As his Navy EP-3E plane recently flew a routine mission near the Chinese coast, it is reported that a Chinese F-8 fighter plane made two passes near the American aircraft, flying within three to five feet of the plane. On the third pass, the Chinese pilot apparently ran into the American plane's propeller, sending Shane and his crew into a steep dive.

With two of the four propellers out of commission, a smashed nose cone, and destroyed navigational instruments, the American plane dropped nearly 7,500 feet toward the China Sea. With sheer will and brute force, Shane managed to bring the plane under control and land safely on the Chinese island of Hainan.

During the ensuing days as Shane and his crew were held by Chinese officials, I spoke with the Chinese Ambassador and urged his government to release the American crew as quickly as possible. I also passed along to the Ambassador an email message Shane's father, Doug, wrote to his son. As the parent of a son in the military, I understood the fear and uncertainty one feels when their child is suddenly placed in harm's way. However, when I spoke with Doug Osborn, I was reminded also of the immense pride and love that a parent feels for their son or daughter in the military.

I commend Lt. Shane Osborn for his heroism in safely landing the disabled American plane and his leadership as mission commander during the 11 days the American crew was detained in China. Shane symbolizes the very best that we have come to expect from the men and women in our military. I will continue to be an advocate on military issues in Congress and make sure that military personnel like Shane receive the "quality of life" benefits they and their families deserve. After the numerous sacrifices the men and women in our military make for our country, we in Congress can be expected to do no less.•

HONORING CADET CHIEF PETTY OFFICER THEA I. PECK AS NAVAL SEA CADET CORPS CADET OF THE YEAR

• Mr. SANTORUM. Mr. President, I would like to extend my most sincere congratulations to Cadet Chief Petty Officer Thea I. Peck. On April 28, 2001, she will be awarded the Willis E. Reed Cadet of the Year Award, which recognizes the Naval Sea Cadet who has excelled in all areas of Naval Sea Cadet Corps, NSCC, training. She was initially selected as Mid-Atlantic Cadet of the Year for 2000 out of six states including Pennsylvania, which then lead to her selection as the program-wide Cadet of the Year. This recognition is outstanding as it exemplifies Cadet CPO Peck's leadership, maturity, dedication, and patriotism.

The NSCC was established in 1958 in part of the Department of the Navy to develop an appreciation for the United States' naval history, customs, traditions, and its significant role in national defense. Its purpose is also to develop patriotism, confidence, and pride in our nation's youth and help them to develop strong moral character and good citizenship. It also gives participants a real-life look at military opportunities.

Cadet CPO Peck has been a member of the Naval Sea Cadet Corps Program for over five years. She has completed several training courses over her tenure in the program including time spent at the Foreign Exchange Program with the United Kingdom and Medical Staff Training at Bethesda Naval Hospital. In all of her training periods, Cadet CPO Peck earned the highest performance marks illustrating her dedication to the program and the United States Navy.

In addition to excelling in the Naval Sea Cadet Corps, Cadet CPO Peck is an impeccable student. With a high school grade point average of 3.95, and as a student in all advanced classes, she has mastered time management and the ability to balance academics and outside activities. She has received a number of achievements for her work in various science fairs, and she is also an outstanding athlete, lettering in indoor track, swimming, lacrosse and soccer.

Cadet CPO Peck is a superior, well-rounded young adult who has chosen to take advantage of all that life has to offer. As a member of the Senate Armed Services Committee, I am grateful to Cadet CPO Peck for her dedication to the United States Navy through the Naval Sea Cadet Corps. With so many opportunities ahead after high school, I am confident that whichever avenue she chooses to pursue, she will bring great energy and leadership to it.

I ask my Senate colleagues to join with me in congratulating this fine young leader as she is recognized as the 2001 NSCC Cadet of the Year and recipient of the Willis E. Reed Award.•

HONORING REVEREND DR. KENNETH L. SAUNDERS, SR.

• Mr. CORZINE. Mr. President, I want to bring to the attention of my colleagues a great man in the State of New Jersey, Reverend Dr. Kenneth L. Saunders, Sr.

Reverend Saunders is a man of integrity who is committed to the spiritual, mental, social, civil and economic well-being of his congregation and residents of the City of Piscataway.

Reverend Saunders has dedicated his life to public service. As Council President of the City of Piscataway, he insures that everyone has a voice. Reverend Saunders is also an outstanding advocate for children and their families.

Reverend Saunders is a true American, who believes that all people should have access to America's Promise. He has the enviable gift of being able to bring people together to work for a common cause. Reverend Saunders is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

This week, Reverend Saunders is celebrating 12 wonderful years of pastoral ministry at North Stelton A.M.E. Church in Piscataway. Under his unparalleled guidance, North Stelton A.M.E. Church has experienced enormous growth and is a warm congregation filled with joy and love.

I want to also mention his wife, Mrs. Shirley Saunders and want you to know that they make an exceptional team. Her devotion to the community is very well-known, and the State of New Jersey is a better place because of the leadership of Reverend and Mrs. Kenneth L. Saunders, Sr.

Lastly, I am a better man today because of my friendship with Reverend and Mrs. Saunders, and it is an honor for me to bring them to your attention.•

PIKE COUNTY INDIANA SCHOOL CORPORATION

• Mr. LUGAR. Mr. President, I am delighted to rise today with my colleague Senator BAYH to congratulate the Pike County School Corporation located in Petersburg, IN on being named "One of the Best 100 School Districts in the United States" for the year 2000 by the Wall Street Journal and Offspring magazine. The Pike Country school administrators, teachers, and students should take great pride in this outstanding accomplishment. This award is based on academic excellence in standardized testing such as the SAT, ACT, Indiana's ISTEP+ test, the number of National Merit Scholars produced by the district, community living costs, and dollar expenditures per student.

In October 1996, I had the distinct honor of meeting with the student body at Pike Central Middle High School. I was able to address the student body and saw first hand the hard work and dedication of the school's administrators and teachers. After addressing the student body I had the pleasure of going for a run with a group of Pike County students. It's a high honor to be standing on the floor of the Senate today reflecting on that visit and recognizing Pike County schools for their outstanding achievements.

National recognition of Pike County's educational accomplishments is particularly timely as the Senate commences debate on President Bush's education program. The schools of Pike County have set standards that all school districts across this great nation should strive to emulate. Five years ago, Pike County School Corporation developed and implemented a district-wide plan to improve scores at all grade levels. They aggressively used standardized tests at all grade levels to ensure classroom standards were being met and student weaknesses were being addressed. Their efforts resulted in a significant increase in the percentage of students from Pike County meeting Indiana's academic standards. Also, the number of students attending college after high school graduation nearly doubled during the 1998–99 school year, the year that was used for the national study conducted by Offspring magazine.

Using Title 1 funds, the Pike County School Corporation developed an early-childhood program that targeted preschool and kindergarten children. Using a corporation-developed assessment process, four-year-old students were placed into the county's three elementary schools for half-day pre-school classes, with five-year-olds invited to participate in extended-day kindergarten. This program has played an important role in the dramatic rise of Pike County ISTEP+ test scores at the third grade level.

Additionally, and of particular note, Pike County School Corporation was able to accomplish these goals while spending approximately $6,500 per student year, one of the lowest spending rates per student in the country. As quoted from Offspring magazine, "the hallmark of a top-rated school district isn't necessarily how much money it has to spend, but how it spends the money it has."

This great recognition is a tribute to the superlative efforts of the members of the local school board, the school administration, teachers, and support staff of the PCSC. I congratulate Pike County School Corporation and the Pike County community, and wish them continued academic success.•

NALC FOOD DRIVE STATEMENT

• Mrs. BOXER. Mr. President, this year marks the ninth anniversary of "Stamp Out Hunger," the largest one-day food drive in the United States. I strongly commend and congratulate the National Association of Letter Carriers, NALC, for sponsoring this annual event, and marvel at its rapid expansion, beginning in only ten cities in 1992, it now spans over 10,000 cities and towns across our nation.

More than 1,500 NALC branches, including the California State Association of Letter Carriers in my home State, will participate in this year's "Stamp Out Hunger." On May 12, the second Saturday in May, residents across the country will be asked to place boxes and bags of food next to their mailboxes, where postal workers will pick them up, sort them, and deliver them to community food banks, shelters and pantries.

The success of this program can be seen in the staggering volume of donations: more than 392 million pounds of food have been collected in the program's history. However, what impresses me most is the strong commitment of our nation's postal workers and citizens to end hunger. The only way we will put an end to poverty is to follow their example and take action, become involved, make a concerted effort. I urge all Americans to participate in "Stamp Out Hunger" on May 12 to put an end to the poverty that is plaguing far too many children, men and women in our communities and across our nation.•

EISLEBEN LUTHERAN CHURCH

• Mr. BOND. Mr. President, I rise to make a few comments on the 150th anniversary of the Eisleben Lutheran Church in Scott City, MO.

Since the first congregation of nineteen members gathered on April 30th 1848, Eisleben Lutheran Church has grown to become a part of Missouri history. Eisleben Lutheran Church's first house of worship was a log cabin built in the area now known as Scott City. The area surrounding the church was mostly wooded hills and large swamps which were impassible much of the year. In 1867 the second facility known as Rock Church was built.

Today the congregation worships in a church that was completed in 1913 using the stones from the original Rock Church. The congregation of the Eisleben Lutheran Church have maintained a long history of service to the Scott City community, as well as the international community by supporting missionary efforts all over the world.

Over the past 150 years Eisleben Lutheran Church has witnessed and been a part of many historical events. Their devotion to the preservation and continued growth of the church is commendable. I am pleased to join with the Scott City community and the State of Missouri in congratulating the congregation of the Eisleben Lutheran Church.•

WILSON H.S. STUDENTS EXCEL IN COMPETITION

• Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from Wilson High School in Florence, SC who recently participated in the "We the People . . . The Citizen and the Constitution" national finals in Washington, D.C. April 21–23. They tested their knowledge of American constitutional government against 49 other student groups from across the country in a familiar format to those of us in the Senate, a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Fifteen students, led by their teacher Yvonne Rhodes, represented Wilson at the competition. They were: Lakisha Boston, Lynette Carr, Christine Chen, Rebecca Derrick, Ashunti Drummond, Elizabeth Fortnum, Albert Hayward, Anthony Henderson, Benjamin Ingram, Janny Liu, Christina Moss, Jason Owens, Anna Stewart, Tyler Thomas and Dheepa Varadarajan. I commend these students for their impressive performance in the "We the People . . . The Citizen and the Constitution" program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.•

GARFIELD MIDDLE SCHOOL 50TH ANNIVERSARY

• Mr. DOMENICI. Mr. President, I rise today to ask my colleagues to join me in congratulating Garfield Middle School in Albuquerque, which is celebrating its 50th anniversary today, April 26. Built to serve Albuquerque's growing North Valley, the school first opened for the 1950–51 school year. First built with the intention of serving as an elementary school, Garfield actually became the fourth public junior high school to open in my hometown.

Mr. Walter McNutt was Garfield Middle School's first principal. It was under this distinguished man that I served as a public school teacher shortly after graduating from the University of New Mexico. I taught math and coached baseball at the school in the 1955–56 school year.

The Garfield Middle School's long-held mission has been to foster a sense of community among its students, parents and school staff as a means of boosting pupil achievement.

With a multi-cultural enrollment ranging over the years from 650–1,200 students, Garfield has earned a number of award-winning and nationally-recognized programs.

I am proud to also point out that Garfield is actively involved in a program that is close to my heart, Character Counts. The school is nationally recognized as having one of the finest Character Counts programs in the United States. At the school they teach the six pillars of good character: responsibility, respect, trustworthiness, fairness, citizenship, and caring.

I applaud Garfield Middle School for its accomplishments and as it celebrates its 50th Anniversary, we wish them much continued success in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 503. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

The message further announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HOYER of Maryland, Mr. CARDIN of Maryland, Ms. SLAUGHTER of New York, and Mr. HASTINGS of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. TAYLOR of Mississippi.

The message further announced that pursuant to section 5(b) of the James Madison Commemoration Commission Act (Public Law 106–550), the Speaker appoints of the following members on the part of the House of Representatives to the James Madison Commemoration Advisory Committee: Dr. Charles R. Kesler of Claremont, California and Mr. Randy Wright of Richmond, VA.

The message also announced that pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143), and upon the recommendation of the Minority Leader, the Speaker appoints the following citizen of the United States to the First Flight Centennial Federal Advisory Board: Mr. Neil Armstrong of Lebanon, Ohio.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1614. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidelines on Leveraged Lease Advance Rulings" (Rev. Proc. 2001–28) received on April 24, 2001; to the Committee on Finance.

EC–1615. A communication from the Administrator of the National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report concerning a High-Energy-Density Physics Study; to the Committee on Appropriations.

EC–1616. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a report of the designation of acting officer in the position of Administrator, Federal Insurance Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC–1617. A communication from the Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Equal Employment Opportunity; Updating of EEO Policies and Procedures" (RIN2501–AC73) received on April 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1618. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Director of Defense Research and Engineering, Department of Defense; to the Committee on Armed Services.

EC–1619. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Under Secretary of Defense (Comptroller); to the Committee on Armed Services.

EC–1620. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, International Security Affairs; to the Committee on Armed Services.

EC–1621. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Army; to the Committee on Armed Services.

EC–1622. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a confirmed nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1623. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary of Defense; to the Committee on Armed Services.

EC–1624. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a discontinuation of service in acting role in the position of Assistant Secretary of Defense, Strategy and Threat Reduction; to the Committee on Armed Services.

EC–1625. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Force Management Policy; to the Committee on Armed Services.

EC–1626. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Secretary of Defense, Command, Control, Communication, and Intelligence; to the Committee on Armed Services.

EC–1627. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense, Legislative Affairs; to the Committee on Armed Services.

EC–1628. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Public Affairs; to the Committee on Armed Services.

EC–1629. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Packaging and Transfer or Transportation of Materials of National Security Interest" (DOE O 461.1 and DOE M 461.1) received on April 18, 2001; to the Committee on Armed Services.

EC–1630. A communication from the Financial Analysis Technician, Michigan Air National Guard, transmitting, a report relative to Economic Impact Analysis of the 110 Fighter Wing for Fiscal Year 2000; to the Committee on Armed Services.

EC–1631. A communication from the Acting Special Assistant to the Secretary of Defense for Gulf War Illnesses, Medical Readiness, and Military Deployments, transmitting, a commemorative edition of "GulfNEWS"; to the Committee on Armed Services.

EC–1632. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monticello, Arkansas, and Bastrop, Louisiana)" (Doc. No. 99–141) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Jacksonville, NC)" (Doc. No. 01–3) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kankakee and Park Forest, Illinois)" (Doc. No. 99–330) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (New Iberia, LA)" (Doc. No. 01–2) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Prohibited Area P–49 Crawford; Texas" ((RIN2120–AA66) (2001–0063)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Preparedness Training and Exercise Director; to the Committee on Environment and Public Works.

EC–1640. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Inspection and Maintenance Program" (FRL6924–3) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1641. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Rhode Island; Plan for Controlling Emissions From Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6941–1) received on April 23, 2001; to the Committee on Environment and Public Works.

EC–1642. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Illinois" (FRL6970–6) received on April 23, 2001 ; to the Committee on Environment and Public Works.

EC–1643. A communication from the Acting Director of the Trade and Development Agency, transmitting, the report or a vacancy and the designation of acting officer for the position of Director; to the Committee on Foreign Relations.

EC–1644. A communication from the Acting Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–20. A resolution adopted by the House of the Legislature of the State of Utah relative to Indian Health Services; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearance have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once is it designated and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical service, diagnosis and laboratory services, short stay nursing beds, dental physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness if the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters to constructed at the same time as the health center in order for the clinic to open with adequate staffing: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the United States Congress to appropriate $48 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-21. A joint resolution adopted by the Legislature of the State of Utah relative to the Presidential tax relief plan; to the Committee on Finance.

House Resolution No. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime;

Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40–50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expending the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners:

Now therefore, be it *Resolved*, That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush.

Be it further *Resolved*. That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-22. A joint resolution adopted by the Legislature of the State of Utah relative to the repealing, rescinding, and superseding of any and all existing applications to Congress for a constitutional convention previously made; to the Committee on the Judiciary.

House Resolution No. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: now, therefore, be it

Resolved, By the Legislature of the state of Utah that any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of the constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and canceled and rendered null and void to the same effect as if the applications had never been made; be it further

Resolved, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; and be it further

Resolved, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-23. A joint resolution adopted by the Legislature from the State of Utah relative to a standard national poll closing time; to the Committee on Rules and Administration.

House Resolution No. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida had closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory: now, therefore, be it

Resolved, that the Legislature of the State of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

Resolved, that the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; and be it further

Resolved, that a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-24. A joint resolution adopted by the Legislature of the State of Utah relative to the enhancement and modernization of Social Security; to the Committee on Finance.

House Resolution No. 2

Whereas, Social Security is a federal program that requires almost unanimous participation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first $3,000 of a worker's income, up to a maximum of $30 per year, to the present rate of 12.4% of the first $80,400 of employee wages or self-employment income up to a maximum of $830.80 per month or $9,969.60 per year.

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of $30,000 would yield an estimated monthly Social Security retirement tax cost of $300 per month.

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately $1,400 per month, and the average monthly retirement benefit currently at about $845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach $21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of paying into the system, a worker retains no legal right nor claim to any amount or benefit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit ("widow(er)" benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned accounts grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned accounts can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term-generational wealth accumulation:

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain municipalities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security: now, therefore, be it

Resolved, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option. Be it further

Resolved, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients. Be it further

Resolved, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account. Be it further

Resolved, That a copy of this resolution be sent to the Speaker of the United States House of Representative, the President of the United States Senate, and the members of Utah's congressional delegation.

POM-25. A concurrent resolution adopted by the State of Utah relative to remembering those affected by Cold War nuclear testing; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahns and many other citizens of the United States of America living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated. Be it further

Resolved, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy. Be it further

Resolved, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

POM-26. A concurrent resolution adopted by the Legislature of the State of Utah relative to the appropriation of funds; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, $22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional $5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter of the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahans of the devastating economic impact of the state's cricket and grasshopper infestation. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

POM–27. A concurrent resolution adopted by the Legislature of the State of Utah relative to environmental preservation; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and the Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell and Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam. Be it further

Resolved, That the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam or Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir. Be it further

Resolved, That the Legislature and the Governor urge Congress and Department of Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir. Be it further

Resolved, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

POM–28. A joint resolution adopted by the Legislature of the State of Maine relative to Support Pay Equity; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the average American woman who works full time earns approximately 74¢ for each dollar that an average man earns working full time, and the average woman working full time in Maine earns approximately 73¢ for each dollar that an average man working full time in Maine earns; and

Whereas, the significant pay gap between men and women performing jobs of comparable skill, effort and responsibility, even when wages are adjusted for levels of education, contributes to the disproportionately high poverty rate among women and children in the State and across the Nation; and

Whereas, Congress has found that the gender-based wage gap depresses living standards for American women and their families, harms their health and efficiency, prevents the maximum utilization of available labor resources and tends to cause labor disputes, thereby burdening, affecting and obstructing commerce and creating unfair methods of competition; and

Whereas, justice requires that women be paid fairly for the value of their work; and

Whereas, the average wage gap between men and women has continued for decades without significant improvement, notwithstanding federal and state laws that prohibit discrimination in compensation for equal work on the basis of sex, including the federal Fair Labor Standards Act of 1938, Title VII of the federal Civil Rights Act of 1964 and the Maine Revised Statutes, Title 26, section 628; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States strengthen efforts to ensure that women are paid fairly for their work; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 319: A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity. (Rept. No. 107–13).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security.

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

Lincoln P. Bloomfield, Jr., of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health , Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses and individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. MURKOWSKI, and Mr. JOHNSON):

S. 785. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Ms. STABENOW, Mr. HARKIN, Mr. KERRY, Mr. LEAHY, Mr. WYDEN, Mr. REED, Mr. TORRICELLI, and Mr. CORZINE):

S. 786. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance.

By Mr. SCHUMER:

S. 788. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. BOND, and Mr. SMITH of New Hampshire):

S. 790. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 793. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. GRASSLEY, and Mr. BAUCUS):

S. 794. A bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry; to the Committee on Finance.

By Mr. THOMPSON (for himself, Ms. COLLINS, Mr. CONRAD, Mr. FRIST, Mrs. LINCOLN, Mr. DEWINE, and Mr. KERRY):

S. 795. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 76. A resolution congratulating the Eagles of Boston College for winning the 2001 men's ice hockey championship; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 77. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental affairs; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH):

S. Con. Res. 34. A concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 19, a bill to protect the civil rights of all Americans, and for other purposes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

S. 99

At the request of Mr. KOHL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 237

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 247

At the request of Mr. HARKIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 270

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 413

At the request of Mr. COCHRAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Michigan (Mr. LEVIN), and the Senator from Wyoming (Mr. THOMAS) were added as a cosponsors of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 466

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 515

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 515, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 525

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 525, a bill to expand trade benefits to certain Andean countries, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 580

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Hawaii (Mr. INOUYE) were added as a cosponsors of S. 580, a bill to expedite the construction of the World War II memorial in the District of Columbia.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 767

At the request of Mr. REED, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 767, a bill to extend the Brady background checks to gun shows, and for other purposes.

S.J. RES. 7

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. KYL) were added as a cosponsors of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 19

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $3,400,000,000 in fiscal year 2002.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as "National Crazy Horse Day."

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as a cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. KENNEDY, Mr. SCHUMER, Mrs. CLINTON, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator HAGEL, Senator SCHUMER, and Senator CLINTON in introducing legislation to extend section 245(i), a vital provision of U.S. immigration law, which enables persons who are eligible for green cards to adjust their status in the U.S., rather than have to return to their country of origin to do so. Last year, Congress made a major effort to bring greater fairness to the nation's immigration laws. The Legal Immigration Family Equity Act was a sensible compromise worked out on a bipartisan basis to deal with many of the injustices that have been so harmful and so unfair to so many immigrant families in recent years. Included in the legislation was a partial restoration of 245(i).

Under last year's legislation, however, immigrants are required to file their petition by April 30th to qualify for 245(i). This fast-approaching deadline is causing fear and confusion around the country. Eligible immigrants are struggling to file their petitions by April 30th, but little time remains. Across the country, we hear that many qualified persons will not be able to file their petitions by this deadline, because not enough attorneys and legal service organizations are available to handle their cases.

The legislation we are introducing will extend the deadline to April 30, 2002, and provide needed and well-deserved relief to members of our immigrant communities. Spouses, children, parents and siblings of permanent residents and U.S. citizens will be able to adjust their status in the U.S., and avoid needless separation from their loved ones. Similarly, businesses will be able to retain valued employees. In addition, the INS will receive millions of dollars in additional revenues, at no cost to taxpayers.

Extending the section 245(i) deadline is pro-family and pro-business, and it is also good economic policy and good immigration policy. It is consistent with the goal of legislation to reunite immigrant families.

Representatives PETER KING and CHARLES RANGEL have introduced similar legislation in the House. Congress needs to act quickly to pass this important legislation. I hope that our Republic and Democratic colleagues will join us in supporting this needed extension.

By Mr. INOUYE:

S. 779. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified hospital support organizations the debt-financed property rules that currently apply to tax-exempt education institutions and pension funds. This measure is of great importance to the 18,000 inpatients and the more then 200,000 outpatients who receive health care services from the Queen's Health System of Hawaii. Currently, Federal tax laws that were enacted in 1969 stand between the wishes of Queen Emma Kaleleonalani who, in 1885, bequeathed land to the Queen Emma Foundation to support the Queen's Health System, and the citizens of Hawaii who depend on the Queen's Health System for health care services.

The foundation is a nonprofit, tax-exempt, public charity. Its purpose is to support and improve health care services in Hawaii by committing funds generated by foundation-owned properties to the Queen's Medical Center, an accredited teaching hospital in Honolulu that maintains an emergency room open to all, regardless of ability to pay, and that admits Medicare and Medicaid patients. The foundation and the medical center are members of the Queen's Health Systems, which also operates Molokai General Hospital, a small community hospital on the island of Molokai. Additionally, Queen's operates clinics on various islands, provides home health care services, supports nursing programs at Hawaiian colleges and universities, operates a medical library, holds health fairs, and provides other educational services for the benefit of the Hawaiian community.

Presently, the funds that enable the foundation to support these services are generated by Foundation-owned properties that were bequeathed more than 100 years ago by Queen Emma. Most of the foundation's land is now encumbered by long-term, fixed-rent commercial and industrial ground leases. The returns from these ground leases are extremely low, and under their terms, the foundation is unable to increase rents to keep pace with the appreciation of land values in Hawaii. The foundation would like to increase its cash flow by buying out the current leases and re-leasing the land at existing market rates. The foundation would also like to upgrade the improvements on its lands to further enhance their revenue-generating potential. However, current debt-financed property rules under the unrelated business income tax would subject the revenues earned by the foundation from its improved properties to income tax, significantly reducing the funds available to the foundation to meet its obligation to provide quality health care services to the citizens of Hawaii.

Colleges, universities, and pension funds are currently exempt from the debt-financed property rules. The foundation seeks the same treatment that presently applies to educational institutions and pension funds. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualifed organization) is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “; or”, and by adding at the end the following new clause:

“(iv) a qualified hospital support organization (as defined in subparagraph (I)).”.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term ‘qualified hospital support organization’ means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

“(i) more than half of its assets (by value) at any time since its organization—

“(I) were acquired, directly or indirectly, by gift or devise, and

“(II) consisted of real property, and

“(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term ‘eligible indebtedness’ means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INHOFE:

S. 780. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce legislation that would create a new era in charitable giving across America. My bill, the Neighbor to Neighbor Act, includes provisions that would allow tax-free distribution of IRA accounts for charitable purposes, and give nonitemizers the same deduction that itemizers enjoy. It would also allow the deduction for charitable gifts of long-term capital gain property to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. It would increase the carryover period for charitable deductions from five years to ten years; and it would exclude a charitable deduction from the three percent reduction rule. My bill would allow a taxpayer to deduct charitable contributions up until April 15th, and finally, the Neighbor to Neighbor Act would repeal the current two percent excise tax on private foundations.

My bill would greatly simplify one of the most complex provisions in the tax code. The tax code should reward the generosity of good-hearted Americans, it should not penalize those who choose to give to those in need.

IRA account owners would be permitted to make distributions from their IRAs directly to charities, either outright, or in exchange for a charitable gift annuity, a charitable reminder trust, or pooled income fund in the Neighbor to Neighbor Act. According to the Employer Benefit Research Institute, there are currently more than one trillion dollars in IRA accounts and five trillion dollars in defined contribution accounts, which can be rolled into IRA accounts.

I have numerous examples, totaling hundreds of millions of dollars, from people who have wanted to donate their excess IRA assets to charity, but were unable to because of the current tax penalties For example, the ability to rollover an IRA to charity would mean literally millions of dollars for Boston College. Syracuse University lost a 1.5 million-dollar gift because the donor could not rollover his IRA into a charitable remainder trust.

A 71-year-old male donor with a 1.3 million IRA wanted to make a life income gift to a major public university in Texas. He wanted to receive annual income payments that would help ensure the care of his wife, who is in the early stages of Alzheimer's. Given the tax consequences of such a gift under current law, the donor has not been able to make the charitable contribution.

The husband of a hospital volunteer at a medical center in Tennessee would like to establish a charitable trust to benefit cancer research in honor of his last wife. He wants to use retirement plan assets of 1.8 million to establish this cancer research fund, to provide himself with annual payments for retirement income, and to reduce the tax burden on his heirs, would be greater for IRA assets than other appreciated securities. He has been advised against such a gift because of tax disincentives under current law.

These are just a few examples of how the current law levies significant taxes and presents serious disincentives to charitable gifts of these assets. Under current, law, any IRA withdrawal is fully taxable as ordinary income in the year in which it occurs. A donor who withdraws IRA assets in order to make a charitable gift is subject to tax on the entire amount withdrawn. Under very best of circumstances, this amount might be offset by a charitable deduction, but even then there are significant limitations.

My bill, which allows the tax-free distribution of individual IRA accounts for charitable purposes, is good public policy. Although IRA assets were originally intended as a supplement to retirement income, withdrawal is now allowed, under certain circumstances, to assist in financing a home or a college education. It is equally appropriate for public policy to allow financially successful individuals, who have reached a point where IRA and other tax-deferred retirement assets are not needed for retirement, to use those assets, not for personal benefit, but to support charities that better the lives of others.

The Neighbor to Neighbor Act would also allow donors who make charitable contributions, but do not itemize their federal income tax deductions, to be entitled to a "direct" charitable contribution deduction. Since three out of four taxpayers do not itemize, the charitable deduction is not available to most taxpayers. A report by Price Waterhouse Coopers estimates that the deduction for nonitemizers would translate into 11 million more donors, and could increase giving by as much as 14.6 billion dollars in one year.

The deduction also does not provide an equal treatment for all donors, and it encourages fundraising efforts to focus on a small group of potential donors. By expanding the charitable contribution deduction for nonitemizers, the playing field would be level for all donors, and would lessen the role of government and the political process in charitable giving.

People should not face disincentives that burden charitable giving. My bill would allow the deduction for gifts of long-term capital gain property to public charities to be subject to an annual limit of 50 percent of adjusted gross income instead of the current 30 percent limitation. In addition, the carryover period for charitable deductions that cannot be fully used in a given tax year, due to the applicable percentage limitation, would be increased from the current five year to 10 years.

The current percentage limitations on the deductibility of charitable contributions of long-term capital gain property to public charities, coupled with the reduction in the tax rates applicable to realized, long-term capital gains, are having a chilling effect on immediate charitable giving, the former reduces the incentive to make relatively large gifts of capital assets in the current year if the donor's contribution base is relatively small, compared to the value of the gift that could be made.

For example, just since last June, at Embry-Riddle Aeronautical University, four individuals have indicated an interest in giving amounts ranging from one to three million dollars. These individuals have not yet given because of the tax disincentives of the 30 percent rule; they can only deduct charitable contributions up to 30 percent of their adjusted gross income.

By increasing the income tax charitable deduction reduction percentage for contributions of long-term capital gain property to public charities from 30 percent to 50 percent of the donor's contribution base, gifts of highly-appreciated assets will be put on par with gifts of cash, and the tax law will again boost private philanthropy in America.

The Neighbor to Neighbor Act would also allow a taxpayer to deduct, for the current year, charitable contributions made up to the time for filing the taxpayer's federal income tax return for that tax year. Currently, taxpayers may contribute to their IRAs up until April 15th and still receive a deduction. Charitable donations should have the same tax treatment.

Finally, this bill would repeal the excise tax imposed on the investment income of private foundations. Private foundations are section 501(c)(3) charities that fund the work of a full range of charitable activities across the country. They are often founded by individuals or families, and their income stream comes primarily, if not entirely, from earnings on their investments.

Repeal of the excise tax would have the effect of increasing charitable contributions by hundreds of millions of dollars every year. This is because private foundations are required, annually, to pay out five percent of their assets in charitable distributions, and since the excise tax counts as a credit toward the distribution requirement, repeal would require an increase in charitable distributions by an equal amount.

The excise tax was originally enacted in 1969 as an "audit fee," intended to offset the cost of IRS oversight of private foundations. But today, the tax collects far more than the IRS needs to conduct audits. In 1999, the excise tax produced 500 million dollars in revenue. And this year, the budget of all exempt-organization activities at the IRS is only 59 million dollars. Moreover, audits of private foundations fell from 1,200 in 1990 to 191 in 1999. This "audit fee" is not being used for its intended purpose.

The wayward use of these revenues is a good reason to repeal the tax, but not as important as the work we increasingly call on charities to perform. With the focus of the President and the Congress on charitable giving, I believe passage of the Neighbor to Neighbor Act would be one of the most effective steps we could take.

If we hope that charities will join state and federal government efforts to provide services for disadvantaged people and otherwise address important societal needs, then Congress should enhance the tax incentives that encourage voluntary philanthropy. Private foundations, like public charities, are publicly supported to the extent that they receive tax preferences. The provisions of the Neighbor to Neighbor Act are reasonable, efficient steps that will help charities address our common challenges; challenges we increasingly call on individuals and the private sector to take.

In an article for The Journal of Gift Planning, President Bush stated, "I believe that the government's highest calling is often simply to do no harm—to instead be an enabler, a catalyst that creates a climate that allows America's nonprofits to flourish. A government that serves those who are serving their brothers and sisters. A government that rallies the armies of compassion to heal our nation's ills, one heart and one act of kindness at a time." I believe that the Neighbor to Neighbor Act does just that, and I urge my colleagues to join me in support of this legislation.

By Mr. AKAKA (for himself and Mr. JEFFORDS):

S. 781. A bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation along with Senator JEFFORDS that would extend the authority of the Department of Veterans Affairs Home Loan Guaranty Program for members of the Selected Reserve.

I am proud to be the author of the original legislation enacted in 1992 to extend eligibility for the VA Home Loan Guaranty Program to National Guard and Reserve members. Tens of thousands of dedicated reservists who served for at least six years, and continue to serve or have received an honorable discharge, have been able to fulfill their dream of home ownership through this program. The participation of Guard and Reserve members not only benefits these service members, but also stabilizes the financial viability of the program since this group has had a lower default rate than most other program participants. Furthermore, the program serves as an important recruiting incentive for the National Guard and Reserve.

In the 106th Congress, Senator JEFFORDS and I introduced legislation which resulted in the authorization for the program being extended through September 30, 2007. While this was a step in the right direction, using the benefit for a recruiting incentive will no longer be possible since the authority expires in six years and reservists are required to serve for at least six years before they qualify for VA-guaranteed loans. In order to continue using this program as a recruiting incentive for a few more years, I am introducing legislation along with Senator JEFFORDS that would extend the authority for the program through September 30, 2015.

The VA Home Loan Guaranty Program is an important component of a benefits package which makes Guard and Reserve service more attractive to qualified individuals. This is of particular importance during a time when the civilian sector is competing for the same pool of limited applicants, as well as when our military needs are becoming increasingly technical, demanding only the most intelligent, motivated, and competent individuals. An extension of the authority will assist the National Guard and Reserve with their recruitment efforts.

I urge my colleagues to support this measure which would recognize the vital contributions of National Guard and Reserve members to our country, as well as ensure that VA-guaranteed housing loans can continue to be used as a recruiting incentive.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.

Section 3702(a)(2)(E) of title 38, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2015".

By Mr. INOUYE:

S. 782. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Americans with Disabilities Act, ADA, Notification Act. This bill would amend the ADA by including a notice requirement for violations of the ADA before a court could assume jurisdiction over the dispute. This would allow businesses the opportunity to bring properties into compliance without having to face costly litigation.

The ADA currently does not contain a notice requirement, but allows plaintiffs to sue owners of non-compliant businesses immediately. While the public accommodations provisions in Title III of the ADA do not allow plaintiffs to collect damages for violations of any of its access standards, they do permit lawyers to collect attorneys fees. The lack of a notice requirement has encouraged a number of lawyers to sue businesses over infractions that are inexpensive to remedy, but for which the businesses must pay costly plaintiffs' attorneys' fees and expenses.

I believe this legislation is a reasonable means to ensure that businesses will be given notice of violations of the ADA and the opportunity to comply with the ADA before costly litigation is begun. This would foster greater compliance with the ADA by allowing businesses to expend their resources on making their properties more accessible to the disabled, rather than on attorneys' fees.

Please be assured that I simply want to close a loophole in the ADA that unscrupulous lawyers have exploited. I do not suggest or approve of any changes to the ADA that would weaken its substantive requirements for reasonable accommodation to persons with disabilities. We must ensure that the progress begun more than a decade ago continues as we work to make public accommodations more accessible to everyone.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSON, Mr. SCHUMER, and Mr. HARKIN):

S. 783. A bill to enhance the rights of victims in the criminal justice system, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators FEINGOLD, MURRAY, JOHNSON, SCHUMER and HARKIN. Our bill, the Crime Victims Assistance Act of 2001, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims Witness Protection Act of 1982; the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Victims with Disabilities Awareness Act of 1998; and the Victims of Trafficking and Violence Protection Act of 2000.

The legislation that we introduce today, the Crime Victims Assistance Act of 2001, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting.

Finally, the Crime Victims Assistance Act would make several significant amendments to the Victims of Crime Act, VOCA, and improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal years, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act replaces the cap with a formulaic approach, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

The Judiciary Committee has held several hearings over the last five years on a proposed constitutional amendment regarding crime victims. Unfortunately, the Committee has devoted not a minute to consideration of legislative initiatives like the Crime Victims Assistance Act, which Senator KENNEDY and I first introduced in the 105th Congress, to assist crime victims and better protect their rights. Like many other deserving initiatives, it has taken a back seat to the constitutional amendment debate that continues.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. One notable exception was the Victims of Trafficking and Violence Protection Act of 2000, which included a Leahy-Feinstein amendment dealing with support for victims of international terrorism. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I would like to acknowledge several individuals and organizations that have been extremely helpful with regards to the legislation that we are introducing today: Dan Eddy, National Association of Crime Victim Compensation Boards; Steve Derene, Wisconsin Department of Justice Office of Crime Victims Services; Susan Howley, National Center for Victims of Crime; and John Stein, National Organization for Victim Assistance. I would also like to thank Kathryn M. Turman, the Acting Director for the Office for Victims of Crime, and Heather Cartwright and Carolyn Hightower of that office, for their work on this project.

While we have greatly improved our crime victims assistance programs and made advances in recognizing crime victims rights, we still have more to do. That is why it is my hope that Democrats and Republicans, supporters and opponents of a constitutional amendment on this issue, will join in advancing this important legislation through Congress. We can make a difference in the lives of crime victims right now, and I hope Congress will make it a top priority and pass the Crime Victims Assistance Act before the end of the year.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Crime Victims Assistance Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention.
Sec. 102. Right to a speedy trial.
Sec. 103. Right to consult concerning plea.
Sec. 104. Enhanced participatory rights at trial.
Sec. 105. Enhanced participatory rights at sentencing.
Sec. 106. Right to notice concerning sentence adjustment.
Sec. 107. Right to notice concerning discharge from psychiatric facility
Sec. 108. Right to notice concerning executive clemency.
Sec. 109. Procedures to promote compliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws.
Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.
Sec. 203. Restorative justice grants.
Sec. 204. Funding for Federal victim assistance personnel.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime victims fund.
Sec. 302. Crime victim compensation.
Sec. 303. Crime victim assistance.
Sec. 304. Victims of terrorism.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) RIGHT TO CONSULT CONCERNING DETENTION.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

"(2) A responsible official shall—

"(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

"(B) consult with a victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.".

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking "and" at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

"(4) the views of the victim; and"; and

(B) by adding at the end the following:

"(k) VIEWS OF THE VICTIM.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any.".

(2) in section 3156(a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) the term "victim" includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).".

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

"(v) The interests of the victim (as defined in section 10607(e)(2) of title 42, United States Code) in the prompt and appropriate disposition of the case, free from unreasonable delay.".

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) RIGHT TO CONSULT CONCERNING PLEA.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

"(A) the impact on public safety and risks to personal safety;

"(B) the number of victims;

"(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions;

"(D) whether time is of the essence in negotiating or entering a proposed plea; and

"(E) whether the victim is a possible witness in the case and the effect that relaying any information may have upon the right of the defendant to a fair trial.".

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

(2) by inserting after subdivision (f) the following:

"(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.

"(d) STANDING.—

"(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

"(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

"(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for delaying a criminal proceeding.".

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.— Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses."; and

(2) in paragraph (5), by striking "attorney" and inserting "the attorney".

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and".

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E), by striking "if the sentence is to be imposed for a crime of violence or sexual abuse,"; and

(2) by amending subdivision (f) to read as follows:

"(f) DEFINITION. For purposes of this rule, 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

"(1) a parent or legal guardian if the victim is below the age of eighteen years or incompetent; or

"(2) one or more family members or relatives designated by the court if the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (A) and inserting:

"(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;".

SEC. 107. RIGHT TO NOTICE CONCERNING DISCHARGE FROM PSYCHIATRIC FACILITY.

Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended by striking subparagraph (B) and inserting:

"(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;".

SEC. 108. RIGHT TO NOTICE CONCERNING EXECUTIVE CLEMENCY.

(a) NOTICE.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990, as redesignated by section 103 of this Act, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and".

(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

SEC. 109. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section:

(1) COMPLIANCE AUTHORITY.—The term "compliance authority" means one of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term "Director" means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term "Office" means the Office for Victims of Crime.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant and an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(B) a strategic plan for the year following the year covered under subparagraph (A); and

(C) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an

evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) Report.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) Grant Period.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section, to remain available until expended, $8,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003, 2004, and 2005.

(2) Evaluations.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404C the following:

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

"(a) In General.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

"(b) Integration of Systems.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C)—

"(1) $10,000,000 for fiscal year 2002;

"(2) $5,000,000 for fiscal year 2003; and

"(3) $5,000,000 for fiscal year 2004.

"(d) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

SEC. 203. RESTORATIVE JUSTICE GRANTS.

The Victims of Crime Act of 1984 is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. RESTORATIVE JUSTICE GRANTS.

"(a) In General.—The Director may make grants as provided in section 1404(c)(1)(A) of this title to States, units of local government, tribal governments, and qualified private entities for the development and implementation of community-based restorative justice programs in juvenile justice systems.

"(b) Community-Based Restorative Justice Program.—In this section, the term 'community-based restorative justice program' means a program based upon principles of restorative justice and a concern for maintaining offenders safely in the community.

"(c) Mission.—The mission of a program developed and implemented under a grant under this section shall be to—

"(1) protect the community through processes in which individual victims, offenders, and the community are all active participants;

"(2) ensure accountability of the offenders to their victims and community; and

"(3) equip offenders with the skills needed to live responsibly and productively.

"(d) Voluntary Programs.—A program funded under this section shall be fully voluntary for both victims and offenders.

"(e) Report.—The Office for Victims of Crime shall conduct a study and report to Congress not later than 3 years after the date of enactment of this Act on the effectiveness of programs that receive grants under this section.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, in addition to funds made available by section 1402(d)(4)(C) of this title, $4,000,000 for each of fiscal years 2002, 2003, and 2004.

"(g) False Claims Act.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.".

SEC. 204. FUNDING FOR FEDERAL VICTIM ASSISTANCE PERSONNEL.

(a) In General.—There are authorized to be appropriated such sums as may be necessary to enable the Attorney General, through the Director of the Office for Victims of Crime, to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies.

(b) Victims Assistance.—Employees retained pursuant to this section shall provide assistance to victims of criminal offenses investigated or prosecuted by a Federal law enforcement agency and otherwise improve services for the benefit of crime victims in the Federal system.

(c) Allocation of Employees.—Full-time and full-time equivalent employees retained pursuant to this section shall be assigned by the Director of the Office for Victims of Crime, as needed, in Federal law enforcement agencies, including—

(1) 170 to the United States Attorneys Offices; and

(2) 120 to the Federal Bureau of Investigation in field offices in Indian country (as defined in section 1151 of title 18, United States Code) and other field offices that handle investigations involving large numbers of victims, and in the Headquarters Divisions.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

SEC. 301. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) any gifts, bequests, or donations to the Fund from private entities or individuals.".

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended—

(1) in the second sentence—

(A) by striking "made available for obligation by Congress" and inserting "obligated"; and

(B) by inserting "in reserve" after "shall remain"; and

(2) by adding at the end the following: "Subject to the availability of money in the Fund, the Director shall make available pursuant to this Act, not less than 90 percent nor more than 110 percent of the total amount of funds made available for obligation in the previous fiscal year.".

(c) Funding for Victim Assistance Personnel.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is repealed.

(d) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) in subparagraph (A), by striking "48.5" and inserting "47.5";

(2) in subparagraph (B), by striking "48.5" and inserting "47.5"; and

(3) in subparagraph (C), by striking "3" and inserting "5".

(e) Antiterrorism Emergency Reserve.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

"(4)(A) Notwithstanding subsection (c), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund as an antiterrorism emergency reserve fund. The Director may replenish any amounts expended in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year.

"(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B (42 U.S.C. 10603b) and to provide compensation to victims of international terrorism under section 1404C (42 U.S.C. 10603c).".

SEC. 302. CRIME VICTIM COMPENSATION.

(a) Allocation of Funds for Compensation and Assistance.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended—

(1) in each of paragraphs (1) and (2), by striking "40" and inserting "60"; and

(2) in paragraph (3), by striking "5" and inserting "10".

(b) Relationship of Crime Victim Compensation to Means-Tested Federal Benefit Programs.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

"(c) Exclusion From Income, Resources, and Assets for Purposes of Means Tests.—Notwithstanding any other law, for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.".

(c) Conforming Amendment.—Section 1403(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(4)) is amended by inserting "the United States Virgin Islands," after "the Commonwealth of Puerto Rico,".

SEC. 303. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

"(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).".

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.".

(c) ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(3)) is amended by striking "5" and inserting "10".

(d) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ", program evaluation, compliance efforts," after "demonstration projects".

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) use funds made available to the Director under this subsection—

"(i) for fellowships and clinical internships; and

"(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.".

SEC. 304. VICTIMS OF TERRORISM.

(a) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking "who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986".

(b) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: "The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.".

CRIME VICTIMS ASSISTANCE ACT OF 2001—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2001 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill would accomplish three major goals. First, it would provide enhanced rights and protections for victims of federal crimes. Second, it would assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it would make several significant amendments to the Victims of Crime Act and improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 107. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 108. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 109. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Authorizes appropriations to make grants for these pilot programs.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes appropriations for grants to develop and implement crime victim notification systems.

Sec. 203. Restorative justice grants. Authorizes appropriations for grants to develop and implement community-based restorative justice programs in juvenile court settings.

Sec. 204. Funding for federal victim assistance personnel. Authorizes appropriations to retain 400 full-time or full-time equivalent employees to serve as victim witness coordinators and victim witness advocates in Federal law enforcement agencies. These positions are currently funded with money from the Crime Victims Fund.

TITLE III—VICTIMS OF CRIME ACT AMENDMENTS

Sec. 301. Crime Victims Fund. Replaces the annual cap on the Fund with a formula that ensures stability in the amounts distributed to the States, while preserving the amounts remaining in the Fund for use in future years. Discontinues the practice of using Fund money to pay for victim assistance positions in certain federal agencies; these positions would now be funded through direct appropriations under section 204. Increases the portion of the Fund that shall be available to OVC for discretionary victim assistance grants and for assistance to victims of federal crime. Permits OVC to retain a maximum of $50 million in an antiterrorism emergency reserve that can be replenished with up to 5 percent of the amounts retained in the Fund after the annual Fund distribution.

Sec. 302. Crime victim compensation. Increases from 40 to 60 percent the minimum threshold for the annual grant to State crime victim compensation programs. Clarifies that a payment of compensation to a victim shall not reduce the amount of assistance available to that victim under other government programs.

Sec. 303. Crime victim assistance. Authorizes States to give VOCA funds to U.S. Attorney's Offices in jurisdictions where the U.S. Attorney is the local prosecutor. Prohibits State crime victim assistance programs that receive VOCA grants from discriminating against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case. Authorizes OVC to make grants to eligible crime victim assistance programs for program evaluation and compliance efforts. Allows OVC to use funds for fellowships and clinical internships and to carry out training programs.

Sec. 304. Victims of Terrorism. Technical amendment to section 2003 of the Trafficking Victims Protection Act of 2000 (PL 106-386), which inadvertently reversed the existing exclusion under VOCA of individuals eligible for other federal compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (ODSA). The exclusion of individuals eligible for compensation under ODSA should have been applied to section 1404C of VOCA, which covers direct compensation to victims of international terrorism, and not to section 1404B, which covers assistance to victims of terrorism.

By Mr. MURKOWSKI:

S. 784. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses any individual may deduct against ordinary income, and to allow individuals a 3-year capital loss carryback and unlimited carryovers; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I am today introducing legislation that would soften the blow that many investors have felt as the stock market has declined. My bill would raise the capital loss limit that can be applied against ordinary income. Currently, the limit is $3,000. Under my proposal, the limit would rise to $20,000. Moreover, my legislation allows individual taxpayers to carryback capital losses three years to offset prior capital gains.

This bill reflects the reality of what has happened to many millions of investors. In the past year, more than $4.5 trillion of wealth has been wiped out as our economy has slowed and the markets have declined. For many investors, when they file their taxes next year, they are going to find that if they have no offsetting gains they are only going to be allowed to write off $3,000 of their loss. Of course, they can carry forward that loss. But for an investor who has net capital losses of $20,000 this year he or she will not be able to completely write off that investment loss until 2007, assuming no future capital gains. With $40,000 of losses, it would take until 2014 to write off those losses.

The capital loss/ordinary income limit has been in place since 1976. It seems to me that with 25 years of inflation, that $3,000 limit is far too low. Moreover, I have always believed that if we want to encourage investors to take financial risks investing in new frontier technologies, we should cushion the financial blow when the venture does not succeed. The best way to do that is to allow them to write off a greater portion of their loss immediately.

The bill also allows individuals the opportunity to carry back losses in the same fashion that is allowed to corporations. If their capital losses exceed their capital gains they would be able to carry those losses back three years to offset capital gains incurred in prior years. While I recognize that this may create some complexity for taxpayers since it would require the filing of amended returns, I believe it is an appropriate and fair way to deal with capital losses. If a corporation can take advantage of this benefit, it seems only fair to give that same benefit to individuals.

I would certainly like to see the capital gains rate lowered. But as one Wall Street executive recently was quoted: "The last time I looked, you had to have gains for this to make any difference." I certainly think the proposal I have offered would certainly make a difference to many millions of taxpayers who have suffered grievous losses in the market this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CAPITAL LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.

(a) INCREASE IN LIMITATION ON LOSSES ALLOWABLE AGAINST ORDINARY INCOME.—Section 1211(b)(1) of the Internal Revenue Code of 1986 (relating to limitation on capital losses of taxpayers other than corporations) is amended—

(1) by striking "$3,000" and inserting "$20,000", and

(2) by striking "$1,500" and inserting "$10,000".

(b) CARRYBACK AND CARRYOVERS OF CAPITAL LOSSES.—Section 1212(b)(1) of the Internal Revenue Code of 1986 (relating to capital loss carrybacks and carryovers of taxpayers other than corporations) is amended to read as follows:

"(1) CARRYBACKS AND CARRYOVERS.—

"(A) IN GENERAL.—If a taxpayer other than a corporation has a net capital loss for any taxable year (the 'loss year')—

"(i) the excess of the net short-term capital loss over the net long-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a short-term capital loss in each such taxable year, and

"(ii) the excess of the net long-term capital loss over the net short-term capital gain for the loss year shall be a capital loss carryback to each of the 3 taxable years preceding the loss year and a capital loss carryover to each taxable year succeeding the loss year, and shall be treated as a long-term capital loss in each of such taxable years.

"(B) AMOUNT CARRIED TO EACH TAXABLE YEAR.—The entire amount of the loss which may be carried to another taxable year under subparagraph (A) shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of such loss which may be carried to any other taxable year shall be the excess (if any) of such loss over the portion of such loss which, after application of subparagraph (C), was allowed as a carryback or carryover to any prior taxable year.

"(C) AMOUNT WHICH MAY BE USED.—An amount shall be allowed as a carryback or carryover from a loss year to another taxable year only to the extent—

"(i) such amount does not exceed the excess (if any) of—

"(I) the sum of the losses from the sale or exchange of capital assets in such other taxable year plus losses carried under this paragraph to such other taxable year from taxable years prior to such loss year, over

"(II) gains from such sales or exchanges in such other taxable year, and

"(ii) the allowance of such carryback or carryover does not increase or produce a net operating loss (as defined in section 172(c)) for such other taxable year."

(c) CONFORMING AMENDMENTS.—

(1) Section 1212(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "subparagraph (A) or (B) of paragraph (1)" and inserting "clause (i) or (ii) of paragraph (1)(A)".

(2) Section 1212 of such Code is amended by striking subsection (c).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to capital losses arising in taxable years beginning after December 31, 2000.

By Mr. GREGG:

S. 787. A bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein; to the Committee on Finance

Mr. GREGG. Mr. President, the purpose of the Conflict Diamonds Act of 2001 is to eliminate the illegal diamond trade that has fueled violent conflicts in the African nations of Sierra Leone, Liberia, Congo, Angola, Ivory Coast, and Burkina Faso. The sale of illicit diamonds has allowed criminal gangs like the Revolutionary United Front in Sierra Leone to buy arms and supplies in an effort to expand their influence. In the process, they have inflicted unspeakable pain, including torture and amputation, on the innocent people they encounter.

The Conflict Diamonds Act of 2001 bans the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Under this legislation, no diamond that has ever been in the possession of the RUF or any other rebel group will be allowed to enter the United States. This includes diamonds that pass through another country for cutting or setting. The Conflict Diamonds Act of 2001 authorizes the President of the United States to ban the importation of diamonds and diamond jewelry from countries if he believes that shipments from those countries violate the legislation's intent. Those who knowingly violate the import ban would be subject to criminal and civil penalties under existing U.S. Customs law. The Customs Service would be authorized to seize illicit shipments. The import ban would take effect six months after enactment, regardless of the status of negotiations for an international agreement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conflict Diamonds Act of 2001.

TITLE I—PROHIBITION ON IMPORTATION OF CONFLICT DIAMONDS

SEC. 101. FINDINGS.

The Congress finds that—

(1) The use of funds from illegitimate diamond trade to support conflicts in Africa has had devastating effects on the peoples of the regions involved in those conflicts;

(2) U.N. Security Council Resolution 1173 of June 12, 1998 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation from Angola to their territory of all diamonds that are not controlled through the Certificate of Origin regime of the Government of Unity and National Reconciliation (GURN);

(3) U.N. Security Council Resolution 1306 of July 5, 2000 requires the United States and all other U.N. members to take the necessary measures to prohibit the direct or indirect importation of all rough diamonds from Sierra Leone into their territory that are not controlled by the Government of Sierra Leone through its Certificate of Origin regime;

(4) U.N. Security Council Resolution 1344 of March 8, 2001 requires the United States and all other U.N. members to take the necessary measures to prevent the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia;

(5) Effective compliance with U.N. Security Council Resolutions 1173, 1306, and 1344 is necessary to eliminate trade in conflict diamonds;

(6) Although the President of the United States has issued Executive Orders to implement Resolution 1173 and Resolution 1306, additional measures are needed to ensure compliance with, and prevent circumvention of, those resolutions;

(7) Further measures are needed to prevent rough diamonds originating in other rebel-controlled conflict areas from entering the global stream of commerce in which legitimate diamonds are sold;

(8) The resolution of the United Nations General Assembly approved on December 1, 2000 provides important guidance on devising effective and pragmatic measures to address the problem of conflict diamonds; and,

(9) Since legitimate diamond trade is of great economic importance to developing countries in Africa, no law should be enacted, nor regulation or other measure implemented, that would impede legitimate diamond trade or diminish confidence in the integrity of the legitimate diamond industry.

SEC. 102. DEFINITIONS.

(a) The term "diamond" means a natural mineral consisting of essentially pure carbon crystallized in the isometric system with a hardness of 10 on the Mohs scale, a specific gravity of approximately 3.52, and a refractive index of 2.42.

(b) The term "rough diamond" means a diamond that is unworked or simply sawn, cleaved or bruted, as described in Harmonized Tariff Schedule of the United States subheading 7102.31.0000.

(c) The term "conflict diamond" means a diamond that has at any time been in the possession of any person belonging to or associated with armed insurgents, rebel forces, or any other movement using violence against civilians or internationally recognized governments.

SEC. 103. RESTRICTIONS ON THE IMPORTATION OF DIAMONDS.

(a) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond, including any diamond set in jewelry, that has been mined in, or mined and set in, and exported directly from, the Republic of Sierra Leone, the Republic of Angola, or the Republic of Liberia except for a diamond or a diamond set in jewelry:

(1) the country of origin of which has been certified as the Republic of Sierra Leone by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1306 of July 5, 2000; or

(2) the country of origin of which has been certified as the Republic of Angola by the internationally recognized government of that country, in accordance with United Nations Security Council Resolution 1173 of June 12, 1998.

(b) No person may enter into the customs territory of the United States or aid or abet an attempt to enter any diamond directly from a country that: is subject to a United Nations Security Council resolution similar to those identified in subsection (a) or that is not a signatory to an international agreement that establishes a certification system for exports and imports of rough diamonds, that has not unilaterally implemented such a system, or that is not a "cooperating country" as defined in subsection (c) of section 105 of this Act.

SEC. 104. PROHIBITION OF OTHER IMPORTS TO PREVENT CIRCUMVENTION OF U.N. RESOLUTIONS.

The President of the United States is authorized to prohibit the importation of diamonds or diamond jewelry exported from any country except for rough diamonds whose country of origin has been certified as either the Republic of Angola or the Republic of Sierra Leone under the Certificate of Origin regimes described in section 103 (a) (1) or (2), if there are reasonable grounds to believe that such prohibition is necessary to carry out U.N. Security Council Resolution 1173, 1306, or 1344, or any other Resolution banning the exportation or importation of conflict diamonds.

SEC. 105. IMPLEMENTING MEASURES.

(a) The Secretary of the Treasury of the United States is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act. The public will be notified and given an opportunity of at least 30 days to comment on all proposed rules and regulations before they take effect.

(b) These regulations will provide that an importer is entitled to rely on the country of origin marking that is required under 19 U.S.C. §1304. However, nothing in this Act shall be construed to override an importer's duty to exercise reasonable care.

(c) No later than six months after the date of enactment of this Act, the Secretary of the Treasury will issue a list of countries that are signatories to the international agreement described in Title II, have unilaterally implemented a certification system containing the elements described in subsection (b) of section 203, or are found to be "cooperating" countries as defined in this subsection. The Secretary of the Treasury will revise and update this list as necessary. For purposes of this subsection, the Secretary of the Treasury will find that a country is "cooperating" if it is acting in good faith to establish and enforce a unilateral certification system meeting the standards described in subsection (b) of section 203 or taking action to ensure that it is not facilitating trade in conflict diamonds. The Secretary of the Treasury, in consultation with appropriate agencies, shall develop and publish criteria that will be used to evaluate whether a country will be deemed a cooperating country. These criteria will be subject to public notice and comment before adoption in final form.

(d) The Secretary of the Treasury may extend cooperating country status for more than six months after the initial designation, but shall provide to Congress an explanation of the reasons for why such an extension is necessary.

(e) The President of the United States shall ensure that implementation of and compliance with Title I of this Act is monitored by appropriate agencies or by an independent body.

SEC. 106. PENALTIES FOR NON-COMPLIANCE.

(a) CIVIL AND CRIMINAL PENALTIES.—Any person who enters or introduces into the commerce of the United States, attempts to enter or introduce, or aids or abets an attempt to enter or introduce, merchandise in violation of Title I of this Act or the implementing regulations for Title I will be subject to civil and criminal penalties in effect under the customs laws of the United States, as set forth in Title 19 of the United States Code. The same administrative procedures and defenses that apply under Title 19 of the United States Code will apply to penalties that are sought to be assessed under this subsection.

(b) SEIZURE.—If the Customs Service has reasonable cause to believe that a person has violated the provisions of subsection (a) of this section and that seizure is essential to prevent the introduction of merchandise into the customs territory of the United States whose importation is prohibited by Title I of this Act, then such merchandise may be seized. Within a reasonable time after any such seizure is made, the Customs Service will issue to the person concerned a written statement containing the reasons for the seizure. A person may seek relief from seizure under the procedures and standards prescribed in 19 U.S.C. §1618 and the Customs Service regulations that implement that provision.

(c) COURT OF INTERNATIONAL TRADE PROCEEDINGS.—

(1) JURISDICTION.—Section 1582 of Title 28, United States Code, is amended by amending paragraph (1) to read as follows:

"(1) to recover a civil penalty under section 592, 593A, 641(b)(6), 641(d)(2)(A), 704(i)(2), or 734(i)(2) of the Tariff Act of 1930."

(2) STANDARD OF REVIEW.—Notwithstanding any other provision of law, in any proceeding commenced by the United States in the Court of International Trade for the recovery of any monetary penalty under this section, all issues, including the amount of any penalty, shall be tried de novo.

(d) PROCEEDS FROM FINES AND SEIZED GOODS.—The proceeds derived from penalties and seizures under Title I of this Act will, in addition to amounts otherwise available for such purposes, be available only for programs to assist the victims of conflicts involving illicitly traded diamonds.

SEC. 107. REPORT TO CONGRESS.

The President of the United States will report to Congress no later than 180 days after enactment of this Act and annually thereafter on the implementing measures taken to carry out the provisions of this Title and their effectiveness in stopping imports of conflict diamonds into the United States.

TITLE II—NEGOTIATION OF AN INTERNATIONAL AGREEMENT TO ELIMINATE TRADE IN CONFLICT DIAMONDS

SEC. 201. FINDINGS.

The Congress finds that—

(1) The most effective and desirable means of eliminating international trade in conflict diamonds is through international cooperative efforts involving governments, the private sector, civil society, and appropriate international organizations;

(2) The initiatives of the world diamond industry, as reflected in the Resolution of the World Federation of Diamond Bourses and the International Diamond Manufacturers Association in Antwerp on July 19, 2000, as well as the efforts of the South African-led Working Group on African Diamonds and the World Diamond Council in developing proposals for a global certification system for rough diamonds, are important efforts at international cooperation and may provide effective mechanisms that could be incorporated in an international agreement to eliminate trade in conflict diamonds;

(3) Eliminating imports of rough diamonds from countries where conflict diamonds are mined, transshipped, or subsequently shipped into countries where cutting and polishing occur is the most effective way to eliminate trade in conflict diamonds;

SEC. 202. SENSE OF CONGRESS—NEGOTIATION OF INTERNATIONAL AGREEMENT.

It is the sense of the Congress that the President should engage in negotiations on and seek to conclude an international agreement to eliminate trade in conflict diamonds as soon as possible. The system implementing this agreement shall be transparent and subject to independent verification and monitoring. Participants in such an agreement should include all countries that either export or import diamonds or diamond jewelry.

SEC. 203. OVERALL NEGOTIATING OBJECTIVE OF THE UNITED STATES AND ESSENTIAL ELEMENTS OF AN INTERNATIONAL AGREEMENT.

(a) The overall negotiating objective of the United States is to establish an effective global certification system covering the major exporting and importing countries of rough diamonds that will eliminate trade in conflict diamonds.

(b) The elements of an effective global certification system for rough diamonds that the United States should seek in its negotiations are as follows:

(1) Rough diamonds, when exported from the country in which they were extracted, must be sealed in a secure, transparent container or bag by appropriate government officials of that country;

(2) The sealed container described in paragraph (1) must include a fully visible government document certifying the country of extraction and recording a unique export registration number and the total carat weight of the rough diamonds enclosed;

(3) A database containing information described in paragraph (2) must be established for rough diamond exports in each exporting country, including countries engaged in the re-export of rough diamonds;

(4) No country may allow importation of rough diamonds unless they are sealed in a secure, transparent container that includes a fully visible document that states a unique export registration number for such container and the total carat weight of the rough diamonds enclosed. The legitimacy of such document must be verified by electronic or other reliable means with the database maintained in the country of export.

(5) Provisions shall be made for physical inspection of sealed containers of rough diamonds by appropriate authorities.

(6) Diamonds may be freely imported and exported from a country that implements and enforces a rough diamond certification system that contains the elements specified in paragraphs (1) through (5), or a system that is its functional equivalent, provided that the country of extraction need only be specified when rough diamonds are exported from such country and need not be specified when rough diamonds are exported from a country that implements and enforces such a rough diamond certification system.

SEC. 204. CONSULTATIONS WITH CONGRESS.

The President of the United States shall consult periodically with Congress in developing and negotiating proposals for an international agreement as described in sections 202 and 203.

SEC. 205. REPORT TO CONGRESS.

The President of the United States will provide a written report to Congress no later than 180 days after enactment of this Act and annually thereafter on the progress made towards concluding an international agreement and the progress of the signatories to that agreement in implementing it, including which countries are not implementing it and the effects of their actions on trade in conflict diamonds. Each report shall also describe any technological advances that permit determining a diamond's origin, marking a diamond, and tracking it.

SEC. 206. IMPLEMENTING LEGISLATION.

The President of the United States will submit to Congress a draft bill implementing the provisions of any agreement that is negotiated no later than 60 calendar days after entering into that agreement.

SEC. 207. EFFECTIVE DATE.

Title I will apply with respect to articles entered, or withdrawn from warehouse for consumption, six months after the date of enactment of this Act. Title II will take effect on the date of enactment of this Act.

TITLE III—OTHER PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Such sums as may be necessary are hereby authorized to be appropriated to implement the provisions of this Act, including such sums as are necessary to assist the governments of Sierra Leone and Angola to establish and maintain a diamond certification system.

SEC. 302. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, it is the intent of Congress that the remainder of this Act and application of such provision to other persons or circumstances will not be affected thereby.

SEC. 303. GAO REPORT.

The General Accounting Office shall report to Congress on the effectiveness of this Act no later than three years after the date of enactment of this Act.

By Mr. HUTCHINSON (for himself and Mr. WARNER):

S. 789. A bill to amend title 37, United States Code, to establish an education savings plan to encourage reenlistments and extensions of service by members of the Armed Forces in critical specialties, and for other purposes; to the Committee on Armed Services.

Mr. HUTCHINSON. Mr. President, today I am introducing a bill that will provide military personnel the ability to provide for the education of their spouses and children in return for their commitment to continue to serve in the armed forces.

The purpose of this bill is to promote retention of members of the armed forces in critical specialties by establishing a bonus savings plan that will provide significant resources for meeting the expenses encountered by service members in providing for the education of members of their families.

I met with the Senior Enlisted Advisors of the four armed services and the Coast Guard. These Senior Enlisted Advisors are the top enlisted persons in their respective services. Their job is to advise the Service Chief on matters pertaining to enlisted personnel. These experienced senior leaders are among the most significant resources available to the generals and admirals, and those of us here in Congress, as we seek answers to questions on recruiting, retention, and quality of life. These enlisted leaders know first-hand and fully understand the life, the demands on and concerns of enlisted personnel in their services.

In my meeting with the Senior Enlisted Advisors, I sought their insight on what factors enlisted service members consider when making that critical decision as to whether to continue their active service or leave the military. I found myself talking to the very people who have faced the stress of these decisions; who have sat with their spouses and families and discussed whether to stay in the military or leave and seek a career outside the military. They were very frank and candid in their discussions.

One thing I learned is that, like many of us, enlisted service members share the goal of giving their children better opportunities than they had. To a person, the Senior Enlisted Advisors said that being able to provide educational opportunities for their families is an important goal and would be a powerful retention tool.

My bill will provide enlisted service members in critical specialties, who agree to serve a six-year term, resources that can be applied to cover the expenses of higher education for their families. Let me explain how this will work.

Service members, officers or enlisted, in critical specialties, who reenlist or extend their service commitment for six years will receive United States Savings Bonds that can be redeemed to cover educational expenses. When these Savings Bonds are redeemed to cover educational costs, the income, under the current tax code, is tax exempt. My bill does not modify the tax code. My proposal will take advantage of current tax law as it pertains to United States Savings Bonds used for educational purposes.

Military personnel who have less than three years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $5,000. For those service members who have between three and nine years of service when they reenlist or extend their commitment will receive Savings Bonds with a face value of $15,000. Those members with more than nine years of service who reenlist or extend their commitment will receive Savings Bonds with a face value of $30,000.

A Service Member who reenlists at the two-year point and receives $5,000 in Savings Bonds subsequently reenlists at the end of his six-year commitment—now with eight years of service—would receive an additional $10,000 in Savings Bonds, for a total of $15,000. This service member could reenlist again at the conclusion of the second six-year term—now in his 14th year—and would receive an additional $15,000 for a career total of $30,000 in United States Savings Bonds that can be used for educational purposes. All tax free.

My bill will provide military personnel the capability to provide for the education of their spouses and children while investing in America.

I am introducing this bill today to enhance the benefits President Bush announced at Fort Stewart, Georgia, on Monday. The President announced that his budget will include $5.7 billion in additional benefits for military personnel; $1.4 billion to increase military pay and allowances; $3.9 billion for military health care; and $0.4 billion for improvements to military housing. These increases are much needed and the announcement was enthusiastically received by the men and women at Fort Stewart, Georgia who know the sacrifices they are required to make in service of their country. My bill enhances President Bush's initiatives by providing educational opportunities that are unavailable today to the children of military personnel. I will hold hearings later this year in the Armed Services Committee to further develop each of these initiatives.

My bill furthers the educational opportunities for military families, increases military readiness by retaining the highly-trained and experienced military personnel we need to continue to be the preeminent military force in the world, and accomplished these lofty goals by investing in America. I urge my colleagues to examine my bill and join Senator WARNER and I as cosponsors of this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

It is the purpose of this Act to promote the retention of members of the Armed Forces in critical specialties by establishing a bonus savings plan that provides significant resources for meeting the expenses encountered by the members in providing for the education of the members of their families and other contingencies.

SEC. 2. EDUCATION SAVINGS PLAN FOR REENLISTMENTS AND EXTENSIONS OF SERVICE IN CRITICAL SPECIALTIES.

(a) ESTABLISHMENT OF SAVINGS PLAN.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 323. Incentive bonus: savings plan for education expenses and other contingencies

"(a) BENEFIT AND ELIGIBILITY.—The Secretary concerned shall purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

"(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

"(2) A member who, after completing three years of service on active duty but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

"(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

"(b) QUALIFYING SERVICE.—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

"(1) is not less than six years; and

"(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

"(c) FORMS OF COMMITMENT TO ADDITIONAL SERVICE.—For the purposes of this section, a commitment means—

"(1) in the case of an enlisted member, a reenlistment; and

"(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

"(d) AMOUNTS OF BONDS.—The total of the face amounts of the United States savings bonds purchased for a member under this section for a commitment shall be as follows:

"(1) In the case of a purchase for a member under paragraph (1) of subsection (a), $5,000.

"(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of $15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of $30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

"(e) TOTAL AMOUNT OF BENEFIT.—The total amount of the benefit payable for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

"(1) the purchase price of the United States savings bonds; and

"(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this subsection for that commitment were paid to the member as a bonus.

"(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

"(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such reenlistment or other agreement from a debt arising under the reenlistment or agreement, respectively, or this subsection.

"(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit provided under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

"(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"323. Incentive bonus: savings plan for education and other contingencies.".

(b) EFFECTIVE DATE.—Section 323 of title 37, United States Code (as added by subsection (a)), shall take effect on October 1, 2001, and shall apply with respect to reenlistments and other agreements for qualifying service (described in that section) that are entered into on or after that date.

By Mr. THURMOND:

S. 791. A bill to amend the Federal rules of Criminal Procedure; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce the Video Teleconferencing Improvements Act. This bill will expand the use of video teleconferencing in criminal court matters, and promote a safer and more efficient federal court system.

The federal courtroom, just like all society, is benefiting from constant advances in technology today. Video teleconferencing is one example of this movement. It allows proceedings to operate more efficiently and at lower costs, while maintaining many of the benefits of communicating in person.

The use of video teleconferencing is becoming increasingly common in federal district and appellate courts for various proceedings, such as prisoner civil rights complaints and certain appellate matters. The state courts are also benefiting from video technology in many ways, including for pretrial criminal proceedings. However, in federal court, the use of this technology in criminal matters is almost nonexistent because the federal rules apparently require the defendant's physical presence in court.

This legislation would amend the Federal Rules of Criminal Procedure to allow the judge to hold pretrial proceedings, including the defendant's arraignment and initial appearance, through video teleconferencing. It would also allow for the sentencing to occur in this manner in special, limited circumstances.

Today, some districts have extremely high volumes of criminal cases that they must process. This is especially true in the Border States, where the number of immigrants who are caught crossing the Mexican Border or committing crimes in the United States has skyrocketed and continues to rise. This creates a great burden and expense on the Marshals Service, which must transport the prisoners, often for very long distances from the holding facility to a far away courthouse. This type of transportation increases the possibility for escape and can create a security risk for law enforcement, court personnel, and the public.

Pretrial proceedings are often very short and routine. If they can be conducted through video, the inmates can stay at the secure facility, greatly decreasing risk and costs. If Marshals could spend less time on other duties, such as apprehending dangerous fugitives from justice. Moreover, this process would help the courts efficiently manage their increasing caseloads.

Similarly, I believe that video teleconferencing could be very important for sentencing defendants in certain limited circumstances. This is especially true when there is a safety or security risk in transporting the prisoner to the courthouse.

For example, in an ongoing case in South Carolina, a dangerous repeat offender was sentenced to a long prison term at the maximum security federal prison in Florence, Colorado. However, the court of appeals required that he be sentenced again. The Federal Bureau of Prisons considered him a danger to transport. He had a long history of psychiatric problems and violent behavior, including repeatedly assaulting prison guards and other inmates. In this case, he had even threatened the sentencing judge and the Assistant U.S. Attorney. Rather than transporting the prisoner back to South Carolina, the judge resentenced him by video teleconferencing. However, the case is now on appeal, and there is legal precedent not allowing this practice. In my view, there is simply no reason why a judge should be prohibited from sentencing by video in these circumstances.

This legislation is not an attempt to eliminate criminal defendants from appearing in person before the judge. Defendants would still be in court for all phases of the trial, which this bill would not effect. In fact, criminal trials must be conducted in person because the accused has the constitutional right to confront the witnesses against him. Further, even with these changes, the judge would maintain the authority to hold any pretrial or sentencing proceeding in person if he wished. This bill would simply give him the authority to conduct certain routine matters, other than the trial, through video teleconferencing.

The Rules Committee of the Judicial Conference has been considering this video technology for some time, and recently proposed some of the specific changes that are included in this legislation. I hope they will provide judges discretion to conduct pretrial proceedings by video teleconference, and go even further than the formal proposals that they have considered to date.

My legislation will help eliminate legal impediments to the reasonable use of video teleconferencing and help courts take advantage of new technology. These reforms are needed today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Teleconferencing Improvements Act of 2001".

SEC. 2. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE INITIAL APPEARANCE.

Rule 5 of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

"(d) VIDEO TELECONFERENCING.—Video teleconferencing may be used to conduct an appearance under this rule.".

SEC. 3. AUTHORIZATION OF VIDEO TELECONFERENCING FOR THE ARRAIGNMENT.

Rule 10 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "Arraignment" and inserting "(a) IN GENERAL.—Arraignment"; and

(2) by adding at the end the following:

"(b) VIDEO TELECONFERENCING.—Video teleconferencing may be used to arraign a defendant.".

SEC. 4. AUTHORIZATION OF VIDEO TELECONFERENCING FOR CERTAIN PROCEEDINGS.

Rule 43 of the Federal Rules of Criminal Procedure is amended—

(1) in subsection (a), by striking "The" and inserting "Except as otherwise provided in this rule, Rule 5, or Rule 10, the";

(2) in subsection (c)—

(A) in paragraph (3), by striking "or" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(5) when—

"(A) the proceeding is the sentencing hearing; and

"(B)(i) the defendant, in writing, waives the right to be present in court; or

"(ii) the court finds, for good cause shown in exceptional circumstances and upon appropriate safeguards, that communication with a defendant (who is not physically present before the court) by video teleconferencing is an adequate substitute for the physical presence of the defendant.".

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall apply to a criminal complaint filed after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. KOHL, Mrs. CLINTON, and Mr. BYRD):

S. 792. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today to join with Senators KOHL, CLINTON, and BYRD today in introducing legislation to stop the entertainment industry from deceptively marketing adult-rated material to children, legislation that hopefully will make the hard job of raising kids in today's culture a little easier for America's parents.

As my colleagues may recall, Federal Trade Commission released a groundbreaking report last fall documenting the seriousness of this problem. Specifically, the FTC found that the movie, music, and video game industries had been routinely and aggressively targeting the sale of heavily-violent, adult-rated products to children. Some companies were going so far as to conduct focus groups for R-rated slasher films with 9- and 10-year olds and to pass out promotional materials for other violent R-rated movies at Campfire Girl meetings and Boys and Girls Clubs.

This report engendered a lot of outrage, and with good reason. These industries were making a mockery of the ratings systems that they had created and promoted. They were also making an end run around America's parents, in effect cutting out the middle mom and dad to target violent, harmful materials directly to children. The report also generated a number of promises from the offending industries to change their ways and strengthen their self-regulatory programs.

This week, the FTC released a follow-up report to evaluate how well the entertainment industry has done in keeping its promises, and there was some encouraging news. The FTC found in their snapshot survey that the movie and video game industries had made real progress in limiting their advertising in popular teen venues and in providing more rating information in their marketing.

Other independent analyses show similarly encouraging results. Ad revenues for R-rated films on MTV are apparently declining. Disney, Warner Brothers, and Fox have pledged not to market R-rated movies to children. And several other studios have decided against making or distributing heavily-violent movies that were once regularly targeted at kids.

I appreciate these steps, which may well result in reduced revenues for some of these companies, and which show that our government can work on behalf of parents to prod the entertainment industry to draw some lines to protect our children without approaching censorship.

But much as I appreciate this progress, I cannot really give a full-blown hooray for Hollywood, because the FTC report makes clear that this problem has not been solved. Some video game makers and movie studios, including those that have pledged not to unfairly target kids, are still advertising adult-rated products in places popular with young teens. And the leading music companies and their trade group, the RIAA, have sadly been MIA, doing little if anything to respond to the FTC report and curb the marketing of obscenity-laced records to kids.

I am also concerned about the future. The FTC rightly recommended that the lasting solution to this problem is responsible self-regulation, specifically, uniform policies adopted by the entertainment industry prohibiting the targeting of adult-rated material to children and meaningful sanctions to enforce those standards. Unfortunately, to date only the video game industry has agreed, and commendably so, to meet this recommendation and truly police themselves. That means there is no permanent mechanism of accountability for the movie and music industries, no ongoing norm or standard that says it is wrong to market adult-rated material to children. And I fear that the competitive pressures in these markets are so intense that they will once again lead companies to do exactly that once the scrutiny goes away.

That is why I feel we must go forward with a legislative response. The bill we are introducing today would provide a narrowly-tailored shield to help protect our children from this kind of unfair and unhealthy targeting. It would treat the marketing of adult-rated movies, music recordings, and video games to children like any other deceptive act that harms consumers, and give the FTC the same authority it has under the current false and deceptive advertising laws to bring actions against companies that engage in deceptive practices. In particular, it would give the FTC the authority to penalize companies that violate this provision with civil fines of up to $11,000 per offense.

Some will claim this is censorship. But the truth is we're not empowering the FTC to regulate content in any way or even to make judgments about what products are appropriate for children. We are simply saying that if you voluntarily label a product as being unsuitable for kids, and then turn around and market it in a way that directly contradicts that rating, you should be held accountable, just like any other company that misleads consumers. That's not censorship, that's common sense.

The bottom line here is that the First Amendment is not a license to deceive. And this legislation translates that important principle into policy. It says to the people who run the entertainment industry that they cannot have it both ways. They cannot label their products for adults and target them to kids. And they cannot continue to undermine their ratings and undercut the authority of parents.

I ask my colleagues today on both sides of the aisle for their support on this bill and the ongoing effort to help protect their children from harmful media messages. I thank the chair, and ask unanimous consent that my statement and bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Media Marketing Accountability Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have easy access to a variety of media and entertainment options without leaving their own homes. The vast majority of homes with children have a VCR, a CD player, and either a video game console or a personal computer.

(2) Children, and especially teenagers, spend a large amount of time listening to music, seeing movies, and playing video games. Specifically:

(A) Children ages 8 through 13 spend approximately 3 hours per week in a movie theater, on average. In addition, 62 percent of children ages 9 through 17 spent an average of 52 minutes per day watching video tapes.

(B) 82 percent of children play video games, and do so for 33 minutes per day, on average.

(C) Children ages 14 through 18 listen to music approximately 2½ hours per day on average.

(3) Teenagers spend tens of millions of dollars annually on movies, music, and video games, making them a highly valuable demographic group to the producers and distributors of entertainment products.

(4) Media violence can be harmful to children. Most scholarly studies on the impact of media violence find a high correlation between exposure to violent content and aggressive or violent behavior. Additional studies find a high correlation between exposure to violent content and a desensitization to and acceptance of violence in society.

(5) On September 11, 2000, the Federal Trade Commission reported that companies in the music, movie, and video game industries routinely target children under age 17 in the advertisement of adult-rated products. Specifically:

(A) The Commission found that 80 percent of the R-rated movies studied had been targeted to children. In addition, marketing plans for 64 percent of the R-rated movies studied explicitly mentioned children under age 17 as part of the target audience.

(B) The Commission found that all marketing plans for music recordings with explicit content labels either explicitly mentioned children under age 17 as part of the target audience or called for ad placement in media that would reach a majority or substantial percentage of children under age 17.

(C) The Commission found that 70 percent of Mature-rated video games studied were targeted to children under age 17, and 51 percent explicitly mentioned children under age 17 as part of the target audience. Additionally, the Commission found that 91 percent of the video game manufacturers studied had at one time expressly identified children under age 17 as the core, primary, or secondary audience of an M-rated game.

(6) To correct this problem, the Commission called on these industries to adopt voluntary, uniform policies expressly prohibiting these practices and to enforce these policies with real sanctions for violations.

(7) To date, as the Commission noted in a follow-up report released on April 24, 2001, only the video game industry has agreed to adopt such a marketing code. The Commission also noted that, despite some encouraging changes in behavior since the release of the Commission's original report in 2000, a number of companies in all three industries have nevertheless continued to market adult-rated products in venues popular with children.

(8) Because the entertainment industry continues to target its advertising of adult-rated products to children, there is need for narrowly targeted legislation to prohibit, as a false and deceptive trade practice, the targeting of children in the advertisement and other marketing of products rated for adults, and to authorize the Federal Trade Commission to stop these practices.

TITLE I—TARGETED MARKETING OF ADULT-RATED MEDIA TO CHILDREN

SEC. 101. PROHIBITION ON TARGETED MARKETING TO MINORS OF ADULT-RATED MEDIA AS UNFAIR OR DECEPTIVE PRACTICE.

(a) IN GENERAL.—The targeted advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game, in or affecting commerce, shall be treated as a deceptive act or practice within the meaning of section 5 of the

Federal Trade Commission Act (15 U.S.C. 45), and is hereby declared unlawful.

(b) TREATMENT AS TARGETED ADVERTISING OR MARKETING TO MINORS.—For purposes of this section, the advertising or other marketing of an adult-rated motion picture, music recording, or electronic game shall be treated as targeted advertising or other marketing of such product to minors if—

(1) the advertising or marketing—

(A) is intentionally directed to minors; or

(B) is presented to an audience of which a substantial proportion is minors; or

(2) the Commission determines that the advertising or marketing is otherwise directed or targeted to minors.

SEC. 102. SAFE HARBOR.

(a) IN GENERAL.—The advertising or other marketing to minors of an adult-rated motion picture, music recording, or electronic game shall not be treated as targeted advertising or other marketing to minors, for purposes of section 101, if the producer or distributor responsible for the advertising or marketing adheres to a voluntary self-regulatory system with respect to such product that satisfies the criteria under subsection (b) and is subject to the sanctions referred to in subsection (b)(3).

(b) CRITERIA.—The Federal Trade Commission shall, by rule, establish the criteria referred to in subsection (a). Under such criteria, a voluntary self-regulatory system shall include the following elements:

(1) An age-based rating or labeling system for the product in question.

(2) For all products that are rated or labeled as adult-rated under such system—

(A) prohibitions on the targeted advertising or other marketing to minors of such products; and

(B) other policies to restrict, to the extent feasible, the sale, rental, or viewing to or by minors of such products.

(3) Procedures, including sanctions for noncomplying producers and distributors, meeting such requirements as the Commission includes in such criteria in order to assure compliance with the prohibitions and other policies referred to in paragraph (2).

SEC. 103. REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules that define with specificity the acts or practices that are deceptive acts or practices under section 101.

(b) IN PARTICULAR.—The rules under subsection (a)—

(1) shall specify criteria for determining whether or not an audience is comprised of a substantial proportion of minors for purposes of section 101(b)(1)(B); and

(2) may include requirements for the purpose of preventing acts or practices that are deceptive acts or practices under section 101.

SEC. 104. MATTERS RELATING TO REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe rules under sections 102 and 103 in accordance with the provisions of section 553 of title 5, United States Code.

(b) TIME LIMIT.—The Commission shall prescribe the regulations required under sections 102 and 103(b)(1) not later than 12 months after the date of the enactment of this Act.

SEC. 105. ENFORCEMENT.

(a) IN GENERAL.—This title shall be enforced by the Federal Trade Commission under the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) ACTIONS BY COMMISSION.—

(1) IN GENERAL.—The Commission shall prevent any person from violating section 101, or a rule of the Commission under section 103, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(2) PARTICULAR RULES.—A rule prescribed under section 103(b)(1) shall be treated as a rule prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)), and any violation of a rule prescribed under such section 103 shall be treated as a violation of a rule respecting unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) RIGHTS AND LIABILITIES OF PARTIES.—Any person or entity that violates section 101, or a rule of the Commission under section 103, shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(c) EFFECT ON OTHER LAWS.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 106. DEFINITIONS.

In this title:

(1) ADULT-RATED.—The term "adult-rated", in the case of a motion picture, music recording, or electronic game, means a rating or label voluntarily assigned by the producer or distributor of such product, including a rating or label assigned pursuant to an industry-wide rating or labeling system, which rating or label—

(A) indicates or signifies that—

(i) such product is or may be appropriate or suitable only for adults; or

(ii) access to such product by minors should be restricted; or

(B) in the case of a music recording, advises or signifies that such product may contain explicit content, including strong language or expressions of violence, sex, or substance abuse.

(2) MINOR.—The term "minor" means an individual below the age established under the rating or labeling system in question to be an appropriate audience for adult-oriented material, but in no event includes an individual 17 years of age or older. If no specific age is so established under the rating or labeling system in question, the term means an individual less than 17 years of age.

(3) ADULT.—The term "adult" means an individual who is no longer a minor.

(4) ELECTRONIC GAME.—The term "electronic game" means any interactive entertainment software, including any computer game, video game, or on-line game, sold or rented on any tangible medium or by any electronic or on-line medium by which the right to play a specified interactive-entertainment-software product is purchased.

(5) MOTION PICTURE.—The term "motion picture" means any theatrical motion picture shown in a commercial theater or sold or rented by videotape, digital recording, or other tangible medium or by any electronic or on-line medium by which the right to play an individual theatrical motion picture is purchased, except that such term shall not include anything shown on broadcast television or cable television.

(6) MUSIC RECORDING.—The term "music recording" means any recording of music sold or rented on compact disk, tape cassette, vinyl record, music video, or other tangible medium or by any electronic or on-line medium by which the right to hear a specified work of music is purchased, except that such term shall not include anything shown on broadcast television or cable television.

SEC. 107. EFFECTIVE DATE.

This title shall take effect 90 days after the date of the enactment of this Act.

TITLE II—OTHER MATTERS

SEC. 201. STUDY OF MARKETING PRACTICES OF ENTERTAINMENT INDUSTRIES REGARDING ADULT-RATED MATERIALS.

(a) IN GENERAL.—The Federal Trade Commission shall conduct a study of the advertising and other marketing practices of the motion picture industry, music recording industry, and electronic game industry regarding adult-rated motion pictures, music recordings, and electronic games.

(b) MATTERS TO BE STUDIED.—In conducting the study under subsection (a), the Commission may examine—

(1) whether and to what extent the industries referred to in that subsection direct to minors the advertising and marketing of adult-rated materials, including—

(A) whether such materials are advertised or promoted in media outlets in which minors are present in substantial numbers or comprise a substantial percentage of the audience; and

(B) whether such industries use other marketing practices designed to attract minors to such materials;

(2) whether and to what extent retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of such industries—

(A) have policies to restrict the sale, rental, or viewing to or by minors of adult-rated materials; and

(B) have procedures to ensure compliance with such policies;

(3) whether and to what extent such industries require, monitor, or encourage the enforcement of their voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(4) whether and to what extent such industries engage in activities to educate the public in the existence, use, or efficacy of their voluntary rating or labeling systems; and

(5) whether and to what extent the policies and procedures referred to in paragraph (2), any activities referred to in paragraphs (3) and (4), and any other activities of such industries are effective in restricting the access of minors to adult-rated materials.

(c) FACTORS IN DETERMINATION.—In determining whether the products of an industry are adult-rated for purposes of subsection (b), the Commission shall use the voluntary industry rating or labeling system of the industry, both as in effect on the date of the enactment of this Act and as modified after that date.

(d) AUTHORITIES.—In conducting the study under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)), to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

(e) REPORTS.—

(1) REQUIREMENT.—The Commission shall submit to Congress and the public two reports on the study under subsection (a), as follows:

(A) An initial report, not later than two years after the date of the enactment of this Act.

(B) A final report, not later than six years after that date.

(2) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the study conducted under subsection (a) during the period covered by the report;

(B) any findings and recommendations of the Commission arising out of the study as of the end of that period; and

(C) the identification of the particular producers and distributors, if any, engaged in advertising or other marketing practices relevant to such findings and recommendations.

(f) DEFINITIONS.—In this section, the terms "adult-rated", "electronic game", "motion picture", "music recording", and "minor" have the meanings given those terms in section 106.

SEC. 202. SEPARABILITY.

If any provision of this Act, or the application of such provision to any person, partnership, corporation, or circumstance, is held invalid, the remainder of this Act, and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

Mr. KOHL. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce the Media Marketing Accountability Act of 2001. For too long, the entertainment industry has drawn a bullseye on our children's backs, targeting them with violent video games, movies and music. Media violence has a clear and dangerous effect on our children, and it must be curbed.

Last fall's Federal Trade Commission report confirmed some of our worst fears. It found that more than 70 percent of movie, video game and music companies aggressively marketed their violent, adult-rated products to children. And while this week's report showed some meaningful progress, the "snapshot" it took didn't exactly reveal a pretty picture. Last fall, Senator LIEBERMAN and I pledged not to sit by idly. Today we're here to make good on our promise.

This legislation is simple. It targets the worst behavior. The entertainment industry won't be able to speak out of both sides of their mouths anymore, saying that a product is harmful to children, but then luring them into the theaters or stores to see it or buy it. This bill gives the Federal Trade Commission the authority it needs to go after the bad actors who try to mislead our families and our children.

Let me be a little more specific about what the bill does. This legislation gives the FTC the authority to prosecute entertainment companies for deceptive trade practices if they target adult-rated entertainment to children. This legislation doesn't create a whole new structure of rules and punishments; it simply adds this bad behavior by entertainment companies to a list of misconduct that the FTC already has the power to punish.

But the bill also rewards companies for good behavior. It includes a safe harbor which shields companies from prosecution if they already abide by a self-regulatory system that includes an age-based rating system, prohibits the marketing of adult rated material to children, and punishes for non-compliance. Finally, the legislation calls for two additional studies by the FTC over the next six years.

Let me give you a concrete example of the type of behavior this bill aims to prohibit. Last fall's report uncovered a film industry practice of including young children in the test groups for R-rated films. Studios asked ten-year-olds to explain what they like about a violent, R-rated movie, and then the studio used the feedback to tailor their advertising campaign to lure youngsters into the theaters. We all agree this behavior is just plain wrong, and it is this kind of behavior that our legislation will penalize.

Our bill does not touch the content produced by the industry, it simply targets specific, egregious behavior. After all, no one is saying that the entertainment industry doesn't produce high-quality and important products. But we all agree that not every product is appropriate for children, and the Federal Government has a legitimate interest in protecting children, a vulnerable audience, from being targeted with violent and vulgar content that the industry itself has identified as inappropriate. Our narrowly tailored legislation will help protect children and families from this kind of deception.

Finally, our bill should not discourage the entertainment industry from rating its products. To begin with, companies that are already regulating themselves effectively will qualify for protection under our safe harbor. The industry's threat to alter or eliminate their rating systems is as irresponsible to families as the behavior we're trying to prohibit with this measure. But beyond that, enactment of this legislation would not translate to constant legal action against the entertainment industry. The Federal Trade Commission would only prosecute those companies who have clearly and flagrantly targeted children with adult-rated material. As long as companies advertise their adult-rated products to a logical target audience, they should have no concern about this legislation.

By Mrs. BOXER (for herself, Mr. REID, Mr. LIEBERMAN, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. WELLSTONE):

S. 796. A bill to amend the Safe Drinking Water Act to ensure that drinking water consumers are informed about the risks posed by arsenic in drinking water, to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, we have had the same 50 parts per billion standard for arsenic in our drinking water since 1942. Since then, study after study has confirmed that this level of arsenic in our drinking water is unsafe. After decades of review, a final drinking water standard was finally set to go into effect in March of this year. The new standard would have required no more than 10 parts per billion arsenic in drinking water.

Unfortunately, the Bush Administration stopped this new rule from going into effect. This decision was a major blow to public health in this country. Arsenic causes lung cancer, skin cancer, and bladder cancer. We know that if you drink water at the current standard for arsenic you have a 1 in 100 chance of getting cancer. The Bush Administration has decided that we can wait, despite mountains of scientific evidence on the serious health threat posed by arsenic. By suspending the new arsenic standard, the President is preventing communities from getting started on the upgrades they need to make to their drinking water systems. This is unacceptable, and I am a cosponsor of legislation that would restore the 10 parts per billion standard.

Another consequence of the Bush Administration's decision to suspend the new rule for arsenic has received less attention but is also very important. The suspended rule contained provisions on the public's right to know what level of arsenic is in its drinking water and what the possible health effects may be. The suspended rule requires notice to consumers containing very specific information on the health risks posed by arsenic. This notice would have been required at 5 parts per billion. This is less than the maximum level permitted in drinking water, but is necessary because there is still a risk posed by arsenic at this level.

I believe that the public has a right to know if there is an environmental threat in their community. If the public is fully informed about environmental threats, they may have the opportunity to avoid them. So, today I am introducing the "Community Right to Know Arsenic Risk Act."

My bill would restore the requirements in the suspended rule on the public's right to know. It would ensure that notice is given at the 5 parts per billion level.

The level of arsenic found in drinking water in many communities poses a serious risk to public health. I am especially concerned about the most vulnerable members of the community, including children, the elderly, and AIDS or cancer patients, to name a few. I am committed to full disclosure to consumers of both the levels of arsenic in drinking water and the possible health effects. Drinking water that may meet federal standards still may pose health risks that should be known to the consumer. This is certainly the case with arsenic. The consumer should have the right to choose alternative water sources or to seek tighter standards. This is a minimum requirement. I encourage my colleagues to co-sponsor this legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Right-to-Know Arsenic Risk Act".

SEC. 2. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

"SEC. 1466. NOTICE CONCERNING RISKS POSED BY ARSENIC IN DRINKING WATER.

"(a) IN GENERAL.—A consumer confidence report prepared by a community water system under section 141.154 of title 40, Code of Federal Regulations (or a successor regulation), shall include a short educational statement concerning arsenic that—

"(1) uses language such as the following: 'While your drinking water meets EPA's standard for arsenic, it does contain arsenic. EPA's standard is based not only on the possible health effects of arsenic, but also on the costs of removing arsenic from drinking water. EPA continues to research the health effects of arsenic ingestion, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.'; or

"(2) uses substantially similar language developed by the community water system in consultation with the State agency having jurisdiction over safe drinking water matters.

"(b) APPLICABILITY.—Subsection (a) applies to any community water system that—

"(1) is required to prepare and deliver consumer confidence reports under subpart O of title 40, Code of Federal Regulations (or a successor regulation); and

"(2)(A) with respect to a report required to be delivered under that subpart not later than July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.025 milligrams per liter but below the maximum contaminant level; and

"(B) with respect to a report required to be delivered under that subpart after July 1, 2001, detects arsenic in the drinking water provided by the community water system at a level that is above 0.005 milligrams per liter but that is equal to or below the maximum contaminant level.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CONGRATULATING THE EAGLES OF BOSTON COLLEGE FOR WINNING THE 2001 MEN'S ICE HOCKEY CHAMPIONSHIP.

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas the Boston College Eagles men's ice hockey team had a remarkable season, concluding by defeating the tenacious Fighting Sioux of the University of North Dakota 3–2 in overtime.

Whereas the victory by the Boston College Eagles marked the first national championship in ice hockey for Boston College since 1949;

Whereas the championship victory concluded a brilliant season for Boston College in which the team compiled a record of 33 wins, eight loses, and two ties;

Whereas the winning overtime goal for Boston College by Krys Kolanos produced the victory;

Whereas coach Jerry York, who grew up in Watertown, Massachusetts and starred on the 1967 Boston College team, deserves great credit for taking the Boston College Eagles to the "Frozen Four" NCAA finals for the past four years;

Whereas eleven players on the Boston College Eagles team grew up in Massachusetts or played high school hockey in the state;

Whereas the Eagles victory was also made possible by goals by Chuck Kobasew and Mike Lephart, and by goalie Scott Clemmensen, who played a magnificent game by making 34 saves for the Eagles.

Whereas the Boston College Eagles are flying high after winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship: now, therefore, be it

Resolved, That the Senate commends the Eagles of Boston College for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey Championship.

Mr. KENNEDY. Mr. President, on April 7, the Boston College Eagles Ice Hockey Team defeated the Fighting Sioux of the University of North Dakota 3–2 in overtime to win the NCAA national championship. The victory marked the first national championship in ice hockey for Boston College since 1949, and all of us in Massachusetts are proud of them for their outstanding season.

An overtime goal for Boston College by Krys Kolanos produced the victory and made up for last year's 4–2 defeat by North Dakota in the championship game. Chuck Kobasew and Mike Lephart scored the other two goals for Boston College, and goalie Scott Clemmensen did an excellent job as well, with 34 saves.

The Boston College team compiled an extraordinary record of 33 wins, eight losses, and two ties during the season. Coach Jerry York, a native of Watertown, Massachusetts, had been a star for the Eagles in the 1967 season, was an indispensable part of this year's championship achievement as was all the members on the team.

The Eagles were led effectively this season by captain Brian Gionta and assistant captains Bobby Allen and Mike Lepart. I welcome this opportunity to commend all of the players for their brilliant success, Bill Cass, Anthony D'Arpino, Ales Dolinar, Justin Dziama, Ben Eaves, Tom Egan, J.D Forrest, Jeff Giuliano, Ty Hennes, Marty Hughes, Tim Kelleher, Mark McLennan, Brooks Orpik, Brett Peterson, Joe Schuman, Rob Scuderi, Dan Sullivan, and Tony Voce. I also commend Coach York's assistant coaches, Mike Cavanaugh, Jim Logue, and Scott Paluch.

The Boston College Eagles are flying high. Massachusetts is proud of their championship season, and I urge the Senate to approve this well, deserved resolution.

I ask unanimous consent that an article on the championship Eagles from the Boston College newspaper "The Chronicle" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston College Chronicle, Apr. 12, 2001]

"EAGLES RULE ROOST—UNIVERSITY CELEBRATES HOCKEY TEAM'S NCAA FROZEN FOUR TRIUMPH"

(By Sean Smith)

On a glorious spring day, the Boston College community paid tribute Monday afternoon to its men of winter.

A jubilant crowd of well-wishers and special guests—including Gov. Paul Cellucci, '70, JD '73, and Boston Mayor Thomas Menino—packed Conte Forum to honor the national champion Eagles hockey team, which won the National Collegiate Athletic Association "Frozen Four" tournament Saturday night with a 3–2 overtime victory over defending champion North Dakota in Albany, NY.

BC has a 2–0 lead late in the third period before North Dakota rallied to tie. Krys Kolanos, '04, scored less than five minutes into the extra period to notch the win, giving the Eagles their second NCAA hockey championship, and first in 52 years.

Freshman Chuck Kobasew—named the Frozen Four Most Outstanding Player—and senior Mike Lephart each scored in the second period for BC's other goals.

WEEL–AM sports announcer Ted Sarandis served as master of ceremonies at Monday's celebration, where small children in kid-sized BC hockey shirts cheered the champions alongside elderly alumni and current students in maroon and gold regalia. One alumnus in the crowd received special notice: James Fitzgerald, '49, who scored the winning goal in BC's 1949 championship.

University President William P. Leahy, SJ, thanking coach Jerry York and his players for "a memorable season," said their efforts exemplified BC as "an institution dedicated to excellence, in the classroom, the laboratory and the hockey rink."

Cellucci, preparing to start his new job as United States ambassador to Canada, said his last proclamation as governor was to designate April 9, 2001, as "BC Eagles Hockey Day in Massachusetts."

Menino extended his congratulations not only to the team but also to the parents "who drove you to the hockey rinks all those mornings."

"Wow!" said Athletic Director Gene DeFilippo as he began his remarks. "Does it get any better that this?" He rattled off an impressive list of group and individual achievements by the team's eight seniors, including 117 victories, four Frozen Four and three NCAA title game appearances.

York, who was treated to a standing ovation and cheers of "Jer-EE! Jer-EE!" by the crowd, thanked his assistants and support staff, and praised the players for "representing this world-class university in a world-class manner."

After senior captains Brian Gionta, Bobby Allen and Lephart offered their own thanks and praises, the moment the crowd had waited for arrived. To the strains of "We Are the

Champions," the players skated around the rink holding aloft the NCAA championship trophy.

The team has at least one more celebration in its future: an invitation to the White House, on a date to be confirmed later.

SENATE RESOLUTION 77—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into the use of correspondent banking for purposes of money laundering;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, legislative bodies, regulatory agencies, and court-appointed officials for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, legislative bodies, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of correspondent banking for the purpose of money laundering.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from various law enforcement and regulatory agencies, legislative bodies, and court-appointed officers, both here and abroad, for assistance in connection with pending investigations into the use of correspondent banks for money laundering, which has been the subject of recent investigation by the subcommittee.

This resolution would authorize the chairman and ranking member of the Permanent Subcommittee on Investigations, acting jointly, to provide investigative records, obtained by the subcommittee in the course of its investigations, in response to these requests.

SENATE CONCURRENT RESOLUTION 34—CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF THEIR FULL INDEPENDENCE

Mr. CAMPBELL (for himself, Mr. DODD, and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Mr. CAMPBELL. Mr. President, today I am joined by Senators DODD and VOINOVICH, fellow members of the Commission on Security and Cooperation in Europe, in submitting a Concurrent Resolution congratulating the people of Estonia, Latvia, and Lithuania on the tenth anniversary of the restoration of their full independence. The resolution also calls on the President of the United States to build upon the close and mutually beneficial relations with Estonia, Latvia, and Lithuania that have existed since the restoration of their full independence.

This year marks the tenth anniversary of the reestablishment of full independence to the Baltic nations of Estonia, Latvia, and Lithuania after almost five decades of illegal and brutal incorporation into the Soviet Union. The Baltic nations were independent between World War I and World War II. Their freedom and independence were stolen from them in a secret deal struck between Hitler and Stalin.

During the Soviet era, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned or exiled by the Soviet regime as Moscow attempted to repress any resistance to its rule. Besides physically persecuting individuals, the Soviet Union also tried to destroy the rich heritage of the Baltic people, by degrading their culture and attempting to replace their native languages with Russian.

It didn't work. The Baltic people never gave up their hope for freedom and their long-held dream of independence.

Moreover, during the Soviet period of "glasnost" and "perestroika," the Baltic people led the struggle for democratic reform and national consciousness. In the ten years following the restoration of their full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and rule of law at home. At the same time, they have actively participated in a wide range of international structures, while pursuing further integration into European political, economic and security organizations.

Earlier today I had the pleasure to meet with President Vike-Freiberga of Latvia, in my capacity as Chairman of the Commission on Security and Cooperation in Europe. I was joined by Co-Chairman CHRIS SMITH and fellow Commissioner ZACH WAMP. President Vike-Freiberga struck us as an impressive leader during our wide-ranging discussion of Euro-Atlantic cooperation and Latvia's development since the restoration of independence. Therefore, it is fitting that we introduce this resolution today, coinciding with President Vike-Freiberga's working visit to Washington.

I urge my colleagues to join in supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 353. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new title:

TITLE—EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES

SEC. 01. EXEMPTION FOR AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL SUPPLIES.

Notwithstanding any other provision of law, the export controls imposed on items under title III shall not apply to agricultural commodities, medicine, and medical supplies.

SEC. ___02. TERMINATION OF EXPORT CONTROLS REQUIRED BY LAW.

Notwithstanding any other provision of law, the President shall terminate any export control mandated by law on agricultural commodities, medicine, and medical supplies upon the date of enactment of this Act except for a control that is specifically reimposed by law.

SEC. ___03. EXCLUSIONS.

Sections ___01 and ___02 do not apply to the following:

(1) The export of agricultural commodities, medicine, and medical supplies that are subject to national security export controls under title II or are listed on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(2) The export of agricultural commodities, medicine, and medical supplies to a country against which an embargo is in effect under the Trading With the Enemy Act.

SEC. ___04. DEFINITION.

For purposes of this title, the term "agricultural commodity" means any agricultural commodity, food, fiber, or livestock (including livestock, as defined in section 602(2) of the Emergency Livestock Feed Assistance Act of 1988 (title VI of the Agricultural Act of 1949 (7 U.S.C. 1471(2))), and including insects), and any product thereof.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2002 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, May 8, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.
2. The Forest Service on Tuesday, May 8, 2001, beginning at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.
3. The Department of Energy on Tuesday, May 10, 2001, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Trici Heninger, Staff Assistant at (202) 244–7875, regarding the Department of the Interior and the Department of Energy hearings, and Kathleen Elder, Staff Assistant at (202) 244–7556, regarding the Forest Service hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place on Thursday, May 3rd, 2001 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC. 20510–6150.

For further information, please call Colleen Deegan, Counsel, Energy Committee at (202) 224–8115 or Clay Sell, Clerk, Energy and Water Subcommittee at (202) 224–7260.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 9:30 a.m., in open session to consider the nominations of Edward C. Aldridge to be Under Secretary of Defense for Acquisition and Technology; William J. Haynes II to be general counsel of the Department of Defense; and Powell A. Moore, to be Assistant Secretary of Defense for Legislative Affairs, and in executive session thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, at 9:30 a.m. on the nomination of Theodore W. Kassinger to be general counsel of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 26, 2001, immediately following the nomination hearing, on S. 718—Amateur Sports Integrity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 9:30 a.m. to conduct an oversight hearing. The committee will consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 26, 2001 to hear testimony on the Tax Code Complexity, New Hope for Fresh Solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 26, 2001 at 10 a.m. and 2:30 p.m. to hold a hearing and a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 26, 2001, at 10 a.m. in Dirksen Building Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, April 26, 2001 from 9 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science and Transportation, be authorized to meet on Thursday, April 26, 2001, at 2:30 p.m. on spamming.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 26, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the energy implications of the Forest Service's Roadless Area Rulemaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 26, 2001, at 2 p.m., in open session to receive testimony regarding strategic airlift and sealift imperatives for the 21st century.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing to receive testimony on budget oversight on the Corps of Engineers program for FY02 on Thursday, April 26 at 9:30 am.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Nicky Yuen on my staff be allowed floor privileges during the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE EAGLES OF BOSTON COLLEGE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 76, submitted earlier today by Senators KENNEDY and KERRY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 76) congratulating the Eagles of Boston College in Massachusetts for winning the 2001 National Collegiate Athletic Association Men's Ice Hockey championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Submitted Statements on Senate Resolutions.")

HONORING NEIL L. RUDENSTINE

Mr. LOTT. Mr. President, I ask unanimous consent that the HELP Committee be discharged from consideration of S. Res. 65 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 65) Honoring Neil L. Rudenstine, President of Harvard University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas Neil L. Rudenstine is retiring as the 26th President of Harvard University in Cambridge, Massachusetts, on June 30, 2001, after 10 years of service in the position;

Whereas Harvard University, founded in 1636, is the oldest university in the United States and 1 of the preeminent academic institutions in the world;

Whereas throughout the history of the United States, graduates of Harvard University have served the United States as leaders in public service, including 7 Presidents and many distinguished members of the United States Senate and the House of Representatives;

Whereas in recognition of his belief in, and Harvard University's continued commitment to, public service as a value of higher education, Neil L. Rudenstine worked to establish the Center for Public Leadership at Harvard University's Kennedy School of Government to prepare individuals for public service and leadership in an ever-changing world;

Whereas in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine's tenure, the University expanded its financial aid budget by $8,300,000 to help students graduate with less debt;

Whereas Neil L. Rudenstine has made Harvard University a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

Whereas Neil Rudenstine built an academic career of great distinction, including 2 bachelor's degrees, 1 from Princeton University and the other from Oxford University, a Rhodes Scholarship, a Harvard Ph.D. in English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

Resolved,

SECTION 1. HONORING NEIL L. RUDENSTINE.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University's President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

FARMER BANKRUPTCY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 256, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 256) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States code is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally turning its attention to retroactively renewing Chapter 12 of the Bankruptcy Code, which protects family farmers and helps them prevent foreclosures and forced auctions of their farms.

Unfortunately, many family farmers have been left in legal limbo in bankruptcy courts across the country since Chapter 12 of the Bankruptcy Code expired on July 1, 2000. Last year, the House of Representatives passed narrow legislation to retroactively renew Chapter 12, but that legislation died in the Senate. I worked to adopt the House-passed bill last year to renew Chapter 12, along with a number of Democratic Senators, but the Senate Majority Leader never scheduled a vote on the bill.

This year, Representative NICK SMITH and Representative TAMMY BALDWIN introduced H.R. 256 to retroactively renew Chapter 12. Thanks to their bipartisan efforts the House passed the bill on February 28 by a vote of 408–2. I commend them for their leadership in securing House passage of this legislation.

Earlier this month, Representative SMITH and Representative BALDWIN wrote to me about trying to secure quick Senate passage of H.R. 256. I agreed that the Senate should act immediately to renew Chapter 12 of the Bankruptcy Code and send their legislation to the President for his signature into law. I am glad the Majority Leader is finally taking up our request to take up and pass H.R. 256.

During the debate earlier this year on comprehensive changes to the bankruptcy system, some proponents of the controversial reform bill claimed that it must be passed to restore Chapter 12 to the Bankruptcy Code. I hope today's action to pass a stand alone Chapter 12 bill will make it clear to all that the

Senate does not have to pass a mammoth bankruptcy reform bill to provide family farmers with bankruptcy protection. I also hope today's action will put an end to any efforts to use Chapter 12 as leverage to enact controversial bankruptcy reform legislation. Our family farmers deserve better.

I strongly support H.R. 256 to retroactively give our family farmers bankruptcy protection if they fall on hard times. It is past time for Congress to retroactively renew Chapter 12 of the Bankruptcy Code to provide a safety net for our nation's family farmers.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 256) was read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 77, submitted earlier by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 77) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Submitted Statements on Senate Resolutions.")

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Foreign Relations Committee today: Paula Dobriansky to be an Under Secretary of State; James Andrew Kelly to be an Assistant Secretary of State; Andrew Natsios to be Administrator of the United States Agency for International Development.

I further ask unanimous consent that the nominations be confirmed; the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Paula J. Dobriansky, of Virginia, to be an Under Secretary of State (Global Affairs).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

Mr. KENNEDY. Mr. President, I strongly support the nomination of Andrew Natsios. Andrew has ably served the State of Massachusetts as a Representative in the State House and as Chief Financial Officer for the State. He is an outstanding choice for the important post of Administrator for the Agency for International Development, and I'm confident he'll serve our country with great distinction.

The Agency plays an invaluable role for the United States, bringing the hope of a better life to those in need around the globe through humanitarian aid and development projects. Its Administrator must understand the challenges facing the Agency both internally and externally. He must be a strong and effective manager. He must be committed to improving the Agency as an institution and have the ability to advance its development mission effectively. I'm confident that Andrew possesses the skills to accomplish these goals and that he will enhance the agency's valuable work around the world.

Andrew has spent much of his distinguished career working on these important issues—most notably as the Assistant Administrator for the Bureau of Food and Humanitarian Assistance at the Agency for International Development, as Director of the Office of Foreign Disaster Assistance and as Vice President of World Vision. Because of his outstanding ability, he was appointed as special coordinator to manage U.S. Government relief efforts during the Somalia famine.

Andrew has written extensively on the challenges posed by humanitarian and intervention assistance and disaster response to U.S. foreign policy interests. He has also lectured at Boston College, the University of Massachusetts, and Northeastern University.

Because of his strong management skills, Andrew was called in to Chair the Massachusetts Turnpike Authority and to oversee the Central Artery Tunnel Project—the nation's largest public project. We all agree that his management has restored credibility to the project. He also served as Governor Cellucci's Chief Financial Officer for Massachusetts and was responsible for a $20 billion state budget.

Andrew has the vision, skills and ability to lead the Agency for International Development very effectively in the years ahead. His knowledge and experience, and his strong commitment to improving the agency will strengthen all of its vital missions.

I look forward very much to working with him as the Administrator of the Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, APRIL 30, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m. on Monday, April 30. I ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 3 p.m. with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 2 p.m. to 2:30 p.m., Senator THOMAS or his designee from 2:30 p.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will convene at 2 p.m on Monday. Following 1 hour of morning business, we will begin debate on the motion to proceed to S. 1, the education bill. Cloture was filed on the motion to proceed to the bill on Thursday, today, with a vote scheduled to occur at 9:30 a.m. on Tuesday. An agreement on the nomination of John Robert Bolton is being discussed, and it is hoped that debate and confirmation can occur prior to lunch on Tuesday. Senators should be aware that there will be no votes during Monday's session. Having said that, the remainder of the week will be extremely busy in an effort to complete action on the education bill and hopefully the budget conference.

ADJOURNMENT UNTIL MONDAY, APRIL 30, 2001, AT 2 P.M.

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Monday, April 30, 2001, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 26, 2001:

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES V. AIDALA, RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

to be lieutenant general

MAJ. GEN. ROBERT MAGNUS, 6252

THE FOLLOWING NAMED UNITED STATES MARINE CORPS RESERVE OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5144 AND 601:

to be lieutenant general

MAJ. GEN. DENNIS M. MCCARTHY, 8685

IN THE NAVY

THE FOLLOWING NAMED UNITED STATES NAVAL RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5143 AND 601:

to be vice admiral

REAR ADM. JOHN B. TOTUSHEK, 7850

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

to be lieutenant commander

ROBERT M ABUBO, 2118
DAVID K ANDERSON, 2036
TIMOTHY BARNEY, 3731
MATTHEW BONNER, 9984
CRAIG T BOWDEN, 1806
ROBERT L CHATHAM, 3900
TRACY A DOBEL, 0839
DAVID G ERICKSON, 1467
DARRYL D FIELDER, 2956
DANIEL J GILLEN, 5699
HOWARD D GUBBS, 5490
DAVID K GULUZIAN, 4970
THOMAS HARRILL, 1374
JAMES E KIRBY, 4810
BOBBY L KING, 2971
DOUGLAS W KUNZMAN, 1553
BRYCE D LABMERT, 5128
JOHN LOBUONO, 6729
JOHN J MEAGHER, 4576
KEVIN A MELODY, 7542
KEITH L PAYNE, 8138
ROLAND C ROEDER, 5756
VICTOR S SCHWARTZ, 4457
WILLIAM E SOLOMON III, 5721
ERIC B SVENSSON, 3527
JULIUS TAYLOR, 6188
ZANE R THOMAS, 3995
TREVOR N TYLER, 9526
MAX WILDERMUTH, 6505
ERIC D WILLIAMS, 1975

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

to be captain

EDWARD P ABBOTT, 1532
ANDREW W ACEVEDO, 6916
SCOTT E ALLEN JR., 2489
JAMES L ALLISON, 9950
JEFFREY R ALLMON, 3176
KEVIN W ALT, 4674
PHILIP J ALTIZER JR., 6413
TIMOTHY M ANDERSEN, 3482
GLENN E ANDERSON, 5799
JOSEPH ARANGO III, 9451
GEORGE M ARVONEN, 8984
JOSEPH W ASHBAKER, 4315
JOHN R ATKINSON, 1844
CHERYL L AUSTIN, 0336
PATRICK J AUSTIN, 3214
ANDREW G BAAN, 0007
GIL A BALAOING, 1354
GEORGE W BALLANCE, 7821
WALTER W BALLARD, 6297
WARREN S BARKLEY II, 9412
STEPHEN C BARTO, 6438
STEPHEN D BAUGHMAN, 0773
MARK E BAUMAN, 4559
JAMES F BECKA, 3007
CHARLES G BELTZ, 4798
JOHN R BENNETT, 1829
DONALD J BENZING, 0853
MARTIN W BERG, 1248
WILLIAM S BEYER, 8485
ROGER D BIRNBAUM, 7851
TIMOTHY J BISHOP, 2773
WANDA O BISKADUROS, 0040
THOMAS M BLAIR, 1777
THOMAS H BLAKENEY JR., 4918
CELIA A BOOTH, 0485
FREDERICK Y BORDEN III, 7502
ROBERT J BOROWSKI, 0597
CHRISTOPHER P BOYLAN, 4317
DEAN C BRACKETT, 8823
STEVEN L BRADLEY, 4444
ROBIN A BRAKE, 6870
CHARLES R BRAUN JR., 5027
RICHARD E BRAUNIG, 2419
RICHARD J BRENNAN JR., 8856
FRANCIS C BRINKER, 0851
MICHAEL C BRINKMANN, 4973
DAVID BROADBENT, 7530
THEODORE L BROOKS, 4879
LEONARD J BROWN, 1262
MICHAEL G BUTCHER, 3288
JON A BUTTRAM, 9657
ALLYSON T CADDELL, 7710
JAMES C CAIN, 8833
JAMES J CAIN, 0380
HAROLD F CANNON JR., 1420
ALLEN F CANTRELL, 7993
THOMAS E CARROLL, 9726
MARK S CHAMBERLAIN, 2821
BRANDAN J CHANG, 9613
JAMES S CHEATHAM JR., 1221
VAHAN CHERTAVIAN, 2265
BRANNAN W CHISOLM, 9055
MICHAEL H COCHRANE, 3445
GORDON V COLE, 4253
JOHN W COLEMAN II, 8140
CHRISTOPHER M CONROY, 6085
CURTIS A COOPER, 8261
JOHN J CORBETT, 5674
HENRY J CORSCADDEN III, 1647
DAVID W COSTA, 3245
DAVE L COTNER, 9359
ROBERT W COWING, 5566
MARK L CROOK, 9296
ANATOLIO B CRUZ, 7318
BRUCE CUMINGS, 1760
THOMAS P DAGOSTINO, 2850
JOHN Q DALSANTO, 1537
FRANCIS DANIEL, 8672
SANDY L DANIELS, 6109
LEONARD A DATO, 1379
MARK H DAVIDSON, 1033
LARRY W DAVIS, 3455
LELAND D DEATLEY, 5607
JAMES C DEGENHARDT, 2244
VICTOR E DELNORE JR., 6237
JOHN M DEMAGGIO, 9907
BRUCE J DINSMORE, 6541
DOUGLAS B DRIVER, 0972
DANIEL N DUBE, 8616
TIMOTHY J DWYER, 7961
JOYCE M EASTWICK, 5190
CHARLES N EDWARDS, 1516
MICHAEL D T EDWARDS, 3285
GARY L EILAND, 6941
DONALD W EISENHART JR., 5114
PETER A ENCHELMAYER, 6717
NICHOLAS J EPISCOPO JR., 2023
STEVEN L FARLEY, 2970
GUENTHER FEISTE, 3405
THEODORE F FESSEL JR., 5573
MALORIE L FITZGERALD, 3538
PATRICK J FITZMAURICE JR., 7533
TERRANCE FITZPATRICK, 5930
THOMAS H FLOURNOY, 0511
WILLIAM F FLYNN, 9576
THEODORE FOLLAS, 8119
TERESA B FOLTZ, 0205
RAY FOWLER JR., 5729
EDWARD J FRANCIS, 0237
STEVEN R FRAZER, 6777
JOHN P FRY, 0309
MICHAEL H GAFFNEY, 5187
LINDA T GAINES, 2959
PHILIP A GARCIA, 3494
DAVID H GATES, 3106
LARRY L GATLIN, 1063
KEVIN J GILLIS, 2902
CHARLES B GILLMAN, 6209
NICHOLAS J GIZZI JR., 2510
KEITH V GOODSON, 2930
ROBIN L GRAF, 1815
THOMAS P GRAFF, 6541
MICHAEL A GREEN, 0162
CHERYL A GUIDOBONI, 8321
CHRISTOPHER GUYER, 9836
LINDA A HARBER, 8407
GEORGE M HARDY III, 9690
DONALD P HARKER, 9171
DAVID M HARRIS, 7040
RONALD B HAWKINS, 6203
PETER J HAYASE, 6482
BELINDA B HEERWAGEN, 2684
JOHN P HETRICK JR., 5048
WAYNE D HILD, 2923
HOWARD D HILL, 8749
KIRK E HIVELY, 8278
DANNY B HODGE, 1730
HARVEY S HOPKINS, 4587
RICHARD C HUGHES, 3516
KEVIN H HUGMAN, 4578
ROBERT P HUMPHREY, 8640
FRANCIS A HUNT JR., 3090
MARK E HYMAN, 7876
PAMELA M IOVINO, 9651
BARBARA A IVES, 1518
PETER S JEROME, 5577
BENNETT H JOHNSON, 0173
CAROYL D JOHNSON, 3191
SIGVARD B JOHNSON JR., 7734
JOHN A JONES, 1620
RICHARD L JONES, 1547
MICHAEL G JORDAN, 1471
BYRON J JOSEPH II, 0736
JEFFREY A JULIUS, 9005
STEVEN M JUNKINS, 1949
GEORGE S KACHMARIK, 5653
THOMAS A KAISER, 8603
OWEN N KAWAMOTO, 6398
MICHAEL T KEATING, 7051
THOMAS F KENDZIORSKI, 3120
JOHN M KENNEDY, 7811
PETER F KILGER JR., 4241
WILLIAM A KING JR., 2020
EARL K KISHIDA, 2734
RICHARD S KOPP, 7914
WILLIAM M KOVALCHIK, 5783
PETER H KRAYER, 7274
RAYMOND M KUTCH, 5429
ALAN A LABEOUF, 4681
CRAIG W LEE, 6190
FREDERICK L LEES, 3973
DAVID K LEHMAN, 1950
WILLIAM M LEMKE, 3517
THOMAS W LETT, 9539
MARTIN J LINDENMAYER, 7725
LORI A LINDHOLM, 6427
DOUGLAS L LLOYD, 4198
CRAIG R LOVE, 2375
ROBERT W MACDOUGALL, 0094
STEVEN E MAFFEO, 6163
THOMAS A MAGUIRE, 3179
WILLIAM F MALLOY JR., 7794
PETER T MALONEY, 1618
WILLIAM M MARCHANT, 7195
RICHARD L MARIN, 7797
RICHARD J MARINUCCI, 1696
BRIAN P MARKS, 6102
DEAN B MARKUSSEN, 0221
WILLIAM D MARSH JR., 4412
RICHARD G MARTIN, 2502
WILLIAM C MARTIN JR., 2709
RANDY A MARTINEZ, 2496
GARY J MAYER, 7247
WILLIAM F MCALPINE, 3244
MARK L MCANDREWS, 8027
ANNE M MCCLELLAN, 0534
GAVIN G MCCRARY, 0888
MICHAEL MCDANIEL, 4966
TERRENCE T MCGINNIS, 6264
MARC V MCGOWAN, 3437
DENNIS M MCLAUGHLIN, 8329
DONALD E MCMACKIN, 5371
TERESA B MCNAMARA, 0650
MALCOLM J MCPHEE JR., 1744
MAURICE J MCWHIRTER, 1751
STEVEN L MICHALS, 1658
GLENN R MICKLE, 3270
DAVID M MITCHELL, 3325
RICHARD A MONTANIO, 6954
BARTON A MOORE, 2813
THOMAS K MORGAN, 3938
WILLIAM C MORRILL, 2830
DONALD C MORRISON, 8960
JAMES H MORRISON, 8407
JEFFREY C MOTTER, 0499
SCOTT W MOTZ, 2102
JOHN P MUELLER, 3912
JOSEPH M MURPHY, 6384
HARRY L MYERS, 1606
ALADAR NESSER, 7424
JEFFREY C NICHOLAS, 4920
JAMES C NICHOLS JR., 8688
MICHAEL J NICOLOFF, 7100
GARY D NOBLE, 4525
KERRY L NYE, 8282
CAROL A R OHAGAN, 7042
DAVID R OLSON, 3648
MANUEL ORTEGA, 2600
JAMES S OSBORNE JR., 3545
SANDRA K OSTEEN, 3339
KIM A D OSWALD, 1514
DERRICK W OWINGS, 0130
STEVEN S PAINTER, 5733
STEVE F PALMER, 0263
BARBARA J PALUSZEK, 8600
KEVIN E PARKER, 9641
NELSE C PETERSEN, 6011
BRADLEY A PETERSON, 5392
JAMES B PHILPITT, 1629
THOMAS R PICKLES, 7334
HENRY F POWELL, 2436

STEVEN M POWELL, 3679
DAVID L QUESSENBERRY, 5328
LANCE W RAFFE, 7446
JOSEPH RAPPISI, 7026
JONATHAN D REEDER, 7946
CURTIS G REILLY, 4578
CHARLES P RENNINGER II, 7385
JOE REYES, 9275
KENNETH G RIGOULOT II, 0796
ANTHONY J RIZZO, 3478
EILEEN S ROBERSON, 5300
EILEEN J ROEMER, 5013
LORRAINE J ROMANO, 6205
WILLIAM H ROOF, 9342
LEE V ROSSETTI, 3942
WILLIAM A ROTHWELL, 5373
MARK W RUSHING, 5450
DAVID G RUSSELL, 3489
SCOTT E SANDERS, 9794
JOHN E SARCONE, 4257
KRISTINE L SARVER, 6874
LISA A SCHAEFER, 7340
STEVEN L SCHMIDT, 9269
ELIZABETH A SCHNEIDER, 6035
MARK A SCHULER, 0996
JAMES J SHERIDAN, 9350
ROBERT E SIGRIST, 4911
JOHN L SIMS, 9117
ALAN L SINGER, 9042
ROBERT L SINNOKRAK, 4571
GEORGE A SMITH, 6725
MICHAEL C SMITH, 1598
SAMUEL J SMITHERS, 4236
KEVIN F SPALDING, 1324
GEORGE O SPENCER III, 9026
LENNIE W SPENCER, 6976
TIMOTHY J STARK, 2807
JOHN S STRATEMEIER, 5676
ROBERT C SWANEKAMP, 7669
MICHAEL P TAYLOR, 9396
DAVID TEZZA, 8610
JOSEPH B THOMAS JR., 7236
RICHARD D THOMAS, 7865
MARK S TIERNAN, 9053
C H TINDAL, 1151
STEPHEN T TREACY, 2091
JAMES W TRIPPEL, 5470
JOHN C TRONTI, 3952
BRUCE A TROUTMAN, 3087
RICHARD TRUITT, 2036
KENNETH L TURNER, 7670
JOHN J TURONIS, 8602
ROBERT F URSO, 0568
CLAUDE P VALLIERE, 6727
REINETTA VANEENDENBURG, 2465
CHARLES L VANGORDEN JR., 0375
JOSEPH L VAUGHAN, 0093
JOSEPH E VOLKL, 1508
RAYMOND M VOLLUZ, 4428
JOYCELYN B WALTERS, 9244
JAMES A WARD, 6904
TERRY S WHITE, 6130
JOSH T WILLIAMS III, 1205
THEODORE M WILLIAMSON, 0137
DONALD E WILSON, 1947
TERRY L WILSON, 5896
RONALD J WILTSIE, 8319
FRANCIS R WINKEL, 9073
DALE W WINSTEAD, 3312
DONALD L WOLVEN, 6251
NICHOLAS C XENOS, 7149
VICTOR J YANEGA III, 8352
MICHAEL J YRACEBURN, 2136
ROBERT ZAUPER, 0978

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 26, 2001:

DEPARTMENT OF STATE

JAMES ANDREW KELLY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (GLOBAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ANDREW S. NATSIOS, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)

EXTENSIONS OF REMARKS

PHYLLIS MARCHAND RECEIVES HUMAN RELATIONS AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of Phyllis Marchand who will receive the Human Relations Award given by the Central New Jersey Chapter of the American Jewish Committee. She receives this award for her outstanding commitment to the Princeton community and the American Jewish Committee.

Ms. Marchand is in her fifteenth year as an elected official in Princeton and her sixth year as the Mayor of Princeton Township. She has led in state affairs as President of both the New Jersey League of Municipalities and the New Jersey Association for Elected Women Officials. Ms. Marchand has been recognized as "Elected Official of the Year" by the NJ Municipal Managers Association and has received the Humanitarian Award from the National Conference of Christians and Jews. Ms. Marchand has served as President of the Mercer County Hispanic Association and serves on its board as well as that of the Mercer Council on Alcoholism and Drug Addiction.

A graduate of Skidmore College, Ms. Marchand has been a professional book indexer working on Collier's Encyclopedia, The Papers of Woodrow Wilson and The Samuel Johnson Letters. She is a member of the Princeton Jewish Center, the American Jewish Committee and a life member of Hadassah. During her 35 years in Princeton, she has served on the boards of Hadassah, The Jewish Center, UJA and B'nai B'rith.

Ms. Marchand has made significant contributions to the Princeton community in particular and New Jersey as a whole. I urge all my colleagues to join me today in recognizing Ms. Marchand's dedication and commitment to public service.

A BILL TO REPEAL THE LIMITATION ON THE USE OF FOREIGN TAX CREDITS UNDER THE ALTERNATIVE MINIMUM TAX

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, together with a bipartisan group of our colleagues, in introducing a bill which would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

The bill would repeal the present-law limitation on the use of foreign tax credits under the alternative minimum tax that has the effect of subjecting taxpayers to double taxation on foreign income. This bill is identical to the one introduced in the 106th Congress, except for advancing the effective date by a year.

A U. S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer is also subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States. However, the U. S. allows taxpayers to treat the foreign taxes paid on their foreign source income as an offset against the U.S. tax with respect to that same income. The basic principle of this foreign tax credit is simple: to provide relief from double taxation.

When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various "preferences" in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer's alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, research and experimentation and other activities.

There is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill being introduced will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. With the elimination of this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax.

Concern regarding the unfairness of the AMT limitation on the use of the foreign tax credits is not new. Indeed, the House in 1995 passed a provision repealing the 90 percent limitation as part of a complete package of AMT reforms. Overall reform of the AMT, for individuals and businesses, remains a high priority. This bill to eliminate the 90 percent limitation on foreign tax credits for AMT purposes represents an important step in that direction. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO JOHN BRATTON DAVIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Judge John Bratton Davis. On Monday, April 2, it was my pleasure to participate in a very moving ceremony renaming the building housing the United States Bankruptcy Court in Columbia, South Carolina in honor of Judge Davis.

Mr. Davis was born in Hartsville, South Carolina in 1917. After graduating from the University of South Carolina and the University of South Carolina Law School, he took graduate work at Harvard Law School. He served in the South Pacific Theater of Operations, first as an executive officer and later as naval aide to the Commander of the New Hebrides Island Group. After service to his country, Mr. Davis began the practice of law with Graydon, Grimball, Graydon, Faulkenberry, Sawyer, and Suber. He remained in the private practice of law until 1969, when he was appointed as a U.S. Bankruptcy Judge for the District of South Carolina.

In 1986, Judge Bratton Davis was appointed Chief Justice of the Bankruptcy Court, a post he held for fourteen years. He has served as Chairman of the State of South Carolina Development Board, Vice-President of the Richland County Bar Association, and President of the Navy League of South Carolina. In addition, Mr. Davis has served on the Board of Directors of the South Carolina National Bank, Security Federal Savings and Loan Association, and University of South Carolina Educational Foundation.

Committed to his community, Mr. Davis served as State Vice-Commander of the American Legion, Co-Chainnan of the March of Dimes Campaign, President of the Richland County Society for the Prevention of Cruelty to Animals, and President of the Columbia Kiwanis Club. He is a member of the Board of Directors of the Columbia Chapter of the American Red Cross and the National Foundation for Infantile Paralysis. Active in his church, Mr. Davis is a Vestryman at Trinity Cathedral.

Mr. Speaker, please join me in paying tribute to Judge John Bratton Davis for his many years of unselfish service to God and country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF MAYOR GERALD GILKEY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, I rise today to salute Mayor Gerald Gilkey on his 42 years of public service to the Lamar city government. Mayor Gilkey retired from public life on April 16th, 2001. His exceptional career with the City of Lamar began in April 1959, with six years as a councilman in Lamar city government. In 1965, he was elected mayor, a position to which he would be re-elected 17 times; serving an astounding total of 36 years.

Mayor Gilkey has diligently served the people of Lamar, Missouri for over three decades. His dedication to public service and to the community of Lamar is to be commended. The Mayor has worked tirelessly to ensure that Lamar continues to grow. Under his dedicated leadership, the city developed a 45 acre city park that includes a multiple outdoor sports complex, walking trails and picnic areas. Recently, Mayor Gilkey led the effort to build Southwest Missouri's first aquatic park located in the Lamar City Park. A $1.3 million water treatment plant was built due to the Mayor's leadership. Mayor Gilkey was instrumental in guiding the construction of an 800-seat, state of the art, "Thiebaud" auditorium that is used by the community, area schools and organizations.

Mayor Gilkey is the recipient of numerous awards including the Lamar Chamber of Commerce, "Man of the Year" in 1990; in 1982 he shared "top newsmaker" with the city council. In 1994, he was honored with the "Outstanding Community Service" award from the Lamar Rotary Club. In 1997 at the Homemaker Cooking Show, he was awarded Lamar Democrat's MVP. Mayor Gilkey's presence can also be found throughout the Southwest corner of Missouri. He has served on countless boards and committees where his visionary representation helped influence the growth and improvement of the area.

On June 18, 2001, Gerald and his wife Betty will celebrate their 59th wedding anniversary. Mayor Gilkey has had a great partner and in 1961, Gerald and Betty purchased what is now the Gilkey Automotive Group, and their son, Steve, is now the general manager.

Mr. Speaker, it is clear that we will miss an inspirational member of the Lamar community with Mayor Gilkey's retirement from public service. I am sure that I speak for many when I say that his tireless work will not soon be forgotten and that we are all thankful. I would like to personally wish him well in this new stage of his life and know that he will continue to be a presence in Lamar, Missouri. I am certain that my colleagues will join me in honoring this remarkable man.

CENTRAL NEW JERSEY CELEBRATES THE OPENING OF THE SOUTH BRUNSWICK YMCA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of the opening of the South Brunswick YMCA. Over the past five years, volunteers from South Brunswick and surrounding communities have pooled their collective resources to take this project from concept to completion.

YMCA is an international not-for-profit community service organization brought from London, England to Boston in 1851. From Boston, YMCAs quickly spread across America. At this time many facilities started opening their doors to boys and men of all ages. Some YMCAs were started to serve specific groups such as railroad and factory workers. After World War II, women and girls could enjoy the full benefits of membership and participation. Today, half of all Y members are female.

The South Brunswick YMCA has brought families from across Southern Middlesex County together to assist in the development of a family-oriented, multifaceted facility driven by a well trained, dedicated and nurturing staff. The YMCA was founded on the commitment to provide a community-based facility to address the health, recreational and social service needs of the community.

The South Brunswick YMCA addresses local community needs through organized activities. Some of the programs offered by the YMCA include swimming lessons, exercise classes for people with disabilities, job training, support groups, water fitness, child care, and dance classes.

Although much has changed over the years, YMCA's mission is the same—to provide the tools needed to build strong kids, strong families and strong communities, and reinforce the values of caring, honesty, respect and responsibility.

WISHING SAN LUIS A HAPPY 150TH BIRTHDAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to wish Colorado's oldest town a happy 150th birthday. Nestled in the Sangre de Cristo mountains is the small town of San Luis, which was founded in 1851. Since then it has been home to many families over the last century and a half.

On April 5, 1851, San Luis de la Culebra was founded by Carlos Beaubien and established by settlers from northern New Mexico. According to Governor Bill Owens, San Luis' "rich and beautiful heritage" is attributed to its food, music, language, celebrations and historic buildings.

Under the protection of a group of soldiers from the War Department, the settlers built homes and began to plant. The town continued to grow and in 1861 when Colorado was made a territory, San Luis became the county seat of the newly established Costilla County.

As part of the celebration, Governor Owens proclaimed April as the Oldest Town in Colorado Month, and April 5 as the Oldest Town in Colorado Day. The proclamation refers to San Luis' founding on April 5, 1851, following the pattern of land grants. Carlos Beaubien then gave the people of San Luis the grant of La Vega, a common grazing area which is the last remaining true commons in the United States.

Specifically, the proclamation acknowledges the San Luis Museum and Cultural Center, the Stations of the Cross Shrine and Los Caminos Antiqus Scenic and Historic Byway.

Mr. Speaker, we are all proud of the rich heritage the city of San Luis has established over the last 150 years. And it is with great pleasure that I ask this Congress to recognize San Luis and wish them a happy birthday.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE A SPECIAL RULE FOR MEMBERS OF THE UNIFORMED SERVICES AND THE FOREIGN SERVICE, AND OTHER EMPLOYEES, IN DETERMINING THE EXCLUSION OF GAIN FROM THE SALE OF A PRINCIPAL RESIDENCE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join with several of my colleagues in introducing our bill, which would address an inequity caused by a change in the Internal Revenue Code in 1997. The proposed change would simply adjust an oversight and bring fairness and equality to the Code by recognizing the unique circumstances of the members of the Foreign Service, the Uniformed Services and U.S. business persons who are working abroad. The bill is the same as the one introduced in the 106th Congress, except that the applicability to business persons provision has been added. The bill is retroactive to May 1997, when the change occurred.

The Code was changed in 1997 to provide a benefit to taxpayers who sell their principal residence—a change more generally beneficial than the prior law. Where the prior law provided for rollovers of capital gains and a one-time exclusion, the new law requires that the owner(s) occupy the principal residence for at least two years of the previous five years from the date of sale to qualify for the full exclusion.

However, members of the Foreign Service and the Uniformed Services, as well as certain business persons posted abroad by their U.S. employers, may not be able to take advantage of the generous change enacted in 1997. The problem arises from the fact that we post our Foreign Service abroad for years at a time, and we move the military from post to post in the U.S. and abroad. The same problem can arise for business persons who are moved abroad for longer and more frequent periods than in the past. With the globalization that is occurring, and affecting most economies, it is essential that our multinational companies compete on a worldwide basis. Globalization is certainly a major factor in our economy. In 2000, exports and imports for the U.S. totaled about $2 trillion—over 20% of our economy.

The problem arises because it is difficult for these individuals to fit into the mold we created in the 1997 law change. This result occurs because their posting abroad and at home is controlled by others. The bill would alleviate this problem for Foreign Service and Uniformed Services members by suspending the five year period for ownership and principal use for any periods during which the taxpayer was under official orders to serve at a duty station away from his or her home. This change would retain the 5 year look-back and the 2 year principal residence rules, but would address the unfairness issue applicable to members of the Foreign Service and Uniformed Services. The bill would also address the issue for business persons by suspending for up to five years, the five year principal residence test for an individual relocated abroad by his or her employer.

The proposed correction of this problem is not new. In fact, the Taxpayer Refund and Relief Act of 1999, H.R. 2488, which was passed by both the House and the Senate included provisions to correct the problem for all three groups. Unfortunately, the bill was vetoed for reasons unrelated to this proposal. Recently, we in the House have been focusing on tax bills that benefit and directly affect the American people—and this bill does just that. We urge our colleagues to join in cosponsoring this legislation.

TRIBUTE TO CHARLIE BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a good friend and former student Charlie Brown of Hilton Head Island, South Carolina. Mr. Brown was recently named a recipient of the J. Willard Marriott Award of Excellence for 2001.

Mr. Brown is the Community Relations and Supplier Diversity Manager for Marriott Vacation Club International on Hilton Head Island. He is a consumate team player, noted for assisting anyone in need and being the first to lend a helping hand. Mr. Brown has become legendary for always being the first to arrive after a hurricane to assist with evacuations and to see where he can be of the most help.

Committed to his community as well as his job, Mr. Brown helped to establish the Hilton Head Medical Center Community Relations Work Group in 1997. He worked toward the start of this group after seeing a need for more open lines of communication between the minority community and the Hilton Head Medical Center and Clinics. Mr. Brown has also been instrumental in seeing the vision of a Minority Business Council on Hilton Head move from the talking stage to fruition.

Selflessly devoting his time, Mr. Brown serves on the boards of the Hilton Head Island Community Foundation, Hilton Head Island American Heart Association, Beaufort County First National Bank, and the NAACP/Housing Initiative Project. In addition, he is the chairman-elect of the Hilton Head Chamber of Commerce and the chairman of the Island Recreation Center Fastline Track Club.

Mr. Speaker, I ask you to join with me and my fellow South Carolinians in honoring Mr. Charlie Brown. He is a wonderful example of commitment to career and community alike and is well-deserving of the Marriott Award of Excellence.

HONORING THOSE WHO MAKE SENSE OF YESTERDAY'S EVENTS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, in 1961 work began between two Germanies on a concrete wall 28 miles long which would divide a people and become the physical symbol of the division between two great world powers.

In 1961 the international manned space race began in earnest with Russia beating the United States to the first major goal by placing Cosmonaut Yuri Gagarin into orbit.

In 1961 the robust air carrier TWA became the first airline to offer in-flight movies on international flights.

In 1961 the former African colony of Tanganyika became an indepehdent country.

In 1961 President John F. Kennedy was inaugurated as the nation's youngest President.

And in 1961 two young historians and academics began their teaching careers at Southwest Baptist College in Bolivar, Missouri.

Forty years later the Berlin wall exists only in scattered pieces around the world and Germany once again stands as a single nation. American and Russian astronauts today jointly man the International Space Station. TWA has merged into American Airlines and Tanganyika has joined with Zanzibar to become Tanzania. President Kennedy was felled by an assassin's bullet. What has remained unchanged is that Drs. Harlie Gallatin and Frank Cunningham are still helping students at what is now Southwest Baptist University not only learn the details of history, but understand how events of past decades, centuries and millennia effect our lives today.

I rise today to commend these two men who are scholars in every sense of the word, dedicating their lives to their discipline and their students. Near the beginning of their careers as a student and near the end as University President, I benefitted from their scholarship as well as their example in commitment to Faith and family.

Through the years thousands of young people have not only learned about the heritage of our nation and world, but have developed a deep love and respect for history. Many of those students now make significant contributions to the betterment of our nation and world as civic and governmental leaders, educators, scientists, ministers and at least one congressman.

At the end of this academic year Dr. Gallatin retires as Chairman of the Department of History and Political Science at the University where he has worked tirelessly to develop faculty, curricula, and students. He has seen the school grow from a junior college to a four year institution and finally to a University. Dr. Cunningham although retiring from the full-time faculty in 1996 continues to remain active in the department as Emeritus Senior Professor of History.

Today, I want to thank these two men for their commitment both to the discipline of history and to their sharing a respect for and insight into history with all those young lives they have touched over the past four decades. Both these men repeatedly went out of their way to help struggling students understand difficult concepts, and learn to examine significant events with a discerning eye. They helped students view historic events without having to reject their religious faith. They have not invested their lives in vain.

My colleagues in this chamber often wrestle with the issues of history: how our actions will impact future generations and how we will be viewed. I know they join me in thanking Drs. Gallatin and Cunningham for their work in helping us to use the events of yesterday to craft solutions challenges of tomorrow.

THE REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BALLENGER. Mr. Speaker, today, I am reintroducing "The Rewarding Performance in Compensation Act" which will help workers to share, financially, when their efforts help produce gains for their company in productivity, sales, fewer injuries, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee's regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to "share the wealth" with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called "gainsharing" plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are assigned individual or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee's control, such as productivity or costs, rather than on the company's profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of "pay based on performance" plans.

For example, if a bonus is based on production, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee's regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee's overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give non-exempt hourly employees gainsharing or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and gainsharing programs that exempt employees receive.

Performance bonuses and gainsharing programs are a way for employees to share in the success of the company they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work.

HONORING HAROLD ELAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this time to honor a pillar of the Grand Junction community. Harold Elam is one of the leading citizens of Western Colorado. Throughout his life, Harold has made the Western Colorado a better place to live. For that, I would like this body to pay tribute to him.

Harold currently owns Elam Construction, which has been a business staple in Western Colorado for a very long time. Under Harold's leadership, the company has been very civic minded, both on a local and state level. Elam Construction has helped out numerous citizens and organizations in Grand Junction and throughout the State of Colorado. "Harold is so generous that he has made the local area and the state a better place to live," said Caroline Suplizio, a friend of Harold's and a leader in the community herself.

Harold gives generously to a number of important organizations, like Mesa County School District 51, Mesa State College, Canyon View Park and the Grand Junction Symphony. He sponsors wonderful events such as the Elam Symphony Classic as well as the Elam Tennis Classic.

Harold has been the recipient of many awards, including the 1999 National Award for Community Involvement, and the "Quality in Construction Award" given by NAPA. He has also been named the honorary Conductor of the year for his outstanding philanthropic contribution to the community symphony and the State of Colorado. This year, the Grand Junction Symphony is honoring Harold as the "Philanthropist of the Year". A fitting tribute to an outstanding man.

Mr. Speaker, Harold Elam has been an incredibly generous member of our community. His generosity has been a tremendous boon and for that I would like to recognize him and thank him with this Congressional Tribute.

Harold, your community, state and nation are proud of you, and we're all grateful for generosity, service and positive leadership.

RECOGNIZING THE WEST SIDE MAGNET SCHOOL, TROUP COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARR of Georgia. Mr. Speaker, although the magnet school concept is not new to the public school system, West Side Magnet School of the Troup County School System in the Seventh District of Georgia has accomplished a goal that most would find challenging: The school was ranked first (with an 87.3 score) of 35 schools in the nation, given exemplary status, and received national recognition from the Getty Trust and National Arts Education Consortium. It was one of only six southern schools chosen to be tested for a period of five years the goal: see what new curriculum combinations result when arts are combined with school reform.

Principal Nancy Stevens says the school's accomplishments are a direct result of support from the school system and the arts community, which includes arts support from the Chattahoochee Valley Art Museum, LaGrange College, the opera guild, and The LaGrange Symphony.

The study found the top scoring schools shared the following characteristics: "strong", and supportive leadership either from the principal or key staff, an openness for learning," and support for arts "both in the school and the community." The study and its findings will be published in 2002.

I hope all Members of the United States Congress will join me in recognizing the hard work of everyone who has contributed to making the West Side Magnet School a success.

TRIBUTE TO LOWELL SELVIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a unique individual who is a champion for social justice, a leader in his community, and a trailblazer in the business world.

Lowell Selvin proves time and again, through his words and deeds, that one person can truly make a difference. On May 5, 2001, Congregation Kol Ami of Los Angeles will honor Lowell with its Shomer Tzedek (Guardian of Justice) Award for his untiring commitment to progressive social empowerment and to causes greater than himself.

While the many endeavors Lowell Selvin is involved in are far too numerous to mention, a few highlights help illustrate the vision, energy, and compassion of this remarkable man.

In business, after successfully merging and integrating PlanetOut and Gay.com, Lowell became Chief Executive Officer of PlanetOut Partners, the largest gay and lesbian online services company in the world. In this capacity, Lowell uses his two decades of business acumen, honed by advising some of America's leading corporations, to provide the LGBT community with a platform to network, grow, and conduct commerce with business partners around the world.

In his community, Lowell is on the board of the Los Angeles Gay and Lesbian Center and guided this groundbreaking agency's strategic planning process in its formative years. With his help, this organization is now the largest agency of its kind in the world.

Lowell is on the National Advisory Board of Wendy's Hope, a group devoted to supporting lesbians with cancer. Working in collaboration with Feed the Children, Lowell also founded Arbonne Children's Trust. In addition, he helped found Congregation Kol Ami.

It is my honor to recognize the achievements of my constituent, Lowell Selvin, and to join with Congregation Kol Ami in acknowledging his contributions and on-going commitment to social justice and the betterment of his community.

COLONEL THOMAS M. ("MITCH") DOCKENS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ORTIZ. Mr. Speaker, I rise to commend a soldier, patriot ant exceptional leader, Colonel Thomas M. ("Mitch" Dockens, the Commander of the Corpus Christi Army Depot (CCAD), who will receive the prestigious 13th annual John W. Macy, Jr. Award co-sponsored by the Secretary of the Army and the Army Civilian Personnel Alumni Association.

This award recognizes excellence in the leadership of civilians and accomplishment of mission through the civilian work force. Col. Dockens' exceptional leadership of the CCAD work force is recognized for the period of July 15, 1999, through December 31, 2000; but his excellence and leadership will always be recognized and appreciated in South Texas where his good works are legendary. Col. Dockens has been an extraordinary leader of the United States Army's only depot-level rotary wing (helicopter) repair facility in the world.

Col. Mitch Dockens is a uniquely qualified officer to lead a civilian workforce. He knows how to bring people together; he can speak to management and labor, and is respected by both. He knows how to produce the best product for the fighting men and women at the best price for the U.S. taxpayer. The mutual respect he has fostered at CCAD is the secret weapon of this one-of-a-kind asset in the United States Army. He and his lovely wife Lynne, who treats the base as extended family, have reinforced the morale at CCAD.

The Corpus Christi Army Depot, with 2,654 civilian employees, is the largest industrial employer in South Texas and is responsible for the repair, overhaul and maintenance of a wide variety of rotary wing aircraft and related engines and components for the Army, Navy, Air Force, Marines, and friendly foreign nations.

Let me give you one example of Col. Dockens' leadership. Last year, when defective transmission gears threatened the CH–47 and Apache helicopter's flight safety, the Army looked to the private sector to inspect and replace the defective parts. However, the Army found no private sector firm capable of completing the work within the Army's established time frames. The potential contractors had too much commercial work that they were contractually obligated to complete before they could address the Army's safety issue. With the fleets grounded, CCAD was the only available repair source able to meet the Army's time frames. In fact, CCAD completed the work on the Apache helicopter fleet before the potential private sector source said it could even begin the repair.

The award Col. Dockens will receive is named for John W. Macy, Jr., a distinguished public official who served four presidents and led the efforts to recognize outstanding individuals in the Army in the field of civilian personnel management.

Col. Dockens' first assignment was the 18th Airborne Corps at Fort Bragg. As he moved up through the ranks in the Army, he commanded a host of operations before coming to CCAD. Just prior to his service at CCAD, he attended the U.S. Army War College in Carlisle, PA, and served as Chief, Material Readiness Division, Office of the Deputy Chief of Staff for Logistics.

His awards include the Bronze Star, Meritorious Service Medal, (5th Leaf, the Army Commendation Medal, Army Achievement Medal, National Defense Service, Overseas Ribbon, Saudi Arabia Kuwait Liberation Medal, Kuwait Liberation Medal, NATO Medal. He is a Senior Army Aviator and is Airborne and Air Assault qualified.

Col. Dockens was named the Macy award winner on April 13, 2001, and will receive the award in an official presentation from Acting Secretary of the Army, Dr. Joseph Westphal, at a Pentagon ceremony on Thursday, May 3, 2001. I ask my colleagues to join me in commending this military leader of a civilian workforce and honor him for his work and his outstanding leadership.

CENTRAL NEW JERSEY CELEBRATES THE 125TH ANNIVERSARY OF THE PENNINGTON PUBLIC LIBRARY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, I rise today in celebration of the 125th anniversary of the Pennington Public Library. In 1876 a dozen local women took it upon themselves to found a library within the village of Pennington. With a late-Victorian zeal for self improvement, the group organized the Ladies' Library Association of Pennington and forever changed the history of this small town.

The Pennington Public Library began with a single bookcase and a purchase fund of $49. In 1889, the library boasted approximately 1,200 volumes. Today, the library has over 3,700 cardholders that enjoy over 23,000 books, 60 magazines, six newspapers, and one computer, complete with Internet capability.

Libraries are true community centers. They create environments where students can do their homework, townspeople can gather, families can interact, seniors can learn new skills, and job seekers can find advice. They are masters at building partnerships, linking everyone from day care centers, garden clubs and 4H clubs to Head Start and junior colleges, to extend their reach throughout the community.

Although much has changed over the years, Pennington Library's mission is the same—to supply useful and profitable reading for the community and implant in the minds of our youths an everlasting desire for information. Today, a dedicated group of volunteers continue to carry out this 19th-century mission.

For over 125 years the Pennington Public Library has remained an integral part of the Hopewell community. I urge all my colleagues to join me today in recognizing the Library's steadfast dedication to serving the growing needs of our community.

HONORING THE WORK OF THE SMALL BUSINESS ADMINISTRATION'S COLORADO DISTRICT OFFICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to say thank you to the men and women of the Small Business Administration's Colorado District office for all that they do to help small business owners live the American Dream.

In July of 1953, Congress passed the Small Business Act, which created the Small Business Association. Their function was to "aid counsel, assist and protect, insofar as is possible, the interests of small business concerns." In 1964 the SBA created the Equal Opportunity Loan Program to aid poverty. SBA's programs now include financial and federal contract assistance, management assistance, and specialized outreach to women, minorities, and armed forces veterans.

Over the past ten years, the SBA has helped almost 435,000 small businesses nationwide get more than $94.6 billion in loans. In Colorado alone, they have assisted nearly 17,000 customers in 2000 and contributed to the economy by helping to create and retain over 9,000 jobs. They contributed more than $319.8 million in loan guarantees, and almost $4.13 billion in government contracts.

In 2000, the Mi Casa Women's Resource Center expanded into Colorado Springs to assist women interested in starting their own business. This is an outstanding example of the type of ventures that SBA supports in Colorado and throughout the United States.

Mr. Speaker, small business in Colorado would not be as it is today if it were not for the Small Business Administration's dedication and help that they offer for people to live the American dream. For that, my friends at the SBA deserve hearty thanks and congratulations.

THE ARTISTS' CONTRIBUTION TO AMERICAN HERITAGE ACT)

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Maryland, Mr. CARDIN, together with a bipartisan group of our colleagues, in introducing the "Artists' Contribution to American Heritage Act of 2001". The bill would alleviate an unfairness in the tax law as it applies to charitable donations of property by the taxpayer/creator and significantly enhance the ability of museums and public libraries to acquire important original works by artists, writers and composers, and ensure the preservation of these works for future generations. The proposed legislation is the same as we introduced in the 106th Congress, except for advancing the effective date by a year.

Since 1969, the law has provided that the creator of the artistic property is only allowed a charitable deduction equal to the cost of the materials that went into the property. For example, an established artist who donates a painting to the local museum is allowed a deduction for the cost of the canvas, brushes and paint, etc. used to produce the painting. Of course, these amounts are de minimus. There is no real tax incentive to contribute such works of art for the public to enjoy. In fact, the tax law works in the other direction. It makes more financial sense to the creator to sell his or her work. If a collector or art buff buys a painting that appreciates over time, because the artist becomes well-established or was a known and collected artist when the painting was purchased, the collector is allowed a deduction for fair market value when the painting is contributed to the local museum. This is the fairness issue.

There has not always been such disparate tax treatment. Before 1969, the artists/taxpayers received the same treatment—the deduction was based on fair market value. The law was changed, primarily because of the perception that some taxpayers were taking advantage of the law through less than accurate valuations of their charitable gifts.

After the change in 1969, gifts of donor generated art work (paintings, manuscripts, compositions, artistic and historically significant correspondence and papers) to qualifying charitable organizations and governmental entities dropped significantly. Creators were more likely to sell their works than to contribute them. Tom Downey, a former colleague of ours, introduced similar legislation in 1985. In his floor statement he noted that Igor Stravkinsky had planned to donate his papers to the Music Division of the Library of Congress the month the 1969 tax change was signed into law. Instead, the papers were sold to a private foundation in Switzerland. Now, 16 years later the situation has not improved. It is time to change our law to encourage rather than discourage such contributions.

There have been significant changes in the valuation process since 1969. All taxpayers making charitable contributions of art work (other than donor generated art work) are required to: (a) provide and/or retain relevant information as to the value of the gift, (b) provide appraisals by qualified appraisers or, in some cases, (c) subject them to review by the IRS's Art Advisory Panel, depending on the dollar amount of the contribution. These changes would apply to creator-donated property under our proposal.

In addition to the valuation safeguards already in the law, our proposal would add additional protections to prevent abuse. These include the following: (a) limiting the value of the deduction to the amount of income the creator received from similar property and/or similar activities, (b) providing that the deduction can only be claimed in the year of contribution, i.e. the carry over rules do not apply, (c) limiting the deduction to property created at least 18 months before the contribution, (d) limiting the deduction to gifts related to the purpose of the institution which receives it, and (e) excluding contributions of property (letters, memos, etc.) created by taxpayers in their role as employees or officers of an organization.

The benefit to the nation when artists are encouraged to contribute their work during their lifetime cannot be overemphasized. It allows the public, historians, scholars and others to learn from the artist his/her aesthetic aims for the work; how it was intended to be displayed, performed or interpreted; and what influences affected the artist.

Our proposal represents an important step in providing some tax incentive, with needed safeguards, for the creators and moves toward putting them on the same footing as collectors who contribute similar property. Most importantly, it could make the difference in a decision by the creator/donator to contribute some of their created art works to a museum or public library, rather than sell them in the marketplace. That way important works are preserved in the public domain and we all benefit. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO TRACY YOUNG COOPER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Mrs. Tracy Young Cooper, a teacher at C.A. Johnson High School in Columbia, South Carolina. Ms. Young was recently named South Carolina's "Teacher of the Year."

A 29-year-old Columbia native, Mrs. Cooper is a product of Richland School District I schools where her parents were well known educators. She earned a bachelor's degree in English hoping to one day work in broadcast journalism. After attending graduate school, she instead chose to follow in the footsteps of her parents, Mary and Bobby Young of Columbia, and pursue a teaching career. She has been teaching for four years.

Mrs. Cooper, the first African-American to win South Carolina's teaching award in 11 years and the fourth since 1969, initially taught English and reading, and is currently a curriculum-resource teacher. In that position, she aids her principal with administrative duties, but spends most of her time working with colleagues, including serving as a mentor to first-year teachers.

Mrs. Cooper is a graduate of Columbia High School and earned her bachelors degree in English from Georgetown University in Washington, D.C. She holds a master's of arts in teaching from the University of South Carolina and is working toward her doctorate degree in education at my alma mater, South Carolina State University.

Mrs. Cooper is truly an ambassador for education. Last year, she spent 3 weeks in Japan as a participant in the prestigious Fulbright Memorial Teacher Fund Program, which works to bridge the cultural gap between the U.S. and Japan. I commend Mrs. Cooper and wish her the best as she continues to promote the teaching profession and expand her efforts to improve the quality of life of South Carolina's children. Mr. Speaker, please join me and my colleagues in congratulating Mrs. Tracy Young Cooper as South Carolina's 2001 "Teacher of the Year."

STOCKTON LADY TIGERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BLUNT. Mr. Speaker, the counties comprising the Seventh Congressional District of Missouri are quickly becoming a center of sports excellence for women's teams. Not only are we home to the Lady Bearcats of Southwest Missouri State University which reached the NCAA Final Four this past week, but also the state's 2–A High School Champions. The Lady Tigers of Stockton Missouri used their talent and hard work to turn personal tragedy into a commitment for achievement and success.

In late September, 2000 17 year old Rachael Budd died of injuries suffered in a car crash. Rachael was a member of the girls basketball team and a leader on the court, in the classroom and among her peers. Additionally, the team lost two other starters to serious injuries that sidelined them for the entire season.

The Stockton Girls High School Basketball team of 2001 was built around five seniors on the 14-member squad. They never lost to a 2–A school en route to a 25-win season capped in March by overwhelming Notre Dame of Cape Girardeau in the state finals. The team dedicated their final game to the memory of Rachael Budd.

Along the way the Stockton girl's coach Tony Armstrong earned "coach of the year" honors and his daughter Jenna Armstrong was named to the First-Team All State squad.

Girls high school sports in America have achieved a place of great pride. They have given young women a new platform for competition and achievement allowing them to showcase their talent, hard work and vision. Their teamwork brings communities together and forges new personal friendships.

I know that my colleagues join me in commending the spirit, the competitive excellence and the community support that have shaped the girls basketball program at Stockton High School.

INTRODUCTION OF THE REWARDING PERFORMANCE IN COMPENSATION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BALLENGER. Mr. Speaker, today, I am reintroducing the "The Rewarding Performance in Compensation Act" which will help workers to share, financially, when their efforts help produce gains for their company in productivity, sales, fewer injuries, or other aspects of performance. The Rewarding Performance in Compensation Act would amend the Fair Labor Standards Act (FLSA) to specify that an hourly employee's regular rate of pay for the purposes of calculating overtime would not be affected by additional payments that reward or provide incentives to employees who meet productivity, quality, efficiency or sales goals. By eliminating disincentives in current law, this legislation will encourage employers to reward their employees and make it easier for employers to "share the wealth" with their employees.

The pressures of worldwide competition and rapid technological change have forced most employers to seek continuous improvement in productivity, quality, and other aspects of company performance. Employers often seek to encourage and reward employee efforts to improve productivity, quality, etc. through what are called "gainsharing" plans—linking additional compensation to measurable improvements in company, team, or individual performance. Employees are assigned individual or group productivity goals and the savings achieved from improved productivity, or the gains, are then shared between the company and the employees. The payouts are based directly on factors under an employee's control, such as productivity or costs, rather than on the company's profits. Thus employees directly benefit from improvements that they help to produce by increasing their overall compensation.

Unfortunately, employers who choose to implement such programs for their hourly employees can be burdened with unpredictable and complex requirements by the FLSA, which clearly did not envision these types of "pay based on performance" plans.

For example, if a bonus is based on production, performance, or other factors, the payment must be divided by the number of hours worked by the non-exempt employee during the time period that the bonus is meant to cover, and added to the employee's regular hourly pay rate. This adjusted hourly rate must then be used to recalculate the employee's overtime rate of pay. The employer is then responsible to pay the difference between the old overtime pay rate and the new recalculated overtime pay rate. For other types of employees, such as executive, administrative, or professional employees who are exempt from minimum wage and overtime, an employer can easily give financial rewards without having to recalculate rates of pay.

Simply put, this legislation would amend the FLSA to allow employers to give nonexempt hourly employees gainsharing, or performance bonuses without making employers go through the cost of recalculating hourly and overtime pay. This would give hourly non-exempt employees the same access to bonuses and gainsharing programs that exempt employees receive.

Performance bonuses and gainsharing programs are a way for employees to share in the success of the company they work for. Whether exempt or non-exempt, all employees should have the same opportunity to receive bonuses for their hard work.

HONORING THE LATE JAMES PAGE KYLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay respects to one of Western Colorado's leading citizens. James Page Kyle, who passed away on March 30. He was 83 years old. Many people through out Western Colorado benefited from Jim and the work he did. Jim was a devoted husband and father. In November of this year, Jim and his wife Evelyn would have celebrated their 60th wedding anniversary.

Jim attended the University of Kansas, Ottawa University and Central Missouri State Teacher's College before joining the Army Air Corps during World War II, where he served for six years. He later retired from the USAF Reserve as a Major. After WWII, Jim settled in Grand Junction where he managed Independent Lumber Company branches in Grand Junction, Palisade, Meeker and Cortez until he started his own contracting business, Kyle Sales Company in Cortez.

Besides his business, Jim managed the Cortez Chamber of Commerce and was associated with the development of the Telluride Ski Corporation. In 1974, Jim returned to Grand Junction where he was the Land Use Administrator for Mesa County. After he retired, Jim felt the need to work again so he became a seasonal Park Ranger at the Colorado National Monument.

During his spare time he was involved with the Church of the Nativity Episcopal Church, the Retired Officers Association, Past Presidents of Rotary International, and was a patron of the arts.

Mr. Speaker, Western Colorado has lost a very hard working and dedicated citizen, which is why I would like to recognize him with this CONGRESSIONAL RECORD.

NATIONAL NURSING HOME WEEK IN CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARR of Georgia. Mr. Speaker, the population of Americans residing in our nation's nursing home facilities today represents two generations of citizens who worked hard to build the strong and prosperous society we now enjoy. These are the generations of our parents and grandparents; our neighbors and friends.

I am proud to say the residents of long-term care facilities in Georgia's Seventh District will be recognized during National Nursing Home Week, an annual event celebrated at Starcrest Long-Term Care Facility in Cartersville, Georgia.

During the week of May 13, 2001, the community of Cartersville will honor those citizens residing in nursing facilities with festivities, including a Community Beautification Project and a family and friends reception. The celebration's theme, "Love is Ageless," embodies the overarching goal of National Nursing Home Week: to increase awareness and appreciation of these very special citizens.

National Nursing Home Week at Cartersville's Starcrest Long-Term Care Facility is an event designed to give back to those Georgians who have already given mightily for two generations. I join in recognizing this exceptional community celebration.

TRIBUTE TO THE HONORABLE JUDGE REYNALDO G. GARZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the service of the Honorable Judge Reynaldo G. Garza, a patriot from South Texas who has served our community and our country for 40 years on the federal bench. This weekend, Judge Garza will be honored for his nearly half-century of service.

Judge Garza practiced law in Brownsville before enlisting in the United States Air Force during World War II. He resumed his law practice after the war and was appointed to the United States District Court for the Southern District of Texas in 1961 by the late President John F. Kennedy. He was the first Hispanic jurist to be appointed to the federal bench in South Texas. By 1974 he was the Chief Judge for the Southern District of Texas. Just five years later, President Jimmy Carter appointed him to the Fifth Circuit Court of Appeals.

Judge Garza's deep devotion to education has always been a common thread running throughout his life and service. In front of young audiences, he recalls what his father told his children on his death bed. His father told them he did not leave them wealth, but he did leave with a good education, something that no one could ever take away. Judge Garza has also said many times, "I do not worry about an educated man in my court for he knows how to take care of himself. I do worry about the uneducated one who is the victim of unscrupulous people who are always trying to take advantage."

Judge Garza sought political office twice before becoming a Federal Judge. In 1941 he was elected to the School Board of the Brownsville Independent School District, and in 1947, he was elected City Commissioner of the City of Brownsville. He served on the Texas Education Standards Committee and the Committee of Twenty-Five on Education Beyond the High School, which resulted in the creation of the Coordinating Board of Colleges and Universities. He also served as a member of the Select Committee on Higher Education.

His interest in international affairs is evident by his service on the Latin-American Relations Committee of the Brownsville Chamber of Commerce, and on the Valley Chamber of Commerce. He is also one of the original members of the International Good Neighbor Council. He is an active member of our community, serving as President of the Brownsville Rotary Club, director of the United Fund of Brownsville, treasurer of the Cameron County Child Welfare Board, and a member of the Advisory Board of the Rio Grande Council of the Boy Scouts of America.

This talented jurist has a talented family. He and his lovely wife Bertha have five children: Reynaldo Jr., David, Ygnacio, Bertha Elizondo and Monica. They are attorneys, accountants, teachers and public servants. Judge Garza's family is a reflection of his work ethic and love of country.

I ask the Members of the United States House of Representatives to join me today in commending Judge Reynaldo G. Garza, a pioneer in our community, as we commemorate his 40 years of service in our federal judiciary.

ON THE OCCASION OF THE 20TH ANNIVERSARY OF THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. PELOSI. Mr. Speaker, this year marks the 20th Anniversary of the creation of the Gulf of the Farallones National Marine Sanctuary (GFNMS) and I rise today to pay tribute to this very unique marine Sanctuary off of the San Francisco coast. The Sanctuary includes 1,235 square miles of wetlands, intertidal, and deep sea resources and is home to a diverse population of fish, invertebrates, algae, marine mammals and seabirds. Throughout the year, The sanctuary is either the #1 or #2 spot in the world for numbers of endangered blue and humpback whales. In addition, the Sanctuary is the home for 33 species of marine mammals, including whales, dolphins and porpoises. In 1991, the area was designated by the United Nations as a United Nations biosphere reserve giving it global importance and status. It is situated in one of the busiest shipping lanes in the world.

Management of this vibrant marine sanctuary has been led by an extraordinary individual named Ed Ueber. Ed has served as chief manager and steward of the Farallones since 1990. On the occasion of the 20th Anniversary of the GFNMS, I join the people of the Bay Area in extending our heart felt appreciation to Ed Ueber for his extraordinary work on behalf of the Gulf of the Farallones National Marine Sanctuary. As Manager, Ed has made it his mission not only to protect and preserve our nation's marine life but to bring ocean life to everyone's lives. Ed has succeeded in building public support and enthusiasm for the national marine sanctuary. His efforts to involve the public has led to the creation of the Nation's first sanctuary support organization—the Farallones Marine Sanctuary Association.

Ed has also created an extensive volunteer program—The Beach Watch Program which enlists volunteers for beach and offshore monitoring. These volunteers actively participate in the monitoring of beaches and marine life, including, seals, birds and whales. In 1993, the Beach Watch Program graduated the first 40 volunteers. In 1997, the Sanctuary Education Awareness and Long-term Stewardship (SEALS) program trained volunteers in harbor seal monitoring and interpretation. In 2000, there were 260 volunteers collecting data, responding to oil spills, educating the public, and entering data.

In the Bay Area, we are blessed by the Marine Sanctuary and its steadfast steward, Ed Ueber. Ed serves the Sanctuary and the people of the Bay Area in the most exemplary way through his careful management of the resources and his special gift of sharing the importance of protecting this precious marine environment.

Congratulations to Ed Ueber and the Gulf of the Farallones National Marine Sanctuary on its 20th Anniversary!

COMMEMORATING ARMENIAN GENOCIDE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOLT. Mr. Speaker, earlier this week, on April 24, we commemorated the 86th anniversary of one of the most harrowing events in modern day history—the beginning of the Armenian Genocide. From 1915 to 1923, over one and a half million Armenians were killed by Turks in inter-communal warfare.

Hundreds of Armenian leaders, writers and professionals in Constantinople were rounded up, deported and killed. Five thousand of the poorest Armenians were butchered in the streets and in their homes. Men, women and children were driven into the desert between Jerablus and Deir ez-Zor to die of starvation, disease and exposure. In 1915, the New York Times reported that families were burned alive in wooden houses or chained together and drowned in Lake Van.

To this day, the human rights abuses and atrocities that were committed against the Armenians by the Turks remain disturbing and continue to have a tremendous impact on the stability of this region.

During a campaign speech in February 2000, President Bush stated, "The Armenians were subjected to a genocidal campaign that defies comprehension and commands all decent people to remember and acknowledge the facts and lessons of an awful crime in a century of bloody crimes against humanity. If elected President, I would ensure that our nation properly recognizes the tragic suffering of the Armenian people."

It is important to remind the President of his pledge. As a Member of the Congressional Armenian Caucus, I joined my colleagues in signing a letter to President Bush addressing the need to uphold his promise to recognize the Armenian Genocide as what it was—genocide. We cannot let this statement become an empty campaign promise.

Mr. Speaker, the Congress of the United States remembers the Armenians. It is time for the world to deal honestly with this senseless genocide and redress this tragedy. I urge my colleagues to join me in condemning the genocide and honor the memory of 1. 5 million innocent victims.

HONORING L. COOK JEWELRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, for 73 years Coloradans have celebrated special events and occasions by buying that special piece of jewelry from L. Cook Jewelry on Main Street in Grand Junction. After 26 years of running the store, the Dan and Connie Rosenthal are retiring, leaving scores of memories and a legacy of service behind. I would like to take this opportunity to thank them for their years of service to the community and wish them all the best in their future endeavors.

"Main Street is losing one of its highest-quality stores," said former state Senator Tillman Bishop of the oldest business on Main Street. "It's really an institution to our community. I've been buying gifts from there since even before we moved here from Denver. There's a lot of history there. It was always a great gathering place."

Dan and Connie are closing the store as they feel the tug of retirement's strings. Dan has been in the store every Christmas season of his life. Both of them look forward to getting out and enjoying life together and with their daughter. "It's very sad to saying goodbye, but we're going out on top," said Mr. Rosenthal. "We are really going to miss all of our customers."

Much of L. Cook's success has come from the same kind of relationships for 73 years. Tillie recalls spending time in the store discussing fishing and hunting with Dan's father. "People would gather here all day long to discuss their hunting and fishing war stories," said Tillie.

Mr. Speaker, although the community is losing a fine jeweler and a good friend, Dan and Connie have earned well the right to slow down a little bit, a move that will turn give them more time to spend with each other and their daughter. As they do, I want to wish them all the best in the future and say thanks for the service to our community.

Dan and Connie, yours was a job well done.

TRIBUTE TO BILL GEORGE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Bill George, an extraordinary American and one of our nation's most respected business leaders on the occasion of his retirement as CEO of Medtronic Inc.

I have had the privilege of knowing Bill George and working with him. In fact, were it not for his leadership, the landmark FDA Reform bill which became law in 1997 would not have been the successful effort it was.

As Chief Executive Officer of one of the world's leading medical technology companies, Bill George has displayed remarkable leadership and unparalleled vision. During his tenure, Medtronic has revolutionized its mission, transforming from a manufacturer of pacemakers to a diversified medical technology company with scientific, manufacturing, education, and sales facilities in 120 countries worldwide. Bill George plotted the course that has taken the company from revenues of $750 million to more than $5 billion, meeting analysts' earnings expectations time and again. The company now employs 25,000 people and has consistently won the praise of investors, analysts and employees. Medtronic has been ranked by Fortune Magazine as one of the "Best Companies to Work for in America," and first among its "Most Admired Companies."

Through its Foundation, Medtronic has also fulfilled its mission to restoring people to full lives through full health. Under Bill George's stewardship, the Medtronic Foundation has been recognized by Business Ethics Magazine for its demonstrated leadership in ethics and social responsibility. The Foundation has reached out to patient groups in exceptional ways, last year alone, offering $12 million in grants to non-profit organizations in communities worldwide.

Bill George's decision to leave the company comes at a time when Medtronic is well-poised to tackle the challenges of a new millennium, and to build upon its rapid developments in medical technology, computer technology, drug therapy and gene therapy. And there is perhaps no one better suited to launch the company's new vision than Art Collins.

Art Collins has already played an integral part in Medtronic's success. As Chief Operating Officer and former President of the Board of Directors, Art Collins has helped to expand the company's global presence. He joined Medtronic in 1992, serving as Corporate Executive Vice President and President of Medtronic International with responsibility for all Medtronic operations outside the United States. He brings a unique perspective and a creative vision to his new post.

Mr. Speaker, I speak on behalf of the millions of patients worldwide who have benefited from Medtronic's work in paying tribute to Bill George. He is a gifted leader, a proud American and a decent man. He's made our country better with all he's done and I shall always be grateful to know him and to have worked with him.

TRIBUTE TO MICHAEL SHANNON, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend and constituent of the sixth district whose devotion to his family was paralleled only by his dedication to the labor community.

Born in New York City and raised in the Lafayette section of Jersey City, Michael J. Shannon, Jr. moved to South Amboy, New Jersey in 1968 where he continued to reside with his family.

Michael began his career working his way from shop steward to chief steward at the Maxwell House coffee plant in Hoboken. Facilitating the United Food and Commercial Workers International Union Local 56 as an organizer, business agent, and officer, Michael was ultimately elected local vice president. In addition to these services, he also served as vice president of the Monmouth-Ocean Counties Central Labor Council (AFL–CIO) and was a member of the Rutgers University Trade Union Consulting Council. Because of his dedication and commitment to the labor community, Michael is being honored with the Tenth Annual Partnership Award from the Monmouth County Workforce Investment Board. This award is being presented to recognize Michael's outstanding achievement as a leader in organized labor.

Michael was also a committed husband and father to his wife Patricia and two children, Bridget and Michael. He served our country as a corporal in the Marine Corps and received an honorable discharge in 1962. With community involvement being an important part of his life, Michael was a third degree member of the Knights of Columbus Council 426.

It is my sincere hope that my colleagues will join me in honoring Michael J. Shannon, Jr. for his inexhaustible enthusiasm and many achievements in the progress of organized labor and his community.

INTRODUCTION OF THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program. Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them.

It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

STILL A NATION AT RISK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SCHAFFER. Mr. Speaker, today marks the eighteenth anniversary of "A Nation at Risk." The sobering report on declining student performance in American public schools was first published in 1983 by the National Commission on Excellence in Education (NCEE). Its impact on the American education empire has been tragically negligible.

Created in 1981, the NCEE was appointed by then Secretary of Education T.H. Bell and was comprised of university presidents, high school principals, teachers, a former governor, and school board members. The commission's purpose was to "help define the problems afflicting American education and to provide solutions," according to its chairman, David Pierpont Gardner.

In its report entitled "A Nation at Risk: The Imperative for Educational Reform," the NCEE noted the United States, which once enjoyed "unchallenged preeminence in commerce, industry, science and technological innovation, is being overtaken by competitors throughout the world." Eighteen years later, the United States is still a nation at risk.

Last October, a subcommittee of the U.S. House attributed the nation's stagnant student achievement to the government's failure at prioritizing student performance and its reluctance to reward results. America's poorest children are too often trapped in schools that can't teach. Moreover, the Congressional "Education at a Crossroads" report exposed rampant waste, fraud and abuse within the U.S. Department of Education. While states and local schools are held to strict standards for use of federal funds, the Department cannot account for hundreds of millions of dollars.

Despite the NCEE's early warning that America's education system is at risk, little has changed. The government's monopoly on public school services remains unchallenged. Except for poor children in a few courageous communities, real school choice is a privilege for only the rich.

Yet while state and local schools receive billions more in federal spending, they are constrained by new burdensome regulations, unfunded mandates and paperwork requirements which divert scarce resources from classrooms. Today there are more than 760 education-related programs administered by 39 Federal agencies at a cost of $120 billion a year, according to the National Center for Education Statistics.

The federal government's first big offensive into local school management occurred in 1965 with the passage of the Elementary and Secondary Education Act (ESEA). Since that time, federal policy has consistently expanded its bearing on America's classrooms and has tied the hands of state legislators and local school board members, despite the U.S. Constitution's suggestion of state and local primacy of authority. Results have been pathetic.

For example, the federal government's most massive program, Title I, was designed to improve the academic level of poor and underserved students. Federal investments totaling $118 billion since 1965 have left 19% of Title I schools still failing to make adequate annual achievement gains, officially classified as "in need of improvement."

In testimony before Congress, Colorado's state schools chief, Dr. William Moloney explained the government's failure: "ESEA has remained, as always, a neutral phenomena based on inputs rather than results, more on accounting than accountability, an entity always more interested in what you were rather than what you were doing."

Eternally hopeful for their children's futures, taxpayers have shown remarkable patience with the government's education monopoly. So have Republicans. Since capturing the majority in Congress, the GOP has substantially outspent Democrats pumping billions into government-owned schools. In 1983, the average expenditure per student was $3,300, while the average today tops $8,000. Still, American students trail their international peers considerably.

According to the 1999 Third International Mathematics and Science Study Repeat (TIMMS–R), American students have not improved in the areas of math and science since the first TIMMS test in 1995. The comparison included students in 38 industrialized countries. According to the Center for Education Reform, American 8th graders are outranked by 18 other nations in math and by 17 others in science.

President George W. Bush has boldly called on Congress to "leave no child behind." He outlined his desire to empower parents, emphasize local control of schools, send dollars to the classroom and improve basic academics. Incredibly, Congress has so far drafted a 900-page-thick bill, translating Bush's sensible objectives into sizable new programs, fresh mandates, scant choice, and an outrageous 11.5 percent increase in federal education spending over last year.

Before another year of dust begins to settle on "A Nation at Risk," President Bush and the Congress should reassess Washington's education spending and regulatory frenzy. Republicans should stake their majority on free-market solutions to school reform, dramatically shrink the bureaucracy, and give real decision-making power—money—to parents of school-aged children.

America's schoolchildren deserve to be treated like real Americans; like they matter. So long as Republicans look to the federal education empire to rebuild the nation's academic prominence they do nothing to distinguish themselves nor maintain the public trust. They will only become part of the problem further betraying America's children to languish in a nation at risk.

HONORING WORLD WAR II VETERAN C.U. "PEG" O'NEILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute and give thanks to a Colorado resident who risked his life for our country in World War II. C.U. "Peg" O'Neill joined the U.S. Army in 1943. He became a C-47 pilot, and was stationed in England.

Peg flew 11 missions into war-torn Europe. "We could see the German antiaircraft fire coming straight at us," said Peg in an article from the Montrose Daily Press. "We lost four planes out of our squadron of 18 planes that night." Peg's first mission began in England on June 5, 1944, were 1,000 C-47 cargo transports flew to the coast of France. The paratroopers mission on D-Day, was to disrupt German communications, secure bridges, and incite confusion, chaos and panic. This was a far cry from his days working at the Hartman Brothers Auto Dealership in Montrose.

Peg participated in the battle for Nijmegen Bridge. During the famous mission for the "bridge to far", Peg survived a mid-air collision with another allied plane trying to catch cover from anti-aircraft fire. "The Germans had opened the sea gates and had flooded the fields," said Peg of his first mission. "I had 14 men from the 101st Airborne to drop. The lightest man weighed 258 pounds in full field gear. Some of them never got out of the swamps. They were drowned."

Peg returned to the dealership after the war with several medals, and most of all, his life and his health. Peg earned the Air Service Medal with seven bronze stars and the prestigious Presidential Citation, which was awarded to his squadron for its valor on the eve of D-Day.

Mr. Speaker, men like Peg O'Neill deserve our thanks and praises for the life threatening situations they were in during World War II. Peg's story is only one of many stories from our World War II soldiers. We owe them our thanks now and in the future.

TRIBUTE TO KENT KRUKEWITT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, recently, Mr. Kent Krukewitt was named a Master Farmer by Prairie Farmer magazine. I rise today to congratulate Mr. Krukewitt on this prestigious nomination. Kent represents the fourth generation of his family to farm in Champaign County. Not only does he farm approximately 1,800 acres, he is also a leader in the local campaign to get farmers online, connected with the world and to information that can help them conduct business and communicate with landowners. Kent's eventual goal is to create a secure link on his extensive Web site that allows landowners to dial in and find out information regarding their fields. There are very few members of a community that serve their fellow citizens with the ambition and sacrifice that Kent has displayed over the years. Kent a current co-chairman of the CCNet Ag Task Force, ditch commissioner, and active member of the Homer United Methodist Church has also served as past president of the Champaign County Farm Bureau, Illini FS director, member of the Champaign County Zoning Board of Appeals, and member of the Homer School Board. I am proud and honored to have such a dedicated and influential person in the 15th District.

RECOGNITION OF MAGGIE WALKER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CANTOR. Mr. Speaker, I rise today in tribute to one of our nation's most distinguished women. Maggie Walker, a native of Richmond, Virginia, will be recognized for her vast accomplishments as the country's first African American female bank president on April 26, when she will be inducted into the Junior Achievement National Business Hall of Fame.

Maggie Walker was born in 1867 and grew up in a rented house in downtown Richmond. Her stepfather died when she was a young girl, leaving her mother to raise two children, and Ms. Walker helped support the family by taking in laundry. In describing her childhood, Walker once said: "I was not born with a silver spoon in my mouth, but instead, with a clothes basket almost upon my head."

At the age of 14, Ms. Walker joined the Independent Order of St. Luke, a fraternal insurance society created for African Americans to help the sick, bury the dead, and promote humanitarian causes during the post-Civil War period. She quickly moved up through the Order's ranks, and by 1899 she held a national leadership position in the organization. Ms. Walker greatly contributed to the success of the St. Luke Penny Savings Bank and by 1920, the bank had financed 645 African American homes.

Ms. Walker eventually became the President of the St. Luke's Penny Savings Bank, a post she held for almost 30 years until poor health led to her retirement in 1932. Ms. Walker's bank later merged with two others to become the Consolidated Bank and Trust Company. This bank still operates in Richmond and is the oldest continually operating African American bank in the country. The bank carries on some of Walker's goals by teaching children the value of money and providing loans to African Americans for home ownership.

Throughout her life, Walker worked closely with other groups and organizations to benefit women and her race. She was a member of the Virginia State Federation of Colored Women's Club and the Executive Committee of the National Association of Colored Women's Clubs. She helped organize the Richmond Chapter of the National Association for the Advancement of Colored People and participated on its National Board of Directors. She was also affiliated with Virginia Union University, the National Negro Business League, the Richmond Community Hospital, and the Commission on Interracial Cooperation.

This year Maggie Walker will be inducted into the National Business Hall of Fame. The Junior Achievement National Business Hall of Fame was established in 1975 to recognize those individuals who have made outstanding contributions to free enterprise and society. The criteria for selection includes a demonstration of business excellence, courageous thinking and acting, inspired leadership and community mindedness. Since its inception, the Hall of Fame has welcomed 195 laureates. Their achievements are honored in a permanent exhibit in the Chicago Museum of Science and Industry.

Mr. Speaker, Maggie Walker was able to achieve unparalleled success in a society that was governed by prejudice, in a business dominated by men, and in a poor community where poverty was accepted. Her efforts improved the lives of countless Americans, helped revitalize an impoverished community, and allowed many people to realize the American dream of home ownership. She truly embodied the spirit of the American entrepreneur and I commend Junior Achievement for their recognition of this distinguished Virginian.

TRIBUTE TO THE LATE SARAH PATRICIA McCAMMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to mourn the loss of Sarah Patricia McCamman, who died suddenly at her home on Tuesday, April 17. She was the sister of John McCamman, my Chief of Staff, who has been with me since I started my career here in the House of Representatives.

Sarah was born in Bakersfield, California on November 27, 1951 to Gertrude Wachob and Kenneth Taylor McCamman. She was a Kansas City, MO resident for the past 26 years.

She was a graduate of University of California at Davis with a Bachelor of Science in Dietetics and Nutrition, and earned a Masters Degree in Dietetics and Nutrition from the University of Kansas.

Sarah was a pediatric nutritionist at the Kansas University Medical Center where she was the Director of Training and Nutrition in the Child Development Center. Sarah trained medical personnel to teach mothers breastfeeding techniques and taught parents of developmentally disabled children how to provide nutrition support.

Sarah was recognized as Young Dietitian of the Year of the Kansas and Missouri Dietitian Association (1978 & 1981) and was awarded the US Public Health Service Medallion in 1986. She was listed in Outstanding Young Women of America (1977). She published numerous articles and training materials associated with lactation management education and promotion and lectured nationwide. Sarah was on the non-profit Board of Directors of Open Options for many years, and was key to the development of the Southern Road group home.

In addition to her many professional accomplishments, Sarah traveled widely in Asia and Central America, and particularly enjoyed exotic and challenging destinations. Sarah was active in Chinese adoptive groups and in ensuring the continued interest of her adopted children in their native culture. Sarah and her daughters were active members of the All Souls Unitarian Universalist Church.

She is survived by her two young daughters, Kai Li (7) and An Mei (3) McCamman; her partner Rick Zbinden; her mother, Gertrude Wachob McCamman formerly of Ventura, CA and now of Kansas City, sisters Claire Westdahl of Atlanta, GA, Jean McCamman of Oakland, CA; brother John McCamman of McLean, VA. She was devoted aunt to Meaghan, Sarah and Michael McCamman of Virginia and Steven and Jon Westdahl of Georgia. Sarah leaves behind many friends and associates.

Mr. Speaker, please join me in offering the McCamman family are sincerest thoughts and prayers as they cope with the loss of their beloved sister, aunt, mother, and friend.

HONORING THE "CITIZENS OF THE YEAR," THE BACON FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay special tribute to the "Citizens of the Year" in Grand Junction. Herb Bacon, his wife Laura May, and their four children, Steve, Andy, Linda Reid, and Amy Hill were presented the award by the Grand Junction Civic Forum for their involvement in nonprofit organizations. Clearly, the Bacons are highly deserving of this great honor.

Through the Bacon Family Foundation, Herb and his family have been heavily involved in numerous nonprofit organizations, wonderful causes like the United Way, St. Mary's Hospital, Mesa State College, First United Methodist Church and the Grand Junction Rotary Club. "We asked community leaders all over town who they would nominate for this award, and Herb Bacon topped almost every one of their lists," said Kristy McFarland, the project director for the Civic Forum, in a recent Daily Sentinel article.

The foundation was formed in memory of Herb's parents E.L. and Oma Bacon and his brother and sister-in-law LeRoy and Wilma Bacon. Helping others is in their blood. It has been part of their family's values for generations. Three generations of the Bacon family are involved with the foundation, including the grandchildren of Herb and Laura May. "Families have the ability to leave a legacy no matter what their station in life. It's important to remember that they have an obligation to leave the world a little better than how they found it," Herb said in eloquent terms.

Mr. Speaker, for years the Bacon family has been making our community a better place to live, and for that I want this Congress to say thank you for all that they do. These great Americans have left an indelible mark on their community and for that, Mr. Speaker, the Grand Valley is grateful.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. ESHOO. Mr. Speaker, I rise today, as I have every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian genocide of 1915 to 1923.

In 1915, 1.5 million women, children, and men were killed, and 500,000 Armenians were forcibly deported by the Ottoman Empire during an eight year reign of brutal repression. Armenians were deprived of their homes, their dignity, and ultimately their lives.

Yet, America, the greatest democracy in the world, has not made an official statement regarding the Armenian genocide and it is my hope that the Congress will have the courage to bring the resolution to the floor of the House for a vote.

It's fundamental that we learn from our past and never let this kind of tragedy happen again. Opponents have argued that passage of a resolution would severely jeopardize U.S.-Turkey relations.

A resolution is not an indictment of the current Turkish government nor is it a condemnation of any former leader of Turkey. The United States and Turkey can and will be able to continue its partnership should the Congress adopt this important resolution.

Mr. Speaker, as the only Member of Congress of Armenian and Assyrian descent, I am very proud of my heritage. Like many Armenians, I learned from my grandparents of the hardship and suffering endured by so many at the hands of the Ottoman Empire. That is how I came to this understanding and this knowledge and why I bring this story to the House of Representatives.

I am very proud of the contributions which the Armenian people have made to our great Nation. They've distinguished themselves in the arts, in law, in academics, in every walk of life and they continue today to make significant contributions in communities across our country today.

It's essential to not only publicly acknowledge what happened, but also understand that we are teaching present and future generations about the Armenian Genocide.

We need to bring this legislation to enlighten our young people and to remind ourselves that wherever anything like this occurs around the globe that we, as Members of the United States Congress, and as citizens of this great Nation, must raise our voices.

CELEBRATING 50 YEARS OF ADVOCACY AND FELLOWSHIP FOR PEOPLE WITH BLINDNESS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleges to a outstanding organization in the sixth district that has been dedicated to promoting fellowship among the blind and visually impaired in the community for fifty years.

In 1951, a small group of about half a dozen people with blindness or visual impairment met to form the Monmouth County Association of the Blind. That same year, a building at the corner of Belmar Boulevard and Allenwood Road was purchased to serve as the home base of operations and named the Clubhouse of the Association. Twenty years later, in 1971, the Association was formally incorporated and recently received non-profit status..

The Association has several goals all of which are interconnected: to bring together the blind and visually impaired adult residents of the county to work, to promote equity within our society for the blind or visually impaired, to heighten awareness of legislative action pertaining to blindness or visual impairments, and to create a sense of community and increase sociability among members.

Currently, the Association offers training in computer skills and also provides Braille lessons, training in daily living skills, and self help discussion sessions, in addition to educational and informational sessions on services and programs available to members. To help foster this, the Association works in tandem with the New Jersey Commission for the Blind, along with other New Jersey organizations in the field of blindness.

During the past fifty years, the Monmouth County Association for the Blind has helped hundreds of people with blindness or visual impairment to enjoy a higher standard of living. The Association has also played a key role in improving the understanding of the public on treating and helping those who are blind or visually impaired in a positive and helpful manner. As the senior population swells, we will continue to see an increasing amount of blind or visually impaired seniors, bringing new challenges. Thankfully, the Monmouth County Association for the Blind seems well prepared.

It is my sincere hope that my colleges will join me in honoring the Monmouth County Association for the Blind for their service to the blind, the visually impaired, and the general public.

INTRODUCTION OF LEGISLATION RELATIVE TO THE REPEAL OF THE SELECTIVE SERVICE ACT AND RELATED PORTIONS OF THE US CODE (APRIL 26, 2001)

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. PAUL. Mr. Speaker, I am today introducing legislation to repeal the Selective Service Act and related parts of the US Code. Also, I am placing the attached article from the Taipei Times in today's CONGRESSIONAL RECORD. I fear that this source is not widely read among many in this body or our nation, so I am hopeful this action will serve to bring this letter to a much wider audience. The person who writes this letter is a law student in Taiwan. His arguments against conscription are similar to those offered by people in the United States who oppose the draft. The student argues that conscription is a violation of civil liberties, a costly and ineffective system that harms society and the economy as well as the rights of the individual conscripted, and a system that harms national defense rather than helping it. While we do not currently have conscription in the US we do have draft registration and each argument against the draft is equally applicable to our current selective service system and the registration requirement. I urge my colleagues to seriously consider the arguments against conscription raised in this article and cosponsor my legislation to repeal the Selective Service Act.

[Taipei Times on line edition, Thurs. Apr. 26, 2001]

CONSCRIPTION IS HARMING TAIWAN

By Chang Yung-chien

Some time ago, the media reported on would-be conscripts scrambling to grab a place in the "alternative service" to military conscription. There is now an uproar over President Chen Shui-bian's future son-in-law, who escaped doing his term of military service because he had gout. The issue of military service has again struck a sensitive chord in Taiwan's society.

Why do so many people feel disgruntled?

This writer has always advocated a volunteer military recruitment system. But this seems to be a politically incorrect view in a country that faces external threats. The difficulty of getting enough recruits and the increased burden that would be imposed on government coffers are the usual reasons given against a volunteer system. I find these reasons totally incomprehensible.

Military recruitment is a public policy matter. It needs to undergo an analysis for cost-effectiveness. Why do we have "reserve officers" and "alternative service" systems?

We have them precisely so that skilled people can be more valuable for the country if they are pulled out from the ranks to serve as platoon leaders or as cheap labor for high-tech companies. Once this point is clear, then the alternative service system will seem quite strange. Someone with a PhD in electrical engineering would be working in a high-tech company anyway if he were not doing alternative service. The only difference is that he would be getting a reasonable salary for his work. The conscription system forces conscripts to provide the same service for less pay. By comparison, an outstanding female with a PhD in electrical engineering can get paid according to her market value because she does not have to do military service. Why should we use a conscription system to provide cheap labor to corporations?

Moreover, society as a whole has paid an enormous invisible price for the conscription system. Friends of mine waited almost a year to be conscripted—doing nothing (of course, two years of military service are also spent doing nothing). Still more people see their lifetime plans interrupted. They waste the most creative time of their lives writing military reports that do not help the nation's economy or the people's livelihood.

How many people have left the country before conscription age just to evade those two years, and come back only after they are too old for conscription? How many people have cut their fingers, damaged their eyesight, or otherwise harmed their bodies? How can it be beneficial to the country? How many mutinies have we had in the armed forces?

Our president, who can carry his wife to and from her wheelchair every day, did not have to do military service because of a problem with his "hands." And the president's future son-in-law is busy running in

I would also like to ask: Why can't I finish my studies before serving my country? Even if I have to serve two years as a conscript, I will be of far more use to the country providing legal services to ordinary citizens than just do drills and jogging. How much more of its human resources can Taiwan afford to waste?

As for the question of not finding enough recruits, this should not be a problem as long as the Ministry of National Defense offers competitive salaries. If serving in the military simply means loafing around, then such service may be worth less than $10,000 a month. But there should be no such "profession." If being a soldier is a high-risk profession, there should be a high salary to compensate for that risk. That may increase expenditures for the government, but it must be remembered that only people who can freely enter various professions on the job market can maximize their value.

Unless we believe that the average productivity of conscription-age males is worth less than $10,000 or so per month (the monthly salary of an ordinary soldier), we cannot but agree that society as a whole would gain more wealth without conscription than the government coffers have to lose. Such losses might even be offset by increased government revenue from taxes on the gains made by those conscription-aged men who would be working in society instead.

No talk about "honor" solves any problems. Everyone sets out from a rational, self-interested standpoint. What the state should do is maximize the benefits for society as a whole, not limit its thinking to military service. Maintaining a conscription system certainly does more harm than good. Those who wear the badge "being a soldier is a good experience" should ask themselves whether they would be willing to do it again.

HONORING MILDRED HART SHAW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, it is with great sorrow that I now ask that Congress take a moment to pay its respects to a leader in the Grand Junction community. Mildred Hart Shaw passed away on March 25, 2001 at the age of 91. Mildred has been a model citizen of the Western Slope since 1933. For her life of service to Colorado, I would now like to honor her.

For 45 years Mildred's byline appeared in the Daily Sentinel. When she first started out in the media, women reporters were traditionally assigned births, deaths and weddings, but she soon changed that. She started at the Sentinel as the society editor and a copy editor. She finally convinced then publisher Walter Walker to let her cover breaking news stories. Eventually she covered everything from politics to crime, earning the reputation of a talented and ethical journalist.

She is described by her friends as determined, civic minded and thoughtful. "She was an intelligent, independent woman," said William Robinson. "She was a great supporter of the soul of Grand Junction. She enjoyed life and she enjoyed having people around her who enjoyed life."

Mildred was active in a whole array of community affairs. She was a strong voice for then Mesa College to become a state college. She served on the Mesa County Art Center board of directors, she was a member of the executive board of the Gifted Child Committee and was chairman of the Civil Defense Committee for Grand Junction during World War II. She also started the Sub for Santa program in Mesa County. Because of her love of books, also Mildred served as the director of the Junior Great Books Program for District 51 for 11 years.

Mr. Speaker, Mildred Hart Shaw will truly be missed by her family, friends, and peers, but her memory and service to the community will be forever etched in our minds. Clearly, western Colorado is a better place for having known Mildred.

HONORING THE CONTRIBUTIONS OF RICHARD A. AUSTIN TO THE STATE OF MICHIGAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to one of the finest public servants the state of Michigan has ever known. This past Friday, my dear friend Richard Austin passed away. Richard was a man of elegance, grace, dignity, honor, compassion and great intellect. The citizens of Michigan have suffered a tremendous loss.

Richard was Michigan's longest serving Secretary of State, having diligently served Michiganders for nearly two and a half decades, from 1970 to 1994. He was a pioneer in many areas, from breaking the color barrier by being the first African-American to hold statewide office to his numerous original innovations while serving as Secretary of State. He was a model public servant, the embodiment of dedication, service, commitment and trust.

At a time when citizens' faith in our institutions was low, he made the public sector work, and in doing so, gave government a good name. Austin's reforms and innovations during his long service saved the people of Michigan time and money, earning him a reputation as a friend to the taxpayer. More importantly, he streamlined state services and eliminated red tape.

Before Austin's reforms, renewing your driver's license or getting new tags for your license plates could be an all day affair replete with frustrations and long lines. Richard understood those frustrations and worked to make government work for the average citizen, to eliminate the hassles, duplication and inefficiency that are so often associated with state services.

That commitment to protecting the taxpayer and serving public interest came from his training as an accountant. Before being elected as Secretary of State, Richard was Michigan's first African-American CPA. Richard was fiscally conservative and treated the taxpayers' money as if it were his own. Indeed, the reforms and innovations he implemented saved the state and the taxpayers of Michigan hundreds of thousands of dollars.

But one achievement of Richard Austin's outshines all others, including his money-saving reforms, and that is the creation of the "Motor Voter" law.

Voter registration was near and dear to Austin's heart, and he considered it to be the most important function of his office. His passion grew out of his association with the civil rights movement and the long struggle for voting rights that he witnessed and that was a part of his being.

Richard was raised in Alabama and experienced the ugly face of racism, disenfranchisement and bigotry first hand. In Michigan, he battled the subtle racism and prejudice of the North. But Richard did not let the forces of hate or intolerance deter him. He persevered, he broke down walls and ultimately overcame, becoming the first African American to hold statewide office in Michigan.

When Richard was sworn in, voter registration was at the top of his agenda. In his mind were the memories of the lives lost during the Freedom Rides and the voter registration activities in the South and Mississippi. He remembered the black Americans who fought and died for the right to cast a ballot.

Richard Austin knew the disenfranchisement and intimidation that for so long was a part of our history. And thus did Austin appreciate and understand the importance of the vote, and how precious it is. That it is the foundation of our democracy, that "one man, one vote" is the cornerstone of American freedom, that every man and woman was equal inside the voting booth and that liberty, freedom and justice are predicated on access to the ballot box.

Richard thought long and hard about how to eliminate barriers to democratic participation, how to make it easier to vote, and how to encourage and increase voter registration. Austin's solution was the Motor Voter Act. Motor Voter was Austin's brainchild, and it was a very simple concept: register voters in the same office where you register drivers. Austin championed the idea and saw it signed into law in Michigan in 1975.

To his continuing credit, Michigan's experiment was so successful, it served as the model for the federal government when it passed the nationwide act in 1993—a full 18 years after Michigan. It is an association, an accomplishment and a legacy that has bettered this great nation, and it is a fitting tribute to one of Michigan's finest public servants.

Richard is in a better place now. He is survived by his wife of 61 years, Ida, and their daughter. He will be sorely missed by all. Good bye Richard and God Bless you.

INTRODUCING THE REPETITIVE FLOOD LOSS REDUCTION ACT OF 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Repetitive Flood Loss Reduction Act of 2001, to reform the National Flood Insurance Program (NFIP) at a very critical time. The Bush administration has proposed the most severe NFIP reduction policy seen in years. According to the FY 2002 budget, "flood insurance will no longer be available for several thousand 'repetitive loss' properties," but does not provide a definition. My proposal reforms the program by improving pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties and defines such properties as those with cumulative losses exceeding fair market value. I am confident that an effective pre-disaster mitigation and buyout program will both reduce costs to taxpayers, protect residents in flood-prone areas, and avoid writing off thousands of families' most valuable asset—their home.

I have long championed removing repetitive loss properties from the NFIP, and I drafted my legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the nation's most experienced and most innovative flood control districts. I consider this legislation to be a superior alternative to the Administration's proposal, and I look forward to working with the Administration, my colleagues, constituents, and other interested parties so that fair NFIP reform can be reached.

The need for this legislation was underscored by the 1999 Higher Ground report by the National Wildlife Federation (NWF) that the NFIP has made flood insurance payments exceeding the value of the properties involved to thousands of repetitively flooded properties around the nation. This report, found that from 1978 to 1995, 5,629 repetitively flooded homes had received $416.4 million in payments, far in excess of their market value of $307.5 million. My state of Texas led the nation in the volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value. These include one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto River that received $806,591 for 16 flooding incidents, about seven times the actual value of the home.

Other areas of the country with large numbers of such properties include New Orleans and Orleans Parish, LA; St. Charles County, MO; Jefferson Parish, LA; East Baton Rouge Parish, LA; and Puerto Rico. Altogether, according to the NWF report, although repetitive loss properties represent only two percent of all properties insured by the National Flood Insurance Program, they claimed 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains, and the program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. Insurance minimizes risk and liability; it goes hand in hand with economic growth. However, the NWF report clearly points out the need to improve the NFIP to address the problem of repetitive loss properties.

Furthermore, continued losses to the NFIP has increased the call by some of my colleagues, and now the Bush Administration, to increase premiums and reduce the federal subsidy for all homeowners in the flood plain, not just those that suffer from repetitive flooding, in order to reduce federal budget outlays, or to drop homeowners who have filed limited claims against the NFIP. The latest Administration NFIP proposal drops undefined "repetitive loss properties" out of NFIP after the next claim. Under the Bush proposal, a homeowner who filed a single claim, regardless of the size, would be dropped from the program. Without long-term comprehensive reform of the NFIP, I am concerned that in the future Congress may follow through with the Administration's proposal or other proposals to double or triple flood insurance premiums for all flood-prone homeowners, as was proposed in 1995 and 1996.

While the Administration is pushing people out of the NFIP, it also proposes to reduce the federal share of hazard mitigation grants from 75% to 50%, reducing funds available for flood prevention by $83 million. The administration also proposes to eliminate FEMA's Project Impact, which helps communities protect themselves from the devastating effects of natural disasters. In addition, the 2002 budget cuts the Army Corps of Engineers by $600 million. Of that cut, $451 million comes from Construction General funds, which fund flood control and navigation projects. A policy of reducing flood prevention efforts while reducing insurance will compound the safety risk and financial pain for homeowners in the floodplain.

Instead of stripping away homeowners' flood insurance, my legislation takes a three-pronged approach to addressing this issue: a comprehensive pre-disaster mitigation program; an enhanced repetitive substantial loss property buyout program with consistent criteria and procedures; and improved coordination between FEMA and local goveniments:

Pre-disaster mitigation: The legislation directs the FEMA director to carry out a program to mitigate repetitive flood losses by providing financial assistance in the form of grants to the States, local governments, and local flood management agencies for planning and carrying out activities designed to reduce expenditures from the NFIP. Eligible mitigation activities include elevation, relocation, demolition, floodproofing, and acquisition by States and communities of properties and structures located in flood-risk areas. Grants would be provided on a cost-shared basis, with an Federal Government providing no more than 75 percent of the total cost of the mitigation activities as is the case within traditional watershed management programs.

Repetitive Loss Property Buyout Program: The legislation authorizes the FEMA director, upon determining that an insured property is a repetitive substantial loss property, to offer to purchase the property at fair market value (including structures) at the time of the offer. This offer would remain open as long as the property is covered by the NFEP. The State or local flood management agency may coordinate and carry out the purchase at FEMA's direction. Any property so acquired would have to be used in a way compatible with open space, recreational, or wetlands management practices, providing both environmental and flood management benefits. The legislation establishes a firm damage standard of repetitive flood losses in excess of 125 percent of the value of the property (or structures) to become subject to and receive priority for buyout offers. It also provides incentives for acceptance of buyout offers by establishing increased NFIP premiums and deductibles for owners of substantial repetitive loss properties who decline buyout offers.

Intergovernmental Coordination: The legislation directs the FEMA director, in consultation with regional flood plain administrators, to develop and periodically update a list of repetitive flood lost properties, which will provide a consistent data base for all levels of government. This consistent approach to assessing, ranking, and reporting of repetitive loss properties will result in better targeting of assistance to areas of greatest need.

This legislation authorizes the appropriation of $100 million for fiscal year 2000 to carry out the pre-disaster mitigation and repetitive flood loss property buyout program. I believe this is a cost-effective investment that will reduce the financial exposure of the American taxpayer by better protecting or removing the highest risk properties from the National Flood Insurance Program.

HONORING COLORADO MOUNTAIN COLLEGE'S "COMMUNITY ADJUNCT FACULTY OF THE YEAR"

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McINNIS. Mr. Speaker, it is my great pleasure to ask that this Congress recognize and say thank you to Colorado Mountain College's "Adjunct Faculty of the Year" Marcia Hund. Marcia was selected from 1,000 community faculty members for her ability to teach and for her understanding of students. For that, Marcia deserves the recognition of this body.

Marcia teaches the fundamentals of math, and is an instructor in the CMC's Rifle Center Learning Lab. And after school she volunteers as a tutor for Literacy Outreach, teaching adults otherwise unaffiliated with CMC how to read. Marcia is also involved with the students as a faculty advisor. She has worked on CMC's Adjunct Faculty Pay Plan Committee, and has been an active member in the National Association of Developmental Education. "We are very excited that Marcia has been chosen as the college's adjunct faculty of the year," said Dean Harry Silver in a recent Glenwood Springs Post Independent article. "Marcia epitomizes our adjunct faculty."

Marcia came to CMC 14 years ago as a science and ecology teacher. She soon began teaching developmental classes. "Students will come after failing, sometimes again and again in school, and see success as an impossible dream. The wonderful part is for me to see them succeed and see that they can learn," said Marcia.

Marcia's supervisor Karen Dunbar says she has the ability to present information to the students in a kind and gentle manner. "I really do love working with adults who have had problems in school in the past . . . It's more than a job for me, it's something I feel is a valuable contribution, and I'm good at it."

Mr. Speaker, for the last 15 years Marcia Hund has helped out numerous students trying to finish their education, and for that she deserves the thanks of Congress. I know she will continue to do an outstanding job with her students. For that, we are all grateful.

COMMEMORATING THE 150TH ANNIVERSARY OF THE GLENS FALLS NATIONAL BANK AND TRUST COMPANY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a historic institution in the 22nd District of New York. The Glens Falls National Bank and Trust Company is the oldest bank in Warren County.

In 1851, the bank was founded by a dozen pioneering businessmen from the local lumber, limestone, and insurance industries. Under the leadership of its first president, Benjamin Burhans, the bank recorded more than seventeen thousand dollars in deposits in its first month alone.

Despite times of turmoil, such as the Civil War, the Great Depression and the two World Wars, Glens Falls National Bank was able to not only prosper, but grow as a dedicated establishment to downtown Glens Falls and the North Country. Although the bank currently has 23 branches, 350 employees, and over one billion dollars in assets, this landmark has been committed to remaining independent and local.

Glens Falls National is a true pillar of the North Country. The bank and its employees donate money, time, and hard work to more than 300 charitable and community causes including Glens Falls Hospital, the United Way, and the Adirondack Balloon Festival.

Mr. Speaker, as a proud resident of the 22nd Congressional District of New York, I ask my colleagues to join me in commemorating the 150th Anniversary of the Glens Falls National Bank and Trust Company.

COMMEMORATING THE 15TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, fifteen years ago today, the small town of Chernobyl, Ukraine was the scene of the world's greatest nuclear accident in history. The aftermath of Chernobyl brought untold devastation to thousands of families in northern Ukraine. Radiation from blowing winds was spread as far away as the Scandinavian countries, even to coastal areas of southern Alaska and northern California. Even by most conservative experts, Chernobyl unleashed more radiation than 90 Hiroshima-sized bombs. Most of this fallout blanketed heavily populated areas of northern Ukraine and southern Belarus.

Studies have shown thyroid cancer has skyrocketed among children exposed to the radiation. Stillbirths and birth defects in Ukraine have doubled, while the rate of infant mortality is twice the European average. Unfortunately, the effects of radiation exposure, including latent cancers, do not emerge in the body until ten to twenty years later. In effect, the next five to ten years will be crucial as humanitarian efforts mount to respond to the devastation inflicted over a decade ago.

Although all Chernobyl nuclear reactors have been closed, the community is still suffering. Let us not forget the silent disease affecting the citizens of Ukraine.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to participate once again in the annual remembrance of the Armenian genocide today, 86 years after this terrible tragedy which claimed the lives of over 1.5 million Armenians between 1915 and 1923.

The Armenian Genocide began in 1915 with the rounding up and killing of Armenian soldiers by the Turkish government. After that, the government turned its attention to slaughtering Armenian intellectuals. They were killed because of their ethnicity, the first group in the 20th Century killed not for their actions, but for who they were.

By the time the bloodshed of the genocide ended, the victims included the aged, women and children who had been forced from their homes and marched to relocation camps, beaten and brutalized along the way. In addition to the 1.5 million dead, over 500,000 Armenians were driven from their homeland.

It is important that we make the time, every year, to remember the victims of the Armenian genocide. We hope that, by remembering the bloodshed and atrocities committed against the Armenians, we can prevent this kind of tragedy from repeating itself Unfortunately, history continues to prove us wrong. That is why we must be so vigilant in remembering the past.

It is important to continue to talk about the Armenian genocide. We must keep alive the memory of those who lost their lives during the eight years of bloodshed in Armenia. We must educate other nations who have not recognized that the Armenian genocide occurred.

Mr. Speaker, I commend Armenian-Americans—the survivors and their descendants—who continue to educate the world about the tragedy of the Armenian Genocide and make valuable contributions to our shared American culture. Because of their efforts, the world will not be allowed to forget the memory of the victims of the first 20th Century holocaust.

TRIBUTE TO DR. GEORGE LINDSEY AND THE UNIVERSITY OF NORTH ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. George Lindsey and the University of North Alabama for their efforts in organizing and participating in the George Lindsey/UNA Television and Film Festival. This film festival is in its fourth year and has become an international affair showcasing and rewarding excellence in film and video endeavors. The cultural and educational benefits for UNA, the Shoals and the entire state of Alabama are immeasurable.

Dr. Lindsey, a 1952 alumnus, is known throughout the country for his role in The Andy Griffith Show. Lindsey also became a staple character on Hee-Haw. His credits and appearances on television and film fill many a page. However, Lindsey has not let his fame and fortune cloud his commitment to good will. Instead, Lindsey has used his success and talents to improve the lives of those around him. He has raised more than one million dollars for the Special Olympics and started the George Lindsey Aquatic Center at the Alabama State Hospital for the Mentally Retarded. His generosity and dedication to the University of North Alabama are legendary.

Along with Bobbie Hurt, Bill Jarnigan, Robert Potts, and Lisa Daniell of UNA, Lindsey had a vision for a festival that would provide aspiring artists, especially those from the state of Alabama, the opportunity to showcase their art while learning from professionals how to strengthen their work. They have succeeded beyond their greatest expectations bringing in such speakers as Tom Cherones, director of Seinfeld and Academy Award-winning actor Ernest Borgnine and launching the careers of several of the participants.

As this year's festival gets underway, I wanted to express my deepest appreciation to Dr. Lindsey and UNA for encouraging the future leaders of the film industry. I also want to thank them for helping share with the world the wonderful things that are going on at UNA. On behalf of the United States Congress and the people of the 5TH district of Alabama, ! share my congratulations with UNA for the success of the George Lindsey/UNA Television and Film Festival and I wish them many, many more years of fruitful collaboration.

REAUTHORIZATION OF THE MARITIME SECURITY PROGRAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HUNTER. Mr. Speaker, as Chairman of the Merchant Marine Panel of the House Armed Services Committee, I rise today to address a matter under the jurisdiction of my panel which is of the utmost importance to the national security and the maritime capability of the United States, namely the need to reauthorize the Maritime Security Program (MSP).

The MSP program was established by the Maritime Security Act of 1996. The program was designed to maintain the continued presence of an active, privately-owned, U.S.-flag and U.S.-crewed merchant shipping fleet that would provide sustained sealift capability in time of war or national emergency. That Act phased out the operating differential subsidy program, provided reduced payments to vessel operators who agreed to make vessels and associated intermodal assets available to Department of Defense (DOD) upon request, and authorized $100 million annually for MSP program funding. Without the MSP program, U.S.-flag vessel owners would have been forced to shift their operations to foreign flags with foreign crews in order to remain internationally competitive. This would have been detrimental to our national security interests.

The MSP has proved very successful. Today, 47 U.S.-flagged commercial vessels, crewed by U.S. citizens, participate in the MSP program. These vessels are engaged in the foreign commerce of the U.S. and are enrolled in DOD's Emergency Preparedness Program to ensure that such vessels and associated worldwide intermodal transportation and management assets are incorporated into DOD sealift plans and programs, and are immediately available to meet military sealift requirements. Without the MSP the cost to DOD would be substantial—approximately $800 million annually would be required by DOD to provide similar sealift and related system capacity on its own for the rapid and sustained deployment of military vehicles, ammunition and other equipment and material.

Authorization for the MSP is for a ten-year period up through September 2005. To ensure the continued operation and viability of a maritime security fleet of privately-owned, militarily-useful U.S.-flag vessel operators, Congress needs to move forward with the reauthorization of the MSP. This would provide the industry with the timely assurance they need that the MSP program will continue beyond the year 2005.

Additionally, I am concerned over rumors that U.S. citizenship requirements for this program could be modified. I strongly believe that reauthorization of the MSP program must ensure that current United States citizenship requirements continue to apply for operators of U.S.-flagged, U.S. crewed commercial vessels. The MSP program now requires that priority be given to MSP vessel operators that are owned and controlled by United States citizens (such operators are commonly known as "Section 2 citizens" under section 2 of the 1916 Shipping Act). Such U.S.-ownership and U.S.-control requirements are critical to the continued viability of the MSP program and must be preserved.

I look forward to working with my colleagues on this vital effort to enhance the national security of the United States while ensuring that critically important U.S.-ownership standards are maintained.

DESIGNATION OF THE LEE H. HAMILTON FEDERAL BUILDING AND U.S. COURTHOUSE IN NEW ALBANY, INDIANA

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HILL. Mr. Speaker, I am proud to rise today to introduce H.R. 1583, a bill to name the Federal Building and U.S. Courthouse in

New Albany, Indiana, after my friend, mentor, colleague and the former Congressman of southern Indiana's 9th district, Lee Hamilton. I would like to thank State Representatives Bill Cochran and Jim Bottorff of the Indiana General Assembly for urging Congress to designate this building in honor of Lee.

Lee Hamilton served the people of southern Indiana with distinction for 34 years in the United States House of Representatives. In the course of his long career, he established himself as a leader in international affairs, serving as the chairman of the House Foreign Relations Committee, the House Intelligence Committee and the Iran-Contra Investigation Committee. Lee was an honorable, forthright and trustworthy member of Congress whom we could always count on for a calm voice of reason as our nation dealt with foreign policy issues throughout the Cold War.

Lee Hamilton served as my Congressman from the time I was 12 years old until he retired in 1998. Lee's common sense leadership in Congress helped make southern Indiana a better place for Hoosier families to live and work for over thirty years. No matter how important he became out in Washington, we always knew he was working hard for us.

When Lee retired from Congress in 1998, Washington Post columnist David Broder wrote, "Hamilton is a throwback to the old days of the House and not just because he still has the crew cut he wore when he came to Washington as a small-town Hoosier lawyer in the Democratic landslide of 1964. He is an exemplar of the common-sense, instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today."

Lee currently serves as the Director of the Woodrow Wilson International Center for Scholars in Washington, DC and the Director of The Center on Congress at Indiana University. He has received numerous public service awards including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Phillip C. Habib Award for Distinguished Public Service, the American Political Science Association Hubert Humphrey Award, the Indiana Humanities Council Lifetime Achievement Award, and the U.S. Association of Former Members of Congress' Statesmanship Award.

I believe it is only fitting that we designate the Federal Building and U.S. Courthouse in New Albany as the Lee H. Hamilton Building to pay tribute to his limitless dedication and service to the people of southern Indiana.

A TRIBUTE TO RAY GEORGE, DARE DEPUTY FOR MONTEREY COUNTY, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Deputy Ray George of the Monterey County Sheriff's Department and their Drug Abuse Resistence Education (DARE) program. As you may know the DARE program helps bring a multi-faceted approach to staying away from drugs in the classrooms of 5th and 6th graders around the world. Deputy George is one of three full-time deputies assigned to the Monterey County DARE program, and it is for his recent fund-raising efforts that I wish to honor him here.

Mr. Speaker, the Monterey County DARE program, currently under Deputy George, Deputy Vince Hernandez, and Deputy Karen Gentile, was founded in 1993 by Deputy Fabian Barrera. In the past 8 years, they have coordinated with the local police departments through the county, as well as the schools to bring their courses that aim at helping young people face drug abuse in their lives. Some of the key topics they try to bring to their students include: building selfesteem; the consequences of drug use; decision making skills; recognizing and resisting peer pressure; techniques to say no; and ways to deal with stress.

Deputy George recently organized a black-tie fund raiser in Monterey, and his hard work was made clear with the success of this event. Everyone present that evening, myself included, felt that these deputies help bring a crucial message to our communities. Their dedication to this cause is commendable, and I would like to especially honor Deputy George for his commitment to excellence. The service of local officials such as these are an asset to our nation, and I thank the Speaker for this chance to honor them.

TRIBUTE TO BILLY DEFRANK LESBIAN AND GAY COMMUNITY CENTER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. LOFGREN. Mr. Speaker, I rise today to commend the Billy DeFrank Lesbian and Gay Community Center of San Jose. On April 28th, the DeFrank Center will celebrate 20 years of service to the Santa Clara Valley.

The DeFrank Center opened on Keyes Street in downtown San Jose in 1981. Services in what was then a 2 room storefront included a hotline, counseling, and a switchboard. Today, the Billy DeFrank Lesbian and Gay Center serves a large and diverse community. Lesbian, gay, bisexual and transgender people of all ages and backgrounds find resources here that are not available elsewhere. Each month over a thousand people visit the DeFrank Center's headquarters, and many more call the switchboard. Over 140 meetings, workshops, health programs and special events take place at the DeFrank Center each month.

I am proud of the caring staff and corps of volunteers whose dedication has built the Billy DeFrank Lesbian and Gay Community Center. It is because of their hard work that the DeFrank Center is "a place to call home," and I thank them for their 20 years of service to our community.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained in my district on Tuesday, April 24, 2001, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 85, the motion to instruct on budget conferees, I would have voted "aye."

For rollcall vote No. 86, to pass a suspension bill, I would have voted "aye".

HONORING CYRIL LAMBERT ON HIS RETIRMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an exceptional leader in the Third Congressional District of Illinois. I would like to honor Cyril "Barry" Lambert on his retirement from the Village of Summit's Board of Trustees and salute his many years as a dedicated Village Trustee. He is retiring from service to the Village on May 7, 2001, which also happens to be his 74th birthday.

Barry started his career as Village Trustee over 33 years ago, and is the longest serving elected official in the Village of Summit's history. During his political career he has taken an active role in the community and has chaired many committees, including the Police and Fire Committee, the Community Development Committee and the Street and Sanitation Committee.

Mr. Lambert is a veteran of World War 11, and served in the United States Navy. He is a member of the V.F.W. Post 6863, and the American Legion Post 735. He is active at St. Joseph's Church in Summit, and participates in the Holy Name Society there. He is also a member of the Summit Senior Citizens.

Barry is well regarded in the community for his personable character, honesty and integrity. He and his wife, Mary, are the parents of Evelyn, Donna, Barry, Mary Beth and Nancy, grandparents to Christopher, Nicole, Rose and Sarah, and great-grandparents to Christopher.

Mr. Speaker, as Barry leaves behind a long and rich history at the Village of Summit's Board of Trustees, I would ask that my colleagues join me in honoring this great man.

A TRIBUTE IN MEMORY OF REVEREND LEON H. SULLIVAN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the memory of Rev. Leon H. Sullivan. Rev. Sullivan was a giant of a man who leveraged the economic power of black Americans for social change from urban Philadelphia to the continent of Africa.

As the pastor of the Zion Baptist Church in North Philadelphia where he served for 38 years, he was towering force. His booming voice spread a message of love of God and selfhelp for his people.

Rev. Sullivan, who founded the nation's largest community-based job training program, was regarded as a leader by world leaders. Presidents and corporate heads sought his advice. In 1991, he was awarded the Medal of Freedom by President George Bush. U.N. Secretary-General Kofi Annan says Rev. Sullivan showed the world what one person can do.

Early on in his life, Leon Sullivan was confronted by racism. At the age of 9, while attempting to buy a soda at a drugstore in his hometown in Charleston, West Virginia he was informed he could not sit at the counter. Subsequently he told interviewers that this was a life transforming moment that instilled in him a lifelong commitment to confront injustice.

Rev. Sullivan was known throughout the world because of the establishment of OIC centers in the U.S. and in 17 African nations; the sponsorship of the Sullivan Principles that helped to dismantle South African apartheid; and, his leadership in civil rights. But he was also known and will be remembered for his ability to reach and touch and make a difference in lives of the people of his community.

His death leaves a void in Philadelphia, the nation and the world. His legacy is monumental.

IN TRIBUTE TO J. HANDEL EVANS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to J. Handel Evans, who came to my congressional district five years ago to found Ventura County, California's first four-year public university, and then retired as California State University, Channel Island's first president after a resounding success.

The obstacles Handel faced were enormous. The campus was formerly a state psychiatric hospital. The buildings needed to be refurbished, the school needed a sound financial foundation to augment funding the state would provide, and it needed the support of the state's budget writers.

With skill and patience, Handel built teams and coalitions to achieve his—and our community's—goal.

One example of his skill and perseverance stands out. Last year, the university's ability to open on time was endangered because of a budget battle with the governor. Gov. Davis was withholding a $10 million state budget earmark for CSU Channel Islands because of a dispute over another CSU campus.

Handel reacted by enlisting every state elected official in the area—from both political parties—and others to pressure the governor to release the funding. Without the funding, the university would have been unable to hire faculty and other staff necessary to run a university.

Gov. Davis released the funds, and the university will open on time.

How important is it to launch a new university with such skill and perseverance? It is crucial if you want to attract top professors to instruct our young men and women. The school will open with 23 instructors. When the call went out for applicants, 2,300 responded. That's a huge number when one considers our nation still enjoys nearly full employment and the nation faces a teacher shortage.

CSU Channel Islands will help with that problem as well.

Once opened, the Channel Islands campus will serve public schools and educators by providing continuing education to current and future teachers. With annual student enrollments in California projected to grow at a steady rate of about 80,000 per year, it is estimated that nearly 300,000 additional qualified teachers will be needed in California classrooms over the next 10 years. CSU Channel Islands will help my community, the state of California and our nation meet teacher demand.

Those teachers will provide quality education to our children. Our children will then be better prepared to compete in an ever-changing economic environment.

Handel has handed the reins of the university to Richard Rush, formerly president of Minnesota State University at Mankato. He has the background and skills to continue building on the foundation Handel has laid.

And, Handel and his wife, Carol, have decided to remain in Camarillo, near the university. I know he will continue to be involved in its continued growth.

Mr. Speaker, I know my colleagues will join me in thanking J. Handel Evans for launching what will be known as a top-notch teacher's university and wish him and Carol a long and healthy retirement.

CONGRATULATING WEST MICHIGAN GIRL SCOUT GOLD AWARD RECIPIENTS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I rise today to honor eight dedicated young women from West Michigan for receiving the Girl Scout Gold Award, the Girl Scout's highest honor. The award recognizes these outstanding young women for their accomplishments in leadership, community service, career planning and personal development.

Obtaining the Girl Scout Gold Award involves an extensive commitment, and requires the recipients to earn four interest-project patches. The patches include the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, as well as designing and implementing a Girl Scout Gold Award project in cooperation with an adult Girl Scout volunteer.

The honorees and a brief summary of their accomplishments for the Girl Scout Gold Award follow: Kyle Johnson, a senior at Zeeland School, created a web page for Zeeland Community Education; Noorain Khan, a Forest Hills Central junior, designed an Islamic Education Youth Director position; Tonya Leeuw, a freshman at Grand Valley State University, utilized her love of gardening by landscaping a portion of the front of the new Byron Community Ministries building; Lauren Magnifico, a junior at Grandville High School, organized the registration records of the Grandville Little League program; Kandace Heinz and Heidi Porter, juniors at Thornapple-Kellogg High School, designed a German cultural event booth for last year's Middleville Heritage Days, and Andrea Dinley, a senior at Byron Center High School, developed a program titled Colorguard Basic Mini-Camp and Video.

Mr. Speaker, I am delighted to recognize the achievements of this select group of young women who have gone above and beyond the call of duty in their scouting duties. The hard work and determination they have exhibited during their pursuit of the Gold Award will serve as valuable lessons as they enter adulthood. I ask that my colleagues join me in applauding this special and dedicated group of young achievers.

SHEDD AQUARIUM CELEBRATES ITS OCEANARIUM'S 10TH ANNIVERSARY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. DAVIS of Illinois. Mr. Speaker, please join me in recognizing the John G. Shedd Aquarium as it celebrates the tenth anniversary of its world-renowned Oceanarium. Shedd's Oceanarium is the largest indoor marine mammal habitat in the world. More than 18 million visitors from Illinois and around the world have gained a better understanding of the environment and marine mammals by visiting the Oceanarium.

Shedd Aquarium is an international leader in aquatic education as well as animal husbandry, care and training. The Aquarium spearheads numerous conservation initiatives, both locally and abroad, participating in animal rescue efforts and performing in-house studies ranging from sensory biology to animal health. Shedd will commemorate the Oceanarium's anniversary with a year-long celebration filled with exciting activities and never before offered behind the scenes glimpses, the unveiling of a new marine mammal show, chances to meet one-on-one with animal-care specialists and an opportunity to eat breakfast with the dolphins.

The Oceanarium has contributed to the body of knowledge about marine life and enhances public understanding and appreciation of aquatic life and conservation. Shedd's participation in the North American Cooperative Beluga Breeding Program allows scientists to study the behavior of beluga whales and other animals that can't easily be studied in the wild, gaining a better understanding of whale biology and behavior. After seeing the beluga whales up close visitors to the Oceanarium gain a greater appreciation of the special nature of marine mammals and how humans impact their survival in the wild.

On April 27th, Shedd launches a new presentation, "Totally Training". The "Totally Training" experience gives visitors to the Oceanarium the unique opportunity to watch marine mammal presentations evolve daily as the dolphins and other animals learn new behaviors. Shedd's marine mammal presentations educate by showing natural behaviors of animals—such as dolphins porpoising (jumping). After each presentation, Shedd's expert marine mammal trainers will be available to talk to guests one-on-one.

Mr. Speaker, Shedd Aquarium's "Oceanarium Turns 10" celebration highlights a decade of achievements in conservation and education. Since its doors opened in 1991, the Oceanarium has been changing the way Chicagoans and the world think about the environment and marine mammals.

CONGRATULATING THE BEVERLY HIGH SCHOOL BAND AND CHORUS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. TIERNEY. Mr. Speaker, I rise today to applaud a group of 180 students in my Congressional District who visited Washington, DC yesterday morning to entertain gatherers at the Lincoln Memorial. The Beverly High School Band and Chorus deserves to be commended for the hard work and practice it takes to perform at such a high level, and I ask my colleagues to join me in congratulating them.

In addition to a wonderful experience here yesterday, these students have learned many valuable lessons from being part of this talented and impressive group. Clearly, for a band and chorus to be successful, it must work as one. Teamwork is a lesson these students have learned well, and it will be one that they carry with them as they encounter new challenges in the years ahead.

Practice and perseverance have become second nature to the members of this organization. These are cornerstones of living, and these students already have a strong grasp on these concepts at a young age.

Finally, Mr. Speaker, each one of these students, as well as their teachers and chaperones, have found joy in this adventure that began in the Sixth Congressional District of Massachusetts and ended in glory at the Lincoln Memorial. They have made all the people in the Commonwealth proud of their work, and they have provided examples of leadership to all they know. I wish them all the best of luck in their future endeavors, and I am confident that the lessons they have learned will not be forgotten.

50TH ANNIVERSARY OF THE TOWN OF SPRING LAKE, NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HAYES. Mr. Speaker, I rise today to recognize the 50th anniversary of the town of Spring Lake, North Carolina on May 5, 2001. The entire town will be celebrating at the Golden Anniversary Parade, which is to be one of the biggest parades in the town's history. Over 100 entrants, including antique cars, high school marching bands, and floats and cars sponsored by local businesses and civic groups, will participate in the parade. An Arts & Crafts Bazaar, petting zoo, and a fireworks finale will round out the celebration.

In addition to the revelry and excitement of the parade, a new 50-acre industrial park, the first in the town of Spring Lake, will be dedicated and shall be open for business soon. Also joining members of the town that day will be senior officials from Fort Bragg and Pope Air Force Base, along with members of several veterans' organizations, to dedicate the first-ever military memorial in Spring Lake.

Mr. Speaker, I would like to congratulate the all-American town of Spring Lake, North Carolina on its 50th anniversary, and I would ask all of my colleagues to join me in paying tribute to the hard-working, patriotic men and women who make Spring Lake such a great place to live and work.

PERSONAL EXPLANATION AND STATEMENT REGARDING SOUTH SUBURBAN THIRD AIRPORT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WELLER. Mr. Speaker, I was unavoidably detained in Springfield, Illinois on April 24, 2001 in order to testify on the merits of the proposed South Suburban Third Airport before the Illinois House Aviation Committee. As a result, I was unable to cast votes for Roll Call votes numbered 85 and 86. Had I been able to be present for votes, I would have voted nay on Roll Call vote number 85, the Motion to Instruct Conferees on H. Con. Res. 83, The Congressional Budget for Fiscal Year 2002. I would have voted yea on Roll Call vote number 86, on motion to suspend the rules and pass H.R. 428 as amended, concerning the participation of Taiwan in the World Health Organization.

Mr. Speaker, I missed these votes because I believe that the development of the South Suburban Third Airport is vitally important to Illinois economy and the Nation's aviation infrastructure. I testified in support of developing the proposed South Suburban Airport and Governor Ryan's appropriation request of $15 million for land acquisition. If the State of Illinois is to remain economically competitive, the air capacity must be increased. Governor George Ryan's decision to move forward with land acquisition shows bold leadership to achieve both.

Seventeen years ago, the Federal Aviation Administration ordered the States of Illinois, Indiana, Wisconsin, and the City of Chicago to evaluate the region's future aviation needs and to determine possible solutions. The Chicago Area Capacity Study was formed by Illinois, Indiana, Wisconsin, and Chicago to look for a new site. That study concluded in 1988 that Chicago needed a supplemental airport to relieve overcrowding at O'Hare and Midway. Subsequent studies found there was a need for additional capacity by the year 2000, and that the supplemental capacity should be located at a new South Suburban Airport.

As we now know, the results of that study accurately foretold the future. In 2000, Chicago hit aviation gridlock as the runways, airspace and ground transportation network near the airports reached capacity. Today, peak travel times to and from O'Hare and Downtown often exceed one hour. Remote parking access to or from the terminals can often take 35 to 45 minutes.

The gridlock at O'Hare and Midway not only affects Chicago and its suburbs, but the entire state and nation. When air capacity is limited, airlines focus on the most profitable routes (international route) and ignore less lucrative business (short-range domestic routes). As we have seen, the process of dumping short lower-profit flights in favor of long, higher profit ones has already begun at O'Hare. In the past two years, O'Hare eliminated service to 13 Midwestern markets, but added service to more than 20 foreign cities. This shift has hurt the downstate Illinois economy and limited transportation options for its residents.

Chicago's capacity problems are well-documented. Numerous studies, including ones by the USDOT, the FAA, IDOT and the City of Chicago, conclude that Chicago needs new runways. The question is where.

The Greater Rockford Airport was once considered a possible third airport site. While Rockford is very important to the northern Illinois area, the Illinois Department of Transportation eliminated it as a third airport site in the 1988 study for the following reasons: It was deemed to be too far—97 miles—from the Chicago Business District. Rockford is 50 miles past Elgin, which is at the edge of the Chicago urbanized area. The Peotone site abuts the edge of suburbia and is 35 miles from Downtown Chicago. The Rockford market area for obtaining origin and destination passengers was too small for a major commercial airport. In comparsion, the Peotone site has 2.5 million people living within a 45 minutes drive. According to the latest census data, Will County is one of the fastest growing areas in Illinois. Two rivers border the Greater Rockford Airport, thus hampering any growth possibilities for longer runways. Additionally, the expanded airport boundaries and accompanying noise contours would severely impact many Rockford residents.

Gary Indiana Municipal Airport also has been considered. However, Gary has very little room to grow. Expanding Gary to a size comparable to the Peotone site would require relocating the Indiana Tollway, the Calumet River, 47 miles of railroads, 1,000 acres of wetlands, several toxic landfills, and about

24,000 residents. The $20 billion cost of expanding Gary would make it virtually impossible for an airline to charge reasonable fares, whereas, the cost of the Peotone site would result in ticket prices comparable to O'Hare.

The Proposed South Suburban Airport would be safer due to its parallel-runway design and ability for future growth. Further, the South Suburban Airport is less expensive than other options. The cost of an inaugural South Suburban Airport is approximately $560 million, compared to $1.5 billion for building one runway at O'Hare. The third airport can also be built sooner than adding an additional runway at O'Hare. The airport can be operational in 4 to 5 years, but it would take 8 to 15 years to design and build an additional runway at O'Hare. The South Suburban Airport would be cleaner than the existing airports as it would be sufficient in size to absorb noise and air pollution. It has road and rail access, but less ground congestion.

Mr. Speaker, I appreciate the opportunity to clarify why I missed Roll Call Votes on April 24, 2001 and to further explain the importance of the proposed South Suburban Airport.

THE IMPORTANCE OF COUNTY GOVERNMENT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BARTON of Texas. Mr. Speaker, in recognition of National County Government Week, I rise today to speak on the importance of county government and to highlight the numerous contributions county governments make in the everyday lives of citizens. Today, counties fill an especially challenging role as they continue to meet the complex demands of modern society.

In Texas, we have 254 counties that serve the needs of more than 18 million Texans. The responsiveness of county government to the needs of the community is a long-standing tradition in Texas. Texas law mandates, with certain exceptions, that all county courthouses be centrally located so that each citizen can travel to the seat, vote, and return home in a day. Most county seats fall within five miles of the county's center.

The structure of Texas county government has its roots in the "municipality," the local unit of government under Spanish and Mexican rule. These large areas, embracing one or more settlements and rural territories, are the foundation of the governmental organization of our present day counties. The Texas Constitution declared counties as the functional agents of the state, or as an "arm of the state." Unlike cities, the areas of responsibility authorized to counties are specifically spelled out in laws passed by the Legislature.

Texas counties range in size from less than 100 residents to more than three million. Major responsibilities include county development planning; building and maintaining roads and recreational facilities; and in some cases, county airports; constructing and operating jails; operating the judicial system; maintaining public records; collecting property taxes; issung vehicle registration and transfers; and registering voters. Counties also provide law enforcement, conduct elections and provide invaluable health and social services to indigent members of the community. In this way, the county structures, more than any other form of government, plays a central role in the everyday functions of communities.

At the heart of each county is the commissioners court. These members of the court collectively conduct the general business of the county and oversee financial matters. Each Texas county has four precinct commissioners and a county judge who serve on this court. Functions of the county, run by individuals employed by the commissioners court, include such departments as public health and human services, personnel and budget, and in some counties, public transportation and emergency medical services. Elected officials, found in most counties, include county attorneys, county and district clerks, county treasurers, sheriffs, tax assessor-collectors, justices of the peace, and constables.

In the last twenty years, a growing number of federal and state responsibilities have been delegated or mandated to the local level, confirming the importance and necessity of local county governments in Texas. Each day, counties deliver a long list of services and work to respond to the ever-changing needs of our dynamic state.

Counties across America provide solutions at the local level that help bring communities together. I believe this traditional form of local county government, which fulfills a multitude of services to communities, is truly indispensable to its citizens.

NATIONAL COUNTY GOVERNMENT WEEK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SHAW. Mr. Speaker, in recognition of National County Government Week, I rise today to honor the contributions and achievements of our county governments.

We have the opportunity this week to reflect upon the importance of our county governments and show our appreciation for our county officials. As a former mayor, I am very familiar with the role of county government and the need for govenunent at all levels to cooperate in order to best serve Americans, and I appreciate the hard work done at the county level.

I have the privilege of representing the three South Florida counties of Miami-Dade, Broward, and Palm Beach. These county governments serve a diverse population. This population is truly a microcosm of our state and our country. The needs facing these communities can be found in other parts of the country as well. County government has been successful in addressing these needs, and we in Congress can learn a lot from them.

The backbone of county government is the people who provide the vital services that are essential to our health, safety, and well-being. The school teachers, the social workers, the firefighters, the police, and others who are devoting their lives to public service help form the fabric of our government.

County government is the government closest to the people. It is often the face of government to most of our population. It is our obligation as Members of Congress to help support county governments all across the country in order that they may more effectively serve Americans.

INTRODUCTION OF BILL TO MAKE LEAF TOBACCO AN ELIGIBLE COMMODITY FOR THE MARKET ACCESS PROGRAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today with my colleagues from other tobacco producing states to introduce a bill to put an end to discrimination against tobacco farmers. For almost eight years, hard-working, God-fearing, taxpaying tobacco farmers have been denied access to the funds provided by the federal Market Access Program, commonly known as MAP.

More than $90 million in MAP funds are available from the U.S. Department of Agriculture (USDA) to promote U.S. agricultural products overseas. Under MAP, agricultural industry trade associations, cooperatives, and state or regional trade groups each year are invited to submit proposals to USDA's Foreign Agricultural Service (FAS) to conduct approved foreign market development projects for various U.S. agricultural, fishery and forestry products. Examples include consumer promotions, market research, technical assistance, and trade servicing. MAP funds have been used to promote a wide range of products from sunflower seeds to catfish and cotton to hops for use in making beer.

Since 1993 USDA has been prohibited from using MAP funds to promote tobacco leaf sales overseas. This is patently unfair, and it is time for this discrimination to end. The future of American agriculture is tied to international trade. Currently, 25% of farmers' gross income comes from exports. The futures of thousands of Tar Heel tobacco farm families depend on exports, and I am not going to stand by and watch other commodities benefit from federal funds to access these markets while tobacco farmers are left out in the cold.

It is high time that tobacco is treated like the legal product that it is, and this legislation is a step in the right direction. I call on President Bush, Secretary Veneman, and my colleagues to support this bill and give our struggling tobacco farm families an opportunity to not just survive, but thrive.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Mr. ROTHMAN. Mr. Speaker, today I join with my colleagues in commemorating the 86th anniversary of the Armenian Genocide. Along with the Armenian-American community in my district and with people of goodwill throughout the country, Congress today is observing the death of 1.5 million Armenians from the years 1915–1923.

As we gather today, many of my constituents over the weekend participated in solemn services held in the memory of the martyrs of the Armenian Genocide. Whether at St. Leon Armenian Apostolic Church in Fair Lawn, Saints Vartanantz Armenian Apostolic Church in Ridgefield, or at Saint Thomas Armenian Apostolic Church in Tenafly, thousands of Americans of Armenian descent will be joining together in Northern New Jersey this evening to ensure that the world does not forget the first crime against humanity of the 20th century.

And so let me offer my solidarity with those remembering the Armenian Genocide today. And let me also emphasize that we should today not only remember the martyred, but as well, the survivors of the Armenian genocide. Though few survivors of the Armenian Genocide are still living today, those who endured the horrors of 1915, are heroes for all time.

Today, the people of Armenia and her Diaspora are proudly looking to rebuild their country. From the ashes of despair born of the genocide, and from the ravages of seven decades of Communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenian and Nagonno-Karabagh.

As Armenian-Americans rebuild their homeland, and as they seek to secure an economically prosperous state, founded on firm democratic principles, I will stand by them.

Let me conclude my brief remarks today by encouraging the young people of America to never forget the tragedy and lessons of 1915. Because as George Santayana once remarked, "Those who forget history are condemned to repeat it." And if no clearer evidence of these prescient words are necessary let us remind one another today that before commencing the Holocaust, Hitler himself stated, "Who today remembers the Armenians?"

As a Jewish-American and being ever mindful of the Holocaust, I join with my colleagues today in observing the Armenian Genocide. And I promise to stand firm against the shameful efforts of those who today seek to deny the Armenian Genocide.

COMMEMORATING ARMENIAN GENOCIDE

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 24, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to join with my colleagues to remember a dark chapter in history and to honor and remember the 1.5 million Armenian Christians victims who lost their lives at the hands of the Ottoman Empire during 1915 to 1923. I would like to thank the Co-Chairs of the Armenian Caucus, the gentlemen from New Jersey, Representative FRANK PALLONE and the gentlemen from Michigan, Representative JOE KNOLLENBERG for organizing this special order commemorating the 86th anniversary of the Armenian Genocide—of one of the greatest tragedies of history and the first genocide of the 20th century.

Today, I join with Armenian-Americans in my congressional district, the Armenian-American community throughout the United States and the Armenian community abroad in mourning the loss of so many innocent lives. It is important that we remember and learn from history, because if we ignore the lessons of the past, we are destined to repeat history. Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: "It is sadly true what a cynic has said, that we learn from history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world."

The facts of the Armenian Genocide are clear and amply documented as demonstrated by official reports and accounts by the U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, Sr. In a July 1915 report to the Department of State, U.S. Ambassador Morgenthau, Sr., reported: "a campaign of race extermination is in progress under a pretext of reprisal against rebellion." In describing the events in the Ottoman Empire during 1915 to 1923, Henry Morgenthau stated "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

As we gather on this day to remember the past and mourn those who lost their lives, their homes, their families and their freedom, let us pledge to do all that we can to ensure that the Armenian Genocide is properly recognized and remembered to prevent such atrocities from occurring in the future.

U.S. MARINE OFFICERS' GOLDEN ANNIVERSARY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UNDERWOOD. Mr. Speaker, this week, fifty veterans and retirees are gathering in Washington to celebrate the Golden Anniversary of their commissioning as officers of the United States Marines. Although their officers' class (11th SBC) was a relatively small one at a little over 200 members, their backgrounds portray a remarkable tapestry of Americana. They came from hometowns in 34 States of the Union, the District of Columbia, and the Territory of Guam; and, they earned their baccalaureate degrees came from over 100 colleges and universities throughout the land.

In 1951, against the backdrop of a raging war in the Korean Peninsula, they volunteered to serve and took the oath to support and defend the United States of America. And defend it they did, sustaining their share of combat casualties, both wounded and killed in action. One of their members, Sherrod E. Skinner, was awarded the Medal of Honor posthumously; another, John Word, received the nation's second highest combat award, the Navy Cross. Others still, received the medals and decorations for heroism and valor shown on the awards list.

Although only a relatively few members of the class became career officers, many served and retired from the Marine Corps Reserve while pursuing careers in law, education, religious ministry, athletics, engineering, business, and politics. Among those who went into politics is someone well known to many of us, my predecessor, General Ben Blaz, who was elected to the Congress after retiring from the Marines. As a former Member of Congress, Ben will be escorting his comrades to this chamber where deliberations and decisions were made that committed them to combat in Korea and Vietnam.

There is a marvelous irony in my having the privilege to call my colleagues' attention to the contributions that these courageous men of the Corps have made to our country, both in war and peace. During the Spanish-American War, a young man from Gastonia, North Carolina joined the Marines and was part of the contingent that was sent to Guam to formally occupy the island. He was so enchanted by the island and, I hasten to add, its lovely senoritas, that he chose to stay in Guam. In time, he married a native girl and started a family. His name was James Underwood. He was my grandfather.

Mr. Speaker, I thank you for extending me the honor of paying tribute to these veterans and retirees of the Corps and to salute them, in behalf of our grateful nation, on the Golden Anniversary of their commissioning as officers of Marines.

(Roster of members/wives of deceased members of the 11th SBC Marines celebrating the 50th Anniversary of their commissioning as Officers of Marines, May 3–5, 2001):

Robert Altick, Al Bailey, Robert Beezer, Gene Benbow, Charles Bentzen, John Bickley, Ben Blaz, Ted Brothers, Charles

Clifford, John Connor, Frank Delaney, and Bill Diederich.

Tom Fallon, Dale Faust, Marshall Figgatt, Benis Frank, Ced Gifford, Bill Gilwee, Fred Grube, (Mrs.) Don Helgeson, Maurice Heartfield, Bill Keating, John Keck, and Paul Kortepeter.

Bill Kyle, Tom Lamb, Bob Land, Bob Lavine, (Mrs.) James Lindsey, John Lussenhop, Andy McDonald, Harold Marshall, Joe Molitoris, Gene Moyers, (Mrs.) Dick Norlin, and Larry O'Nele.

Herb Oxnam, Dick Paschal, Jordan Peck, Hank Pruitt, Tom Qualls, Stan Rauh, Chayne Stinemetz, Dick Stone, Noval Stephens, Speros Thomaidis, Peter Walker, and Stan Wilson.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. CAPPS. Mr. Speaker, due to recent death of a close friend I was unable to attend votes this week. Had I been here I would have made the following votes:

Rollcall No. 85—"Yes," No. 86—"Yes," and No. 87—"No."

NATIONAL AUTISM AWARENESS MONTH

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SHOWS. Mr. Speaker, I rise today as a proud member of the Congressional Autism Caucus to remind my colleagues that the month of April is National Autism Awareness Month, and that tomorrow, Mississippi, and many other states will recognize April 27th as National Autism Day. The ribbon that I wear is the International symbol for autism, symbolizing the complexity of the disorder. The different colors and shapes represent the diversity of the people and families living with autism, while the brightness of the ribbon signals hope—the hope to be found through increasing research, resources and awareness.

This month gives us a unique opportunity to celebrate the progress we have made in understanding Autism, and the goals we must continue to fulfill. This century we have come a long way in overturning the misconceptions of what autism is. We know that autism is a developmental disability that over 400,000 people in the United States are estimated to have. We know that it is four times more likely to be diagnosed in boys as in girls. We know that there are many degrees of severity of autism, but that all autistic people tend to exhibit deficient social behavior, language and cognitive development. What we still don't know though, is what causes Autism.

Last year, Congress passed landmark bipartisan legislation, the Children's Health Act of 2000, which was signed into law last October. Within this legislation were major provisions for the creation of five regional "centers for excellence" for research into autism, administered the National Institute for Mental Health, as well as education programs on autism for the community. The bi-partisan spirit of cooperation, fueled by the thousands of involved parents, teachers, and doctors in the autism community, enabled us to do what we were intended to do in Congress; to provide a voice and resources for those most in need of advocacy.

So, what do we do now? As Congress looks forward to debating education legislation, we should be vigilant in our support for the Individuals with Disabilities Education Act. In 1975, the U.S. Congress passed the Individuals with Disabilities Education Act, also known as IDEA, mandating that local school districts provide appropriate education to students with special needs. Understanding that this could be a costly endeavor, Congress agreed to fund up to 40 percent of the average per pupil expenditure. However, to date, Congress has only provided States with about 14 percent of the funds promised.

I have listened to countless parents of children with disabilities in my district talk about the struggles and challenges they have in getting their schools to properly educate their children. The years of frustration parents have endured in attempting to get their children appropriate assistance is disgraceful. Parents, particularly those of children who have special needs, should have strong partnerships with their schools. Instead, due to an often appalling lack of resources, our parents and teachers sometimes find themselves having adversarial relationships. This helps no one, least of all the child, whom our schools seek to educate.

National Autism month reminds us to reflect on our responsibility to do a better job of keeping the IDEA promise. As members of Congress, we should celebrate how far we have come in meeting the needs of children with disabilities, but remember that our job is far from over, and our goals far from being fulfilled.

TRIBUTE TO HON. DOUGLAS "TIM" JAMERSON—A GREAT FLORIDIAN AND A GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to the late Douglas L. "Tim" Jamerson, the former Florida Education Commissioner, Labor Secretary, and state legislator who died of cancer this past Saturday at age 53.

I will not recount his incalculable, enormous contributions, other than to say that without Doug Jamerson, Florida would be much less than it is today. Without Doug Jamerson Florida would not be one of the greatest state's in this union.

Mr. Jamerson understood that he was the first African American to serve as Florida's Commissioner of Education. He understood that gave him an obligation beyond his own race. He understood that Floridians would be looking at what he did very carefully, but he also understood that his role was that of doing what he could to improve education in a far more universal sense. Through his many efforts—as Education Commissioner, Labor Secretary, and State Legislator, guidance counselor and friend, he improved the quality of life for millions of Floridians, many more who were not Black, and not the least of them women.

Doug Jamerson, throughout his life, reminded us that Florida is a state of opportunity, and America is a country of great promise, but that that promise and opportunity has not yet been totally fulfilled. Doug reminded us all that we all have a duty to help our state and our nation fulfill its true promise.

The words of the great poet Henry Wadsworth Longfellow in his eulogy to Charles Sumner, apply equally to Doug Jamerson. Wadsworth said:

> Were a star quenched on high for ages would its light still traveling downward from the sky shine on our mortal sight so when a great man dies for years beyond our ken the light behind lies upon the paths of men.

Douglas Jamerson is a uniquely special individual who was a thoughtful and a principled public servant whose life will serve as a reminder of everything that we must all strive to become. He has taught us all, that its not how many years you live, but what you accomplish in the years you have. Doug Jamerson accomplished much in his 53 years.

HONORING SUSAN MUSGRAVE AND THE LOS ALAMOS CHAMBER OF COMMERCE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UDALL of New Mexico. Mr. Speaker, when a deadly fire devastated Los Alamos, New Mexico, and surrounding communities in May, 2000, Susan Musgrave, the executive director of the Los Alamos Chamber of Commerce stepped up to the challenge of helping the community recover and rebuild. There are hundreds of unsung heroes from the Cerro Grande fire, and Ms. Musgrave is one of them.

The intense Cerro Grande fire forced local residents to evacuate and essentially closed down Los Alamos for eight days. When residents were allowed to return on May 15, they found the fire had left more than 420 people homeless and destroyed a number of local businesses. To help the town get back on its feet, the Chamber took the lead in coordinating relief and rebuilding efforts.

I can attest that Ms. Musgrave and others met with me and my staff during this time to see what they could do and to continue to provide us with assistance. Within five days after the fire, in conjunction with local banking institutions, the Chamber had established a loan fund for Los Alamos businesses. These businesses could apply for a six-month loan up to $25,000 with a 7.5 percent interest rate. The Chamber paid the interest expense on the loans for six months.

Through this effort, more than $640,000 in loans were made available to 37 companies in

Los Alamos. Businesses were able to take care of short-term financial needs and stabilize the effects of lost revenue after being closed for almost eight days. A Web site for construction contractors interested in helping Los Alamos rebuild was on line within a week of the disaster.

Thanks to generous donations from member businesses and individuals, the Chamber was able to extend help to others with an immediate need for funds, including renters and homeowners without insurance. By May 20, gifts in the amount of $1,000 were distributed to 97 families who had lost their homes. As the fund grew, the Chamber was able to make a second distribution in the amount of $500 to the same individuals. The Chamber's total contribution topped $142,000. In addition, 12 college students who lost their homes were each given $1,000 towards their recovery needs.

The Chamber also helped spread the word that Los Alamo's was once again "open for business" through an innovative advertising campaign. The Chamber underwrote 80 percent of the costs for member businesses who took out advertisements to let the community know their businesses were up and running against. The Chamber set up a similar advertising campaign with the State of New Mexico's Economic Development Department as a means to successfully bring tourists back to the area.

The Chamber's good deeds did not go unnoticed. Ms. Musgrave was named New Mexico's Chamber Executive of the Year 2000 by the New Mexico Business Journal and the Association of Commerce and Industry. The award recognized her exceptional and exemplary services to the Chamber and the community.

Thanks to the Los Alamos Chamber of Commerce's strong leadership and coordination, Los Alamos recovered quickly. And, the Chamber has earned respect and gratitude from its member businesses and the local community.

Additionally, since then the recovery began, Ms. Musgrave has continually been a leader in seeking to correct the technical setbacks that have faced victims of the Cerro Grande fire. She has kept me informed of the concerns of local businesses and the community in general. Her actions led to my introducing legislation in the House of Representatives, H.R. 1095, intended to make claims of the fire taxfree.

The Chamber has also contacted me on issues that are not fire-related. I am proud to serve as a member of the Small Business Committee and, as a result, work on matters vital to the Chamber. For example, we have worked together on daycare issues facing employees of the Los Alamos National Laboratory and other equally important items.

Mr. Speaker, Susan Musgrave is not only a wonderful asset for the Chamber of Commerce, but she is a true champion for the state of New Mexico. I am proud to know her, and I thank her for her continued service.

TRIBUTE TO THE LATE JOEY RAMONE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. WEINER. Mr. Speaker, I rise today to recognize a constituent of mine and an icon in the music world who recently passed away. Joey Ramone, lead singer of the Ramones died after a long battle with cancer on Easter Sunday. Born Jeff Hyman in Forest Hills, Queens, he changed his name to Joey Ramone at age 23 and began stirring up the music world with what was to become known as punk rock. The Ramones were at the leading edge of the punk rock movement in the early to mid-1970s and spoke to a generation of adolescents looking to find their way through that decade.

Many of my colleagues here in Congress may not be familiar with the music of the Ramones, or the impact they had on many in my generation and on music in general. The Ramones were everything a classic rock and roll band were not. They played short, simple songs. And they did it loudly. They abhorred convention but compared to many of the bands today, they did it with style. Irony, sincerity and humor ran through many of their simple lyrics. They poked fun at the latest fad, and often themselves, in a way that caused adolescents everywhere to nod their heads in agreement.

The Ramones lasted an impressive 22 years. Their music helped spawn musicians who would go on to create their own styles of rock and grunge and rap-rock. At the heart of the Ramones was Joey, a notoriously shy, gangly, nice guy, who until his death, loved to visit the local clubs in New York and listen to the music he helped create.

I would like to submit for the RECORD a story from the April 22, 2001 edition of the New York Times which summarizes well, the life of Joey Ramone:

A STAR OF ANTI-CHARISMA, JOEY RAMONE MADE GEEKS CHIC

(By John Leland)

FROM his home in Queens last week, Monte Melnick remembered a time the Ramones stopped for gas in rural Texas. It was the early days of punk rock, and the woman at the gas station gave the band the once-over: matching leather bomber jackets and ripped jeans, dopey mops of hair, four guys taking the surname Ramone. Mr. Melnick, who was the tour manager, feared there might be trouble. Instead, the woman smiled at him indulgently. As Mr. Melnick, 51, recalled, "She said, 'It's really nice, you taking care of these retarded boys.'"

Joey Ramone, the gawky, geeky, lovable-loser singer of the Ramones, died last Sunday of lymphatic cancer, never to be underestimated again. His real name was Jeffrey Hyman; he was 49.

As the music world celebrates the 25th anniversary of punk, the band's imprint—its goofy fury and delinquent humor—echoes not just in the music of latter-day punks like Green Day and Blink 182, but in the strain of self-aware, loser comedy that has become the dominant adolescent rattle: "The Simpsons" and "South Park," pro wrestling and MTV's blithely moronic "Jackass."

Mickey Leigh, Joey's younger brother, who played in a band called the Rattlers, described the Ramones as a reaction to the Queens streets where the band members grew up. "The humor was inherent to Forest Hills, a Jewish neighborhood, and to the small circle of rejects and misfits that we were," said Mr. Leigh, who, like his brother, was bar mitzvahed. (Several other Ramones were not Jewish.) "We were always on the outside, rejected by the girls—not by all girls, but by the pretty ones, who preferred guys with cars. Our protective shell was to shock people."

Picked on in Forest Hills, Joey made himself a star of anti-charisma, fronting a band whose legend drew on failure as easily as success. When my friends and I heard the Ramones in the late 1970's, as underachieving college students, we formed our own band—awful, but even at our lousiest, always knowing. I like to think we were post-awful.

A set by the Ramones was a furious race to the finish line, blurring bubble-gum riffs and cartoon pathologies: "Now I Wanna Sniff Some Glue," "Teenage Lobotomy," "I Wanna Be Sedated." What you came away with depended in large part on how you took the joke.

"We thought punk rock was going to be the biggest thing ever," said John Holmstrom, 48, a cofounder of Punk magazine, which coined the name for the music. "We thought we were mainstream. It was a shock to everyone at CBGB when one by one it didn't happen."

Charlotte Lesser, Joey's mother, always got the joke. Ms. Lesser ran an art gallery and is a commercial artist. At CBGB, the Bowery dive where the band got started, people used to call her Mama Ramone, she said, adding: "CBGB struck me as too narrow, too crowded, and it had the worst bathrooms you ever saw. But I always saw the whole thing as a funny show."

The Ramones emerged just when the radical thrust in pop music was turning in on itself Hip-hop whittled down disco; punk trimmed rock 'n' roll to its loud essentials.

Writing about the Ramones and CBGB in The Village Voice in 1975, James Wolcott observed, "No longer is the rock impulse revolutionary—i.e., the transformation of oneself and society—but conservative: to carry on the rock tradition." For all their locomotive mayhem, the Ramones were preservationists. Even the name harked back, to the days when Paul McCartney, as a Silver Beatle, called himself Paul Ramon.

I think the impulse had much to do with age. Lou Reed, punk's eminence grise, born in 1942, was able to sing of a girl whose life was saved by rock 'n' roll. For Mr. Reed, whose childhood began before rock, the music bred transformation, both personal and societal. Joey Ramone, born in 1951, arrived as the shutter was closing on this perspective. Punk was a last loud call to embrace these moments of transition, when the world before rock became the world after.

For later punks, these moments were only hearsay. By the time Kurt Cobain, born in 1967, took up the legacy of the Ramones, the music could aspire to be alternative, but not revolutionary.

In his engagingly lurid memoir, "Lobotomy: Surviving the Ramones" (1997), Dee Dee Ramone observed, "A Ramones story can't really have a happy ending." To the end, Joey lived in a one-bedroom apartment in the East Village, originally decorated by his mother but long since submerged in his accumulated clutter. On good days he walked around the neighborhood in an odd, obsessive-compulsive fashion, always walking past a curb, then back to touch it before moving on.

He became fixated by the stock market; the last great song he wrote, said his friend Arturo Vega, the band's artistic director, was a love song to Maria Bartiromo, the CNBC business anchor.

Last week, fans turned the doorway of CBGB into a shrine and filled Internet message boards with tributes—a testament not just to Joey but to the eternal loneliness of adolescence.

Mickey Leigh continued to ponder the deceptive complexity of the Ramones' music. "The intelligence was well disguised," he said. Then he paused. "Maybe there wasn't that much intelligence." But there was, and warmth as well. And for a still-growing legion of misfits, there is community. As Joey sang, in a signature line culled from the movie "Freaks," "Gabba gabba, we accept you, we accept you, one of us."

RE-OPEN PENNSYLVANIA AVENUE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. MORELLA. Mr. Speaker, nearly six years ago, Treasury Secretary Robert Rubin ordered Pennsylvania Avenue closed to vehicular traffic in front of the White House. The Secretary did so with the powers granted to him as head of the Secret Service, which allow him to "temporarily" shut down any road in the District of Columbia to protect Presidential safety.

As anyone who has been stuck in the gridlock while trying to drive across town certainly knows, that "temporary" blockade still exists. And it exists much to the detriment of our nation's capital, where unsightly concrete barriers make us look like a city under siege, as well as to the detriment of the city of Washington, D.C., which has suffered serious economic consequences as a result.

It's high time to re-open Pennsylvania Avenue and return Pierre L'Enfant's grand boulevard—America's Main Street—to its proper role as an uninterrupted link between the White House and the Congress and as a vital east-west artery for the District of Columbia.

The National Capital Planning Commission is now evaluating what impact the security measures around the White House, the national memorials and Federal buildings have on our nation's capital. The first subject they will be tackling is Pennsylvania Avenue, and the Commission expects to make a recommendation on the Avenue to the President by July.

I am today introducing a Sense of the House resolution urging the Commission to adopt a plan that restores vehicular traffic—and, with it, a sense of democratic openness—to Pennsylvania Avenue.

I do so with the support of ELEANOR HOLMES NORTON and other members of the local congressional delegation—TOM DAVIS and JIM MORAN—and other colleagues who share our concern about the closure of one of America's most famous avenues. D.C. Mayor Anthony Williams and the City Council are fully behind our efforts to re-open the Avenue as well.

To be sure, the security of the President remains paramount to us. But we cannot build a glass bubble around the White House. I am convinced there are prudent steps we can take—including slightly reconfiguring the road and using pedestrian bridges to block truck traffic from the stretch of Pennsylvania Avenue in front of the White House—that will allow us to re-open the road while protecting those who live, work and visit the White House.

EXTRA MILE AWARDS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. McGOVERN. Mr. Speaker, today I rise to salute the recipients of the "Extra Mile" Awards given by the VNACare Network, Inc. The Extra Mile Award for Caregivers recognizes the dedication of family caregivers who go the extra mile in caring for a loved one. These individuals inspire with their never-ending energy, devotion, and compassion. The Extra Mile Award for Staff is presented to employees who go above and beyond expectations. Their dedication to the VNACare Network makes life easier for those in the office and improves the quality of life for patients and their families.

The Caregiver Award is being given to Gilda Ryan of Ipswich, Massachusetts for the constant care and love she gives her daughter Julie. Staff working with her say this 80-year-old dynamo is a fearless advocate, loving caregiver and her tenacity throughout these past 20 years has allowed her daughter to receive the absolute best care available. She is a true model to nurses and home health aides alike in character and caregiving. Leo Lavigne of Hudson, Massachusetts is also receiving the award for taking care of his wife Frances. His caring and careful attention to her complex medical problems has prompted the staff to say that he may need to be recruited to alleviate the nursing shortage. Richard Law of Worcester, Massachusetts is being recognized for his steadfast, hands-on, loving, and devoted care of his late wife Mary during her last days. He stayed strong—even though his heart was breaking—so that Mary would not feel like a burden to her family. Alan Basmajian and Family of Burlington, Massachusetts are recognized for their courage, commitment, honesty, and love during the last days of their wife and mother, Linda. Her goal of seeing her daughter graduate from eighth grade was realized with incredible support from her family.

The Staff "Extra Mile" award is being given to Kathy Cronin-Reardon of Gloucester, Massachusetts for her extraordinary caring and compassion. Her workweek does not consist of 40 hours; she works countless extra hours going unrecognized and even unpaid at times for the sake of the families and patients that need her in difficult times. Laurine Frykberg of Worcester, Massachusetts is being recognized for her willingness to help both patients and staff alike. She is credited with bringing the term "flexibility" to a new level, covering New Year's Eve staff shortage with a smile dressed in her evening attire. Sandra Stone of the Watertown, Massachusetts office is an exceptional Home Care Aide who adapts readily to changing department needs with an outstanding commitment to patients needing coverage. Her quiet calmness and professionalism soothes the anxious—both patients and family members. Ana Rodriguez is being recognized for her exemplary work as a Home Care Aide Scheduling Coordinator. Not only has she been a cohesive factor in uniting the office staff, but also she is praised by family members and clinicians for her positive, enthusiastic, and consistent efforts. Finally, Marion Ray is being recognized for her record in the performance of her main responsibility of timely billing and collection of accounts, her ability to manage a large staff with great skill, and her diligence, work ethic and "can do" attitude.

Mr. Speaker, it is a great honor for me to recognize these outstanding individuals, and to thank them for all they have done to improve the lives of the people of Massachusetts.

TRIBUTE TO THE BRONX SHEPHERDS RESTORATION CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. SERRANO. Mr. Speaker, once again it is an honor for me to recognize The Bronx Shepherds Restoration Corporation on its twenty-second anniversary. Following is a congratulation letter I wrote to the Executive Director for their continued service to the people of my congressional district.

Mr. THEODORE JEFFERSON,
Executive Director, Bronx Shepherds Restoration Corp., Bronx, NY.

DEAR TED: On the auspicious occasion of the 22nd Anniversary of The Bronx Shepherds Restoration Corporation I want to be amongst the first to once again congratulate you on the outstanding job you do. Your programs have greatly enhanced the lives of the people of our district and your continued commitment to them gives us all hope.

The Bronx Shepherds Restoration Corporation has served as an exemplary model for other agencies seeking to serve neighborhoods such as ours. I believe that as role models you will continue to impact upon more organizations, and in this way in the very near future the development of our Bronx Community will amaze those that did not think such stability and prosperity possible.

Your organization has always provided the support services necessary for individuals to develop into active members of society. Bronx Shepherds Restoration Corporation's record of helping residents find affordable housing, education, and better health care for our senior citizens is both invaluable and impressive.

Once again, congratulations to the Bronx Shepherds on the occasion of your 22nd anniversary. I remain ever grateful for your work in helping our community resolve the many dilemmas that we encounter. I look forward to the continued growth and development of your Corporation and wish you and your staff every success.

HONORING HILLSBORO HIGH SCHOOL OF NASHVILLE, TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor my alma mater Hillsboro High School of Nashville, Tennessee for significant accomplishments in the "We the People . . . the Citizen and the Constitution" Program. I am proud to announce that these fine students are representing the state of Tennessee in the national finals of this program on April 21–23 right here in Washington, DC.

More than 1200 students from across the nation will participate in this national event. I know these young scholars from the 5th Congressional District have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I would like to commend these students and their teacher, Mary Catherine Bradshaw, on this success. These students include: Sherrell Bean, Maria Borea, Amanda Cox, Allysia Chamberlain, Doriada deLeon-Chamorro, Elizabeth Dohrman, Kali Edwards, Adam Finch, Annallise Frank, Jenny Hansen, Chase Hasbrook, Titiana Howell, Aubrey Hunt, Kate Hunter, Enin Hutchenson, Elliot Layda, David McDaniel, Clay Morgan, Dalila Paquiot, Sarah Payne, Riya Perkins, Casey Raetxloff, Ben Rigsby, Julie Schneider, Niti Snighdha, Emily Tarpley, Kathy Tek, Kelly Tek, Shannon Turbeville, Vanja Trubajic, and Savannah Welch.

"We the People . . . the Citizen and the Constitution" is the most extensive educational program in the country developed specifically to educate young people about the Constitution and Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress.

These hearings consist of oral presentations by high school students before a panel of adult judges. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. This year's national finals will include questions on James Madison and his legacy in honor of the 250th Anniversary of his birth in 1751.

Administered by the Center for Civic Education, the "We the People . . ." Program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide.

The class from Hillsboro High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young "constitutional experts" the best of luck at the national finals and I look forward to seeing them when they visit Capitol Hill.

TRIBUTE TO HENRY P. BECTON

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to honor Henry P. Becton, Director Emeritus of Becton Dickinson (BD). On May 3, 2001 Henry Becton will be honored by the American Diabetes Association (ADA) for his "legacy of discovery in diabetes care".

It is estimated that 300 million people will be affected by diabetes by the year 2005. Currently, in the United States alone, the total annual cost of diabetes is staggering at an estimated $98 billion. Nearly 16 million Americans have the disease and many more are undiagnosed. We desperately need more education and research. BD has been instrumental in furthering efforts to treat and cure diabetes. I am proud that the ADA has chosen to honor Henry and BD as partners in their fine work.

BD has a long history of supporting the development of products and services to people with diabetes. In fact in 1924, BD began to manufacture all-glass syringes for insulin injection. New diabetes initiatives include platforms for enhanced insulin delivery, our inhaled liquid insulin program and the blood glucose monitoring platform.

Some other facts about BD's work with the ADA include:

BD worked in partnership with the ADA to increase awareness of diabetes and promote National Diabetes Awareness Month (now marked each November).

BD is a member of ADA's Banting Circle, denoting participation at the highest level of corporate sponsorship. (The Banting Circle is named for the discoverer of insulin.)

BD provides free products and programs for the 20,000 children who attend ADA summer camps each year. Many BD people volunteer at the camps; others bike, walk and jog to raise funds for diabetes programs and research. In each BD "getting started kit" provided to new diabetes patients and new-to-insulin patients, BD also includes information about the ADA to introduce patients to the organization.

Many BD employees have supported ADA programs by serving in leadership positions throughout the ADA. BD has and continues to offer professional workshops in conjunction with the ADA for healthcare professionals and families as well as patients dealing with the disease.

Henry Becton has been a tireless advocate for advancing diabetes research and treatment. Henry epitomizes the care and commitment with his own lifelong spirit of volunteerism and action. In fact, even today Henry sits on the BD corporate contributions committee where he continues to shape BD's charitable programs. For instance, he was a member of the committee in 1994 that established the Diabetes Care Fund to support nonprofit public education initiatives, research activities, and programs to benefit people with diabetes.

Throughout a century of growth, Becton Dickinson's commitment to raising the quality of health care worldwide has remained constant. I can testify to the high standards of personal character and integrity that Henry Becton has brought to the business community and philanthropic and civic communities of northern New Jersey. I congratulate Henry Becton and wish him many years of continued success.

AFFORDABLE STUDENT LOANS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of the Affordable Student Loan Act, which I am introducing today. Student loans—like Pell grants and work-study jobs—are essential to providing all Americans with the opportunity to earn a college degree.

Now more than ever, a college education is one of the best investments of a lifetime. In the workplace, a college degree is worth 75 percent more than a high school diploma, or $600,000 over a career.

Our children should pursue their academic dreams, but the loan burdens we ask them to shoulder are increasingly troubling. Student loan volume has more than doubled over the last seven years to $35 billion a year.

The average student loan debt at four-year public colleges is $12,000. At four-year private colleges, it is $14,300. College graduates with high loan debts may think twice about entering public service, be more likely to default, and delay the purchase of their first home.

To make matters worse, the Federal Government needlessly raises the cost of student loans by charging a fee of up to 4 percent of the loan principal. Students borrowing $1,000 actually receive as little as $960. However, they will still be expected to repay the full $1,000, plus interest.

Nearly all of these fees—up to 3 percent on guaranteed student loans and up to 4 percent on direct student loans—are origination fees, enacted in 1981 to reduce the deficit. Because their only purpose is to raise revenue, the fees are often called "the student loan tax." They do not pay for administrative costs or serve any program purpose.

Nor are the fees necessary to limit the federal cost of student loans. For example, on direct student loans, the Federal Government will "earn" more than $5 for every $100 in loans made this year, even after paying for all administrative and default costs. If Congress eliminated on all fees, students would still pay a surcharge—rather than receive a subsidy—on loans through the Direct Student Loan program this year.

Students who borrow guaranteed loans also pay up to I percent insurance fee into reserve funds to pay future default costs. Because these reserve funds are larger than necessary to pay for defaulted loans, the large majority of guaranty agencies waive this fee.

Finally, eliminating the fees will benefit all students. Over the last two years, the Department of Education reduced interest rates and fees on its direct student loans to match terms available from banks on federally guaranteed student loans. The lower rates will save students over $1 billion over the next five years, reduce defaults, and treat students in both the direct and guaranteed loan programs fairly.

In response, a group of financial institutions sued Education to make direct loans more expensive for students and drum up business for their own student loans. The legislation I am introducing today will promote stability in the loan programs by resolving this dispute and benefiting students in both programs. It will leave students and schools free to choose among the programs based upon the quality of service they offer.

Now is the time to end the student loan tax. The Affordable Student Loans Act will save the typical student roughly $400 on their loans and make college more affordable for students in both loan programs. I urge my colleagues to join me in supporting this important legislation.

THE MEDICAID OBESITY TREATMENT ACT OF 2001

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. TOWNS. Mr. Speaker, in honor of National Minority Health Month, today I am introducing the "Medicaid Obesity Treatment Act of 2001"to elevate the visibility of a national health epidemic that is wreaking particular havoc upon our minority communities. For too long, obesity has escaped adequate attention from both policymakers, scientists and the general public. With this bill, which will simply provide Medicaid coverage for medically necessary treatments for chronically obese beneficiaries, I hope to raise the level of attention to this devastating illness. The Medicaid Obesity Treatment Act of 2001 is the first legislation ever introduced in the Congress to specifically address the need to ensure access for all Americans to drug therapies designed to treat obesity and its related comorbidities, and I am proud to be its sponsor.

Obesity has truly become a national health care crisis. The National Center for Health Statistics reports that 60 percent of Americans over 20 years of age are overweight or clinically obese. Weight-related conditions represent the second leading cause of death in the United States, and result in approximately 300,000 preventable deaths each year.

According to the Surgeon General, the prevalence of overweight and obesity has almost doubled among America's children and adolescents since 1980. It is estimated that one out of five children is obese. The epidemic growth in obesity acquired during childhood or adolescence is particularly threatening to the national health because it often persists into adulthood and increases the risk for some chronic diseases later in life.

The prevalence of obesity in America is at an all time high, affecting every State, both men and women, all ages, races, and education levels. Disparities in health status indicators and risk factors for diet-related disease are evident in many segments of the population based on gender, age, race and ethnicity, and income. Overweight and obesity are observed in all population groups, but obesity is particularly common among Hispanic, African American, Native American, and Pacific Islander women.

Too many Americans, particularly urban residents, have inadequate access to fresh produce and healthy food products. Too many Americans have desk jobs that afford them little opportunity to maintain adequate physical conditioning. And for too many Americans today, the most plentiful, available and affordable food is often the least nutritious.

For years, obesity was considered a lifestyle choice. Now, however, it is increasingly understood to be an illness with serious health consequences. It is proven that overweight and obesity are associated with significantly higher mortality rates. Additionally, obesity substantially increases the risk of other illnesses, including breast cancer, colon cancer, ovarian cancer, prostate cancer, cardiovascular disease, high blood pressure, high cholesterol, type 2 diabetes, heart disease, stroke, gallbladder disease, arthritis, sleep disturbances and respiratory problems.

The costs of obesity on the public health system are truly staggering. The total cost, both in terms of health care and lost productivity, of obesity alone was estimated as $99 billion in 1995. As it becomes more prevalent, obesity's toll on the national economy will only grow.

There is some promising news, however. Science has made great strides in recent years to both understand and combat obesity. Several new drugs offer great promise in the fight to prevent and treat obesity and its related comorbidities.

Unfortunately, however, coverage of these drugs is excludable under Medicaid due to an eleven year old provision that allows states to exclude weight loss drugs, even in cases where these drugs have the potential to save lives. This provision is based upon the outdated notion of obesity as a "lifestyle choice" and the notion of anti-obesity medication as cosmetic in nature. These notions, and the provision based upon them, are no longer valid scientifically, and must be stricken from the law. Medically necessary medicine for the treatment of chronic obesity should be covered under Medicaid like any other medically necessary drug. This is the purpose and goal of this bill.

Although this expansion in Medicaid coverage might incur some marginal cost to the overall program, requiring states to cover proven obesity medication may actually reduce Medicaid expenditures as a result of decreases in the costs associated with treating obesity-related comorbidities such as diabetes and heart disease. Given the numerous collateral benefits of reducing obesity, in addition to the underlying treatment of obesity for the disease that it is, it makes good sense and good public policy to provide Medicaid beneficiaries access to life saving antiobesity medicines.

Finally, as the Congress looks towards the formation of a prescription drug benefit for all Americans, we must be wary of simply importing the outdated notions implicit in Medicaid coverage definitions which might have the effect of denying access to medically necessary weight loss drugs. Any prescription drug benefit must provide coverage for medically necessary medications for chronic obesity consistent with its coverage of other medically necessary disease treatments.

Obesity is a growing epidemic across the nation which must be addressed with more than just words. This bill offers an important first step towards stemming the tide against this preventable killer. During this year's observance of National Minority Health Month, I am pleased to introduce this bill to both highlight the epidemic of obesity, which strikes particularly hard in the minority community, and to do something substantive about it. I encourage my colleagues to join me in supporting it.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to H.J. Res. 41, the Tax Limitation Constitutional Amendment, which would require a two-thirds majority vote in Congress to pass legislation increasing internal Federal revenues, except in time of war or military conflict. While I support a simpler, fairer and more efficient tax code, I cannot back this fiscally irresponsible proposal, which would unnecessarily tamper with the Constitution and undermine its principle of majority rule.

This resolution would deny Congress its legislative ability to address weaknesses in our current tax code and possibly close outdated and costly tax loopholes. Further, this constitutional amendment would prevent us from passing reconciliation bills, which reduce future deficits by making balanced spending cuts and raising revenues, unless there are tax cuts of equal size.

The philosophical battle over supermajorities was waged after the Articles of Confederation was enacted. During, this debate, our Founders became convinced that supermajorities were unfeasible and that a simple majority—our present system for the passage of tax bills—was the most practical. For centuries, our government has abided by this fundamental principle and concluded that our republic would be compromised if a two-thirds majority vote were required for revenue bills and other day-to-day legislative matters routinely before us.

We all want to protect hard-working families from tax increases, but requiring a two-thirds vote to raise revenues to pay for spending initiatives that we have already authorized would make funding our national priorities even more problematic. Furthermore, this constitutional amendment would make it extraordinarily difficult to extend the solvency of Social Security and Medicare and reduce our national debt. Finally, this legislation is largely unworkable, given the vagueness and ambiguity of its language. If Congress is truly concerned about guarding the American public from unwarranted tax increases, it should pass meaningful tax reform legislation, maintain a balanced budget, and trust American citizens to elect representatives who will legislate in their best interests.

For these reasons, I cannot support this proposed change to the Constitution. I strongly urge my colleagues to vote against this imprudent measure.

HONORING THE MEMORY OF RICHARDSON PREYER, FORMER MEMBER OF THE HOUSE

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mrs. CLAYTON. Mr. Speaker, I rise to say a few words about a North Carolina native son, the Honorable Lunsford Richardson Preyer. He died this month but left a legacy of dedicated, visionary and exemplary service to his family, community, state and nation.

He was born in Greensboro, NC in 1919 and lived and served during a difficult time in the history of our state and nation. Racial discrimination was widespread during his early life. African Americans were objects of legal, social and economic oppression. However, Richardson Preyer rose above the prevailing conditions and displayed remarkable moral integrity, tolerance and support for racial diversity and human rights.

After graduating from Princeton University and Harvard Law School, he returned home. Although an heir to a family fortune, he chose to engage in efforts to resolve conflicts between contending groups in society. He was well-suited to be a judge; he served as a state court trial judge and in 1961 was appointed to a lifetime position on the federal District Court. A few years later, he left this comfort zone seeking other opportunities to serve. In 1964, he ran unsuccessfully for Governor of North Carolina. He served several years as a bank executive and, in 1968, was elected and served the 6th District of North Carolina for six terms in the United States Congress.

Mr. Preyer was a gentleman and a scholar and a bold and courageous leader. He was given much and he gave much. It is fitting that we pay tribute to his life and legacy. He was a good man.

JESSIE ROBERSON—A GOOD CHOICE FOR A CRUCIAL JOB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. UDALL of Colorado. Mr. Speaker, one of the most difficult and most important jobs in the Federal Government is overseeing the cleanup of the vast complex of Department of Energy sites where plutonium and other nuclear weapons components were produced or processed.

Coloradans have a big stake in this because our State is home to a number of these sites, notably the Rocky flats site in the district I represent.

So, I rise to applaud the reported decision of President Bush to nominate Ms. Jessie Roberson, to the important position of Assistant Secretary of Energy for Environmental Management. I think it is an excellent choice.

I had the opportunity to work with Jessie when she headed the Rocky flats project in Colorado. I took an immediate liking to her—not just because of her professionalism and no-nonsense style, but also because she seemed to me to enjoy working hard, while maintaining a sense of good humor.

Her tenure at Rocky flats was highly successful. She led agency efforts to keep the commitment, first made by Energy Secretary Federico Pena, to give a high priority to finishing full cleanup and closure of rocky flats on a much earlier timetable than had previously been proposed.

I know I speak for all of my colleagues in the Colorado delegation in wishing her the very best as she undertakes important new responsibilities at the Department of Energy.

A recent editorial by the Denver Post put it right by calling Jessie Roberson a "top flight" pick. For the information of our colleagues, I submit that editorial for the RECORD:

[From the Denver Post, April 3, 2001]

ROBERSON A TOP-FLIGHT PICK

U.S. Energy Secretary Spencer Abrahams is getting some top-flight help in cleaning up the nation's Cold War legacy: Jessie Roberson, who headed the Department of Energy's Rocky Flats closure project in Colorado, is being nominated to manage DOE's entire environmental cleanup program nationwide.

Roberson will be the second Rocky Flats veteran to move into a key DOE post. Earlier, the White House announced it will nominate Robert Card for undersecretary of energy. Card previously headed Kaiser-Hill, the contractor doing the cleanup at Rocky Flats, the mothballed nuclear bomb trigger factory north of Golden.

The Rocky Flats crew led by Roberson and Card accomplished, in just three years of teamwork, more progress toward cleanup and closure than the facility had logged in the previous decade.

It's understandable that Abrahams would look toward the people who brought DOE past success to move the entire department toward its future goals.

Roberson is an excellent choice. She is a nuclear engineer who in 1996 was named the national Black Engineer of the Year for Professional Achievement in Government. That same year, she took the reins at Rocky Flats, where her personable but no-nonsense style got the flagging project on track.

In 1999, the Democratic Clinton administration tapped Roberson for the Defense Nuclear Facilities Board, which provides independent oversight at DOE nuclear sites on all issues affecting health and safety.

Now the Republican Bush Administration also has recognized the value of her 17 years of nuclear safety experience.

As assistant energy secretary for environmental management, Roberson will oversee the cleanup of all the country's Cold War atomic sites. Among them: Hanford, the toxic and radioactive nightmare in eastern Washington. Savannah River, the South Carolina reactor and processing plant that must be modernized. And Rocky Flats, the one place DOE has scored read progress toward cleanup.

With Abrahams at the top and Card in the No. 2 slot, Roberson will round out DOE's civilian management team.

The department's environmental management job, in fact, is one of the toughest positions in the federal government today. There likely isn't a better person around to tackle the task, however, that Jessie Roberson.

TAX LIMITATION AMENDMENT: H.J. RES. 41

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GILMAN. Mr. Speaker, I rise today in support of H. J. Res. 41, the Tax Limitation Amendment 2001.

H.J. Res. 41 amends the U.S. Constitution to require that any bill, resolution or legislative measure that proposes to change Internal Revenue laws must have the approval of two-thirds of those voting in the House of Representatives and the Senate. This requirement would not apply when a declaration of war is in effect, or when the United States is engaged in a military conflict which causes an imminent and serious threat to national security as found by both Chambers and the President.

Mr. Speaker, in his famous McCulloch vs. Maryland opinion, Chief Justice John Marshall stated that "The power to tax is the power to destroy." This amendment sets out to make it more difficult for the Congress to arbitrarily erase taxes, and presumably, makes the Federal Government more efficient and less bloated with unnecessary spending.

History has demonstrated that it is far easier for Congress to raise taxes to cover spending deficits than it is to reduce that spending to reasonable levels. This is all the more true today, now that the government is operating at a surplus. Neither party wants to be held responsible for any future return to peacetime deficit spending. Should such an event appear, likely to occur, the temptation to raise taxes to cover any potential deficit would be overwhelming.

The enactment and ratification of this amendment would thus prevent a return to the situation which existed in this country 25 years ago. During the 1970s, middle-class families were struggling to get by under crippling high marginal tax rates, which, thanks to high inflation and bracket creep, reached deeper into the working class ranks with every passing year.

Accordingly, I urge my colleagues to fully support H. J. Res. 41, The Tax Limitation Constitutional Amendment.

PERSONAL EXPLANATION

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. DAVIS of California. Mr. Speaker, on roll call No. 85 and 86, I was delayed due to aircraft mechanical problems. Had I been present, I would have voted "yea" on both.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. BROWN of South Carolina. Mr. Speaker, on roll call No. 59 I was unavoidably detained. Had I been present, I would have voted "yea."

WALTER ARBIB

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. GILMAN. Mr. Speaker, today, I stand to recognize and salute a dear friend and a wonderful human being, Walter Arbib.

A resident and native of Israel before moving to Canada in 1988, Walter Arbib started his career as an Israeli tourist agent and took advantage of the normalized relations between Israel and Egypt for his business. As his work progressed and new horizons seemed to dawn, Walter came upon the idea of moving his work into the international relief area. Already, at this point, as co-owner of a number of SkyLink discount travel offices, Walter established his headquarters in Toronto, Canada and was the catalyst for a dream that has grown exponentially since that time. What began as a group of small travel offices has evolved into SkyLink Group which includes SkyLink Express, an air courier business; SkyLink Travel, a discount airline ticket agency; Sishost Corp., an Internet-based application hosting platform; and Dollar Rent-A-Car.

At a cursory glance, the SkyLink group of companies seems no more than an affordable, expansive travel group. However, Walter Arbib's vision has gone much further than simply affordable travel. SkyLink Aviation, Inc. is an internationally licensed operator of aircraft and helicopters which specializes in Air Support Project Management, Air Charters, Aviation Support, Aircraft Maintenance, Air Courier, Executive Aircraft, Flight Planning and Clearance Services. In short, SkyLink supplies much needed air support for humanitarian and other missions throughout the globe.

Walter's clientele has become as diverse as the United Nations (incidentally one of SkyLink's first contracts). Foreign governments, as well as the United States, have hired Walter Arbib and SkyLink to deliver food to refugees, evacuate workers, and fly into dangerous areas to provide aid and transportation. SkyLink owns approximately fourteen planes and four helicopters, but leases the bulk of its aircraft from a network of companies, sometimes as many as one hundred planes can be involved in any given operation in a matter of hours. Walter's company is always on call. If an emergency request comes through, SkyLink is prepared to act immediately.

Often, Walter doesn't even wait for a call before his aircraft are on their way to participate or spearhead disaster relief halfway across the globe. During severe flooding in Mozambique, SkyLink started to move their helicopters before Walter was even asked. His pro-active approach to work is a combination of good business sense and an understanding of the international need for an operation like SkyLink. Walter Arbib and SkyLink have received thankful letters and honors from many countries that are grateful for the service that he has provided.

SkyLink's work can sometimes deviate from the stated objective. The most illustrative example occurred in 1994 when SkyLink was hired to bring aid to Rwanda, in the midst of war. During this operation, SkyLink's Operation Manager discovered nine hundred orphans with two aid workers struggling in abysmal working conditions. A decision was quickly made that SkyLink would donate its aircraft and manpower to the first wave of supplies, and would help set up an adequate shelter for the orphans. Back at headquarters, Walter stated matter-of-factly that he had heard this incredible story from his manager, and decided to lend a helping hand, because those children were in the middle of nowhere and the people in the field said that they were not leaving before they had a chance to help. Such devotion and goodwill is ever-pervasive in SkyLink under Arbib's leadership.

Walter Arbib has prospered because of SkyLink's extensive business ventures, but never lost sight of the main reason that this business is such a success on a number of levels. More often than not, the SkyLink symbol can be seen on the helicopters and planes evacuating refugees or bringing aid and supplies to needy citizens of other countries. While this has meant greater profits for Walter, it also fills him with a sense of pride that even in a business venture, comfort and aid can be brought to the needy throughout the world.

The international community is extremely grateful to this humanitarian whose work many times provides the difference of life or death for countless people in the path of danger.

HOUSE OF REPRESENTATIVES—*Friday, April 27, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KIRK).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *April 27, 2001.*
>
> I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

Dr. Ronald F. Christian, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

Almighty and Creator God, the Sun never sets on Your world and it is always rising on Your people. Therefore, we offer our thanksgiving for Your steadfast love and mercy that is available to us again this day.

We assign our gratitude to You for the blessings all around us that we so frequently mistake as the result of our own efforts and talents. And we pray, look kindly on Your people who seek health and hope, and the promise of a better day. Give Your favor to the suffering, the sorrowful, and the distressed in our land and may we paraphrase the words of Your poet and psalmist, this is the day You have made for all of us in which we are to live and work and make peace. Let us rejoice and be glad in it. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. COLLINS) come forward and lead the House in the Pledge of Allegiance?

Mr. COLLINS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 256. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

ADJOURNMENT

Mr. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 1, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1631. A letter from the Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Eugene L. Tattini, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1632. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a report on the 2000 Military Exit Survey; to the Committee on Armed Services.

1633. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Fiscal Year 2001 Funds Obligated in Support of the Procurement of a Vaccine for the Biological Agent Anthrax; to the Committee on Armed Services.

1634. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report on the activities of the Multinational Force and Observers to implement the Treaty of Peace between Egypt and Israel, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

1635. A letter from the Chairman, International Fund for Ireland, transmitting a copy of the 2000 Annual Report of the Fund; to the Committee on International Relations.

1636. A letter from the Acting Deputy Attorney General, Office of the Deputy Attorney General, transmitting a copy of the 2000 Annual Report on activities pertaining to the Freedom of Information Act; to the Committee on Government Reform.

1637. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4-601, A300 B4-603, A300 B4-620, A300 B4-605R, A300 B4-622R, and A300 F4-605R Airplanes [Docket No. 2000-NM-105-AD; Amendment 39-12157; AD 2001-06-10] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1638. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes [Docket No. 2000-NM-316-AD; Amendment 39-12158; AD 2001-06-11] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1639. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 172R and 172S Airplanes [Docket No. 2001-CE-14-AD; Amendment 39-12164; AD 2001-06-17] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1640. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-80A3 Series Turbofan Engines [Docket No. 98-NE-35-AD; Amendment 39-12156; AD 2001-06-09] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1641. A letter from the Secretary, Department of Transportation, transmitting an Annual Report Required Pursuant to the National Shipbuilding and Shipyard Conversion Act of 1993; to the Committee on Transportation and Infrastructure.

1642. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Cessna Aircraft Company Model 172RG Airplanes [Docket No. 2000-CE-24-AD; Amendment 39-12153; AD 2001-06-06] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Phillipsburg, KS [Airspace Docket No. 01-ACE-2] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1644. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Omaha, NE; Collection [Airspace Docket No. 00-ACE-35] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1645. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Rome, NY [Airspace Docket No. 00-AEA-05FR] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1646. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fore River Bridge Repairs—Weymouth, Massachusetts [CGD1–01–024] (RIN: 2115–AA97) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1647. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace, Fort Worth Carswell AFB, TX [Airspace Docket No. 2001–ASW–04] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1648. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Valdosta Moody AFB, GA [Airspace Docket No. 01–ASO–2] received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1649. A letter from the Secretary, Department of Veterans' Affairs, transmitting a report on cases recommended for equitable relief, pursuant to 38 U.S.C. 503(c); to the Committee on Veterans' Affairs.

1650. A letter from the President, U.S. Institute of Peace, transmitting a report of the audit of the Institute's accounts for fiscal year 2000, pursuant to 22 U.S.C. 4607(h); jointly to the Committees on International Relations and Education and the Workforce.

1651. A letter from the Director, Financial Services, The Library of Congress, transmitting a report on the Capitol Preservation Commission's Financial Statements For September 30, 2000; jointly to the Committees on House Administration and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. HYDE (for himself and Mr. LANTOS) introduced a bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes; which was referred to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. ADERHOLT and Mr. KERNS.

H.R. 298: Mr. TOWNS and Ms. WATERS.

H.R. 448: Mr. CUNNINGHAM, Mr. SESSIONS, Mrs. MINK of Hawaii, Ms. MCKINNEY, Mr. THORNBERRY, Mr. COX, Mr. SCHAFFER, Mr. RYUN of Kansas, and Mr. HOSTETTLER.

H.R. 500: Ms. SANCHEZ.

H.R. 525: Mr. FOLEY.

H.R. 684: Mr. HOUGHTON, Mrs. MORELLA, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. WYNN, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. LEE, Ms. KILPATRICK, Mrs. CLAYTON, Mr. RANGEL, and Ms. WOOLSEY.

H.R. 701: Mr. GILLMOR, Mr. EHLERS, Mr. SCOTT, Mr. DEFAZIO, Mr. HOEFFEL, Ms. NORTON, Mr. MICA, Ms. HOOLEY of Oregon, Mr. LEVIN, Mrs. NAPOLITANO, Mr. BASS, Mr. NEAL of Massachusetts, Mr. BACHUS, Ms. JACKSON-LEE of Texas, Mr. ALLEN, Mr. BARCIA, Mr. CUMMINGS, Mr. REYES, Mr. TIERNEY, Mrs. CLAYTON, Mr. KLECZKA, Mr. FRANK, Mrs. TAUSCHER, Ms. MCKINNEY, Mr. LAMPSON, Mr. MENENDEZ, Mrs. JOHNSON of Connecticut, Mr. COSTELLO, Mr. PLATTS, Mr. MCNULTY, Mr. COBLE, Mr. WU, Mr. MARKEY, Mr. WEXLER, Mr. ETHERIDGE, Mr. MATHESON, Ms. MCCOLLUM, Mr. SMITH of Washington, Mr. CLAY, Mr. GILCHREST, Mr. ROSS, Mr. MASCARA, Mr. BALDACCI, Mr. CARSON of Oklahoma, Ms. SANCHEZ, Mr. FALEOMAVAEGA, Ms. PELOSI, Mr. SHOWS, and Mr. GUTKNECHT.

H.R. 770: Ms. SOLIS.

H.R. 936: Mr. MEEKS of New York and Ms. SANCHEZ.

H.R. 954: Mr. PASTOR, Mr. GILMAN, Ms. LEE, and Mr. FROST.

H.R. 1111: Mrs. MORELLA, Mr. BACA, Mr. LANGEVIN, Mr. SABO, Mr. LEACH, Mr. HONDA, Mrs. MINK of Hawaii, Mr. FARR of California, and Ms. CARSON of Indiana.

H.R. 1140: Mr. DEAL of Georgia, Mr. ADERHOLT, Mr. KIRK, Mr. RILEY, Ms. ROS-LEHTINEN, Mr. GRAVES, Mr. ALLEN, Mr. HINOJOSA, Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, Mr. POMEROY, Mr. FATTAH, Ms. SANCHEZ, and Mr. BARR of Georgia.

H.R. 1213: Mrs. JOHNSON of Connecticut and Ms. RIVERS.

H.R. 1215: Mr. HUTCHINSON and Mr. UPTON.

H.R. 1293: Mrs. CHRISTENSEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. PAYNE, Ms. MCKINNEY, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. OWENS, and Mr. VISCLOSKY.

H.R. 1328: Mr. EHRLICH and Ms. WATERS.

H.R. 1488: Mr. FALEOMAVAEGA.

H.R. 1541: Mr. RODRIGUEZ, Mr. SHOWS, Mr. UDALL of New Mexico, and Ms. WOOLSEY.

H.R. 1581: Mr. HASTINGS of Washington and Mr. WU.

H.J. Res. 36: Mr. JONES of North Carolina, Mr. LUCAS of Oklahoma, Mr. HASTINGS of Washington, and Mrs. CUBIN.

EXTENSIONS OF REMARKS

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. RANGEL. Mr. Speaker, I rise before you today to speak on H.R. 503, the "Unborn Victims of Violence Act."

Although this bill recently passed the House by a vote of 252 to 172, it is important that we not give up the fight to protect women from violence, but equally as important, a woman's right to choose.

Acts of violence against women, particularly pregnant women, are tragic and should be punished accordingly. However, the Unborn Victims of Violence Act is not the answer to imposing such punishment because it seeks to separate the woman from her fetus in the eyes of the law, elevating the legal status of the fetus to that of an adult human being.

Currently, sentencing guidelines already exist that enable Federal judges to impose increased penalties for criminal acts that compromise a woman's pregnancy. Such penalties punish the additional injury to the woman without recognizing the fetus as a legal entity separate and distinct from the woman. And certainly, this is how it should be.

Clearly, the best way to protect the fetus, is to better protect the woman, and it is my hope that Congress will one day enact a more reasoned approach to violence against women.

TRIBUTE TO DR. ROBERT HAAKENSON

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Dr. Robert Haakenson upon his award as the 2001 Democrat of the Year and the Lifetime Achievement Award. Dr. Haakenson has served the Township of Cheltenham and the residents of Montgomery County, Pennsylvania in various capacities for the past fifty years.

As a young man of 14, Dr. Haakenson joined the Minnesota National Guard and went on to bravely serve his country in the Navy during World War II. He saw duty which included amphibious attack landings on Sicily, Salerno, Anzio, and Southern France. He retired as a Lieutenant Commander. Following his service, he received his M.A and Ph.D. from the University of Iowa.

Since 1953, Dr. Haakenson has served as a Democratic Committeeperson in Cheltenham and has been the chairman of the Democratic District 154 for thirty-eight years. In 1963, he began his tenure on the Montgomery County Democratic Executive Committee where he was responsible for slating countywide candidates. He was elected Fourth Ward Commissioner in 1973 and was twice re-elected. He has been instrumental in gaining residential permit parking throughout the township and in the creation of the Victorian Homes of Wyncote Historic District.

He also has served as a member of various boards and committees which include: Citizens Scholarship Foundation of America, Health Watch Inc., Carson Valley School, and the Committee of Seventy to name just a few.

In addition to his political activities, he is a practicing psychologist and he and his wife Peg are known for their great singing voices.

It is an honor to recognize Bob on his awards. I congratulate him on fifty years of service to the Cheltenham Community.

CONGRATULATIONS TO CORNELL IRON WORKS ON EXPANSION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Cornell Iron Works, an outstanding company that has been in existence since 1828. Cornell, which moved to Northeastern Pennsylvania in 1965, began operations at its new, larger plant last month.

In 1997, I was proud to present Cornell's management with the Family Business of the Year award from the Commonwealth of Pennsylvania for companies with 50 to 250 employees, and I am pleased to congratulate Cornell on its recent expansion. I am also pleased to note that a major reason the company chose to expand in Northeastern Pennsylvania rather than move is its dedicated, quality workforce.

The new plant is dedicated to Milton Keen Cornell, president of the company from 1969 to 1997 and father of current president Andrew Cornell.

Cornell Iron Works is a quintessential American success story. George Cornell and Samuel B. Althause founded the company in 1828 in New York City. Over the years, the company grew and prospered, thanks in part to patents secured by John Black Cornell for innovations such as a metallic surface for fireproof partitions that would support plaster, which enabled the construction of high-rise fireproof buildings.

The company has contributed to landmark American projects by providing such items as circular stairs and ironwork for the Brooklyn Bridge, the iron base and stairways for the Statue of Liberty, and 8,000 tons of structural steel work for the Park Row Building in New York in 1898, at the time the tallest building in the world. In 1911, Cornell began producing rolling door products, which now forms a large part of its business.

In 1965, the success of the company required it to move to Mountaintop, Pennsylvania, where it expanded further by buying an adjacent building. This year, Cornell has expanded yet again, from a total of 140,000 square feet at its two former buildings to 190,000 square feet at its new plant. And I have no doubt that the company is capable of meeting its goals to expand even further.

I would like to close by calling attention to the fact that Cornell Iron Works was recently named one of the Best Places to Work in Pennsylvania.

Mr. Speaker, I am pleased to congratulate Cornell Iron Works and its employees on their decades of success, and I wish them all the best in the future.

AUTISM: THE SILENT EPIDEMIC

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, it is not an exaggeration to say that autism spectrum disorders may be the silent epidemic of our time. It is silent because this developmental disorder has robbed at least 400,000 children of their ability to communicate and interact with their families and loved ones. It is silent because there are currently no operational autism registries in the nation to tell us how many people are actually afflicted with this disorder. Current statistics tell us that autism affects at least one in every 500 children in America, and much of the recent anecdotal evidence suggests that autism rates are increasing. The real prevalence rate may be closer to one in every 250 children.

One of the reasons Congressman MIKE DOYLE and I formed the Coalition for Autism Research and Education (C.A.R.E.), which now has 115 members, is to provide us with a critically needed forum where autism issues—and proposed solutions—can be debated and discussed. Autism briefings, such as the one we held earlier today on early identification and intervention of autism, allow us to talk about the many problems associated with this disorder and give us the opportunity to find legislative remedies to these problems.

For example, I am in the process of drafting legislation that I believe can help the victims of autism and their families. This legislation will focus on improving education and support services, such as early intervention, for persons with the autism spectrum disorder.

First, my proposed legislation will seek to correct the inequities of existing early intervention program. Today, children with autism are only allowed to receive two hours a week of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

early intervention through Part C (Infants and Toddlers with Disabilities Program) of the Office of Special Education Programs (OSEP). My legislation seeks to increase funding in Part C so that children with autism can obtain more than two hours of early intervention a week. Two hours a week of early intervention is not nearly enough time to help children with autism learn and grow. This legislation will allow children to benefit from more intervention as increased time will encourage them to become more familiar with the techniques taught to them.

Another provision in this bill will address the lack of specially trained professors to educate autistic children by increasing funding in Part D (the National Activities programs) of OSEP Increasing funding at OSEP will provide federal grants to states to help them rigorously prepare teachers for educating children with autism. The program will provide both advanced education training for current special education teachers and introductory through advanced education training for future special education teachers. In addition, tax credit incentives will be provided for those who receive training in autism.

Finally, my legislation will help children with autism make the transition to work. The bill will require the Department of Labor to conduct a comprehensive review of existing vocational training programs to assess whether they are adequately serving the needs of disabled persons, particularly those persons with autism. The Department of Labor will then establish an annual report to Congress in which each department lists what measures it is taking to make their training programs more accessible and more effective in helping autistic adults make the transition to part time or full time employment. The Department of Labor should also include a list of legislative recommendations to Congress for making improvements in ways to make the transition to work for disabled persons easier.

As you may know, there is limited information on the prevalence, cause, or treatment of autism. In order to unlock the mysteries of autism, the members of C.A.R.E. are working to increase funding levels for programs focusing on autism spectrum disorders so that our nation can pursue several emerging scientific opportunities.

First, we requested a $20 million increase at the National Institutes of Health (NIH) for Fiscal Year (FY) 2002 to bring total funding to $78.7 million. Eleven million dollars of these additional funds will be designated to the network of 10 existing research programs, the Collaborative Programs of Excellence in Autism (CPEAs). Six million dollars will be used to begin implementation of the additional "Centers of Excellence" specified in the Children's Health Act (P.L. 106–310). An additional $3 million dollars will be used to fund basic biomedical research and begin awarding training and education grants to professionals who provide care for patients with autism also authorized by P.L. 106–310.

Second, we asked for a $5 million dollar increase at the Center for Disease Control and Prevention (CDC) for FY 2002. These additional funds would be used to implement the "Centers of Excellence in Autism Epidemiology" specified in P.L. 106–310. This is a program I authored, which was included as Title I of P.L. 106–310. Furthermore, funding will go towards awarding grants and assistance to states which want to establish their own autism surveillance programs. This funding is essential as the CDC must collect data from approximately 30 states before it can move forward with a comprehensive analysis of trends that may reveal correlative factors, potential causes, and hopefully effective treatments and cures for autism.

C.A.R.E. has been involved in other autism initiatives as well. On March 29, C.A.R.E. introduced H. Con. Res. 91, which calls upon Congress to support April as Autism Awareness Month and today as Autism Awareness Day. The resolution also commends the parents and relatives of autistic children for their sacrifice and dedication in providing for the special needs of their autistic children. In addition, H. Con. Res. 91 endorses the goals of increasing federal funding for aggressive research to learn the root causes of autism.

The Second Annual Autism Rally that is being held today in Washington is a prime example of how important citizen participation in our democratic process is. There are no more eloquent and powerful advocates for autism research and education than the parents of those who must love and care for their autistic child each and every day. We are deeply indebted to the parents and families who care for autistic children. Without you, these children would be hopelessly lost. It is my hope that the federal government can help provide you with its tools you need to continue your excellent work.

TRIBUTE TO EL CAMINO HIGH NATIONAL ACADEMIC DECATHLON CHAMPIONS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to academic excellence, and in particular, the achievements of the El Camino Real High School Academic Decathlon Team which won the national championship this past weekend.

Too often, learning and knowledge are expected, but achievements in the academic field often are not rewarded or recognized in the same way as success on the athletic field.

Nine seniors from El Camino High traveled to Anchorage, Alaska, and competed with nearly 500 high school students from 39 states in a broad array of categories and types of tests. The scholars were quizzed on art, economics, language and literature, mathematics, music and science, with speech, essay, interview and quiz formats.

Decathletes Alan Wittenberg, Aria Haghighi, Samantha Henry, Elan Bar, Walter Ching, Grace Giles, Dennis Kuo, Scott Lulovics and Ryan Ruby represented their school and state with honor and pride.

Though this was the second national championship for El Camino in the decathlon in just four years, this also was the closest competition in the two decades of the event. James E. Taylor High School of Texas, the 2000 U.S. Academic Decathlon champions, finished just 21 points behind El Camino in a competition that included 60,000 possible points per team.

All the more admirable is that this competition is not just for the A-students. The nine person teams are made up of A, B and C students equally. Such inclusion encourages academic achievement across the spectrum of grades and abilities.

The 2001 El Camino team joins previous San Fernando Valley teams in the national spotlight. In 1998 El Camino had won the championship and Taft High School also won the national championship in 1993 and 1988.

I would like to recognize not only the achievements of the nine champions from El Camino, but all of the competitors from around the country. Those students should be commended for their time, dedication and determination in their pursuit of academic success.

For example, the El Camino team from Woodland Hills spent more than 1,000 hours preparing for the city, state and national decathlons. Though they scored third highest nationwide coming

As is necessary for academic success, the El Camino team was supported by caring, involved individuals, including Principal Ron Bauer, Assistant Principal for Student Counseling Connie Semf, Head Coaches Melinda Owen and Christian Cerone, and Coaches Mark Johnson, Dave Roberson, Jerry Hickman, Lilian Ruben and Becky Gessert, as well as many other teachers and the students' parents. Without the support of parents and faculty, the struggle for academic success is far greater, and for some impossible.

The support of the students was apparent on Saturday, with 30 fans in the audience, including Principal Bauer, administrators from the Los Angeles Unified School District, two former Academic Decathlon coaches and parents in matching T-shirts in the school's blue and gold.

Mr. Speaker, as we talk about the need to foster academic achievement, we must recognize and reward those who strive academically, just as we honor those who compete on the field. If we want our children to value education, then we must show our appreciation for knowledge. It is for this reason I recognize the stellar accomplishments of the El Camino Real High team.

CONGRATULATING THE JEWISH JOURNAL/NORTH OF BOSTON ON ITS 25-YEAR ANNIVERSARY

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. TIERNEY. Mr. Speaker, on May 6, 2001, the Jewish Journal/North of Boston will celebrate its 25th year of publication. For a quarter century, the Jewish Journal has been the principal source of community news and information for the Jewish population of the communities that lie between Boston on the New Hampshire border, most of which are within the Sixth Congressional District.

As a community-sponsored publication, managed by a Board of Overseers representing the diverse points of view of the entire community, the Jewish Journal keeps its readers well informed of Jewish concerns—local, national and international—while offering a forum for a lively exchange of ideas. The newspaper's independence from any chain or large corporate entity ensures its journalistic integrity and guarantees that its readers receive unbiased consideration of all the issues.

I want to add my congratulations and best wishes to the management and staff of the Jewish Journal/North of Boston on reaching this important milestone and commend them for the invaluable service they provide for thousands of Jewish families in our area.

15TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. LEVIN. Mr. Speaker, I rise today to mark the 15th anniversary of one of the most terrible nuclear disasters in world history: the Chernobyl nuclear power plant explosion.

On April 26, 1986, Reactor Number Four at the Soviet-designed Chernobyl nuclear facility exploded, releasing more than 100 tons of lethally radioactive material into the environment. At the time, the only response available to Ukraine was to create an Exclusion Zone covering over 1000 square miles immediately surrounding the nuclear plant, and to quarantine an area downwind of the plant covering over 20,000 square miles. We may never know how many lost lives can be directly attributed to Chernobyl, but the death toll can be measured in the thousands. Hundreds of thousands more were subjected to radiation poisoning.

Today, 15 years later, the consequences of this tragedy continue to be felt. Cancer rates among the survivors have skyrocketed. Contaminants in the groundwater sicken those in the quarantined area and threaten even greater numbers of people as the water travels downstream to urban areas. The loss of Chernobyl's generating power has caused the loss of jobs and has spurred a crippling energy shortage. By some estimates, the total direct cost to Ukraine has exceeded $100 billion over the past 15 years.

On December 15, 2000, the Chernobyl nuclear power plant was shut down for good, ending a tragic chapter in Ukraine's history and beginning a new one. Clearly, the heavy burden for the people of Ukraine does not end with the shutdown, and the international community must do more to help remediate the damage. The U.S. has joined international experts in proposing ways to accelerate decontamination of the area and make the land economically viable, at the same time addressing Ukraine's energy needs. Congress needs to work with the new Administration to build upon the progress that was made with the previous Administration.

Mr. Speaker, I call on every member of the House to join me in remembering the victims of this tragedy. Let us resolve to do our part to help Ukraine build a brighter future.

PERSONAL EXPLANATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 27, 2001

Mr. RANGEL. Mr. Speaker, on April 26, I inadvertently voted "yes" on final passage of H.R. 503, the Unborn Victims of Violence Act, when it was my strong intent to vote "no" on the bill. I feel that the best way to protect the fetus is to better protect the woman, and because this legislation fails to address the need for legislation to prevent and punish violence against women, I would not support this or any similar bill.

SENATE—*Monday, April 30, 2001*

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. The prayer will be offered by the guest Chaplain, Rev. Richard Foth, Falls Church, VA.

PRAYER

The guest Chaplain, Rev. Richard Foth, offered the following prayer:

We stand in Your presence today, Almighty God, in awe of Your creation. No season reflects Your heart like springtime, with its songbirds and cherry blossoms, old memories and young love. Just outside this building, all nature shouts Your glory, Your grace, and Your creative power.

But, we need Your grace and creativity here, too, in this Chamber. For, in the lives of 100 Senators, we see men and women with whom we have something in common. Though elected to govern us, many grapple as we do in balancing work with family. They have spouses and children and grandchildren whom they love and dream for. On this spring afternoon, we ask Your blessings on the families of these public servants. Give them perspective and patience and protection. Where pain is real or frustration mounts, wrap them in Your arms, we pray, and hold them with a grip like all eternity.

As for the business of this week, we ask wisdom. Debate will be intense about money and programs. Differences will show up quickly and good thinkers will speak strong words in strong ways. Give our chosen leaders grace to bring more light than heat to the Senate floor in the next 4 days and, in so doing, to move us ahead as a nation.

In the springtime of 2001, let the actions of this body help us to know one more time that we really are "one Nation under God, indivisible, with liberty and justice for all."

We ask these things in that name which is above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 30, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the time until 2:30 p.m. shall be under the control of the Senator from Illinois or his designee.

The Senator from Nevada.

CONSIDERATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. REID. Mr. President, this week we are going to take up one of the most important pieces of legislation that will occur this entire Congress—not this year, not next year, but the entire Congress. That is the Elementary and Secondary Education Act—extremely important.

In the last Congress, we did not complete it. We were refused the opportunity to debate and amend this legislation—we, the Democrats, in the minority. Things have changed now. The Senate is divided 50–50. The time has come that we work together on this and all legislation.

Last week, we did some very important work. We only had one vote last week, but it was an extremely important vote. It was on brownfields legislation, legislation that will allow people all over the State of Nevada and all over the State of Minnesota to clean up spots that are lightly polluted. They are not Superfund sites, but they are sites that right now people are afraid to go onto and develop a shopping center or a park, the reason being, if they go upon the land, there will be a liability under the Superfund legislation. So the brownfields legislation, which passed last week 99–0, will allow these approximately 600,000 sites all over America to be cleaned up. It will create over half a million jobs. It will create tax revenues for local governments of about $2.5 billion. It is important legislation. It is not the number of votes we have; it is what we do with them.

There is presently pending before the Senate a cloture vote. We are scheduled to take that tomorrow morning. I hope that will be vitiated, that we can just go to consideration of the bill.

There have been negotiations on this bill that continued even during the weekend. Staff and members of the committee worked very hard to come up with something on which we can all agree. There has been, as I understand it, general agreement on the substance of the bill. And that is important.

So I repeat, I hope we will be able to vitiate the cloture vote scheduled tomorrow. The cloture vote is not only unnecessary; it is unproductive. It is counterproductive. All the parties have been working in good faith in a bipartisan manner to work out the differences, just as we did with the brownfields legislation.

When this bill was reported out of committee, there were some problems with it. It passed 15–3, but there were still some minor problems. Even though we had an overwhelming majority when it came out of the committee, we said to those people who had some concerns, let's try to work them out; and we did. That is why the bill passed 99–0. The same can happen with this education legislation. People worked in good faith, in a bipartisan manner. Let's try to copy what happened in brownfields legislation.

There are two key areas in this legislation. The language differences I understand are pretty well resolved. There are some funding differences, and they have not been resolved. But I think we should do it the American way, the way we have been doing it in this country for over 200 years. Let's bring this bill to this body, and then we will have votes as to what we should do for the children of America as it relates to education.

It would be most unfortunate to not turn to the bill. It seems to me it is wrong not to work on this legislation, debate it, however it needs to be debated. We need to work out the policy differences. It is my understanding that that has pretty well been done.

As I indicated, when this bill was last worked on, we did not complete the legislation. That was unfortunate. We cannot repeat the mistake that was made in the last Congress. As I have indicated, this is potentially the most significant legislation this Congress will consider. It has the potential to be a landmark act that will greatly improve our Nation's educational system.

No one—not Democrats, Republicans, or this administration—disagrees about the need for educational reform. The question is, How are we going to do it? Our schools are desperate for reform.

Just take the State of Nevada as an example. In one school district, which is the sixth largest school district in America—the Clark County School District—we have to build one new school every month to keep up with growth. Twelve new schools a year just barely makes it. We need some help. We not only need help in building and renovating schools in Nevada—as I indicated, we are building new schools—but around America the average school is almost 50 years old. We need to renovate those schools.

In some of the schools we talk about high tech and digital divide, and you can't put this equipment in these old schools. So we need help with construction moneys. We need smaller classrooms and we need curriculum reform.

I am not one who runs from people saying, well, this is a local problem; Congress, stay out of it. Education is a national problem. I don't apologize to anybody in indicating that Nevada needs help with education. Take, for example, the schools in Nevada. They are no different than in Minnesota, the State of the Presiding Officer. In the State of Minnesota, we are educating students because of a Federal edict for disadvantaged children, those who are handicapped because of emotional problems, physical problems, mental problems: I am glad we are doing that; they deserve an education just as any other child. But in Minnesota, Nevada, and the other 48 States, it costs a lot of money to educate these children—about 40 cents to a dollar more for every child. But the Federal Government has not lived up to its responsibility. We are paying less than 10 cents—far less than that—and because of that, local school districts have to get this money from other programs.

In the State of Nevada, in the Clark County School District, which I have talked about, they are actually considering having children pay to play football or basketball. They are actually considering having children pay to play sports. A lot of people can't afford to pay to have their kids play football. But poor kids need character-building athletics just as much as do well-off kids. How can we say this isn't a national problem? If in the Clark County district the Federal Government fully funded the program for educating the handicapped, they would have this money, which is millions of dollars, to enrich these curriculum programs, to do some of the things we know need to be done.

It is time to carry out reform. But we can't build a Cadillac model and fund it with a Model-T budget. We need to make sure that if we are going to have reforms, the reforms are something other than just words. If we are going to do a lot of testing—and I think we do now, but some experts believe testing in certain areas is needed—and we are going to hold back certain children from progressing—I was in my office today with a nice looking little boy from Nevada. He is 9 years old. He is here with his grandfather. I said: How are you doing? You are a fine-looking young boy. What grade are you in?

He said: I am in the third grade, but I was held back.

I said: Don't you ever tell anybody that you were held back. There is nothing wrong with being held back.

Well, this is the point I am making. Holding children back makes them embarrassed. He had to blurt out to a Senator that he was held back. He talked well and he was fine looking, and I am sure he will do fine. Some children need to be held back, but we need curriculum changes so if they are held back, they have summer enrichment programs so when the new school year starts, they are right with their buddies, their friends, with the little girls in the neighborhood. We have to make sure if we are going to do all this testing, this curriculum advantage stuff, they have enough money to give school districts the resources to help these children, so if they are held back, it is only on a temporary basis.

I hope we all understand—and I know everyone does—how important the education issue is. We can't play around with it. This cannot be a political game for the Republicans or the Democrats. Wouldn't it be nice if we buckled down and said, OK, this is what needs to be done, and then do it. Then we would all walk out of here—Democrats and Republicans—and have a joint press conference for a change, have our arms around each other saying we have improved education for kids in Minnesota, in Nevada, and every place else.

To do this, we are going to have to get off this kick that you can do it on the cheap. If we are going to do education reform right, it is going to cost money. It is going to cost taxpayers money—me, the Presiding Officer, all of us.

As Robert Kennedy said in a speech to a bunch of doctors when he was telling them about the needs in health care reform, as he talked about some of the things that needed to be done in education, the first question he was asked was: Who is going to pay for this? He said: You are.

Well, Mr. President, that is how it works. If we are going to do the things that need to be done to take care of children in America, we are all going to have to pitch in and pay for it. It may mean that we are going to have a tax cut that is less than $1.6 trillion. It may mean that over the 10-year period we are going to have to have a few billion that will go to education rather than tax cuts. Approximately 50 percent of the taxpayers will get the advantage out of the Bush tax cut. The top 1 percent will get 40, 50 percent of the tax cut. I will bet you we could go to every one of those so-called rich people and there isn't a single one of them who would object to lowering their tax break a little bit to help the kids of America have a better education. There isn't a single one. If there are, they would be very few. People in America want kids to have a good education.

So I say let's forget about the cloture vote, stop the posturing, and let's all join to reform education and pay for the reform. Let's not reform education and leave it without the resources to do so. Let's not have reform in name only. That would not help anyone.

We are very close to reaching agreement over the general principles that would serve as a foundation of this legislation. I hope the majority leader will vitiate the vote set for tomorrow, allow these issues to be resolved and just bring it to the floor, and we will start debating the issues. I expect that we can work this out without a lot of trouble. We could do it orderly. It would be a way to efficiently consider the bill.

So, again, I hope we realize that if there was ever an issue that calls for a bipartisan approach, it is educating the kids in our public school system. I am very favorably impressed that President Bush dropped his voucher proposal. He dropped it because it would not work. The money that was called for would only help rich people because, with the amount of money the poor student would get, they could not go to the private schools anyway. I appreciate the President backing off of that.

Now what we need to do is stop quibbling over a few dollars. I say a few dollars because when you compare the few billion dollars—less than $10 billion—it would take to have a meeting of the minds on this bill to a $1.6 trillion tax cut, it is really not much money. I hope we can do that. I think it would set such a great tone for this country. In every poll conducted in America, the No. 1 issue is education. Let's join together so we can say we improved education for the children of America. I think that would make a pretty good Congress and make us all happy and make the American people happy.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 30 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I have the following announcement.

Today the Senate will be in a period for morning business until 3 p.m. Following morning business, I ask unanimous consent that the Senate resume consideration of the majority leader's motion to proceed to S. 1, the education reform bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, again on behalf of Majority Leader LOTT, Senators are reminded that cloture was filed on the motion to proceed to the education bill last week. That vote will occur at 9:30 a.m. tomorrow. Following the vote, the Senate is expected to begin the 30 hours of postcloture debate. It is hoped that the debate time will not be necessary and that the Senate can begin action on that bill during Tuesday's session. Senators are further advised that they should be prepared for votes throughout the week.

Mr. REID. Will the Senator yield?

Mr. DEWINE. I certainly will yield.

Mr. REID. I stated before the distinguished Senator from Ohio arrived, I think there should be some consideration given to vitiating the cloture vote. I hope the Senator will transfer that information to the majority leader.

Mr. DEWINE. I will, indeed.

Mr. REID. We believe, on this side on the substantive issues, everybody is almost there. It appears the only difference we have is with the dollar numbers. The motion to proceed will be agreed to overwhelmingly anyway. It seems to me it will set the wrong tone for this important legislation if we have to go to it by a cloture motion having been filed.

Mr. DEWINE. I thank my colleague.

SAVING OUR SCHOOLS: EDUCATION REFORM IN AMERICA

Mr. DEWINE. Mr. President, the issue before us now, education reform in our elementary and secondary public schools, is certainly one of the most important issues facing our Nation. Education is something about which we all care passionately. I have a deep personal interest in education as a Ohioan and especially as a parent of eight children and also now the grandparent of six. I believe that a quality education for a child today is the key to that child's quality of life in the future. As parents and grandparents and citizens of our States and communities, we have an obligation to ensure that all children receive a solid education.

Failing to properly educate our children puts them at risk. As President John Kennedy once said: "A child miseducated is a child lost." That is a child lost to ignorance. A child lost to drugs, alcohol, or violence. A child lost to poverty and apathy.

As we debate reform of our schools, I believe it is vital that we look at exactly where we are as a society and how this is affecting our public education system. Our society, as I see it, is divided along economic and educational lines. This division is nothing new. Scholars and sociologists have been warning us for years that this is where our Nation was heading, particularly if we did not properly educate our children.

Unfortunately, we did not heed the warnings, and as a result, our Nation today is a nation split into two Americas: One where children get educated, and one where they do not. This gap in educational knowledge and the gap in economic standing is entrenching thousands upon thousands of children into an underclass and into futures filled with poverty and little hope and little opportunity.

That is exactly what is happening in my home State of Ohio and, tragically, what is happening across our country. Ohio generally is a microcosm of what we see in the country. When we look at this growing gap, the development of the two Americas, what we see in Ohio is also what we see in our Nation.

In Ohio, growing income and educational disparities are creating our very own permanent underclass, especially in Ohio inner cities and in Appalachia.

What we see in Ohio, if I can take the Presiding Officer and Members of the Senate to Ohio, is something we see in many States. Most of Ohio is doing very well economically and doing well educationally. The children have a great future.

When we look across Ohio, we see two areas where that is not taking place, where the children are not being educated as well as we would like and where the income level shows that disparity. One place is in Appalachia. There are 20 or 25 counties in Ohio that are Appalachian counties. The other area is in our core cities. Call them the inner cities. Call them the core cities. Either way, this is where we face most of our challenges.

We cannot underestimate or understate this problem. It is a problem that is not unique to Ohio. Rather, it is a huge societal problem, which is pushing society farther and farther apart, not closer and closer together. It is a problem we must address.

How do we do that? How do we enable children in the underclass to rise above their circumstances, those circumstances which are beyond their control? How do we bring about equality and opportunity so each child has a chance to lead a full, meaningful, productive life as an adult?

I believe the best way we can get to these children before we lose them is through education. Horace Mann, a former president of Antioch College in Yellow Springs, OH—a community where my wife and I grew up—who is known as the father of public education, once said:

> Education, beyond all other devices of human origin, is the great equalizer, the great equalizer of the conditions of man—the balance-wheel of the social machinery.

This is exactly what education can and should do. It should provide all children, regardless of their economic circumstances or family backgrounds, with the tools they need to make it as adults in our society, with the tools necessary to rise above individual situations of poverty and instability, individual situations of hopelessness and despair.

As my colleagues in the Senate know, today's educational system is not always meeting this goal. Do not get me wrong. I am not blaming the schools for all of society's ills. Rather, I am suggesting that we as a society are failing to use the power and the potential of our schools to the maximum extent to help give our children the futures they really deserve. No matter where a child lives, whether in Portsmouth, OH, or New York City, every one of the 1.8 million children in the Ohio public school system and every one of the nearly 47 million children in public schools nationwide, deserves the opportunity to learn and to become educated.

Let's face it; our schools have our children in their custody 7 or 8 hours a day, 5 days a week. That is not a lot of time, but it is time our schools and our country simply cannot afford to waste. A line from a 1970 song says "your dreams were your ticket out." For all too many children, children living in poverty and in broken homes, dreams alone are not enough. For those children, a dream and a solid education is their ticket out.

This is not a new concept. Historically, our schools have been the best opportunity for children to move out, to move up, to advance, to change their lives. Education has built our Nation. We are truly a nation of immigrants, immigrants who, because of public schools, escaped ignorance, illiteracy, and lives of poverty. A strong public education tradition in this country kept entire generations from being marginalized and left behind. For them, education was their ticket out—their ticket out of despair and toward opportunity.

When education is not working to give our kids the tools they need to move ahead in life, those children suffer. Many of them, for example, don't get their high school diplomas. Look at some of the class of 2000 graduation rates for my home State of Ohio; look at urban centers. In Akron, OH, 72 percent of the city's high school children graduated last year. That is actually a high rate for an urban area. In Toledo, only 67 percent graduated. In Columbus, it was only 62 percent; Youngstown, 59 percent; Dayton, 57 percent; Canton, 53 percent; Cincinnati, 51 percent; and in Cleveland, only 34 percent of the students who started high school actually finished.

Yes, that is right. Only one-third of the students in Cleveland, OH, graduated. Two-thirds did not.

Before anyone becomes too complacent or thinks maybe they don't have this problem in their States, let me remind the Members of the Senate that these statistics are not unusual nor only for the State of Ohio. They are typical of urban centers and urban areas. My guess is that if we look at the other major cities in this country we will find similar, disturbing statistics.

There is something wrong when we see statistics such as this. There is something wrong in Ohio and this country when that many children are not graduating. There is also something wrong in this country when nearly one-third of college freshman must take remedial courses before they can begin regular college level course work.

There is something wrong in this country when one-third of fourth graders cannot read. The National Assessment of Educational Progress tested 8,000, fourth graders across the country for reading skills and ranks them according to four levels of achievement: advanced, proficient, basic, and below basic. Tragically, 37 percent of those tested scored below basic. In other words, 37 percent of those children basically could not read. It gets even worse when you break the "below basic" group into categories. Sixty-three percent of African American fourth graders came into the category, 58 percent Hispanic, 47 percent of urban students, and 60 percent of poor children. All of them scored below basic, meaning they simply cannot read in the fourth grade.

I also wonder about another statistic. Nearly three out of four teenagers today attend a high school with an enrollment of more than 1,000 students. I repeat, three-fourths of teenagers today attend high schools with enrollments topping 1,000 students. I worry about that. I worry about students in such big schools where it is too easy, many times, to get lost. I think we need to look at that.

Where do we go from here? How do we go about changing our societal mindset and our perceptions and our negligence in this country? The first thing we need to do is recognize that the answers lie mainly in the hands of parents, in our local communities, among our local school boards, and among our State and local governments—not in Washington.

Nevertheless, Congress has a role to play, although a small one, in prioritizing or directing our limited Federal dollars where they can best help disadvantaged students in disadvantaged districts.

I believe the best place to begin on the Federal level is by restoring accountability and achievement with the single most important resource in the classroom—the teacher. When I think about teachers, I think about something else that Horace Mann once said: "Teaching is the most difficult of all arts and the most profound of all sciences."

I can certainly attest to that. As a college senior at Miami University in Oxford, OH, I spent 4½ months student teaching at Princeton High School, a high school north of the city of Cincinnati. That was tough work. Teaching is tough. Teaching was one of the hardest things I have ever done in my life. It was then I learned, firsthand for the first time, that Ohio and America's teachers don't get the respect, the admiration, nor the salaries they deserve. There is something wrong with that. There is something wrong with a system and a society that doesn't value the teaching profession as highly as other professions. Teachers, after all, shape lives. A good teacher has the power to fundamentally change the course of a child's life.

I am sure each one of us in the Senate can recall at least one great teacher who inspired us, who motivated us, who, yes, changed our lives. These teachers guided us then, and they continue to influence us today. I can recall some of my teachers. I can still hear my senior high school teacher, Mrs. Kappell. Whenever I write a letter or whenever I try to compose a speech, I can hear her talking to me, telling me what to do, and many times, what not to do.

I can hear my junior high school teacher in American history, Mr. Wingard, now Dr. Wingard, as he talked about that great American story of American history.

Teachers do change our lives, Mr. President. They do make a difference. As a parent, I also know how important it is for children to have good teachers, for our children to enjoy being in the classroom and to look forward to going to school each day. When they don't have quality teachers, our children suffer for a whole year.

I am sure other parents have this experience: There is nothing better than to find out that your child has a great teacher; to listen to that child, when that child comes home from school, talk about what the teacher said; to hear the excitement a teacher can inspire about a particular subject, whether it is science or American government or American history or literature. There is nothing more important for a child, other than parents, than to have a good teacher.

I have also had the experience, not often but it is an experience most of us have had as parents, of our child having a teacher who wasn't that good. We all know how long 9 months can seem for the whole family.

It is so important for our kids that we attract the smartest and most dedicated in our society to the profession of teaching. We had better move fast. The National Center for Educational Statistics predicts that in the next decade we will have to hire 1.7 million to 2.7 million new teachers just to replace those who retire or leave the profession. While this exodus of teachers is certainly a daunting challenge and a very real pending problem, it is also an enormous opportunity. It is the single greatest opportunity for us, as parents and as community members, to reshape the next decade of education in America.

When I think about this opportunity and I think about how we can shape education to the greatest benefit of our children, I am reminded of something my own high school principal, Mr. Malone, once told me. We were getting ready to go into a new high school building. We were part of the baby-boom generation, so they were always building new buildings for us. Mr. Malone came into our class and he said, "We are going to go into this new high school next week. We are so proud of it and so happy about it. But I want you to remember one thing. I want you always to remember this: In education, there are only two things that really matter. One is the student who wants to learn and the other is a good teacher. Everything else is sort of icing on the cake." What Mr. Malone said 35 years ago is still true today.

Recently I had the privilege of meeting with several teachers and administrators and students from two of Ohio's schools of education—Marietta College and Ohio University. During those meetings, we discussed many of the issues today's teachers are facing and the challenges that await the future generation of teachers. Those meetings reaffirmed my belief that, when you get right down to it, good teachers are second only to good parents in helping children learn. So any effort to restore confidence and improve quality in education must begin with a national recommitment to teaching as a profession.

We are doing just that with the education reform bill before us. Through the language I have written into this bill, we can expand, enhance, and encourage support for teachers all across America.

First, I have written a provision that will provide support for people in other professions seeking a second career as a teacher. We need to make it easier to recruit future teachers from the military, from industry, and from research institutions. These are people with established careers and real-world life experiences. They have a great deal to give our students in the classroom.

But, getting this kind of talent into the classroom is easier said than done. For example, if Albert Einstein were alive today and wanted to teach a high school physics class, requirements in some States would keep him from even setting foot in a classroom. That, I think, is just absurd. My provision would allow the use of Federal funds for alternative teacher certification programs. This would allow States to create and expand different types of alternative certification efforts.

Second, I have written a provision to provide support for teachers seeking to improve subject knowledge or classroom skills. This language that we have written helps ensure that our teachers have access to training academies, where they can sharpen and improve their skills as teachers. There is just such a facility in Cincinnati called the Mayerson Academy. Teachers can go there to learn from experienced educators, seasoned educators who can help them and guide them to become stronger teachers in the classroom. Plans are already underway for a similar training academy in Dayton, OH.

No doubt, some of this support should be available to teachers in every community in our country. It is not enough to train our teachers and then just send them out to the classrooms. We have to provide them with the opportunity to constantly improve their skills. It is a science. It is an art. It is both. It is a tough business, and we need to give them the help, the mentoring, and the expertise they need to continue advancing throughout their careers.

The Mayerson Academy was put together by the business community in Cincinnati in cooperation with the teachers unions and in cooperation with the public schools. It is the right way to go. It is the right thing to do.

Third, I have written a provision to provide support for teachers seeking new ways to teach math and science, history, or English. My language expands the mission of the Eisenhower National Clearinghouse, which is a national center located at Ohio State University that provides teachers with the best teacher training and curriculum materials in the subjects of math and science. This clearinghouse screens, evaluates, and distributes the multiple training and course materials currently available and makes it easier for teachers to quickly and efficiently access materials for the classrooms. My provision expands the clearinghouse's mission beyond just math and science to now include, under this language, subjects such as history and English.

Finally, I have written a provision to provide support for new teachers from experienced teachers who will serve as mentors. Many of our most experienced, most senior, most knowledgeable teachers are, unfortunately, about to retire. It is vital that we do not lose their expertise before it is too late. We can utilize their skills through mentoring programs. My provision allows the use of Federal funds for new and existing teacher mentoring programs.

I also believe we need to prioritize Federal funding to recruit and retain good teachers in our high-need urban and rural school districts. One way to do this is by recruiting teachers from the military through the Troops to Teachers Program. Last year we worked to save this program, and thank Heaven we saved it. We fully intend to do the same this year.

Troops to Teachers assists retiring military personnel in gaining the State certification necessary to teach. Furthermore, Troops to Teachers helps broaden the makeup and skills of our current teacher pool. Finally, it brings the best teachers to the schools and the children who need them the most.

The fact is, the Troops to Teachers Program has been an unbelievable success. We need to recruit more minorities to go into education. We need to have more teachers who have a background in math and science. And, we need to recruit more men into teaching in our primary schools. Troops to teachers brings minorities and men and those with a background in math and science into the classroom. This is a program that works. It is a program that makes a difference.

Let me say how delighted I was to see that the First Lady of our country endorsed this program. She has said that we should be putting more money in the program and has been a very strong advocate for that.

We can also do much more to encourage good teachers to go into the classrooms that need them most. Specifically, we can pursue efforts involving National Board certified teachers.

You may ask: "What exactly is a National Board Certified teacher?" Well, the National Board for Professional Teaching Standards is an extremely rigorous certification program that identifies exceptional classroom educators. This certification is a difficult, challenging, year-long process that measures a teacher's knowledge of subject matter and, more importantly, his or her ability to teach that material to students. Last year, 331 teachers were certified in my home State of Ohio by the National Board, increasing the State's total to 924 educators. I am happy to say it is the third highest of any State in the Union. These teachers are some of our best educators, and we need to encourage them to teach in our most needy schools. That is why I have been working with the Board to urge them to prioritize their federal funding for teachers who teach in, or are willing to teach in low-income school districts. I am pleased to report that the Board has agreed to make this a policy. I congratulate them for it.

In the future, Mr. President, we also need to increase the federal government's funding for an important program for disabled students—the Individuals with Disabilities Act. This worthwhile federal program is one of the largest underfunded mandates on our local schools.

Many of my colleagues have taken time to come to the floor in the last few weeks to talk about this. I congratulate them for drawing attention to this problem.

We need to fully fund the federal government's commitment to this program, as it helps give teachers the ability to teach disabled students without detracting from the education of other students.

Finally, we can encourage teachers to teach in low-income districts—the very districts where children need them most—by re-examining the current student loan forgiveness programs. This is an issue that I intend to pursue in future legislative initiatives.

I think there is more we can do. We need to look at this program and figure out what we have to do in loan forgiveness to attract students to become teachers and to go to our Appalachian counties and our inner cities, or wherever good teachers are needed.

Now, while I strongly believe that the teacher is the most important resource in the classroom, there are other issues in education that we need to address, like the program of drugs and violence in our schools. I have fought for—and will continue fighting—to improve the $925 million Safe and Drug Free Schools Program. This vital program, which I have incorporated into the ESEA bill, provides funds to over 97 percent of school districts nationwide to keep our schools safe and drug-free.

The reality is that for many schools this is the only money they get, or the only money that they set aside, to deal with our drug problem. It is vital that we continue to fund this program.

We need this program because a child threatened by drugs and violence is not able to learn, and a teacher afraid to stand in front of the classroom is unable to teach. And that—that is a situation we should never, ever have in our schools. I hope to say more about this very important program as the Floor debate unfolds.

So I believe it is clear that the government can make a difference in restoring quality and equality to education. On a federal level and on a state level, the government can help target programs to those children in those districts most in need. However, the whole realm of education is so big and so vital and so all-encompassing that it is something we cannot leave to the government, alone, to fix.

Parents and families and communities must take an active role in reforming our schools and in helping our best teachers stay in our children's classrooms.

I think it is important that every capable American become involved. Each one of us needs to volunteer directly in the classroom and to participate in some way in school activities. Parents need to go into their children's schools and help the teachers, or volunteer to read to the classes, or help teach math or science, or history, or literature.

As I said, I talked to several teachers in Ohio recently. They told me about how exciting it was to have senior citizens come into their classrooms and read to students on a one-on-one basis; or to help a student read; or to take a turn with the senior reading one page and the child reading another page. These teachers told me that it was not just the senior citizen teaching and a student learning, although that certainly occurred. But, it was the bonding and the relationship that developed. It was that that student knew someone cared about him or her. That was just as important, or in many respects, it was more important.

I think each one of us can do something in our schools. Whether we have schoolchildren in schools or not, each one of us, in some way, can make a difference.

It is up to us to change our culture of complacency. It is up to us to help close the economic and educational gaps in our society.

Ultimately, education reform and the paradigm shifts that go along with it are a journey toward the horizon—not a destination, but a never-ending, forward-leading journey toward the future. So, as we move toward that horizon—as we move ahead for the sake of our children—we need to get back to basics—good teachers, safe and drug-free schools, and parental and community involvement in the schools.

I am confident that we will go forth in the days ahead to give children the tools they need for a bright and promising future.

I am confident that we will go forth to restore quality and community in our system of education.

We will go forth and establish a new way of thinking—a way of thinking that challenges and changes the current culture of education in America.

We will go forth and restore education's ability to "equalize," as Horace Mann suggested.

And, as we do go forth toward that horizon—toward our future—we should remember something Abraham Lincoln once said:

> A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone attend to those things which you think are important. He will assume control over your cities, states, and nations. He is going to move in and take over your churches, schools, universities, and corporations. The fate of humanity is in his hands.

That sentiment is as true today as it was when Abraham Lincoln said it.

We cannot rest—we must not rest—until every child has teachers who are qualified to teach and schools that are safe, drug-free learning environments.

Our children's future and the future America—hang in the balance.

I thank the Chair and yield the Floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, we are now in morning business, I believe.

The ACTING PRESIDENT pro tempore. Until 3 o'clock.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 5 minutes, and then yield to my friend from Tennessee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I thank my friend from Ohio for his very excellent comments about education. There is certainly nothing more important in this country than education. There is nothing more important to the President, and nothing more important to this Congress and to the people of the country than to do something to strengthen education. Hopefully, we are on the verge of moving into that area. We have talked about it now for a good long time. It has been on the agenda and we are ready to move on it. Hopefully, we can do that very quickly.

I think the conversation and the dispute has been somewhat about the notion of funding. I understand that. Obviously, funding is vital to education.

I just came from Casper, WY. One of the board members wrote in our local paper about funding and how important it is. But at the same time there are other issues. Funding alone does not make a successful education program. I feel very strongly about that.

We have to have accountability. We have to have choices. We have to have some measurement of productivity in order to have an education program and the kind that we want.

I am hopeful our friends on the other side of the aisle will not continue to hold up this matter. I think we ought to get on with it.

Is there disagreement on some issues? Of course. There will always be. But there is agreement on our goal. And our goal is to strengthen education in this country. We are not going to do it if we continue to hold off and be unwilling to move forward. I hope we do that.

Republicans have a strong agenda: returning control to parents, giving them charter schools, giving them the opportunity, if the school is not performing, to move their child to another public school, sending dollars to the classroom, giving families greater education choice, supporting exceptional teachers, and focusing on basic education. I think these are the areas that are so important.

The delivery of these programs, of course, is quite different, whether you are in Chugwater, WY, or Cincinnati, OH. So there has to be flexibility that is left to the people in local leadership positions to decide how they can best use those dollars. I think the one-size-fits-all approach does not work.

Underlying this education debate is a basic philosophical difference. Some folks do not like the idea of letting local people make the decisions. We went through that for almost 8 years, where Washington had to decide what the Federal money was going to be used for. Now we are in a position where we do not need to do that. We do not need the education bureaucracy calling all the shots. It is local people—not the Federal bureaucrats—who know what needs to be done.

Then how do you have accountability? We do that by having some kind of testing, a measurement of progress, so kids in Wyoming who want to move to California when they are older have a basic education that will allow them to compete because they have had a productive education.

I think the important thing to remember, too, is that since Republicans took control of the Congress in 1995, Federal education spending has exploded. This President is asking for more money for education than the previous President.

So we need to do those things. This is a direction in which we need to head. We need to do it now. I am getting a little exasperated, as many Members are, that we cannot seem to move forward. We were prepared last week to talk about this. We did not even get a chance to get to it. So we need to produce a bipartisan education proposal which accomplishes the goals of increasing accountability for student performance, supporting programs that work, reducing bureaucracy, increasing flexibility, and empowering parents. By focusing on solutions rather than rhetoric, we will be able to accomplish those things.

Mr. President, I yield the floor to my friend from Tennessee.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. WELLSTONE. Will my colleague from Tennessee yield for 10 seconds?

The ACTING PRESIDENT pro tempore. Does the Senator yield?

Mr. FRIST. The Senator yields.

Mr. WELLSTONE. I do not think there is any order. My colleague from Tennessee was here first. I ask unanimous consent that I follow the Senator from Tennessee in the order of debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. FRIST. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We were until 3 o'clock. We are now past that time.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1.

The Senator from Tennessee.

Mr. FRIST. Mr. President, I thank my colleague from Wyoming and my colleague from Ohio for their superb statements on education. The first statement expressed the underlying principles of accountability and of local control, of flexibility, as we go forward. I would like to reiterate the plea of the Senator from Wyoming that we be allowed, by our vote tomorrow morning, to proceed to address the bill that is resting on each of our desks and is ready to go, the Better Education for Students and Teachers Act, which is S. 1, the bill on education and is really the reauthorization of the Elementary and Secondary Education Act.

I commend our colleague from Ohio for his superb statement over the last 30 minutes or so addressing some of the most important, fundamental aspects of education as we look at our young children and their health and their safety as part of the education process.

We do have a great opportunity before us. I have been in this body for the last 6 years, and we have discussed various aspects of education—higher education, the Individuals with Disabilities Education Act, IDEA. We attempted to reauthorize ESEA last year but unsuccessfully for a whole host of reasons.

I am delighted by the leadership of the President of the United States, President Bush, who made it the No. 1 agenda item in his campaign. And again and again, as he has met with people—I think in as many as 26 States thus far over the last 100 days—no matter what issue he has been talking about, he comes back to education, the importance of education, and specifically talking about public education for children in kindergarten through the 12th grade.

We do have a great opportunity if we are allowed to proceed. I plead with colleagues on both sides of the aisle that when we have this vote tomorrow morning we will be allowed to proceed to the bill so that over the next 2 weeks we can, in a mature, sophisticated, systematic way, address what I believe is important to every American. Clearly it is, if we look at the campaign for the Presidency, if we look at what has happened over the last 100 days.

It was 18 years ago the report came out that we all refer back to, when the United States was declared a nation at risk. All of that focused on education. That was identified 18 years ago. The unique thing that has occurred, whether you are Democrat or Republican on either side of the aisle, or Independent, is that all of us are slowly but really coming together for the first time, uniting and trying to solve the underlying problems, again, under the leadership of President Bush.

It is a unique time in that all the major programs are up for reauthorization: the Elementary and Secondary Education Act, and the other programs which are coming due over the next 18 months or so.

It is a unique time where the public has come together, and where both parties have come together under the leadership of the President. Also, the process allows us to address what we call a reauthorization.

Today there is general agreement in Washington that our historical approach to K-through-12 education policy is not working. It is broken. It needs repair. It deserves focus. It deserves reform if our goal is really to leave no child behind. It is time to do that.

That is why I believe we in this body have to focus on this, meaning starting today or tomorrow or this week, we have to consider serious change, substantial change, and not just have a perpetuation of what we have done over the last 35 years since 1965 when ESEA was first passed.

As we all go back to our districts and our States all across America, including communities all across Tennessee, the mandate is very clear: Fix the problem. The problem is clear. The achievement gap is getting worse. We are not appropriately educating our children today.

We need to fix the problem, do whatever it takes, spend money, and, yes, invest more but make sure we spend it wisely. We need to focus on the child. And most importantly—because you can say all of that—we most do it now. We need to take the next 2 weeks to consider this legislation. It is the most important item before the U.S. Government, I would argue and most of the American people agree. So let's do it now. Let's stay on it. Let's go on it tomorrow morning and stay on it over the next several weeks until we finish.

There are lots of different principles that we can focus on as we address this issue. We will be debating everything from how much money to spend, to the individual programs, to how do we actually reform and conceptualize or reconceptualized education today.

I think most of us—not knowing what the specific amendments will be—will stress certain guiding principles as we go through the debate. I would like to mention several that are important to me.

The first principle will be this whole concept that we talked a little bit about last year in terms of flexibility and accountability. Those two words are key, and they mean lots of things to different people. But I think fundamentally when we say "flexibility," we mean freedom; and when we say "accountability," that is sort of the buzzword for results, achievement, learning. I think we have to tie that flexibility to accountability, or the results.

As we talk about Federal dollars—and the Federal dollars are not very much; they are only about 7 percent of the overall education dollar spent in our communities; but it is a clear-cut obligation—I believe that no longer should we attach strings to those Federal dollars unless the strings themselves are attached to demonstrable results. Those results are better education of our children in communities all across this country.

What is going to be different and is different in the underlying bill and in the negotiations over the last several weeks between both sides of the aisle is that, yes, we set the goal of accountability, of achieving those results, but how we get those results needs to be left to local communities. That means teachers and principals and parents and schools and communities. The how-to does not mean Washington, DC. It does not mean the Senate. It does not mean the Congress or even the President of the United States. The how-to of education rests with flexibility, local control, local identification of needs.

A second principle that will guide me, once we are allowed to bring the bill to the floor, is the focus on the child. We say "don't leave any child behind," but then when we consider legislation, too often we look at systems, inputs, institutions, dollars, at the same time losing the focus on the child. When I say "focus on the child," I also mean focus on the family, on the parents, the people who care most about that child, on the teacher, all at the local level. We need to come back again and again to protect the interests of the children and their parents, without focusing first and foremost on what we do too often, and that is focusing on the bureaucracy, focusing on a monopoly, focusing on a status quo. So the underlying principle that is an important one for all of us is focusing on the people, the child and the parent.

The No. 1 concern of the Federal Government should be the education of our Nation's less fortunate children. Our obligation must be to those children and not to the system itself. If we continue to focus on the education of the child, that is the goal, that is the product, if we do that and don't focus on the bureaucracy or the institution or the system or the input, we will create a system that will allow innovation and optimism in terms of creativity and figuring out new ways to do things more effectively. There will be a stimulation of new thought, new ideas, new ways of thinking about how to educate children.

That ties into a whole series of practical approaches which are mentioned in this document we will debate, such as allowing more choice, more opportunity, discussing issues such as charter schools, the opportunity of supplementary services. If in a typical classroom a child is not learning, what sort of services should we give that child to supplement what everybody else is getting in the classroom; how is that paid for? Where should the supplementary services be available? Can Federal dollars be used for that? That will be the debate.

It all comes from focusing on the individual child, what they need, what works, and what does not work: No. 1, matching freedom with results; No. 2, focusing on the child.

No. 3 is information. We will have the opportunity to talk about information, but as I have been involved in the education debate, I have been impressed with the lack of good, accurate, and timely information that is available to people who are interested in the education of the child. That might be to teachers; it might be to parents, it might be to school board members. The lack of that timely and accurate information is something we absolutely must address. I am convinced that if we give the flexibility and control that is necessary at the local level, people can make prudent decisions if they have accurate data.

Is one school better than another school? Is one teacher better than another teacher? Are children in one group in similar situations being educated better than other children? If so, why? That means we do have a Federal role to supply that information in an accurate and timely way.

Learning what is working, what is not working, that in itself will stimulate innovation and will stop us from rewarding failure. Again, rewarding failure by continually funneling money into systems that are not working year after year has to be changed, and it will be changed once we associate the fact that there are children trapped in schools that are failing in spite of everything that society can do for them. Over time we can no longer reward that failure. We need to continue to invest in that school. We need to give that school every opportunity to improve. If it does not, we need to no longer reward what is failing with Federal dollars, what is trapping individuals, maybe in a dangerous school, maybe an unsafe school, or a school where learning is not taking place.

A fourth guiding principle for me will be that we in the Federal Government do have a very important role. People ask me when I go back home: What is the Federal role? Why are you, a Senator, so interested in education? why do you believe so strongly in this bill called Better Education for Students and Teachers Act? The answer is pretty clear. The Federal role is to inspire. It is to empower. It is to set the tone and the tenure out of Washington that says: Leave no child behind.

It expresses a willingness to appropriately invest in leaving no child behind. What goes on in this Chamber, what goes on in Washington, DC—and we have heard it from the President of the United States, who has made this the leading issue in his Presidency and in the initial campaign—is that education is important and is a high priority. If it is a high priority for the Senate, for this President, for the Congress, it will be, because of the bully pulpit, because of the leadership, it will be a high priority in Tennessee, in our States around the country, in our communities, in our school districts and, clearly, in our schools. We have to speak on behalf of needy children and their families. We need to spotlight the things that work but also shine that light on areas that do not work.

The Federal role, indeed, is setting those priorities, setting the tone and the content which becomes the national discussion on education. It will be a part of setting that momentum for reform. The reform train is under way in our local communities, but we must hop on that train and accelerate the momentum as we look to the future.

I mention these principles—I will close because there are other Members who wish to speak—pleading with my colleagues to allow this bill to come to the floor. This initiative is important to each and every one of us. If there is disagreement in some way on substance or on policy, let us bring it to the floor. Let us talk about it. There has been a lot of debate over the last several days on the adequate level of funding to accomplish these higher standards, eliminating or reducing the achievement gap, leaving no child behind. I hope we can bring that to the floor and debate it and through that discussion, through the amendment process, we will come to a conclusion where, indeed, we will leave no child behind.

Matching freedom with results, focusing on the children, keeping information current and flowing, recognizing that we in the Federal Government have a very important role, are the principles I will use as we go forward in this very important debate.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to follow Senator WELLSTONE.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I ask unanimous consent that I may follow the Senator from Arkansas.

Mr. WELLSTONE. Mr. President, the only thing I want to mention is, I don't think I will take much more time, but I didn't say 20 minutes. I think I will probably stay within that framework, although with the Senator from Arkansas out on the floor, it will take some teaching on my part to get him to look at this in the right way. So it may take a few hours. Seriously, I think I can do it in about 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. First, the Senator from Minnesota, then the Senator from Arkansas, and then the Senator from Massachusetts will be recognized.

Mr. WELLSTONE. Mr. President, I want to try to present a little bit of data. First, I will talk about this motion to proceed. There are others who will speak on this. I think Senator KENNEDY, of course, is the most prominent one who can speak to the state of the negotiations. Originally, my objection to proceeding before the spring recess was that I wanted to see what was in the bill. That includes policy and there are legitimate concerns and differences of opinion about that—for example, the Straight A's Block Grant Program. There are other concerns about language dealing with testing.

I also want to know exactly what we are talking about by way of resources to, in fact, make sure that these children we are going to test every year have the same opportunity to do well.

I don't want to see the Senate do something which could be very reckless, and I want to know what is in this legislation. So my objection has been, and remains, that it doesn't make sense to proceed to a bill unless you know what is in it. That is really what I have been saying. That is what I say today on the floor of the Senate. We need to have a chance to look at what is in this bill.

Mr. President, my second point is that I am in profound disagreement with many of the things that I am hearing on this bill from some of my colleagues. I am in, I guess, angry disagreement with Senators who say that this is "reform" and this is all about—to quote my colleague from Tennessee—"appropriately invest to leave no child behind."

If we are going to now have a Federal mandate—and quite frankly, I am amazed at the number of Senators, especially on the other side of the aisle, who now are going to vote for a Federal mandate that will say to every school district in every State, not just Title I schools that they must proceed with these tests. This isn't just about Title I schools, this is about testing every child in every school district in every State every year starting from age 8 to age 13. Who knows where that comes from, based upon what research, what philosophy?

If that is going to be a Federal mandate handed down to every school district in every school in the State of Minnesota, I want to put my colleagues on notice. I will, in every way I know how to as a Senator, insist that we have another Federal mandate that goes with it, which would be that there will be equality of opportunity for every child to get a good education and to succeed and to do well.

But, do you know what? We are not going to do that. We are not going to do that. Now, let me just start out with the President's budget. The President's budget provides a $669 million net increase. So far that is what we have seen over the last fiscal year for the ESEA program—$669 million with $575 million in new money for title I.

The title I program for disadvantaged children is funded at a 30-percent level. As a matter of fact, you would probably need to get close to $24 billion or thereabouts per year to fully fund Title I. We are at one-third that level. The President adds $575 million, and it is "Leave no child behind"? Can you explain to me how? No additional money for reading, for smaller classes, for teaching assistants to help these children is there. Some of my colleagues say: "We have spent all this money on title I over the years." One-third of the children who should be helped are helped!

By the way, the amount of money we spent on title I over the years amounts to one-half of 1 percent of all the money we spent on education in our country during that time. It is hard to blame one program for not leveraging huge progress in this area. But at the very minimum, since this is what the Federal Government is about, how about a commitment to fully fund title I?

I will have a triggering amendment on the floor of the Senate that will say that we cannot mandate testing for every child in every school district in every State until we first fully fund title I. It seems to me that if you are going to be serious about leaving no child behind, you would want to make sure all these children have the same opportunity. Let's truly leave no child behind. My colleagues are trying to argue we are going to realize that goal on a tin cup education budget.

Now, if you are going to start measuring how children are doing as young as age 8, third graders, it is crystal clear that the most important variables in explaining how these children are going to do, is what happens to them before kindergarten. I am ashamed to say this. Right now, the Congress funds Head Start at a 50-percent level. Early Head Start, 1 and 2 years old—where we say it is even more important to get it right for these children from low-income families—is funded at a 3-percent level. Like Fannie Lou Hamer, the civil rights leader from Mississippi, said, "I am sick and tired of being sick and tired." I am sick and tired of playing symbolic politics with children's lives.

I am going to fight like I never fought in my life as a Senator on this issue. The President's budget is going to leave no child behind? There is no significant increase in Head Start funding. We are going to humiliate these children, fail these children, fail the schools, fail the teachers, and then we are going to blame them, after we don't put forward the resources.

We should be a player in prekindergarten. We should get real about Head Start. We should get real about developmental child care and about making sure these children are kindergarten ready. But no, no, no, no, no. What we have instead is Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent. So President Bush doesn't have any money to invest in these children.

Where is this additional significant investment in education for children to make sure they all can do well on these tests?

The IDEA program: We are nowhere close to the $17 billion a year that represents the 40-percent commitment the Federal Government made to our school districts. What do we get in the President's budget? We get in the President's budget an additional $1 billion, barely half of the 40-percent commitment we said as the Federal Government we would make.

We are supposed to go forward with this legislation that sets up a Federal mandate that requires every school district to give these tests. But at the same time, we are not investing the resources to make sure there is equality of opportunity for every one of these children to do well in these tests. My colleagues call that "reform"? And they have the nerve to say this is realizing the goal of leaving no child behind? We cannot realize the goal of leaving no child behind on a tin cup education budget. This is symbolic politics with children's lives.

I say to the Presiding Officer, I am amazed that all of a sudden there is this support for this Federal mandate to tell every school district in every State that they are going to do this testing. It is a gigantic unfunded mandate because of what I just said: We are not living up to our commitment to provide the kids and the teachers with resources so they can do well.

I am going to have a number of amendments, and I think there will be strong support. I have delved into this testing issue. I know Senator KENNEDY has been working hard on this. We absolutely have to make sure this testing is done the right way so that we do not have single, low-quality standardized tests being used in the states.

I can quote from all sorts of studies. I will wait for that when the amendments come up. I tell my colleagues, everybody who is involved in the testing field, all of the studies that we ourselves have commissioned to look at "high-stakes testing," warn us: You better do this right. You better have multiple measurements.

You better make sure this is not rote memorization.

You better make sure you do not force teachers into drill education, which is teaching the test, and which is going on all over the country.

You better make sure you truly are measuring the depth of knowledge of children.

You better make sure you take into account those children who come from families where English is a second language.

You better take into account children who have learning disabilities, something with which I have struggled and which has affected me on these tests.

Mr. President, did you know that the National Association of State Boards of Education has determined the total cost to States to develop and implement 3 through 8 assessments could be as high starting out as $7 billion? If the simplest tests are used—which will be, frankly, an abuse of testing—the minimum cost would be $2.7 billion.

Do you know, Mr. President, what the President has budgeted for testing for the school districts? It is $320 million. I say to my Republican colleagues, I am amazed you are willing to vote for this unfunded mandate. I am amazed.

I say to my Democratic colleagues, I am amazed that we would go forward unless we first have some ironclad commitment from the President and from our colleagues that we will, in fact, also live up to our commitment to provide the resources for these children and these teachers and these schools.

We cannot do one without the other. We cannot move forward with legislation until we know what is in it. We cannot move forward with legislation until we have some agreement on some of the policy questions some of us are raising.

Let me, one more time—I think I can do it in 2 or 3 minutes—spell out my position.

We must do testing the right way. Right now I think there is every reason to believe that this is a rush to recklessness. If we do not do the testing the right way, we are going to drive teachers out of teaching. We want to get the best teachers. In fact, when I am in schools—I have averaged being in a school about once every 2 weeks for the last 10½ years—I ask the students what makes for good education.

Before smaller class size, before even repairing dilapidated buildings, before discussion of good textbooks and technology, they say good teachers. They all say we want to attract the best and the brightest. Please think this through. We want to attract the best and the brightest, but we are going to say to the best and the brightest: When you teach—I have two children who teach—we are going to tell them when to teach, how to teach, and what to teach. You and your students are going to be measured by these tests every single year. Many of them will be standardized tests, simple, and everybody is going to be forced into worksheet teaching, drill education.

We already know who is not doing as well. Suburban schools are doing well and the kids are doing well and thank God for that. It is the rural and the inner city where we have the most trouble. It is in those areas where we have the most trouble recruiting the teachers. Guess what. The best and the brightest are not going to go into teaching. What in the world do we think we are doing? That is my first point.

My second point is, if we are going to do the testing right, the National Association of State Boards of Education said it could cost, starting out, as much as $7 billion, and we have, Mr. President—and I appreciate your attention; thank you for your graciousness—we have from the President's proposal $320 million. That is an unfunded mandate. Any good conservative, much less flaming liberal, should vote against this on that basis alone, unless you have that investment in paying for these tests.

I will have a triggering amendment. Right now we are spending 30 percent of what it would take to do title I. I am going to have an amendment that says until we fully fund title I so that the children from the disadvantaged backgrounds—those are the ones not doing as well. Is anybody surprised? Are you surprised? They do not come to kindergarten as ready. They do not have the same breaks. They do not go to the schools which have all the facilities. They do not go to the schools with the most highly qualified teachers, although I must say, some of the teachers I have seen in the inner city and rural schools are saints. As a matter of fact, I hear discussions about accountability. Some of the harshest critics in the Senate of these public school teachers could not last 1 hour in the classrooms they condemn.

At the very minimum, let's get real. If we are going to have these tests, do it the right way. If we are going to have these tests, hold everybody accountable. Then also make sure there is another Federal mandate that there will be equality of opportunity for every child to have a good education and succeed.

Therefore, with my amendment, this cannot be implemented. They cannot have this Federal mandate of testing every year until we first fully fund title I. Let's give these children and schools the resources they need.

By the way, I am thinking seriously of other triggering amendments. Another one is we cannot do the testing until we fully fund Head Start. The truth is, that is the place to start. Before the Chair came in, I said right now it is 50 percent of the kids and that is it. In early Head Start, it is 3 percent. That is for the 1-year-olds and 2-year-olds.

I might have another triggering amendment—for sure I will have one on title I—that says until we fund the IDEA program, we cannot go forward with this testing.

There are plenty of reasons not to proceed.

I don't want to proceed on a piece of legislation that I haven't yet seen. The language is technical. Frankly, we could be making a major change in the Federal role in education. I want to see the language. I don't think we should rush through this. This issue is too important. In addition, we should know exactly the agreements on the policy questions.

I do not believe we should go forward with this legislation, this Federal mandate, to test every child, unless we also have a Federal mandate, backed up by resources, that there will be equality of opportunity for every child to have a good education and to succeed. We can't do one without the other. I know for a fact this administration is not willing to make that investment. I have seen nothing on the table because of the commitment to these Robin-Hood-in-reverse tax cuts.

I am opposed to 42 percent of the benefits going to millionaires; I prefer more money into title I, special reading, additional help. I prefer more resources into afterschool programs. I prefer more resources into prekindergarten, into kids, into opportunities for every child in America. It is not in this bill.

Please don't make the mistake of believing that a test guarantees good teachers. It doesn't. A test doesn't rebuild crumbling buildings. A test doesn't bring technology to schools. A test doesn't provide the resources for children with special needs. A test doesn't provide smaller class size. A test doesn't provide counseling and support of services for children.

Where is the commitment to these resources? This is not reform; this is a charade; this is a mockery. I am indignant. I am determined to over and over and over and over again come to the Senate with amendments to make my case. I don't mean I take it as a foregone conclusion we will move to the bill, but I oppose the bill until I know what is in it and until I know whether there is an agreement. In fact, if I lose on such a vote, I will come to the floor with amendments, over and over and over again, to fight for what I truly believe.

I say to my colleague from Arkansas, since we are not always in agreement, I truly believe it is necessary to realize the goal of leaving no child behind.

The PRESIDING OFFICER (Mr. COCHRAN). Under the previous order, the Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Senator WELLSTONE may have made the greatest understatement in the Senate, when he said we may not always agree.

I have the utmost respect for my friend. It is always a challenge following the Senator from Minnesota. He is passionate and articulate. I have the utmost respect for his convictions, though I think in this instance he is misguided.

I rise to speak in favor of the education bill from the Committee on Health, Education, Labor, and Pensions, the Better Education for Students and Teachers Act. I look forward to engaging in what I think will be a healthy and vigorous debate throughout this week and perhaps next week.

Certainly Senator WELLSTONE and I agree that this issue is important. I think all colleagues on both sides of the aisle agree this is an issue that deserves the time we have reserved on the floor; it deserves the debate that has begun. I am confident we will be able to pass the reauthorization of the Elementary and Secondary Education Act and we will pass a bill under the direction of our President, under his leadership, that will reform the American educational system and the Federal role in public education, and we will turn away from those who simply would endorse the status quo and continue down the path of the past.

While the legislation before the Senate makes significant reforms, we have been working with colleagues on both sides of the aisle to make several needed improvements to the bill that came from the committee. It is essential this legislation not merely rubberstamp the policies the Federal Government has encouraged for many years. During 35 years of the Elementary and Secondary

Education Act, Washington created a lot of programs; in fact, one study in the House of Representatives shows over 700 Federal education programs. We have a burgeoning education bureaucracy. The Federal Government has spent 35 years and over $120 billion on title I funding to increase the achievement of disadvantaged students, and that was the reason the NAEP was originally authorized. That is why we started a Federal role in education. We wanted to help disadvantaged students. If there is a proper Federal role, it is to target scarce resources toward the most disadvantaged and to narrow the learning gap between the advantaged and disadvantaged students.

After 35 years and the $120 billion on title I funding for disadvantaged students, we have little, if anything, to show for that investment. Let's recount the facts.

First, as a prelude to what I will say, I emphasize there are many quality teachers in public schools. There are some incredibly dedicated teachers who are doing a tremendous job in public schools. I agree with one thing Senator WELLSTONE said. I would not last an hour trying to fill their shoes in the difficult job they have. My sister is such a person. I admire her immensely. She will never have her name in any headlines, but, day in and day out for 20 years, she has been in the classroom, teaching and instructing and brightening the lives of young people. She deserves, as thousands of public educators across this country, our praise.

We have made their job more difficult. We have left children behind. That is what we need to remedy. The most recent NAEP reading results for 2000 remain the same—not for 1999, the same as for 1992. The worst news in the scores for 2000 was that higher performing students made gains while lower performing students did even worse. In other words, what we were supposed to try to cure with our Federal prescription for education when we created the Elementary and Secondary Education Act 35 years ago we have only made worse. The situation has only been exacerbated. Instead of narrowing that learning gap, we have seen the learning gap between the advantaged and disadvantaged only increase.

American 12th graders rank 19th out of 21 industrial countries in mathematics. Only Cyprus and South Africa fare worse than the United States. I say to my colleagues who want to spend more money, let's not spend more money unless we bring reform. That is unacceptable. For the greatest nation in the world, the freeest nation in the world, and, without risk of being contradicted, the Nation that has the best higher education program in the world, to have those statistics for our elementary and secondary education system is unacceptable.

Since 1983, 10 million American kids reached 12th grade without having learned to read at the basic level; 20 million seniors could not do basic math; 25 million seniors are illiterate on the subject of American history. How long can a free society survive, how long can a democracy survive, when our young people do not have a basic understanding of our Nation's roots, our Nation's history?

What about the middle school grades? Two-thirds of American eighth graders perform below proficiency level in reading. It is not just the high schools; it is not just in the middle schools; it is also in our elementary schools that our children have been shortchanged by a Washington-based, cubicle-oriented system. Over three-quarters of fourth grade children in urban high-poverty schools read below basic on the National Assessment of Education Progress, the NAEP test. Those kids in particular title I was intended to help the most—the disadvantaged children, those in urban schools, those in high-poverty schools—and they are the children who are suffering most under the current system. Those statistics are shameful.

Two years ago when the Children's Scholarship Foundation, a private scholarship fund, offered 40,000 scholarships for tuition, privately funded—they offered 40,000 scholarships across the Nation—1.25 million applications were received. Even though families were required under this program to make a matching contribution of $1,000 from their own pockets, they still had one and a quarter million applicants.

Talk about a poll. That is perhaps the best poll on the failure of the current system.

In many urban districts, the demand for these scholarships was so high that a staggering 44 percent of eligible parents in Baltimore applied for these scholarships and 33 percent of the parents in Washington, DC, applied for these scholarships. There are only 40,000; one and a quarter million applicants. In the most poor communities, parents are just not satisfied with their schools.

When you look at the past, you look at what the Federal Government has tried, you can only say we have been weighed in the balance and we have been found wanting. We have a golden opportunity to change that story this year. Child-based education is the focus, I believe, of the pending legislation. We have a bill for consideration that is about educating America's children, not keeping a failing and dilapidated education infrastructure on life support. The bill before us pioneers a new direction for the Federal Government's role in education. Is it not time for a new direction?

The package that some of my colleagues and I have been working on, which includes several initiatives such as what we called Straight A's, what President Bush calls Charter States, will be offered as an amendment if not negotiated in the talks that are ongoing.

Supplemental services for children in failing schools: No, it is not a full parental choice provision, as the President suggested, but it is a step toward giving parents with children in failing schools—where the schools have been given an opportunity and have been given resources, and the schools will not teach and the schools will not change—to give those parents an opportunity to not sacrifice their children in that failing school but to have some other option, some supplemental services, some Sylvan Learning Centers, tutorial help, to ensure that their children are not lost in a failing school system.

But I hear from the other side of the aisle that these reforms are not enough; that what is really needed is more money. I suggest that will be the mantra we will hear over and over and over again this week in response to the President's leadership and in response to real education reform. We are going to hear over and over again: No, what we really need is more money.

Let's talk about that. Even though over $120 billion has been spent on title I over the past 35 years, even though we have seen no measurable gain in student achievement over those 35 years, the argument is still the real solution is to spend more money. Even though the President in his budget has included an 11-percent increase for education, more than any other Department in the entire Federal Government, and even though he has suggested tripling funding for reading programs in those lower grades, we will still hear over and over again: The real issue is not reform. The real issue is we need to spend more money.

Let's continue to talk about that funding issue. I suggest while more money is desirable, it is not desirable if we do not yoke it with real education reform. This chart from the National Center for Education Statistics reveals what is happening. On NAEP reading scores since 1971, you can see that while we have more than doubled spending—the red line—more than doubled spending on education on a per-pupil basis, over $8,000 per pupil, these lines reveal the real story. It is that 12th grade NAEP reading, since 1971, has remained basically static; 8th grade NAEP reading—the green line—since 1971 has remained stationary; and on the 4th grade NAEP reading, we have essentially a flat line as well.

So while, since 1971, we have more than doubled, in inflation-adjusted dollars, what we are spending per pupil, the result has been no significant progress.

Let's go from reading to the math scores. The NAEP math scores tell essentially the same story. Since 1973, spending has increased from about $5,000, $6,000, to over $8,000. We have a considerable increase over the years on the per-pupil expenditure. Yet you can see in the 4th, 8th, and 12th grades, the scores remain, tragically, a flat line.

I suggest the evidence is overwhelming that money is simply not the answer. Last year's Rand Corporation State-by-State comparison of test scores on annual spending per student on education, scores adjusted for demographics and cost-of-living differences across the States, shows that schools do not thrive on money alone. Texas ranked 24th among the States on yearly spending per student, but they were first in test results on the 1990–1996 NAEP test. Iowa was 21st in spending, but they were third in results. On the other hand, Louisiana was 14th in spending per student, but they were 47th in results. There is simply no persuasive correlation between the amount spent and the academic achievement of students.

It is time for us to move in a new direction. I say money alone is not the answer to all our problems. I am spending so much time on that because I know that is what we are going to hear all week long. We must take a balanced, responsible approach to education reform. Funding where needed is important, but we can already find plenty of examples of innovative schools that do not have a wealth of funding. The Heritage Foundation published a book entitled "No Excuses." This book tells the story of 21 high-performing high-poverty schools. One of those schools is in Portland, AR; the Portland Elementary School. I will give you an idea of where it is located. This, as the Presiding Officer right now well knows, is the Mississippi Delta. On both sides of the Mississippi River is, I think, unquestionably the poorest regional area on a per-capita-income basis in the entire Nation. More so than even Appalachia is the Mississippi Delta. It is a struggling area in every way, economically and educationally.

This school, the Portland Elementary School, is located right here in Portland, AR, in southeast Arkansas. This school is led by a principal by the name of Ernest Smith. The Portland Elementary School, located in the Mississippi Delta, has found high academic results. Oftentimes those are not expected in this region of the country. They have found these results by demanding academic achievement from every child in the school. Portland Elementary has only 150 students in prekindergarten through the 6th grade. Mr. President, 77 percent of the students are from low-income homes. When Ernest Smith came to Portland 5 years ago, half of the students in the fourth, fifth, and sixth grades were scoring 2 years or more below grade level. Today 100 percent of the students in this elementary school are at grade level or above.

I want everyone to see this principal. This is Ernest Smith, an engaged principal who has transformed this elementary school in the Mississippi Delta.

How did this remarkable turnaround happen? A dedicated principal, a school district willing to try something different, and teachers who were supportive of the approach—not a Federal program telling this principal what he should do. In fact, it had been his experience that the Federal programs oftentimes got in his way.

Ernest Smith is 65 years old. He has been a teacher and a principal for 43 years. This is what he did. He convinced the school to implement an instructional model called Direct Instruction, and test scores have risen ever since he did it. Additionally, parents who enrolled their children in private schools in the area started to call Mr. Smith to enroll their children back in the local public school.

But Direct Instruction was not the only reason for the improvements in the school. Mr. Smith has increased parental involvement in the school, where 50 percent of the parents attend a monthly parents meeting, and 98 percent of the parents attended the parent-teacher conferences. In addition, more time during the schoolday was dedicated to direct involvement between the students and teachers. Mr. Smith realized when children are at school they should be learning, so recesses and naptimes were shortened or cut out.

On their most recent standardized tests from this spring, kindergartners scored at the 88th percentile nationally.

It is the poorest region of our Nation and the most educationally challenged region of our Nation. However, the 88th percentile for kindergarten is not good enough for principal Ernest Smith. His goal is the 100th percentile for every student.

You can see in kindergarten, grades 1, 2, and 3—in every grade—in this elementary school, they are exceeding the national average, the 50th percentile. Once again, his desire is to see 100.

Luke Gordy, chairman of the Arkansas Board of Education, said in an editorial written in the Arkansas Democrat-Gazette in reference to Ernest Smith and Betty McGruder, principal at Whitten Elementary, "they have accepted no excuses for raising levels of learning for every child under their care." They believe they must learn.

I suggest to my colleagues that money alone is not the answer. This school doesn't have a lot of money. They have very little money. They are on a very tight budget. Their answer wasn't give us more money, but give us the freedom to make the kinds of reforms in which teachers are going to be allowed to teach.

Having served in the State legislature and worked with local school boards, I don't subscribe to the notion that Washington is somehow all-knowing and that we policymakers on the Education and Labor Committee are somehow omniscient. Washington is not omniscient, and we are not perfect in knowing what is going to meet the needs of schools all over this country.

This bill that we are debating requires accountability and student performance measures in exchange for flexibility and discretion by States and local schools. That is something the current system just does not have. The current system is a straightjacket for local educators. This system puts these local educators in handcuffs and says: This is the way you must do it—that we must prescribe from Washington, DC. Rather than out-of-touch bureaucrats here in Washington pulling the funding stream, the funding would be allocated under this bill directly to States and school districts. Funds would be consolidated so that schools would have to spend less time filling out grant forms, and so they could spend more time teaching.

The Presiding Officer directing our deliberations knows as well on our committee that we had the Secretary of Education come before us on more than one occasion and repeatedly he reminded Members of the Senate that his background is as a hands-on educator, superintendent, principal, someone who has been there, and someone who sees it from a different perspective than what we too often see coming out of the Federal Department of Education. I think that is refreshing. I think that is going to assist us in the path we have before us.

I think the facts are so clear and the message is so strong that proponents of the status quo realize that change is coming. People are realizing that President Bush's plan makes sense, that it is going to bring real change, and that it is going to take us in a new direction. I am glad my colleagues have started to embrace the President's positions. I only hope these initiatives become stronger, not weaker, as we go through the debate in the next couple of weeks.

With millions of American students struggling to read, with millions of American students struggling to recite basic history facts or exhibit basic mathematical skills, one would hope we could collectively agree that we must try something different and we must collectively put our emphasis on student performance. We can do that by passing the pending legislation.

An editorial op-ed piece written by Joel Belz—I don't know Joel Belz, but I thought he had a wonderful analogy of what we are facing, and those who are going to oppose this bill are setting themselves up against change. This is the way he put it. He said:

> Advocates of statist education are like the older people in the Soviet empire in the early 1990s.

This is Joel Belz. I am not impugning anybody's integrity.

He said:

> They're vaguely aware their system isn't working—but they've never known anything else. Even worse, statism has dulled their creative powers, as it always does, and they can't imagine anything other than what they've always known. Their only solution is to multiply their efforts. "Let's do more of the same—much more," they proclaim cheerlessly. "If only we had more money to buy more of what we've already got, maybe it would work." But it's like pushing boulders up the long slope of a mountain.

But the forces that resist real change will repeatedly fall back on: We just need to do more of what we have been doing for the last 35 years, if we will just put more money in—while they defend this deteriorating education bureaucracy and infrastructure that impedes reform instead of energizing reform.

Flexibility means freedom. Accountability means you have to measure. After you measure and you discover and determine where the failing schools are, there must be consequences. There must be ultimately more parental choice.

It has been said that the last seven words of any dying institution are, "We never did it that way before." We will hear that disguised in various ways and in various euphemisms. We will hear that this week: "We never did it that way before." The real solution is, we need more money. The President agrees. Let's put in more resources. But the President has rightly put his finger on the problem: Most basically we need reform.

Testing: Yes. Testing, because as fallible as it is, it is the best tool we have of determining if our children are really learning.

Flexibility: Yes. Because, as in welfare, the great reform that is occurring in education is happening not in Washington, DC, but in the States—our laboratories all across this country.

Parental choice: Ultimately parents are still the first and best educators. They need to have the opportunity to ensure that their children are not shuffled through a system in which their children are the ultimate sacrifice.

I believe that ultimately when this debate is brought before the American people, and when it is brought before the Senate, the energy and the impetus for real reform that our President has given us will result in the most dramatic and fundamental change in the Federal role in education since the Elementary and Secondary Education Act was first passed and since the Department of Education was created. That is good news for children all across our country who are being left behind.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I want to give an update to our colleagues about the efforts to resolve some final items in the pending Elementary and Secondary Education bill negotiations.

As my friend from Minnesota pointed out earlier, we don't have the final product. We have legislation that was reported out of Committee, but at the time of reading of the Committee bill and the report, there were a number of additional areas we were tasked to try to resolve, if we could, in order to be able to fairly represent the best judgment of the President of the United States and the Committee.

That has been an ongoing process. Members of our Education Committee, as well as other Senators—including Senator LIEBERMAN and Senator BAYH—indicated a particular interest to our leadership. A number of our colleagues, as well as the majority leader's staff will be very much involved in these negotiations.

I was interested in the statements and comments made last Friday about the state of these negotiations by the majority leader, because they really did not reflect what I think has been the ongoing effort that all of us have been making to find common ground in this very important area of public policy.

I must say that I think we have moved in a very significant way in trying to listen to each position and work through some of the differences.

I think in the area of policy conclusions we have made very important and substantial progress. It does not reflect all of my priorities. I would have liked to have seen a good deal more investment in smaller class sizes and school construction and modernization. I would like to see firmer language for professional development, and some other areas as well. I will speak to those items when the legislation is considered by the full Senate.

But we have made important progress in a number of very important areas, particularly in putting the final touches on the accountability and Straight A's compromise. We resolved the key issues on bilingual education, on after-school programs, on teacher quality, supplementary services, on report cards, and on testing.

The points that my friend, Senator WELLSTONE, mentioned about ensuring good quality testing is going to still be a matter that I hope we can address in the Chamber. I think the examples he gave about these quick, slick, easy tests that are easily taught do not really test the depth of a child's mind and their ability to really develop his or her grasp of different educational concepts are telling. There are many good tests that are being given. I think the NAEP test that is given in my own State of Massachusetts, is a high-quality test. We've worked through important language in the assessment area.

Senators may need to meet tomorrow though to work through remaining items that have not been resolved at the staff level. But, I still say to my colleagues, we have not reached a final agreement on the question of funding.

As we have heard from a number of our colleagues, I stand with those who believe that having the changes in policy are important, but to really breathe life into changes provided for in this bill, we need to have the adequate funding.

I listened to my colleague from Arkansas talk about money, money, money—that is what others are going to say. The fact is, it isn't just us on this side of the aisle who are talking about enhanced resources. In any fair, open examination of the number of children who need the services that we are trying to provide, and who are not receiving those services, if we are going to cover them, it is going to take an investment. It is as simple as that.

We are only reaching a third of the nation's neediest children. We say in our legislation, on page 41, that there must be a timeline for ensuring that each group of students must meet or exceed the State's proficient level of performance on the State assessment—within 10 years from the date of enactment. Ten years is mentioned throughout this piece of legislation—this is the commitment, that we are going to have proficiency for the economically challenged children of this country who present severe needs in our society. If we are going to meet our responsibility, it is going to take additional resources.

I listened to my colleague, Senator HUTCHINSON, talk about the Sylvan Learning Centers services that are offered to students across the nation. It costs $38 an hour for those services, and approximately 50 hours over the course of a school year in order for a student to show improvement. That adds up to $1,900 a year for extra services to one child. Sylvan guarantees that after 36 hours of learning session, children go advance one grade level.

We know that without adequate funding we're still going to be failing to respond to the needs for supplementary services for children.

As we begin this debate we need to understand what is really missing in the legislation. We are not reaching one-third of the children eligible for supplemental assistance. This Administration has made a commitment to ensure that all children will be guaranteed at least the benefits of this legislation. If done well and right, that will mean a well-trained teacher in the classroom, a reformed curriculum, tough accountability, and the opportunity for parents to understand how well their children are doing or not doing, and how well that school is doing or not doing.

We seek strong accountability of schools, of teachers, and of children.

The question is, Are we going to be accountable? Are we going to be accountable for ensuring that all the children are going to be covered? I think that is the fundamental issue in terms of funding. Unless we are going to do that, we do a real disservice to the children in this country.

This is not going to be the only education debate we are going to have.

We also understand the importance of early intervention programs for children. I was very disappointed that the President's budget eliminated the early education program. This is a program that was supported by Senator STEVENS, Senator JEFFORDS, myself, Senator DODD, and Senator KERRY—a strong bipartisan program that gave a great deal of flexibility. It includes part of our effort to try to make sure children are going to be ready to learn when they enter school. As all the various studies, including the Carnegie Commission reports, demonstrate that early intervention add immeasurably to children's interest in learning, their ability to learn, and in the development of their interpersonal skills.

If we say we are going to benefit from the knowledge that we have discovered over recent years, we ought to be supporting early intervention for children, and in many instances, for parents. Many times, particularly in the areas of reading, parents also have difficulty reading. Some of the most successful reading programs involve parents as well as the children.

We are also going to come back to the debate on the funding of the Head Start Program. We are still in some States, only serving 40 to 43 percent of eligible children. In some major urban centers in our country approximately 25 percent of the children that are eligible to go to Head Start, are able to find the slots to do so.

The Head Start Program has been examined, and it has been shown that the benefits from it in the early education years, add immeasurably to the child's development during the period of their education, and can even last through middle school and high school, if done and well supported.

Many of us are disheartened, from recent studies on child care, which show a high level of turnover that is taking place in Head Start Programs. Some children are exposed to two or three teachers over the course of one year. This means confusion to the children and a lost opportunity.

Early intervention is key for enhanced academic achievement for the children, and in many respects are as important as many of the issues we are going to be dealing with in the Elementary and Secondary Education act.

I am strongly committed to a strong partnership between the Federal Government, the State, and the local community. Parents want the best for their children and they will take it wherever they can find it. We have the opportunity and the responsibility to provide these resources. That is what the Federal role is today. It may be expanded in the future, but today it is targeted to the neediest children.

The prime responsibility for education funding still remains with the State and local community. If there has been a failure—and there has been—in trying to bring substandard schools up to the point where they are going to be benefitting children, the blame lies with the States and local communities, as well as with the efforts the Federal government has made in the past. We are spending about $400 billion a year, and with $8.6 billion dedicated to title I. This works out to approximately 2 cents in terms of interventions directly with the neediest children.

Our elementary schools are much different than they were 10 or 15 years ago. We are bringing children who have special needs into our public schools and attempting to mainstream them. They take the test along with everybody else in the class. Schools are also dealing with a large population of students who do not speak English as a first language, which creates an increasing complexity in terms of having well-trained teachers. I recently went to the Revere High School, just outside of Boston, where there are 43 different languages being spoken by students.

These challenges are compounded by increased divisions of families, the explosion of substance abuse, and the growth of violence in society—all falling primarily on the same children and then we wonder why these students are not getting all A's and B's in school. Then the finger is pointed at the Federal Government saying, they have failed us on this—that is a simplistic explanation and observation about what has been happening to elementary and secondary schools across the nation.

We have been attempting to do the best we can, through strong accountability measures to give the parents the information and then ultimately empower them at the time, if a school has been failing, to make some choices and decisions on what they find to be in the best interests of their children. We are going to strengthen the supplementary services for children so that those children who have been found in need as a result of the tests are going to get the supplementary services.

Unless we provide the resources, we are only, according to the best judgment, now providing the additional services for probably 15 to 18 percent of the children in need. We are going to make sure that schools are held accountable. We are going to insist on a strong professional development opportunities for teachers.

I was recently in a school just outside of Quincy, Massachusetts, where they implemented professional development programs. They had a 100 percent turnout of teachers for this program. They say the thirst and interest of teachers in being able to have that professional development is replicated all across this country.

We ought to make these opportunities available for teachers, especially in the inner cities that do not have the kind of professional training, but in many instances, have dedicated teachers who are pouring their life into trying to serve children in need.

We are so easy to condemn these teachers where in most circumstances, they would be able to leave, and perhaps with less tension and danger, if they went into a different situation.

There are no easy answers. And to those who suggest that this legislation is going to answer our problems, we ought to take a very healthy sense of pause as we begin.

I will just say a final word about the investments in education. I can remember not long ago talking with Mary Robinson, President of Ireland, asking her about some of the things that gave her the greatest satisfaction as the President of Ireland. She told me a couple of years ago that she had just gone to the 10 best schools in Ireland. I asked where they were. She said they were in the poorest areas of Ireland.

I said: How so? That would not be the situation you would necessarily find here in the United States.

She said: We have virtual uniformity in terms of funding of the schools in Ireland.

Of course, that is not the case here. You find out that in most urban areas, they are spending about a third of what they spend in the more affluent communities. That happens to be a reality. That makes a great deal of difference in terms of both the physical structures, resources, training, and the programs and the atmosphere and the curriculum the children have.

She continued and said: The best teachers in Ireland go to these underserved areas because they find it the most challenging and because they find the children are the hungriest because they know that the key to getting out of many of these areas is an education. And most powerfully, the parents understand that. So they are engaged and involved.

They have had extraordinary results. That doesn't surprise me. If children had the opportunity and knew they were getting something that really was as good or the best, they would try to excel and succeed. If they knew they could get support services, they would make all of the additional efforts to try to be the kind of students their parents would be proud of. That is the lesson of history. That happens throughout the whole world. Why we don't think that will happen here is a great misunderstanding.

To do it, you have to do it right. Many of us on this side see that we are developing a formulation in terms of this legislation that will have both accountability, flexibility, and responsibility. It will have something that can make a significant and important difference in doing it right. Funding is going to be the key to whether those services are going to be there or not.

I will mention the contrast in funding between this side of the aisle and the Administration. We have, on all of the ESEA programs for fiscal year 2001, $3.6 billion, a 24-percent increase. This year, the Administration offered a 3.5 percent increase, as compared to a 24-percent annual increase last year. In fiscal year 2001, the budget increase for the entire Department of Education, was $6.5 billion, as compared to the Administrations proposed budget increase of $2.5 billion, 5.9 percent.

Money isn't everything, but it is a clear indication of a nation's priorities.

We have had this debate where we have said that our No. 1 priority is going to be the tax reduction. That is our No. 1 priority. The President has said this is a top priority. Well, the point is, if it is a top priority and the first priority is a tax break, somewhere out there they have to meet. They ought to be reflected in the additional kind of resources to be able to fund these programs in a way that will make a difference for the children.

The reason I haven't lost some hope of having some assurances from the President is that I look at what happened with school funding in Texas. Between 1994 and 2000, funding went from $16.9 billion to $27.5 billion, which is a 57-percent increase. We saw a corresponding enhancement in the children's achievement levels in Texas.

I hear the arguments from the other side that money isn't everything. This President saw the importance of investing in children and investing in the quality of teachers and others, and it has really made the difference.

So we will soon have the chance to debate these issues in greater detail. I hope that prior to that time we have a last best judgment from the President that will give assurances we are going to have the funding to enhance this change. I hope to include at least another third of the children in the area of title I. Then we can give an assurance to the American people that during this Presidential term he will fight for the complete funding for the title I program.

I think that would be an enormously powerful message. I daresay I think he could be assured of every vote for that full funding from this side of the aisle. I welcome the opportunity to join that. That would really give light to what we believe the children in this country need and deserve.

Mr. DORGAN. Madam President, I wish to speak for just a moment about the issue of education. We are turning now to the Elementary and Secondary Education Act reauthorization. This is critically important legislation.

The one thing I think is important for us to say at the start of this debate is that education has worked in this country for a long time. There are some areas in which education has failed American children, but generally speaking, you cannot say that.

We live in a country that is blessed with opportunities that most countries have never had. In my judgment, that has happened because we have had a public education system—since before the independence of our country—that said: We are going to allow all young children to be whatever their God-given talent can allow them to be. That is called universal education. Every child coming into this country's school system is allowed to be whatever his or her God-given talent allows. That has really provided remarkable dividends for our country.

Think of where we have been and what we have done. It is quite a remarkable record. We survived a civil war. We survived a depression. We beat back the oppression of Naziism. In terms of technology, think of what we have done as a country. Both the spirit of Americans and our education combined have allowed us to split the atom. We have mapped the human genome. We have done so many things. We have spliced genes. We have invented plastics, the silicone chip, radar. We built airplanes and learned to fly them. We built rockets and flew to the Moon. We have cured small pox. We have cured polio.

When you think of what we have done in our country—we have created telephones and television and the computers—it is quite remarkable.

One could ask the question, it seems to me, how did all of that happen in our country? Why didn't all that happen somewhere in downtown Tegucigalpa? It happened in our country because we have made a lot of the right choices for a long period of time in this country. We have an education system in this country that has produced remarkable thinkers, that has allowed the genius of every young child in this country to become what it can become.

Now we are poised in the first year of this new millennium to do even greater things. We come here debating education and trying to respond to the challenge of dealing with school systems that are failing because there are some that are not making the progress they should. But I think it is very important to point out that there are many school systems that are succeeding well beyond anyone's expectations.

There are a lot of ways to succeed. Some say, if you make the right investments, you can have good schools that are well repaired, classrooms that are of sufficient size, and enough quality teachers. You can make this education system work well in every part of this country.

There used to be a custom of building little red schoolhouses. When everyone thinks of schoolhouses, they think of a picture of the little red schoolhouse. I am told that the little red schoolhouse originated in the Northeastern States, and it originated for a particular reason. Schoolhouses originated as red because red paint was cheaper than any other color. So schoolhouses were painted red, I suppose, because the people at that time wanted to save money on those schools.

There are ways to save money on schools, to be sure. But it is not necessarily in the best interests of children if you save money by withdrawing the opportunity for a good, full, and balanced education.

My hope is that when we talk about this piece of legislation, we can emphasize the positive in areas where we agree—and there are plenty of them. President Bush has made a proposal that has, in my judgment, a lot of good things in it. He has also presented a proposal that is deficient and leaves out a lot of important things.

So what we ought to do is start with this premise: No. 1, much of our education system in this country is working, and working well. Some schools are failing. Reading achievement is up. The National Assessment of Educational Progress shows that during the last decade, reading achievement has significantly improved in all grades tested.

Is our reading achievement sufficient? Should it be better? Yes, it ought to be better. But testing shows we are on the right track. Mathematics and science achievement is up. Students are better prepared for college.

In the 1990s, the scores on both the SAT and the ACT have climbed steadily. Students are taking tougher courses. Between 1992 and 1997, the number of high school students taking advanced placement courses in all subjects increased by two-thirds.

Some will come to this debate—perhaps tomorrow morning—and say: We have this education recession. Woe is us. Our schools are failing. All across America, our schools are failing.

I think that is a disservice to our teachers and our schools. The fact is, we have a lot of wonderful teachers in the classroom. They are who we leave our children with every day, all day. I have been in many classrooms, and I think in almost every circumstance I have left that classroom with great admiration for those teachers who are committed, impassioned, and want to do a good job for those students.

But I have been in classrooms where teachers could not do a very good job because they had 35 children in the classroom—one teacher trying to keep track of 35 children and trying to provide some kind of individual educational opportunity. It is impossible with 35 children. We know it. You have to reduce class size to be more effective in educating children.

I have been in classrooms where the students' desks are an inch apart and where the building is 95 years old and was long ago condemned, where children can't have access to computers or the Internet because they do not have the capability of wiring those classrooms, and where you have 150 students and one water fountain and two bathrooms.

I have been in those schools. We know that is not an optimum way to teach children. So we ought to provide some assistance for the renovation of crumbling schools, for the renovation of those schools that are in disrepair.

Over half a century ago, those brave soldiers who fought and won the Second World War came back to this country and they fell in love. They got married and had children. They built schools all across this Nation. Those schools are now 50 and 60 years old. Those schools are in disrepair in many cases and need to be modernized. We need to do something to help make sure we remedy that.

Education is not some mysterious machine in which we pull some levers and turn some dials and we get it just right. Education has the element of three things, in my judgment, to work well: One, you have to have a teacher who knows how to teach; two, you have to have a student who really wants to learn; and, three, you have to have a parent involved in that student's education. If you do not have all three, it just does not work in almost all cases.

We need to do things to try to encourage the retention of good teachers and the development of new teachers. Some States are woefully inadequate when it comes to compensating teachers, and it is a shame. Teachers spend all day with our children. I have children in sixth grade and eighth grade classes today. My children go to public schools, but I want them to go to good schools. Their public schools are good schools. They have wonderful, committed teachers. I want that to be the case in every part of our country.

One of the specific interests I have in the bill that we are going to be debating is the issuance of school report cards. I am joining a number of my colleagues—Republicans and Democrats—to work on a school report card that will go to parents, so that parents know which schools are failing and which are succeeding.

The fact is, we all get report cards on our kids. We know how our kids are doing in math, in science, civics. We know that because they go to school, they come back home, and then they get a report card every 6 weeks to 9 weeks. And that report card says: Here is how your son or daughter did in mathematics. And it is an A, B, C, D or, God forbid, an F, but it is an assessment of how that child is doing.

There is no similar uniform requirement for American parents or taxpayers to get a grade on how well their school is doing.

How is my school doing versus a school in the next county or another school in the same city, or how are the schools doing in my State versus school systems in another State. Don't we deserve the opportunity to see how well we are doing? Shouldn't we have an assessment of how well the schools are doing? How about a report card for schools? Some States have report cards, but their contents are wildly diverse. There is no consistency at all, and there is no capability for parents to get a good measurement.

School report cards ought to include graduation and retention rates. That has something to do with evaluating whether schools are serving our kids well. Qualifications of teachers, average class size, school safety, parental involvement, those are some of the pieces of information we can give parents and taxpayers to provide them an understanding of what we are getting from this school system of ours. Are we getting what we want from the school system? Are children getting what they need from the school system?

Our rural schools face some unique challenges that we need to help them address. Many of my colleagues come from areas where the need to reduce class size is crucial because there are so many children coming into the school system they can't handle them, but many rural schools have the opposite problem. Last week, I mentioned that my hometown is closing its high school. My hometown high school is closing. They had the last high school prom on April 7.

When I graduated many years ago, I was in a high school class of nine. Now, of course, there are not enough students in those four grades in that high school to continue the school. Those kids will be going to neighboring towns to high school. They held their last prom and will hold those memories for many years, but the Regent High School will no longer exist.

In rural counties, the issue is: how do you pay for a school in which you have nine students in a grade or in some cases two or three students in a grade. That is a separate issue, one we should be concerned about as well.

There are many challenges. But in this debate, unlike some others, everyone will come to the floor wanting the same thing. We share exactly the same goal. We want to do well by our children and to have the finest school system in the world. Some will say: You can't throw money at it. I agree with that. But we can't expect to do what we want for our children without being willing to fund some of the needs as well. That is the other side of the coin.

Some will say: The way to solve this issue is just to provide vouchers and let parents take their children to private schools if they want to do that. Of course, those who say that went to a school that taught arithmetic that was different than my arithmetic. The numbers just don't add up. If you give someone a $1,500 voucher and that is all, can a student show up at a private school and be welcomed with open arms. Does the private school say: Welcome, we can provide a really good education for $1,500. That just does not happen. Private schools are much more expensive than that. If we are truly going to decide to leave no child behind, how can we possibly suggest that the solution to a bad school is to take the few kids out of that school who are given a voucher and leave all the rest of the kids behind. That is not "leave no child behind." That is just leaving whole schools behind.

We can do a lot better than that. The country expects us to do better than that.

Some will search for simple answers when, in fact, the answers are not always very simple. This requires our attention.

It is time to address this issue. It is time for us to debate, offer amendments, and reach a consensus in the Senate about what direction we want the country to go with respect to the education of our children.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I now ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF CHIEF ROBERT LANGSTON

Mr. THURMOND. Mr. President, I rise today to recognize the dedicated service of my good friend and committed public servant, Chief Robert E. Langston, upon his retirement from the U.S. Park Police Force. After 35 years on the force, including the last 10 years as chief, Robert Langston stepped down earlier this month a day prior to his 60th birthday, the mandatory retirement age for all Park Police officers. He leaves behind an impressive legacy of dedication, integrity, commitment, and success as the leader of one of the oldest law enforcement agencies in the country.

Robert Langston was born and raised in Washington, D.C., and joined the Park Police shortly after he graduated from Florida State University at the young age of 24 years old. Through hard work and dedication he gradually ascended to the impressive rank of U.S. Park Police Chief.

As chief, he oversaw the policing of the national park grounds in Washington, New York, and San Francisco. He worked tirelessly and sacrificed much in order to ensure the safety of the thousands who used or visited these grounds, and the agency flourished under his leadership. Chief Langston consistently went above the call of duty to make sure all Americans, and anyone visiting our Nation from abroad, would be safe while on the national park grounds.

He is to be commended for his exemplary service to the U.S. Park Police Department, and to this fine Nation. The force is stronger because of Chief Langston's dedicated leadership, and he can take great pride in all that he accomplished during his noteworthy tenure. Chief Langston has made countless contributions to the U.S. Park Police Department during his distinguished career. He has been a friend, teacher, and a model of excellence to the many fine men and women who had the honor to serve alongside Chief Langston. Bob Langston is a great man and a truly great American. He was an asset to the U.S. Park Police, and I am certain that though his presence will be missed, his influence will continue for generations to come.

BRINGING SOUTH DAKOTA'S STRENGTH TO THE WORLD'S CHALLENGES

Mr. DASCHLE. Mr. President, today I share with my colleagues a summary of the key findings from our recent official congressional delegation trip to North Africa, Turkey, Greece and Macedonia. Those findings are outlined below, and they relate to opportunities for trade and investment in North Africa as well as prospects for rapprochement between Turkey and Greece and the admirable efforts of our troops to bring peace and stability to Kosovo. I have already shared these findings with the Secretaries of Defense and State and am glad to do so now with our colleagues in Congress. We had a number of substantive discussions on this trip that I believe will contribute to U.S. policy in these two important regions of the world.

I am proud of, and grateful to, all the American personnel with whom we worked. They facilitated the educational value of the trip and are true ambassadors for their country abroad.

I especially want to call the Senate's attention to the South Dakotans I visited on this trip. On a daily basis, South Dakotans are improving the lives of people struggling with drought in southern Morocco and picking up the pieces after ethnic conflict in Kosovo. I am impressed by the way individual South Dakotans are helping people throughout the world get another chance at a better life.

In 1999 and 2000, Morocco suffered its most severe drought in a decade. Drought in Morocco, where 20 percent of the GDP is accounted for by agriculture, and roughly half the population is employed in agriculture, extracts a steep human toll.

In that environment, experienced farmers, who have lived through and conquered the challenges of drought, can be the key to saving a crop, not to mention lives. Imagine the good fortune for the Moroccan community just outside of Essaouira when they were assigned two Peace Corps volunteers from Brookings, South Dakota, with several decades of experience in farming. Just a few years ago, after raising their children and putting them through school, Frances and Harris Davis sold their family farm in Elkton, SD and joined the Peace Corps. They joined, in the words of Fran Harris, to give back some of the blessings they had received in their years as farmers in Elkton.

For more than two years, family by family, the Davises have been improving the lives of countless Moroccans. They have helped Moroccans with land and water management in the midst of a crippling drought. Because tools are scarce in their region, they have become a resource to cash-strapped farmers throughout southeastern Morocco. And using the experience they gained making their own farm vehicles work, they have even been mechanics for numerous vehicles, including the water truck in a thirsty town.

Not only are the people they have helped much better off. The United States, because of the goodwill that Fran and Harris have generated, is also better off.

And the same is true of the three South Dakotans, and their families, I met at Incirlik Air Base in Adana, Turkey. These individuals are key members of U.S. Operation Northern Watch, ONW, an operation that has been successful in protecting Turkey's Kurdish minority for much of the last decade.

Col. Maurice H. Forsythe, born in Brookings and a graduate of South Dakota State University, was deployed to Incirlik with his wife Tamara and their son Riley. Colonel Forsythe was Combined Forces Air Component Commander for Operation Northern Watch, coordinating all flight activity out of Incirlik. Notwithstanding an Iraqi bounty of $14,000 for any Iraqi who downs a ONW aircraft, the U.S., Great Britain, Turkey coalition has not yet lost an aircraft, a tribute to Col. Forsythe's leadership and hard work.

Captain Pat Castle, of Sioux Falls, was deployed to Incirlik last year. While Captain Castle fulfills his duty with the Air Force, he and his wife Angie are also raising their 1-year-old daughter Paige on the base at Incirlik. Senior Airman Krissy Sayles of Lead, SD, was also deployed to Incilik late last year from Shaw AFB in South Carolina. Krissy Sayles provides logistical support to the U.S. and British personnel and airplanes that are enforcing the no-fly zone in Iraq and has provided the same service in assignments throughout the Middle East. Compounding her sacrifice, her husband, also in the Air Force, remains in the U.S. while Senior Airman Sayles works halfway around the world in Turkey.

Paul E. Poletes, also of Sioux Falls, is a diplomat in the U.S. Foreign Service stationed at the U.S. Embassy in Athens. Paul Poletes is responsible for making sure that U.S. personnel in Athens have the infrastructure they need to advance U.S. interests in Greece and the European Union. Paul and his wife were recently assigned to Bangladesh, where he will work to advance the interests of the United States as well as help Bangladeshis, one of the world's poorest countries.

Our delegation also visited Camp Able Sentry in Skopje, Macedonia to meet with the U.S. and NATO personnel who have done so much to stabilize Kosovo. U.S. Army Sergeant Jonnie D. Larsen, a 1989 graduate of Menno High School, was deployed to Kosovo with his battalion from Baumholder, Germany. U.S. Army Platoon Sergeant Michael Mewherter, from Bowdle, SD and a 1987 graduate of Clear Lake High School, was also deployed to Kosovo from Fort Bragg, NC.

Among the many compliments for the hard work of Americans serving in Kosovo we heard on our trip, two stand out. The first was from KFOR Commander, Italian General Cabigiosu, who said the U.S. component was the glue that kept NATO's KFOR together. And the second is from the children of Kosovo, who admire Sergeant Larsen, Staff Sergeant Mewherter and the rest of the American servicemen and women as the force that returned their stability and their future.

We ask our servicemen and women like Jonnie Larsen and Michael Mewherter to do a lot. Time and again, including this time, when both these young men were deployed to Kosovo for several months without their families, they respond.

Americans from each and every state are having a positive impact on the lives of people the world over. I was fortunate to see how these seven individuals from South Dakota have done such a fine job. Their efforts make me proud, America stronger and the world better.

I ask unanimous consent that a summary of the key findings from our recent official congressional delegation trip to North Africa, Turkey, Greece and Macedonia be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

CODEL DASCHLE TO MOROCCO, TURKEY, GREECE, MACEDONIA AND PORTUGAL, FEBRUARY 16–25, 2001

From February 16 to February 25, Senate Democratic Leader Tom Daschle, SD, led a Senate delegation on an official visit to Morocco, Turkey, Greece, Macedonia and Portugal. The delegation also included Sen. Harry Reid, NV, Sen. Tom Harkin, IA, Sen. Kent Conrad, ND, Sen. Byron Dorgan, ND, and Sen. Barbara Boxer, CA. This trip report summarizes the findings of that trip.

Summary of key findings:

The U.S.-North Africa economic partnership initiative, commonly referred to as the Eisenstat Initiative, is valuable effort to advance American trade and investment in a growing market. With 80 million people and a combined GDP of $137 billion, there are good opportunities for U.S. companies to invest and trade in the countries of North Africa, and U.S. firms are beginning to reap the benefits of this initiative. U.S. firms are expanding in the energy, aircraft and telecom sectors in Morocco alone.

The U.S. should give consideration to other creative ideas in order to boost American involvement in North Africa markets, including debt for equity swaps. In any case, aggressive promotion of U.S. exporters and investors is a necessary counter to the traditional ties—-and aggressive subsidies, of European influence in North Africa.

The American and British personnel that operate in Iraqi air space to enforce the no fly zone and to monitor Iraqi compliance with relevant United Nations Security Council resolutions do so at great risk.

The delegation is concerned that there is not an appreciation within Washington—in the Administration and in the Congress, for the extreme risk that American personnel undertake daily.

The bombing in southern Iraq above the 33rd parallel on February 16 was a justifiable response to increased Iraqi efforts to target U.S. and British planes, but the delegation expresses its strong regret that the Bush Administration did not consult, or even notify, Congress of the planned bombings. Given the strong international criticism of the containment of Iraq—which the delegation encountered during its trip—it behooves the Bush Administration to consult more closely with Congress so as to ensure domestic consensus on this critical issue.

The delegation is concerned that, two weeks after the initial disagreement that gave rise to the economic crisis in Turkey, there is as yet no plan to get Turkey's economy back on track. The underlying strength of the Turkish economy as well as the perseverance of the Turkish people will be tremendous assets in developing that plan.

In Greece, the government is taking important steps toward confronting the threat of terrorism in that country. Cooperation with international forces is increasing, but ultimately results in the fight against terrorism will be the key to easing U.S. concern about terrorism in Greece.

The delegation was impressed with, and proud of, the clear and positive impact of U.S. personnel in Kosovo. U.S. personnel make up a relatively small portion of the overall KFOR force, representing less than 15 percent of the total force and the trend of U.S. portion of the force is due to continue decreasing (the U.S. component will represent just 13 percent of the total force by 2001).

The U.S. and NATO leadership believe that the U.S. should maintain a presence in Kosovo for the foreseeable future. The U.S. leadership feared that a pull out of American forces would not only risk the successes to date in the Balkans, but that it would be a major blow to the NATO alliance.

The U.S. personnel involved in KFOR, from the general officers to the enlisted, also strongly touted the training benefits of this deployment, calling it the best possible training U.S. personnel can get. The U.S. leadership maintained that morale among U.S. forces in Kosovo is "sky high" and reported that re-enlistment rates among Army personnel in Kosovo is higher than anywhere else.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred July 4, 2000 in Grant Town, WV. Arthur "J.R." Carl Warren Jr., 26, an openly gay African American man, was brutally murdered. Warren, whose body was found on the edge of his hometown, was allegedly killed by two 17-year-old boys. Known to call Warren names considered racial epithets and anti-gay slurs, the boys allegedly beat him and repeatedly kicked him with steel-toed boots. They threw him in a car and drove across town, ignoring his pleas to be taken home, which they passed on the way to the gravel pullout where they savagely kicked him and then ultimately killed him by driving back and forth over him. Neither current federal law nor West Virginia's hate crimes law include sexual orientation.

Mr. President, I believe that government's first duty is to defend its citizens—to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NATIONAL GUARD COUNTERDRUG MISSION

Mr. GRASSLEY. Mr. President, as chairman of the Senate Caucus on International Narcotics Control, I rise to commend the counterdrug efforts of the National Guard. The National Guard performs vital work to assist law enforcement with interdiction/eradication operations, including the manufacture, sale, use and importation, and demand reduction for drugs throughout our country.

Every day the National Guard has approximately 3,600 personnel on duty performing counterdrug work. The National Guard supports the President's counterdrug priorities, with special emphasis along the Southwest Border and designated High Intensity Drug Trafficking Areas (HIDTAs). In addition, the Governor of each State can assign the National Guard to unique local issues. Skills the National Guard brings include personnel, specialized vehicles and military equipment, logistical support, thermal imaging, intelligence analysis, translation, searching cargo containers at ports of entry, and listening/observation posts. Federal agencies typically supported include the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the Customs Service, and the Border Patrol, while State and local agencies include highway patrols, country sheriffs, and local police departments.

The Department of Defense is prohibited by U.S. Code Title 10, under the Posse Comitatus Act, from military personnel enforcing State and local laws. The National Guard, under its United States Code Title 32 status, does not have this prohibition, although National Guard regulations do not allow direct involvement in law enforcement, such as arrest, apprehension, search and seizure. Since 1988, the Governor of each State submits a plan each year to the Department of Defense outlining the proposed use of the National Guard in support of counterdrug efforts. Currently, about 50 percent of the requests are able to be funded.

The National Guard also has an active demand reduction mission geared to helping youth avoid starting to use illegal drugs. These programs include involvement in schools and working with parent and community based anti-drug organizations. National Guard personnel serve as excellent citizen-soldier role models and also assist with mentoring, speakers bureaus, Adopt-A-School, Red Ribbon, and PRIDE events. Last year the National Guard had contact with tens of thousands of youth.

I am proud of the role the National Guard and its citizen-soldiers performs in our vital counterdrug programs.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 27, 2001, the Federal debt stood at $5,678,255,839,065.80, five trillion, six hundred seventy-eight billion, two hundred fifty-five million, eight hundred thirty-nine thousand, sixty-five dollars and eighty cents.

One year ago, April 27, 2000, the Federal debt stood at $5,680,311,000,000, five trillion, six hundred eighty billion, three hundred eleven million.

Twenty-five years ago, April 27, 1976, the Federal debt stood at $600,159,000,000, six hundred billion, one hundred fifty-nine million, which reflects a debt increase of more than $5 trillion, $5,078,096,839,065.80, five trillion, seventy-eight billion, ninety-six million, eight hundred thirty-nine thousand, sixty-five dollars and eighty cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO LARRY FAVINGER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Larry Favinger of York, ME, on the occasion of his retirement from the Portsmouth Herald newspaper.

For thirty-five years, Larry has enjoyed an illustrious career as a journalist with the Portsmouth Herald serving as a news reporter, sports editor and city editor for the newspaper. Larry has been a mainstay at the newspaper and has earned the respect and admiration of his peers. Early in the 1990's Larry opened the York bureau of the Portsmouth Herald and worked to establish the Herald's identify as a newspaper in Maine as well as one in New Hampshire.

It has been a pleasure for me to work with Larry on the issues that affect the citizens of New Hampshire, especially those which concern the Portsmouth Shipyard. Larry has always approached the issues that we have discussed with professionalism and fairness. I am proud to have known him and to have worked with him during my tenure in public office.

An exemplary community contributor, Larry has been active in following the progress of hometown young people in athletic and cultural activities, always supporting their achievements by writing updates for Herald readers to enjoy.

I also commend Larry for his service to his state and nation in the United States Air Force, where he served in Japan and was stationed at Pease Air Force Base in New Hampshire.

It is an honor and a privilege to serve Larry Favinger in the United States Senate. I wish him and his wife, Rose Ann, Godspeed in his retirement and in all of their future endeavors.•

IN RECOGNITION OF SAUL A. GREEN

• Mr. LEVIN. Mr. President, I am delighted to speak today to acknowledge a lawyer, from my home State of Michigan, who has dedicated his life to serving the citizens of Detroit, Saul A. Green. On May 2nd of this year, hundreds of people will gather to pay tribute to Saul A. Green for his service as U.S. Attorney for the Eastern District of Michigan.

Saul Green has dedicated his life, both professionally and personally, to the service of his community. Since graduating from the University of Michigan law school in 1972, Saul has been a lawyer dedicated to serving the public interest. He began his career in the law as an Assistant United States Attorney. However, he quickly became chief counsel for the Detroit Field Office of the U.S. Department of Housing and Urban Development. He served in this capacity from 1976 until 1989 when he was asked to serve as the Wayne County Corporation Counsel.

It was while serving as corporation counsel that President Clinton nominated Saul to be the U.S. Attorney for the Eastern District of Michigan. His nomination was confirmed by the Senate on May 6, 1994. The position of U.S. Attorney is not an easy one for it requires that one enforce and interpret the laws of our great Nation. Difficult as this position may be, for nearly 7 years Saul capably and honorably served as U.S. Attorney.

In addition to these activities, Saul Green is a leader in his church and with numerous community projects. He has worked on several Weed and Seed projects in the Eastern District of Michigan, sponsored an Explorer Scouts Troop and worked with a Drug Education Youth Camp. On account of his leadership with these projects, he received the Damon J. Keith Community Spirit Award. Saul is also a life member of the NAACP.

Saul has been an active alumnus of his alma mater, the University of Michigan. In addition to serving on the university's board of directors, he currently is the vice president of the U of M alumni association. His devotion to the maize and blue was acknowledged in 1994 when the University of Michigan awarded him the Leonard F. Sain Esteemed Alumni Award.

I hope my Senate colleagues will join me in saluting Saul A. Green for his career of public service, particularly the commitment to justice and law enforcement he embodied while serving as U.S. Attorney for the Eastern District of Michigan for nearly 7 years.•

RECOGNIZING FABIAN CHAVEZ, JR.

• Mr. DOMENICI. Mr. President, recently during the 45th Session of the New Mexico State Senate, Fabian Chavez, Jr., was honored for his many accomplishments. This recognition coincided with the 40th anniversary of the founding of the University of New Mexico's School of Medicine and the establishment of an Endowed Chair for Population Health Research at the school, in his honor.

Fabian Chavez should be commended for his many years of service. He served for 10 years in the New Mexico legislature, including 2 years in the house of representatives and 8 years in the State senate, elected to the position of senate majority floor leader during his tenure. During these years in the New Mexico State legislature, he fought to reform the Justice of Peace System and Liquor Control Laws. In 1961, he began appropriations to start the University of New Mexico's School of Medicine. His many accomplishments are far too many to list individually, but are visible on a daily basis.

Because of his dedication, his fellow colleagues continue to look to Fabian for advice, counsel, and guidance, usually receiving immediate response without any hesitation.

He has continued his devotion by serving as the State Insurance Superintendent, the Assistant U.S. Secretary of Commerce, the State Department of Development Director and the State Tourism Director. He is happiest when he is pursuing a goal in the name of justice, in particular in his role on the board of directors of the Public Employees Retirement Association.

Fabian Chavez is not only a great Public Servant, but a friend to the people of New Mexico. I commend Fabian for his hard work and have the privilege of joining with the New Mexico State Legislature in congratulating Fabian on this special occasion.

I ask that the Congratulations Resolution passed by the New Mexico Legislature be printed in the RECORD.

The resolution follows:

SENATE RESOLUTION

Whereas, Fabian Chavez, Jr., has devoted his adult life to Public Service, serving in the New Mexico Legislature for Ten Years, including Two Years in the House of Representatives and Eight Years in the New Mexico State Senate; and

Whereas, "Fabian," as he is simply known to everyone who has had the pleasure of meeting him, also served as the State Insurance Superintendent, the Assistant United States Secretary of Commerce, the State Department of Development Director and the State Tourism Director; and

Whereas, Fabian is happiest when he is bucking the System to pursue a goal in the Name of Justice, a characteristic that he displays to this day in his Role on the Board of Directors of the Public Employees Retirement Association; and

Whereas, Fabian distinguishes himself at virtually everything he does, as evidenced by everything from the Five Battle Stars he earned during his Career in the Army and his Election by his colleagues to the position of Senate Majority Floor Leader; and

Whereas, Fabian's Legislative Accomplishments, which are too many to list, are highlighted by his reform of the Justice of the Peace System and Liquor Control Laws, his work on Anti-Discrimination Laws and an Appropriation in 1961 to begin the University of New Mexico School of Medicine; and

Whereas, on this, the Fortieth Anniversary of the Founding of the School of Medicine, Fabian Chavez, Jr., is being Honored with an Endowed Chair for Population Health Research at the School; and

Whereas, the Members of the Senate of the State of New Mexico, who are still privileged to receive Advice, Counsel and Guidance from Fabian, almost all of it Unsolicited, continue to consider Fabian as not just a Friend, but also as a Trusted Colleague in Public Service; and

Whereas, the Senate takes Great Pride in being able to be Associated with Fabian Chavez, Jr.: *Now, therefore, be it Resolved by the Senate of the State of New Mexico*, That Fabian Chavez, Jr., be Thanked for all his work on behalf of the Residents of the State of New Mexico and that he be Congratulated for the Latest Recognition he has received.•

RETIREMENT OF BILL GEORGE AS CEO OF MEDTRONIC CORPORATION

• Mr. WELLSTONE. Mr. President, I rise today to praise Bill George, a constituent who is a valued member of the Minnesota community and a good friend, on the occasion of his retirement as CEO of Medtronic Corporation.

The first comment I should make is that there is something very unique about Bill George and that uniqueness has translated into the way he has led Medtronic.

Medtronic is one of the world's leading medical technology companies, providing lifelong solutions for people with chronic disease. Its preeminence is due in large part to the leadership of Bill George, its CEO since 1991. During his tenure, Bill George has transformed Medtronic into a company that employs 25,000 people in 120 countries, and has scientific, manufacturing, education, and sales facilities worldwide.

The company has extended its core technological competencies, so that they now make pacemakers and a whole host of devices for patients facing cardiac arrest and heart failure. The company also makes devices for patients dealing with spacticity associated with cerebral palsy, cancer and cancer pain, neurological disorders like Parkinsons, and women's health conditions like incontinence. Bill George's philosophy of excellence has led the company to seek those opportunities where it can excel. The products it has produced and the relief it has brought to patients testify to the success of Bill's philosophy.

I am told that every three seconds, somewhere in the world, a Medtronic product is used to save or enhance someone's life.

Bill George doesn't just think about his company and its future. He has a vision for the health care system in this country and has worked to align the company's goals with that vision. His vision of holistic, patient-centered care that is enabled by the technological leaps we are making today is reflected in the planning he has done for the future. Bill instituted Vision 2010 to focus Medtronic on the nexus of the rapid developments happening in medical technology, computer technology, drug therapy and gene therapy in order to develop even better, more advanced treatments for chronic diseases in the next 10 years.

During Bill's tenure, Medtronic has encouraged innovation by launching a "Science and Technology Are Rewarding" program, with $3 million in grants. Under Bill George's leadership, the Medtronic Foundation has reached out to patient groups in unprecedented ways, giving $12 million in grants to non-profit organizations in communities worldwide last year. I want to single out the Patient Summit that the Medtronic Foundation sponsored in Washington, D.C. last year. I had the honor of speaking at that meeting, whose purpose was to encourage a dialogue between patients, policymakers, and advocacy groups about the role patients can play in directing their own health care.

As a fellow Minnesotan, I've watched Bill's personal efforts in the community with much admiration. His service as chair of the board of the United Way of Minneapolis and vice chair of the board of the Minneapolis Institute of Arts, as well as his work on the boards of the American Red Cross and the Carnegie Endowment for International Peace show Bill's dedication and breadth of interests.

Bill's lifestyle, his mission, and his vision are all reflected in the recognition Medtronic regularly receives. Fortune Magazine designated Medtronic as one of the "Best Companies to Work for in America". Industry Week's ranked it as one of the "Best Managed Companies." Money magazine chose Medtronic as one of the "Best Investments in 2000 and Beyond." Business Ethics recognized the company for its demonstrated leadership in ethics and social responsibility with its "General Excellence in Ethics" award.

In his 10 years as CEO, Bill George has helped to expand Medtronic to an even higher plane as an organization that is dynamic, creative, and passionate about its mission of restoring people to full life and health.

As the Senior Senator from Minnesota, I thank him for his dedication to his work, for his service to his community—and I don't mean just Minneapolis or Minnesota, but the whole international community in which he is engaged, and for his friendship. I wish him well as he continues his active life which not only will include chairing Medtronic's board and involvement in community service, but also writing and teaching.•

TRIBUTE TO KEVIN GRAY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kevin Gray of Canterbury, NH, for being honored as the 2000 Sportswriter of the Year by the members of the National Sportscasters and Sportswriters Association.

A native of Plymouth, NH, Kevin is a sports communications graduate of the University of New Hampshire. He has been employed at The Union Leader newspaper for over six years and is a columnist and feature writer for the newspaper. Kevin writes a popular weekly column for the Union Leader on the paper's "Get Out" page and is also a member of the Union Leader's motor sports coverage team for Winston Cup events at New Hampshire International Speedway.

Kevin is known in high school and football circles in New Hampshire for his columns, "High School Hoopla" and "Between the Lines". He has covered notable assignments in the sports arena including the NCAA men's basketball tournament, the Winter X Games at Mount Snow, VT and regular coverage of Boston Red Sox home games.

Active in community service, Kevin often speaks with English classes at journalism workshops throughout New Hampshire, ranging from middle school to college level audiences.

Kevin and his wife, Tareah, reside in Canterbury, NH. It is an honor and a privilege to serve Kevin Gray in the United States Senate. I wish him much success in his future endeavors.•

TRIBUTE TO THE MILFORD HIGH SCHOOL STUDENTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 13 students from Milford High School in Milford, NH, who were recently selected to compete in the national finals of the "We the People . . . the Citizen and the Constitution" program held April 21–23, 2001, in Washington, DC. These high school students competed on the State level for the opportunity to represent New Hampshire at the national competition, and were among more than 1,200 students from 49 States and the District of Columbia to participate.

The distinguished members of the team representing New Hampshire are: Catilin Allen, Jeremy Berger, Aaron Costa-Ganis, Mike Danner, Tiffany Fariole, Chris Lawler, Jason Lewis, Sean Parenti, Keith Parker, Todd Rounsaville, Sarah Rush, Dawn Staiti and Irene Direnko.

All 13 New Hampshire students were tested on the Constitution and Bill of Rights before simulated congressional committees to demonstrate their knowledge of constitutional principles and their relevance to contemporary issues. The competition in Washington consisted of 2 days of hearings; and 10 finalists, with the highest scores, competing for the title of national winner on Capitol Hill in a congressional hearing room.

David Alcox, a teacher at Milford High School and District Coordinator, also deserves special recognition for helping these students prepare for the intense constitutional testing. Kirsten Hale, the State coordinator, also contributed a significant amount of time and effort to help the students reach the national finals. As a former teacher myself, I applaud all of them on their commitment to enriching the lives of these students.

The "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. We are proud to have them representing New Hampshire, and wish them luck as they prepare to be America's leader in the 21st Century.•

TRIBUTE TO GENE AND JIM BURDICK

• Mr. JOHNSON. Mr. President, I rise today to recognize the accomplishments of Gene and Jim Burdick of Redfield, SD. The Burdick brothers are being honored this week as the South Dakota Small Business Persons of the Year.

Gene and Jim understand what many business owners have learned. Owning a business requires some talents, some know how, and a lot of hard work and perseverance. Like many small business owners, their enterprise is a family effort for the brothers and their wives, Lucy and Deborah. I congratulate the families and the employees of this company on their years of achievement.

In 1984, the brothers embarked on a business partnership and founded Burdick Brothers, Inc. They built a business constructing trailers and custom equipment for area farmers, businesses, and individuals. Through the years, they cultivated a reputation as a company dedicated to innovation and customer service.

In 1987, the company purchased its first building. Three years later, their successes were adding up and Burdicks were adding to the size of their building. In 1998, they moved into a second building with 12,000 square feet. This new facility allowed for additional equipment and space that the company quickly utilized on a bridge project helping the community of Redfield rebuild a needed facility following disastrous flooding in the region.

Burdick Brothers, Inc. has been a valued member of the Redfield community for over 15 years. It is truly a South Dakota success story. I know that all those who contributed to the company's many achievements take great pride in the personal and collective accomplishments celebrated and recognized through this honor.

It is with great appreciation that I join with the community, the employees, the customers, and the many people who interact with the company, to congratulate Burdick brothers on their years of service and success. I wish Burdick Brothers, Inc. enduring good fortune and prosperity in the continued pursuit of excellence.•

TRIBUTE TO THE 2000 AIR FORCE ACADEMY FOOTBALL TEAM

• Mr. ALLARD. Mr. President, I rise today to pay tribute to the 2000 Air Force Academy football team and their outstanding head football coach Fisher DeBerry.

On May 4th, President Bush will present the Commander-in-Chief's Trophy to the members of last year's football team at the White House. The Commander-in-Chief's Trophy is the most prized possession of the three service academies. It is given annually by the President of the United States to the service academy with the best record in the three-team competition between Army, Navy and Air Force. I am proud to say this is the fourth year in a row the Air Force Academy has captured the trophy and they have won 10 of the last 12 seasons.

The most important aspect of the 2000 Air Force Academy Football Team is each athlete on this team is a student first, and an athlete second. They play the game of football not to become an NFL star one day, but because they love the game of football.

Their leader is a modest southern gentleman named Fisher DeBerry whose life is driven not by football, but by his Christian faith and his family. In his 17 seasons as head football coach at the Air Force Academy he has guided his teams to an overall record of 135–72–1. He has won more football games than any other coach in service academy history and has taken the "fighting falcons" to an amazing 11 bowl games. In 1996, he served as president of the prestigious American Football Coaches Association.

The 2000 Air Force Academy football team demonstrated that hard work can overcome any obstacle. Despite being picked to finish in the lower half of their conference, they finished with an overall record of 9–3 and won a thrilling victory over Fresno State in the 2000 Silicon Bowl. Their perseverance is an inspiration to all us.

I commend the Superintendent of the Air Force Academy, General John Dallager and the Director of Athletics, Colonel Randy Spetman, along with all the coaches and players of the 2000 Air Force Academy football team for a job well done. You have set a standard of excellence that all of us should strive to achieve.•

TRIBUTE TO JIM O'NEIL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jim O'Neil of Merrimack, NH, on the occasion of his 30th anniversary as Superintendent of Schools in Merrimack, NH.

As a former teacher myself, I commend Jim's commitment to the young people of New Hampshire and the nation. Jim has been a dedicated member of the educational community for many years, beginning his teaching career in 1963. He has contributed selflessly to the betterment of education in New Hampshire, serving in teaching, athletic coaching and administrative positions for many years.

An exemplary community contributor, Jim has been actively involved in many educational associations and organizations. He has been a board member for the National Elementary Principal's Association, the New Hampshire School Administration Association, the New England Association of School Superintendents and was a member of the Governor's Commission on Public Education. He has also been faithful volunteer in Pop Warner football and Babe Ruth baseball in Merrimack, serving as a coach.

Jim received a Bachelor of Science degree from Boston College in Chestnut Hill, MA, and later earned a Master of Education degree from the State College at Boston.

Jim and his wife, Reggie, have four children and two grandchildren and have resided in the town of Merrimack, NH, for over thirty years.

It is an honor and a privilege to serve Jim O'Neil in the U.S. Senate. I wish him and his family Godspeed in his retirement and in all of their future endeavors.•

JUDGE WALTER M. HEEN—A LIFETIME OF ACHIEVEMENT

• Mr. INOUYE. Mr. President, I rise today to share with my colleagues the contributions of a fine jurist, tireless community leader, and native son of Hawaii. Nearly 50 years of public service excellence have made Walter Meheula Heen an acknowledged leading citizen, a "special treasure" of the State of Hawaii.

Judge Heen's dedicated drive to build a better Hawaii was awakened as a law student at Georgetown University in the mid-1950s. The seeds of his commitment and service were planted in childhood by his father and his uncle, Ernest and William Heen, respectively, two patriarchs of social reform in plantation-era Hawaii. It was the Heens, along with Johnny Wilson and David Trask, Sr. Who formed the core of the early Democratic Party in Hawaii.

Walter Heen's career as an elected official, state judge and U.S. district court judge includes remarkable accomplishments and historically significant achievements. Elected to the Territorial House of Representatives in 1958, the year before Statehood, Judge

Heen served in the Hawaii legislature as a Representative until 1964 and was elected to the State Senate in 1966.

The "Democratic Revolution of 1954" was more than a headline or a slogan, is accurately conveyed the significant legislative agenda the new majority was committed to enact to affect fundamental changes to improve the social and economic character of the islands. Land reform, anti-trust, "Green Belt" land use, collective bargaining, and workers' compensation were to become the battle zones that would change the face of politics, legislation and the administration of justice across Hawaii. Walter Heen was on the front lines of those struggles. His cause, together with those whom he served, was to level the playing field of social and economic opportunities for all, regardless of race, class or religion.

Walter Heen served as a member of the Honolulu City Council from 1969 to 1972, including his selection as Council Chair in 1969–70. He left elective office in 1972 accepting an appointment to the State District Court, and then State Circuit Court in 1974–78.

Judge Heen's star continued to rise with his appointment as U.S. Attorney, District of Hawaii for 1978–80, and as U.S. District Court Judge, District of Hawaii in 1981. He retired from a distinguished judicial career in 1994 after 12 years as Associate Judge of the State Intermediate Court of Appeals. During that period, Heen authored several opinions on important Hawaiian issues and had occasion to sit and add his voice to the deliberation of the State Supreme Court.

Always an active contributor to community affairs, Walter Heen was a founding member of the renaissance Democratic Party revolution beginning in 1950. It was a significant political movement that focused on changing the traditional unequal and unfair distribution of opportunities available to Hawaii's minority communities. Judge Heen carried this passion for leveling the playing field throughout his career of public service. More recently, Heen added his hand to exposing improper management and unethical practices at the Bishop Estate, a charitable trust charged with the responsibility of providing children of Hawaiian ancestry with educational opportunities and achievement. While controversial, his joint authorship of the milestone piece entitled "Broken Trust", successfully led to court ordered reviews of trust operations, and the ultimate improvement and accountability of the charitable trust.

Judge Heen's volunteer activities are broad and diverse, spreading across Hawaii's community concerns. As early as 1962, Walter was singled out as the Honolulu Junior Chamber of Commerce "Outstanding Young Man of the Year." Virtually at the same time, he was Chair of the State Bar Association Ethics Committee 1961–63, President of the University of Hawaii Alumni Association, and President of the Honolulu Hawaiian Civic Club. As a member of its Founding Board of Directors, Heen launched the Big Brothers of Hawaii program that has made an enormous contribution to supporting and mentoring thousands of youth in Hawaii.

Upon his retirement from the bench, Walter Heen has continued his public service. He served as a Director of the Native Hawaiian Bar Association, Advisor to the Native Hawaiian Advisory Council, co-counsel for Hawaiian water rights in the Waiahole Ditch dispute, member of the Public Access Shoreline Study Group, 1997–1998, and member of the Governor's Economic Revitalization Task Force. Currently, Heen is the acting Executive Director of the Office of Mauna Kea Management, lending a "community voice" and oversight to the maintenance and development of the University of Hawaii's astronomical facilities at Mauna Kea's summit.

In 1996, Walter Heen was tapped to serve as the Chairman of the Hawaii Democratic Party. It was a turbulent time for a political party that has dominated Hawaii's political scene for more than 50 years. Heen led us forward in a hotly contested gubernatorial election in 1998 and then a host of targeted races in our State Legislature's lower house in 2000. Resources were scarce, and some would say that so were our passions and drive. Walter Heen has done a fine job under trying circumstances. He was a team player and a leader. He was the point, and the man in the background.

I believe the greatest legacy Walter Heen leaves Hawaii's Democratic Party is a growing, committed group of young Democrats, impatient and anxious to make improvements and changes, to make Hawaii the best place to raise a family, excel in a career, and enjoy the most beautiful environment and lifestyle in the world. He has worked diligently to establish and empower a new army of passionate young people to carry the Democratic torch forward.

Judge Walter Heen, and his family leaders before him, have played a pivotal role in helping to shape the Hawaii of today. It is leaders like Heen who have helped to chart a collective course for Hawaii's future, one that has allowed our island to take full advantage of high technology, while not forsaking our spirit of aloha.

I rise today to commend my dear friend, Walter Meheula Heen, for his lifetime of service.●

TRIBUTE TO SUSAN MEIDINGER

● Mr. JOHNSON. Mr. President, I rise today to recognize the many contributions and services of Susan Meidinger of Aberdeen, SD. Susan is being honored this week as South Dakota's Small Business Advocate of the Year, an honor for which she is very deserving.

Susan is a valuable asset to her community. She is a member of the American Institute of Certified Public Accountants, the South Dakota Society of CPAs and the Northeast Chapter of CPAs.

While raising three children, she took on the challenge of starting her own accounting firm. Through her commitment and dedication to her clients, the firm flourished. Susan measures her achievements not necessarily in the success of her business, but moreover, by the measure of how she can help her fellow businesses and clients achieve their own personal successes. It is not surprising, therefore, that her services are sought after.

Despite the demands of balancing the work of raising a family and owning a business, Susan is an active participant in her community. By regularly putting her skills and talents to work on behalf of local organizations, she strengthens local establishments and helps to promote growth and opportunity in the area.

Susan's work with the Small Business Development Center is an excellent example of why she is being honored for her work on behalf of Small Businesses. By volunteering her time and expertise, she helps entrepreneurs to achieve their aspirations and avoid cumbersome pitfalls or missteps in their accounting practices. She offers advice, counseling, and mentorship that enhances opportunities for business growth and job creation which has had a positive impact on many families.

It is with great appreciation that I join with the community, the businesses, the customers, and those who know Susan Meidinger, to congratulate Susan for being honored as a Small Business Advocate of the Year. I wish Susan enduring good fortune and prosperity in the continued pursuit of excellence.●

IN RECOGNITION OF ROBERT O. ANDERSON

● Mr. DOMENICI. Mr. President, the Institute of the North recently held a ceremony to honor Robert O. Anderson and his lifetime of achievements. I, too, would like to add my appreciation for his many contributions to our Nation. Robert O. has earned renown as a petroleum executive, an environmentalist, a diplomat, a rancher, and a community leader. He began his career in the oil industry shortly after he graduated from the University of Chicago in 1939. In 1941, he and his family moved to my home State of New Mexico after he acquired an interest in a small oil refinery in Artesia. Within six months, he had more than doubled the production of the refinery. Though his innovation and experimentation was greeted with skepticism by many within the industry, Robert O. persevered and soon moved on to larger refineries, eventually becoming Chairman and CEO of Arco, the Atlantic-Richfield Company, all the while bringing robust economic development and hundreds of jobs to New Mexico.

At Arco, Robert O. was instrumental in bringing Alaska into the twentieth century. In fact, Alaska's history is closely intertwined with Arco and with Robert O. Anderson. Under his leadership, Arco discovered one of Alaska's greatest natural resources: the Prudhoe Bay oil field. As Arco developed the Prudhoe Bay, Robert O. surprised the environmental community by working with them to ensure that the pipeline was completed in an environmentally responsible manner. Throughout his career, Robert O. Anderson has brought economic prosperity to Alaska, while respecting and preserving its natural treasures.

In fact, the United States owes Robert O. Anderson a special debt of gratitude in our current era of energy crises. The U.S. depends heavily on the Prudhoe Bay oil field, which provides 25 percent of our domestic oil supply. When Prudhoe Bay was first discovered, skeptics claimed that the U.S. could do without its oil supply. They also claimed that the local wildlife would be irreparably harmed. And now, three decades later, the Prudhoe Bay area provides us with over 1.4 million barrels of oil a day. And virtually every study has concluded that not one of the local species of wildlife has declined. Rather, every single species has thrived. Imagine the position the U.S. would be in if Robert O. had listened to these skeptics. Everyone agrees that we are too dependent on foreign sources of energy, but imagine how dependent we would be if it were not for Robert O. Anderson.

In addition to oil, Robert O. Anderson's other business interests have included cattle ranching, mining and milling, and general manufacturing. He has served on the board of directors of the National Petroleum Council since 1951 and has received numerous honors and titles recognizing his extensive charitable and community work. He has also served on the Board of Regents of the New Mexico Institute of Mining and Technology and currently serves on the National Advisory Board of the University of New Mexico Anderson Schools of Management, two fine institutions in my home state. Robert O. Anderson also founded the International Institute for Environmental Development to further his lifelong passion of preserving and protecting the environment.

Once again I thank Robert O. Anderson for his years of service to our State of New Mexico and to our Nation. He has a true American story. His hard work and determination have produced a proud legacy of accomplishments and public service.•

THE POSTAL EMPLOYEES OF THE NEW HAMPSHIRE PERFORMANCE CLUSTER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Postal Employees of the New Hampshire Performance Cluster, a group of dedicated public servants who have been recognized for exemplary performance of service duties. On April 3rd of this year, The Postal Employees of the New Hampshire Performance Cluster were recognized with the Postal Service's highest award, the Chief Operating Officer Award for overall excellence in the area of customer satisfaction.

I was proud to have attended the awards ceremony in New Hampshire last weekend, and was inspired by the dedication and commitment of the award recipients.

New Hampshire Postal Employees have been honored along with four other districts in the nation receiving the Order of the Yellow Jersey Award for Excellence in customer service. This prestigious award is based on the percentage of residential customers who rated the postal service employees as excellent in four areas: overall performance, courteous and friendly clerks, consistency of mail delivery and accuracy of mail delivery.

The Postal Employees of the New Hampshire Performance Cluster have provided dedicated service to the citizens of our state. The people of our state look upon them with tremendous gratitude for all that they have done.

It is an honor and a privilege to serve the Postal Employees of the New Hampshire Performance Center in the United States Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1645. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to Departmental activities; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the President of the African Development Foundation, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1647. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1648. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards" (RIN1904–AA77) received on April 25, 2001; to the Committee on Energy and Natural Resources.

EC–1649. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and the discontinuation of service in acting role for the position of Commissioner of Social Security; to the Committee on Finance.

EC–1650. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Commissioner of Social Security; to the Committee on Finance.

EC–1651. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Commissioner of Social Security; to the Committee on Finance.

EC–1652. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "HCFA Claims Processing User Fee Act of 2001"; to the Committee on Finance.

EC–1653. A communication from the Chief of Staff to the Acting Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Community Relations Service; to the Committee on the Judiciary.

EC–1654. A communication from the Chief of Staff to the Acting Deputy Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Commissioner, Immigration and Naturalization Service; to the Committee on the Judiciary.

EC–1655. A communication from the Chief of Staff to the Acting Deputy Attorney General, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Office for Victims of Crime; to the Committee on the Judiciary.

EC–1656. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Deputy Attorney General; to the Committee on the Judiciary.

EC–1657. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Legislative Affairs; to the Committee on the Judiciary.

EC-1658. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Antitrust Division; to the Committee on the Judiciary.

EC-1659. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a confirmed nomination for the position of Inspector General; to the Committee on the Judiciary.

EC-1660. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Solicitor General of the United States; to the Committee on the Judiciary.

EC-1661. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, Drug Enforcement Administration; to the Committee on the Judiciary.

EC-1662. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Assistant Attorney General, Office of Justice Programs; to the Committee on the Judiciary.

EC-1663. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention; to the Committee on the Judiciary.

EC-1664. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Chair, Foreign Claims Settlement Commission; to the Committee on the Judiciary.

EC-1665. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Member, Foreign Claims Settlement Commission; to the Committee on the Judiciary.

EC-1666. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1667. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1668. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and a nomination returned for the position of United States Parole Commissioner; to the Committee on the Judiciary.

EC-1669. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Commission's operations and developments for Fiscal Year 2000; to the Committee on the Judiciary.

EC-1670. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, the discontinuation of service in acting role, and a nomination confirmed for the position of Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-1671. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator; to the Committee on Environment and Public Works.

EC-1672. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator for Enforcement and Compliance Assurance; to the Committee on Environment and Public Works.

EC-1673. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator for Administration and Resource Management; to the Committee on Environment and Public Works.

EC-1674. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Solid Waste and Emergency Response; to the Committee on Environment and Public Works.

EC-1675. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Environmental Information; to the Committee on Environment and Public Works.

EC-1676. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of General Counsel; to the Committee on Environment and Public Works.

EC-1677. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer in the position of Assistant Administrator for Water; to the Committee on Environment and Public Works.

EC-1678. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Administrator for Air and Radiation; to the Committee on Environment and Public Works.

EC-1679. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant for Research and Development; to the Committee on Environment and Public Works.

EC-1680. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Administrator for International Activities; to the Committee on Environment and Public Works.

EC-1681. A communication from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Puget Sound Populations of Copper Rockfish, Quillback Rockfish, Brown Rockfish, and Pacific Herring" (RIN0648-XA63) received on April 10, 2001; to the Committee on Environment and Public Works.

EC-1682. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona State Implementation Plan, Pinal-Gila Counties Air Quality Control District and Pinal County Air Quality Control District" (FRL6967-8) received on April 25, 2001; to the Committee on Environment and Public Works.

EC-1683. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Butte County Air Quality Management District" (FRL6958-1) received on April 25, 2001; to the Committee on Environment and Public Works.

EC-1684. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1685. A communication from the Chairman of the Nuclear Regulator Commission, transmitting, pursuant to law, a report relative to Abnormal Occurrences for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-1686. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law , a report relative to internal accounting and financial controls for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-1687. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Red Mountain Viticultural Area" (RIN1512-AA07) received on April 26, 2001; to the Committee on Finance.

EC-1688. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Origin for Textile and Apparel Products" (RIN1515-AC80) received on April 26, 2001; to the Committee on Finance.

EC-1689. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Licenses for Certain Worsted Wool Fabrics Subject to Tariff-Rate Quota" (RIN1515-AC83) received on April 26, 2001; to the Committee on Finance.

EC-1690. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Shark Drift Gillnet Fishery, Interim Final Rule; Request for Comments" (RIN0648-AO76) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1691. A communication from the Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Incentive Grants for Use of Seat Belts" (RIN2127-AH38) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1692. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bowling Green, MO" ((RIN2120-AA66)(2001-0076)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1693. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bay City, TX" ((RIN2120-AA66)(2001-0075)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1694. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-8 Series Airplanes" ((RIN2120-AA64)(2001-0185)) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1695. A communication from the Acting Director of the Trade and Development Agency, transmitting, pursuant to law, a report relative to financial statements for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1696. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Annual Performance report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1697. A communication from the Interim Director of the Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the report of the Budget and Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-1698. A communication from the Regulatory Contact for the National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "John F. Kennedy Assassination Records Collection Rules; Correction" (RIN3095-AB00) received on April 25, 2001; to the Committee on Governmental Affairs.

EC-1699. A communication from the General Counsel for the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of rule entitled "Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds" (5 CFR Part 1600 and 1601) received on April 26, 2001; to the Committee on Governmental Affairs.

EC-1700. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Employee Elections to Contribute to the Thrift Savings Plan; Participants' Choices of Investment Funds" (5 CFR Part 1600 and 1601) received on April 26, 2001; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-29. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to the Electoral College; to the Committee on Rules and Administration.

HOUSE JOINT RESOLUTION NO. 651

Whereas, the remarkable events of the presidential election of 2000 summon all Virginians, of whatever political party or persuasion, to a renewed reflection on the principles of republican government and its ability to extend political liberty to a diverse and complex society; and

Whereas, the United States consists of one democratic people whose passion for political liberty is best preserved through republican and federal forms of government—including the election of the President; and

Whereas, the democratic interest is exercised through the ballot and the federal structure of our government is represented by the Electoral College; and

Whereas, the genius of the Electoral College was admirably defined by Virginia's James Madison in the Federalist, number 39: "The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society."; and

Whereas, the dynamics of the Electoral College reflect the diversity of the nation and the healthy tension between the less populous vast regions of the United States and the urban centers embracing denser concentrations of its populations; and

Whereas, the Electoral College and the federal structure of government ensure a balance of power among the states and between the states and the federal government; and

Whereas, this complex and finely balanced structure serves to protect the nation's republican form of government and permits its citizens to enjoy an unequalled degree of democratic liberty; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia express its commitment to the principles represented by the Electoral College, for its embodiment of the well-balanced framework of this nation's state and federal governments, and for its role in assuring the presentation of the liberty enjoyed by all citizens; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation, in order that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

Resolved further, That the Clerk transmit copies of this resolution to the legislatures of the other states that they may be informed of this action by the General Assembly and requested to adopt a similar resolve; and, be it

Resolved finally, That the Clerk transmit a copy of this resolution to the Superintendent of Public Instruction for circulation to the teachers of history and government in the Commonwealth's schools so that Virginia's students may be acquainted with the principles of this nation's republican and federal form of government and the role of this Commonwealth's leaders in the framing of the Electoral College and this nation's well-designed system of ordered liberty.

POM-30. A resolution adopted by the House of the Legislature of the Commonwealth of Virginia relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 39

Whereas, the Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the Virginia Congressional Delegation; and

Whereas, more than 80 United States senators, including Senator John W. Warner and Senator Charles S. Robb, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 748,000 beneficiaries nationwide, including over 21,500 in Virginia; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, this legislation provides benefit improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees; now, therefore be it

Resolved by the House of Delegates, That the Congress of the United States be urged to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution for presentation to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia House of Delegates in this matter.

POM-31. A joint resolution adopted by the Assembly of the State of Nevada relative to sports wagering; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION

Whereas, Illegal gambling on college sports has been identified as a serious national problem, particularly illegal gambling by college students and other underage persons; and

Whereas, According to the National Collegiate Athletic Association, there are student bookmakers on virtually every college campus in the United States; and

Whereas, The State of Nevada, pursuant to an express provision of the Professional and Amateur Sports Protection Act enacted by Congress in 1992 has licensed and regulated a sports wagering industry and has enacted controls that serve to assist its sports books in maintaining honest operations; and

Whereas, The sports books in this state have demonstrated their effectiveness in providing a defense against illegal gambling on college sports through the identification of suspicious wagering activities and the discovery of point-shaving schemes in college sports; and

Whereas, Without the vigilance of the sports books in this state and their notification of law enforcement authorities, certain point-shaving scandals in college sports might not have been uncovered and certainly would not have been discovered so quickly; and

Whereas, The sports books in this state operate under the strictest regulatory controls in the United States, including the most demanding reporting requirements for transactions and suspicious activities and computerized bookmaking systems that document every wager received, every win paid out, the results of each sporting event and every change in odds; and

Whereas, Legal wagers with the sports books regulated by this state, which amount to approximately $2.5 billion each year, are dwarfed by the amount of illegal sports wagers in this country, which are estimated by some sources to exceed $350 billion each year; and

Whereas, There have been no reports of student bookmakers on any college campus in this state contributing to the flood of illegal sports wagers; and

Whereas, There have been efforts in Congress that seek to take away from the State of Nevada the constitutionally derived authority recognized by the Professional and Amateur Sports Protection Act with respect to wagering on college sports conducted within the State of Nevada; and

Whereas, The repeal of that exemption would have an adverse effect on the economy of this state and the jobs of a number of its residents, would deprive this country of a vital defense against illegal sports wagering and would lead to an increase in illegal sports wagering; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to refrain from enacting any measure that would repeal the ability of the State of Nevada to license and regulate sports wagering in its current form, thereby inflicting damage upon both the State of Nevada and the national fight against illegal gambling; and be it further

Resolved, That the Nevada Legislature hereby urges Congress to enact the National Collegiate and Amateur Athletic Protection Act of 2001, sponsored by United States Senators John Ensign and Harry Reid and United States Representatives James Gibbons and Shelley Berkley and others, thereby enhancing the ability of the nation to identify and address illegal wagering on college sports; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–32. A resolution adopted by the Senate of the Legislature of the State of Mississippi relative to the Federal Unified Gift and Estate Tax; to the Committee on Finance.

SENATE RESOLUTION NO. 15

Whereas, the Federal Unified Gift and Estate Tax generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance and, in fact, has been shown to decrease those federal revenues from what they might otherwise have been; and

Whereas, this "Death Tax" has been identified as destructive to job opportunity and expansion, especially to family farmers; and

Whereas, this "Death Tax" causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation, thereby depriving state and local governments of an important ongoing source of revenue; and

Whereas, critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of the community through relocation or liquidation; and

Whereas, local and state schools, churches and numerous other charitable activities would greatly benefit from the increased employment and continued family business leadership: Now, therefore, be it

Resolved by the Senate of the State of Mississippi, That we do hereby request that the Congress of the United States repeal the Federal Unified Gift and Estate tax effective immediately; and be it further

Resolved, That the Secretary of the Senate transmit certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, to the President of the United States Senate, to the Secretary of the Treasury of the United States and to each member of the Mississippi delegation of the United States Congress.

POM–33. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to Gulf War illness; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 1824

Whereas, Nearly 700,000 members of the United States armed forces, including 7,500 Kansans, deployed to the Persian Gulf region during 1990 and 1991 to participate in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

Whereas, These Gulf War veterans have been, and continue to be, afflicted by an abnormally high rate of unexplained health problems. To date federal research efforts have not identified the prevalence, patterns, causes or treatments for illnesses suffered by Gulf War veterans. Yet thousands of our veterans continue to suffer from a variety of chronic symptoms, and

Whereas, The Kansas Persian Gulf War Veterans Health Initiative, a project of the Kansas Commission on Veterans Affairs, primarily through the efforts of Dr. Lea Steele, has completed a scientific study of 2,000 Kansas Gulf War veterans with the results being published in the American Journal of Epidemiology. The findings of this study indicate that: Kansas Gulf War veterans have significantly more health problems than veterans who served in other areas and that these conditions may have been caused by multiple factors; and

Whereas, While it has been established that Gulf War veterans suffer from an abnormally high rate of unexplained health problems, the cause or causes of these varied conditions have not been determined, and the system for providing care and treatment of these veterans has been inadequate or nonresponsive to the conditions presented; and

Whereas, Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans, and has affected their ability to work, yet adequate compensation for these conditions has not been received by these veterans; and

Whereas, Service connected illnesses have not been addressed adequately for veterans of past wars and conflicts: Now, therefore, be it

Resolved, by the Senate of the State of Kansas: That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research independent of that administered by the United States Departments of Defense and Veterans Affairs: and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and

Be it further resolved: That we urge further assistance to veterans afflicted with Gulf War illness, whether by the Department of Defense, Department of Veterans Affairs or another designated organization, to provide badly needed health care, vocational assistance and disability compensation; and that there be public service announcements informing veterans across the nation of the findings of this research and informing the veterans of the programs that are available to help them; and be it further

Resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, National Retired Officers Association, National Retired Enlisted Association and the National Order of the Purple Heart.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCONNELL, from the Committee on Rules and Administration:

Report to accompany S. Res. 54, A resolution authorizing expenditures by the committees of the Senate for the periods March 1, 2001, through September 30, 2001, October 1, 2001, through September 30, 2002, and October 1, 2002, through February 28, 2003 (Rept. No. 107–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAMM (for himself, Mr. GRAHAM, and Mrs. HUTCHISON):

S. 797. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 798. A bill to amend the Internal Revenue Code of 1986 to allow small business employers certain credits against income tax, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. CLELAND, Mr. KERRY, Mr. REID, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 799. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 800. A bill to provide for post conviction DNA testing, to establish a competent counsel grant program, and for other purpose; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Mr. MURKOWSKI, Mr. HATCH, and Mr. BREAUX):

S. 801. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

By Mr. BINGAMAN:

S. 802. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 82, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 83

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 83, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 84, a bill to increase the unified estate and gift taxes and the tax credit to exempt small businesses and farmers from estate taxes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

S. 99

At the request of Mr. KOHL, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 149

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 206

At the request of Mr. SHELBY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 206, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 2001, and for other purposes.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 333

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 333, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 389

At the request of Mr. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 500

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 706

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 755

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 755, a bill to continue State management of the West Coast Dungeness Crab fishery.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Oregon (Mr. SMITH, of Oregon), the Senator from Alabama (Mr. SESSIONS), the Senator from North Dakota (Mr. CONRAD), the Senator from Virginia (Mr. ALLEN), the Senator from Alabama (Mr. SHELBY), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nebraska (Mr. NELSON, of Nebraska) were added as a cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Mr. LEVIN) were added as a cosponsors of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN:

S. 798. A bill to amend the Internal Revenue Code of 1986 to allow small business employers certain credits against income tax, and for other purposes; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation, the Productivity, Opportunity, and Prosperity Act of 2001, that I believe will add some needed POP to our economy and that must be an integral component of any strategy to extend our historic economic growth.

The primary goal of the Productivity, Opportunity, and Prosperity Act is to protect, stimulate and expand economic growth. Government's role is not to create jobs but to help create the environment in which the private sector will create jobs. This legislation helps to create the right context for private sector growth by providing incentives for investment in training, technology, and small entrepreneurial firms. These investments are critical to economic growth and the creation of jobs and wealth.

The Productivity, Opportunity, and Prosperity Act of 2001 is a tax package with a purpose. And that purpose is, above all else, to stimulate private sector economic growth, to raise the tide that lifts the lot of all Americans. In the spirit of the "New Economy," where the fundamentals of our economy have changed through entrepreneurship and innovation, this package includes business tax incentives that will spur the real drivers of growth: innovation, investment, a skilled workforce, and productivity.

The first component of this bill is a 30 percent tax credit for companies that invest in remedial education for their employees. Many companies today recognize that a skilled workforce is critical to success and they are eager to invest continuously in their employees. However, too often those companies seeking to upgrade worker skills are having to first make sizeable investments to simply make up for the skill deficits produced by the K-12 education system. For example, in my home state of Connecticut, I am aware of one small manufacturer with 25 employees that will train 20 of them in English as a Second Language at a cost of up to $15,000. That is a significant investment and commitment by that company. Because too many workers did not learn the basic math, reading, and language skills in school, companies have to fix these deficiencies first, before they can train their workers on more advanced skills. This credit will help to offset those investments.

The bill's second component is a Small Business Digital Divide Tax Credit. It would create a 10 percent tax credit for small businesses, those with fewer than 100 employees, to encourage investment in information technology, for example servers, network hardware, initial broadband hookup, PCs, and e-Business software. This credit is critical for two reasons. First, because there is truly a small business digital divide in this country. Small firms are lagging in the productivity growth that has driven the economic boom of the late 90s. While small businesses account for 40 percent of our economy and 60 percent of the new jobs, less than one-third of them are wired to the Internet today. Those that are wired have grown 46 percent faster than their counterparts who are unplugged. A recent study by the National Association of Manufacturers, NAM, shows that those small manufacturers surveyed averaged only about 2 percent of their sales over internet and less than 1 percent were in the advanced stages of e-commerce. Without expanding productivity improvements to small businesses, we cannot hope to sustain the economic growth of the last several years.

The second reason this credit is so important, is that it provides an immediate stimulus to our slowing economy. We know today that there has been a sharp downturn in technology-related capital spending that has helped power our economic growth. For example, Cisco Systems, whose products provide the foundation for our digital environment, estimates that its sales for the current quarter would be about 30 percent lower than the previous quarter and that they would fall again next quarter. By some projections, PC sales in this country this year will slow dramatically to virtually zero growth. In order to spur near term investment and provide an economic stimulus, this credit would be available immediately after enactment and through the end of 2002.

This bill's third component recognizes that entrepreneurship drives growth and that small, emerging companies need capital investment to innovate, create jobs, and create wealth. According to the National Commission on Entrepreneurship, a small subset of entrepreneurial firms that comprise only 5-15 percent of all U.S. businesses created about two-thirds of new jobs between 1993-96. Although venture capital is critical to the transition from a fledgling company to a growth company, only a small share of it is associated with small and new firms. In addition, we are currently experiencing a venture capital slow down that makes it even more difficult for small and new firms to attract capital. According to the National Venture Capital Association (NCVA), investment in the fourth quarter of last year slowed by more than 30 percent from the previous quarter.

For these reasons, the bill creates a zero capital gains rate for new, direct, long term investments by individuals and corporations in the stock of small businesses, those emerging, entrepreneurial companies that are core to our economic growth. Specifically, this legislation excludes from capital gains taxes 100 percent of new, long-term investments in these capital-intensive small businesses. It also changes the eligibility definition of a small business from $50 million in capitalization to $300 million while reducing the holding period for investments from 5 to 3 years. In addition, it also eliminates incentive stock options from the calculation of the Alternative Minimum

Tax to help high tech employers recruit and retain the skilled professionals that are critical to competitiveness in a knowledge economy.

Finally, the bill's fourth component reduces the tax depreciation period for semiconductor manufacturing equipment from five years to three years, which more closely reflects the actual life of the equipment. I believe this component is essential because we know that advances in semiconductor technology improve productivity throughout the economy. The pace of innovation in the semiconductor industry is among the fastest of any U.S. or global industry. Following Moore's Law, the semiconductor industry has been quadrupling the number of transistors on a chip every three years and studies show that chip manufacturing equipment quickly becomes obsolete as these new generations of chips are introduced. Semiconductor companies spend a greater percentage of their sales on R&D and capital equipment than any other industry. Last year, the U.S. semiconductor industry spent 18 percent of its sales on capital investment and 14 percent on R&D. More than 30 percent of this sector's revenue are invested in the future and building the New Economy. To promote economic strength, we can no longer afford to penalize the semiconductor manufacturing equipment industry with tax law that requires a five year cost recovery.

Ten years from now we will be judged by the economic policy decisions we make today. People will ask, did we fully understand the awesome changes taking place in our economy and in our society? Did we give our industry and workers the environment and the tools they need to seize the opportunities an innovation economy offers? I believe that a true Prosperity Agenda is within our grasp. Never before has America been in a stronger position—economically, socially, or politically—to shape our future. But it will take strong and focused leadership. I am confident that if we in the public sector in Washington work in partnership with the private sector throughout our country, we can truly say of America's future that the best is yet to come. I believe that the Productivity, Opportunity, and Prosperity Act of 2001 is an important step toward that future.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. CLELAND, Mr. KERRY, Mr. REID, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 799. A bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Reasonable Search Standards Act. This Act prohibits racial or other discriminatory profiling by Customs Service personnel. I am please that Senator VOINOVICH is an original cosponsor of this bipartisan legislation.

Last year, I released a study, conducted by GAO at my request, of the U.S. Customs Service's procedures for conducting inspections of airport passengers. The need for this study grew out of an investigative report by Renee Ferguson of WMAQ-TV in Chicago and several complaints from African-American women in my home state of Illinois who were strip-searched at O'Hare Airport for suspicion of carrying drugs. No drugs were found and the women felt that they had been singled out for these highly intrusive searches because of their race. These women, approximately 100 of them, have filed a class action law suit in Chicago.

The purpose of the GAO study was to review Customs' policies and procedures for conducting personal searches of airport passengers and to determine the internal controls in place to ensure that airline passengers are not inappropriately targeted or subjected to personal searches. Approximately 140 million passengers entered the United States on international flights during fiscal years 1997 and 1998. Because there is no data available on the gender, race and citizenship of this traveling population, GAO was not able to determine whether specific groups of passengers are disproportionately selected to be searched. However, once passengers are selected for searches, GAO was able to evaluate the likelihood that people with various race and gender characteristics would be subjected to searches that are more personally intrusive, such as strip-searches and x-rays, rather than simply being frisked or patted down.

The GAO study revealed some very troubling patterns in the searches conducted by U.S. Customs Service inspectors. GAO found disturbing disparities in the likelihood that passengers from certain population groups, having been selected for some form of search, would be subjected to the more intrusive searches, including strip-searches and x-ray searches. Moreover, that increased likelihood of being intrusively searched did not always correspond to an increased likelihood of actual carrying contraband.

Because of the intrusive nature of strip-searches and x-ray searches, it is important that the Customs Service avoid any discriminatory bias in forcing passengers to undergo these searches. GAO found that African-American women were much more likely to be strip-searched than most other passengers. This disproportionate treatment was not justified by the rate at which these women were found to be carrying contraband.

Certain other groups also experienced a greater likelihood of being strip-searched relative to their likelihood of being found carrying contraband. Specifically, African-American women were nearly 3 times as likely as African-American men to be strip-searched, even though they were only half as likely to be found carrying contraband. Hispanic-American and Asian-American women were also nearly 3 times as likely as Hispanic-American and Asian-American men to be strip-searched, even though they were 20 percent less likely to be found carrying contraband. In addition, African-American women were 73 percent more likely than White-American women to be strip-searched in 1998 and nearly 3 times as likely to be strip-searched in 1997, despite only a 42 percent higher likelihood of being found carrying contraband. Moreover, among non-citizens, White men and women were more likely to be strip-searched than Black and Hispanic men and women, despite lower rates of being found carrying contraband.

As with strip-searches, x-rays are personally intrusive and it is of particular concern that the Customs Service avoid any discriminatory bias in requiring x-ray searches of passengers suspected of carrying contraband. GAO found that African-Americans and Hispanic-Americans were much more likely to be x-rayed than other passengers. This disproportionate treatment was not justified by the rate at which these passengers were found to be carrying contraband. Specifically, GAO found that African-American women were nearly 9 times as likely as White-American women to be x-rayed even though they were half as likely to be carrying contraband. African-American men were nearly 9 times as likely as White-American men to be x-rayed, even though they were no more likely than White-American men to be carrying contraband. Moreover, Hispanic-American women and men were nearly 4 times as likely as White-American women and men to be x-rayed, even though they were only a little more than half as likely to be carrying contraband. And among non-citizens, Black women and men were more than 4 times as likely as White women and men to be x-rayed, even though Black women were only half as likely and Black men were no more likely to be found carrying contraband.

For these reasons, we are reintroducing the Reasonable Search Standards Act. This bill is a direct response to the concerns raised by the GAO report. The bill prohibits Customs Service personnel from selecting passengers for searches based in whole or in part on the passenger's actual or perceived race, religion, gender, national origin, or sexual orientation. To ensure that a sound reason exists for selecting someone to be searched, the bill requires Customs Service personnel to document the reasons for searching a passenger before the passenger is searched.

The only exception to this requirement is when the Customs official suspects that the passenger is carrying a weapon.

The bill also requires all Customs Service personnel to undergo periodic training on the procedures for searching passengers, with a particular emphasis on the prohibition of profiling. The training shall include a review of the reasons given for searches, the results of the searches and the effectiveness of the criteria used by Customs to select passengers for searches. Finally, the bill calls for an annual study and report on detentions and searches of individuals by Customs Service personnel. The report shall include the number of searches conducted by Customs Service personnel, the race and gender of travelers subjected to the searches, the type of searches conducted—including pat down searches and intrusive non-routine searches—and the results of these searches.

Since the release of the GAO report, the Customs Service has assured me that improvements have been made to ". . . better gather and analyze data, and to improve search procedures and results." These changes, along with better training of Customs Service personnel, will not only prevent unfair profiling practices, but will actually improve the effectiveness of operations at Customs. I commend former Commissioner Kelly for his quick response to the concerns raised by the GAO study and for implementing changes to the Customs Service's personal search policies.

The legislation we are introducing today will ensure that such progress continues, and is reported to Congress on a periodic basis. The Reasonable Search Standards Act will make the task at Customs easier by ensuring that a key federal service—one where profiling practices have already been demonstrated—remains focused on improving its personal search procedures and eliminating any practices that bear even the slightest resemblance to racial profiling.

President Bush and Attorney General Ashcroft have both said that ending racial profiling will be a high priority for this Administration. We applaud their commitment to this important issue. We have written a letter to President Bush, co-signed by Representatives LEWIS and HOUGHTON, to commend the President's attention to racial profiling, and to urge him to support the Reasonable Search Standards Act. Similar letters have been sent to Attorney General Ashcroft and to Treasury Secretary O'Neill. This is not a black, or brown, or white issue. It is not a Republican or a Democratic issue. Racial profiling is an affront to all Americans. Allowing it to continue would diminish democracy for all Americans.

Martin Luther King had a dream that the United States would become a nation where children would not be judged by the color of their skin but by the content of their character. We still have a long road to travel to make Dr. King's dream a full reality for all people. The Reasonable Search Standards Act is one step along that road. I urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the letter sent to President Bush be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 6, 2001.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We are writing to commend you and Attorney General Ashcroft for the priority your administration has given to the issue of racial profiling, and to seek your assistance regarding ongoing efforts to address this issue in the U.S. Customs Service. The insidious practice of racial profiling undermines public confidence in law enforcement and damages the credibility of police forces around the country, even though the vast majority of police are carrying out their duties responsibly and professionally. Most importantly, racial profiling creates an atmosphere of distrust and alienation that isolates broad segments of the American population.

As you know, this issue affects federal, as well as state and local law enforcement activities. In fact, a GAO study of profiling practices of airline passengers concluded that the U.S. Customs Service was intrusively searching African-American women and other minorities for contraband at much higher rates than they searched other segments of the population. Ironically, the women being targeted were statistically less likely than other passengers to be found carrying contraband.

Commissioner Kelly quickly responded to the concerns raised by the GAO study by implementing significant changes to the Customs Service's personal search policies and data collection activities. The Customs Service is to be commended for its responsiveness that, we hope, will eventually eliminate the practice or appearance of discrimination. Your continued attention to this issue will insure that the rapid pace of progress that the Customs Service has already made on the issue of racial profiling will continue unabated. To that end, we ask, first, that you quickly nominate someone who shares your commitment to the issue of racial profiling to the position of Commissioner of Customs.

We also introduced Customs search legislation to specifically address the issue by codifying some of the changes already made by the Customs Service, and adding a modest reporting requirement. The legislation would prohibit the use of race, gender or other inappropriate criteria as the basis for Customs Service selection of people for searches or detention, and require Customs to improve its record-keeping and analysis, institute periodic training, and report annually to Congress. There is every indication that these types of measures will help the Customs Service make more effective use of its resources, and avoid unwarranted searches.

We are reintroducing these companion bills to address profiling in the Customs Service and hope that you will work with Congress to insure their passage as part of your effort to bring an end to the inexcusable practice of racial profiling.

Sincerely,

RICHARD J. DURBIN,
U.S. Senator.
GEORGE V. VOINOVICH,
U.S. Senator.
JOHN LEWIS,
Member of Congress.
AMO HOUGHTON,
Member of Congress.

By Mrs. FEINSTEIN:

S. 800. A bill to provide for post conviction DNA testing, to establish a competent counsel grant program, and other purpose; to the Committee on Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Criminal Justice Integrity and Innocence Protection Act of 2001.

It is my hope that this bill will jumpstart the process of ensuring that every innocent prisoner in this nation has access to DNA testing that could set them free, and that every criminal defendant has access to truly competent counsel.

This is not the first bill to be introduced on this issue.

My good friend from Vermont and ranking member of the Judiciary Committee, Senator LEAHY, has twice introduced his Innocence Protection Act, with an impressive and bipartisan group of supporters behind the bill. I commend him for his work on this issue, and I look forward to continuing to work with him to see a bill pass.

But I have had some concerns with certain provisions of the Leahy bill, concerns that make it impossible for me to support the bill as currently drafted.

Also last year, the chairman of the Judiciary Committee, Senator HATCH, addressed the DNA issue in a bill of his own. However, that bill did not include provisions on competent counsel, something that I very strongly feel should be included.

So the real aim of my effort is to start moving this process forward. It has been well over a year since these bills were first discussed, and no real action has taken place. There are differences of opinion on how to move forward on this issue, and I fully understand how committed each side is to their position.

But I believe that these differences of opinion will continue to prevent the Senate from considering this issue for the foreseeable future, unless something is done to break the stalemate.

In the hopes of doing just that, breaking the stalemate, last year, I invited both Senator HATCH and Senator LEAHY together, to try to resolve the differences between their two approaches. We had a constructive meeting, and some progress was made.

Since that time, each of us has gone back and forth with suggestions and criticisms of various ideas, and our staffs have been working diligently on trying to craft a solution to the impasse.

Nevertheless, time continues to run without action.

So today, I am introducing what I believe is a good compromise on this issue, a piece of legislation, based on our discussions, that I hope will spur debate, and provide a major step forward on this issue.

Essentially, the legislation I am introducing today does two things.

First, the bill provides a procedure by which prisoners who might be able to prove their innocence with the use of new DNA technology can do so.

The bill contains safeguards, of course, so that frivolous requests will be minimized.

For instance, prisoners have to demonstrate that biological evidence does exist that could possibly prove them innocent, and they must show that DNA testing was unavailable to them at the time of trial.

But overall, the bill will allow for the testing of inmates where evidence could lead to their exoneration.

If DNA testing proves innocence, the judge can release the prisoner immediately or, if there are other crimes of which the defendant may have been guilty, the judge can determine the best way to proceed in the case.

Second, the bill also addresses the issue of competent counsel, through the establishment of independent, national standards for legal representation in capital cases.

Specifically, this legislation directs the State Justice Institute to study this issue and to develop standards for competent counsel in capital cases.

The bill then authorizes grants to states that agree to adopt those standards.

The State Justice Institute has long served as a neutral facilitator between the state and federal judicial systems, and the bill would allow them to work with judges, prosecutors, and defense attorneys alike to develop a model system for standards in these cases.

The combination of these two parts of the bill, competent counsel standards and DNA testing, will serve as powerful tools in restoring the public's confidence in the integrity of our judicial system.

I support the death penalty, and I have for a long time. And I have spent much of my public career trying to ensure that guilty people face the consequences of their actions.

But we must protect the innocent from a system of justice that can make mistakes. That is what this bill is all about, and that is why I hope we can move quickly to debate this issue fairly, with all opinions on the table, and move forward towards passage of a reasoned, strong bill.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Mr. MURKOWSKI, Mr. HATCH, and Mr. BREAUX):

S. 801. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am joining with four of my colleagues on the Finance Committee, Senators CONRAD, MURKOWSKI, HATCH and BREAUX, to introduce a bill that will eliminate an aspect of our tax laws that is fundamentally unfair to taxpayers with income from foreign sources.

Under our system of taxation, United States citizens and domestic corporations are subject to tax on income they earn from sources outside the United States. In all likelihood, foreign-source income will also be subject to tax by the country where it was earned. Absent an Internal Revenue Code measure providing for other treatment, the same income could be taxed twice, by two different countries. The tax code does have a provision to address this problem of double taxation: the foreign tax credit. This credit allows taxpayers to offset otherwise payable U.S. taxes with foreign taxes paid on the same foreign-source income. Like the other provisions governing international taxation, the details of the foreign tax credit are complex. The basic principle underlying the credit, however, is simple: relief from double taxation.

The alternative minimum tax, AMT, requires taxpayers to compute their taxes twice, once under the "regular" method, and once using the AMT calculation. As a rule, taxpayers pay the larger of these two computations. When taxpayers become subject to the AMT, the protection against double taxation is undermined. In the "regular" tax computation, foreign tax credits protect against double taxation. This protection is only partial under AMT rules, however, where the allowable foreign tax credit is limited to 90 percent of a taxpayer's AMT liability. This limitation means that income subject to foreign tax is also subject to U.S. tax.

There is no sound policy reason for denying relief from double taxation under the AMT. When first enacted, the AMT was designed to ensure that taxpayers claiming various tax "preferences" allowed by the Internal Revenue Code should pay a minimum amount of tax. The foreign tax credit is not a "preference" serving an incentive for a particular activity or behavior. Rather, it merely reflects the fundamental principle that income should not be subject to multiple taxation. The 90 percent limitation was enacted as part of the 1986 tax reform bill, solely for the purpose of raising revenue. The bill that we're introducing today will eliminate the AMT's 90 percent limitation on foreign tax credits. Elimination of this limitation will mean that taxpayers subject to the AMT will get the same protection against double taxation allowed to taxpayers subject to the regular tax.

Repeal of the limit on foreign tax credits is not a revolutionary idea. In fact, Congress repealed the limitation in the Taxpayer Refund and Relief Act of 1999, which was subsequently vetoed. Legislation similar to the bill I'm introducing today has also been introduced in the House of Representatives. At this point in time, it is questionable whether the AMT still serves a valid purpose. In fact, in a study released last week, the Joint Committee on Taxation concluded that both the corporate and individual AMT should be repealed. In any event, the AMT's treatment of foreign tax credits serves no valid purpose. The 90 percent limitation on foreign tax credits is probably the most unfair aspect of the corporate AMT. Even those unwilling to support wholesale AMT repeal should support elimination of this most unfair aspect of the AMT. In the age of globalization, the AMT limitation on foreign tax credits can put U.S. corporations at a competitive disadvantage with their foreign rivals. The time has come to repeal this unfair tax provision.

By Mr. BINGAMAN:

S. 802. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Low Income Taxpayer Protection Act of 2001. This legislation, if enacted, will assist low and moderate income taxpayers with the annual task of preparing their tax returns and give them some protection from exploitive refund anticipation loans. RALs are high interest loans offered to taxpayers who are entitled to a refund. Recently, an article ran in the Albuquerque Journal about taxpayer abuses that were particularly acute near the Navajo Reservation in Gallup, New Mexico. While many taxpayers benefit from these loans, many more are hurt by outrageously high interest rates and fees. Worse, many taxpayers get caught with outstanding loans that they can't pay off because a mistake was made on their tax return resulting in a smaller than anticipated refund. Many of these loans, when annualized, have interest rates over 200 percent.

The majority of these loan recipients are low to moderate income taxpayers, many of whom receive an earned income tax credit. The EITC has become one of the most effective tools for fighting poverty and benefitting working families, and so it is essential that every dollar of this credit goes to the taxpayer.

Congress is not without fault. We have made the EITC so complicated that many taxpayers feel they have to pay to have someone prepare their return. According to the New Mexico Advocates for Children and Families, 83 percent of the low income population in Gallup used a paid preparer. Many of these taxpayers won't have the money to pay for this service unless they are loaned the money up front, hence a proliferation of refund anticipation loans. Although this bill does not include simplification of the EITC, I am going to work with my colleagues to be sure that any tax bill that is passed through this body has made the EITC easier to calculate.

To help low and moderate income taxpayers, my bill requires all those involved with RALs to register with the IRS. Treasury will then be required to determine what is a fair amount of interest and fees to be charged based on the benefit to the taxpayer and the risk to the lender. It will also expand the Volunteer Income Tax Assistance program by directly giving them funding to operate. VITA clinics are one of the few places low income taxpayers can go to get assistance on their tax returns. We need to expand this program. My bill also directs the IRS to focus its electronic filing services on the taxpayer. I am afraid that our desire to meet Congressional mandates for increasing electronic filing rates may have caused the IRS to forget why we are advancing electronic filing, to benefit the taxpayer.

Finally, this legislation will create several mobile electronic tax filing centers, at least one of which must be located near a Native American reservation or pueblo. Currently, many low income taxpayers do not have the ability to file electronically unless they go to a commercial electronic filer where there is a fee to file. This trial program would allow these taxpayers to enjoy the benefits of electronic filing, such as a shorter turn around time for a refund, without having to find the money to pay for it.

I look forward to working with my colleagues to expand this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Low Income Taxpayer Protection Act of 2001".

SEC. 2. REGULATION OF INCOME TAX RETURN PREPARERS AND REFUND ANTICIPATION LOAN PROVIDERS.

(a) DEFINITIONS.—In this Act:

(1) INCOME TAX RETURN PREPARER.—

(A) IN GENERAL.—The term "income tax return preparer" means any individual who is an income tax return preparer (within the meaning of section 7701(a)(36) of the Internal Revenue Code of 1986) who prepares not less than 5 returns of tax imposed by subtitle A of such Code or claims for refunds of tax imposed by such subtitle A per taxable year.

(B) EXCEPTION.—Such term shall not include a federally authorized tax practitioner within the meaning of section of 7526(a)(3) of such Code.

(2) REFUND ANTICIPATION LOAN PROVIDER.—The term "refund anticipation loan provider" means a person who makes a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(b) REGULATIONS.—

(1) REGISTRATION REQUIRED.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall promulgate regulations that—

(i) require the registration of income tax return preparers and of refund anticipation loan providers with the Secretary or the designee of the Secretary, and

(ii) prohibit the payment of a refund of tax to a refund anticipation loan provider or an income tax return preparer that is the result of a tax return which is prepared by the refund anticipation loan provider or the income tax return preparer which does not include the refund anticipation loan provider's or the income tax return preparer's registration number.

(B) NO DISCIPLINARY ACTION.—The regulations shall require that an applicant for registration must not have demonstrated any conduct that would warrant disciplinary action under part 10 of title 31, Code of Federal Regulations.

(C) BURDEN OF REGISTRATION.—In promulgating the regulations, the Secretary shall minimize the burden and cost on the registrant.

(2) RULES OF CONDUCT.—All registrants shall be subject to rules of conduct that are consistent with the rules that govern federally authorized tax practitioners.

(3) REASONABLE FEES AND INTEREST RATES.—The Secretary, after consultation with any expert as the Secretary deems appropriate, shall include in the regulations guidance on reasonable fees and interest rates charged to taxpayers in connection with loans to taxpayers made by refund anticipation loan providers.

(4) RENEWAL OF REGISTRATION.—The regulations shall determine the time frame required for renewal of registration and the manner in which a registered income tax return preparer or a registered refund anticipation loan provider must renew such registration.

(5) FEES.—

(A) IN GENERAL.—The Secretary may require the payment of reasonable fees for registration and for renewal of registration under the regulations.

(B) PURPOSE OF FEES.—Any fees required under this paragraph shall inure to the Secretary for the purpose of reimbursement of the costs of administering the requirements of the regulations.

(c) PROHIBITION.—Section 6695 of the Internal Revenue Code of 1986 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by adding at the end the following new subsection:

"(h) ACTIONS ON A TAXPAYER'S BEHALF BY A NON-REGISTERED PERSON.—Any person not registered pursuant to the regulations promulgated by the Secretary under the Low Income Taxpayer Protection Act of 2001 who—

"(1) prepares a tax return for another taxpayer for compensation, or

"(2) provides a loan to a taxpayer that is linked to or in anticipation of a tax refund for the taxpayer,

shall be subject to a $500 penalty for each incident of noncompliance.".

(d) COORDINATION WITH SECTION 6060(a).—The Secretary shall determine whether the registration required under the regulations issued pursuant to this section should be in lieu of the return requirements of section 6060.

(e) PAPERWORK REDUCTION.—The Secretary shall minimize the amount of paperwork required of a income tax return preparer or a refund anticipation loan provider to meet the requirements of these regulations.

SEC. 3. IMPROVED SERVICES FOR TAXPAYERS.

(a) ELECTRONIC FILING EFFORTS.—

(1) IN GENERAL.—The Secretary shall focus electronic filing efforts on benefiting the taxpayer by—

(A) reducing the time between receipt of an electronically filed return and remitting a refund, if any,

(B) reducing the cost of filing a return electronically,

(C) improving services provided by the Internal Revenue Service to low and moderate income taxpayers, and

(D) providing tax-related computer software at no or nominal cost to low and moderate income taxpayers.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the efforts made pursuant to paragraph (1).

(b) VOLUNTEER INCOME TAX ASSISTANCE PROGRAM.—

(1) STUDY.—The Secretary shall undertake a study on the expansion of the volunteer income tax assistance program to service more low income taxpayers.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the study conducted pursuant to paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary for volunteer income tax assistance clinics $6,000,000, to remain available until expended.

(B) USE OF FUNDS.—Such amounts appropriated under subparagraph (A) shall be used for the operating expenses of volunteer income tax assistance clinics, expenses for providing electronic filing expenditures through such clinics, and related expenses.

(c) TELE-FILING.—The Secretary shall ensure that tele-filing is available for all taxpayers for the filing of tax returns with respect to taxable years beginning in 2001.

(d) DEPOSIT INDICATOR PROGRAM.—

(1) REVIEW.—The Secretary shall review the decision to reinstate the Deposit Indicator program.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report on the review made pursuant to paragraph (1).

(e) DIRECT DEPOSIT ACCOUNTS.—The Secretary shall allocate resources to programs to assist low income taxpayers in establishing accounts at financial institutions that receive direct deposits from the United States Treasury.

(f) PILOT PROGRAM FOR MOBILE TAX RETURN FILING OFFICES.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for the creation of four mobile tax return filing offices with electronic filing capabilities.

(2) LOCATION OF SERVICE.—

(A) IN GENERAL.—The mobile tax return filing offices shall be located in communities that the Secretary determines have a high incidence of taxpayers claiming the earned income tax credit.

(B) INDIAN RESERVATION.—At least one mobile tax return filing office shall be on or near an Indian reservation (as defined in section 168(j)(6) of the Internal Revenue Code of 1986).

AMEMDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 354. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

In section 1125, insert the following:

SEC. 1125B (20 U.S.C. 6336). STUDY, EVALUATION AND REPORT OF SCHOOL FINANCE EQUALIZATION.

The Secretary shall conduct a study to evaluate and report to the Congress on the degree of disparity in expenditures per pupil among LEAs in each of the fifty states and the District of Columbia using the distribution formula described in this section. The Secretary shall also analyze the trends in State school finance legislation and judicial action requiring that states equalize resources. The Secretary will attempt to evaluate and report to the Congress whether or not it can be determined if these actions have resulted in an improvement in student performance.

In preparing this report, the Secretary may also consider the following: other measures of determining disparity; the relationship between education expenditures and student performance; the effect of Federal education assistance programs on the equalization of school finance resources; and the effects of school finance equalization on local and state tax burdens.

Such report shall be submitted to the Congress not later than one year after the date of enactment of the Better Education for Students and Teachers Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 3, 2001, at 2:30 p.m. in room SD-336 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to review FERC's April 26, 2001, order addressing wholesale electricity prices in California and the Western United States.

Request to testify may be made in writing to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Jo Meuse at (202) 224-6567.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that Jay Barth and Nicky Yuen have floor privileges today and for the remainder of the debate on the reauthorization of the Elementary and Secondary Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF RITA MIREMBE REVELL A.K.A. MARGARET RITA MIREMBE

Ms. COLLINS. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 560, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 560) for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements pertaining to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 560) was read the third time and passed, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RITA MIREMBE REVELL (A.K.A. MARGARET RITA MIREMBE).

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe) shall be held and considered to have been lawfully admitted to the United States for permanant residence as of the date of enactment of this Act, upon payment of the required visa fees not later than 2 years after the date of enactment of this Act.

(b) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent residence to Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe), the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

ORDERS FOR TUESDAY, MAY 1, 2001

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, May 1. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the cloture vote on the motion to proceed to S. 1 as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will immediately have a cloture vote on the motion to proceed to S. 1, the education reform bill. Following that vote, it is expected that the 30 hours of postcloture debate will begin. However, it is hoped that time will be yielded so the Senate can begin full consideration of the bill as early as tomorrow afternoon. Numerous amendments are expected to be offered to this important legislation, and therefore Senators may expect votes throughout the week.

ORDER FOR ADJOURNMENT

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

NATIONAL MISSILE DEFENSE SYSTEM

Mr. DORGAN. Mr. President, tomorrow President Bush will make a speech on the subject of national missile defense. I want to comment briefly about that.

A national missile defense sounds perfectly plausible to a good many people. In fact, we have colleagues in this

Chamber who believe very strongly that we ought to begin deploying a national missile defense immediately, despite the fact, of course, that we don't have a national missile defense that works. The last time we did a test of the system was last summer. In that test, we sent up a missile with a target warhead. We knew what the target was, we knew where it was going to be, and we knew when it was going to be there. Despite that, we could not hit it with our interceptor.

These are very simple, rudimentary tests, and we have not been able to demonstrate through those tests that we have a national missile defense system that works.

Some say: Well, but shouldn't we have a national missile defense system in the event that someone launches missiles at this country?

What they need to understand is that the national missile defense program that is being discussed by the administration, and that was discussed by past administrations, is not a national missile defense program that would safeguard this country against, for example, a nuclear missile attack by Russia or China. No. It is in fact a system that is very narrow, which, if it worked, would provide a kind of catcher's mitt against an attack by a rogue nation of one or two or three or four missiles.

A rogue nation or a terrorist leader getting access to an ICBM, as improbable as that might be, and wanting to launch that ICBM would confront an American national missile defense program that would be able to go up and catch that missile as it came in and explode it. That is the theory. It has never been an approach that has been advertised to protect us against a more robust attack by just one submarine launching missiles from all of its tubes coming from Russia. It would not defend us against that.

So people should understand what is being talked about here. Despite the fact that we don't have a system that works, we have people saying we ought to deploy it immediately. Deploy what? What kind of a system? The last test failed. Ought not we have a system that is demonstrated to have worked before we talk about deploying it?

Second, there are other problems. In order to deploy a national missile defense program—some call it Star Wars, and others have other names for it—in order to deploy that with the time of deployment that is envisioned, we would have to violate the ABM Treaty.

That ABM Treaty has been the centerpiece of our arms reduction efforts: Our arms reduction efforts with the old Soviet Union and now Russia have been quite successful. We have far fewer nuclear weapons than we used to—far too many, but far fewer than we used to have, and fewer delivery vehicles as well.

The centerpiece of those reductions in nuclear arms has been the ABM Treaty. Some say this treaty is obsolete, let's get rid of it. If we do that, we will have, in my judgment, dealt a significant blow to the future of arms reductions.

If we get rid of the ABM Treaty, as President Bush suggests and as some of my colleagues suggest, in my judgment, we will retreat back to a situation where Russia and China and other countries will build more offensive weapons even as we try to build this limited national missile defense system.

In addition to the issue of the ABM Treaty and the violation of that treaty by building a national missile defense system, we also are encountering vigorous opposition from virtually all of our allies who are very concerned that if we build a new national missile defense program it will ignite a new arms race, especially with Russia and with the Chinese. That is a very real and valid concern.

I would like to urge my colleagues and President Bush to try to develop a balanced view of all of this and understand that there are consequences to all of it. We have a range of threats. Yes, let's deal with that range of threats. I happen to support research and development for our national missile defense system. I do not support deployment of a system we have not yet demonstrated to be workable. The threat it is supposed to counter is one of the least likely threats this country faces.

By far the most likely threat we face is for a terrorist or a rogue nation to get ahold of a suitcase-size nuclear bomb and put it in the trunk of an old rusty Desoto car and park it on a dock somewhere in New York or Chicago. That is by far a much more likely scenario of a terrorist act. Or instead of a suitcase bomb, perhaps someone will use a deadly vial of chemical or biological agents that can kill millions of people. That is a much more likely scenario—a much more likely weapon of mass destruction to be used by a rogue nation or a terrorist state.

We ought to deal with all of those issues. We ought to be concerned about all of them.

As a country that is as free and open as this country, we need to be very concerned about terrorism and about rogue nations. But we also need to be concerned about continuing the effort to reduce the number of nuclear weapons. I mentioned that we have done some of that. I would like to ask, by consent, to be able to show a couple of pieces that resulted from the efforts in the Senate.

The Nunn-Lugar Program is the program that most people probably won't recognize. It is a program to spend money funding certain activities that reduce the threat to this country. One of those activities is to cut up Russian bombers.

This piece in my hand is from a wing strut on a Backfire bomber. This bomber used to fly around carrying nuclear weapons that would have threatened this country. But now this is not a wing strut on a Russian bomber, it is a piece of metal that is in my desk here in the Senate. Do you know how I got this wing strut? No, we didn't shoot this bomber down. The wing was sawed off this bomber as a result of arms control reductions—arms reductions that were negotiated between the United States and the old Soviet Union, and which are continuing to be carried on by us and the Russians. We saw the wings off bombers, we dismantle nuclear submarines, and we take missiles out of their silos, separate them from their warheads. That way we reduce the number of nuclear weapons on their side and our side. It has happened, and it has worked. It is the reason I am able to hold up a piece of a Russian bomber that we didn't shoot down, but we paid money to destroy it.

This is ground-up copper from a Russian submarine. We didn't sink that submarine. It was dismantled under terms of an arms control agreement with the Russians.

Does it make sense for us to continue agreements by which we reduce the number of nuclear weapons on both sides? You bet it does. Does it make sense for us to say to the Russians: Look, the treaties under which we have reduced nuclear weapons are now no longer very important to us. We are going to violate the ABM Treaty. It doesn't matter what you think of it, we are going to produce a national missile defense system that has not yet been demonstrated to work—at the risk of backing away from the ABM Treaty, and having both Russia and China build more offensive weapons? That does not seem like much of a bargain to me.

I hope, as President Bush discusses these issues tomorrow, he will understand that the Nunn-Lugar Program and the arms control agreements that we have had with Russia and the old Soviet Union have worked to reduce the number of nuclear weapons. His appreciation for those facts would be a step in the right direction, in my judgment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:33 p.m., adjourned until Tuesday, May 1, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 2001:

DEPARTMENT OF AGRICULTURE

ERIC M. BOST, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER

SERVICES, VICE SHIRLEY ROBINSON WATKINS, RESIGNED.

WILLIAM T. HAWKS, OF MISSISSIPPI, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE ISLAM A. SIDDIQUI.

JOSEPH J. JEN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE I. MILEY GONZALES.

J.B. PENN, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE AUGUST SCHUMACHER, JR., RESIGNED.

DEPARTMENT OF COMMERCE

JAMES J. JOCHUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE R. ROGER MAJAK, RESIGNED.

BRUCE P. MEHLMAN, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY, VICE KELLY H. CARNES, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2001, VICE WILLIAM E. KENNARD, TERM EXPIRING.

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, VICE HAROLD W. FURCHTGOTT-ROTH.

DEPARTMENT OF THE TREASURY

JAMES GURULE, OF MICHIGAN, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT, VICE JAMES E. JOHNSON, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN KEANE, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MELISSA T. SKOLFIELD, RESIGNED.

DEPARTMENT OF STATE

WALTER H. KANSTEINER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), VICE SUSAN E. RICE.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PETER S. WATSON, OF CALIFORNIA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE GEORGE MUNOZ, RESIGNED.

DEPARTMENT OF ENERGY

DAVID GARMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY), VICE DAN REICHTER, RESIGNED.

PATRICK HENRY WOOD III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2005, VICE JAMES JOHN HOECKER, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, VICE ARTHUR C. CAMPBELL, RESIGNED.

KATHLEEN B. COOPER, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE ROBERT J. SHAPIRO, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

KAY COLES JAMES, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JANICE R. LACHANCE.

FEDERAL LABOR RELATIONS AUTHORITY

OTHONEIL ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2005, VICE DONALD S. WASSERMAN, TERM EXPIRED.

DEPARTMENT OF EDUCATION

GROVER J. WHITEHURST, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH AND IMPROVEMENT, DEPARTMENT OF EDUCATION, VICE CYRIL KENT MCGUIRE, RESIGNED.

DEPARTMENT OF LABOR

DAVID D. LAURISKI, OF UTAH, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE J. DAVITT MCATEER.

DEPARTMENT OF JUSTICE

JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE FOR VICTIMS OF CRIME, VICE KATHRYN M. TURMAN, RESIGNED.

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JAMES K. ROBINSON.

DEPARTMENT OF VETERANS AFFAIRS

LEO S. MCKAY, JR., OF TEXAS, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE HERSHEL WAYNE GOBER, RESIGNED.

ROBIN L. HIGGINS, OF FLORIDA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS, VICE ROBERT M. WALKER, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. ROGER C. SCHULTZ, 5293

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHNNY M. RIGGS, 1680

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. THOMAS J. PLEWES, 3930

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN C. ATKINSON, 8232
BRIG. GEN. DANNY B. CALLAHAN, 7162
BRIG. GEN. ROBERT C. HUGHES JR., 4532
BRIG. GEN. JAMES H. LIPSCOMB III, 5514
BRIG. GEN. CHARLES L. ROSENFELD, 2361
BRIG. GEN. RONALD S. STOKES, 9217

To be brigadier general

COL. ROGER L. ALLEN, 3971
COL. EDWARD H. BALLARD, 0250
COL. BRUCE R. BODIN, 7436
COL. GARY D. BRAY, 8305
COL. WILLARD C. BROADWATER, 4722
COL. JAN M. CAMPLIN, 8992
COL. JULIA J. CLECKLEY, 0470
COL. STEPHEN D. COLLINS, 7407
COL. BRUCE E. DAVIS, 3294
COL. JOHN L. ENRIGHT, 2878
COL. JOSEPH M. GATELY, 2253
COL. JOHN S. GONG, 7107
COL. DAVID E. GREER, 6131
COL. JOHN S. HARREL, 1252
COL. KEITH D. JONES, 6195
COL. TIMOTHY M. KENNEDY, 9442
COL. MARTIN J. LUCENTI, 5655
COL. BUFORD S. MABRY JR., 2958
COL. JOHN R. MULLIN, 8819
COL. EDWARD C. O'NEILL, 1135
COL. NICHOLAS OSTAPENKO, 8512
COL. MICHAEL B. PACE, 3358
COL. MARVIN W. PIERSON, 3373
COL. DAVID W. RAES, 0084
COL. THOMAS E. STEWART, 1399
COL. JON L. TROST, 1542
COL. STEPHEN F. VILLACORTA, 8901
COL. ALAN J. WALKER, 5017
COL. JIMMY G. WELCH, 0674
COL. GEORGE W. WILSON, 5766
COL. JESSICA L. WRIGHT, 7216
COL. ARTHUR H. WYMAN, 0312
COL. MARK E. ZIRKELBACH, 5128

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, judge advocate general's corps

COL. SCOTT C. BLACK, 1918
COL. DAVID P. CAREY, 0214
COL. DANIEL V. WRIGHT, 1462

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM L. NYLAND, 8595

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (IH) MICHAEL E. FINLEY, 8251

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED.

DEPARTMENT OF DEFENSE

DOUGLAS JAY FEITH, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE WALTER BECKER SLOCOMBE.

SELECTIVE SERVICE SYSTEM

ALFRED RASCON, OF CALIFORNIA, TO BE DIRECTOR OF SELECTIVE SERVICE, VICE GIL CORONADO, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SAUL N. RAMIREZ, JR., RESIGNED.

ROMOLO A. BERNARDI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CARDELL COOPER, RESIGNED.

JOHN CHARLES WEICHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE WILLIAM C. APGAR, JR., RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, VICE SUSAN NESS, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

J. STEVEN GRILES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR, VICE DEPUTY J. HAYES, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

LINDA J. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE W. MICHAEL MCCABE, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

THOMAS SCULLY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION, VICE NANCY-ANN MIN DEPARLE.

DEPARTMENT OF THE TREASURY

PETER R. FISHER, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE GARY GENSLER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

LINNET F. DEILY, OF CALIFORNIA, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RITA D. HAYES, RESIGNED.

DEPARTMENT OF STATE

LORNE W. CRANER, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE HAROLD HONGJU KOH.

WILLIAMS J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE EDWARD S. WALKER, JR.

RUTH A. DAVIS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE MARC GROSSMAN.

DEPARTMENT OF EDUCATION

BRIAN JONES, OF CALIFORNIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE JUDITH A. WINSTON, RESIGNED.

EUGENE HICKOK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF EDUCATION, VICE JUDITH A. WINSTON, RESIGNED.

DEPARTMENT OF LABOR

EUGENE SCALIA, OF VIRGINIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE HENRY L. SOLANO, RESIGNED.

ANN LAINE COMBS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE LESLIE BETH KRAMERICH.

DEPARTMENT OF JUSTICE

RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE BILL LANN LEE, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE EDWARD P. SCOTT, RESIGNED.

JACOB LOZADA, OF PUERTO RICO, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS, VICE EUGENE A. BRICKHOUSE, RESIGNED.

DEPARTMENT OF DEFENSE

DAVID S. C. CHU, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE BERNARD DANIEL ROSTKER.

GORDON ENGLAND, OF TEXAS, TO BE SECRETARY OF THE NAVY, VICE RICHARD DANZIG.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RICHARD A. HAUSER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE GAIL W. LASTER, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

JOHN E. ROBSON, OF CALIFORNIA, TO BE THE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED

STATES FOR TERM EXPIRING JANUARY 20, 2005, VICE JAMES A. HARMON, RESIGNED.

DEPARTMENT OF ENERGY

JESSIE HILL ROBERSON, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT), VICE CAROLYN L. HUNTOON, RESIGNED.

FRANCIS S. BLAKE, OF CONNECTICUT, TO BE DEPUTY SECRETARY OF ENERGY, VICE T. J. GLAUTHIER, RESIGNED.

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2006. (REAPPOINTMENT)

NORA MEAD BROWNELL, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 03, 2001, VICE VICKY A BAILEY, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

JEFFREY R. HOLMSTEAD, OF COLORADO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROBERT W. PERCIASEPE, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES LAURENCE CONNAUGHTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE GEORGE T. FRAMPTON, JR.

DEPARTMENT OF STATE

CARL W. FORD, JR., OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE J. STAPLETON ROY, RESIGNED.

CHRISTINA B. ROCCA, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF SOUTH ASIAN AFFAIRS, VICE KARL FREDERICK INDERFURTH.

DEPARTMENT OF LABOR

SHINAE CHUN, OF ILLINOIS, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE IRASEMA GARZA.

DEPARTMENT OF EDUCATION

SUSAN B. NEUMAN, OF MICHIGAN, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE MICHAEL COHEN, RESIGNED.

DEPARTMENT OF LABOR

DONALD CAMERON FINDLAY, OF ILLINOIS, TO BE DEPUTY SECRETARY OF LABOR, VICE EDWARD B. MONTGOMERY, RESIGNED.

DEPARTMENT OF JUSTICE

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DAVID W. OGDEN, RESIGNED.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of thisinformation, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 1, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the current status of human rights and democracy in Ukraine and the role of the United States in assisting Ukraine's development as an independent, market-oriented democracy in the face of the current political crisis.

334 Cannon Building

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Labor.

SH-216

Environment and Public Works

To hold hearings to examine the science of global climate change and issues related to reducing net greenhouse gas emmissions.

SD-628

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on individual fishing quotas.

SR-253

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans' Affairs.

SD-138

Judiciary

To hold hearings on the Department of Justice nominations.

SD-226

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on the implementation of the Telecommunications Act and its impact on competition in the industry.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on certain cloning issues.

SR-253

MAY 3

9:30 a.m.

Armed Services

To hold hearings to examine the lessons learned from the attack on USS Cole, on the report of the Crouch/Gehman Commission and on the Navy's Judge Advocate General Manual Investigation into the attack, including a review of appropriate standards of accountability for United States military services, to be followed by closed hearings (in Room SR-222).

SD-106

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the employment needs of Amish youth.

SH-216

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.

SD-138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of State.

SD-192

Governmental Affairs

To hold oversight hearings to examine federal election practices and procedures.

SD-342

Judiciary

Business meeting to consider pending calendar business.

SD-226

Appropriations

Energy and Water Development Subcommittee

Energy and Natural Resources

To hold joint oversight hearings on the state of the nuclear power industry and the future of the industry in a comprehensive energy strategy.

SD-366

2 p.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine certain aspects of United States immigration policy, focusing on asylum issues.

SD-226

2:30 p.m.

Aging

To hold hearings to examine new prescribing technologies for prescription drugs.

SD-608

Energy and Natural Resources

To hold oversight hearings to review the Federal Energy Regulatory Commission's order addressing wholesale electricity prices in Calilfornia and the Western United States.

SD-366

MAY 8

9:30 a.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Department of the Interior.

SD-366

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to genetics and biotechnology.

SD-226

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.

SD-124

10:30 a.m.

Foreign Relations

To hold hearings to examine the administration policy and reform priorities of the International Monetary Fund and World Bank.

SD-419

2:30 p.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Forest Service, Department of Agriculture.

SD-366

MAY 9

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.

SD-138

Governmental Affairs

To hold oversight hearings to examine federal election practices and procedures.

SD-342

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MAY 10

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 2002 for the Department of Energy.
SD-366

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD-608

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD-226

Governmental Affairs
To hold hearings to examine the financial outlook of the United States postal service.
SD-342

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD-138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD-138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD-138

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD-138

POSTPONEMENTS

MAY 2

10 a.m.
Appropriations
To hold closed hearings on Plan Colombia.
S-407 Capitol

SENATE—*Tuesday, May 1, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Great is Your faithfulness, O God our Father; morning by morning new mercies we see. All we have needed Your hand has provided. Great is Your faithfulness that sets us free. We echo the praise articulated so beautifully by Jeremiah, "Through the Lord's mercies, we are not consumed, because His compassions fail not. They are new every morning; great is Your faithfulness." Thank You, Father, that You desire to reproduce Your faithfulness in us. Make us people distinguished for our faithfulness to You, our families, our Nation, our calling to serve You in the Senate. Today, on what has been designated as Loyalty Day, may our love for You be expressed in loyalty. We know that loyalty is an act of the will; it is a quality we choose to express. We affirm our loyalty to Your commandments and our Constitution. May loyalty to one another within the Senate family exemplify to America that people with different political persuasions can be loyal to each other. You are our loyal Lord and our strengthening Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the 9:30 cloture vote be postponed to occur at 11 a.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. I further ask unanimous consent that the Senate begin a period of morning business until 11 a.m. with the time equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. NICKLES. For the information of all Senators, the cloture vote on the motion to proceed to the education bill is now scheduled to occur at 11 a.m. However, it is possible that vote may be vitiated so substantive debate can begin this morning. Senators will be notified as to the status of that vote as soon as possible. Amendments to the bill are expected to be offered during today's session, and therefore further votes are anticipated in today's session.

I thank my colleagues for their attention.

Mr. President, I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

LEI DAY IN HAWAII

Mr. AKAKA. Mr. President, May 1 is a special day in many cultures. The Celts and Saxons and others in pre-Christian Europe celebrated the first planting and the beauty of spring. These agrarian celebrations continued down through the centuries and remain today. In much of Europe, May 1 is also a labor holiday, honoring the labor workers. The first of May, however, has a unique and very special significance to the people of Hawaii. May Day is Lei Day in Hawaii. Lei Day is a nonpolitical and nonpartisan celebration. Indeed, its sole purpose is to engage in random acts of kindness and sharing, and to celebrate the Aloha spirit, that intangible, but palpable, essence which is best exemplified by the hospitality and inclusiveness exhibited by the Native Hawaiians—Hawaii's indigenous peoples—to all people of goodwill.

A lei is a garland of flowers joined together in a manner which can be worn. There are many different styles of lei made of numerous types of flowers. The type of flower used determines the manner in which the lei is woven. While Hawaii and the Native Hawaiian culture are properly acknowledged for giving the lei such prominence, and the lei is a sensory manifestation of the Aloha spirit, other Pacific island peoples—the Polynesians and Micronesians for example—and Southeast Asians use floral garlands to greet and honor guests.

A lei symbolizes love, support, and friendship. Longstanding tradition in Hawaii has made May 1 a special day for the people of Hawaii. The Territory of Hawaii observed its first "May Day is Lei Day" celebration on May 1, 1928. There were many festivities and competitions that exhibited lei made of flowers from the different islands. In addition, many schools held elaborate programs throughout the islands.

This tradition has continued for many years in Hawaii. In 1929, Governor Farrington signed a Lei Day proclamation urging the citizens of Hawaii to "observe the day and honor the traditions of Hawaii-nei by wearing and displaying lei." Many schools celebrate this day by holding pageants where students honor the many cultures and traditions of Hawaii. Students commonly elect a May Day court, commemorating Hawaii's royal heritage, that consists of two representatives who wear flowers and colored Aloha attire representative and customary for each of the eight major islands of Hawaii. In addition, many communities hold events in honor of Lei Day, including lei making contests and concerts.

This year, the Hawaii State Legislature passed a bill to officially recognize May 1 as "Lei Day in Hawaii." The bill was recently signed into law by Gov. Benjamin Cayetano.

Mr. President, in an effort to share the Aloha spirit across America and around the world, the Hawaii Visitors and Convention Bureau will be sharing lei in seventeen cities today. Approximately 31,000 lei will be shared in 17 cities around the world, including here in Washington, DC, New York, Chicago, Vancouver, Seoul, Sydney, Beijing, and

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Buenos Aires. The lei will be of three types: plumeria, tuberose, and dendrobium orchids. I am pleased that we in Washington, DC, are able to participate in this wonderful celebration of the Aloha spirit. Across Capitol Hill this morning, young people from the metropolitan area who are students of Native Hawaiian hula, language and culture are sharing a floral greeting and compilation of beautiful Hawaiian music with every Senator and Member of Congress. I encourage all of my colleagues to enjoy the fragrant and beautiful lei, listen to the music and allow yourself to be transported to Hawaii where you too will discover the cheer and camaraderie of Lei Day.

The songwriter Red Hawke captured it best when he wrote:

May Day is Lei Day in Hawaii,
Garlands of flowers everywhere,
All of the colors in the rainbow,
Maidens with blossoms in their hair,
Flowers that mean we should be happy,
Throwing aside a load of care,
Oh, May Day is Lei Day in Hawaii,
May Day is happy out there.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

EDUCATION

Mr. FRIST. Mr. President, we are in morning business now, but I do want to take this opportunity to comment on a vote that we at least plan to have about an hour from now. That vote is a technical type of vote, but it is a very important vote because it determines whether or not we allow this body the opportunity to address straight up, head on, with debate, what I regard as the most important issue before us today, if we look both short term and long term: Education, kindergarten through the 12th grade. That is an issue about which all of us in this body feel very strongly.

We have contributed to the debate in many positive ways in the past, and it is an issue that has been addressed in the appropriate committee, the Health, Education, Labor, and Pensions Committee, which wrote a bill called the Better Education for Students and Teachers Act, which is in my hands. It passed out of that committee and is ready to come to the floor. People have had the opportunity to read it. It has been sitting on people's desks. We actually addressed it about a month ago.

I feel so strongly about this issue. It is amazing to me that, although Republicans believe very strongly we need to bring this to the floor, there are people on the other side of the aisle who object to bringing it to the floor. We as a nation have failed to do what has been so well articulated by the President of the United States, President Bush, in that we have an obligation to leave no child behind. We as a nation have failed to accomplish that objective.

It was in 1965 that the Elementary and Secondary Education Act, ESEA—we will be talking a lot about ESEA, and that is what that is—was passed as part of the War On Poverty, written by President Johnson. Over the last 35 years that program has been reauthorized seven different times, each with very good intent, each with a lot of discussion. From what started as a real focus on allowing better access to education, over 35 years with approximately 60 different programs and now approximately 14 different titles of this bill, this underlying law has emerged.

We have to start to consider this bill today. I urge my colleagues on the other side of the aisle to allow it to come to the floor.

The sad thing is, we are failing. We have failed in the past, despite a whole litany of good intentions that resulted in programs, about 230 different programs and entities which we tried to put out there to address specific problems in the past—in spite of all that, we failed. So now we have this opportunity, a wonderful opportunity, where, again, in a bipartisan way, many of us in this body and in the House of Representatives, under the leadership of President Bush, have come together. We have that opportunity to change.

When we use the word "reform," it scares some people because reform means such dramatic change, but we have to admit that it is time to change, to reinvent, to reconceptualize what K–12 Federal education programs are all about.

What is the role of the Federal Government? Why are we even discussing it in this body? I think there are two reasons. No. 1, as I said, over the last 35 years we have invested a large amount of money, a lot of resources, and we are failing. All of us know that by every global comparison, standard testing assessment, we are failing our children, whether it is in the 8th grade, or the 9th, 10th, 11th, or 12th grade.

The 12th grade is a pretty good year to look at because it is a year we know is important. We have gone through kindergarten and 4th and 8th and 10th and 12th grade, so this is kind of the final product of K–12. In truth, you can assess students at the 10th grade or 8th grade or 4th grade, and at each of those levels we are failing our children. But if you look at the 12th grade, you can say that is the final product, that is what America is all about, and that is what the future of America is all about. For those 12th graders, where access in this country is, I would say, superb, we are failing in those global comparisons in mathematics, in science, in ability to write, in ability to communicate.

Those basic skills that we know and that everyone—liberals, conservatives, Democrats and Republicans—recognizes you have to be equipped with if you are going to live a fulfilling life are increasingly competitive, not just in local towns, communities, States, or regions in this Nation but across this great world in which we live, such as in mathematics. It depends on the particular study. If you look at our 12th graders versus other nations, we rank 18th—not 1st, 10th, or 15th, but right around 18th, or somewhere between 15th and 20th in the world. That is how many nations are better than us.

In my own field of science, it is even worse. We are around 19th or in some States 20th compared to other nations in the world. We know how important science is in terms of understanding nature and in understanding technology, which is revolutionizing our lives. And we are sending our young people out into the world less well prepared than 18 other countries in the world, none of which have the creativity or the ingenuity or the resources that we have in the United States of America.

That is why an hour from now I am very hopeful that this body allows and that the Democrats allow this bill to come forward. Let's work it out and talk about these very important issues. The Republicans want the bill considered on the floor; the Democrats have refused, and thus we will have this technical vote an hour from now.

I mentioned yesterday in some of the conversations the principles I am very hopeful we will bring forward and debate, the principles which are outlined in a lot of detail, because this is a product of extensive bipartisan discussion. This came out of committee in a bipartisan way with a bipartisan vote. Those guiding principles which I mentioned, at least in my mind, are important.

No. 1, instead of straightjacketing out of Washington, DC because of good intentions and what goes on at the State level where there is a lot of reform, we are playing catch-up ball. There is a tremendous amount of reform going on in States all across the country, in communities, in counties, in districts and in the local schools. We have to play catchup.

What we have done historically is invent a new program and say this is a silver bullet, take the program and put a little bit of money in it and hope that little bit of money and our good intentions will solve the problem. It hasn't over time.

Instead of inventing a new program with a whole series of regulations, it is time for us to provide flexibility and freedom and strip away the unnecessary regulations at the local level to capture the innovation and creativity but at the same time have strong accountability.

Senator LIEBERMAN has again and again said we have to have strong accountability if we are going to provide this freedom, if we are going to allow this flexibility. I agree. It is time to have that freedom and flexibility to innovate but there needs to be strong accountability.

Accountability is sort of a strange word. What does it really mean? What it means is taking an individual student—it might be a classroom or it might be a school—and assessing whether or not that student is learning. That is all accountability is—to ensure that we provide freedom from regulations, which improves the return in school performance, in education, in the ability to learn, in being prepared for the world that we know students will soon be facing, matching freedom with results. You have to be able to demonstrate the results.

That leads to a correlate. We haven't done very well in this Nation in terms of research. One of the sad things we have done at the Federal level, which was not intended, was put this straightjacket on the system such that we have not allowed good research to determine what works and what doesn't work. So we need demonstrable results. That means we need to have some sort of measure and more assessment.

If we do that, I am absolutely convinced that when you shed the light on what does and does not work, Americans today will make good choices. They will reward what works and they will not reward what doesn't work. That is the way America has thrived in the past.

The problem with part of the research in education today is that we have not focused the spotlight on what works and what doesn't work. So we haven't been able to empower parents with that ability to express choice or to express approval.

The first principle is tying the flexibility with strong accountability and strong, demonstrable results. The second principle is focusing on kids and children. The more you look at the history of the last 35 years the more you will see the focus at the Federal level has been on institutional systems and bureaucracies—doing that makes us feel good because we can invent a new program for a perceived problem or failure and again put some money in it. Then we can walk away and say we have done our best in addressing it. After 35 years, that hasn't worked.

I spoke about math and science in the 12th grade. I could give you the same statistics for the 8th grade. For the last 30 years, using standardized tests that are well controlled, we have seen no improvement in math or reading, where other countries have improved over the last 30 or 35 years.

I believe if we focus on the individual child—the disadvantaged child, the child who may not be from a wealthy family, the family that may live in a neighborhood that just doesn't have the resources, the family that is underserved in whatever criteria—if you focus on that child instead of an institution, instead of a bureaucracy, we will see more innovation and more creativity and understanding the very best of what America is all about. Freedom in exchange for results, I believe, will work best if we focus on the child.

There will be amendments proposed on the floor as to "portability." That means instead of whatever funds we have and we direct the taxpayer dollars to come out of Nashville, TN to Washington, DC, and for every Federal dollar that comes up on April 15 to the Federal Government, only about 35 cents is returned to the classroom itself. We need to examine how efficiently we are using those dollars today.

What is the value of the education dollar we are investing today? I suggest that it is not nearly as good as it should be or could be.

If we come together and are allowed to proceed today, we cannot merely conceptualize but we need to actually pass legislation. The goals have been articulated by the President of the United States. We have a responsibility to look at those goals and to develop a strategy, on which we have taken the first step in this underlying bill, and improve it over the next several days as we move forward.

The third principle I mentioned yesterday was information. Keep that information current, employing again a way that we can empower parents. The information needs to be current. It doesn't matter what happened 5 or 10 years ago. We need to know how well schools and teachers and students are doing so we can assess from a national perspective and also legally empower parents to make choices for their children. We need to have that information. We have failed miserably. We can invest better to enlarge educational research to determine what teaching methods actually work.

Another point that I have mentioned again and again is that people will say if you have a school that is not doing well, are you talking about taking all of the Federal money out of the schools and putting it somewhere else where they might be wealthy or are doing well? No, we are not saying that.

The President of the United States has been very clear. When the administration or we in committee say that we don't want to reward failure, we mean through better data, through better information, and through better assessment, again focusing on the child and identifying what works and what doesn't work. If something is not working, ask why, and try to fix it based on the best policy and the best tools that you have today. And, yes, invest more money, if necessary, if that is the reason, in order to try to fix it.

But if that school fails one year, and you have a child in that school—remember that child's face—and that school fails a second year—remember that child's face; they are trapped in that school; and think about it being your child—if they are trapped in that school for a third year of failure, meaning in academic performance, achievement, and ability to learn, but also safety issues—a school that might be unsafe in spite of doing everything you can in terms of establishing safeguards and investing in that school—and if your child is trapped in that unsafe school a fourth year, and they have not learned over those 4 years—the school itself is failing though you put more resources into it—then there needs to be repercussions. That is the American way of doing things.

Again, we need to focus on the child, doing what is best for the child, not what makes you feel good about a particular school. This happens after repetitive failure. That is a part of the policy with which we have worked in a bipartisan way on this bill.

Again, I think this is just an example of why it is so important for us to be allowed today to proceed to this bill and have the sort of debate that we owe our children, that we owe our schools, that we owe our teachers, given the fact that they have been trapped in a system which is not working, as we compare ourselves to people in other countries.

I think we do have a great opportunity in this reauthorization. In a reauthorization bill we go back and look at legislation and plan ahead for, say, the next 4 years, but in this case it is 10 years for reauthorization of the Elementary and Secondary Education Act.

We have a wonderful opportunity, based on strong bipartisan support, based on the principles of the President of the United States in his discussion of education, initially on the campaign trail and also since becoming President. That encompasses having local control, empowering parents, investing more, yes, but investing it wisely where you have true value to meet those goals. That means accountability with assessments.

We give States the freedom to innovate, to use Federal funding in a way that identifies the needs that might be peculiar to Alamo, TN, or Knoxville, TN, or a school district in the tri-city area of Tennessee. We would give them the flexibility to address problems in a way where they can have increased freedom, increased flexibility, but we inextricably link it to demonstrable results, to make sure that the child is achieving to the best of his or her ability. We have to give them the opportunity to learn.

In that way, we are giving States, as well as local districts, the opportunity to maximize flexibility. At the same time, we minimize regulation because as well intended as the programs we design are, nobody knows the child in the classroom better than the teacher who is at the head of the class—nobody at that school. They are there day in and day out. And taken one step away, the same thing is true about the principal, who knows the strengths of the school, who knows whether it is the building itself that needs repair or that there needs to be an additional computer in this classroom or an afterschool program for that child. Those decisions need to be made locally.

We need to have that minimization of regulation, as long as there is strong accountability and that insistence upon measurable results—not what makes you feel good and not what is just the trend of the time but measurable results. It does not mean we write the curriculum in Washington, DC. I think most people in this body would be absolutely opposed to having the curriculum written in Washington and then imposed on the States. The whole idea is to allow the people locally—in their communities, in their States—to develop the standards that best meet their particular area.

We need a national comparison. That is why you will hear the discussion of the NAEP test, the sample test, which does allow an assessment and comparison of community to community or State to State.

If you put all this together and you look at it, the trend that will emerge—again, if we are allowed to proceed to this bill today—the trend you will see is one that is critical, very important; that is, to have the U.S. Government or Washington, DC, no longer being the regulator but, rather, the investor in education, to invest in that individual child, to invest in that individual student, instead of regulating.

Regulation simply has not worked. We will discuss the reasons it has not worked over the next several days. We need to maximize flexibility and minimize regulations, but we have to tie both of those to strong, demonstrable, measurable results as a condition of participation.

The Federal role, again, is important. The opportunity we have as we address these issues over, hopefully, the next 2 weeks, will make that Federal role become clear. It is enormous. When I say that, a lot of my Republican colleagues or people back home might say: Good gosh, Senator FRIST, what are you talking about? What are you talking about that this Federal role is enormous?

Let me be clear. If you have a pie chart, the Federal dollars that are spent in communities throughout Tennessee or any State, in the aggregate, are only a little sliver, only about 7 percent. The figure varies. In some States it can go from 5 or 6 percent up to 9 percent, but on average it is 7 percent. That means most of the funding and fiscal responsibility is at the local level, just as I believe it should be. But our role is enormous because our discussion, what we produce in terms of regulation as an investor in education, instead of as a regulator, very much defines the tenor of the national discussion—the tone of the debate that goes on at the State level, at the community level, at the district level in individual schools and, indeed, I would argue, around the dinner table at night or the breakfast table in the morning.

It is the tone of that debate that we are not, as a nation, adequately addressing on the issue of educating our young people, preparing them for tomorrow. That tone, that tenor, is set in Washington, DC.

No. 2, I believe, again, the Federal role is important, is enormous, in that we do help set priorities. We are in a position to step back and look at the whole Nation and see, with the data that is available, what works and what does not work. We have an obligation to articulate that based on the very best information possible.

When I go to a school in, say, rural Tennessee and talk about our failure as a nation, people say: Our school seems pretty good. We believe we are learning pretty well. How could we do better? We are working hard. We have what we think are good teachers.

But when I come and say that is not what the data shows, that is not what the information shows, they will say: Why does it show that? And questions start being asked. That is the second aspect that I believe is important for the Federal role—that we have the opportunity, from the national perspective, to set certain priorities and redirect or reinvent or reconceptualize what has not worked in the past.

Mr. President, again, we are in morning business now. We will have a vote, hopefully, later this morning.

Just for clarification for my colleagues, what is happening is that a number of people right now are talking about the particular policies, talking about the level of funding that is most appropriate. All of those issues will be brought to the Chamber and discussed. But a lot of discussions have gone on over the weekend and through yesterday and through this morning.

I am very hopeful we can come to some resolution over the next 30 or 45 minutes so we can proceed to the bill. ESEA, the Elementary and Secondary Education Act, is 35 years old. I mentioned 7 reauthorizations and now 60 programs. It has tremendous promise. The goal initially was to have more access, but really it was to address the academic achievement of the underserved, to make sure that that achievement gap would not get worse over time.

Unfortunately, in spite of that being the goal, if we look at title I—which we will be talking about, which is about half of the overall bill and is aimed at disadvantaged children; and I think that has been a great monument in the bill because it shows the intent of where we have to work, where we have to focus, but also probably its greatest failure—the achievement gap over the last 35 years has gotten worse. The gap between the underserved and the served has gotten bigger and bigger and bigger over time.

We need to address it. We need to address it head on. We have done that in the underlying bill which will probably be improved as we debate it in this Chamber. But we have to come together in a bipartisan way, under the leadership of the President of the United States, who has brought this problem to the forefront, I believe, of all the issues addressing our Nation.

So we have a bill, a 35-year-old promise. It is now time to update that bill, to reauthorize that bill in a way where the investments, the programs, the intent, and the strategy are really, for the first time, I would argue, in harmony with this 35-year-old bill which shows, in terms of intent and purpose, tremendous promise. It is time to bring those together.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we have been focusing for the last 2 weeks on education. Education is probably the answer that is most often given in terms of priorities people think are important. Yet we seem to have a difficult time moving forward.

I don't think there is much debate about the concept of helping education, giving young people the opportunity to have a better life. We get bogged down, unfortunately, in the details. I am anxious that we move forward—I hope we can—today and begin the debate.

There are legitimate differences of view with respect to what to do, particularly concerning the role of the Federal Government. There are those who believe the Federal Government has great responsibilities and should, indeed, set the stage for how it is done and, whenever Federal money is made available, there ought to be requirements as to how each school should use the money.

In the last administration if there was money for education, President Clinton said it had to be used for smaller classes or it had to be used for buildings. The fact is, the needs in different places are quite varied. We must also remember that the contribution from the Federal level is about 6 or 7 percent of the total expenditures for elementary and secondary education.

What we are trying to do is assist in certain areas, helping local school boards and State education departments decide what is best for them. I am particularly sensitive to that in that I come from a State with low population density. We have lots of small schools, and the needs in those small schools are often quite different than they are in metropolitan areas. The idea of the Federal Government putting down regulations certainly doesn't work.

I am persuaded that the education bill that will be before us has some excellent goals. That is what we ought to be doing—setting some goals we want to achieve and then moving towards the achievement of those goals by what we do in the interim.

For example, as to increasing accountability for student performance, there was a great letter to the editor in my local paper last weekend from a former school board member who made the point that education has to be financed. Financing is an essential element to good education, but financing alone does not do it. Dollars are not all that is important. We have to have some accountability for student performance, for school performance, and for teacher performance. That is one of the key elements.

We also have to do some serious examination on the local level as to what programs work best and to make sure the resources are available to go into the programs that work and that we move money to accomplish that.

I do not think there is any question most people would agree we need to reduce the bureaucracy and increase flexibility. It happens that my wife is a special ed teacher in a public high school. I hear all the time about the amount of effort that has to go into the detail of regulations, the paperwork, as opposed to teaching, which is not peculiar in terms of funding by the Government. I realize if you are going to have accountability for the money, there has to be some reporting. But when you have professional people spending half their time with paperwork, that is not the direction we ought to be going.

Then there is the amount of money, what we are going to be arguing about in this Chamber. Some of our friends on the other side of the aisle think if we just put in all the money that is available, it somehow will work out. I don't believe that is the case. We have to look at funding, but we have to look at some of the principles that are equally as important.

The fact is, President Bush has recommended more spending for education than was recommended in the previous administration. Since a Republican-controlled Congress has been in existence since 1994, we have had more increases in the Federal contribution to spending than we have ever had before. We will hear shortly about how we ought to be spending all the money in the world. In my view, that is not the only element of successful education. Empowering parents to have some opportunities, to have more input into what they are doing is important. Again, a little experience in this area shows me that charter schools are a great idea so that parents have some flexibility and some choices as to what they do within the public school system, as to where their youngsters go to school, and how we can do some of those kinds of things.

So I guess my real message is that it is time to get on with it. I know there are three, four, or five people, probably, in this 100-Member body who are determined to hold things up until they get their way. It isn't going to be that way. It has to be done when there is a majority that agrees on what it is that should be done. I hope we can move on that.

We have other things we need to do. We need to get back to the budget, get on with tax relief, get on with energy; these are some of the areas with which we have to deal. Hopefully, we will deal with them soon. I am anxious that we move forward with education. We have a great plan and all we need to do is implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about education. I appreciate my colleague from Wyoming talking about it. I saw Senator FRIST earlier today discussing the President's education plan and certainly the congressional education plan. I think they are very close.

What I think is so important is the emphasis that is being placed on quality public education. Thomas Jefferson said, from the very beginning of our Republic, that public education would be the foundation for democracy. That really set us apart from all the other countries in the world because at that time only the most elite were educated. It was only the children of dukes and duchesses around the world; it was only the elite who could afford private schools around the world. But that wasn't the foundation of America. The foundation for America was that every child would receive a quality public education so that child could reach his or her full potential and, of course, contribute to the great Nation that would become the United States of America.

Mr. President, it has been proven time and time again that the creativity that comes from having every child in our country educated has put us in the forefront of technology, of space exploration, of medical research, of quality health care. It goes on and on and on.

In the last 10 to 15 years in our country, we have lost the battle that every child would receive a quality public education. Today, this week, this year, Congress and the President are saying: No more. No more are we going to allow some children to waste away in schools that are not performing and lose that potential, that productive citizen for our country.

We are going to reform public education. We are going to put more money into it. But there is a wonderful chart that the Secretary of Education, Rod Paige, has shown us that actually reflects that we have increased spending in public education, and the figure has gone up for the past 25 years. But, in fact, the test scores have straightlined—even gone a little bit down.

Well, that doesn't work. Pouring more money into it without giving our parents and teachers and principals and school districts and our States the opportunity to get in and help each individual child with that child's learning needs doesn't work. It doesn't work to pour more money in if we don't give them the tools they need to do the job. That is why we are focused on accountability, on letting parents know what the test scores are.

Yesterday, I visited Stonewall Jackson Elementary School in Dallas, TX. I saw the formula for an excellent school. This is a school that is just in a regular middle-class neighborhood that also includes children who are deaf and have learning disabilities—a very diverse student body. Those children have a spark and creativity for several reasons. They also have the highest test scores. But they have the creativity and the spark because they have a principal who welcomes parental involvement. They have a PTA that has teams. They have a men's group. It is like a men's group at church, and that men's group comes into the public school and helps plant gardens, paint things when the paint is peeling, and it is not on the list to fix right away. They are raising money to install security systems. They are raising money to make sure the library is totally stocked. They are involved in their school, and they are welcome in the classrooms any time.

So you have the leadership of a principal, you have parents who are involved, and they have made it fun to be involved, and they are improving the school. That creates a spark in the teachers. Senator GRAMM and I walked into that elementary school, and it was all decorated as a Caribbean island. We asked, "Why are we seeing trees and monkeys in this elementary school?" It is because they adopt a country every year, and this year it is the Caribbean islands. Last year it was Spain. They adopt a country and they talk about that country and they learn about the language and the customs. They have learned something that gives them a new look at life.

I am happy that we are focusing on public education. This is just the overview. The overview is, we are going to reform our public schools so that every child in America can reach his or her full potential with a public education. We are going to start talking about the specifics in the next 2 weeks in Congress.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. How much time do we have left?

The PRESIDING OFFICER. Twelve minutes.

Mr. WELLSTONE. I will be brief. I spoke yesterday about this issue. Let me, first of all, say that, again, before the spring recess, there was a unanimous consent to go forward with the bill, but I had not seen much of the language that was going to be added and changed in the bill. In order to be a good legislator for the people you represent, you need to know what is in a bill. As it turns out—and don't ask me why; I may be alone on that—we are about to proceed to the bill, but we haven't seen so many of the fundamental changes that are in the process of being made. How can you be a good legislator and represent people and represent children on such an important question—and there is no more important question—without yet knowing what is in the bill?

On principle, I am opposed to proceeding on a bill that we don't even know much of the language. There are some very important policy questions, one of which, for example, is the Straight A's Program. To what extent are we block granting programs like afterschool programs? To what extent are they no longer part of the national priority, national goals? I don't know. I want to see the language. I haven't seen the language on that.

Second point. We are about to do something very reckless.

I find it stunning so many Republican colleagues, much less Democratic colleagues, will vote for this. We are about to now put into law a Federal mandate that every school and every school district all over the country, every year, from age 8 through age 13, will test every child. This will be a Federal mandate. But, at the same time, we are quite unwilling to pass a Federal mandate that there will be equality of opportunity for every child to have a good education and to do well and to succeed.

My understanding was the Democrats were saying yes to accountability, if it is done the right way. And, by the way, if we are not careful, this is going to result in the worst kind of drill education where we will basically be saying to teachers—and we are trying to recruit the best and brightest—we will tell them what to teach, when to teach, and how to teach. Over and over again the focus will be on these tests.

The question is, How do you do an assessment system the right way? I will have a number of amendments to make sure we ensure high quality assessments so we can do it the right way if we move to the bill. Again, I would like to see the final language on this bill.

I heard from my colleagues on our side that the position was yes to accountability, but we also were going to make sure that we were not creating a huge unfunded mandate. The President calls for $300 million for the administration of these tests. The National Association of State Boards of Education, the people who are in the field, are saying it will cost us a minimum of $2.5 billion to do this, maybe as high as $7 billion if we go to multiple measures and do not rely on one standardized test, which we should never do.

On top of that, we are talking about a proposal from the President that says $670 million more for title I; that is all he is calling for. We are funding title I at one-third the level we should be if we were to fully fund the program.

I will have a trigger amendment that says we cannot mandate new tests of all these children—starting as young as age 8—until we fully fund the title I program. My understanding was we were going to get a commitment on investment of resources in the IDEA program. My colleague from Iowa has been such a leader in this area for children with special needs.

I also think it is disgraceful to talk about these mandatory tests when we don't even fully fund Head Start. We fund Head Start at 50-percent of what we need for 4-year-olds, even less for 3-year-olds and only 3 percent for Early Head Start, which serves children aged 0–2-year-olds. We know how important early childhood education is to future learning, we know that most kids do not get it, but we will still test these children at 8 years of age and expect them to do as well as children who have had every advantage. We are setting up a lot of children and a lot of teachers and a lot of schools in Minnesota and throughout the country for humiliation. I thought we would have a deal. I thought Democrats would stand up for investment in resources that go with accountability. I thought Democrats would stand up for accountability being done the right way.

The President of the United States calls this the BEST program, yet all he offers in terms of support for children and schools is a tin cup budget. And we are going forward on this bill? I don't think we should go forward on the bill until we see the changes that are being agreed to. I don't think we should go forward until we have an agreement on the policy. I don't think we should go forward until we have a mandate on commitment of resources.

I will talk more about this. I believe colleagues are giving up our real leverage. I wish to fight harder for children in education. I will spell this out in great detail after the vote. I, maybe only speaking for one, will vote against proceeding to this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment my dear friend and colleague from Minnesota. There is no one who fights harder for education with more courage, compassion and conviction than Senator WELLSTONE from Minnesota. He comes from a background of having been an educator and in education for most of his life before coming to the Senate.

Senator WELLSTONE is right. We are about to embark upon a lot of rhetoric. We are going to talk about reforming education, saving education in America, but without the resources it will just be empty rhetoric, one more time.

We have to review where we have been on this bill. The Elementary and Secondary Education Act expired 2 years ago. Why are we on it now 2 years later? The other side wouldn't let us pass it last year. They blocked it. And now there is this rush to get it through.

I am all in favor of passing the Elementary and Secondary Education Act. As I understand it, the bill here is the one passed by committee. I understand they are working on another bill. We have not seen it yet and they will drop it sometime after we vote for cloture.

I make the point that Senator WELLSTONE so eloquently made. This is an authorization bill. We can say all these flowery things about saving education, having testing and all that sort of stuff, but if we don't have the resources to back it, we are fooling the American people one more time.

Where are the resources for this bill? The National Association of State Boards of Education said the testing requirements in this bill could cost, as Senator WELLSTONE said, anywhere from $2 billion to $7 billion over 4 years. Where are the resources to pay for that? Are we going to dump it on our property taxpayers one more time? Testing every year means raising property taxes to pay for it. That is basically what we are going to say, unless we have the resources.

I have not seen this administration willing to come forward with an agreement to say, we will back X amount of resources to fulfill these mandates we are about to put on the States, one more time.

The other side is always talking about unfunded mandates. This is going to be another unfunded mandate. Do the testing. Then raise the property taxes to pay for it.

I don't know about other states, but in my State of Iowa we are paying enough property taxes as it is.

Do we have the resources? That is the next question. Right now, of every Federal dollar we spend in discretionary spending of hard-earned tax dollars, 2 cents goes for education. Two cents out of every dollar we spend goes for education.

Again, do we have the resources? It depends on your priorities whether or not we have the resources. Here is the President's tax cut plan. For the wealthiest 1 percent—I am not talking about middle-class tax cuts; I am talking about for the wealthiest 1 percent—$697 billion in tax cuts to the wealthiest 1 percent; $21.3 billion for education.

We have the resources. Don't kid yourself. It depends on what you want to do with them. If you want to give it in tax cuts to the wealthiest, you will support the Bush tax cut. If you want to do education, we will have some amendments on the floor when we consider this bill. The real battle will come on appropriations, on whether or not we will have the amount of money in the appropriations bill to pay for all this testing and everything else that we say we love so much.

I remind Senators, a few weeks ago we passed an amendment, 53–47, to take $250 billion and put it in education over 10 years, compared with the President's request of $21.3 billion. What we voted on a few weeks ago by a vote of 53–47 will have the resources to pay for the testing. It will have the resources to fund the Individuals with Disabilities Education Act. It will have the resources to fully fund title I programs and the resources to reach down also for things that are not in this bill, such as Head Start.

Second, there are three items that no one is discussing that we will have to belly up to the bar on and vote:

No. 1, the Individuals with Disabilities Education Act. Are we willing to fully fund it or not?

Second, school construction. Are we going to help prepare the leaky roofs and bring schools into the 21st century?

Third, are we going to continue to reduce class sizes so our teachers can teach, so the kids can pass these tests that we are going to foist upon them?

Senator WELLSTONE is right. We need a commitment on resources, not just the rhetoric. When this bill is considered, we will have amendments. But keep in mind the real test is going to come on whether or not the Appropriations Committee will be supported by this administration to come up with the money to fund the rhetoric that we will hear a lot in the next few days in the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time has expired. Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the cloture motion on the motion to proceed to S. 1.

Under the previous order, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:
>
> Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Landrieu
Reed
Wellstone

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that after the caucuses I be allowed to speak at 2:15 for my time, post cloture.

The PRESIDING OFFICER. I believe there are a number of people who want to have the opportunity to speak on this, and we traditionally alternate. I respectfully object.

Objection is heard.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the fact that we are now going to have a real opportunity for debate on education policy in the Senate. I expect that it will take a number of days in order to address many of the interests of our colleagues, but I think the time could hardly be more well spent. This is the major debate that we will have on a matter that is of central importance to families all over this country. I thank our two leaders for working to make sure that we could have this debate.

As the ranking minority member on the Education Committee, I thank our colleagues from the other side of the aisle, Senator JEFFORDS and others, who have been active and involved in helping to bring us here. I am enormously grateful to all of the members on the full committee who have spent a great deal of time on education matters and have provided leadership in the past in so many different aspects of the education debate.

We are looking forward to this debate. We are looking forward to taking action on education here in the Senate Chamber.

Just to review the bidding, we have filed a cloture motion to proceed to a bill which was reported out of the committee virtually unanimously. However, this vote should not be taken to indicate that a clear consensus has been reached between the administration's best judgment of what is needed and the best judgment of a number of us on how we can really deal with strengthening our educational system. The legislation will be the basis for amendments, although under the rules of the Senate it will be possible, as I understand it, to amend the bill that will be before us, but I expect it is going to take at least a day before we have real answers.

It is important that our colleagues be given a chance to talk about the areas where this legislation is strong and also the areas where it is weak.

I take this brief time to make a couple of points. First, this legislation is not just about education, it is about the future of our country and the kind of country we are going to have. We know we are talking about the most important quality of our society; that is, for all young people to have a chance for academic achievement and, hopefully, academic excellence. It has been, since the mid-1960s, the priority of this Congress to ensure that the neediest children in our country and to get the special focus, attention, and help that they deserve. It was a national finding in the early 1960s that, despite state efforts in the area of education, we had not really met our responsibility to these needy children.

It has been a long march since that time. There have been many failings in schools along the way. There have been some remarkable successes along the way. There have been some very notable achievements in the more recent years.

We have to look at the fact that even with the investment that has been made by the Federal Government, federal spending on education amounts to about 2 cents out of every federal dollar. We spend close to $30 billion a year on elementary and secondary education in the K–12 programs. This current bill would only account for $8 billion of that total. Through current Title I we only reach a third of eligible children. Even if we had all the programs right in this bill, we are still only reaching a third of Title I eligible children.

This has been a long process. We will hear many of those on the other side talk about the failures of our education policy. There are some remarkable changes that have taken place. Fifteen years ago we didn't have the 4.5 million children who have disabilities in our public schools. They were shunted off into state hospitals, into special schools, not really mainstreamed. Today, they are in our public school system attending school alongside their friends and family.

Fifteen years ago, we did not have programs like those in my State today, at Revere High School, a wonderful high school where 43 different languages are being taught. That was not true 20 years ago or 30 years ago. We didn't have the number of single parent families, 20 or 30 years ago, that we have today that puts additional stress on children attending schools. We didn't have the levels of violence that is so prevalent in many of our inner cities where so many of these children live and attend school. We didn't have the levels of substance abuse that we have at the present time. Children are growing up in more complicated and difficult circumstances, and their teachers are facing much more complicated and difficult circumstances. They need our help.

There are so many dedicated teachers in our inner-city schools who have the opportunity to go to other schools and make a good deal more money. They would most likely have a more modern building, a smaller class size, better access to technology, more professional development opportunities, but they decide to stay. They continue working with challenging situations in the inner-city schools and with the children who so desperately need dedicated, highly-qualified teachers. We must provide these teachers with the educational resources they need, and the professional opportunities they deserve.

This bill can do quite a bit for education in this country, however, its promise will remain unfulfilled if it is not adequately funded.

We know the importance of investing in children at an early age. We have, over the last 25 years, seen the results of the Carnegie Commission studies and many others that discuss the importance of child development in the early years, the zero to 2 years when brain synapses develop. At that early time their minds begin to develop some ability to learn, an ability that is being awakened as children are being supported and nurtured and given additional kinds of help and assistance.

We know the importance of Early Head Start. We know the importance of Head Start Programs, if they are good Head Start Programs. We are troubled by the fact that we see so many Head Start teachers leaving. There has been a serious decline in their incomes. Even though their incomes are $8 or $9 or $10,000 a year, their purchasing power has deteriorated as we have failed to have any increase in the minimum wage. We see children now in the Head Start Programs that have two or three teachers in the space of one year. They are not able to develop the kind of ongoing relationship with a caring adult that they need at that stage of their life. We are not providing sufficient support to these programs.

When we talk about education in this bill, Democrats on this side and many of our Republican friends on the other side know that this is only one part of the whole education puzzle. It is important that we get it right. But it is also important, if we are really interested in strengthening our education system, that we come back and revisit the priorities of the Early Head Start Programs, the early interventions, the Head Start Programs, adequate funding, the child care programs, all the kinds of outreaches that impact these children along the pathway as they come to school.

When we talk about leaving no child behind, at a composite of different times during the children's development, we have to make sure, to the extent that we can, through policy and through priorities, to reach out to those children. We understand, all of us, that the first way the children learn is through their parents and their families—we understand that—and by working through their faiths and other support programs. But to the extent we can impact it, we ought to make sure we get the policy right, but also that we are going to make sure no child is going to be left behind.

That brings me to my third point, and that is the issue of resources.

I welcome the opportunity, unlike last year when, quite frankly, with all respect, there was more of an effort to deny President Clinton a win on the extension of the Elementary and Secondary Education Act than there really was a serious effort to pass a decent bill. But that is in the past. What we have been trying to do is to respond to the President's invitation to work with him on what he considers to be the No. 1 priority.

For us, it is the No. 1 priority. For the parents and the children, it is the No. 1 priority. But we believe strongly—I do, and I know others of our colleagues do—if it is going to be the No. 1 priority, it has to be the No. 1 priority in terms of resources. That is not where this legislation is headed. We have seen the request of the budget for $659 million, when we are talking about 7 million children who are left out. Their increase is $659 million. That just is not going to respond. The President has indicated they are prepared to do somewhat more. We said at the start of this debate, we cover a third of the children at the present time.

Title I funding should cover all children. No child should be left behind when it comes to providing funds for students who most need educational resources. We hope that by the end of the first term of the Bush Presidency the Title I program will cover all eligible children.

We need full funding for the Title I program to make sure that no child will be left behind in this program. We are going to then come back on these other programs as well, to the Head Start Programs, and early intervention programs. We are also going to have an important debate on funding of the IDEA for the education of children with special needs. There are cross currents of children who need special kinds of help and attention who are included in that program. Some of the children are, obviously, the same who need additional help in reading and other programs.

We will have the chance at the end of this debate to find out who is truly committed to leaving no child behind because that is going to take resources. We heard a bit of the debate yesterday which tried to make the case that Democrats simply want to spend more money. Money, say some, is not the answer to our problems in education. But reform, without the necessary resources, is not reform—it is a formula for failure.

If a child doesn't learn algebra in the eighth grade, they are less likely to go on to college. Eighty percent of the children in the inner cities do not have a math teacher who can teach algebra. That is a fact today. We know that. But you cannot bridge the gap between our poorest and wealthiest schools, without providing them the resources to train their teachers and to hire new, fully qualified teachers. Only with these resources will more of our students in the inner cities have a better chance of taking classes like algebra and a better chance of going on to college

We know the problems we are facing in reading today. We know what it takes to catch up. We heard discussions about the Sylvan Learning Centers. Will they be permitted to provide tutorial services? Yes, they will be. We will use those, even though they are for-profit.

Sylvan says they need 36 hours to work with a child to bring that child up 1 year in reading achievement. But the average child spends 50 hours over the course of a year. That would cost $1,900 per child. We cannot say we are for reading and then fail to provide the necessary investment to improve the performance of our nation's students in reading.

But today many of our children aren't reading. We know many children aren't reading and we know what it takes to get them reading. It is going to mean an investment: an investment in our neediest students so that their schools can work effectively to improve their performance in reading; an investment in training for our teachers in the latest methods of teaching reading; an investment in providing educational opportunities after school.

It also means an investment to make sure that we have the best tests that will fairly and accurately assess students. Investment is necessary to ensure that we will test a child's ability to reason, rationalize and distinguish. We have seen those developed in a number of our States. The MCAS test in Massachusetts is this sort of a test.

We need to make a lot of progress. But we are not for a quick, slick, easy examination. We want to make sure we are going to have thoughtful teachers. We want to make sure the teachers are going to be quality teachers for our children. We want to make sure the schools are going to be quality schools to the extent that we can help and assist them.

We know we have 10,000 failing schools today. That is the last projection. We know that the average cost to bring those schools along and turn them around is $180,000. There is a whole series of different ways they can be turned around that have been tested and examined. There are 57 proven, research-based comprehensive reform models that have been identified by the New American Schools Development Corporation, a creation of the first Bush Administration. These models, including Success for All and Reading Recovery among others, cost an average of $180,000. That would cost a total of $1.8 billion to turn around all 10,000 failing schools.

If you are going to turn around schools, you are going to have to invest. Currently the Department of Education is able to fund less than 20 percent of after-school grant applications. There are 7 million latch key children nationwide. In the first hour after school lets out, the juvenile crime rate triples. If we are going to use the afterschool programs to help strengthen and tutor the children, we are going to have to invest. We are going to have to invest in our children.

So what are we asking? Is this something that just the Democrats are asking for or speaking for? Absolutely not. Later, when we get into the real debate, I will put in the RECORD what the National Governors have said in terms of funding for this program. I will put into the RECORD what 38 organizations that have represented children and parents and schools have said in terms of the full funding of this program. I will put into the RECORD what the League of Cities, who have a direct insight into what is happening in the inner cities, say in terms of full funding. They say if you are going to do the job right, you need to have the resources. That is what we are saying at the outset of this debate. We have to have the resources to be able to do the job, or we are failing these children and failing them in a very important way.

That is why this debate is so important, because it is about the future. We know that as we move into a global society and economy, that only about 20 percent of the new entrants into the job market have the skills which 60 percent of them need at the present time. We are not giving them the kind of training they need. We are lagging in education and in investing in people and training. The Republicans act as if the tax cut is an economic program—it is not. It is not. We need to invest in the quality of education, which is basic and fundamental in a democracy. We have to invest in terms of the training, and we have to ask this Nation what its priorities are. Should we trade in a small fraction of a $1.6 billion tax cut to invest approximately $5 billion a year in Title I to cover every child by the end of FY 05?

We are going to be asked, according to the Wall Street Journal in a recent report, to increase our budget $25 to $30 billion a year for defense. That is going to pass in this body. Are we saying that we are unwilling to provide approximately 5 billion a year for the next 4 years to get to full funding for Title I? Are we saying that we are unwilling to provide the additional resources for afterschool programs, or professional training, or for libraries or smaller class sizes? We are saying we are going to spend the $25 billion a year. You can expect that for the next 6 to 8 years, but we are not going to give you the $5.5 billion.

This is about priorities. I guess we can't do that. That $1.6 trillion tax cut is too sacred to say we are going to reduce that a little in order to fund this program. We think it should be reduced. We believe the American people believe so, too. We are going to give the opportunity to this body to express itself on that issue. We are going to give them the opportunity to do so today, tomorrow, every single day that we debate this. Then we are going to have the opportunity to vote on it every time we are going to face the budget when it comes back from conference and every time in appropriations.

So get used to it because we are going to give this institution the opportunity to vote and vote and vote about whether they are going to put the children as the first priority. We guarantee it. That is going to be it. Hopefully, if we are able to get that kind of commitment, we can move along and join hands together and say we have a bill that is worthy of the children of this country. But it is not there yet.

I see others who want to speak. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend my colleague from Massachusetts for his eloquence and his passion about a subject matter to which he has dedicated a substantial part of his public service—the plight and condition of America's children under a variety of adverse circumstances. His passion and concern about the condition of our public education system at the elementary and secondary level has, once again, been expressed in the most heartfelt of terms and views, which I am hopeful and confident express the views of a majority of Members of this body regardless of party or ideology.

I am very confident I express the views of the majority of American citizens who, without knowing the details, understand intuitively that if this Nation is going to live up to its potential, to its own aspirations as expressed more than two centuries ago by the founding members of this Nation's Constitution, the Declaration of Independence, that we need to have the best quality of education this country can provide, particularly to a generation that will face challenges unimaginable by even this generation, not to mention generations past.

This is a critical debate. It doesn't get any more important than this. I have often said if you get the educational needs of this country right, you may not have an absolute formula to address every other concern, but an educated population, an educated America, is in a far stronger position to resolve the great issues of their day than an ignorant population. An ignorant nation, an ignorant democracy is a dangerous country, in the sense that people don't understand or grasp the subtle nuances of our Constitution, of our Declaration of Independence, of our Bill of Rights, not to mention their ability to provide for themselves and to add to the greater prosperity of our Nation.

This is the No. 1 priority. The President has this right. This is and ought to be the No. 1 issue we grapple with as a country. There is no more important issue than the quality of our public elementary and public secondary schools in America.

This morning, roughly 55 million children went to an elementary school or a secondary school in America. Of that 55 million, 50 million went off to a public school; 5 million went off to a private or parochial school. Certainly, while we do things we can to support and assist those private and parochial schools, our fundamental obligation is to public education. It has been since the founding days of this country, in one manner or another.

On the first great debate on education in the 21st century, a debate that will determine over the next 7 years what our priorities are when it comes to public elementary and secondary education, it is important we try and find as much support and common ground for investing in the neediest schools in this country. That has been our Federal obligation.

I make the case we need to change the formulation of how we fund public education in the country. I think this idea of depending upon a property tax in State after State, community after community, may have served the country well in the 19th century, and even for a good part of the 20th century, but the idea today that the primary source of educating the 50 million young people who went off to school today ought to be based on the property taxes of local communities, as is the case in most States in this country, is an archaic, backward idea.

We need to be a far better partner. We only provide a small percentage; 6 cents of every dollar spent on elementary and secondary education comes from the Federal Government; 94 cents, 95 cents comes from our local communities and some from the States. It is mostly from local communities.

I would love to see at some point becoming a one-third partner: One-third of the resources provided by the Federal Government, one-third by States, and one-third by local communities. What a great relief it would be to lower property taxes across this country, to be able to have the Federal Government contribute a far greater percentage of the educational needs of America's children and their families. That debate will not occur this week. We are going to argue about the 6 or 7 cents and how those 6 and 7 cents are going to be spent.

Let's be clear at the outset; we are a very minor participant. The Federal Government is a minor participant in the financial costs of public education in this country. How we spend those 6 cents will be the subject of this debate which may consume as many as 2 or 3 weeks of the Senate's time.

What do you do with 6 cents? Historically, over the past 25 or 30 years, we have said our obligation will be to serve the most endangered, the most needy students in schools in the country. We have done that in title I, the Elementary and Secondary Education Act, in a variety of other proposals, but principally it has been to serve the neediest kids and the neediest schools in America in both rural, urban areas, and suburban areas.

Over the next 2 or 3 weeks, we will talk about how to better target those resources and how to get some improved accountability so when dollars are being spent there is some assurance coming back that kids are learning and teachers are teaching. So we will have a good discussion about how to improve accountability, how to improve some sort of grading system without overburdening school districts.

We speak in a rather lofty tone when it comes to demanding testing. I don't think anyone wants to be part of a formulation that demands testing without providing the resources to the schools to see it gets done, and also adding to the burdens of teachers and school districts and parents by having nothing more than testing going on.

Someone said in my State the other day, taking someone's temperature three or four times a day does not make a child better. It does not improve their health. It tells you how they are doing. Testing three or four times a year, whether a local test, a State test, or a Federal test, doesn't make that student a better student with more knowledge. It merely tells you how they are doing. There are many who are concerned that demanding more testing will turn the schools into nothing more than test prep centers where kids are geared every day and every week to pass a test, to get good scores on the tests, and where actual learning takes a secondary position.

While I understand the value of testing, let's not get carried away and set up a system that we come back with 4 or 5 years from now and all we have done is fulfill a self-fulfilling prophecy; that kids in poor districts don't do very well. We know that already. You can spend all the time and effort possible to test people. But for the life of me, I don't understand all the value of that, at the expense of trying to do things that would actually improve the conditions so kids do better on the tests we do provide.

Many feel there are things we can do with the 6 cents. Remember, I am talking 6 cents—not 100 cents on the dollar but 6 cents. That is all we give now. That is what Uncle Sam sends, 6 cents on every dollar.

It seems to me we ought to improve the structures where kids attend school. We know a child who walks into a building that is 50, 60, or 70 years old and falling apart isn't going to learn very well. I don't need a study by a bunch of Ph.D.'s at the Department of Education over the next 6 years to tell me that. Talk to any parent who takes their kid to a school that leaks, that is not wired, that is falling apart, and I will guarantee that child in those circumstances is not going to learn very well.

Put some of these resources in to see to it that the buildings, these structures, these physical plants, might be improved so that child who arrives at that school building has a better chance to learn. About 50 percent of all the kids who went to school this morning entered a building built more than 50 years ago—50 percent. I think the need for improving the physical structure is quite obvious in the urban and rural areas that are the most impoverished and the poorest.

Reducing class size, again, I don't think it has great value in having studies done over the next 5 or 6 years. Any parent will tell you, a child will tell you, if they are in a classroom with 20 or 25 students and one teacher, the teacher cannot teach and the kids can't learn. This is not brain surgery. This is about as basic as it can get.

I spoke to a group of charter school students from Connecticut the other day on the east front of the Capitol. I said: Tell me why you like the charter school.

They said: We get more attention.

I said: Why do you get more attention?

Because the classes are smaller.

These were not the teachers talking or the parents. These were the kids. We are doing more in charter schools, and that is good news, but not every child gets to go to a charter school.

I asked: How did you get to go to a charter school?

It was a lottery. We put our names in a hat and they drew out so many names. There were hundreds who wanted to go, but it was a lottery. They picked them out of the hat, so these kids from this town of mine in my State of Connecticut got to go.

I applaud what they are doing with the charter schools. I think they are great ideas. But we cannot just talk about improving charter schools at the expense of these other public schools. If it is good for a charter school, why can't it be good for the other schools as well? Why can't every school be a charter school in America? Are we so inept that we cannot come up with the means by which every kid who goes to school, as they did this morning, could walk into a classroom where they were not one of two dozen students vying for the attention of a teacher in order to learn? We know without any question that in a class that is smaller, where a teacher has the opportunity to really spend some time with these children, you can make a difference in the quality of their education and how they will do on those tests that we all seem so interested in funding or requiring as part of the Elementary and Secondary Education Act.

Regarding afterschool programs, how many days do parents worry about where their children are? Single parents working, two-income parents, parents who stay at home, wondering where that child is, what goes on after 2 o'clock in the afternoon. Talk to any police chief. I wonder if you think I am making these things up. Call your local police department if you question my veracity on this and ask the local police chief what is the most dangerous time of day for young kids, in terms of them being victims or creating problems themselves. They will tell you it is not after 7 or 8 or 10 o'clock at night. The most dangerous time is between 2 p.m. and 6 p.m. Again, that is the conclusion of every police chief I ever talked to across the country.

So afterschool programs become critically important, not just to keep kids safe but as part of the learning experience. We think with that 6 cents I talked about here, we ought to allocate some of those resources to expand afterschool programs because we know they work. In this day and age, we should be utilizing our school buildings after school, weekends, evenings, summers, so these learning centers become more a part of our community, assisting the towns and counties and States. That is where kids can channel their energies into constructive alternatives. Left alone, we know all too often what happens. Good kids can make bad decisions, decisions that affect them the rest of their lives.

There are many of us, as we begin this debate, who would like to see some effort made to improve the physical structures where kids go to school every day, reducing those class sizes so the kids have an opportunity to really learn, seeing to it there are afterschool programs, making sure we have full funding for title I so these needy students and their families across the country will get the support they richly deserve.

My hope is that at long last we will be able to pass some mandatory funding for special ed. How many towns across the country have told us the costs of special education are depriving them of the resources other children need in their communities? I know that will be offered.

My colleague from Maine, Senator COLLINS, and I will offer an amendment on title I for full funding. I know my colleague, the Presiding Officer, sat through the debate and discussion in our committee, the HELP Committee, and I know he is sympathetic to the full funding of title I. If we come up with that as part of the formula for funding this authorization bill, we would like to have his support on this as well, knowing he was part of the debate during committee consideration.

But I hope we can come up with a mechanism for full funding of title I and for special education, to see to it we live up to our obligations and fulfill the commitments we must make.

Again, going back to what I said at the outset of these remarks, there is no more important issue to address as a legislative body, as a national legislative body. It is not enough any longer that I only have to worry about how a child is doing in Connecticut, how a young student is doing in Bridgeport or Hartford or Sterling or Union or my hometown of East Haddam, CT, but how kids are doing in California, how they are doing in Illinois, how they are doing in Florida and Michigan and Maine. These are national issues now.

If a kid fails in Wyoming, then that is a problem for those of us who live in Connecticut, just as it is a problem for those who live in Wyoming if a kid in Connecticut is not doing well. Children in the 21st century will compete with children in Beijing, in Moscow, in Sidney, Australia, in Tokyo. All across the world is from where the global competition comes. So we have to do what we can with that 6 cents we contribute to elementary and secondary education to see to it that those dollars are going to reach those families and those communities that have the greatest need.

I wish it were otherwise. I wish we were talking about picking up a third of that responsibility, as I think any national government ought to do in the 21st century, and contributing to the quality of our overall educational system. Unfortunately, that is not part of this bill. But I think that in getting these dollars up on title I and special ed, contributing to school construction and class size and afterschool programs, our dollar is well invested.

Let me mention last of all the issue of funding, because you are going to hear a lot of debate about what we can afford and not afford to do. Later today, if he has not done it already, the President of the United States is going to call for $60 billion on a national missile defense system. I happen to believe in the 21st century we are going to have to develop some form of a missile defense system. I will not take a back seat to anybody in my commitment to seeing to it that the national security needs of my country are met. But we are going to be asked today, without knowing much more about it, to spend $60 billion. Senator KENNEDY mentioned $25 or $30 billion increases each year in the coming few years.

I think there may be a good case to be made for increasing spending for the national security needs of this country and for developing a national missile defense system. I understand the need for that. But I want it to be done in a way that is going to reflect what we can achieve, the kind of science that needs to be developed, done in coordination, my hope would be, with our allies so this is a shared technology that will protect us from potential hazards we face with this ever-modernizing technology that puts us all at risk.

We have been asked to support a $1.6 trillion tax cut. What we are talking about here is modest increases for the educational needs of America. If it is important to invest dollars to protect the national security needs, if it is important to invest dollars for the economic security of a country, how can you really talk about being secure militarily or economically if you do not have an educated population? If you do not have an educated population, how secure are you? If you have kids growing up where the gap grows wider and wider and wider every single year between those who fit into an economy where they understand and have the tools necessary to perform and those who do not and are left further and further and further behind. They then beget children of their own who get further and further behind. You end up having a growing segment of your population that really cannot fit into a modern economy or understand or contribute to the national security of a nation.

This is a seamless garment. National security or economic security are never going to be secured if you do not have an educated nation. That means every child being given the opportunity to reach his or her potential.

None of us has an obligation to guarantee success. I feel no burden whatsoever to say to any child in America: I have an obligation to see to it you succeed. I do not have that burden.

But I feel the burden that every child ought to be given the opportunity to succeed regardless of economic circumstances, of race, of ethnicity, or geographical location. A child should not be left behind because of the action in Washington, because of the town they are born in, or the economic circumstances of their parents. That is not my America. My America says every child should have the chance to reach his or her potential to contribute to their own well-being and to contribute to the well-being of this Nation. That is what successive previous generations have done. That is why this country has achieved the success it has.

If we are going to continue that legacy in the 21st century, it becomes the collective responsibility of the 100 of us in this Chamber, the national legislature, with the 6 cents we get to manipulate in terms of the educational needs of a nation, to see to it that the neediest of our citizens are going to have an opportunity to achieve America's dream. You cannot do that without an education. You may get lucky at a casino or you may hit the lottery one day. But that is not how most Americans need to depend upon their economic future and to fulfill their dreams. You cannot succeed in America without a good education. To do otherwise is totally a fiction.

This debate over the next few weeks is about as important as it gets. This debate over the next few weeks is on whether or not we will have the intestinal fortitude to commit the modest resources to seeing to it that America's schools and America's children are going to get the best they can from their Federal Government under these circumstances.

Again, I wish to reiterate that we were a far better partner. I think it ought to be a source of collective embarrassment that the Federal Government contributes only 6 cents out of every dollar in America in the 21st century. Why we cannot be a one-third partner, to me, is beyond imagination. Yet that is where we are.

The 6 cents that we will be talking about contributing will make a difference. My hope is that we will fully fund those 6 cents to see to it that these schools, children, and families will have the chance to maximize their potential.

There will be extensive debate. I will be talking about the various issues that come along. I look forward to the amendment that I will offer with my colleague and friend from Maine, Senator COLLINS, on title I. I look forward to the debate on special education and these other issues that come along. I will have an amendment with my colleague from Alabama on privacy issues that we will be offering along with some other suggestions with my friend from New Mexico, Senator DOMENICI, on charter education.

We will have a good debate and a good discussion on some of these issues. My hope is at the end of this debate we will be able to meet as a body and say to each other that we have done the right thing for our country. Many of us may not be here when the next education bill comes to the floor. I would like to think that on this occasion and during this discussion we are mindful that this may be our last opportunity individually to leave our signature on how we would like to see America meet its educational challenges for the 21st century.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Connecticut for his remarks. They are right on. I wish to associate myself with them. I wish to thank him for his decades of perseverance on behalf of education. It was an excellent set of remarks. I thank him very much.

Mr. President, my understanding is that each Member has an hour to speak on the motion to proceed. I intend to use my time not only on the education bill, but because of the situation in California with respect to energy, I wish to give this body, on the 1-year anniversary of the energy crisis, a brief report. I ask unanimous consent to do so.

The PRESIDING OFFICER. Does the Senator realize that we have a 12:30 recess for the policy conferences?

Mrs. FEINSTEIN. I do. I will use the 15 minutes, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much.

THE ENERGY CRISIS

Mrs. FEINSTEIN. Mr. President, I rise today to speak once again about the California energy crisis. Today is the first day of May and in many parts of California, it is the start of a 5-month summer and the start of a five-month period of the highest electricity demand. The day also marks the 12th consecutive month we have been in an energy crisis—I add to that the Pacific Northwest—meaning for an entire year we have experienced energy prices that are about 10 times higher than they were in the previous 12 month period. And it also marks the 12th consecutive month that the Federal Energy Regulatory Commission has failed to take decisive action.

It took the Federal Energy Regulatory Commission until November to declare what people in San Diego, California discovered last May, electricity rates are "unjust and unreasonable" and the market is broken.

Last week, FERC attempted to modify the broken market with so-called "price mitigation." In its April 26th order, the FERC outlined its proposal "to mitigate the dysfunctional market." Unfortunately, what FERC offered as a solution will not do nearly enough to solve the problems in California and the Northwest.

First, the order for the most part, ignored the Northwest—offering only a limited investigation of the broken market in Oregon and Washington without any promise of even the feeble price mitigation offered to California.

Second, the order will last only one year, not nearly enough to get enough supply on line to meet our energy needs.

Third, the order only applies to stage 1, 2, and 3 energy emergencies, practically ensuring that prices for the rest of the time can remain exorbitantly high.

Fourth, the FERC order decreed that the cost based rate of the price for the least efficient megawatt of power needed at any given hour would go to everyone who bid into the market. With natural gas prices still averaging three times higher in California than elsewhere, it is almost a guarantee that this would mean at many hours, the average price of electricity will be $400-$500 per megawatt.

Which brings up the most glaring problem with the FERC order: It does not address natural gas, which is the major cost in electricity production and a problem in itself for heating, cooking, food and manufacturing production, etc. I would like to take this opportunity to read from some letters I have received about the energy crisis.

Let me speak about a letter from the California Steel Industries, and I quote:

> Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about $12 million annually. With the price gouging going on in California, that bill will rise to $40 million or even $50 million this year. For electricity, we historically paid about $15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA STEEL INDUSTRIES, INC.,
Fontana, CA, April 16, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: This is to ask for your help in immediately seeking emergency action by the Federal Energy Regulatory Commission, to stop the relentless profiteering and price gouging by energy providers to the state of California.

The problem in the wholesale price of electricity is well documented. Power prices have gone from about $30 per megawatt hour in 1999 winter months to more than $1400 per megawatt hour at times during the winter of

2000–01. This was not due to a rise in demand or a supply shortage—the winter months for both years saw demand at about half of the summer peak period.

High prices have continued through the moderate spring weather and could hit astronomical levels this summer.

Natural gas, a key component of electricity generation and of industrial production in its own right, has followed suit. While the price of natural gas is up across the nation—about double the historical average in Chicago, New York and Texas, for example—in California, it is about six times the historical average. In recent weeks, natural gas has been a little over $5 per MMBTU in most areas of the country, and nearly $15 in South California.

Our company is a relatively large consumer of both electricity and natural gas. Our historical gas bill was about $12 million annually. With the price gouging going on in California, that bill will rise to $40 million or even $50 million this year. For electricity, we historically paid about $15 million per year. That number will double this year due to increased retail rates, which became necessary as a result of skyrocketing wholesale prices.

For California Steel Industries and its 1,000 direct employees, those numbers are not only mind-boggling, they spell disaster. No business can absorb that kind of a hit for long and continue to survive. We are the largest producer of flat-rolled steel in Southern California, and we serve nearly 400 customers, most of whom are in California. We cannot pass along these increased costs to our customers because they can easily purchase competing steel from the Midwest, the East, and from offshore, produced with far less expensive energy.

Unfortunately, our story is just one of many in California these days.

The President of the California Public Utilities Commission, Ms. Loretta Lynch, has requested the help of the FERC in this crisis. Thus far, she has been rebuked by the regulators, on the basis that this is simply a supply and demand issue that will straighten our as soon as more power plants are built and more gas pipelines constructed. Unfortunately, we fear the problem will go away even sooner—by a huge drop-off in demand as businesses shut down and lay people off. This is not the solution the FERC wants, we are sure. However, we cannot wait for the FERC's theoretical approach to solve everything 50 months from now. We cannot even wait 50 days.

It is our belief that there is *no fair market* for gas or electricity in California, and there will not be fair pricing without federal intervention at the wholesale price level. We are committed to doing our part for conservation. We would also welcome the chance to talk with you personally about this subject.

In the meantime, on behalf of all Californians who value a good job with a secure future, and who helped create the world's 6th largest economy through hard work and perseverance, we urge you to get directly involved in this matter and demand that the FERC do its job. We must ensure that electricity and natural gas—two unique commodities, which in most cases have no short-term substitute—are priced fairly. Otherwise, you can turn out the lights in California, because the party will be over.

Very truly yours,
C. LOURENÇO GONÇALVES,
President and CEO.

Mrs. FEINSTEIN. Mr. President, California is the largest dairy State in the Union.

Let me read a brief quote from the Dairy Coalition of Concerned Energy Consumers.

> As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA DAIRY COALITION OF
CONCERNED ENERGY CONSUMERS,
Sacramento, CA, February 16, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the California Dairy Coalition of Concerned Energy Consumers, I would like to thank you for all of your activities to date directed to resolving the energy crisis in California.

The Dairy Coalition was formed recently due to the supply problems and dramatic price increases seen for both electricity and natural gas in California in late 2000. The Coalition represents all of the major dairy producer co-operatives in California, as well as the major proprietary processing companies.

As the number one-ranking dairy producing state in the nation, the California dairy industry uses substantial quantities of natural gas to run its processing plants. Between December 1999 and December 2000 the cost of gas to dairy plants in California increased 4,000%. Our paramount concern is the dramatic increase in the non-commodity portion of the price of gas.

Again, the Dairy Coalition greatly appreciates your attention to this critical issue.

Sincerely,
JIM GOMES,
Executive Vice President,
California Dairies, Inc.

Mrs. FEINSTEIN. Mr. President, let me read briefly from a letter from Bayer. Bayer uses tremendous quantities of energy, and it relies extensively on natural gas and oil as both fuel and feed stock. It has had a 300-percent surge in the open market cost of natural gas since early in 2000.

The letter goes on to say:

> Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BAYER CORPORATION,
Pittsburgh, PA, April 2, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I write on behalf of Bayer, the world's largest producer of both synthetic rubber and polyurethane systems and a major U.S. exporter with more than 23,000 employees in the United States.

Please act promptly to advance a comprehensive national energy policy and strategy that promotes high environmental standards and a diverse, flexible energy supply at globally competitive prices.

Our polymers and chemicals businesses use tremendous quantities of energy and rely extensively on natural gas and oil as both fuel and feedstock. In this way, our $10 billion U.S. company is representative of a major segment of the economy. The $460 billion business of chemistry is the largest exporting sector in the country, accounting for ten cents out of every dollar in U.S. exports. At Bayer Corporation, one out of every five jobs depends on our $2 billion export business. We cannot fight with both hands tied behind our back, one already tied by the strong dollar, now the other by high energy costs.

The 300-percent surge in the open-market cost of natural gas since early in 2000 has dramatically affected business. Volatile crude oil prices have increased the cost of feedstock by as much as 100 percent.

Passing these costs along to our customers in the appliance, automotive, construction and other markets is not a viable, long-term solution. Rather it is a bleak, zero-sum game for the U.S. economy.

We are doing our part by aggressively pursuing policies to conserve energy and otherwise raise efficiency through measures such as co-generation. Even so, we need your help in bringing about a rational approach to the energy needs of the world's largest, single-nation economy.

I urge you to please speak out on this matter and act immediately.

Please do not hesitate to contact me if you would like additional information about Bayer's perspective on energy policy.

Sincerely,
HELGE H. WEHMEIER,
President and Chief Executive Officer.

Mrs. FEINSTEIN. California is a very large floral producer. I would like to read a brief quote from the California State Floral Association.

> While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from $26,000 in December of 1999 to $145,000 in January of 2001. This is fairly typical of the industry.

I have a letter from the H.K. Canning company which states that they are going to be forced out of business because of the high costs of energy today in California.

I ask unanimous consent that both of those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE
FLORAL ASSOCIATION,
Sacramento, CA, February 5, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The California State Floral Association represents retail florists, wholesale florists and cut flower growers in California. We are very concerned about the impacts the current energy crisis is having on our members. Of particular concern is the skyrocketing natural gas price as well as recent concern over natural gas availability and the possibility that gas customers including nurseries will have their gas service curtailed.

The energy crisis in California will have major economic ramifications on the state. We know you understand the seriousness of this situation. The unstable supply of all energy resources and the escalating costs of natural gas, diesel, propane and electricity have placed enormous new economic burdens on our industry. Our product is highly perishable and power outages can cause significant losses in a very short period of time. We have a very real concern that many of our members may be forced out of business. We face economic losses from the grower through the marketing chain to the retail florist.

While our state decision makers have devoted most of their attention to the supply and cost of electrical energy, it is the high cost of natural gas that is of the greatest concern to our grower members. They have seen their natural gas bills increase by five to six fold. For example, one of our nurseries reports having their monthly gas bills increase from $26,000 in December of 1999 to $145,000 in January of 2001. Other nurseries report similar increases in the cost of natural gas. Since farmers are price takers not price makers, these costs cannot be passed on. Some growers have reduced production, laid off employees and had to reduce employee benefits just to stay in business.

The flower industry is an important contributor to the agricultural revenues of this state. Cut flowers account for over $300 million dollars in farm gate revenues and all ornamentals total over $700 million statewide. California is also the number one flower producing state in the country. Yet the future of the cut flower industry is not bright.

We know that many in our nation's Capitol believe our energy crisis to be a "California Problem" and that it should be remedied through state action. While there may be some validity to this view with regard to the shortage of electrical energy, we believe this to be a grossly inaccurate perspective relative to the natural gas crisis in our state. The problem of natural gas availability and manipulative pricing needs to be dealt with at the federal level.

In light of the above, we urge you to do everything in your power to get the Federal Regulatory Energy Commission (FERC) to act immediately to stop the predatory gas pricing practices being perpetrated against California consumers. FERC has the ability to mitigate the anti-competitive conditions that exist in the marketing and delivery of natural gas. As we understand it, they have the opportunity to do this through two cases pending before them brought by two of our utilities. They have the responsibility to take such action under their charge as an oversight commission and the statutory authority under which they operate. And they need to take such action soon or many flower growers will not survive this crisis.

We desperately need your assistance in this time of great need. Please make this issue your highest priority. We thank you in advance for any help you can provide and are awaiting your response. Please do not hesitate to call on us for specific information and assistance.

Very respectfully yours,

JIM RELLES,
President.

H.K. CANNING, INC.,
Ventura, CA, February 1, 2001.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: My wife and I are owners of a small food processing cannery plant in Southern California called H. K. Canning, Inc. We have 81 employees with families that in total represent 'approximately 350 people. We all need your help desperately.

We purchase Natural Gas to power our steam boiler for processing soups and vegetables. The attached cost summary shows that for the last five years our volume of BTUs has remained constant along with the cost for these BTUs. However, until recently, our Natural Gas bill has risen seven (7) times over previous months without using any additional BTUs.

This is going to force us out of business! Profit margins in the food processing business are very tight, as we are all aware of what happened to Tri-Valley Growers in Stockton, CA. We have also seen our Worker's Compensation costs triple since 1999 with no cost control implementation. California is in trouble. We are in trouble and the government is moving to slow!!!

We, and our employees, need your help now.

Sincerely,

HENRY KNAUST,
President.

Enclosure.

H.K. CANNING, INC.: NATURAL GAS BILLING ANALYSIS

Fuel vendor	Month and year used	Quantity MMBtu therms	Price MMBtu therms	Monthly cost
Amoco	6–1996	2,289	1.40	3,204.60
Do	7–1996	2,310	1.72	3,973.20
Do	8–1996	2,043	2.19	4,474.17
Do	9–1996	2,003	1.75	3,505.25
Do	10–1996	2,757	1.76	4,852.32
Do	11–1996	2,513	2.65	6,659.45
Do	12–1996	2,135	3.73	7,963.55
Do	1–1997	2,551	4.30	10,969.30
Do	2–1997	1,932	2.68	5,177.76
Do	3–1997	1,984	1.64	3,253.76
Do	4–1997	2,673	1.77	4,731.21
Do	5–1997	2,103	2.08	4,374.24
Do	6–1997	2,133	2.23	4,756.59
Do	7–1997	2,588	2.25	5,823.00
Do	9–1997	2,744	2.53	6,942.32
Do	10–1997	3,236	3.11	10,063.96
Do	11–1997	2,532	3.37	8,532.84
Do	12–1997	2,975	2.39	7,110.25
Do	1–1998	2,273	2.31	5,250.63
Do	2–1998	2,703	2.11	5,703.33
Do	3–1998	2,781	2.34	6,507.54
Do	4–1998	2,616	2.40	6,278.40
Do	5–1998	2,669	2.37	6,325.53
Do	6–1998	2,610	2.10	5,481.00
Do	7–1998	2,920	2.25	6,570.00
Do	8–1998	2,885	2.33	6,722.05
Do	9–1998	2,981	2.05	6,111.05
Do	10–1998	3,006	2.06	6,192.36
Do	11–1998	2,905	2.36	6,855.80
Do	12–1998	3,599	2.32	8,349.68
Sempra	1–1999	2,774	2.04	5,658.96
Do	2–1999	2,814	1.83	5,149.62
Do	3–1999	3,316	2.20	7,295.20
Do	4–1999	2,941	2.20	6,470.20
Do	5–1999	2,748	2.20	6,045.60
Do	6–1999	2,912	2.20	6,406.40
Do	7–1999	2,750	2.20	6,050.00
Do	8–1999	3,110	2.20	6,842.00
Do	9–1999	3,332	2.20	7,330.40
Do	10–1999	3,173	2.20	6,980.60
Do	11–1999	3,025	2.20	6,655.00
Do	12–1999	3,275	2.20	7,205.00
Do	1–2000	3,153	2.20	6,936.60
Do	2–2000	3,437	2.20	7,561.40
Do	3–2000	2,778	2.60	7,222.80
Do	4–2000	2,478	3.03	7,508.34
Do	5–2000	2,958	3.04	8,992.32
Do	6–2000	2,319	3.04	7,049.76
Do	7–2000	2,638	4.92	12,978.96
Do	8–2000	2,798	4.50	12,591.00
Do	9–2000	2,787	6.32	17,613.84
Do	10–2000	3,211	5.58	17,917.38
Do	11–2000	2,905	5.19	15,076.95
Do	12–2000	2,854	14.09	40,212.86
Do	1–2001	[1] 3,000	16.32	48,960.00

[1] Estimate.

Mrs. FEINSTEIN. Mr. President, I have a letter from California State Senator K. Maurice Johannessen. This letter points out that the Shasta Paper Company is now closing its doors because of rising natural gas prices and the suspension that has resulted on pulp production. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA STATE SENATE,
Sacramento, CA, December 15, 2000.

Re: Request for Immediate Intervention

Hon. GRAY DAVIS,
State Capitol,
Sacramento, CA.

DEAR GOVERNOR DAVIS: The State of California currently teeters on the brink of a major energy crisis that threatens the well-being of citizens, communities, and the economy. The significant increase in natural gas prices and looming energy shortages have caused distress among many Californians. Couple that with the decision by the United States Forest Service to halt operations in National Forests, including forest thinning, fire hazard reduction, and ground disturbing activities, and we have a formula for disaster brewing in our state.

In my district alone, the Shasta Paper Company (the only remaining paper pulp mill in the state) had to close its doors last week because of rising natural gas prices and the suspension on pulp production. Although they were able to reopen this week, they have been forced to do so on a limited basis, with a substantial reduction in their workforce. They have taken an enormous financial hit and are in danger of being priced out of their ability to operate in the future.

The Shasta Paper Company employs nearly 450 people with a payroll of approximately $1 million per week and revenues of $144 million yearly. The closing of this plant will not only devastate the area but deprive the entire state of the benefits from this valuable enterprise. They are currently considering alternatives to natural gas but will require a temporary waiver of emission standards to remain viable. In the meantime, many once productive members of the workforce are left to wonder about their personal financial situations.

Burney Forest Power is a 31 megawatt biomass fueled co-generation plant located in Shasta County that is capable of supplying power to about 25,000 homes. At a time when every megawatt produced in the state is precious, the USFS decides to suspend all timber-related activities to the detriment of biomass power plants throughout California. While industries are laying off workers due to the cost of natural gas, these same workers are being asked to pay higher fuel and energy costs. The financial impacts to individuals, communities, social service agencies, and industries may cause irreparable damage statewide.

I understand that the actions of the USFS were the result of lawsuits filed by the Earth Island Institute and other environmental groups as an interim settlement. The agreement was for suspension by the USFS "not to offer, advertise, auction or award any timber sales within the Sierra Nevada Framework planning area" from December 11, 2000 to March 1, 2001, or 30 days after the Record of Decision is issued for the Sierra Nevada Framework Final Environmental Impact Statement.

Earth Island Institute asserts in their suit that the area not only has suitable habitat for the California Spotted Owl but also that the Sierra Nevada province may contain potentially suitable habitat for the Pacific Fisher. The USFS agreed to expand the area of consideration from suitable habitat for the California Spotted Owl and suitable or potentially suitable habitat for Fisher to include the entire Sierra Nevada planning area!

I do not believe that the USFS took into account the impacts on biomass power producers and other industries when they entered into this agreement. It is not difficult to see the effect that the loss of these power producers can and will have on northern Californians as we enter into the coldest months of the year. What impact can we reasonably project on the cost of doing business in northern California when many enterprises rely on natural gas to operate? If biomass producers are hindered or shut down, the demand for natural gas will increase, causing an even greater strain on the current situation.

Governor Davis, California already suffers from skyrocketing gas and energy prices and the state is in a near emergency situation. You have sought to preserve current supplies and I am confident that you will be anxious to prevent further hardship to the citizens of California. We are already facing the threat of rolling blackouts and government offices within California have been directed to implement energy conservation strategies and actions in response to current and expected shortages.

I do not believe that the USFS acted maliciously when they entered into the agreement, however. I do feel that the action was shortsighted. To have not consulted with the Governor of a state where such actions will cause harm is irresponsible, unconscionable, and unacceptable.

I am requesting that you intervene with the Department of Justice to provide a temporary waiver for emission standards and address the United States Forest Service's action to cease all timber-related operations in the Sierra Nevada planning area.

Your immediate consideration is greatly appreciated.

Sincerely,
K. MAURICE JOHANNESSEN,
Assistant Republican Leader.

Mrs. FEINSTEIN. Mr. President, last week I reported that C&H Sugar, the only sugar refinery on the west coast, that had employed 1,000 people, closed its doors for 5 days. Its cost of steam went from $450,000 a month to $2 million a month. I would like to update that report. That company is now looking for a special bridge loan. If it is unable to find that loan, the only sugar refinery on the west coast will have to permanently close its doors.

These complaints are all centered on natural gas prices. People have not yet been hit with the 40-percent increases planned for the average ratepayer in electricity this month. This does not even address gasoline prices which some are predicting may reach $3 a gallon in California this summer. So things are going to get a lot worse before they get better.

The California Independent System Operator has said that the State will be 2,000 to 5,000 megawatts short in meeting its energy needs. In other words, millions of homes and businesses are at risk of being blacked out, maybe every day. This affects traffic lights, ATMs, farmers, assembly lines. It affects vineyards; it affects small hospitals—and the list goes on and on.

Since January, the State Department of Water Resources has been purchasing all of California's power needs because of the poor financial condition of the State's utilities. Last week, I updated my colleagues in the Senate on the amount the State has spent so far to keep the lights on. At that time, it was $5.2 billion. In the last week, that number has gone up by $1 billion, to $6.2 billion. And the State continues to buy power at the rate of $73 million a day.

The implications of these high power prices are devastating to the State. In fact, State budget officials are already making deep cuts in California's $105 billion budget that the Governor will sign into law in late June. Last week, the California State Senate Budget Committee chairman called on the Budget Committee to come up with a list of cuts totaling $2 to $4 billion to compensate for higher energy costs so far.

I would like to put the costs in perspective. California, as I said, is spending $73 million a day on power. How much is that? It is enough to fund the annual budget of the Santa Ana Police Department. It is one-fourth of the cost to run California's entire judicial system for 1 year. It would provide health coverage for almost 300,000 working families in the State. And it is gone in 1 day.

As I have said before, the major problem was a flawed deregulation bill passed in 1996 called AB 1890. However, the State is doing today all it can to increase supply and reduce demand. The State will have an additional 3,572 megawatts on line by the end of the summer and an additional 6,923 megawatts on line before the end of 2003, and by 2004 the State expects to add 20,000 more megawatts. That is enough power for 20 million additional homes.

The problem is in the interim. The problem is the absence of price stability. The State spent $7 billion in 1999 for energy—total—$32 billion in the year 2000, and it is estimated to spend $65 billion in 2001. Simply stated, this is the result of price gouging. Simply stated, it is a Federal responsibility to provide a period of reliability and stability in price before we bankrupt every industry in the State of California and close businesses from Eureka to San Diego. The Pacific Northwest is in the same crisis, and the Midwest and other regions will be as well, unless the FERC takes action.

Yesterday, the Commission ordered the Williams Company to refund $8 million for withholding power. This is the first action of its kind. The Commission found that this generator improperly shut down plants with the implicit understanding that withholding power from the market would drive up prices. Even to the most conservative Member in this body, this is evidence of manipulation of the market in California to drive up energy prices. The FERC found it, and the agreement was that Williams will pay $8 million in a refund.

This firm has admitted no wrongdoing in the settlement. However, it should be clear that what was alleged was that they took key generating units in Long Beach and Huntington Beach offline in April and May of last year. Williams said it settled to end the matter and that they would have been exonerated had FERC pursued the case. Initially, FERC had sought a refund of about $10.8 million but settled for the $8 million in the compromise agreement.

Today, Pacific Gas and Electric, a very large investor-owned utility, is in bankruptcy in chapter 11. Southern California Edison, the distributor of power to 11 million people, is very close to bankruptcy. Should the agreement forged by the Governor not go through, that utility will be in bankruptcy.

Yesterday, a divided State senate appropriations committee approved a bill that would impose a windfall profits tax on electricity sellers who gouge California consumers. Revenue from the tax would flow back to Californians in the form of a credit on their State income tax, starting next April 15. On a 7–3 vote, Democrats on the committee voted for the bill, Republicans lined up against it. The measure moved to the Senate floor, where it will require a simple majority of 21 votes and is expected to pass. The Governor has said he is open to signing a windfall profits bill, but he has not publicly lobbied for the passage of the bill.

Yesterday, the Vice President made an energy speech. I would like to say a few things about it.

In his first extensive remarks about the energy recommendations his Cabinet-level task force will make to the President by the end of May, the Vice President blamed current shortages on shortsighted decisions in the past. The Vice President said that conservation, while perhaps "a sign of personal virtue," does not make for sound or comprehensive policy. The Vice President promised "a mix of new legislation, some executive action as well as private initiatives" to cope with rising energy prices and growing demand. He definitely rejected turning to price controls, tapping the Strategic Petroleum Reserve, or creating new bureaucracies.

Over the next two decades, it will take between 1,300 and 1,900 new power plants—or one every week for 20 years—just to meet projected increases in nationwide demand, Mr. CHENEY said. And he said, "Without a clear, coherent energy strategy for the nation, all Americans could one day go through what Californians are experiencing now, or even worse."

I have been really disappointed and surprised with this administration's attention to the energy crisis. I have written to the President three times now asking to meet with him and explain the situation. So far, he has not yet agreed to meet with me.

The Vice President and the Energy Secretary through this Presidential Task Force are talking about how the Federal Government is going to help. However, adding 1,600 new power plants over the next 20 years is not the answer we need. Nobody questions that we need more supply in the long term. But we have a situation where prices have been spiking for almost a year in California and about 6 months in other parts of the Northwest, where the Northwest is experiencing the driest hydro year on record. This is where we need the help.

This is where the Federal Government has a duty to help. California and the Northwest badly need a period of stability and reliability, and this is where the Federal Government can help. I argue that this is where the Federal Government has a duty to step in and protect consumers from being gouged. As I said, California is adding 20,000 new megawatts itself which is the equivalent of forty new average-sized plants, without any Federal prompting.

Lastly, I am also quite surprised that the Vice President, in his remarks yesterday, essentially said that wind, solar, geothermal and other renewable energy sources are still too far into the future and the future is all fossil fuels.

Even if that were true, the truth of the matter is that nuclear power, for instance, takes years and years to cite and there is nothing this administration can do to help with the supply we need this summer and next summer.

I, again, urge my colleagues to support Senator GORDON SMITH and I and force FERC to take action and address the problem. The alternative may be an economic disaster for the entire country this summer.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 2:15 today Senator THOMAS be recognized for up to 1 hour allotted post cloture and, following that time, Senator WELLSTONE be recognized for his hour post cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Chair, acting in my capacity as a Senator from Oklahoma, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

Mrs. HUTCHISON. Mr. President, I have been listening to the debate on education reform for the last few days. I think it is interesting we are talking about two different things. I hear Senator WELLSTONE and Senator KENNEDY talk about money. Everything is about money. We are absolutely convinced if we don't have reform of our public education system, throwing the rest of the Federal budget at it will not work. We will not see improvements if we don't reform the underlying system.

Our public education system is failing. It is failing because there is such a variation of standards. Some of our public schools are terrific, but they are not all terrific. Some are even abysmal. That is not the standard of quality for public education we should stand for in this country. We are trying to reform the system so there will be a standard under which any child in this country who is educated in our public schools will be a child who can reach his or her full potential so that no child will be left behind. We are trying to set a minimum standard that every child must meet or, if the child doesn't, that we will give that child help.

We have seen the high school dropout rates. They are alarming in some areas of our country. What is interesting, when we go to the root of the problem and we talk to these young people who have dropped out of high school in despair, there is a basic reason. The basic reason is they can't read.

Why not go down to the third grade and catch these young people who are having problems reading and give them a chance to have the full ability to absorb the education they are receiving? If we shuffle them from one grade to the next grade to the next grade, a social promotion, and they still can't read in the 10th grade, who is surprised that the children are frustrated? They are sitting in classes, trying to learn algebra, math, science, history, and geography, and they don't have third grade reading skills. Of course they are going to be frustrated.

What we are proposing is an accountability, a standard, that says every child will be tested in the third grade. If that child isn't reading at grade level in the third grade, we are going to hold them back. We are going to give them tutors. We are going to give them the tools they need to be able to participate in their education and in this country the future.

That is what reform is. Reform is not just throwing more money at the problem. Reform is getting parents involved, in getting teachers, in getting principals involved, in letting the local school districts make the decisions about what will be the best for the individual children in that district. That is what reform is. It is not throwing money at it and having regulations coming out of Washington, DC.

We are trying to set a standard by which every child in this country will be able to read at grade level in the third grade. I think we are going to see the test scores soar across our country if we can get over the hurdle of talking just about money and start talking about reform.

Reform includes accountability. A lot of people wring their hands and talk about tests: We don't want tests; we don't want too many artificial tests; we don't want teachers teaching to the tests. If we are testing for the basic skills, why wouldn't we teach to the test and improve what the children are learning? If we teach to the test and the test is fundamental reading, fundamental math, fundamental science, fundamental history, then we need to have a standard by which to judge what is happening in our schools.

Another reform is reporting, making sure that parents have the tools and the information to make the best decisions for their children. In fact, if a parent doesn't know how the school is doing and how the children in the school are doing, how can they know their children are getting the best opportunity that is available?

In my State, we have a report card. It is called the Just For Kids Program. The test scores of every elementary and junior high school—and we are going now through the high schools—in Texas will have a report card that shows the test scores and how the test scores have grown in that particular school. If that school is compared to other schools in the same socioeconomic, demographic area and that school does not compare well, the parents then have the information and the parents will be able to say to the principal, wait a minute, why is this school not performing? We want to give parents the ability to question. We think by questioning, we can see improvements.

We are talking about reform, not money. We are talking about doing things a different way. We are talking about reading at grade level in the third grade so in the eighth grade the child will have the chance to learn the higher math, the history, the algebra. We are talking about accountability testing, to see if the children are keeping up, to see if we can go to the heart of the problem, if there is one, and fix it while we still have a chance, before the young person has, in utter frustration, dropped out of high school. We get them at the lower level and we give them the chance to compete.

We also have report cards. We have report cards so parents will be armed with knowledge. Parents can go to the principal and say, why isn't this school performing? That is the most powerful force we can possibly have. If there is a coverup, if there is no test, if there is nothing by which the parents can judge the performance, of course, everyone is going to be silent and we will have continued failure.

These are the elements of reform that will make a difference in the system. This is what we are talking about when we talk about doing things in a different way in our country. We are not talking about just throwing more money at it, although the President's plan does increase education spending by over 11 percent, the largest increase of any part of his budget.

Yes, we are going to spend more money but we are going to make sure that the money goes directly to the school districts with standards that we would ask them to meet. We would ask them to meet those standards in their own way, not in some federally mandated way that might not be right for the children in those particular school districts.

I am very pleased that we are finally on this bill, and I hope we are going to come out with something that will show the parents of this country that there really is hope; there is hope for a different way; there is hope for the future for their children in public schools.

Mr. President, I am now very pleased to yield the floor to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I rise in support of a variety of sections of this piece of legislation. I certainly want to second the comments of the Senator from Texas, who has pointed out some of the significant strengths of the bill.

Let me talk about one specific area that I think needs clarity, and then some additional amendments I hope to offer to give parents more options.

The question of quality education I think we all understand is parental involvement. It is a good teacher, a good principal, but, most importantly it is a parent who gets involved in their child's daily activity of going to school and learning. Unfortunately, the Federal role in education has historically undermined the ability of the parent to be a participant in that activity. In fact, title I, as it has been structured over the last 25-30 years, has been a school-based, bureaucracy-based funding mechanism. It has not been directed at benefiting the child so much as benefiting the bureaucracy which in turn theoretically benefits the child. As a result, I would argue that that is probably one of the primary reasons title I has failed, and "failure" I define is the fact that today the low-income child reads at two grade levels below their peers, and that is the same level of inefficiency or inability that the low-income child was reading at 20 years ago.

We have seen a huge amount of money spent on title I over the last 20 years—$120 billion—but we have seen, in fact, no improvement in the performance of low-income children. So they have been, even though we have been spending a lot of money on the program, left behind.

This bill tries to address that issue. One of the ways it addresses it is as follows. It attempts to empower the parents, giving the parents a little bigger say in how their children are taught. If you are a parent and you are in a failing school, under today's rules, you have no rights. Your child is stuck in that school and there is virtually nothing you can do to help your child. Under this bill, what we say is if a school fails in the first year, we are going to come in with some additional resources to that school, significantly additional resources, and we are going to try to help that school improve. But if the school is failing in the second year, we are going to do some other things to try to improve that school. We are going to replace some people. We are going to try to dramatically improve the curriculum and, again, we are going to fund that. But if by the third year the school is still failing, we are going to say to the parent: All right, you have the right to do something with your children to try to improve their education because it is very obvious that you are not getting the benefit you need as a result of the way the school is functioning.

Unfortunately, I would like to have accelerated that so it would happen in the second year, but the agreement is that in the third year if a child is in a failing school that has failed for 3 years, the parent will have the right to get that child supplemental assistance outside the school system so that if that child is failing in reading or that child is failing in math, the parent, at the parent's option, will be able to take their child and get additional assistance for that child after school or maybe during recess time, however the school wants to set it up, so that that child can go away from the school to a Sylvan Learning Center, to another public school or to a private parochial school for the purposes of getting remedial assistance in the academic area where the child needs help.

The child still remains a pupil in the public school system. This is not an option of leaving the public school system and going into a private school system. Rather, this is an option of allowing the parent to get supplemental assistance for that child and allow the child to have the assistance he or she needs in order to bring the child up to speed because he or she has been in this failing school now for at least 3 years—they may have been in it longer—and they are way behind. Under most scenarios, you are going to find they are way behind. So this is an attempt to bring them back up to speed with special tutorial support.

What does this mean? For the first time it empowers the parent to do something when their child is stuck in a failing school. Who are we talking about? We are not talking about middle class parents for the most part. We are certainly not talking about wealthy parents. What we are talking about for the most part are single moms, many of them in urban societies, who have virtually no options for their children, and we are going to give that single mother an option. We are going to allow that single mother to take her child and get some assistance in math or reading.

That language has been agreed to and put in this bill. Some have called it choice. It is not a choice; it is sort of hybrid of choice. It was an idea I came up with more than 3 years ago and got consensus—in fact, so much consensus that folks on the other side are announcing it was their idea. We are happy to have many authors of it because it is a good idea. But it really is the first step in the effort to try to empower parents.

The second step is equally important. It is not in the bill, unfortunately. That is to take a few schools that we know are failing and that have failed year in and year out and say to the parents of those kids in those schools: We are going to give you a full option of choice. We are going to put the pressure on that school to perform, and if it does not perform we are going to allow you to put your child in another school, either a public school or a private school. Under this bill there is an option to take your child out and put them in a public school after being in a failing school, but there is no option to go to a private school.

Now, this is the classic choice situation. This is what we call portability. The idea is instead of having the money go to the school systems which have taken this money and produced year in and year out a failing school, to say to the parents: The money is going to go to your child; it is going to be strapped on the back of your child with a backpack, and you can take that money and your child and you can put them in a different learning climate. But when you do that, the conditions are going to be that your child has to learn. That is the only thing we are going to hold you to. Your child is going to have to start to achieve as a result of leaving that school and going to another school, whether public or private. Your child is going to have to start achieving at the level that they should have achieved to be comparable with or equal to a child in their grade level who is in a school that is performing well.

We are going to expect academic achievement, and we are going to have accountability standards expecting academic achievement for you, the parent, having the right to take your child and the money that is supposedly supporting your child, the Federal money—and, really, we are only talking about low-income parents; we are not talking about the general population—to another school.

Now, does this idea work? Yes, it does. This idea is already being used in Milwaukee, for example, and it has been extraordinarily successful. It is being used in Arizona, and it has been successful. The fact is, there are a lot of school systems out there that are willing to pursue this type of idea.

It should be noted that we are not going to suggest that this be done unilaterally by the Federal Government or that the parent have the unilateral right to make this decision. Rather, what we are suggesting is that there be two conditions present. First, that before this option of a choice or portability is given to the parents, the local school district, the local elected public school district, must opt into the program.

You will probably say that will never happen. It will actually happen. That is what happened in Milwaukee. The local elected officials who were responsible for education decided in this case that it wasn't the school district but it was the town council that decided they wanted to give parental choice. They wanted portability. If a local elected board, which is charged with the education responsibility of the children in that school district and, therefore, has the responsibility for public education, decides that as one of the elements of its educational system it wishes to give parents of kids who are in failing schools where the school has failed for at least 3 years the option and the ability to move that child to a private school, they will have that option but only if that idea is supported by the public entity which has legal authority over the public school system.

It is not a top-down decision. It is not even a unilateral parental decision.

The second condition we have is that no title I money will be used for this exercise. This will be a new funding stream so that the portability initiative or the choice initiative—however you want to call it—will not be a drain on title I funding in the school districts but, rather, will be a separate funding stream that will be available to the community that decides to opt into this.

So as to the argument that this is going to somehow undermine the public school system, we punch a hole in that balloon by pointing out that the public school system makes the decision to go down this road. As for the argument it is going to undermine the funding mechanisms for title I kids, we punch a hole in that by making it clear that the funding mechanism is independent of the title I dollars and, therefore, has no impact at all on title I.

Those two red herrings can then be set aside, although I am sure we will hear a lot about them when the amendment is offered.

The real argument is, interestingly enough, by the Washington Post, a paper with which I don't often agree, editorializing this last Saturday in favor of giving parents some options—especially low-income parents, and especially single mothers in urban communities who have no options today as a result of giving them those options and bringing competition into the school system, and it is competition that produces quality in our society, whether you choose to go to a Burger King over a McDonald's because of the competition or a McDonald's over the Burger King. In education we have no competition today. We have no force for improvement that comes from the marketplace or that comes from the pressure of having to perform in order to get clients.

This will introduce that into the system, and, most importantly, it will give hope to parents—in particular, single moms, especially in urban communities, mostly from minority districts—hope that their children will have the opportunity to live the American dream and that their children will have the opportunity to be educated.

I appreciate the courtesy of the Senator from Alabama in allowing me to go first.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his steadfast leadership on matters involving education. He has served on the Education Committee, on which I serve now, for quite a number of years. He is a champion and a visionary and a person who really cares about children and wants to improve education in America. He has been very successful in making that happen.

I had the opportunity last week to spend a day with Dr. Rod Paige, the President's Secretary of Education. Dr. Paige is an extraordinary individual. He has lived the kind of life we want to happen in America. He grew up in Monticello, MS. His parents were both educators. He played ball and coached at Jackson State. He then went on to become dean of the education school at Texas Southern, and was on the school board at Houston. Houston was looking for a new superintendent of their education system. They were troubled about how they were getting along. Things weren't going well. There are 207,000 students in that system. It is the seventh largest education system in America that had a number of children who had difficulty with the English language, with a diverse racial and socioeconomic makeup. It was a real challenge.

When he took over, only 37 percent of the students in that school system were passing the basic Texas test. He took it on with a passion that this could not continue. He had been a dean of an education school. He said: If I knew what I know now about training teachers, I would have done things a lot differently when I was dean. But he still took over that system, and it was in trouble.

He identified schools that were failing, and he did not allow it to continue. He took action on failing schools. He cracked down on discipline. He said we must have discipline. We cannot have a school system that has a reputation that it is not safe to come to it and where teachers continue to feel unsafe and where students don't feel safe. He improved discipline dramatically.

He ended social promotion—the idea of just passing children along even if they are not learning the basic requirements of that grade. He said that cannot continue.

He began a rigorous system of testing—not because he wanted to harm the children or because he wanted to pigeonhole students, but he wanted to find out diagnostically as part of the education process where they were academically.

He said quite convincingly that if a child reaches the fourth grade and they are way behind in reading and math, they probably will never catch up. You have a rare opportunity in those early grades to constrict failure and turn it around. That is what he decided to do. He did those things.

As a result, in 5 years, from 1995 to the year 2000, he nearly doubled the number of students passing that basic Houston, TX, test. It went from 37 percent to 73 percent, one percentage point below doubling that figure in just 5 years.

I think that is an extraordinary achievement. He said he was able to achieve some additional financial support, but not much really until the last year after he had proven that he could achieve success.

What he said they did was the very thing I just mentioned. They did not want to leave a child behind. How do you leave a child behind? You don't test them. You let them go by law to a school that is dysfunctional, that is not working, and that is not effective. You won't let them go to any other school in the system. They don't have money to go outside the system. You just say: Tough luck, child. We are taking care of it. We are giving that school as much money as we give the next school. But you have to go there even if it is a failing school.

Dr. Paige said we cannot do that anymore. I know the Senator from New Hampshire is a strong believer in choice. So is Dr. Paige. Most school systems, I am sure, wouldn't adopt the option that we provide them. But Houston did. Dr. Paige said: It did not hurt the public schools. It made us better, and in fact after a period of years with our test scores going up, our success rate going up, and our discipline problem going down, the number of students coming to the public schools increased. We were drawing people from private schools. He said public schools can and will win the battle if they do the things necessary to achieve success.

I will just echo that. I taught a year. My wife taught 4 years. Our children attended public schools for most of their career. My two daughters graduated from one of the big inner-city schools in Mobile, AL. We were on the PTA and have a lot of great friends who are teachers. I have visited 25 schools in Alabama this past year.

I think I have some appreciation for what education is all about. Yes, we want to get as much money as possible for education. In fact, the Federal Government has increased federal spending on education by 50 percent since 1994.

This year's budget has an additional 11.5 percent proposed increase for education. But it is deeper than that. We have to ask ourselves: What is happening with the money we are spending? There are States that spend a lot more money than other States. There can be schools in the same town, in the same system, receiving the same amount of money per student, and one school is functioning well and maybe the another one is not.

We have to ask ourselves: What is occurring in our school systems that is not healthy? There is a legitimate concern that public policy has responded to the system. We have tried to do what the system says; and the system says, basically, we do not want testing and accountability; we just want more money. Just give us more money, and we will do better.

For the most part, schools in the United States have had increased funding per student over the last decade or more. But, unfortunately, the numbers have not gone up. The Federal Government has spent $125 billion in trying to narrow the gap between low-income students and upper-income students, and the gap has not narrowed, it has widened in some areas.

We still have very disturbing test scores in math and science that show we are not competitive with the rest of the industrial world. I think that is so obvious as to be without dispute.

What is it we are doing wrong in education? You go to Japan, and they have classes with 50 or 60 children in a class. We have much smaller classes than that, but our numbers are not where we they need to be. So what is the problem?

I think Dr. Paige and the President's plan is focusing on a couple of core events: Do not let a child fall behind. Leave no child behind. Find out at the earliest possible time if they are not keeping up. Do what needs to be done to then intervene. Do not let parents think that just because Billy is going to school every day, that Billy is learning at a legitimate rate and progressing effectively. Those tests will tell on the school. They will tell on the students. And the parents will be much more engaged.

Alabama has done that. My State has stepped forward. It has one of the toughest testing systems in America. It demands that students meet certain minimum standards. The students are achieving more.

Some say: I just don't like these tests mandated by the Federal Government. They direct policy in teaching and teachers have to teach to the test. But if the test is a good test, and the test determines whether or not a child can handle basic math or can read and write, and teachers are teaching to that test, I say, well done. I say that is progress.

We need good testing, developed by the States, that will test basic reading and math improvement skills. If we know that, if we are knowledgeable about whether or not they are making progress, then we can help that child get even better. If they are not making progress, we can confront it. If a teacher or school is consistently failing, and not meeting those standards, perhaps at that point we need to confront the leadership at that school. Maybe we can find better leadership and improve those test scores. Because the American taxpayer, the American citizen, is entitled to know whether or not their money is producing results. How much more basic can it be? We are talking about giving more money and having no accountability?

In the 4 years I have been in this body, I have learned that many of our friends on the other side of the aisle say: You just want to send more money to the schools without accountability. And I do want to send more money to the schools with less strings and less paperwork. I definitely believe in that. But the question is, what is accountability? What do we mean when we say "accountability"?

If you listen to many in this body, accountability is whether or not an individual school gets the money that we appropriate and that they do with it precisely what is said here. That is what they determine to be accountability. We have 700 Federal Government education programs. Can you imagine that—700? It is hard to believe.

So they say, you cannot consolidate those problems. You cannot send the money down to an elementary school that wants to revamp its entire reading program, to spend $20,000 to develop a program that will be effective for the next decade to improve reading in their school where they have a vision and a passion for it and they just can't wait to do it. They don't have the money, and we say: No, you can't do that. You have to spend it for one of our little 700 projects.

What I have learned is—and as I have thought about it—that is a wrong view of accountability. Accountability is having a learning curve. Are children improving? Are they better able to read now than they were last month or last year? That is what accountability is. You cannot do that without testing. Almost every school system knows that. Virtually every school system tests, although there is a fierce, dogmatic, determined group of advocates who resist testing in every shape, form, or fashion. They fight it every way possible, with every kind of possible excuse.

But I repeat again, if you love those children, if you want to see them reach the highest and best economic and social potential in the world, you want them to be able the read and write. You want them to be able to do basic math. You want them to reach the highest possible achievement in trig, in chemistry, and physics, and the highest form of mathematics in their school systems. We want them to reach their fullest potential. That will not happen if they are not progressing steadily every year.

So I believe we can do better. I believe if we focus on learning, and if we give our principals and our teachers more freedom to use the Federal resources in a way most effective for learning, they will use it that way. If we say: You will get even more freedom if your test scores improve, such as they did in Houston, the children will benefit from that additional freedom. I assure you, the local people will be more willing to support a school that is showing progress than one that is not showing progress.

I will share this story. There is a principal in Alabama named Dorothy Robinson. A number of years ago, she was a teacher in a rural school in the county in which I grew up. She also grew up there and taught in Packer's

Bend. We call it "across the river." Packer's Bend was an isolated area across the river from the main part of the county. They had a small school, and it was in big trouble. Test scores were not good. The school was not in good shape. The county was about to close it. They said they would.

Dorothy Robinson said: Don't close it. Give me a chance. I believe I can turn this school around. It was on academic alert by the State. It was the smallest high school in the State. She started that summer, got students together, and they helped clean up the school. They got parents involved to an extraordinary degree. She called her teachers together, and they decided they could improve test scores. They were going to do the things necessary to make that school be an effective educational institution. She worked at it, and was highly successful; and 4 years later they were running test scores as high as any in the county.

It was a really tremendous achievement done without any great appropriation of money, done by leadership and a determination to hold students accountable. She challenged them to be their very best. She did not put up with excuses. And she moved them forward. In fact, the superintendent of education in Alabama has now hired her to help him set up programs for similar schools throughout the State.

Those kinds of improvements are happening in America. We need—as a Senate, as a Congress, and as a U.S. Government—to develop policies that help those success stories occur more often. We need to help them decide what to do fundamentally; and that is, to find out whether children are learning properly and to give those schools more freedom and flexibility to do that. If the schools continue to fail to teach our children, we need to give those children some option to reach outside that school. Because it is wrong; it is not right at its most fundamental level, to say to a poor child who has no other option but to go to public school: You must go to this failing school. You just go there anyway.

This is what we do in American today mostly. The President is saying, if you can't get your school operating at the basic level, give them some options, give them some choices. But fundamentally, if we do the things Dr. Paige did in Houston, if we do the things Ms. Dorothy Robinson did at Packer's Bend, every school can move to the highest possible level. We can without any doubt substantially improve the learning of children all over this Nation without any tremendous increase in funding. It can be one of the greatest things this Nation has ever done, not to leave a child behind, make sure every one is progressing to their fullest potential.

We can do this. I am excited about it. The President was a Governor of a large State. He ran for Governor promising to do something about education. He achieved some great improvements in Texas education, and he wants to do it for America. It is not a pipe dream, it is a vision that can be achieved and made a reality. I hope this Congress will not just continue business as usual, not just continue to function as an arm of the establishment, but that we will confront our failure to come up with innovative solutions for improvement and to increase substantially the learning that occurs in classrooms in America, those magic moments when a child and teacher gel and they learn. It is a thrilling thing. We need to further that and not the bureaucracy.

I look forward to the continued debate on this. It is time to bring this bill up and make some changes for the better in America.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. KYL. Mr. President, I begin by complimenting the Senator from Alabama and before him the Senator from New Hampshire, both of whom made extraordinarily important points about the need for improvement in our education in the United States and about the single ingredient that can do more to enhance their performance than any other single thing; that is, more choice, more freedom in our education system, choice for parents so that their kids have a chance, and freedom of local schools to experiment and to do what is in the best interest of the kids in their local communities rather than having policies dictated from Washington, DC.

In starting this process, I had very high hopes that we would be considering legislation in this Chamber that embodied this concept of choice, of more freedom for parents and students to go to the schools that were succeeding rather than being relegated to the poorer schools that characterize all too many of our communities today. I had hoped we would be able to pass and enact legislation that embodied an entirely new approach to education in our country.

Sadly, I no longer have those hopes because the bill that came to us from the committee to the floor is a bill which does not embody all of the President's ideas as he put forth. It is, in effect, the lowest common denominator, a bill that represents the consensus of all of those people who had anything to do with it and, as a result, instead of embodying those new principles, those principles of reform, relies far too heavily on the ideas of the past, the old model of Federal education which assumed that improvement in student performance could be secured through bureaucratic initiative alone. The old model ensured that when policy details were hammered out, there was a seat at the table for any special interest with a vested interest in existing arrangements but literally no voice for students and parents.

Of course, the old education model was built on the premise that Congress' commitment to expanding opportunities to the disadvantaged, as well as to overall academic excellence, could be measured primarily by how many taxpayer dollars were spent. I believe we need a new model, and we should begin by recognizing that if we want to see revolutionary improvement in education, we will need to consider the benefits of a system that is more dynamic than the monopoly model in place today.

An old rancher friend of mine told me, if you want to get out of a hole, the first thing you have to do is stop digging. The hole that our educational system is in today means that we have to stop making it worse by continuing the same policies. The only way we are going to improve is if we allow freedom and choice of the local communities and the parents to do what they think is best for their kids and for their students.

We have to begin by declaring independence from special interests. In covering other areas of public policy, the news media constantly insinuate that politicians are putting the well-being of the special interests that help their campaigns ahead of the consumers' well-being. That pretty well sums up the relationship between many politicians and the defenders of the status quo in education. We need a debate about the premise that more spending equals better results in education before we pass legislation influenced by that premise.

In fact, the history of the Elementary and Secondary Education Act makes it clear that spending more taxpayers' money does not buy better results. As an alternative hypothesis, I submit we will improve education to the extent that we provide more freedom for families to obtain the kind of education they know is best for their children. I hope we will legislate accordingly.

Let's look at the state of elementary and secondary education in our country today. America is not educating a workforce that meets the needs of the 21st century, let alone the needs of each student. Last year Congress authorized the issuance of 297,500 new visas for highly skilled temporary workers to come to our country, and we had just raised the ceiling 2 years before. The reason? Not enough qualified American workers were available to fill the jobs in the new American economy. This situation is not likely to reverse itself based upon current trends.

The results from the third international mathematics and science study show that American high school seniors rank 19 out of 21 industrialized countries in math and 16 out of 21 nations in science. Over the past decade, the number of college degrees earned overall has increased by 25 percent, but the number earned in the fields at the heart of the new economy—engineering, computer science, and things of that sort—has grown by only 1 percent.

Moreover, too many people are being left behind in our education system: 37 percent of fourth graders test at the so-called below basic level in reading. That means essentially they are illiterate. For Hispanic fourth graders the proportion is 58 percent. For African American youngsters it is 63 percent. That is unacceptable. Only a third of all fourth graders have attained proficiency in reading. Since 1983, over 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math.

As President Bush has repeatedly noted, too many of America's most disadvantaged youngsters pass through public schools without receiving an adequate education. The President has correctly identified these shortchanged young Americans as victims of the soft bigotry of low expectations.

For some the response to these problems will be to call for more money. I might note that Republican majorities in the Congress have provided more money; for example, a record increase of 18 percent last year. We will see even bigger increases this year given the priority President Bush has placed on this in his budget. But simply spending more money on schools and school personnel has not produced educational improvements.

Since 1965, real per pupil expenditures have increased from less than $3,000 to more than $7,000. During the same period, reading scores on the National Assessment of Educational Progress have been static. So we have well more than doubled the spending per pupil on education, and we have no improvement in the test scores. Between 1960 and 1995, average class size fell from 25.8 to 17.3. Inflation-adjusted average salaries for U.S. public school teachers grew 45 percent from 1960 to 1995. Over that same period, SAT scores plummeted.

As Secretary of Education Ron Paige has noted:

> After spending $125 billion over 25 years, we have virtually nothing to show for it.

Education special interests and the politicians who represent them have lost the battle. Their last resort is to say we are not spending enough money. But we don't need a bidding war. What we need are reforms that will bring results.

President Bush's original plan contained a number of worthwhile reforms in existing education programs. It called for cutting Federal redtape while bolstering accountability through meaningful assessments.

In addition to its accountability provisions, that plan contained a modest school choice provision. To the President's great credit, the Bush blueprint recognized that competitive pressure, and the threat of it, is essential to triggering the meaningful accountability that can spur improvement. That is the insight upon which we should be building.

We know that the benefits of education freedom are real and they are dramatic. One talented researcher, Harvard's Caroline Hoxby, has found that expanding choice raises the demand for teachers with initiative and strong academic backgrounds. Currently, these are the teachers most likely to leave the profession.

Professor Hoxby also found that when families are given a real choice of schools—as, for example, they have been in Cleveland and Milwaukee—significant improvements in test scores, graduation rates, and future incomes are registered by the students who leave their old schools and by those who stay because those schools have responded to the challenge of competition and have improved accordingly.

Unfortunately, efforts to ally public policy with an agenda of promoting freedom in education have had only limited success. I am very proud that Arizona was ranked No. 1 last year on the Manhattan Institute's Education Freedom Index, which ranked all 50 States. My State's reforms, for example, have led the way with the type of reforms I think we need at the Federal level, including the most liberal charter school law in the country, a law that has led to the opening of more than 400 charter schools in Arizona, which is about a third of all the charter schools in the country; open enrollment, which allows parents to enroll children in any public school and has the funds to follow the student; finally, an idea I plan to propose as a Federal policy—a tax credit that offsets contributions Arizona families make to organizations that help give students the opportunity to attend a school of their choice.

This tax credit proposal builds on an idea that has already taken off, thanks to private philanthropists. In 1997, two distinguished business leaders, Ted Forstmann and John Walton, invited applications for 1,000 partial tuition scholarships for families in the District of Columbia. Nearly 8,000 applications were received. In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships, and 1.25 million applications were received.

This is an idea whose time has come. It is a concept Americans embrace. As impressive as these numbers are, these testimonials were offered by parents who have been pleading for better options.

One mother said the following about her experience:

> We would not be able to afford this without your help. Our daughter is really excited to be learning spelling and grammer (which was not being taught in public school). She's an aspiring writer and thinks this is great. My son has autism, and his new school had more services in place for him on the first day of school—without me even asking—than we've been able to pull out of the public school in six years! They both love their new schools and are doing well.

Here's another mother's testimony:

> I am so excited that my son has been chosen to receive a scholarship . . . One evening I sat on my bed and cried because I really wanted him to attend a private school but I know that I cannot afford all of the tuition. Therefore your scholarship fund was my only hope.

Yet another mother wrote,

> I cannot begin to tell you how grateful I am for this opportunity to send my children to a private school. As a low-income mother of four wonderful children with great potential, I would not be able to provide this change for them without your help.

This particular mother goes on to say,

> I have chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future.

In 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options.

They instituted a state credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations—like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students—nearly all of them from disadvantaged backgrounds—have received scholarship assistance that has made it possible for them to enroll in a school of their choice.

The number of organizations offering scholarships in the state has shot up from two to 33.

Arizona's leaders understand the need for adequate resources for education.

Last fall, Arizona voted to spend an additional $438 million on education.

But first they laid the predicate to ensure that the money would be well-spent by reforming the system.

We should do the same.

If we define success as success in sending more of taxpayers' money to sustain a system that cannot improve and will not change, we may do great things for the buildings and personnel involved in education, but we will have left behind the children.

We should be judged by our willingness to make changes that promote innovation, competition, and parental choice—in short, freedom.

Those are the changes that will ensure no child is left behind.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask, of the hour I have, I be allowed to take 10 minutes as in morning business to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 805 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Perhaps the best way to talk about this legislation and why I have been opposed to the way we are proceeding, is to do two things. I will start by reading. I don't want to plagiarize. I was a teacher.

I say to my colleague from Rhode Island, I can be relatively brief and do this in 15 or 20 minutes—is that not brief? I was a teacher; that, for me, is brief. I know Senator REED from Rhode Island has come to the floor.

I will speak about what we are and are not doing in this legislation, first of all, by quoting Jonathan Kozol. Jonathan Kozol has unbelievable credibility because this man has written some of the most eloquent and powerful books ever written about children and education. I don't think there is any question about it. It is what the book reviewers say. It is what people in education say. Jonathan's first book was called "Death at an Early Age" and was about him having lost his job as a teacher in Boston for assigning a poem by Langston Hughes because the children were all African American, and he wanted them to know about Langston Hughes.

He has written so many books. I will quote some of what Jonathan Kozol has had to say about this legislation and where we are heading. His words are better.

He starts out:

> Standardized tests in the third grade measure 7 years of learning for privileged children, but only 4 years for lower income kids who got no Head Start opportunity.

Think about that for a moment. In other words, the wealthiest children typically receive 3 years of rich developmental preschool education at an average cost of about $15,000 a year, while half of the eligible children of poverty don't even get one year of Head Start.

And in the poorest areas, as Jonathan's last two books have been about the PS 30 school in the South Bronx, 75 percent of the children, not one of whom comes from a family with an income of over $10,000 a year, are excluded from Head Start. So any standardized tests given in the third grade is not a test of "school's success." "It is a test of wealth or poverty. A third grade test for children whom we rob of Head Start is not school reform but punitive hypocrisy."

Those are the words of Jonathan Kozol. Believe me, I wish they were my words. I agree with them. That is why I come to the floor and state I could not believe I heard some colleagues on the other side talking about how, if the schools do not succeed after 1 or 2 or 3 years, then there will be severe consequences, and on and on and on. I will say it again. Some of the harshest critics of these teachers in these schools could not last 1 hour in the classrooms they condemn. But at age 8, let us be clear about this, for these third graders, this is not a test of school success. It is a question of which kids by age 8 had rich prekindergarten education—which kids were able to come to school ready to learn. How many children were challenged, nurtured, and all of the rest. So basically you have one group of kids who had it all. You had another group of kids who did not even have a chance to be in Head Start because we fund Head Start at 50 percent of what is needed for 4-year-olds even less for three year olds and only 3 percent of what is needed for 1 and 2-year-olds. And the Head Start program is to do what—to give children from disadvantaged backgrounds a head start.

Jonathan's conclusion: A third grade test for children or for the school, which is also supposed to be a reflection of how the teachers do, is not school reform but "punitive hypocrisy."

I will offer an amendment that will say that we will not mandate these tests in every school, in every district, in every State until we fully fund title I.

Another amendment is going to be we should not do it until we fully fund Head Start. I will be interested to see how colleagues vote.

Jonathan Kozol goes on and says—"and, please, this is my battle cry. This is my plea. This is my prayer." He says: "Nationally enforced testing with no national guarantee of equal opportunity to pass the test is ethically unjust." I would like to see a Senator come out here and argue with me on that. So you have school funding for pupils in the poorest school districts of America that range around $6,000 per child, and you have school districts in the richest communities that range in the area of about $24,000 per child. In New York City, poor kids in the Bronx last year got $8,000 to pay for their education while children in the wealthy suburbs got $18,000 to $20,000. Teachers in the richest districts got $20,000 more in annual pay than New York City teachers.

So the White House bill will test the poor against the rich and then announce that the poor are failing. Federally required tests without federally required equity amounts to clubbing these children over the head after systematically cheating them. I want to say this in this Chamber because that is exactly what we are doing. That is exactly what we are doing. We know in advance which kids will fail. So this is a plan not for reform, not for equality, but for guaranteed humiliation children.

I am sorry, I know where "leave no child behind" comes from. That is the mission statement of the Children's Defense Fund. I heard a colleague—I will not use names because we are not supposed to be personal—come to the floor and say the money is not the answer. We need to give the children tools to do well. And then this colleague jumped to talk about the tests. Does the test assure a good teacher? Does the test assure that we are going to be paying teachers well so we have good teachers? Does the test assure a smaller class? Is the test the tool that brings about the technology in the schools or the good textbooks? Does a test rebuild a crumbling school building? Does the test assure that the children come to kindergarten ready to learn? The test does not assure any of that.

We cheat these children. We do not even fully fund Head Start, and then we fail them and club them over the head and we call this reform. I want nothing to do with this unless we are going to have an honest commitment of resources.

My friend Jonathan Kozol goes on to say that the testing advocates assume that teachers are afraid—I have heard some of this discussion—to be held accountable. He says this is a liability against the future. And he is right. No good teacher—I have two children who teach. I am a proud Jewish father. I think they are great teachers—No good teacher is afraid to be held accountable for what she does or what he does with children, but it is manifestly unfair to ask accountability from teachers when the Congress is unwilling to be held accountable for its behavior in shortchanging kids and basically cheating them from the hour of their birth, and then clubbing them over the head with a punitive exam.

Senators should be ashamed to go along with this.

Now, I am going to make one other point from Kozol, although I could go on and on. This excessive testing is degrading and it is distorting instruction. Teachers, and I quote from Kozol, are turning to robotic drill and grill routines because they are terrified of sanctions—loss of funding—if their student scores are not high enough. And this mandate from the Federal Government, an unfunded mandate, is going to require every school and every school district, every child from age 8 every year to be tested. And what is going to happen is the teachers are not going to be able to encourage the students to have questions. They are not going to be able to encourage curiosity or humor or delight of any kind. All those trips to the museum and all that art and all that music and all of those other activities, they will go by the wayside as everybody will be drill teaching to drill tests. And this passes for reform?

I wish there were more colleagues present so they could get angry at me. I think people in these school districts, people down in the trenches think we are crazy. I go to a school about every 2 weeks and I do not find people coming up to me, whether it is in rural or whether it is suburban or inner city, saying we need more tests. I have people come up to me and say: God, we need more teachers, or we need more counselors; we need affordable housing because our third graders are moving three and four times during the year and it is hard for them to do well in school.

It is hard when the children come to school hungry. It is hard when they come to school with an abscessed tooth because they do not have any dental care and can't afford it. We need afterschool programs. Why can't you invest in Head Start, child care, and make sure the kids are kindergarten ready. We need smaller class sizes. Our buildings are dilapidated. I wonder how U.S. Senators would do if the toilets didn't work, or if it was cold during the winter, or there was no air conditioning, or we didn't have access to the fax, or we didn't have the books we needed, and we didn't have adequate facilities. How would we do as Senators?

A lot of children are having to learn under these conditions.

That is what I hear about. I do not hear people coming up to me saying: Please, Federal Government. Mandate that we have tests every year.

But this is what we call reform.

Then, to add insult to injury, the estimates that we are getting from our States is, wait a minute; to do the testing the right way, if there is a right way, is going to cost at a minimum over $2 billion. Some estimates are as high as $7 billion. The White House has a few hundred million dollars for this.

Whatever happened to my Republican colleagues' outrage about unfunded mandates?

In addition, in St. Paul, MN, after you get to a school where only 65 percent of the kids are low income, or, say, 60 percent, there is no title I money left. We fund about 30 percent of the children who can get the help.

The President is calling for a total increase of $670 million or thereabouts because we have to have these Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent. Now we hear we are going to have several hundred billion over X number of years spent on the Pentagon. Then there will be missile defense, and all the rest.

Where are the resources?

My final point today is that I am disappointed. I said before we actually brought this bill up, and certainly before we proceed with this bill I am going to keep saying this. We should have an agreement on some of the policy questions that I know Senator REED and others are going to talk about, and also whether or not there is going to be a commitment on resources because this will just be a mockery. Senators will rue the day they voted to mandate this and made every State, every school district, every school, every kid, and every teacher go through this and they did not provide the resources for IDEA and for kids with special needs or for title I or so kids can be kindergarten ready. You will rue the day.

Democrats, my colleagues, this is not reform. You should stand up against it. If there is not a commitment—I don't mean authorization, I mean the commitment of resources, appropriations, and I mean now—we should fight this all the way. We should say to people in the country: God knows we are committed, but we are not going to let this be an unfunded mandate, where you will have to raise your property taxes.

As Jonathan Kozol said, we are not going to have a Federal mandate for testing without a Federal mandate of equal opportunity for the children to get a good education to do well.

So I will offer an amendment to title I which says that the new testing set to go into effect in the school years 2005 and 2006 shall not be required to go into effect in that year unless title I has been appropriated at $24 billion, nor will it have to go into effect in subsequent years until such sums are necessary are appropriated to fully fund title I.

This is put up or shut up time. If you are serious about accountability, but you are equally serious about making sure children have the same opportunity, then I think you should vote for it.

There will be seven test quality amendments, which are really important so that we do this right.

I have another amendment that says the assessment should be used for diagnostic purposes only.

That is basically what we are talking about right now. That is what we should be using the tests for, diagnostic purposes. Let's not talk about using these tests to start bashing these kids over the head and these schools and teachers over the head.

Finally, a transition teaching amendment that I have been working on which will be a bipartisan effort which expands and enhances the current transition teaching program to ensure that funds are targeted to the high-poverty and high-need school districts. The program will ensure funds are used on activities that have proven effective in both recruiting and retaining teachers. This is critical because so much of the need for teachers is rooted in the high attrition rate in the field. 73% of teachers in Minnesota leave the field for reasons other than retirement.

Mr. President, I ask unanimous consent that the notes that Jonathan Kozol sent to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Standardized tests in 3rd grade measure seven years of learning for privileged children, but only four years for low-income kids who got no head start opportunity.

The wealthiest children receive typically three years of rich developmental preschool, at average cost of $15,000 a year, while half the eligible children of poverty get not even one year of Head Start and, in the poorest urban areas, 75 percent are excluded from Head Start.

Any standardized test given in 3rd grade, therefore, is not a test of "school success"—it is a test of wealth or poverty. A 3rd grade test for children whom we rob of Head Start is not "School Reform" but punitive hypocrisy.

Nationally enforced testing with no national guarantee of equal opportunity to pass the tests is ethically unjust. School funding per-pupil ranges from $6,000 in the poorest districts of America to $24,000 in the richest. In the New York City area: poor kids in the Bronx last year got $8,000 while children in the wealthy suburbs got $18,000 to $20,000. And incidentally teachers in the richest districts get $20,000 more in annual pay than NYC teachers.

The White House bill will test the poor against the rich—and then announce "The poor are failing." Federally required tests without federally required equity amounts to clubbing children over the head after systematically cheating them.

We know in advance which kids will fail. So this is a plan, not for reform, not for equality, but for guaranteed humiliation of our victims.

We will learn nothing from another layer of tests that we do not already know. Kids in the Bronx, for example, already take six standardized exams beginning in 3rd grade: three sets of tests in math and reading each, year after year.

These tests, according to the principal of P.S.30, take up one quarter of the year. Twenty-five percent of teaching time is lost to tests, pre-tests, and test preparation.

In other words, one-fourth of the school budget is already being wasted by repetitive exams. Another set of tests will simply waste more money. Every week devoted to a test is a week of lost education.

Some of my colleagues in the Senate are under the impression that "tests" represent a "form" of education. They do not! Tests do not teach reading: Only well-paid teachers in small classes do. "Testing" is a symbolic substitute for "educating." Don't substitute a symbol for the real thing.

Kids who are cheated of Head Start, Title I, small classes, and well-paid teachers learn absolutely nothing from a national exam except how much their nation wants to punish and embarrass them.

Standardized tests are the worst kind of tests, but these are inevitably the ones the White House will require, because they are the easiest to compare numerically.

Many of the brightest kids can write beautifully and read perceptively but cannot regurgitate answers for a multiple-choice exam.

A friend of mine once taught to a student, a boy named Anthony from New York City. He failed every standardized exam he was given, but today is in college because his teacher took time to read his stories!

Nationally standardized exams will stereotype boys like Anthony as "failures" and convince them to drop out of school before we even recognize their gifts. No standardized exam will ever identify the true potential of a gifted child—only his "test-taking savvy." We'll lose too many kids as a result.

Standardized exams will also take the highest toll on poor black and Latino kids.

The most poorly funded urban districts are overwhelmingly black and Hispanic. Giving more tests, instead of more opportunity, will simply drive more minority children out of school and push larger numbers of black adolescents into the streets—then into the prison system.

New York already spends 10 times as much to incarcerate a child in juvenile prison (nearly $90,000) as to educate that child in public school. In California, prison guards get higher salaries than teachers. Testing without educational equality will increase the prison population while it demoralizes and stigmatizes kids of color.

Testing advocates also assume that teachers are afraid to be held "accountable." This is a libel against teachers.

No good teacher is afraid to be held accountable for what she does each day with children.

But it is manifestly unfair to ask "accountability" from teachers when Congress is itself unwilling to be held accountable for its perfidious behavior in short-changing kids to start with—cheating them from the hour of their birth—then clubbing them over the head with one more frankly punitive exam.

"One-way accountability" is unacceptable. Senators, we should be ashamed to go along with this.

Excessive testing is already degrading and distorting instruction. Teachers are turning to robotic "drill-and-grill" routines because they're terrified of "sanctions" (loss of funding) if their students' scores aren't high enough. The White House plan will make this even worse.

Teachers are increasingly afraid to encourage questions, curiosity, humor, or delight of any kind during the school day because they're being told that every minute must be calibrated to an item that may be on an exam.

Urban schools, as a result, are being turned into pedagogic bootcamps in which children lose not only equal opportunity but also all the joy and sweetness that should be a part of childhood. In this way, we rob the poorest kids twice.

And it seems that the best teachers hate the testing agenda most. They will not remain in public schools if they are forced to be drill-sergeants for exams instead of educators. Hundreds of the most exciting and beautifully educated teachers are already fleeing from inner-city schools in order to escape what one brilliant young teacher (a graduate of Swarthmore) calls "Examination Hell."

The dreariest and most robotic teachers will remain. The glowing and passionate teachers will get out as fast as they can. Who will you find to replace these beautiful young teachers?

This is another way of robbing urban and poor rural children of the opportunities that Senators give their own kids.

Mr. WELLSTONE. Mr. President, I yield such time to the Senator from Rhode Island as he requires. I will reserve the remainder of my time, if there is any, for parliamentary remarks.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator WELLSTONE for his articulate and very passionate discussion of the issues today. I, too, am concerned that we are moving forward on legislation that has not yet been finalized. Technically, we voted this morning to proceed to S. 1, this piece of legislation. But we recognize and understand that this piece of legislation, the committee print, has already been overtaken by events and negotiations, and that what we will ultimately be confronted with on the floor is still being written.

When there are so many important and outstanding issues that have yet to be resolved, it is, indeed, premature and, I think, unfortunate that we would begin this debate.

S. 1, the committee bill, was carefully and thoughtfully considered in committee, and it represents accommodation between the administration's proposal and the ideas of the committee members in both Republican and Democrat caucuses. I hoped it would come to the floor as the vehicle by which we could discuss educational reform in the United States. But as I indicated, this has been overtaken. The few hundred or so pages, for all practical purposes, are irrelevant.

What is being discussed today is how we will deviate from the agreed-upon committee print. That committee product represented a balancing of several important principles.

First, there was the principle of enhanced accountability, the principle that I recognized, indeed, in the last ESEA reauthorization in 1994 and fought strenuously for to increase accountability, recognizing that unless we had agreed-upon educational standards and ways to evaluate those standards, we were not going to make significant educational progress in the United States.

The second principle is flexibility, to give the States more discretion and authority to ensure that their plans are developed, carried out, and evaluated.

The third principle is increased resources, because without adequate resources, testing and flexibility will lead, in my view, to very little progress, and may be even detrimental, as my colleague from Minnesota suggested.

But today we still do not have a resolution of the funding. We have an agreed-upon authorization number in this bill. But we have not seen the administration come forward and pledge the same kind of resources that they are about to announce for the Department of Defense and for other areas.

If this is truly the No. 1 domestic priority in the United States—the education of our young people—then we can put our money where our mouth is; we can put the resources to work. To date, we have no real resolution. So, we are in danger of having a testing scheme and flexibility but without the resources to make it all work.

But in addition to that issue, there is still the issue to be resolved in terms of accountability. What I think we would all concede is a tough accountability standard within this legislation is now being watered down and diluted because, frankly, it has suddenly dawned on many people, particularly the State education officials and Governors, that real accountability costs money, and not just Federal money.

When we really measure the progress of education and the progress of individual schools throughout this country, and we commit to making these schools all successful, we are not just talking about some extra Federal dollars, we are talking about a profound shift in spending at the State and local levels, to make sure that truly no child is left behind. So it comes as no surprise to me that suddenly, having figured it out, the States are very concerned about accountability.

So you have three major issues which form the core, the foundation of this legislation, that are now in flux subject to continuing negotiation. In that context, I believe it is inappropriate to proceed. That is why I voted this morning not to proceed to the bill, so we could wait until we have real language we can talk about, debate, and study before we consider the bill in the Chamber. We should wait until we have real resources committed—not just reauthorization language but a real commitment to appropriations. When we do those things, then I think we are ready to move forward. But we have, in any case, taken up this debate.

We have seen over the last several weeks and months an attempt to work on a bipartisan basis to develop legislation, understanding that when we came to the Chamber more controversial elements would be introduced, such as the Straight A's Program, which is essentially a block grant for the States rather than categorical programs. There would be discussions on school vouchers and charitable choice. We understood that those issues would be debated in this Chamber. But the assumption was at least we would start with the language we had worked on, the language we agreed upon, the language in the committee proposal of S. 1. That, again, seems to be overtaken by events, overtaken by pending negotiations, and, as a result, rendering this particular version of the legislation obsolete as we begin.

We have seen in these negotiations language on some of the controversial elements, but we have not seen a resolution yet. For example, with regard to Straight A's, this is a proposal that essentially would provide a block grant to the States to operate the educational programs without regard to the categorical provisions of existing programs.

One of the problems of the Straight A's proposal is that it is not yet clear whether States participating in this program on an experimental basis could use Federal resources for vouchers. I think that is an important point that should be resolved before we consider it in this Chamber, not hurried in while we are still in the midst of the debate.

Also, there are additional problems we have. It is not quite clear whether key provisions with respect to title I will still be part of the Straight A's Program if the State is operating under one of these pilot programs.

One of the provisions that is particularly important is parental involvement. In the 1994 ESEA reauthorization, in title I, we understood that parents were a critical aspect of education. But the existing title I law before that was merely suggestive of parental involvement. So in 1994, we put in real requirements for parental involvement, authorizing the States to use a certain amount of their title I moneys—in fact, we directed them to use it for parental involvement, to develop parental involvement plans.

I believe the title I moneys, the title I program, should be infused with parental involvement. But as the current draft of the Straight A's seems to suggest, they are going back, prior to 1994, and making parental involvement simply something that might be done, could be done, should be done. I think we know enough about the role of parents in education to make this an important part of education, not simply an optional provision of educational policy in the United States.

As I mentioned before, there still is this issue of accountability. What will be the standards? Who will set the standards? It is clear that there will be increased testing. This testing raises significant questions. Most of the States, if not all the States, engage in rather elaborate testing already. Most of the States are acting under the provisions of Goals 2000.

The 1994 ESEA reauthorization embarked on a very elaborate process of setting State standards: What a child should know, developing evaluations so those standards are tested, and imposing a scheme of evaluations—not every year for every child, but a scheme that made sense to a particular State.

Now we are saying, no, one size does fit all for every child, every year, for grades 3 through 8. That puts a lot of practical pressure on the States because if you are trying to harmonize your standards with your evaluation, it takes time. Some States have found out it is not practical to give a test to every child every year because the tests have to be very individualized to capture all the nuances of those standards.

My sense is—and I have talked to educational experts in the States—the sheer requirement to test every child every year for grades 3 through 8 will inexorably leave the States to adopt standardized testing which may or may not capture the standards in that particular State. So this testing regime could unwittingly move away from one of the central elements we all agree on—standards carefully thought out and evaluations that measure those standards.

In these ongoing discussions, there is also included the notion of supplemental services, the idea that in failing schools there will be money given for supplemental services. It seems to me that raises a very profound question: Are you interested in merely giving a few children this option, because given the caps on this program, all children, even in the failing schools, may not be able to realize this program? Or are you interested in fixing the schools so that not only that class of children but succeeding classes of children will enjoy excellent education in a reformed, revitalized school? It seems to me we are diverting resources from the main point, to fix our schools, giving some children access to some supplementary education alternatives. That is another issue.

Then there is the issue of charitable choice, which will come up, which raises profound issues about civil rights. What is the policy if we are going to use this approach by encouraging charities and religious groups to become more involved, more directly involved in Federal funding? Does that impose requirements on these groups to recognize civil rights laws in hiring? Does that impose requirements in the type of curricula they can use?

All of these are very difficult questions, and they have to be addressed. I believe they should have been addressed as best we could before we brought this bill to the floor.

There are some other practical issues here, too. It goes back to the overarching concern. The overarching concern is, who is going to pay for all this? It has been estimated by the National Association of State Boards of Education that testing alone of every child in grades 3 through 8 could cost between $2.7 and $7 billion over 4 years. That type of money is not in the appropriations language I am seeing in the President's budget. That type of commitment is certainly not there. And that is just for testing alone. That is just to diagnose the problem.

But we all recognize that simply identifying children who are falling behind and schools that are falling behind is just the first step, the hardest step of fixing the problem.

As my colleague from Minnesota pointed out, we hear time and time again money is not the problem. Well, it is a refrain we seldom hear from other departments when they come in and say they have to confront new issues, new changing forces in the world. The classic example is the problem with defense. We are all reading this week that it is likely the Secretary of Defense will recommend an increase of $25 billion a year in defense spending to adjust to new threats, new technologies, new opportunities. I am not hearing anyone say to him: Money is not the problem. Reorganize, evaluate your forces better.

Resources is not the sole answer, but it is an important part of dealing with the issue. So we have to do that.

Again, we are not seeing that type of commitment, that real commitment. Without that real commitment, we will not be able to attract the kind of teachers we need; we will not be able to provide continuous professional development so that teachers stay current on teaching techniques; we will not be able to fix school buildings so that children believe they are going to a place that is held in esteem by their community, a place that is treasured enough so that it is maintained. If you go to the schools in many parts of this country today, you find they are decrepit, that they are obsolete. They are places that no one would go voluntarily and certainly no one would go with the sense of excitement and joy that every child should bring to school. We will need more money to fix those schools.

We are going to proceed on this debate. One of the presumptions of this debate, for those who are suggesting that we engage in a regime of testing without adequate resources—one of the presumptions is the sense that our schools are failing America. There is another perspective. The perspective is that this Congress and preceding Congresses, State Governors, and State assemblies have for years and years been failing our schools. We have not been giving them the resources they need. We have not been recognizing that educational problems today, in many cases, result from problems of health care for children, problems of poverty for children, problems of housing for children. Until we recognize these issues and until we confront these issues, not just rhetorically but, more importantly, with real resources and a real commitment, to say that our schools are failing America is missing a much larger point.

What have we done truly to give these embattled teachers and students, these difficult schools, the help they need to succeed, not just a mandate to test and evaluate, but the support so that every child goes to school ready to learn? That was the first core principle of our reform movement, which President Bush's father began a decade or more ago.

There are still too many children going to school without adequate health care, coming from homes that are dangerous because of exposure to lead in paint on the walls. There are still too many children who will fail because they don't have these types of supports and these types of help. As we consider this bill, we have to recognize that group as well.

There are many things that will be debated in the course of the next few days in terms of education reform. I hope we can debate and I hope we can successfully adopt provisions that will decrease the size of classrooms throughout the country, knowing that children perform better when they have a smaller ratio between the teachers and the students. I hope we improve the quality of the physical condition of our schools—better classrooms, modern classrooms, and safer schools. I hope we can improve the quality of our teachers and principals by providing real professional development. I hope we can improve our school libraries, and add additional school counselors. If we can do that, then we can take this legislation and make a real contribution to the quality of education in the United States.

I hope we can do that. I hope we can do that on behalf of the thousands and thousands of youngsters who are going to school today and the generations to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that the time from 4:15 to 6:15 be equally divided between the two leaders or their designees for postcloture debate. Further, I ask unanimous consent that Senator CARPER be recognized first for up to 15 minutes, to be followed by Senator ENZI for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, my grandparents were born around the beginning of the 20th century and lived for much of the 20th century. In the early part of the last century, my grandparents and their generation—actually my parents and their generation—were able to find jobs and become employed not so much because of the strength of their minds but because of the strength of their backs.

As we moved throughout the 20th century, the time came when more and more it was important that we knew how to read and how to write, knew how to do math and eventually to use technology, if we were going to get some of the better jobs available in our country. As we now move into the 21st century, that will be only more true.

The last century has been called by some the American century. If the 21st century is to be another American century, it is important that our young people have the kind of skills that will enable our employers to be successful in an increasingly competitive world marketplace.

I believe among the reasons we have been remarkably successful as a nation over the last century is that we have taken our core democratic values, our democratic principles, combined those with the free enterprise system, and added to that a belief in free public education now for just about everybody in our country. Blending those disparate elements together, we ended up with an economic engine, as we close one century and walk into the next, that is, frankly, unrivaled by any other on the face of the Earth.

That was yesterday's news. The question is, How are we going to fare for the next 100 years? For the past decade or so, we have heard increasing cries of concern that too often the skills our young people are bringing out of the high schools from which they in many cases graduate are not preparing them for college, not preparing them adequately for the workforce. We have heard calls from all levels of government, particularly State and local, to do something about it.

As a Governor for the last 8 years, I know full well we have done a lot more in the States than just wring our hands and cry in anguish. We have done a great deal to try to ensure that my children and the children of the generation of kids in school with them and those to follow, when they graduate with that diploma, will really mean something. It will mean that they do know how to read and understand what they have read, that they do know how to do math—in some cases pretty complex math—they know how to use technology, they know how to think, and they are prepared to go on to be successful in college and in the world and in life.

Throughout the country over the last 7 years—maybe the last 8 years—States have been involved in adopting academic standards. What is an academic standard? It spells out in a State such as Delaware, or any other State, what we expect students to know and to be able to do, such as standards in math, science, English, social studies, and in other subject areas as well. If you look at the 49 States that have adopted standards, most of them spell out clearly what they expect their students to be able to do in math, science, English, and social studies.

In recent years, maybe a bit more than half of our States have developed tests to measure student progress in the standards in math, science, English, and social studies that those States have adopted. They give those tests usually every year. In our State, it is annually in the spring, and it is given to students in grades 3, 5, 8 and 10.

Now, almost half of the States have taken the next step toward developing accountability. What is accountability? There is a lot of confusion about what is accountability. Accountability says there ought to be consequences—some positive and some maybe not so positive—for students who fall short of the mark or for those who do well or for schools or districts that fall short or do well. There ought to be accountability for parents as well and also for politicians and for educators.

As we take up the education debate in the Senate this week, we are literally trying to figure out what is the appropriate Federal role with respect to the education of our children. My boys play soccer in a YMCA rec league in Wilmington, DE. They play on a variety of fields around the city of Wilmington. One of the fields is a field that is not level. In fact, if I can use this folder as an example, about half of the game they are running downhill on this one field. Teams like to be running downhill. At the end of the first half, they switch and they have to go in the other direction. The team running downhill for the first half ends up having to run uphill for the rest of the game.

A lot of kids in life don't have the luxury of changing sides of the field. For a lot of their lives, they play the game running uphill. The role of the Federal Government, for kids who spend a whole lot of their lives running uphill, is to try to level that playing field a little bit. For the kids born in tough situations, maybe with parents not engaged in their lives, or who don't value education, or maybe they don't even have parents, we must make sure those kids aren't hopelessly behind when they walk into kindergarten at age 5. If they are hopelessly behind and are coming from a real difficult situation in their home lives, they may need help to catch up with their other classmates.

I don't think anybody in Washington expects the Federal Government to be the primary funder or mover and shaker in education in America. That is not our role. Our role is to try to level the playing field and to help ensure that States adopt academic standards for their students, and that not just some kids have a chance to meet the rigorous standards but that all kids have a chance to meet the standards their States have adopted.

As we debate this issue this week, and perhaps next week as well, we are trying to figure out what can we do that is helpful, that builds on the reforms being adopted and implemented in the States. It does no harm; in fact, it does a lot of good.

We have to consider that between 0 and age 5, kids will learn about half of what they know in their lives. If we waste the first 5 years, it is tough to get them back. We know that there is a lot more we can do in terms of parent training. A lot could be done in our States with respect to ensuring that healthier babies are born and raised. We can try to provide assistance with respect to quality child care and programs such as Head Start and make sure kids - and parents—are given a bit of a boost at the age of 3 or 4 and find themselves better prepared to be successful at the age of 5.

Those are appropriate roles for the Federal Government. When kids walk into kindergarten at 5, what is an appropriate role? The Congress and the President have said it is to provide hope in smaller class sizes.

We have also said it is important to provide extra learning time for kids who need extra time. We are joined in the Chamber by Senator SPECTER of Pennsylvania and Senator GRAHAM from Florida. Senator SPECTER may be able to learn a little faster than the Senator from Delaware, but the Senator from Delaware can learn, too. I might just need some extra learning time.

One of the things we have done in Delaware and in other States, through programs such as title 1, is we provide extra learning time for kids who need it to reach the academic standards that have been set.

We also know that one of the best things that could happen to ensure that a kid is successful in school is to have a terrific teacher such as Mrs. Anderson, my first grade teacher, and Mrs. Swane, my fifth grade teacher—teachers who really make an impact. Mrs. Anderson helped me read at the age of 5 and 6 in my first grade class. We need teachers who love kids, who can teach and who know their stuff. One of the things that we can do at the Federal level, working with State and local school districts, is to help recruit the best and brightest to be teachers, to make sure they have the tools that will at least help them have a shot at being successful in the classroom and to ensure that their professional development continues.

Another area where the Federal Government has been involved is in technology—trying to infuse technology into public school classrooms. Delaware was the first State to wire a public school classroom for access to the Internet. I think we have the best ratio of computers to kids in the country. We spend a lot of money to train teachers to use the technology effectively in the class, to integrate technology into their curriculum, to bring the outside world into the classroom and make the learning come alive.

I am pleased that the legislation coming before us focuses, in part, on technology. One of the best things it does is to say we encourage teams in schools across America to figure out how to work at their schools, how they can incorporate technology into their curriculum. That is a perfectly appropriate role for us.

Among the other things we can do is provide some help when students are disruptive. An amendment will be offered later this week by JOHN KERRY and myself that will say if a school district wants to use some of the moneys in this legislation for establishing alternative schools for chronically disruptive students, they would have the ability to do so.

Lastly, our legislation, in providing for accountability and consequences for schools that do well and those that don't do well, says we want to put schools on sort of a 10-year glidepath to making sure that all the students are able to come closer to meeting the standards set by their States, and each year that a school district fails to meet the State's own progress chart—imagine a stair step, if you will, of 10 steps. The first year that happens, the school gets some extra money for assistance. The second year, if they fall short, we provide more technical assistance. By the time the fourth year comes, we require that school district to institute public school choice to provide, for that child who is in a failing school, their parents an opportunity to send them to another public school that is not failing or to take advantage of extra learning time provided, in some cases, by a private vendor after school.

We say if a school is failing after 4 years, that school has to be reconstituted as a charter school or turned over to a private sector vendor to run that school or simply the school is reconstituted with a new administration and new faculty. But while we call for some serious steps in our accountability plan in this legislation to require public school choice when schools are failing children in some cases, and to require as one of three options the establishment of charter schools, transforming existing schools into charter schools, those are options that cost money.

One of the amendments that will be proposed by Senator GREGG, myself, and others is legislation saying if we are going to mandate public school choice, we need to provide assistance. If we are going to require, as one of the three options, turning a failing school into a charter school, we need to provide resources there as well.

Let me close with this point as I approach the end of my 15 minutes. I honestly believe there is more before the legislation that we will be debating this week to unite us than divide us. Most Members, including Democrats and Republicans, and I believe this President, understands the need to invest more money in programs that work to raise student achievement, targeted to kids who need the help the most. I will not quarrel whether 10 percent, 15 percent, or 20 percent increases, or more, are enough, but we all understand we need to invest more resources targeted to the kids who need it, in programs that work to raise student achievement.

The second area where we are in agreement, generally, is that the money we provide from the Federal Government should be provided flexibly. We should not try to micromanage what is going on in the schools. We should say, here is the money to use; target it for kids who need it most. You figure how to best use it in your school and school district to help your kids.

As we provide more money and we provide the money more flexibly, it is critically important we demand results, that we call for and require accountability. There have to be consequences. They do not have to be negative. There have to be consequences to make sure we are not throwing good money after bad money.

We will debate a lot of issues in this Senate Chamber this year. For my money, I think for our taxpayers' money, this is maybe one of the most important issues we will consider. It will go probably as far in determining whether we will continue to be the superpower in the world we have today 100 years from now. All the rest that we do, we can debate and decide.

I look forward to joining my colleagues in this debate, doing what is best for kids. The approach we take, I hope, is what I call the "tough love" approach, demonstrated when we took up welfare reform 5 years ago. A certain toughness in the approach was adopted and there is a lot of love and compassion, as well. There will be a similar approach. We will be successful and our children will be successful not just in this debate but in what follows.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset I commend my distinguished colleague from Delaware for his statement on the issues of flexibility and local control and accountability. In a few months in the Senate he has made a distinct contribution. It is good to share the train with the Senator from Delaware. I have done so with his distinguished colleague, Senator BIDEN, for many years. Those hours on the train enable some Members to learn more about each other and to come to bipartisan agreements on a great many of the issues. At the outset, I compliment the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise today to support S. 1 and to talk about the motion to proceed on which we have gotten cloture and are now debating, with some limitations on each Senator's time, but still debating whether to proceed on debating education.

I haven't heard anybody who hasn't said that education is the most important thing on which we have to work.

For a week we didn't get to debate education. Now we are only getting to debate proceeding to education. We ought to be talking about the issues and the amendments and getting a bill done and through here.

Talking to the folks back in my school districts, right now what they are concentrating on is the end of the year, graduation for seniors. Immediately after that happens, they need to be planning for next fall.

We are talking about elementary and secondary education reauthorization, which is where we outline in what programs schools can be involved. Don't you think they kind of need to know that when they start planning for fall? If they do not know by the time they start planning for fall, then they have to delay what we are talking about for a year. So it could be a year and a quarter before any of the reforms that all of us agree on can go into effect.

When I listened to the debate this morning, the discussion was over how much money would be put in this bill. This bill is not an appropriations bill. This is an authorization bill. This is where we talk about what programs can be done. Later we talk about how much money to spend on those programs.

One of the reasons I find it particularly fascinating that the Democrats have done a little filibuster on the amount of money is that this is the first time the Republicans have been in charge when we have gotten to do a reauthorization of education. I have to tell you, we are really excited about it because there is some tremendous potential in education out there.

We are talking about the amount of money in the authorization bill. I find that particularly interesting because I went back to see how much they talked about money the last time this was authorized. The last time this was authorized the Democrats were the majority and the President was a Democrat. Do you know how much additional money they insisted be put in for the authorization of programs? No additional money. Money was not part of authorization. The Democrats have been in the reauthorizing lead for 35 years, and the amount of money has not been the issue in the authorization bills.

So what is the difference now? A little chance to pound on the Republicans and reduce the amount of civility and bipartisanship that has already been shown on this bill. That should not happen.

The plain truth is that without reform any increase would be just another drop in the $400 million—$400 billion; I have to start thinking in these Washington terms—a drop in the $400 billion education bucket. If money were our answer, we would not be here today. So we did not talk about it for 35 years. We did not talk about it the last time.

The Federal Government provides 6 percent of the education dollar. We force 50 percent of the paperwork. We are the time waster generators.

So we are going to increase that a little bit. Even under most circumstances it will not get much higher than that, and that is because we do expect the States to make the major effort. That is where the people live. That has been the tradition and the method for funding education.

This is a difficult area. One of the reasons it is difficult is because everybody has been to school, so that makes each of us and everybody who listens to any debate on education an expert. We do have people in our lives who have influenced us tremendously. Some of the greatest influence we get is in that period of time we spend in school, which is some of the most contact we get with adults when we are kids.

Besides having gone to school, I also get some input from my daughter, who is a seventh grade English teacher in Gillette, WY, an outstanding English teacher. I am really pleased with the progress she makes with her students. I get to see that firsthand and hear about it. I have to say, while she has been teaching, she has also earned two master's degrees. She just finished up the master's degree in administration so she can at some time be a principal. She would much rather be a teacher, but she has seen where a lot of the money goes.

We do need to get more money into the classroom for teachers so we can recruit and retain good teachers. My wife has a master's degree in adult education and emphasizes education quite a bit.

Some of my best mentors in my life have been people with whom I worked in the legislature who worked in education. On the State level, it is a much bigger deal than it is here because that is where the money comes from and that is where the decisions are made for the kids. Even at the State level what they do is defer the decisions, some of which we are trying to do, to the school boards themselves. That is a very important trend, and that is provided for in this bill.

We are not talking about the amount of money, although some would like to distract the discussion so it talks about the amount of money. We need to be talking about how we are going to educate our kids, how we are going to reform the process.

I do, first, want to applaud the entire committee for unanimously advancing this important bill before the full Senate. We did invest tremendous resources in attempting to reauthorize ESEA last year, and I am pleased we made it our first priority this year. I am also impressed with the support of the new administration in seeing President Bush's No. 1 priority take the next step in the legislative process. In the history of Presidential initiatives, I believe the work of this administration will serve as a model for bipartisanship on policies of national significance.

Frankly, I was stunned to hear the suggestions last week that our President has not taken any bipartisan initiatives. At both the staff and principal level, the White House has been actively engaged for weeks on negotiating this powerful education reform bill that we have before us today. I applaud the product. I thank all the parties for their investment of time, energy, and willingness to compromise—the necessary ingredients for bipartisanship without which we would not be advancing the bill today.

This is my fifth year on the Education Committee. The normal Education Committee process is to have a markup that lasts 2 to 3 weeks and then come out along party lines. This, one of the most innovative bills that we have worked on, took 2 days and it came out unanimously. That has to be a record for the Education Committee on any of the bills with which we deal. That is bipartisanship. Unanimous is about as close as you can come.

This education reform bill, the BEST Act, reflects an understanding of the variation in needs between urban, suburban, and rural schools. The bill arguably addresses the concerns of all stakeholders in our children's education, and it does so in a bipartisan way. I believe the bill has struck meaningful compromise and reflects a strong but appropriate role for the Federal partnership in elementary and secondary education.

The State of Wyoming has invested tremendous amounts of time and money in developing high standards for learning. That has been a priority for quite a while—high standards of learning, reliable assessments, strong parental involvement, and other research-based education innovations. The BEST Act builds upon that work and solidifies the shared commitment to academic achievement for all children.

The State of Wyoming also has a Web site where you can check on the grades of any of the schools. They take the testing they do and they show how well, by school, the report cards come out for those schools. So they have had strong assessments.

The State of Wyoming is currently facing a crisis in education. We call it a teacher shortage. It is not about class size. It is about teachers' salaries and a dwindling supply of qualified educators, particularly in light of the new high standards which the students must meet, which are on this Web site. But this is a problem for which the Federal Government can help provide a solution.

Under title II of our bill, the focus is not only on preparing teachers but on helping schools recruit and retain high-quality teachers. Reducing the class sizes will be an allowable use of funds under this title, if that is the unique need of the particular school.

I have to say, in Wyoming a lot of the schools have small class sizes. Even if they combined all of the classes into one class, it would be a very small class. We have some very small towns in Wyoming. It has been very important through this process to maintain the capability for those small schools to operate as well.

This bill also emphasizes the need to improve the access to education technology and to use it in the process of improving academic achievement. I like to think our State is a forerunner in that. Again, that is because of our distances. It is a way that kids who are not in our urban centers—and our biggest urban center is now 53,293 people—will still be able to get a diversified education.

The goal of eliminating the duplicative administrative application process and allowing schools to have one pot of funds for the range of technology uses, including teacher and administrative staff teaching, will make a difference. The digital divide will shrink and technology will become even more relevant as an educational tool.

I have to divert for a moment and talk about some of the innovations in technology.

About 10 days ago I happened to tour a school that deals with migrant workers. I found that they had received a grant for laptops. The laptops are assigned to these children of migrant workers, and I suspect to other workers as well. But it has all of the course work on it. It plugs into a modem that dials an 800 number to give their homework to the teacher to grade. It allows them to talk on line with the teacher. There is also an 800 phone number they can call to talk to the teacher. It is a very successful program. It was started with an old blue school bus that went around to migrant worker camps and followed the migrant workers. They gutted the bus. They put in a desk and some folding chairs. They started a school. They have progressed now to the point where they can accommodate a lot more kids using this laptop network and some teachers who can be accessible at any time the students have an opportunity for it.

There are some technological innovations out there that will help rural students and ones who move a lot. They are included in this bill.

Very importantly, the bill clarifies the purpose of the President's requirement that States expand existing assessments and take on the new practice of participating annually in the NAEP test, which is the National Assessment of Educational Progress test, which many States, including Wyoming, currently administer to students.

These clarifications go a long way in addressing the fundamental concerns by all parties that the Federal Government not enact additional unfunded mandates and that the States continue to retain the flexibility to design their own standards of learning for students versus nationalized standards or tests. We will have to debate a little bit this interaction between anything that looks like a national test and a State test which follows the things kids in that area of the country need besides their basic education.

While it is not a part of the reauthorization, we would be remiss in meeting our commitment to the education of all children if we did not also prioritize funding of the Individuals with Disabilities Education Act.

As we advocate meaningful education reform, I look forward to the continued support for strong increases in funding of IDEA but recognize that is part of the appropriations process and not part of the authorization process. Fully funding this important but costly Federal requirement is as critical as requiring academic success in our classrooms. It is something we have been working toward and will continue to work toward.

Throughout the consideration of the different elements of the BEST Act, I plan to discuss in more detail those that will most help Wyoming's children succeed.

In spite of increases in the Federal investment in elementary and secondary education, it does remain a fraction of the overall expenditures—less than 10 percent. I think the figure being used here is 6 percent, and also 7 percent has been used.

I remind people that 50 percent of the paperwork is generated by our very small funds. We force people to spend a lot of time for the money that comes from the Federal Government.

I had a high school principal who took a leave of absence and came back to Washington to work in my office for a semester. He spent most of that time down at the Department of Education. He had been filling out these Federal forms for what seemed to him a lifetime, and he wanted to know what happened to them.

Let me tell you what the results were. He was pleased to find out that the forms are scrutinized in detail, that every "t" has to be crossed and every "i" has to be dotted; everything has to be on the form. He was disappointed to find out that was the last use of that form. It isn't used to help any kid, anywhere, but it maintains a job in the bureaucracy in Washington for that person who is making sure the form is completely filled out. That is not helping any kid in my State.

If they do not put that information together and package it somehow so it is helpful to them, we ought to eliminate the form—actually, a lot of forms. I mentioned that 50 percent of the paperwork is generated in Washington.

We have to help the schools maximize their dollars. I believe we can help improve our kids' academic experience because of this.

Planning for next year requires quick passage. I mentioned that. If we don't have quick passage, we are getting past the planning stage for the next academic year; we will be forced to have the reform kick in 1 year later.

We need to get on with this process. I hope we can have everybody get on board, end the filibuster that is in process, compromise on some time, and get the bill debated and move on to a better treatment of the kids of this country.

I look forward to seeing this bill overwhelmingly adopted by the Senate and signed into law as quickly as possible. We cannot afford to shirk our commitment to reform and putting children first.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I say to the Senator from New York that I do have a unanimous consent request I want to offer. I believe that we will be having some Senator from the other side of the aisle to discuss it with me briefly. It should not take too long. I thank the Senator for her courtesy in letting us do this now.

Mr. President, obviously we need to go forward with the discussion, the general debate, and the amendment process on the education reform package. Earlier today, the vote on the motion to proceed was an overwhelming 96–3. I thought that was a clear indication that we were ready to go to S. 1, the Elementary and Secondary Education Act.

I had the impression that we would have time spent this afternoon discussing education—not actually on the bill because time is allowed postcloture to talk about the bill in general, but that we would be able to go to the bill itself and begin debate on the bill at 6:15 or 6:30 this evening and tomorrow we would actually be into the amendment process. That seemed a fair way to proceed.

I am being told now that there is objection to us even proceeding to general debate on the bill itself. Also, I have the impression—and I am glad to see Senator DASCHLE in the Chamber; maybe he can clarify this for me—part of the reason is, Senators do not want to go to the bill and begin the amendment process until the substitute has been offered because they do not want to offer an amendment to the underlying bill and then have to offer it later to the agreed-to compromise bill. But I would be glad to ask consent or work out an agreement that any amendment that is offered before then would be applied to the compromise managers' amendment that might be offered later.

My concern, I say to Senator DASCHLE, and to Senator KENNEDY, who I see just coming into the Chamber, is that a lot of good work has been done. It has been bipartisan. The administration has been involved. It has been understandable that it took some more time. My attitude on that is, if more time is needed, let's take it. But now we are on the verge of going through a second week without actually getting on the bill.

I know a lot of Senators are going to want to speak in general debate and will have amendments to offer, and it is going to take some time. The idea that we could spend, hopefully, time tomorrow on general debate and begin the amendment process, decide how we are going to deal with perhaps amendments on Friday, and begin to make progress seemed to be a very positive thing.

So I hope we can go to the bill and begin debate on it this afternoon, tonight, and then be prepared to have more time tomorrow in general debate, if we need to, and then go to the amendments.

Before I ask consent, I will yield to Senator DASCHLE to see if we can get an agreement worked out so that if there are amendments that are offered, they would apply to not only the underlying bill, S. 1, but to any compromise amendment that is agreed to. I did discuss that with Senator KENNEDY, and he did not think that would be a problem.

I would be glad to yield to Senator DASCHLE for a response.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader yielding. Let me say, he has attempted to reach me earlier, and I have been tied up in important meetings. I did not know he was trying to reach me until just a few minutes ago. But I apologize for not getting back to him sooner.

Mr. LOTT. I understand. We both are running from meeting to meeting.

Mr. DASCHLE. Senator LOTT and I talked about this very question last week. I understand his desire to move to the legislation. I said I would be supportive of an effort to do that. But there are two outstanding issues. The one that we talked about last week, and continues to be a very big concern, is what kind of a commitment we can get from the administration on overall funding. I had indicated at that time when we discussed this matter last week that even though that is critical to all of us, and even though many of our colleagues believe more strongly in that than any other question, that I was prepared to move to the bill even if we had not yet completed our discussions with the administration and our Republican colleagues about that, in spite of the fact that many of our colleagues were very concerned about taking that approach.

The second issue, of course, has to do with having the language. The majority leader puts his finger on one of the concerns we have, but there are two. The first concern, of course, is what happens if you offer amendments. And, of course, that is subject then to a unanimous consent agreement that we accommodate Senators who have offered amendments in good faith. And I guess there isn't the confidence, at least right now, that we might even be able to get a unanimous consent agreement that allows Senators the confidence of knowing that even though they are amending the substitute that they have not yet seen, that it would be accommodated if ultimately we agreed to that substitute.

So I think the larger question is one that many of our colleagues have expressed to me personally, even as late as in the last half-hour, and that is that they are just uncomfortable moving to a bill for which we have not been given any information. I think a lot of our negotiators are talking back and forth, and they are attempting to resolve the outstanding differences.

The problem is that I will say at least 90 percent of our caucus has not seen even the first draft of the substitute. They are understandably concerned about committing to a motion to proceed before they have had a chance to even look at it. I think what I made clear to the majority leader last week was that we had to at least resolve the language issue before we could make the motion to proceed.

I also supported, as 95 of my colleagues this morning did, the motion on cloture to proceed. But I am very uncomfortable asking my colleagues to accept language that they have not seen yet. I am told that we are very near this point of agreement that would then allow us to print a document that we could share with all of our colleagues and I think substantially increase the confidence levels about what it is we are agreeing to on the motion to proceed.

So I hope that our colleagues could work extra hard in the next few hours and through the night and present us with an agreed-upon substitute tomorrow that we could share with our colleagues on both sides of the aisle so that we could all vote for the motion to proceed. I think there would be a strong vote for it. But that is really the essence of my concern.

I am willing to put aside, for the moment, the funding question, even though, as I say, I cannot tell you the depth of feeling there is in our caucus about proceeding without some agreement. But I think it is very difficult for us to agree on a substitute prior to the time we have even seen it.

So I again reiterate what I thought I expressed to the majority leader was my concern last week, and that would be the reason we would have to object at this time.

Mr. LOTT. Mr. President, if I could respond, Senator DASCHLE mentioned to me last week that there was a need to see the language. I passed the word that certainly that should be made available. I am surprised. While I have not been directly involved in all the negotiations, I thought that everybody was familiar with all that was going on and that basically Senator KENNEDY and others have the language, know the language, and if there is any outstanding language, they would know what that is.

So for a week we have been saying, let's share the language, and let's move on. Maybe the problem is that the language is continuing to be modified. But how long does that go on? We talk about the regular order, the legislative process. The way you usually do it is you call up a bill, and a managers' amendment is offered, amendments are offered. I do not know if we can ever get every word agreed to. I assume there are going to be Senators on both sides of the aisle who are going to offer some amendments to make further changes.

But my urging would be—on both sides of the aisle—let's give them the language. Somebody has some language somewhere. I am being assured Republicans are not hiding in the corner, holding back language that they won't share. If there is anything that Senator KENNEDY is not aware of, I am not aware of it. I would urge that we get that language agreed to.

Mr. DASCHLE. I ask the majority leader if he would yield for just a short response?

Mr. LOTT. Sure.

Mr. DASCHLE. The majority leader is right. I think part of the language is agreed to, and I think a lot of our colleagues have seen that. But I think it is fair to say that both sides of the aisle would agree that a very significant part of this whole effort is the issue of accountability. And it is on accountability that we are still hung up, that we have this moving target. We have evolving language that still has yet to be nailed down.

Were it not for the fact that accountability is so important, I think there would be a lot more interest in trying to see if we could resolve this matter. But it is a key question. Because it is, and because this moving target seems to be one that continues to change as we go from hour to hour and day to day, that is the issue.

However, I will join with the majority leader, I would love to see both sides come together, finalize the language, and offer amendments if we are not satisfied with it.

Mr. LOTT. I have always observed in a legislative body you have to have a closer. You have to have somebody who says: This is good enough; let's go for it. We have had all of last week and now half of this week. We continue to negotiate.

I guess I will have to assume some responsibility because if I had known we were not going to be able to go to the education bill—the No. 1 priority in almost everybody's mind in the country—we could have been considering other legislation.

I have continued to hope that with one more half day, one more day, we could get going; we could have a full debate and offer amendments.

If I had known we were going to be stalled out on education, I would have gone to other issues, and maybe that is what we ought to do now. If I understand correctly, Senator DASCHLE indicates he doesn't think this idea that any amendment would be considered to be applicable to the bill or the substitute, that we might not get an agreement to do that, but would it help if we could do that?

Mr. DASCHLE. Again, that would help a good deal, but that does not solve the other problem. There are many on our side who feel so strongly about this issue of accountability that they want to be able to see the language prior to the time they are asked to vote on the motion to proceed.

I have to respect the wishes of those colleagues who have made that fact known to me. Clearly, it would help if we had that language. It would solve part of the problem.

Mr. LOTT. Mr. President, parliamentary inquiry: How much time is remaining postcloture on the motion to proceed?

The PRESIDING OFFICER. It will take 1 minute to calculate.

Mr. LOTT. I assume there must be 24, 25 hours remaining.

The PRESIDING OFFICER. Twenty-six hours 15 minutes.

Mr. LOTT. I guess if we run off all of that time, it would be tomorrow night or Friday before we could get to general debate on the bill. I hope we will not have to do that. Maybe there is some plan to have language available tonight for some press conference announcing that language tomorrow. Is there some indication that maybe we could go to the general debate in the morning? Do we know? I guess what I am asking is, are we going to have to run off the full 24 or 25 hours?

Mr. DASCHLE. If the majority leader will yield, that is not my expectation. As I said, both sides have been working to try to resolve the outstanding difference. I was hoping by now we would have resolved it. I was hoping we would be able to say that we now have a draft we can share with everybody. Unfortunately, that is still not the case. I can't imagine that this is going to go on much longer.

Mr. LOTT. Could I inquire of Senator DASCHLE, would it be his recommendation that we set aside education and try to go to other legislation for the balance of this week? I hate for us to let the rest of this evening, tonight, and tomorrow go without making progress on education or any other bill. If he thinks we should consider that, maybe he and I could talk after we leave here.

Mr. DASCHLE. I would be happy to talk to the majority leader about possibilities we might entertain.

Mr. LOTT. I confess, what I am trying to do is to put pressure on all parties, not just on the Democratic side or the administration, everybody. Let's come to some sort of agreement one way or the other. Let's get started.

I had planned to ask unanimous consent that we would yield back all time and proceed to the bill itself at 6:15, but it is obvious Senator DASCHLE believes now that he would be in a position to have to object, so I will not go through that exercise.

I do emphasize to all that everybody agrees we have a monumental, historic opportunity to get major education reform and increases in funds for education. I hope we can get to the bill itself within the next half a day at a very minimum.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I appreciate the dialog that just occurred between the leaders because, certainly, it is critical that the debate on education commence and that we do everything within our power to provide more resources, greater opportunities, and accountability to our children around the country.

As a new Member to this body, I am one who shares the concern about actually seeing the language of the bill and trying to be sure that we know what it is we are debating and that the people back in our States who we represent have a chance to be part of this debate by being able to read and study and provide comments about what it is we are considering in the Senate. I know it may, from time to time, be a little frustrating, but until we actually have a bill with language that will determine the future of education funding from the Federal Government for 5 to 7 years, it is a wiser course for us to be prudent and thoughtful and to wait until we actually know what it is we are debating and what the potential impact of these provisions could be on the lives of real children. After all, this debate is going to set the stage for how much or how little we as a Nation will do for elementary, junior high, middle, and high schools.

I am particularly concerned about the impact we will have on our neediest children, those who are too often left behind. We still have too many children who are not reading at grade level and who are being taught by uncertified teachers, and too many who are in overcrowded classrooms and dilapidated school buildings. I know that all of us on both sides of the aisle agree that we can do better than this. We can't just sign a blank check or decide that we can proceed on bill language we have not even seen and discharge our responsibilities to the children we represent in this body.

Many of my colleagues and I have serious concerns about the substance of the bill. For example, the block grant demonstration program, so far as we are aware of it without having seen the language of it, does not target enough funds to our highest-need districts and will mean less control for local school districts on how best to invest their Federal education dollars. Because we have not yet seen the final version of the bill we are considering, we don't know whether there is a genuine commitment to devote the resources necessary to make the promise of greater accountability a realistic outcome.

Just as we expect teachers, administrators, and students to abide by a high standard of accountability, we should bring our backroom negotiations to the floor of the Senate for all of us to hear. That is why I voted to proceed with the bill. But we should do it on the basis of an actual bill. I, for one, am willing to wait and to be patient until we actually get the bill and then to proceed in an expeditious manner.

If we look at where the negotiations are and what we are attempting to achieve, we have a great opportunity to accomplish some very important goals for the people of this country. We all share the goal of improving our Nation's schools. We agree that everyone should be held more accountable for turning around failing schools. There is a bipartisan agreement that is very strong for ensuring that all children should be taught by high quality teachers and that parents should know the quality of the schools their children attend.

This bill, so far as it is reported to us, does a tremendous job of strengthening accountability. I applaud Senators KENNEDY and BINGAMAN for leading the negotiations that have resulted in important accountability provisions.

Some have asked: Why don't we just call it quits. Let's just put in more accountability. Let's just test our children every year from third through eighth grade. We don't need to do any more than that.

I ask: What is it we are attempting to achieve? If all it does is to put more accountability on the already existing testing systems that every one of our States have employed, what is it we hope to achieve?

The answer is that in order to have real accountability, we have to marry those accountability measures with targeted additional resources, invested wisely, that will really make the difference as to whether the tests actually create better educational outcomes.

Resources would make a difference for children such as Delano Tucker, a fifth grader from PS 41 in the Bronx, who wrote me that his entire fifth grade class was asking for help to improve education. Here is what Delano said:

> We need more books, but we can't do that without more money. My second reason is we need more teachers because classes are too crowded. The third reason is children are passing without knowing how to read.

We don't need to get a bunch of experts or Senators who can come up with a better analysis than what Delano just gave us. We need better teachers, more books, less crowded classrooms, and we should not be passing children who don't know how to read.

Resources would make a difference for the nearly 168,000 children who go to school every day in overcrowded classes in New York City. We are losing teachers every single day because teachers can't teach in the kind of circumstances that we are presenting for the state of education in many of our cities.

One New York City parent recently shared her thoughts with me, writing that:

> I am a parent of two young children—one in kindergarten and one in third grade. They are both bright, but they suffer from learning difficulties, in part, because they are trying to learn in classes of 28 children. They are unable to get the individual attention they need because they are competing for the teacher's attention with so many.

How can we expect children in classes that are that crowded, given the difficulties and issues that children bring to school today, to be able to get the same quality of education that we know works so well when classes are smaller in the early grades?

Resources would have made a real difference for the fourth grade teacher at the 82-year-old Mechanicville Elementary School, just north of Albany, NY, who last year was struck in the head by concrete from the ceiling as she was teaching because the school was in such disrepair.

My colleagues and I have heard similar stories from students and teachers in every State around the country. Although education is, and always will be, a local issue, it has to be a national concern. Some of the most severe problems in education today require national solutions. I think that is why we are here today debating education.

How will investing in school repairs and renovations help to raise student achievement? I think the answer is self-evident, especially if you have a teacher hit in the head with concrete falling from the ceiling. We know from research that children benefit when they attend school buildings that are in good physical condition.

A 1996 study of large urban high schools in Virginia found that student achievement was as much as 11 percentile points lower in substandard buildings as compared to standard buildings.

Another study found that the quality of air inside public school facilities may significantly affect students' ability to concentrate. In fact, the evidence suggests that children under 10 are more vulnerable than adults to the types of contaminants found in school facilities. We have seen reports and studies about working conditions in urban schools, concluding that they "have direct positive and negative effects on teacher morale, their sense of personal safety, their feelings of effectiveness, and on the general learning environment." That kind of scientific conclusion is reinforced by the experience of students in Mount Vernon, NY, who go to school with air ducts that are so old and so clogged up and filled with pigeon and rat droppings that they can't even breathe decent air; or the students in Cohoes, NY, who go to a school that banned the use of chalk because they have inadequate ventilation, and the chalk dust would hang like a curtain in the air.

Too many of our students are trying to learn in cramped trailers such as in this photo taken in Queens. These may be so-called "temporary" trailers, but they can end up representing a big part of a child's educational experience.

Too many of our children are in hallways with many distractions and far too little room. This photo represents a common sight in schools in New York. This is not a classroom. This is a hallway. The children aren't in a classroom that you and I remember, where there is a chalk board, a teacher's desk, and the desks of the children, and bulletin boards with pretty displays. This is a hallway and this is their classroom.

I don't know how much longer we can keep hearing stories about hallway classrooms, falling concrete, conditions in the classroom that are unhealthy, and not recognize that we should be helping our school districts, many of which cannot possibly afford to raise their property taxes. We can't ask hard-pressed parents to put even more money into the property tax base. We should be helping the parents in those school districts.

During this debate, I will do everything I can to urge my colleagues to support Senator HARKIN's efforts to include authorization for an emergency renovation and repair fund that would certainly make a difference for some of the schools we just saw.

I will also be offering my own amendment to examine the impact of dilapidated schools on the health of our children. It is simply unacceptable in America in the beginning of the 21st century that our children should have to attend schools that not only impair their ability to learn but even make them sick.

Mr. REID. Will the Senator from New York yield for a question?

Mrs. CLINTON. Yes, I will.

Mr. REID. It is my understanding that the Senator from New York has had experience in the past in dealing with issues such as we are trying to deal with here. Is that true?

Mrs. CLINTON. Yes, that is.

Mr. REID. Would she tell the Senator from Nevada some of the things she has worked on in the past?

Mrs. CLINTON. As the Senator points out, I have been involved in improving education and reforming our accountability measures since 1983, when "A Nation At Risk" was first issued by then-President Reagan's Commission on Education. I was one of the first in our country to ask for much stricter accountability, to test not only students but also teachers, and to hold schools to a very high standard. If they did not succeed in passing 85 percent of their children beyond a level of acceptable learning outcomes, the school would be in danger of being taken over. That was 18 years ago.

So there is really nothing new in what we are discussing today, as the Senator from Nevada knows so well. We want to do the best job we can in raising standards; yes, we do. That is something many of us have worked on, and we have actually seen some positive results in some of our schools over the last 18 years. But we know there have to be the kind of conditions in learning circumstances in our classes, in our schools, that will enable these accountability measures to be successful.

Mr. REID. I will ask one final question to the Senator from New York. We know that there has been talk from the other side saying throwing money at the problem doesn't solve anything. The Senator from New York realizes that. But would the Senator also acknowledge that money is going to help some of these problems?

Mrs. CLINTON. As the Senator knows, when somebody says money doesn't make a difference, they are talking about somebody else and somebody else's money. Every one of us in this body goes to the extra length of making sure that our children and any children we care about are given those kinds of resources that will enable a child to learn.

Money is not the only answer to what we need to do if we are serious about zeroing in on those children most in need. Most of our schools in this country are doing a fine job.

I live in a district in New York that is one of the best in the entire country.

Many of the other districts in our suburbs and rural and city areas are producing good students who care about learning. Our real problems are in those areas with concentrated poverty.

I have seen the Senator from Connecticut come into the Chamber. He has a passion about getting our resources targeted where they can do the most good. So to anybody who says money is not the only answer, of course, I say money is not the only answer, but money helps when married to accountability and invested in getting rid of conditions such as the ones I am showing here on the picture where there are so many children in this classroom, where it is impossible for even the best trained teacher to be able to communicate effectively with these children. This is a classroom where the children are coming from backgrounds where English is not their first language, coming from concentrated poverty, often difficult family situations.

So when somebody says we don't want to throw money at it, I say, that's right. I want to target money to make sure we clean up our dilapidated classes and schools and that we provide lower class size so that the teachers who are willing to go into our hard-to-teach areas will be able to have a decent chance to reach these children; to recruit and retain teachers who come in with idealism and find themselves in situations such as this and within a year or two are gone.

For me, there isn't a contradiction here, as the Senator from Nevada knows so well. We need to have the kinds of accountability that is effective and will work but without the resources we are not going to be successful.

We are going to find, as I have said in the past, that we are just passing out thermometers in the midst of an epidemic. We are going to find that everybody has a raging fever, but we don't have the resources or the will to help them get well. We can do both. That is what this opportunity provides.

I appreciate the concern of the Senator from Nevada. We have to have a good debate. It is only fair, if we are asking that we invest more dollars in education from the Federal Government, we be able to justify the use of those dollars and we tell our constituents and our colleagues where they will go. I have pointed out they go to helping clean, repair, and construct schools we need. Second, they go to reducing class size. The situation shown in this picture is unacceptable.

We are under court order in New York City to have only certified teachers in the classes. That sounds great, and I am for it, but in order to have certified, qualified teachers go into a situation such as this, we will have to make a contract with these teachers that this situation will improve; they will find they will have a chance, actually, to teach; otherwise, they will vote with their feet and either leave to go to a suburban district where they are paid a lot more, in a lot better situation, or they will leave teaching altogether.

I am not talking about something that is anecdotal. We have research from Project STAR in Tennessee that demonstrates children assigned to smaller classes in grades K–3 received better grades, higher test scores, and were less likely to drop out of school or be held back through their entire educational careers. This is a research study that has gone on for 15 years in the entire State of Tennessee. I applaud the State because they made the investment to evaluate what they were doing.

We found that the children who benefited the most were poor and minority children. By all means, test them and find out if they are failing. But be fair and give them a chance to succeed. That is what we are calling for when we ask for reduced class sizes.

We know if we don't recruit teachers we will not be able to continue teaching anybody. Right now we have a national crisis when it comes to recruiting and retaining teachers. There isn't any more important factor than teacher quality in improving student achievement. Yet if you are a young teacher placed in a situation such as this, if your classroom is a hallway, as I have seen in some schools in New York, a closet, that makes it very difficult to teach.

I recently heard from a constituent in Farmingdale, NY, who told me their elementary school alone needs 16 new teachers for kindergarten. In Buffalo, 231 teachers retired last year, compared with an average of 92 retirees in each of the preceding 8 years.

We can't just mandate that school districts go out and hire certified, qualified teachers without providing some resources to make that possible. We tried that in New York City. The court order said hire only certified teachers and put those certified teachers into the classes where the kids are most at risk. So the school district went out, hired 2,000 certified teachers, assigned them to schools as depicted in this picture and the previous pictures, and the 2,000 certified teachers wouldn't take the job. Who can blame them? They are certified teachers, qualified; they pass the tests; they have taken the courses; they are assigned to a school where the conditions to teach are impossible.

If we are going to say let's only have certified, qualified teachers, then for goodness' sake, provide help to districts such as those I represent so we can actually recruit and keep those certified, qualified teachers. I strongly believe this bill should include a teacher recruitment section. I am working with a bipartisan group to offer an amendment to help school districts meet the demands for certified teachers.

Let me turn now to title I. I would like to paint a picture of what full funding for title I means for the children of New York City. Yesterday, several of my colleagues from the other side of the aisle came to the floor to talk about the failure of title I to improve student learning and dismissed the idea that fully funding title I could result in increased student achievement.

I want to be sure the American people have the facts about title I. The real fact, as presented by the independent, nonpartisan Congressional Research Service, is that in fiscal year 2001 Congress provided school districts with only one-third of the resources needed to fully serve eligible students in order to help close the achievement gap. Even with this limited Federal investment, our school districts have shown real gains in reading and math.

In 1999, the Council of Great City Schools found fourth and eighth graders in urban schools boosted their performance in reading and math. In fact, 87.5 percent of the urban school districts showed reading gains in Title I schools and 83 percent showed math gains. Moreover, the study found that the percentage of title I students in urban schools below the 25th percentile had been declining over 2- and 3-year periods while the percentage of title I students between the 25th and 50th percentile was increasing.

There are those who will still deny these facts and make the claim that title I doesn't make a difference. I often think Washington is the only evidence-free zone in our country. The facts are the facts. Title I does make a difference. Imagine the results if cities such as New York, Buffalo, Rochester, or Syracuse were able to assist all our title I eligible students rather than just a third of them. It would mean, for example, in New York City, we could lower the current threshold and serve an additional 99,295 children. The city could invest in strategies that work better. We could provide extended time initiatives that we know make a difference with children. We could expand early literacy intervention, and intervention strategies, have classroom professional development for teachers.

As we look at the bill, we need to look at a full investment in title I. It is not just a game of imagination but a real investment in student improvement that will pay off down the road. I will support Senator DODD and Senator COLLINS in their efforts to include full funding of title I in this bill.

Finally, let me touch on the issue of testing. In 1983, I called for student tests, high-stake student and high-stake teacher tests. I take a back seat to no one when it comes to using testing and other measures of accountability to find out how well we are doing and hold ourselves accountable. But let's be sure the tests are actually going to accomplish the purpose for which they are intended. We need to look at how children do from year to year, to help teachers modify and individualize curriculum, and provide parents with timely information. We have to make sure that if they take a test in the winter, they get the results that winter, not the following fall when the children have moved on. We have to help schools know what the standard should be so they are not teaching to the tests but they are trying to measure the standards they have set. And we have to help pay for the tests.

In New York alone, it would cost $16 million to comply with these new Federal testing requirements. Only $8 million would be provided by the Federal Government; the other $8 million is from scarce State resources. We need to be sure we are fair to our States. If we are going to mandate testing, let's not make it an unfunded mandate. Let's provide the resources needed. If we do develop and implement the tests, we need to have the resources to ensure that our children from the most disadvantaged circumstances can pass and excel in those tests. I think that means smaller classrooms, modern schools, quality teachers.

As we go forward in this debate, I hope we will think hard about the impact we will have on our children, and that we do everything we possibly can to make sure we don't just pass a bill but we really do provide the resources to reform education and produce better results across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time remains on each side?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Twenty-five minutes remains on the Republican side and 22 minutes remains on the Democratic side.

The PRESIDING OFFICER. Who yields time? If no time is requested, it will be deducted from both sides equally.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have taken 3 minutes because I think it is very important that we discuss education reforms.

I think all of us have the same goal. Every one of us believes that public education is not meeting the standards we envisioned for this country when we established public education as the basis for democracy. The question is, How do we do better? We have been adding more money for education for the last 50 years, but we have not seen an improvement in test scores or in the actual quality of education of our children who are graduating from public schools.

There are some public schools that are terrific. Those are the schools where parents and teachers and principals work together, where there is an openness, where the principal welcomes the parents to be a part of the process. But the schools that are failing are the schools that are afraid of accountability. There are teachers who do not want to have tests. Why don't they want to have tests? You can only assume they are concerned that they will not pass and that their students will not pass. That is not acceptable.

We have to have accountability. We have to have information for parents. Parents must know which schools are failing. If those schools are failing, we need to know how to bring them up to the higher standards. The best way to do that is to look at other schools that are alike in demographics, to allow them to see what the good schools with those demographics are doing: What are they doing right? That is what our reforms are meant to do.

We are focusing on accountability. Yes, it will hurt in some ways. It will hurt if you fail. But wouldn't we rather have a failure early in a school career, so we can correct it and give that child the real chance in life? Or do we want to continue social promotions with failing programs so the child never has the chance to reach his or her full potential? I do not think that is what we want. We want to let the child succeed. To do that, we need accountability. We might need failure so we know what the problems are and we can bring them up to standard.

That means we need to support the programs that work. We need to reduce bureaucracy. We need to increase flexibility. We need to empower parents. There is an absolute tie between parents who are involved and students who are successful. That is not based on the intellectual capacity of the student. When the parent is involved, the student does better.

The PRESIDING OFFICER. The Senator's time has elapsed.

Mrs. HUTCHISON. Mr. President, I am going to yield the floor and suggest the absence of a quorum because I have two more speakers on our side. Until I hear they are not going to make it, I am going to reserve their time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask to be notified when we have 15 minutes left. I assume that will give me about 7 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mrs. HUTCHISON. Mr. President, I would like to talk about what the President's education plan does. The Democrats are claiming they have offered more spending on education. In fact, the President has proposed an 11.5-percent increase in overall education spending for fiscal year 2002. This is an increase of $4.6 billion, to almost $54 billion next year.

Included in this spending increase are key areas that we think will target the young people who need the help the most. It triples funding for children's reading programs, because we know if a child cannot read at grade level, that is a child who is going to fail. There is no question about it. Time after time after time, when high school dropouts or junior high school dropouts have been talked to and listened to, the problem is they can't read. Of course they are frustrated if they can't read. Of course they miss the key points in a history lesson or geography lesson or a math lesson. If they can't read, they don't have a chance. So we are targeting the spending increases at reading programs at the very earliest level.

That is why we want to test at the third grade level to see if a child is falling back at the third grade, because we can catch that child, we can save that child, if we can test at the third grade and give the child the extra help so he or she will have the chance to read at grade level and compete and absorb what is being given as their educational opportunities.

A 30-percent increase is in this budget for Hispanic-serving institutions and historically black colleges and universities. Those are two areas that are doing great work. I have worked very hard for Hispanic-serving institutions because I know if we put the money there and we give them the counseling they need in those universities, we will have good, productive citizens. Our high school dropout rate among Hispanics is the highest of any ethnic group in our country, and that is unacceptable. So we want to go for the Hispanic-serving institutions and give them that extra help so they will be able to graduate their young people into the good jobs that are available in our country.

The historically black colleges and universities do great service. I am going to give a graduation speech this weekend at Paul Quinn College, a historically black college that is doing a wonderful job of educating young people. They have a program at Paul Quinn College where the young men go out and mentor the high school students in some of the disadvantaged areas of Dallas. It enriches both the student who is being mentored and the mentor himself.

I see my colleague, Senator COLLINS, has arrived. I am going to ask her to talk about this subject because she is one of the leading Senate experts in this education field. She is on the committee. She is making the contributions. She knows this bill, and she knows what it can do for public education.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me start by thanking my good friend and colleague from Texas for her kind comments and for her leadership in this area. I have enjoyed working with her on a number of educational issues. We will be bringing one up later this week.

No endeavor is more important to our Nation's future than ensuring that all children receive a good education. In a real sense, the future of our country rests on the shoulders of our Nation's educators and depends upon the decisions we make today on how best to educate our leaders of tomorrow. I believe that this comprehensive education reform bill may well be the most important legislation the Senate debates this year. I am hopeful that we will pass a bill that keeps the inspirational promise made by President Bush "to leave no child behind."

In many cases, education is the difference between prosperity and poverty, hope and despair, dreams fulfilled and lost opportunities. Between Silicon Valley and Wall Street, many Americans still live in the shadows of the new prosperity. Education is the best, perhaps the only way, to close the every-widening economic gap in America. Indeed, the economic gap in America is largely an education gap. And, education is the best way for us to stoke the fire of our nation's economic engine.

The President deserves tremendous credit for making education his top priority and for setting a goal that inspires us all. This should not be, and I hope will not be, a partisan debate, but rather a bipartisan discussion on how we can best achieve the goal of leaving no child behind. I am convinced that, working together, we can help states, communities, local school boards, educators, and parents improve our public schools significantly.

The Better Education for Students and Teachers, or BEST, Act is an excellent start. The BEST Act demands a great deal from all of us. It would require parents, teachers, principals, superintendents, school board members, state legislators, governors, and federal officials to work together to ensure that our children reach high standards of academic excellence. It would give our schools more flexibility in spending federal funds while holding them accountable for what really counts: improved student achievement. The legislation requires schools to answer the fundamental question: "Are our children learning?"—rather than, "Was that federal paperwork completed correctly?" It changes the focus from paperwork and process to results and accountability.

During the past four years, I have visited more than 60 schools all over the State of Maine, from Kittery at the southern tip, to Jackman in the west, Rockland on the coast, and Fort Kent in the north. I have seen firsthand the excellent work of Maine dedicated teachers. The quality of instruction taking place in Maine schools is impressive, and it is producing results. Maine's scores on national tests prove that our State's public schools are among the best in the nation. Moreover, Maine's public schools strive to provide a good education for all of our children regardless of their family income or where they live in our State.

A report issued last year by the Council of Chief State School Officers shows that, low-income students in Maine are performing nearly as well as the average of public school students in our state. Yet even in Maine, nearly one in four students has not acquired a level of literacy that is acceptable by most standards. Even in our strongest states, too many children are being left behind!

Eighteen years ago, the landmark study, "A Nation at Risk," warned of declining performance in American schools and turned the nation's attention toward reforming public education.

Today, however, too many schools, particularly in our inner cities, continue to fail to provide a solid education to their students. Although the United States spends more than $660 billion a year on education, nearly 60 percent of our low-income fourth graders cannot read at a basic level.

The Federal Government takes a secondary role to States and communities in terms of funding and overseeing our public schools, and that is how it should be. The Federal role is, nevertheless, important, particularly for helping disadvantaged students.

Unfortunately, Washington has not always been helpful, nor has it been successful in achieving that goal. After spending $125 billion of title I funding for disadvantaged students over 25 years, there is little to suggest that we are making progress in narrowing the achievement gap. Fewer than a third of fourth graders can read at grade level. If you look more closely at test scores, over time, you will notice the better students improving their performance while the worse students are getting worse. You also see a persistent achievement gap between students from a disadvantaged families and their more affluent peers. Although title I was created to put economically challenged students on even ground with their peers, recent data from the National Assessment of Education Progress (NAEP) prove that the program has not achieved the goal of narrowing the gap in achievement.

A state-by-state analysis of scores from the National Assessment of Educational Progress, the only test to measure student achievement nationwide, reveals troubling statistics that should give us pause, and that should cause us to ask what we should do differently. Many of us believe that more money and more resources are needed, but we can't pour more money into a failed system. We need to increase the dollars, but we also need to demand change.

For example, let's look at the scores. There has been virtually no change since 1992 in fourth grade reading scores. As you can see from this chart, the line is flat despite the increase in expenditures over this 30-year period.

The analysis found that only two states—Georgia and Massachusetts—reduced the gap between white students and black or Hispanic students in fourth-grade math. No state did so in eighth grade, leaving gaps as wide as 56 points in Washington, DC, and 35 points in New Jersey. In reading, only Delaware reduced the gap.

Overall, only 32% of fourth-graders were deemed to be "proficient" or better in reading in 2000. Nearly four in 10 students nationally continue to read below a basic level, meaning they have serious problems understanding even simple texts.

Sixty-three percent of African-American fourth-graders, 60 percent of children in poverty, and 47 percent of children in urban schools fell "below basic" in their skills, meaning they have less than even a "partial mastery" of the material.

Again, look how flat these scores are, whether you are looking at the 4th graders, the 8th graders, or the 12th graders. This is the system that cries out for change. We have increased the amount of money we are spending. I support more investment in education. But we need to face the reality that what we have been doing in far too many cases has not been working. It has not focused on improving student achievement or on ensuring that every child gets a good education.

The Federal Government has spent a great deal of money on education programs over the past 35 years without a great deal to show for it. These statistics show that a new approach is needed, and a part of that new approach needs to be an increased focus on reading and literacy.

These results are particularly distressing given that researchers in recent years have reached a consensus on the best practices to teach reading. The research, however, has yet to find its way into many classrooms.

This is one reason why the Reading First Initiative in S. 1 is so very important. We need to put proven teaching methods into the hands of our educators. We know that if our classroom teachers are not offered extensive training in the area of literacy, then many of our children will not learn to read to the best of their ability. The Reading First Initiative makes professional development a top priority and it establishes an early reading intervention program that, I believe, will make a real difference.

I have worked extensively with the President and the Department of Education in this area, and I am very pleased with the results that we have come up with. Earlier this year, I introduced the Early Reading Intervention Act to address the urgent need to improve reading skills. The reading portion of the BEST Act is a synthesis of the President's plan and my legislation.

It simply does not make sense to test a child's reading ability for the first time in third grade and discover the child's reading skills are far below his or her peers, when, at that point, the chances of the student learning to read at grade level by the end of elementary school are less than 25 percent. Yet, that is what occurs far too often with far too many of our children. By contrast, if a child is tested and receives help in kindergarten or first grade, that child has a 90 to 95 percent chance of becoming a good reader. Since reading is learned more easily and effectively during the early grades, it makes sense to identify reading problems and language-based learning disabilities early when intervention can make a difference.

Our goal—the goal set forth by the President—must be for all students to read by the third grade. By achieving this goal, we can decrease the number of students who will need special education and ensure that every child—all of our students—have the necessary tools to handle the curriculum in the future years.

An investment of $5 billion to ensure that every child in America can read by the third grade is a serious and long-term commitment. It is a significant first step toward improving our Nation's failing report card for the best way to ensure that no child is left behind is to ensure that every child knows how to read.

I am also very pleased that the BEST Act contains the Rural Education Initiative, which I introduced with my colleagues, Senators CONRAD, GREGG, ENZI, HUTCHINSON, ROBERTS, DORGAN, BURNS, HAGEL, ALLARD, and THOMAS. This important legislation will give small rural school districts more flexibility by allowing them to combine small, categorical grant programs into a single grant that can be used to target local needs. It will also provide these rural schools with supplemental funds to compensate them for their inability to compete with larger school districts for a number of Federal education grants.

As I look forward to the important education debate ahead, I see great opportunity. I see a constructive debate not about whether the Federal Government has a role to play in educating our youth but about how it can best promote excellence in all of our public schools and for all of our children. I see a President with a vision for how we can reshape and reinvigorate our educational system and a commitment to doing what it takes to help our students succeed. And I see Senators, all of whom have listened to those who know best—our parents, our teachers, our school board members and our administrators back home who have ideas on how to make the BEST Act even better.

Now is the time for us to lay a new foundation for the education of America's youth. It is time for us to seize this tremendous opportunity and to unite behind the inspiring goal the President has set forth of leaving no child behind.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. All time under the control of the majority has expired.

Mr. JEFFORDS. The minority manager has offered me 5 minutes of his time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, first of all, I commend the Senator from Maine for not only her excellent presentation but for her work on the committee. She is an invaluable member of our committee. I want to give her the accolades she deserves for what she has done to help us during this difficult time of trying to define how we can best improve the educational capacity of our Nation.

Today, the Senate begins its consideration of the Better Education for Students and Teachers Act. The BEST Act is an opportunity to combine our efforts with those of President Bush to guide the course of the No. 1 issue facing our Nation today: the education of our children. The BEST Act represents a bipartisan blueprint for meaningful education reform. We are putting forward an elementary and secondary education initiative that provides the necessary tools for every child to receive a quality education.

The BEST Act will strengthen accountability across the board to improve student performance, expand assessment programs so that parents and schools will have an accurate measurement of how well their children are learning, provide the funds necessary to prepare, recruit, and train highly qualified teachers, develop reading programs to ensure that all students will be able to read by the third grade, create partnerships for States and colleges and universities to strengthen K–12 math and science education, and provide for emerging technology activities that will boost student achievement.

BEST builds upon current law and requires States to create a single accountability system which will provide the mechanisms for moving all students toward proficiency. States must assess students in grades 3–8 annually in mathematics, reading and science. The results of these assessments will provide parents and the public an effective, highly visible measure of success and failure. Just as parents receive report cards to see how their children are performing in school, they will now be able to get report cards to see how the school is performing for their children.

If schools are not measuring up to the standards, BEST requires States, local education agencies, and schools to improve overall performance. These tough, new accountability standards are the cornerstone of BEST.

BEST creates new programs to help our children learn to read at an early age. These programs are Reading First and Early Reading First. President Bush has set as a goal for the Nation that all students be proficient readers by the end of the third grade. This is critically important. An engineer will tell you that without a deep and strong foundation, you cannot build a tower. An educator will tell you that without strong and deeply rooted reading skills, you cannot reach a high academic level. Young students who cannot read—with speed, accuracy and understanding—are likely to fall further behind from their peers in reading ability and in all other subjects. Research has proven that the sills which make learning to read possible develop at a much earlier age. The Early Reading First demonstration program in BEST will provide preschool-age children who are 3 and 4 years old with the opportunity to gain the important language and pre-literacy skills identified by rigorous research.

BEST also recognizes that an investment in better teachers is an investment in our Nation's young people. Children can make greater academic gains if they have a knowledgeable and caring teacher leading their classroom. The bill takes a flexible approach that allows States and educational agencies to adopt successful models that will best meet their needs. Previous programs are combined to lessen the burden on schools and States. BEST puts an emphasis on innovative professional development program to maximize opportunities for teachers. At the same time, the bill requires professional development to be tied to effective strategies for increasing teacher performance and student achievement. BEST demands strong accountability in combination with effective approaches to get the best from our teachers and students.

Student achievement in the United States has fallen behind many other countries in the areas of math and science. BEST includes important new initiatives designed to improve upon performance here.

An enormous improvement in math and science education at the K through 12 level is necessary if today's students want good jobs and the U.S. wants to stay competitive in the world economy. If American students are not prepared to fill high-tech jobs that require advanced math and science skills, then those jobs will go elsewhere or people will come from other countries to fill them. To achieve this, BEST will allow for the establishment of math and science partnerships between institutions of higher learning, States, and school districts. These partnerships will help our teachers become more effective, improve student achievement, and help keep our economy strong and vital.

BEST will also provide assistance to help eliminate the digital divide in the nation's schools. It is very important that we not separate technology from learning. Technology must not be used for it's own sake. Technology must be used to improve student outcomes. BEST contains strong accountability provisions to ensure that this occurs.

We are faced with an opportunity to do what is right for the children of our country. We have a chance to improve their education, and to improve their lives. This bill increases accountability in the education delivery system on all fronts. It provides strong new assessments to ensure that all of our children are well served by their schools. It authorizes the necessary resources required to have first rate educational opportunities available to all children in this nation.

Mr. President, we are starting today on bringing forward the President's proposal which is the cornerstone of the future of this Nation's ability to improve its education. I praise the President for bringing this very excellent bill forward. We have worked hard on it on the committee. I am confident we will pass it and that it will become law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I ask unanimous consent that I be allowed to speak until someone from the Democratic side comes to reclaim their time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee that is going to bring forth the education bill. I am very optimistic we are going to have a bill. I thank him for working so hard in a very bipartisan way to produce a bill. The reforms are pretty well agreed to. Both Republicans and Democrats in the Senate are coming together to say: We need a change. Business as usual in our education system is not going to cut it anymore. There are too many children falling behind and nobody in this country wants that to happen. Every one of us knows our democracy depends on a well-educated populace.

Most people would agree that the variations in the standards of our public schools across the country mean we are not succeeding in the mandate for a quality public education system. That is why Chairman JEFFORDS and Senator KENNEDY, Senator COLLINS, Senator FRIST, Senator GREGG, Senator HUTCHINSON of Arkansas, Senator SESSIONS of Alabama, and Senator ENZI have worked so hard to make sure this bill does not fall by the wayside.

I am a little frustrated that it has taken so long to get this bill to the floor. After all, this is a bill we have debated before. We actually debated it last session. It was not passed. We are back again. Surely there are divisions, but let's get the divisions out there. Let's get them out there. Let's make the decisions and let's reform public education so that every child in our country will have the opportunity to reach his or her full potential with a public education. That is our goal.

Mr. President, I ask the Senator from Oregon if his State has a testing program with accountability that would be something we would want to have as a nation. Has he had experience with accountability in the State of Oregon?

Mr. SMITH of Oregon. Mr. President, we do have testing. I do not think it is on the scale that we are contemplating in this bill.

What I hear, as I travel the State of Oregon, over and over again from parents is: We would like to give more resources to education. We would like more accountability for that. We would like better results for that.

I commend the Senator from Texas and others on the committee, Senator COLLINS, and our friends on the Democratic side who are focusing on some very significant reforms in this bill. If I can cut through the arguments I am hearing, as I have listened and presided today, often we tend to confuse what we are about, whether we are about developing a system of employment for adults or whether we are about developing a system for educating children. If we can keep the focus on educating children, there are all kinds of things that become possible in terms of testing, not just kids but teachers as well, to make sure we are delivering results, that we are giving parents more choices so we give their children more chances.

In a nutshell, that is what I want to vote for: more resources but also more reform. If we do that, the American people will look at our work as Republicans and Democrats and thank us for generations to come. There is not a single thing we could do more significantly for the future of our country, for the parents and their children, than to provide more resources and to demand more reform. We keep our stewardship then.

Mrs. HUTCHISON. I thank the Senator from Oregon. That is why President Bush has worked so hard to make this a priority to say that there is nothing more important we can do than to provide a quality public education for every one of the young people in our country.

I ask the Senator from Oregon if he would like the floor. If so, I am happy to yield.

Mr. SMITH of Oregon. Mr. President, I gave my speech because of the question of the Senator from Texas. I thank her for that opportunity.

Mrs. HUTCHISON. I thank the Senator from Oregon. I am pleased that he, too, is committed to reform. All of us know that if we are going to give every child a chance, we are going to have to make some changes. And some of those are going to be hard changes, there is no question about it.

Some of the people who are in the system today don't want testing. They don't like testing. I can understand that. But what is the alternative to accountability? What is the alternative to finding out what is wrong in our system?

If we can't admit that we have some weaknesses in the system and try to correct them, we will never get any better. What we want to do is find the weaknesses in the system and correct them while there is still a chance.

Let's correct the reading weaknesses in the third grade rather than in junior high school because we will have wasted years if we are not able to give a child a chance with the full capability to read in the third grade. Instead, if we wait until junior high school, we have wasted 6 years—6 years. Why would we do that?

It is time to take the bold steps. The President has asked us to do so. We have a bipartisan, general consensus in Congress, and I think it is time for us to act. I don't see any reason to start saying, well, if we amend one bill, then maybe we are going to have a substitute and what would that do to the amendment? Come on, can't we figure that out? Can't we say that all of the amendments passed by this Senate will go on to the final bill after the amendments are made, and if there is a substitute, they would go to that substitute? That is not rocket science. If we can't figure that out, then we have no business being here.

So I think it is time for us to act. We are wasting time. We have been talking about going to the education bill now for a week and 2 days. We are going to lose another day today if we don't start immediately to actually debate this bill. I hope that we will do that.

I want to outline a few more of the points of the bill, and I think this is a very important one. The plan is going to allow students who are trapped in failing schools to leave those schools by using title I funds to transfer to a higher performing public school or a private school if that is passed. I would like to see that because I want a parent to have all of the options. I don't want only parents who can afford private schools for their children to have the best. I want every parent to have the best. What could be more frustrating for a parent than to see their child in a school that is not performing and know that that child is never going to have the full chance in life and the parent can't change the school because the parent can't afford a private school or a parochial school. Why would we do that? We have the alternative.

In addition, education savings accounts will be increased to $5,000 and expanded from K through 12, not just college anymore.

We also include additional dollars for States to use to control violence and other crimes in schools because there is no doubt that in our country, if children are not safe and secure in their schools, they are not going to have the optimum learning environment. No doubt about it, they must have secure schools and drug-free schools.

Parents will be given a greater flexibility for their child's best interest. School districts will be given greater flexibility. This will be accomplished by decreasing administrative costs and paperwork. When I do townhall meetings in my State, teachers come in and say: Get rid of the paperwork. Let me teach. Let me spend my time with the students finding out what they need and helping them learn.

One teacher came to a townhall meeting that I had with a stack of papers this big and said that is what she had been working on all week. Instead of being in the classroom or counseling children after class, she was filling out forms this thick. That is not what is going to improve public education. It is the attention a teacher can give to children, to assess what their weaknesses are and bring them up to speed.

We are going to provide technology assistance, and math and science instruction will be reemphasized, as well as basic literacy. Partnerships between schools and higher education institutions will be encouraged, and new Federal initiatives such as Reading First K through 12, and Early Reading First Preschool will offer States incentives to implement rigorous literacy education.

We have solved a problem in my home State of Texas. The University of North Texas has an accelerated math course for high school math prodigies, so that high school students with math aptitude can go to the University of North Texas and take college courses and get their high school degree with accelerated capabilities to go into college. This is so that you don't hold back the students who are already beyond high school competency. You give the child a chance to grow at his or her level and competency capability. It is quite exciting. I would love to see that happen all over our country, where an innovative, higher education institution would offer programs for high school students. I hope we will be able to encourage that by passing the bill that is before us.

We are also going to try to help teachers help themselves. They deserve recognition and assistance. The President's plan will allow teachers to make tax deductions of up to $400 to help defray costs associated with out-of-pocket classroom expenses. I don't know a teacher that doesn't spend money from his or her own pocket to try to help the child get the tools the child needs in class, the crayons, or a ruler, or a tablet to write on, because the child comes to school without the proper school supplies. Many times, the child's family doesn't have the money for the school supplies. The teacher digs in her pocket and puts the money out and buys the supplies for the kids. That teacher does it because that teacher is dedicated. But we want to help defray those out-of-pocket costs. We want to give those young people the opportunity to have everything they need but not at the personal expense of the teachers. We don't pay teachers enough for the work they do anyway. The last thing we should expect is for them to defray the cost of their young people's school supplies out of their own pocketbooks.

Mr. President, as I close today, I want to say that there is nothing more important that we will do in this session of Congress than to reform public education, to make sure that public education gives every child the opportunity to reach his or her full potential. Yes, we think private schools are great and, yes, parochial schools are great, and they are a part of the option that a parent might have. But what we are responsible for is to make sure that every child has access to a public education that is quality and that competes with any other school in the world. That is what will keep our democracy strong, and that is what will fulfill our responsibility as Members of the U.S. Senate.

I can't wait to get to this bill because I have some amendments I want to offer that would provide creativity for our school districts, that would try to encourage more people to come into the classroom with expertise in an area—maybe not a teaching degree but someone with an expertise. I want to offer single-sex school classes in public schools as another option, which is now available in private schools but not in public schools to any great degree. I am going to talk about those amendments later.

I want to get on to this bill so that we can pass these reforms and so that the next school year that starts in September will be a school year that is different from the past 25 years and will have more options and more creativity and more capabilities for the young people of our country to excel.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I join my colleague in entreating to get this bill moving. I am proud to serve on the committee. It is badly needed.

Mrs. HUTCHISON. I respond to the Senator from Virginia and mention that he, as a very senior member of the Senate, asked to go on the Education Committee because of his interest in improving our public schools. I appreciate he made that a priority. His contribution is very much one that has helped this process this year.

Mr. WARNER. If I may say to my colleague, at the time our conference was allocating that last seat, I knew of the interest of the Senator from Texas. She extended to this Senator certain courtesies I shall not forget, enabling me to have that as my third committee. I thank the Senator.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOB KERREY, DISTINGUISHED OFFICER

Mr. WARNER. Mr. President, I address the Senate with regard to Senator Bob Kerrey. I do this out of, first, a sense of duty. I was Under Secretary of the Navy beginning in February 1969, together with our most beloved and distinguished former colleague who sat behind me many years, Senator Chafee, who was the Secretary. Senator Chafee and I, then Secretary of the Navy and Under Secretary WARNER, were a very close working team. I have searched my mind many times as to what he would say were he here today. I think

I can safely represent to the Senate that my remarks today would be very close to, if not exactly, what my dear friend, our former Senator and former Secretary of the Navy, would have said about our colleague, Bob Kerrey, this distinguished officer of the U.S. Navy.

I came to know him in the many years we served together in the Senate. We often sat together on the floor. I remember distinctly going over to his side of the aisle. We reflected on those days together of Vietnam. He shared with me some very personal insights with regard to that conflict and how they affected his life.

I am also very respectful of Senators MCCAIN, CLELAND, HAGEL, and JOHN KERRY. I have, likewise, had the benefit of listening to them and sharing with them my recollections of that incredible period of American history. I served in the Pentagon beginning in February 1969, leaving in 1974, for 5 years plus a few months during some of the most intense periods of that conflict. I visited Vietnam on occasions, as did Secretary of the Navy Chafee, and then when I became Secretary of the Navy, succeeding Chafee, of course, my visits continued. I have been on the fire bases, in the hospitals, where the wounded were brought back.

I remember one story, the former Commandant of the Marine Corps, General Krulak, came to see me just before his confirmation to review various procedural matters with regard to his confirmation. We were there with General Mundy. He was then Commandant of the Marine Corps. We spent an hour together in a very thorough analysis of his background. I was doing it on behalf of then-Chairman STROM THURMOND. General Krulak got up to leave. This is a moment I shall never forget in my career as a Senator.

He said: Senator WARNER, this is not the first time we met. I was a little taken aback. I was thinking, where had I met this fine officer? I had known his father. He said: I was wounded in Vietnam, and I was in the process of being evacuated. I was on a stretcher with other men who had just been wounded, and the helicopter was coming in to take us out. Someone came up and grabbed me by the big toe and shook that toe. He said to me: Captain, you are going to be all right; you are going to make it. He said: I am here today to say, I made it, and you were that gentleman, as Secretary of the Navy, who grabbed me by the toe.

I had no recollection because I visited with so many wounded and injured in that period on my visits to Vietnam. But it is a personal recollection of that period that I shared with another distinguished combat veteran who did a wonderful job as Commandant.

Bob Kerrey and I traveled together, I remember so well, on a trip to Bosnia. We were coming into that zone where the war had just passed through not more than a day, if even as much as a day. Homes were burning. The ordnance was clearly visible, and the escort officers we had were somewhat concerned. I remember Kerrey fearlessly walking through areas. I was there by his side. We visited with a number of detainees who had been captured. You learn about an individual when you do a trip such as that. I became very close to him. We bonded together in many respects on that trip to that war zone on that particular day, the several days we were together.

I reposed unquestioned confidence in his judgment, his honesty, and his integrity, being his boss in 1969, as Under Secretary of the Navy, at that time when these incidents happened. Indeed, the Medal Of Honor came up through the Navy Secretariat. I remember it quite well. Senator Chafee and I sat down, and Senator Chafee, then being the Secretary, affixed his name to that citation for his heroic actions.

This has been a personal experience to watch very carefully, to study and read the many pieces that have been written, to watch him in his public appearances and study his face very carefully, his eyes and his mannerism, as he, I think in a very forthright manner, shared with the American public, and, indeed, those in Vietnam who watched, his heartfelt expressions about this incident. It was a tragic incident.

I ask unanimous consent two articles which appeared in today's media be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 1, 2001]

THE CONSEQUENCE OF WAR

(By James Webb)

The Vietnamese government is happy to trot out witnesses from the supposed atrocity conducted by Bob Kerrey's Navy SEALs at Thanh Phong. It is doubtful that they would be so cooperative if questions were asked about Communist killings in places such as My Loc.

In April 1969, the Marine rifle company to which I was assigned was operating in the An Hoa Basin of Vietnam, west and south of Danang. In addition to our routine of long-range combat patrols and defensive positions along a vital and heavily contested road, it was decided that we would provide security for a "town meeting" hosted by the South Vietnamese government's district chief, who had been criticized for living in the distant and more secure confines of Danang. Over the space of a few days, visits were made to nearby hamlets, where 30 delegates were chosen to attend the meeting. After that, the district chief and his senior aide were brought in on the morning convoy.

A thatch-covered "hooch" at the bottom of our perimeter, about the size of a typical American living room, was chosen as the meeting place. Shortly after the meeting began, a Viet Cong assassination team raced through the thick foliage, hit the hooch, and fled. My rifle platoon was returning from a combat patrol as explosions rang out to our front. In seconds a Viet Cong soldier sprinting down the trail collided with my point man. I can still see his young face, adrenalized and madly grinning, as he was captured. And I remember the sight of the others as we reached the hooch.

The floor inside was covered with an ankle-deep mix of blood, innards, limbs and bodies. I and several others waded into the human mire, emptying bodies from the hooch and finding medical care for those who had survived. Nineteen people were dead, including the district chief and his aide. The aide's right arm was blown off near the elbow, its tendons like slim white feathers, as if he had been reaching to catch a grenade.

Nearby an older woman sat motionless against a wall, her face stunned and her dark eyes piercing, untouched except for a small, square hole in her forehead. I thought she was alive until I grabbed her arm. The wounded squirmed on the floor, reaching past dead bodies as they crawled in the muck, covered thickly with blood and twisting among each other like giant fishing worms.

We cleaned out the hooch, evacuated the wounded, washed at a nearby well, and went back to our war. By the next day this incident was over, a little piece of history in the long and ugly journey of a combat tour. But in the coming months as I reflected on them, the killings at My Loc raised an important distinction, which has become even more relevant with the media firestorm over Bob Kerrey's ill-fated SEAL patrol in the Mekong Delta.

Civilians have a terrible time in any war zone—fully one-third of the population of Okinawa was killed in 12 weeks of fighting on that island in 1945. But in a guerrilla war, the support or control of the local population, rather than the conquest of territory, is the ultimate objective. Civilians become enmeshed in the actual fighting, inseparable from it.

They fight among themselves for political dominance of a local area. They form an infrastructure and quietly support one side or the other when it moves through their village. They suffer greatly when battles are fought on top of them, and when emotions overcome logic and troops snap, as at My Lai. But the villagers of My Loc and others like them, clearly noncombatants, were killed purely as a matter of political control, for having met with a South Vietnamese government official and given some legitimacy to his authority.

Any American who directed a similar slaughter, or participated in it, would have been court-martialed. This distinction was basic to our policy in Vietnam, and it seems to have been lost by many over the past week. The body language and word choices of many media commentators indicates clearly that a larger issue—how history will judge our involvement in Vietman—is still very much in play, and a big part of that issue is to continue to demean the American sacrifices in that war.

Words like "atrocity" and "massacre" are routinely being thrown about, with some even calling for Nuremberg-like trials for Americans' war crimes in Vietnam. Aggressive reporters have played "gotcha" with every Kerrey statement. How could he say it was a moonless night when the charts say it was a half-moon? (Try clouds. Or canopy. Or vegetation.) Did he take one shot or many shots at the first outpost? Did he kneel on a guy when his throat was getting cut?

For many who went through extensive combat in Vietnam, such parsing brings back an anger caused by memories not of the war but of the condescending arrogance directed at them upon their return, principally by people in their own age group who had risked nothing and yet microscopically judged every action of those who had risked everything and often lost a great deal. Combat in a guerrilla war requires constant moral judgments, in an environment with unending pressure, little sleep, and no second chances for yourself or the people you are leading when you guess wrong. Were we perfect? No. Were we worse than Americans in other wars, or our enemy in this one? Hardly.

Which brings us to the recent attention given the Kerrey patrol. There is much in the New York Times magazine story to make one uneasy. They key "witness" from the village where the incident took place is the wife of a former Viet Cong soldier, who now has told Time magazine that she did not actually see the killings. She and the other Vietnamese witness, who was 12 at the time of the incident, live in a communist state where propaganda regarding America's "evil" war efforts is one of the mainsprings of political legitimacy—not the best conditions to produce honesty in cases with international implications.

The one member of Mr. Kerrey's SEAL team to allege extreme conduct did not pass the credibility test with Newsweek magazine when the story was considered there. CBS's "60 Minutes," which co-sponsored the investigation, seems to have an affinity for stories about Americans committing atrocities, having rehashed My Lai as the best way to remember the 30th anniversary of 1968, the year that brought the worst fighting, and highest American casualties, of the war.

Most important, to one practiced in both combat and journalism, a key and possibly determinative piece of information seems vastly underplayed. According to the Times magazine story, archive records of Army radio transmissions indicate that two days after the incident, "an old man from Thanh Phong presented himself to the district chief's headquarters with claims for retribution for alleged atrocities committed the night of 25 and 26 February 69. Thus far it appears 24 people were killed. 13 were women and children and one old man, 11 were unidentified and assumed to be VC."

Given the tone of the story, this radio transmission was probably included because it refers to the Kerrey patrol as having committed an atrocity. But a closer reading would appear to confirm the position of Mr. Kerrey and the five others on the patrol that they took fire and returned it, with the loss of civilian lives an unfortunate consequence.

This piece of evidence is perhaps the most objective account available of the results of the Kerrey patrol, coming as it does from a time near the incident, from a man who was asking for retribution and thus was hardly trying to cover things up. It also coincides with Mr. Kerry's recollection of 13 or 14 dead civilians in the village before the team left the scene, as any Viet Cong soldiers would most likely have been on the other side of the villagers who were killed, perhaps even using them as a screen while attempting to escape.

As has often been said over the past week, we will never know the exact details of what occurred. But if a seven-man patrol operating independently at night far inside enemy territory killed 11 Viet Cong soldiers after coming under fire, it would seem they hit their assigned target. And the loss of civilian life that accompanied this brief but brutal firefight adds up not to an atrocity or a massacre, but to a tragic consequence of a war fought in the middle of a civilian population.

[From the Washington Times, May 1, 2001]

SCALES OF CULPABILITY

(Georgie Anne Geyer)

In days long gone by, when we lived far simpler lives, according to the corny but nevertheless accurate truism, we agreed that to genuinely know another human, you needed to walk awhile in his moccasins.

In those days, too, the press in particular held as its central maxim the idea that we journalists were blessed with our wondrous positions in order to tell the relative truths that keep people sane (journalism is news, not "truths") and to relate rather than judge. Walk in anyone else's moccasins today trying to understand another's life? Not really interested.

Instead, in journalism and in politics as well, the response to trials, scandal and tragedy has boiled down to most news-gatherers (1) having no common experience with the prolific targets of their fleeting attention, and (2) not hesitating to publicly reveal every delicious tidbit they can unearth. Thus, they become prosecutor, judge and jury.

As you may perhaps have guessed, I'm being so critical because of the evolving case study of Nebraska's respected senator, Bob Kerrey.

The retired senator, now president of the New School University in New York, has long been one of our most responsible public servants. Thoughtful, intellectual, known for his integrity: Those are only a few of the small accolades he has merited in a capital so often these days filled with incompetence and greed.

Recently, in a series of revelations whose genesis, at least as of this writing remains unclear, a tragic story has been unfolding about him in different venues of the press.

In short, the story is that, in a midnight raid on a supposed Viet Cong village in 1969, Mr. Kerrey led a Navy SEALs raid. He believed his nervous and inexperienced unit had been fired upon by the village, and so they bombarded it. But when they entered, they found only the bodies of 13 Vietnamese women and children or more.

For those of us who were in Vietnam (I was there for a total of 10 months as a foreign correspondent for the Chicago Daily News in 1967, '68, '69 and '70), such accidents of war were so common as to be barely commented upon. In fact, what exactly did Americans at home expect of these young men and women, having sent them into such a hopeless and agonizing morass, barely prepared and on such an imprecise, futile mission?

On any given night there, our soldiers were in dark jungles or mountain ranges. They didn't know where the "enemy" was—or why in God's name they were there at all. They didn't speak the language, understand the culture, or see the great "geopolitical importance" their leaders safely at home in their air conditioned Washington offices seemed so insistent upon giving to "Vietnam."

There were some sadists and psychopaths in the U.S. military then—and there were plenty of them in the anti-war movement, as well—but Bob Kerrey was certainly not one of them. Indeed, in all of the reporting on his bleak and tormenting memories of that night, Mr. Kerrey has spoken repeatedly of how he has "never made my peace with what happened that night."

Nor should the fact that his own fellow SEALs offer different versions of that night be really a surprise to anyone. Thirty-two years ago, a moonless night in a strange and unknown country, told the enemy was all around them. . . . Why, most of the families I know would tell different stories about what they had for dinner last night.

Still, even having said this, at least two additional points need to be made: about the men truly responsible for those moonless missions in Vietnam and about the coverage of this Bob Kerrey story.

For there are people who deserve to suffer as Mr. Kerrey has—haunted and profoundly regretful for what he did under his country's orders in the name of his people. They had the real responsibility. Robert McNamara, the supercilious weapons maven, Lyndon Johnson (remember how he just resigned midstream when the war wouldn't go his way?), the fall-in-line joint chiefs of staff, not one of whom resigned over the war, even John F. Kennedy and Harry S. Truman. I haven't heard of much trauma or many sounds of remorse from these men, let alone any seeking of forgiveness. And, remember, too, that the American people voted enthusiastically for many of these "strategists" of war.

There are also people in the media for whom "Vietnam" is less a country or even a war than another way to "get" public officials.

Most of the media do not cover stories overseas these days. (If you watch the news discussion shows, few of the participants go out in the field to actually report anymore.)

That's precisely why they can be so judgmental of the men and women our country sends out to do its dirty work. Judgmentalism is fun. It builds bylines and reputations, and if it hurts a few public lives here and there, well, that's what those guys should have expected when they went into public office. Given all of this, Bob Kerrey continues to look like the hero everyone has thought him.

Mr. WARNER. I was personally impressed by these articles, the first written by former Secretary of the Navy Jim Webb appearing today in the Wall Street Journal, and the second in the Washington Times, written by Georgie Anne Geyer. I have not sat down with Ms. Geyer in some time, but in my course of these 23 years in the Senate, I have had the opportunity to be interviewed by her. She is a very thoughtful and careful journalist. In this article she recounts that she spent some 10 months in country covering that war.

Jim Webb, of course, was a highly decorated combat Marine officer: Navy Cross, second highest decoration next to the Medal of Honor; Silver Star; Purple Heart; and, coincidentally, he was a naval aide to me and to John Chafee as a young captain and major in the Marine Corps in that period of time. He briefed me prior to trips I would take to Vietnam. Through the years I have valued his friendship enormously.

I also had another personal experience. I remember one day there was a knock on my Senate door and in walked Jan Scruggs, who asked if I would help his group in their struggles to build the Vietnam Veterans Memorial. I cannot think of a greater honor I have had as a Member of the Senate than working, as I often refer to myself, as a private in the rear ranks of

Jan Scruggs' group of individuals, who conceived and put together this magnificent memorial to the men and women who sacrificed so much in that conflict.

I think I worked with him 6 to 7 years. I went to many meetings with many stormy sessions in either my Senate office or across the hall in the Armed Services Committee, and in the Veterans' Affairs Committee. I remember we would thrash out, in a highly contentious way, certain aspects of the design and development of that historic memorial. Now it stands as just an extraordinary reminder of that period. Its symbolism is different to every person who comes up to look at it.

But in the course of those years, I relived, with so many of those people, their experiences in that conflict. Therefore I have had, if I may say, some modest association with the men and women who fought in that conflict, and I have shared with them many times their thoughts and concerns and recollections of the stresses and hardships that they have carried with them to this day.

So I find these articles to be very compelling and I urge my colleagues to read them. I think they provide thoughtful, objective thinking to help in the interpretation of that chapter in history which was so difficult to understand, particularly Senator Kerrey's mission on that fateful night in Vietnam.

Americans must understand that war is a terrible thing. Since the beginning of history, wars have imposed the harshest of consequences, not only on the combatants in uniform but so often on the innocent civilians who get entrapped between the lines or in the path of the advance or in the path of the retreat. And they have paid a price. I thought both Jim Webb and Ms. Geyer treated that subject thoughtfully based on their own firsthand observations and experiences in country in Vietnam.

So I attribute a great deal of credibility to these two authors, particularly because of my long personal knowledge of Jim Webb. I say, with great respect to him, his career in the military far exceeded anything I ever did with my two brief periods of active duty, one just in the training command at the close of World War II, and the second for a brief tour of duty in Korea with the 1st Marine Air Corps.

To the extent I was able to observe others in a combat situation in Korea, as basically a staff officer—I never put myself in the category of those who rightfully claim combat status, but I did stay in the same tents, eat in the mess, slept in the bunkers with them—they are a very special breed, these young men and women who fought wars in harm's way to preserve our freedom.

Today I do my very best as a member of the Armed Services Committee to provide for a means of showing my respect for them and, indeed, my gratefulness to the American military for training me as a young person and for providing me with the GI bill of rights.

I have many emotions as I stand before the Senate tonight to express these views. I got to know Jim Webb well when he was in the office of the Navy Secretary and I tried to counsel him as best I could on his decision to leave active duty—which largely was not of his choosing but was dictated by facts very personal to him. Had he stayed in the Marine Corps I think he was destined to the highest of rank and the greatest of responsibility. He had to make a tough decision to leave the Corps and pursue other challenges. I mentioned, of course, for a brief period he became Secretary of the Navy. I was very proud of his service as Navy Secretary.

Several facts which I note from these articles and which I note from my own observation, again, are unquestioned. So many statements have been made by my distinguished colleagues about the honor and integrity of Bob Kerrey. His bravery and valor have been recognized many times, including being awarded the Congressional Medal of Honor.

I know during the Vietnam war we asked many young men—I repeat that, we, the United States of America, we the Congress of the United States and the President, the Presidents of the United States—asked many young men, and some women in a combat support status, to undertake very difficult missions under the most extreme and dangerous of conditions. They put their lives at risk to accomplish sometimes unclear missions while trying to minimize casualties within their own units.

Recently, I discussed this with members of the Armed Services Committee staff, combat veterans from Vietnam. We followed these stories about Senator Kerrey. We sat down and exchanged our own views. I deferred to them because two of them were in the thick of battle and they talked about the number of times throughout that war as veterans of ground combat that they took risks, themselves, personally, and risks to their men who were with them, to provide some measure of protection to the innocent non-combatant persons who had gotten entrapped in those battles in the dark nights and dusty days in that deep canopy.

Yes, they did take personal risks themselves. As near as I can determine, then-Lieutenant Kerrey, Robert Kerrey, took those risks himself.

They did so to protect the civilians in the combat zone. In that period of time, it was very difficult to determine who the enemy was; imagine that—who the enemy was. It was a very complex conflict into which we injected our men and women.

So we will never know exactly what happened that February night in that Thanh Phong, Vietnam, battle. But I respect the word of my former colleague, Robert Kerrey, and I urge other Senators to read these articles and decide for themselves. I believe each of us ought to make our own determination about this situation.

I conclude my remarks with a salute to the men and women who fought in that conflict and share with them my complete understanding, as near as I can base it on my own experiences. I salute them.

RESIGNATION OF DIRECTOR FREEH

Mr. SPECTER. Mr. President, the principal reason for my seeking recognition is to comment briefly on the announced resignation of FBI Director Louis Freeh. He has tendered his resignation effective in June of this year. I believe Director Freeh has done an outstanding job in a very difficult position.

I had considerable opportunity to work with Director Freeh in my capacity as chairman of the Subcommittee on the Judiciary and when I chaired the Senate Intelligence Committee. The Judiciary Subcommittee on Terrorism in 1996 had extensive hearings on Ruby Ridge, with Randy Weaver isolating himself, and action by the Alcohol, Tobacco and Firearms units and FBI that led to a shootout which regrettably caused the death of a U.S. Marshall, Randy Weaver's wife, and Randy Weaver's young son.

During the course of that investigation, FBI Director Freeh had the courage to stand up and change very deeply ingrained policies in the FBI, changing their rules of engagement and their use of deadly force. I think that took some doing in the face of institutional opposition.

He led an outstanding FBI investigation into the bombing on Khobar Towers, personally making a number of trips overseas. That is a matter which has yet to see a final resolution, but there has been very able and excellent investigative work done by the FBI in that matter in a very difficult circumstance, working with officials from Saudi Arabia.

Director Freeh did a good job in campaign finance reform, taking positions which were sometimes in conflict with the Attorney General, technically his superior, in the Department of Justice, although the FBI Director has unique status, really, in that he has a 10-year appointment. So there were times when Director Freeh found it necessary to take stands in opposition to the Attorney General of the United States and sometimes even in opposition to the President of the United States. While I didn't always agree with some of the details, it was my view it was a strong performance on the part of FBI Director Louis Freeh.

I think the Director also did an outstanding job in expanding the FBI's role in combating organized crime internationally, and his tenure has seen a vast expansion of FBI offices around the world carrying on very important counterespionage work and counterterrorism work. There has been an excellent level of cooperation established between the FBI and the CIA under the CIA leadership of George Tenet and, before that, John Deutch, with the FBI directorship under Louis Freeh.

There have been difficulties during Director Freeh's tenure with the FBI crime lab and with the investigation of Dr. Wen Ho Lee—on that subject, the Judiciary Subcommittee on Administrative Oversight and the Courts is continuing the inquiry—and also with the allegations as to the Hanssen case, the alleged spy.

But I think, overall, Director Freeh's tenure with the FBI has been outstanding. He brought to the position unique credentials, having been an FBI agent and assistant U.S. attorney, a Federal judge, and he had the capacity to know law enforcement while also understanding civil rights. When the problems arose in Ruby Ridge, he did not hesitate to change the long-standing FBI policies on the use of deadly force in recognition of civil rights, at the same time maintaining very strong law enforcement standards.

I think the President will have a difficult replacement assignment in finding another Director who can measure up to what Director Freeh has done. It is certainly a fact when law enforcement has faced tough issues, they have moved ahead and made many assignments to the FBI. Director Freeh's response on changing the FBI's use of deadly force was in sharp contrast to the refusal of the Alcohol, Tobacco and Firearms units, and even the Secretary of the Treasury, to make changes when there had been clear-cut fault established as to the Alcohol, Tobacco and Firearms unit.

I salute Director Freeh on the announcement of retirement and note his very excellent work and say we will have a tough time finding someone to fill those big shoes.

TRIBUTE TO BILLIE PENN

Mr. NICKLES. Mr. President, I rise today to recognize Billie Penn, a friend and member of my staff for the last 18 years. Billie is one of the most energetic, friendly and sweet people I know. Today this bundle of energy with a heart of gold is retiring.

Billie opened my Lawton office and has managed it for the last 18 years. As my field representative for Southwestern Oklahoma, she has worked diligently for the people of Beckham, Washita, Caddo, Greer, Kiowa, Harmon, Jackson, Tillman, Comanche, Cotton, Stephens, and Jefferson counties.

Billie's enthusiasm is contagious. I think we'll have to hire four or five people just to fill her spot. Besides working for me, Billie finds energy to golf with Bill, her husband of 41 years, visit her kids—William and Allison—and spoil her grandkids, Alisa, Skyler, Nathaniel and Ashlyn. She's active in Lawton's Chamber of Commerce, her church, Grace Fellowship, and probably any other cause that asks for a helping hand.

Today, there was a surprise retirement party for her that I'm sorry I could not attend. I can only imagine the numbers of people that showed up to celebrate the great job Billie has done. There is no one else like her and she will be missed.

Billie is a true friend and a real treasure. I am grateful for her outstanding service to the people of Oklahoma. We all have benefited from her hard work.

Today, I wish her all the best as she begins her retirement.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred July 29, 2000 in Mahwah, New Jersey. A man who allegedly attacked two men after calling them gay was arrested and charged with aggravated assault, bias harassment, and bias assault. Witnesses told police that the alleged perpetrator, William Courain, 26, was at an apartment complex party when he began making remarks to several of the guests about their sexual preferences. He left the party and confronted two men in the parking lot, making obscene comments about their sexual orientation, before attacking them. Witnesses say he began punching and kicking the two victims, one of whom suffered bleeding from the mouth and eyes and was treated at a local hospital. (The RECORD, August 1, 2000)

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

JOINT TASK FORCE FULL ACCOUNTING

Mr. BINGAMAN. Mr. President, recently, in a remote area of Vietnam, a helicopter with 16 passengers and crew aboard went down in a central Vietnamese jungle. Vietnamese officials reported that there were no survivors. The passengers on this aircraft included seven American heroes. One of those heroes, I am sad to report, was from New Mexico, Major Charles Lewis II. Major Lewis was an Air Force ROTC graduate of Mayfield High School and New Mexico State University in Las Cruces, NM. He was an outstanding student and deeply committed to his country through his service with the Air Force. We are shocked and saddened at the loss of Major Lewis and these American heroes.

In connection with the recent "National Former Prisoner of War Recognition Day", I salute Major Lewis and his downed colleagues. Moreover, I salute the heroic contributions of all those who serve in the Joint Task Force Full Accounting, JTFFA, and the U.S. Army Central Identification Laboratory Hawaii, CILHI, whose noble mission is to resolve the cases of Americans still unaccounted for during America's wars. We especially honor the unsung victims of this tragic accident who were carrying out our nation's abiding commitment to account for and honor the lives of POW–MIAs lost in the conflict in Southeast Asia three decades ago. They were part of an advance team scheduled to begin recovery work at six MIA sites in Vietnam beginning this month.

Since 1973, the JTFFA and CILHI have conducted investigations and excavations that have accounted for 603 American POW–MIA personnel. Since 1985, with the full support of cooperative Vietnamese assistants, members of the Joint Task Force and the Central Identification Laboratory have undertaken the most challenging assignments to locate and identify former American prisoners of war or servicemen missing in action. Some excavations have consumed months of painstaking labor under very difficult conditions to retrieve the smallest items of evidence to help identify American casualties. Much of the work is done by hand in order not to disturb potential evidence. Our service personnel such as those who lost their lives last month have routinely exposed themselves to significant dangers in the quest for honoring our former POW–MIAs. Sadly, they lost their lives in their deeply patriotic quest.

I call on all Americans to pause and remember Major Lewis and the brave men and women of the Joint Task Force and Central Identification Laboratory who have given their lives in such a noble cause.

DEDICATION OF THE PAUL G. ROGERS PLAZA AT THE NATIONAL INSTITUTES OF HEALTH

Mr. NELSON of Florida. Mr. President, I rise today to honor and recognize the achievements of a distinguished Floridian and former congressman, the Honorable Paul Rogers. The National Institutes of Health is dedicating the Paul Rogers Plaza at Bethesda, MD on June 12, 2001 in recognition of his phenomenal efforts and ardent advocacy for public health and medical research.

Paul Rogers represented Florida's 11th District in the House of Representatives from 1956 to 1979, where he earned the distinguished and fitting title, "Mr. Health." During his twenty-four years of service in Congress and eight years as the Chairman of the House Subcommittee on Health and Environment, he consistently demonstrated his heartfelt commitment to improving medical care and technology and preserving our fragile environment. His extensive list of legislative accomplishments and contributions is too great to fully recount, but there are several legislative achievements that are particularly noteworthy. The National Cancer Act, the Clean Air Act, the Safe Drinking Water Act, and the Medicare-Medicaid Anti Fraud and Abuse Act are just a few of Paul Rogers' endeavors that continue to impact our nation today.

It is fitting that the National Institutes of Health has chosen to honor him with a permanent plaque at the Paul Rogers Plaza, as I am certain that the beneficial effect of his public service on the health of American people will continue to be felt for many years to come. Paul Rogers' foresight in the areas of medical research and environmental regulation brought about cutting edge policies that continue to protect Americans everyday. His prolific efforts helped bring these critical issues to the forefront of our nation's agenda.

As we continue to debate and develop new legislation aimed at improving the health of Americans and our environment, we should take a moment to consider and thank the men and women, like "Mr. Health," who initiated this crusade. I am extremely pleased that Paul Rogers' tireless efforts are being duly recognized by the National Institutes of Health.

U.S. POLICY TO CHINA AND TAIWAN

Mr. BAUCUS. Mr. President, these past few weeks have been eventful ones in our relationship with China.

President Bush announced a robust arms sale package for Taiwan. It included several major weapons systems and, of greater long-term significance, it provides for increased cooperation and coordination between our two military forces. He also announced the end of the annual review of arms needs, putting our support for Taiwan's defense on a more regular and less political setting.

We secured the release of our reconnaissance plan's crew that was being held on Hainan Island. Subsequently, there were several important, albeit inconclusive, meetings with Chinese representatives about the return of the plane and about establishing future rules of engagement to ensure that there will not be a repeat of this irresponsible Chinese action.

President Bush made a potentially dangerous gaffe in an interview where he seemed to reverse precipitously a two decade old policy that has resulted in relative stability across the Taiwan Strait. I believe that the trilateral relationship among the PRC, Taiwan, and the United States, and the "One China" policy must adapt and evolve. But change must be made with extreme care.

The United States approved a visa for former Taiwan president Lee Teng-hui to visit for a month, and we have agreed to issue a transit visa for current Taiwan President Chen Shui-bian, although the conditions set on President Chen's visit are still under negotiations.

China continues to hold as a prisoner Gao Zhan, an innocent scholar who is a permanent resident of our country with a U.S. citizen husband and son. They also hold several other American citizens of Chinese origin.

Some of these developments are infuriating and frustrating. After our plane was downed, some in Congress called for revenge, retaliation, and retribution. Proposals include that Congress reverse its approval of PNTR, Permanent Normal Trade Relations, for China; that the United States oppose holding the 2008 Summer Olympics in Beijing; and that we reduce or cease military-to-military relations with China.

Our long-term interests with China require a carefully measured course of action. We cannot allow emotion to obscure our policy objectives. And we cannot determine China policy based on vague ideological images.

Like all Americans, I am outraged by the behavior of the Chinese Government in holding the crew of our reconnaissance plane and demanding an American apology, when the blame was so clearly with a reckless Chinese pilot following reckless orders.

I congratulate President Bush on his handling of the first foreign policy crisis of this administration. He kept emotions in check. He rejected the advice of those who wanted to take precipitous action. He secured the safe release of our crew without giving China the kowtowing apology they demanded.

President Bush's decision last week on which defense items to transfer to Taiwan was also responsible and correct. It will provide Taiwan with the hardware and the "humanware" it needs to defend itself, while avoiding actions that would have been unnecessarily provocative vis-a-vis China. Unfortunately, he followed this measured decision with a "shoot from the hip" comment on a possible U.S. response to Chinese military action against Taiwan. That remark has created unnecessary confusion, uncertainty, and potential instability across the Taiwan Strait.

We need to look at what is good for U.S. interests, not what is bad for China. There is no room for emotion as we defined the relationship we want with China and determine how to move them in the right direction.

Last year Congress approved, by a wide margin, legislation granting Permanent Normal Trade Relations status to China once they join the World Trade Organization. The benefits of incorporating China into the world trade community were clear.

American farmers, businesses, and workers would be well served by a growing and liberalized economy in China. Economic growth in China would, over the long term, lead to a larger middle class making its own demands on the government for greater accountability and personal choice, just as happened in South Korea and Taiwan. Membership in the WTO would bring international disciplines to the Chinese economy. And the reformers, led by Premier Zhu Rongji, would be strengthened.

The events of the last few weeks have not changed this calculation. If anything, nurturing growth in our economic and trade relationship with China is more important than ever.

Let's be clear about what happened in China while our crew was detained on Hainan Island.

The delay in releasing our crew members was a reflection of a monumental struggle for China's future between reformers led by Premior Zhu Rongji and President Jian Zemin, on one side, and the old guard, including the People's Liberation Army, the managers of most state-owned enterprises, and many entrenched politicians, on the other side. That is, a battle between those who we hope will be China's future and those who should be made part of China's past.

One manifestation of this struggle is political and perhaps increasing military friction with the United States. Taiwan remains the No. 1 flashpoint. Add disputes over human rights, political prisoners, arrest of American citizens and permanent residents of Chinese origin, Tibet, regional policies, weapons transfer. These issues will remain with us for years, if not decades.

Our decisions must be measured through one optic: What are the core American strategic and economic interests vis-a-vis China?

First, we want stability in the Asian region. We must ensure that China does not threaten this stability. That means committing the United States to being a full participant in Asia—economically, politically, and militarily. This includes ensuring peace across the Taiwan Strait, and that means providing Taiwan with the tools necessary for its defense and assisting with the peaceful resolution of the China-Taiwan issue.

Second, we want to help in the transformation of China from a totalitarian state with a nonmarket economy toward a more liberalized political and economic regime. That means incorporating China into the world trade community while insisting on respect for basic human rights.

Third, we want full access for American goods and services to the largest country in the world with the fastest growing economy. That means completing China's accession to the WTO, granting them PNTR, and supporting our businesses' efforts to penetrate the Chinese economy. It does not mean revoking China's established normal trade status.

To isolate China and to seek retribution might feel good, but it would not do good. Even worse, it threatens our core long-term interests. We should responsibly protect our interests and confront China when situations warrant. But reason, not emotion, must guide our decisions.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 30, 2001, the Federal debt stood at $5,661,347,798,002.65, Five trillion, six hundred sixty-one billion, three hundred forty-seven million, seven hundred ninety-eight thousand, two dollars and sixty-five cents.

Five years ago, April 30, 1996, the Federal debt stood at $5,102,049,000,000, Five trillion, one hundred two billion, forty-nine million.

Ten years ago, April 30, 1991, the Federal debt stood at $3,445,059,000,000, Three trillion, four hundred forty-five billion, fifty-nine million.

Fifteen years ago, April 30, 1986, the Federal debt stood at $2,008,271,000,000, Two trillion, eight billion, two hundred seventy-one million.

Twenty-five years ago, April 30, 1976, the Federal debt stood at $601,974,000,000, Six hundred one billion, nine hundred seventy-four million, which reflects a debt increase of more than $5 trillion, $5,059,373,798,002.65, Five trillion, fifty-nine billion, three hundred seventy-three million, seven hundred ninety-eight thousand, two dollars and sixty-five cents during the past 25 years.

ADDITIONAL STATEMENTS

THIRTIETH ANNIVERSARY OF AMTRAK

• Mr. KERRY. Mr. President, today marks an important day in the history of national passenger rail transportation. Today is the thirtieth anniversary of the American National Passenger Rail Corporation, Amtrak. As we mark Amtrak's birthday, we need to understand that the demands on our national passenger rail system are changing. Amtrak can no longer be solely a link to a bygone era, when a long train ride was the only way to get from one city to another. The Amtrak of the next 30 years must be a faster, more competitive transportation option for the American traveler. A population that is more mobile than ever before but faces gridlock on our highways and capacity limitations in our skies demands this of Amtrak. Our Nation's passenger rail system has already begun to change in the Northeast Corridor, where in just four months, Amtrak has shuttled over 55,000 people between Washington and New York on four daily high-speed trains. This unexpectedly high ridership has helped Amtrak beat revenue estimates for the Northeast Corridor by four percent. Overall, ridership in the Northeast is up eight percent over last year.

It is my hope that the Congress commemorates Amtrak's thirtieth birthday by passing legislation this year that allows Amtrak to continue to improve high-speed rail service in the Northeast Corridor and replicate that success in the Northeast. The High Speed Rail Investment Act is Amtrak's future. This legislation would allow Amtrak to sell $12 billion in tax-exempt bonds to finance the development of high-speed rail corridors throughout the country, and would allow for continued track improvements in the Northeast Corridor. Though Amtrak will raise $12 billion, the High Speed Rail Investment Act will cost taxpayers only about one-third of that amount. I am proud to be working closely with my colleagues Senators BIDEN and HUTCHINSON, as well our leaders, Senator LOTT and Senator DASCHLE, to enact this legislation this year, and I am excited to see that the bill has 55 cosponsors and wide bipartisan support.

On Amtrak's birthday, I hope each one of us will take a serious look at the importance of inter-city passenger rail to our Nation. Inter-city passenger rail is a critical link to our Nation's history, reminding us of how we used to travel this glorious country. And that's a link which many members of Congress have taken great pains to maintain in their states and districts. At the same time, in many places, such as the northeast, a modern inter-city passenger rail network is not a luxury, it is a necessity. Amtrak's challenge of late has been to satisfy both of these roles while trying to act like a profit-making company. This task has not been easy for a quasi-independent government agency that, for its whole life, has operated under many Congressionally-imposed burdens but has received sporadic and insufficient financial support from the federal government.

I think we are all aware that Amtrak is subject to unique political pressures that private companies do not face. And I think we all know that those pressures, which often require the company to operate unprofitable routes, influence the company's bottom line in a negative way. But high speed rail has proven to be a financial success in the Northeast, and is projected to add $180 million annually to Amtrak's bottom line when all 20 Acela Express trainsets are in operation. High speed rail is a good investment for Amtrak, and it's a great investment for our nation's transportation infrastructure.

It is time to bring Amtrak into the 21st century by creating an effective, truly inter-modal transportation network. Let's make high speed rail service an indispensable element of our transportation infrastructure—our overburdened highways and skyways require it and the traveling public demands it.•

TRIBUTE TO SUE HENSLEY

• Mr. HUTCHINSON. Mr. President, I rise today to say thank you to Sue Hensley for all of her efforts on my behalf to serve the people and the State of Arkansas during the past six years. In those six years, I found her counsel to be invaluable and of great aid, and I am proud to say that she is not only a former employee but also a good friend. She worked long hours and did whatever was required to competently fulfill her duties as my Communications Director. I am indebted to Sue for her service and I wish her the best of luck in her new position as Director of Communications of the Department of Labor and continued success in her career.•

TRIBUTE TO THE ROTC PROGRAM AT PROVIDENCE COLLEGE

• Mr. REED. Mr. President, I rise today to recognize the achievements of the ROTC Program at Providence College on the occasion of their 50th Anniversary.

ROTC dates back to 8 January 1951, when the Very Reverend Robert J. Slavin, O.P., President of the College, received word that the Department of the Army had approved the establishment of a Reserve Officer Training Corps within the curriculum. On 19 September 1951, Colonel Roy P. Moss, officially opened the Military Science Department of Providence College

Transport Corps Unit. In 1951–52, the original student enrollment was 512 cadets and in 1953, the first class of seven received commissions in the Transportation Corps.

In the 1954–55 academic year, the unit was re-designated as a General Military Science program. In 1956, a rifle range was built and had its official inauguration as Company K–12. During the Vietnam era, the ROTC program at PC provided many qualified officers and as a result of the ROTC Vitalization Act of 1964, students from local colleges without programs became eligible to participate. The act also resulted in both four-year and two-year ROTC scholarships going into effect.

In the late 60's and early 70's, changing public opinion lead to a decline in enrollment in programs throughout the country until the revitalization of ROTC began in the 1973–74 academic year as women were allowed to enroll. In 1982, Bryant College was added to the Patriot Battalion and along with Brown University, Johnson & Wales University, UMASS Dartmouth, Rhode Island College, the Community College of Rhode Island, Bristol Community College. As of May 2000, 1,690 officers have been commissioned through the Providence College Program.

The ROTC Program at Providence College was recognized in 1996 as one of the top programs in New England and the New York area. As it celebrates this milestone in the history of the program, we pause to recognize the many students who have learned about the history and structure of our military and who have gone on to study tactical operations and military instruction as well as advanced techniques of management, leadership and command. These proud cadets have earned scholarships and upon graduation are Commissioned Officers in the Army.

The strength of this program lies in patriotism and dedication to duty. The Patriotic Battalion faculty and staff are indeed to be commended for the success of the program and for the significant part they play in instilling leadership and good citizenship in these young people. I would respectfully ask my colleagues to join me in honoring the proud tradition of the Providence College ROTC Program on the occasion of its 50th Anniversary.●

CONGRATULATIONS TO ED HILL

● Mr. HARKIN. Mr. President, I would like to take a few minutes to congratulate Ed Hill, the new president of the International Brotherhood of Electrical Workers, IBEW, on his election.

You know, when I think about all the hard work and long hours presidents Hill and Barry have put in over the years, I am reminded of a story that one of my heroes, the great Hubert H. Humphrey liked to tell.

It was Humphrey's 65th birthday, and he was celebrating with his grandchildren. One of the grandkids looked up and said, "Grandpa, how long have you been a Democrat?"

Humphrey thought about that for a moment, and replied, "Well, I've been a Democrat for 70 years."

His grandson said, "Grandpa, how could you have been a Democrat for 70 years when you're only 65 years old?"

"Easy," Humphrey answered, "I've put in a lot of overtime."

Well, Ed Hill has put in a lot of overtime on behalf of the IBEW and on behalf of all Americans.

You know, I like to tell people you go to any town in America rural or urban, big or small and you will see the IBEW's work on display. Whether it is lighting our homes, or heating our schools, or bringing the Internet to our libraries, it is clear that the IBEW's work is critical to our families and our economy.

Ed Hill hails from Beaver County, PA, and he is got a long history with the IBEW. Ed joined IBEW Local 712 in his hometown back in 1956 and worked his way up to business manager in 1970. He became part of the IBEW staff in 1982, and, by 1994, he was a vice president in charge of operations in Pennsylvania, New York, New Jersey and Delaware.

In 1997, Ed became the IBEW's second highest-ranking officer, and he worked hard to bring the latest technology to IBEW's operations. He also spent long hours building the membership of IBEW-COPE to record levels and making new strides in grassroots activism and communications.

For over 100 years, the IBEW has been a leader in the union movement in America. Whether they were providing energy to our war efforts during World War II, creating one of the best apprenticeship programs around, or providing workers with the cutting edge skills they need to keep up with current electricity needs—IBEW was always ahead of the times.

I know that Ed Hill will continue this proud tradition. I thank him for his dedication and commitment, and I look forward to working with him in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry withdrawals and nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 256. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. REED for the Committee on Armed Services.

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

By Mr. WARNER for the Committee on Armed Services.

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.

Victoria Clarke, of Maryland, to be an Assistant Secretary of Defense.

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense.

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 3494

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 1026

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 4452

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 5802

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 1156

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 2790

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Malcolm I. Fages, 4038

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Keith W. Lippert, 1581

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 1088

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Gregory O. Allen and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Air Force nominations beginning Steven D. Carey and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Donald M. Adkins and ending X0268, which nominations were received by the Senate and appeared in the Congressional Record on February, 27, 2001.

Army nominations beginning James R. Gusie and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nominations beginning Michael Child and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Louis A. Abbenante and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Army nominations beginning Margretta M. Diemer and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2001.

Navy nominations beginning Manuel E.R. Alsina and ending Vincent S. Shen, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Daniel L. Bower and ending Tedman L. Vance, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Kyle P. Durand and ending Jeffrey J. Truitt, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Navy nominations beginning Eduardo C. Cuison and ending Robert K. McGaha, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Walter T. Ellingson and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Marine Corps nominations beginning Dennis G. Adams and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

Marine Corps nominations beginning Charles E. Brown and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

By Mr. Grassley for the Committee on Finance.

David Aufhauser, of the District of Columbia, to be General Counsel for the Department of the Treasury.

Kenneth W. Dam, of Illinois, to be Deputy Secretary of the Treasury.

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

John B. Taylor, of California, to be an Under Secretary of the Treasury.

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr. MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr. LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS, Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. MCCAIN):

S. 812. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. GRAHAM):

S. 813. A bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 78. A resolution designating May 2001, as "Older Americans Month"; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD):

S. Res. 79. A resolution designating May 1, 2001, as "National Child Care Worthy Wage Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 104

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as a cosponsors of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 133

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 214

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 217

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Vermont (Mr. JEFFORDS) were added as a cosponsors of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Michigan (Ms. STABENOW) were added as a cosponsors of S. 258, supra.

S. 268

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 268, a bill to amend the Internal Revenue Code of 1986 to allow nonrefundable personal credits, the standard deduction, and personal exemptions in computing alternative minimum tax liability, to increase the amount of the individual exemption from such tax, and for other purposes.

S. 281

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 327

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 338

At the request of Mr. REID, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. TORRICELLI) were added as a cosponsors of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Nevada (Mr. REID), and the Senator from Massachusetts (Mr. KERRY) were added as a cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 664

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 664, a bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 694

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 697, supra.

S. 706

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. MILLER), the Senator from California (Mrs. FEINSTEIN), and the Senator from New Jersey (Mr. CORZINE) were added as a cosponsors of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 723

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON, of Nebraska), the Senator from Illinois (Mr. FITZGERALD), the Senator from Kansas (Mr. ROBERTS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 758

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 758, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the wetlands reserve program through 2005, and for other purposes.

S. 777

At the request of Mr. ALLEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 777, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 24

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 24, a resolution honoring the contributions of Catholic schools.

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation providing medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 75

At the request of Mr. HUTCHINSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Res. 75, a resolution designating the week begining May 13, 2001, as "National Biotechnology Week."

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 33

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution supporting a National Charter Schools Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. BURNS, Mr. BINGAMAN, Mr. FITZGERALD, Mr. DASCHLE, Mr.

MCCAIN, Mr. CARPER, Mr. DURBIN, Mr. JOHNSON, Mr. KERRY, Mr. LEAHY, and Mr. LEVIN):

S. 803. A bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to introduce with my colleagues the "Electronic Government Act of 2001". Members of both parties understand that using new information technologies wisely can create a better government more in touch with the needs of the public. That's why I am happy to be joined in this endeavor by such a distinguished group of original co-sponsors, namely Senators BURNS, BINGAMAN, FITZGERALD, DASCHLE, MCCAIN, CARPER, DURBIN, JOHNSON, KERRY, LEAHY, and LEVIN. Our legislation will provide the leadership, coordination, expertise, and resources necessary to utilize the Internet and create a more efficient, citizen-oriented government. Harnessing the Internet and other information technologies to deliver government programs, services, and information more effectively is critical to ensure that the Federal government remains a vital, positive presence in society.

Efforts to promote electronic government, which is still in its infancy, are advancing around the world. Federal, state, and local governments are using web-based technologies to enhance citizen access to information, provide round-the-clock services, save money on procurement and other transactions, and stimulate citizen participation. Citizens who have discovered the benefits of conducting business with government from their homes, and when it is convenient for them, are using the Internet to file their taxes, renew licenses and registrations, apply for college loans, and bid on government contracts. In some cases businesses are able to use the Internet to get advice about existing regulatory requirements and citizens to comment on proposed rules.

These examples are exciting and encouraging. However, the reality is that all but a handful of the applications now being put online by Federal agencies are developed in relative isolation. E-Government currently is a loose-knit mix of ideas, projects, and affiliations often not well coordinated, sometimes overlapping in its goals and redundant in its expenditures. Though there are some remarkable innovations championed by visionary government employees, many other efforts are hampered by traditional models of government management, and "stove-pipe" conceptions of agency jurisdiction. We are in essence taking the often confusing, overlapping and inefficient maze of government programs as they now exist and simply transferring them onto the Internet.

This is not the best way forward. We can and must take full advantage of information technologies to overcome the often arbitrary boundaries that exist between agencies, and to provide the public with seamless, secure online services. A functional approach focuses on delivering services to the citizen, organized according to the citizens' needs, and without regard to where the jurisdiction of one agency stops and another begins. The greatest challenge in many cases is realizing how the new technologies have created new opportunities, and reconfiguring government processes accordingly. Seizing these opportunities will require leadership, coordination, and meaningful communication with agency decision-makers.

This legislation is designed to help accomplish that goal, first by establishing a Federal Chief Information Officer, or CIO, in the Office of Management and Budget. As many have pointed out, a Federal CIO is essential to provide government-wide coordination, leadership, and visibility to e-Government efforts. In fact, a recent survey revealed that 49 state governments already have Chief Information Officers to address government-wide information technology issues. The Federal CIO will have the necessary ties to relevant government agencies so that she or he is able to lead e-Government efforts, and will also work closely with state and local governments, with the private and non-profit sectors, and with the public. The Federal CIO will review agencies' information technology planning and performance, will ensure compliance with existing information statutes, and will be empowered to address other issues of concern such as online privacy and computer security.

The CIO will also direct expenditures from an E-Government Fund, which would promote the innovative, cross-agency projects that are extremely difficult to fund at present but absolutely necessary for the kind of integrated service delivery possible today. The legislation authorizes $200 million for each of the next three years for the Fund, and contains criteria governing its use. Every year the federal government spends $40 billion on information technology, and not always efficiently. In comparison the E-Government Fund represents a modest investment in a new kind of government venture: the virtual realignment of government services and information in pursuit of citizen-centered government.

Many of the improvements achieved by this legislation will be accessible from a centralized online government portal, which will build on the FirstGov website launched last year by the General Services Administration. The FirstGov website is an important first step, but there is much room for improvement. In those instances where agencies have cooperated to create truly integrated websites, as with Students.gov, the portal provides a demonstration of how citizens accessing the government through a single website may easily reach a wide range of information and services. But this type of site is the exception. Our E-Government bill will lead to more integrated sites, linked to the centralized portal. It will also create a directory of government web pages, so that citizens can easily find the help they need with a few clicks of the mouse rather than with cumbersome searches that often produce hundreds of thousands of results, sometimes in no discernable order.

New information technologies can be harnessed in many creative ways to better serve the public. Among other provisions, the legislation will expand online access to judicial information, establish an online national library, and promote research into how information technologies can be used to improve our planning for and response to natural disasters. The Internet can also be used to facilitate public participation in democratic processes, as the Department of Transportation has proven; its docketing system has been placed entirely on-line, so that individuals can easily find the rulemaking that interests them, review comments, and file comments of their own from a home computer. Our bill requires other regulatory agencies to establish similar systems. Of course, the provisions in our bill only scratch the surface of what is possible. More importantly, the legislation establishes a process by which our government can transform itself.

Our citizens will not be fully comfortable engaging in transactions over the Internet unless they are confident that their personal information is kept secure and private. That's why the E-Government Act contains strong new protections requiring agencies to complete detailed assessments of privacy considerations when they procure new information systems or initiate new collections of personal information. The bill also empowers the Federal CIO to review agencies' computer security plans.

This legislation is a work in progress. The bill already reflects the input and insights of many individuals and organizations, including those who participated in the E-Government interactive web site launched by Senator THOMPSON and myself last year. I also want to acknowledge the important contribution made by Senator BINGAMAN; we have incorporated his share-in-savings legislation from the last Congress as a provision. Because this is a work in progress, we will continue to seek comments and feedback on the legislation, and I expect that this bill's provisions will change as we work to achieve a broad consensus. E-Government should not be a partisan issue; it concerns how we will respond to the opportunities of today and tomorrow to achieve a more responsive government for us all. I hope to work with the Administration, which has already expressed an interest in e-government, with Senators from both parties, and with others committed to this issue, to develop a bill that we can all support.

I ask unanimous consent that the text of the legislation and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "E-Government Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

Sec. 101. Federal Chief Information Officer.
Sec. 102. Office of Information Policy and Office of Information and Regulatory Affairs.
Sec. 103. Management and promotion of electronic Government services.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 201. Federal agency responsibilities.
Sec. 202. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 203. Online Federal telephone directory.
Sec. 204. Online National Library.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Integrated reporting feasibility study and pilot projects.
Sec. 208. Online access to federally funded research and development.
Sec. 209. Common protocols for geographic information systems.
Sec. 210. Share-In-Savings Program improvements.
Sec. 211. Enhancing crisis management through advanced information technology.
Sec. 212. Federal Information Technology Training Center.
Sec. 213. Community technology centers.
Sec. 214. Disparities in access to the Internet.
Sec. 215. Accessibility, usability, and preservation of Government information.
Sec. 216. Public domain directory of Federal Government websites.
Sec. 217. Standards for agency websites.
Sec. 218. Privacy protections.
Sec. 219. Accessibility to people with disabilities.
Sec. 220. Notification of obsolete or counterproductive provisions.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec. 301. Authorization of appropriations.
Sec. 302. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance Governmental functions and services, achieve more efficient performance, and increase access to Government information and citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of funding mechanisms to support such interagency cooperation.

(5) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires new leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget.

(2) To establish measures that require using Internet-based information technology to enhance citizen access to Government information and services, improve Government efficiency and reduce Government operating costs, and increase opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related function.

(4) To promote interagency collaboration in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. FEDERAL CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—Section 502 of title 31, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) The Office has a Federal Chief Information Officer appointed by the President, by and with the advice and consent of the Senate. The Federal Chief Information Officer shall provide direction, coordination, and oversight of the development, application, and management of information resources by the Federal Government.".

(b) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Federal Chief Information Officer.".

(c) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b)(2)(D) of title 31, United States Code, is amended by striking "and statistical policy" and inserting "collection review".

(d) OFFICE OF INFORMATION POLICY.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

"§ 507. Office of Information Policy

"The Office of Information Policy, established under section 3503 of title 44, is an office in the Office of Management and Budget.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

"507. Office of Information Policy.".

(e) PRIVACY ACT FUNCTIONS.—

Section 552a(v) of title 5, United States Code (commonly referred to as the Privacy Act) is amended to read as follows:

"(v) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—The Director of the Office of Management and Budget shall—

"(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section;

"(2) provide continuing assistance to and oversight of the implementation of this section by agencies; and

"(3) delegate all of the functions to be performed by the Director under this section to the Federal Chief Information Officer.".

(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

(1) RESPONSIBILITIES AND FUNCTIONS.—Section 5111 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In fulfilling"; and

(B) by adding at the end the following:

"(b) DELEGATION.—The Director shall delegate all of the responsibilities and functions to be performed by the Director under this title to the Federal Chief Information Officer.".

(2) INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS.—Section 5301(a)(1) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1471(a)(1)) is amended by striking "Administrator for the Office of Information and Regulatory Affairs" and inserting "Federal Chief Information Officer".

(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND GUIDELINES.—

(1) PROMULGATION.—Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is amended—

(A) by striking "Secretary of Commerce" each place it appears and inserting "Federal Chief Information Officer" in each such place; and

(B) by striking "Secretary" each place it appears and inserting "Federal Chief Information Officer" in each such place.

(2) SUBMISSION.—Section 20(a)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)(4)) is amended by striking "Secretary of Commerce" and inserting "Federal Chief Information Officer".

(h) INFORMATION TECHNOLOGY FUND.—Section 110(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C.

757(a)) is amended by adding at the end the following:

"(3) The Administrator's decisions with regard to obligations of and expenditures from the Fund shall be made after consultation with the Federal Chief Information Officer, with respect to those programs that—

"(A) promote the use of information technology to agencies; or

"(B) are intended to facilitate the efficient management, coordination, operation, or use of those information technologies.".

(i) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

"SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

"The Administrator of General Services shall consult with the Federal Chief Information Officer on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Electronic Government and information technologies.".

(j) GOVERNMENT PAPERWORK ELIMINATION.—The Government Paperwork Elimination Act (44 U.S.C. 3504 note) is amended—

(1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and

(2) by inserting after section 1708 the following:

"SEC. 1709. DELEGATION OF FUNCTIONS TO FEDERAL CHIEF INFORMATION OFFICER.

"The Director of the Office of Management and Budget shall delegate all of the functions to be performed by the Director under this title to the Federal Chief Information Officer.".

SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 3503 of title 44, United States Code, is amended to read as follows:

"§ 3503. Office of Information Policy and Office of Information and Regulatory Affairs

"(a)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information Policy.

"(2) The Office shall be administered by the Federal Chief Information Officer established under section 502(d) of title 31. The Director shall delegate to the Federal Chief Information Officer the authority to administer all functions under this chapter, except those delegated to the Administrator of the Office of Information and Regulatory Affairs under subsection (b)(2). Any such delegation shall not relieve the Director of responsibility for the administration of such function.

"(b)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(2) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter explicitly relating to information collection review. Any such delegation shall not relieve the Director of responsibility for the administration of such functions.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3503 and inserting the following:

"3503. Office of Information Policy and Office of Information and Regulatory Affairs.".

(b) PROMOTION OF INFORMATION TECHNOLOGY.—Section 3504(h)(5) of title 44, United States Code, is amended by inserting "direct the Federal Chief Information Officer and the Administrator of the Office of Information and Regulatory Affairs, acting jointly, to" after "(5)".

(c) COORDINATION OF INFORMATION COLLECTION REVIEWS.—

(1) INFORMATION COLLECTION REVIEW.—Section 3502 of title 44, United States Code is amended—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) the term 'information collection review' means those functions described under section 3504(c) and related functions;".

(2) COORDINATION.—Section 3504 of title 44, United States Code, is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

"(2) The Director shall ensure that the Office of Information Policy and the Office of Information and Regulatory Affairs coordinate their efforts in applying the principles developed and implemented under this section to information collection reviews.".

(d) REFERENCES.—Reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, shall be deemed a reference to—

(1) the Office of Information Policy or the Federal Chief Information Officer, respectively, with respect to functions described under section 3503(a) of title 44, United States Code (as amended by section 103 of this Act); and

(2) the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, with respect to functions described under section 3503(b) of such title (as amended by section 103 of this Act).

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress, the Director of the Office of Management and Budget shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall submit the recommended legislation referred to under paragraph (1).

SEC. 103. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

"Sec.
"3601. Definitions.
"3602. Federal Chief Information Officer functions.
"3603. Chief Information Officers Council.
"3604. E-Government Fund.

"§ 3601. Definitions

"In this chapter, the definitions under section 3502 shall apply, and the term—

"(1) 'Council' means the Chief Information Officers Council established under section 3603;

"(2) 'Cross-Sector Forum' means the Cross-Sector Forum on Information Resources Management established under section 3602(a)(10);

"(3) 'Fund' means the E-Government Fund established under section 3604;

"(4) 'interoperability' means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

"(5) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

"§ 3602. Federal Chief Information Officer functions

"(a) Subject to the direction and approval of the Director of the Office of Management Budget, and subject to requirements of this chapter, the Federal Chief Information Officer shall perform information resources management functions as follows:

"(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to information resources management.

"(2) Perform the following functions with respect to information resources management:

"(A) Under section 5112 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412), review agency budget requests related to information technology capital planning and investment.

"(B) Under section 5113 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413), evaluate the investments referred to under subparagraph (A) with respect to performance and results.

"(C) Review legislative proposals related to information technology capital planning and investment.

"(D) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

"(E) Recommend to the Director changes relating to Governmentwide strategies and priorities for information resources management.

"(3) Provide overall leadership and direction to the executive branch on information policy by establishing information resources management policies and requirements, and by reviewing each agency's performance in acquiring, using, and managing information resources.

"(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

"(5) Administer the distribution of funds from the E-Government Fund established under section 3604.

"(6) Consult with the Administrator of General Services regarding the use of the Information Technology Fund established under section 110 of the Federal Property and Administrative Coordinate Services Act of 1949 (40 U.S.C. 757), and coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by agencies.

"(7) Chair the Chief Information Officers Council established under section 3603.

"(8) Establish and promulgate information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) based on the recommendations of the National Institute of Standards and Technology, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

"(B) Standards and guidelines for categorizing and electronically labeling Federal Government electronic information, to enhance electronic search capabilities.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(9) Establish a regular forum for consulting and communicating with leaders in information resources management in the legislative and judicial branches to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

"(10) Establish a regular forum for consulting and communicating with leaders in information resources management in State, local, and tribal governments (including the National Association of State Information Resources Executives) to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

"(11) Establish a regular forum for consulting and communicating with program managers and leaders in information resources management in the regulatory executive branch agencies to encourage collaboration and enhance understanding of best practices and innovative approaches related to the acquisition, use, and management of information resources in regulatory applications.

"(12) Establish a Cross-Sector Forum on Information Resources Management, subject to the Federal Advisory Committee Act (5 U.S.C. App.), as a periodic colloquium with representatives from Federal agencies (including Federal employees who are not supervisors or management officials as such terms are defined under section 7103(a) (10) and (11), respectively) and the private, nonprofit, and academic sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. The Cross-Sector Forum shall be used for the following:

"(A) To develop innovative models for Government information resources management and for Government information technology contracts. These models may be developed through focused Cross-Sector Forum discussions or using separately sponsored research.

"(B) To identify opportunities for performance-based shared-savings contracts as a means of increasing the quantity and quality of Government information and services available through the Internet.

"(C) To identify opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions.

"(D) To identify mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies.

"(E) To identify opportunities for public-private collaboration in addressing the disparities in access to the Internet and information technology.

"(F) To develop guidance to advise agencies and private companies on any relevant legal and ethical restrictions.

"(13) Direct the establishment, maintenance, and promotion of an integrated Internet-based system of delivering Government information and services to the public. To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

"(A) The provision of Internet-based Government information and services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

"(B) An ongoing effort to ensure that all Internet-based Government services relevant to a given citizen activity are available from a single point.

"(C) Standardized methods for navigating Internet-based Government information and services.

"(D) The consolidation of Federal Government information and services with Internet-based information and services provided by State, local, and tribal governments.

"(14) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

"(15) Assist Federal agencies, the United States Access Board, the General Services Administration, and the Attorney General in—

"(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794d); and

"(B) ensuring compliance with those standards through the budget review process and other means.

"(16) Administer the Office of Information Policy established under section 3503.

"(b) The Director of the Office of Management and Budget shall consult with the Federal Chief Information Officer on each agency budget request and legislative proposal described under subsection (a)(2).

"(c) The Federal Chief Information Officer shall appoint the employees of the Office. The Director of the Office of Management and Budget shall ensure that the Office of Information Policy has adequate employees and resources to properly fulfill all functions delegated to the Office and the Federal Chief Information Officer.

"(d) There are authorized to be appropriated $15,000,000 for the establishment, maintenance, and promotion of the integrated Internet-based system established under subsection (a)(13) for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006.

"§ 3603. Chief Information Officers Council

"(a) There is established in the executive branch a Chief Information Officers Council.

"(b) The members of the Council shall be as follows:

"(1) The chief information officer of each agency described under section 901(b) of title 31.

"(2) The chief information officer of the Central Intelligence Agency.

"(3) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for these departments under section 3506(a)(2)(B).

"(4) Any other officers or employees of the United States designated by the Federal Chief Information Officer.

"(c)(1) The Federal Chief Information Officer shall be the Chairman of the Council.

"(2)(A) The Deputy Chairman of the Council shall be selected by the Council from among its members.

"(B) The Deputy Chairman shall serve a 1-year term, and may serve multiple terms.

"(3) The Administrator of General Services shall provide administrative and other support for the Council, including resources provided through the Information Technology Fund established under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757).

"(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources. The Council shall perform the following functions:

"(1) Develop recommendations for the Federal Chief Information Officer on Government information resources management policies and requirements.

"(2) Assist the Federal Chief Information Officer in developing and maintaining the Governmentwide strategic information resources management plan required under section 3506.

"(3) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

"(4) Assist the Federal Chief Information Officer in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

"(5) Provide recommendations to the Federal Chief Information Officer regarding the distribution of funds from the E-Government Fund established under section 3604.

"(6) Coordinate the development and use of common performance measures for agency information resources management under section 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1423).

"(7) Work as appropriate with the National Institute of Standards and Technology to develop recommendations for the Federal Chief Information Officer on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

"(B) Standards and guidelines for categorizing and electronically labeling Government electronic information, to enhance electronic search capabilities.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(8) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

"§ 3604. E-Government Fund

"(a) There is established in the Treasury of the United States an E-Government Fund, which shall be available without fiscal year limitation.

"(b) The Fund shall be used to fund interagency information technology projects, and other innovative uses of information technology. The Fund shall be operated as follows:

"(1) Any member of the Council, including the Federal Chief Information Officer, may propose a project to be funded from the Fund.

"(2) On a regular basis, an appropriate committee within the Council shall review candidate projects for funding eligibility, and make recommendations to the Federal Chief Information Officer on which projects should be funded from the Fund. The review committee shall consider the following:

"(A) The relevance of this project in supporting the missions of the affected agencies and other statutory provisions.

"(B) The usefulness of interagency collaboration on this project in supporting integrated service delivery.

"(C) The usefulness of this project in illustrating a particular use of information technology that could have broader applicability within the Government.

"(D) The extent to which privacy and information security will be provided in the implementation of the project.

"(E) The willingness of the agencies affected by this project to provide matching funds.

"(F) The availability of funds from other sources for this project.

"(3) After considering the recommendations of the Council, the Federal Chief Information Officer shall have final authority to determine which of the candidate projects shall be funded from the Fund.

"(c) The Fund may be used to fund the integrated Internet-based system under section 3602(a)(13).

"(d) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Federal Chief Information Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

"(e) The Federal Chief Information Officer shall submit an annual report to the President and Congress on the operation of the Fund. The report shall describe—

"(1) all projects which the Federal Chief Information Officer has approved for funding from the Fund;

"(2) the results that have been achieved to date for these funded projects; and

"(3) any recommendations for changes to the amount of capital appropriated annually for the Fund, with a description of the basis for any such recommended change.

"(f) There are authorized to be appropriated to the Fund $200,000,000 in each of the fiscal years 2002 through 2004, and such sums as may be necessary for fiscal years 2005 and 2006.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

"36. Management and Promotion of Electronic Government Services .. 3601".

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act) and the related information resource management policies and information technology standards established by the Federal Chief Information Officer;

(2) ensuring that the policies and standards established by the Federal Chief Information Officer and the Chief Information Officers Council are communicated promptly and effectively to all relevant managers with information resource management responsibilities within their agency; and

(3) supporting the efforts of the Federal Chief Information Officer to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under chapter 36 of title 44, United States Code (as added by section 103 of this Act).

(b) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by section 103 of this Act), shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards established by the Federal Chief Information Officer, including common standards for interconnectivity and interoperability, categorization and labeling of Federal Government electronic information, and computer system efficiency and security.

(c) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Federal Chief Information Officer an E-Government Status Report on the current status of agency information and agency services available online.

(2) CONTENT.—Each report under this subsection shall contain—

(A) a list and brief description of the agency services available online;

(B) a list, by number and title, of the 25 most frequently requested agency forms available online, annotated to indicate which forms can be submitted to the agency electronically; and

(C) a summary of the type, volume, general topical areas, and currency of agency information available online.

(3) SUBMISSION.—Not later than March 1, of each year, each agency shall submit a report under this subsection to the Federal Chief Information Officer.

(4) CONSOLIDATION OF REPORTS.—Section 3516(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) Any E-Government Status Report under section 201(c) of the E-Government Act of 2001.".

SEC. 202. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director of the Office of Management and Budget.

(b) BRIDGE AUTHORITY FOR DIGITAL SIGNATURES.—The Administrator of the General Services Administration shall support the Director of the Office of Management and Budget by establishing the Federal bridge certification authority which shall provide a central authority to allow efficient interoperability among Executive agencies when certifying digital signatures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Administrator of the General Services Administration, in coordination with the Chief Information Officers Council, shall develop and promulgate an online Federal telephone directory.

(2) ORGANIZATION.—Information in the online Federal telephone directory shall be organized and retrievable both by function and by agency name.

(3) TELEPHONE DIRECTORIES.—Information compiled for publication in the online Federal telephone directory shall be provided to local telephone book publishers, to encourage publication and dissemination of functionally arranged directories in local Federal blue pages.

(b) EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Each Executive agency (as defined under section 105 of title 5, United States Code) shall publish an online agency directory, accessible by electronic link from the online Federal telephone directory.

(2) CONTENT.—Each agency directory—

(A) shall include telephone numbers and electronic mail addresses for principal departments and principal employees, subject to security restrictions and agency judgment; and

(B) shall be electronically searchable.

SEC. 204. ONLINE NATIONAL LIBRARY.

(a) IN GENERAL.—The Director of the National Science Foundation, the Secretary of the Smithsonian Institution, the Director of the National Park Service, the Director of the Institute of Museum and Library Services, and the Librarian of Congress shall establish an Online National Library after consultation with—

(1) the private sector;

(2) public, research, and academic libraries;

(3) historical societies;

(4) archival institutions; and

(5) other cultural and academic organizations.

(b) FUNCTIONS.—The Online National Library—

(1) shall provide public access to an expanding database of educational resource materials, including historical documents, photographs, audio recordings, films, and other media as appropriate, that are significant for education and research in United States history and culture;

(2) shall be functionally integrated, so that a user may have access to the resources of the Library without regard to the boundaries of the contributing institutions; and

(3) shall include educational resource materials across a broad spectrum of United States history and culture, including the fields of mathematics, science, technology, liberal arts, fine arts, and humanities.

(c) Authorization of Appropriations.—For the purposes of developing, expanding, and maintaining this Online National Library, there are authorized to be appropriated—

(1) to the National Science Foundation $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter; and

(2) to the Library of Congress $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 205. FEDERAL COURTS.

(a) Individual Court Websites.—The Chief Justice of the United States and the chief judge of each circuit and district shall establish with respect to the Supreme Court or the respective court of appeal or district (including the bankruptcy court of that district) a website, that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c)(2).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) Maintenance of Data Online.—

(1) Update of information.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) Closed cases.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) Electronic Filings.—

(1) In general.—Each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) Exceptions.—

(A) In general.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(B) Limitation.—

(i) In general.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

(ii) Redaction.—A redaction under this subparagraph shall be made only to—

(I) the electronic form of the document made available online; and

(II) the extent necessary to protect important privacy concerns.

(C) Privacy concerns.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy concerns.

(d) Dockets With Links to Documents.—The Judicial Conference of the United States, in consultation with the Federal Chief Information Officer, shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) Cost of Providing Electronic Docketing Information.—Section 503(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking "shall hereafter" and inserting "may, only to the extent necessary,".

(f) Time Requirements.—Not later than 2 years after the effective date of this Act, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) Opt Out.—

(1) In general.—

(A) Election.—

(i) Notification.—The Chief Justice of the United States or a chief judge may submit a notification to the Administrative Office of the United States Courts to elect not to comply with any requirement of this section with respect to the Supreme Court, a court of appeals, or district (including the bankruptcy court of that district).

(ii) Contents.—A notification submitted under this subparagraph shall state—

(I) the reasons for the noncompliance; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) Exception.—To the extent that the Supreme Court, a court of appeals, or district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) Report.—Not later than 1 year after the effective date of this Act, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) Information Provided by Agencies Online.—To the extent practicable, each agency (as defined under section 551 of title 5, United States Code) shall—

(1) establish a website with information about that agency; and

(2) post on the website all information—

(A) required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code; and

(B) made available for public inspection and copying under section 552(a) (2) and (5) of title 5, United States Code, after the effective date of this section.

(b) Compliance.—An agency may comply with subsection (a)(2) by providing hypertext links on a website directing users to other websites where such information may be found. To the extent that an agency provides hypertext links, the agency shall provide clear instructions to users on how to access the information sought within the external website to which the links direct users.

(c) Submissions by Electronic Means.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means, including e-mail and telefacsimile.

(d) Electronic Docketing.—

(1) In general.—To the extent practicable, agencies shall, in consultation with the Federal Chief Information Officer, and in connection with the forum established under section 3602(a)(10) of title 44, United States Code (as added by section 103 of this Act), establish and maintain on their websites electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) Information available.—Agency electronic dockets shall make publicly available online—

(A) all agency notices, publications, or statements in connection with each rulemaking; and

(B) to the extent practicable, all submissions under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) Opt Out.—

(1) In general.—

(A) Notification.—An agency may submit a notification to the Federal Chief Information Officer to elect to not comply with any requirement of subsection (d).

(B) Contents.—A notification submitted under this paragraph shall state—

(i) the reasons for the noncompliance; and

(ii) the online methods, if any, or any alternative methods, the agency is using to provide greater public access to regulatory proceedings.

(2) Report.—Not later than October 1, of each year, the Federal Chief Information Officer shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

(A) contains all notifications submitted to the Federal Chief Information Officer under this subsection; and

(B) summarizes and evaluates all notifications.

(f) Time Limitation.—To the extent practicable, agencies shall implement subsections (a) and (b) not later than 2 years after the effective date of this Act, and subsection (c) not later than 4 years after that effective date.

SEC. 207. INTEGRATED REPORTING FEASIBILITY STUDY AND PILOT PROJECTS.

(a) Purposes.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) Definitions.—In this section, the term—

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Federal Chief Information Officer shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the feasibility of integrating Federal information systems across agencies.

(2) CONTENT.—The report under this section shall—

(A) address the feasibility of integrating data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information;

(ii) provides methods for input on improving the quality and integrity of the data, including correcting errors in submission, consistent with the need to archive changes made to the data; and

(iii) allows any person to integrate public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Federal Chief Information Officer; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c) the Federal Chief Information Officer shall implement a series of no more than 5 pilot projects that integrate data elements. The Federal Chief Information Officer shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development, of software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement.

(e) CONSULTATION IN PREPARING THE REPORT AND PILOT PROJECT.—The Federal Chief Information Officer shall coordinate with the Office of Information and Regulatory Affairs, and to the extent practicable, shall work with relevant agencies, and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(f) PRIVACY PROTECTIONS.—The activities authorized in this section shall afford protections for confidential business information consistent with section 552(b)(4) of title 5, United States Code and personal privacy information under section 552a of title 5, United States Code and other relevant law.

SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section, the term—

(1) "essential information" shall include—

(A) information identifying any person performing research and development under an agreement and the agency providing the funding;

(B) an abstract describing the research;

(C) references to published results; and

(D) other information determined appropriate by the interagency task force convened under this section; and

(2) "federally funded research and development"—

(A) shall be defined by the interagency task force, with reference to applicable Office of Management and Budget circulars and Department of Defense regulations; and

(B) shall include funds provided to—

(i) institutions other than the Federal Government; and

(ii) Federal research and development centers.

(b) INTERAGENCY TASK FORCE.—The Federal Chief Information Officer shall—

(1) convene an interagency task force to—

(A) review databases, owned by the Federal Government and other entities, that collect and maintain data on federally funded research and development to—

(i) determine areas of duplication; and

(ii) identify data that is needed but is not being collected or efficiently disseminated to the public or throughout the Government;

(B) develop recommendations for the Federal Chief Information Officer on standards for the collection and electronic dissemination of essential information about federally funded research and development that addresses public availability and agency coordination and collaboration; and

(C) make recommendations to the Federal Chief Information Officer on—

(i) which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development;

(ii) whether to continue using existing databases, to use modified versions of databases, or to develop another database;

(iii) the appropriate system architecture to minimize duplication and use emerging technologies;

(iv) criteria specifying what federally funded research and development projects should be included in the databases; and

(v) standards for security of and public access to the data; and

(2) not later than 1 year of the date of enactment of this Act, after offering an opportunity for public comment, promulgate standards and regulations based on the recommendations, including a determination as to which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development.

(c) MEMBERSHIPS.—The interagency task force shall consist of the Federal Chief Information Officer and representatives from—

(1) the Department of Commerce;

(2) the Department of Defense;

(3) the Department of Energy;

(4) the Department of Health and Human Services;

(5) the National Aeronautics and Space Administration;

(6) the National Archives and Records Administration;

(7) the National Science Foundation;

(8) the National Institute of Standards and Technology; and

(9) any other agency determined by the Federal Chief Information Officer.

(d) CONSULTATION.—The task force shall consult with—

(1) Federal agencies supporting research and development;

(2) members of the scientific community;

(3) scientific publishers; and

(4) interested persons in the private and nonprofit sectors.

(e) DEVELOPMENT AND MAINTENANCE OF DATABASE AND WEBSITE.—

(1) IN GENERAL.—

(A) DATABASE AND WEBSITE.—The agency or agencies determined under subsection (b)(2), with the assistance of any other agency designated by the Federal Chief Information Officer, shall develop—

(i) a database if determined to be necessary by the Federal Chief Information Officer; and

(ii) a centralized, searchable website for the electronic dissemination of information reported under this section, with respect to information made available to the public and for agency coordination and collaboration.

(B) CONFORMANCE TO STANDARDS.—The website and any necessary database shall conform to the standards promulgated by the Federal Chief Information Officer.

(2) LINKS.—Where the results of the federally funded research have been published, the website shall contain links to the servers of the publishers if possible. The website may include links to other relevant websites containing information about the research.

(3) OTHER RESEARCH.—The website may include information about published research not funded by the Federal Government, and links to the servers of the publishers.

(4) DEVELOPMENT AND OPERATION.—The Federal Chief Information Officer shall oversee the development and operation of the website. The website shall be operational not later than 2 years after the date of enactment of this Act.

(f) PROVISION OF INFORMATION.—Any agency that funds research and development meeting the criteria promulgated by the Federal Chief Information Officer shall provide the required information in the manner prescribed by the Federal Chief Information Officer. An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal funding as a condition of the funding.

(g) Authorization of Appropriations.—There are authorized to be appropriated for the development and maintenance of the centralized website and any necessary database under this section, $1,000,000 in fiscal year 2002, $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) In General.—The Secretary of the Interior, in consultation with the National Institute of Standards and Technology and other agencies, private sector experts, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information.

(b) Federal Chief Information Officer.—The Federal Chief Information Officer shall—

(1) oversee the interagency initiative to develop common protocols;

(2) coordinate with State, local, and tribal governments and other interested persons on aligning geographic information; and

(3) promulgate the standards relating to the protocols.

(c) Common Protocols.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible; and

(2) promote the development of interoperable geographic information systems technologies that will allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public.

SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking "the heads of two executive agencies to carry out" and inserting "heads of executive agencies to carry out a total of five projects under";

(B) by striking "and" at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following:

"(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

"(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

"(i) the total amount of the savings; over

"(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

"(B) to use the retained amount to acquire additional information technology.";

(2) in subsection (b)—

(A) by inserting "a project under" after "authorized to carry out"; and

(B) by striking "carry out one project and"; and

(3) by striking subsection (c) and inserting the following:

"(c) Evolution Beyond Pilot Program.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

"(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

"(B) issues guidance for the exercise of that authority.

"(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

"(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Federal Chief Information Officer.

"(d) Availability of Retained Savings.—(1) Amounts retained by the head of an executive agency under subsection (a)(3) or (c) shall, without further appropriation, remain available until expended and may be used by the executive agency for any of the following purposes:

"(A) The acquisition of information technology.

"(B) Support for share-in-savings contracting approaches throughout the agency including—

"(i) education and training programs for share-in-savings contracting;

"(ii) any administrative costs associated with the share-in-savings contract from which the savings were realized; or

"(iii) the cost of employees who specialize in share-in-savings contracts.

"(2) Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.".

SEC. 211. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) In General.—

(1) Study on enhancement of crisis response.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

(2) Content.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis response and consequence management; and

(B) opportunities for research and development on enhanced technologies for—

(i) improving communications with citizens at risk before and during a crisis;

(ii) enhancing the use of remote sensor data and other information sources for planning, mitigation, response, and advance warning;

(iii) building more robust and trustworthy systems for communications in crises;

(iv) facilitating coordinated actions among responders through more interoperable communications and information systems; and

(v) other areas of potential improvement as determined during the course of the study.

(3) Report.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the National Research Council shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Government Reform of the House of Representatives; and

(C) the Federal Emergency Management Agency.

(4) Interagency cooperation.—The Federal Emergency Management Agency and other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the National Research Council in carrying out this section.

(5) Expedited processing of security clearances.—For the purpose of facilitating the commencement of the study under this section, the Federal Emergency Management Agency and other relevant agencies shall expedite to the fullest extent possible the processing of security clearances that are necessary for the National Research Council.

(6) Authorization of appropriations.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, $800,000 for fiscal year 2002.

(b) Pilot Projects.—Based on the results of the research conducted under subsection (a), the Federal Chief Information Officer shall initiate pilot projects with the goal of maximizing the utility of information technology in disaster management. The Federal Chief Information Officer shall cooperate with the Federal Emergency Management Agency, other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING CENTER.

(a) In General.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Center (in this section referred to as the "Training Center").

(b) Functions.—The Training Center shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

(c) Curricula.—The curricula of the Training Center—

(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

(2) shall be adaptable to achieve varying levels of expertise, ranging from basic non-occupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

(3) shall be developed and applied according to rigorous academic standards; and

(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

(d) Employee Participation.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Center.

(e) Agreements for Service.—Employees who participate in full-time training at the Training Center for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Center, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) Study and Report.—Not later than 2 years after the effective date of this Act, the Secretary of Education, in consultation with the Secretary of Agriculture, the Secretary of Housing and Urban Development, the National Telecommunications and Information Administration, and the Federal Chief Information Officer, shall—

(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(b) Content.—The report shall include—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers receiving Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(c) Cooperation.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(d) Assistance.—

(1) In general.—The Federal Chief Information Officer shall work with the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) Types of assistance.—Assistance under this paragraph may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(e) Training Center.—The Federal Information Technology Training Center established under section 212 of this Act shall make applicable information technology curricula available to members of the public through the community technology centers.

(f) Online Tutorial.—

(1) In general.—The Secretary of Education, in consultation with the Federal Chief Information Officer, the National Science Foundation, and other interested persons, shall develop an online tutorial that—

(A) explains how to access information and services on the Internet; and

(B) provides a guide to available online resources.

(2) Distribution.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) Promotion of Community Technology Centers.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section $2,000,000 in fiscal year 2002, $2,000,000 in fiscal year 2003, and such sums as are necessary in fiscal years 2004 through 2006.

SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.

(a) Study and Report.—Not later than 1 year after the effective date of this Act—

(1) the Federal Chief Information Officer shall enter into an agreement with a nonprofit, nonpartisan organization to conduct a study on disparities in Internet access across various demographic distributions; and

(2) the nonprofit, nonpartisan organization shall conduct the study and submit a report to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(b) Content.—The report shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access; and

(3) any related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) Recommendations.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) Policy Considerations.—When promulgating policies and implementing programs regarding the provision of services over the Internet, the Federal Chief Information Officer and agency heads shall—

(1) consider the impact on persons without access to the Internet; and

(2) ensure that the availability of Government services has not been diminished for individuals who lack access to the Internet.

(e) Technology Considerations.—To the extent feasible, the Federal Chief Information Officer and agency heads shall pursue technologies that make Government services and information more accessible to individuals who do not own computers or have access to the Internet.

(f) Authorization of Appropriations.—There are authorized to be appropriated $950,000 in fiscal year 2002 to carry out this section.

SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) Definitions.—In this section, the term—

(1) "agency" has the meaning given under section 3502(1) of title 44, United States Code;

(2) "Board" means the Advisory Board on Government Information established under subsection (b);

(3) "Government information" means information created, collected, processed, disseminated, or disposed of by or for the Federal Government;

(4) "information" means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms; and

(5) "permanent public access" means the process by which applicable Government information that has been disseminated on the Internet is preserved for current, continuous, and future public access.

(b) Advisory Board.—

(1) Establishment.—There is established the Advisory Board on Government Information. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) Members.—The Federal Chief Information Officer shall appoint the members of the Board who shall include representatives from appropriate agencies and interested persons from the public, private, and nonprofit sectors.

(3) Functions.—The Board shall conduct studies and submit recommendations as provided by this section to the Federal Chief Information Officer.

(4) Termination.—The Board shall terminate 3 years after the effective date of this Act.

(c) Cataloguing and Indexing Standards.—

(1) Agency functions.—

(A) Reports.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on all cataloguing and indexing standards used by that agency, including taxonomies being used to classify information.

(B) Priorities and schedules.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for making the agency indexing and cataloguing standards fully interoperable with other standards in use in the Federal Government.

(2) Board functions.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review cataloguing and indexing standards used by agencies; and

(ii) determine whether the systems using those standards are generally recognized, in the public domain, and interoperable; and

(B) not later than 18 months after the effective date of this Act—

(i) consult interested persons;

(ii) analyze and determine agency public domain standards that are not fully interoperable with other standards; and

(iii) recommend priorities and schedules for making such standards fully interoperable.

(3) Federal chief information officer functions.—

(A) Prohibition of proprietary systems.—

(i) In general.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Federal Chief Information Officer shall prohibit agencies from using any system the Federal Chief Information Officer determines to be proprietary.

(ii) Waiver.—The Federal Chief Information Officer may waive the application of clause (i), if the Federal Chief Information Officer determines there is a compelling reason to continue the use of the system.

(B) Interoperability standards.—Not later than 18 months after the effective date of this Act and after public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations requiring the interoperability standards of cataloguing and indexing standards used by agencies.

(d) Permanent Public Access Standards.—

(1) Agency functions.—.

(A) Report to board.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on any action taken by the agency to—

(i) preserve public access to information disseminated by the Federal Government on the Internet; and

(ii) set standards and develop policies to ensure permanent public access to information disseminated by the Federal Government on the Internet.

(B) Compliance with regulations.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) Board functions.—

(A) Recommended standards.—Not later than 30 months after the effective date of this Act and after consultation with interested persons, the Board shall submit recommendations to the Federal Chief Information Officer on standards for permanent public access to information disseminated by the Federal Government on the Internet.

(B) Contents.—The recommendations under subparagraph (A) shall include—

(i) a definition of the types of information to which the standards apply; and

(ii) the process by which an agency—

(I) applies that definition to information disseminated by the agency on the Internet; and

(II) implements permanent public access.

(3) Federal chief information officer functions.—

(A) In general.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations establishing permanent public access standards for agencies.

(B) Compliance.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(e) Inventories.—

(1) Agency functions.—

(A) In general.—

(i) Inventories.—Not later than 180 days after the effective date of this Act, each agency shall inventory agency websites, including all directories and subdirectories of such websites established by the agency or contractors of the agency.

(ii) Individual documents.—Nothing in this paragraph shall preclude an agency from inventorying individual documents on a website.

(iii) Assistance.—The Federal Chief Information Officer and the General Services Administration shall assist agencies with inventories under this subsection.

(B) Completion of inventory.—Each agency shall complete inventories in accordance with the circular issued or regulations promulgated under paragraph (3) and post the inventories on the Internet.

(2) Board functions.—Not later than 1 year after the effective date of this Act, the Board shall—

(A) consult with interested parties;

(B) identify for inventory purposes all classes of Government information, except classes of information—

(i) the existence of which is classified; or

(ii) is of such a sensitive nature, that disclosure would harm the public interest; and

(C) make recommendations on—

(i) the classes of information to be inventoried; and

(ii) how the information within those classes should be inventoried.

(3) Federal chief information officer functions.—

(A) Guidance.—After submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Chief Information Officer, shall issue a circular or promulgate proposed and final regulations to provide guidance and requirements for inventorying under this subsection.

(B) Contents.—The circular or regulations under this paragraph shall include—

(i) requirements for the completion of inventories of some portion of Government information identified by the Board;

(ii) the scope of required inventories;

(iii) a schedule for completion; and

(iv) the classes of information required to be inventoried by law.

(C) Linking of inventories.—The Federal Chief Information Officer shall link inventories posted by agencies under this subsection to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(f) Statutory and Regulatory Review.—Not later than 180 days after the effective date of this Act, the General Accounting Office shall—

(1) conduct a review of all statutory and regulatory requirements of agencies to list and describe Government information;

(2) analyze the inconsistencies, redundancies, and inadequacies of such requirements; and

(3) submit a report on the review and analysis to—

(A) the Federal Chief Information Officer;

(B) the Committee on Governmental Affairs of the Senate; and

(C) the Committee on Government Reform of the House of Representatives.

(g) Cataloguing and Indexing Determinations.—

(1) Agency functions.—

(A) Priorities and schedules.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for cataloguing and indexing Government information. Agency priorities and schedules shall be made available for public review and comment and shall be linked on the Internet to an agency's inventories.

(B) Compliance with regulations.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such circular or regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(2) Board functions.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review the report submitted by the General Accounting Office under subsection (f); and

(ii) review the types of Government information not covered by cataloguing or indexing requirements; and

(B) not later than 18 months after receipt of agency inventories—

(i) consult interested persons;

(ii) review agency inventories; and

(iii) make recommendations on—

(I) which Government information should be catalogued and indexed; and

(II) the priorities for the cataloguing and indexing of that Government information, including priorities required by statute or regulation.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations that—

(i) specify which Government information is required to be catalogued and indexed; and

(ii) establish priorities for the cataloguing and indexing of that information.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports and indexes and catalogues on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(h) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—Not later than 1 year after the completion of the agency inventory referred to under subsection (e)(1)(B), each agency shall—

(1) consult with the Board and interested persons;

(2) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(3) develop priorities and schedules for making that Government information available and accessible;

(4) make such final determinations, priorities, and schedules available for public comment; and

(5) post such final determinations, priorities, and schedules on an agency website with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

SEC. 216. PUBLIC DOMAIN DIRECTORY OF FEDERAL GOVERNMENT WEBSITES.

(a) DEFINITIONS.—In this section, the term—

(1) "agency" has the meaning given under section 3502(1) of title 44, United States Code; and

(2) "directory" means a taxonomy of subjects linked to websites that is created with the participation of human editors.

(b) ESTABLISHMENT.—Not later than 2 years after the effective date of this Act, the Federal Chief Information Officer and each agency shall—

(1) develop and establish a public domain directory of Federal Government websites; and

(2) post the directory on the Internet with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(c) DEVELOPMENT.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) direct the development of the directory through a collaborative effort, including input from—

(A) agency librarians;

(B) Federal depository librarians; and

(C) other interested parties; and

(2) develop a public domain taxonomy of subjects used to review and categorize Federal Government websites.

(d) UPDATE.—With the assistance of each agency, the Federal Chief Information Officer shall—

(1) update the directory; and

(2) solicit interested persons for improvements to the directory.

SEC. 217. STANDARDS FOR AGENCY WEBSITES.

Not later than 1 year after the effective date of this Act, the Federal Chief Information Officer shall promulgate standards and criteria for agency websites that include—

(1) requirements that websites include direct links to—

(A) privacy statements;

(B) descriptions of the mission and statutory authority of the agency;

(C) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(D) agency regulations, rules, and rulemakings;

(E) information about the organizational structure of the agency, with an outline linked to the agency on-line staff directory; and

(F) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results; and

(C) tools to aggregate and disaggregate data.

SEC. 218. PRIVACY PROVISIONS.

(a) DEFINITIONS.—In this section, the term—

(1) "agency" has the meaning given under section 551(1) of title 5, United States Code;

(2) "information system" means a discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures that—

(A) electronically collects or maintains personally identifiable information on 10 or more individuals; or

(B) makes personally identifiable information available to the public; and

(3) "personally identifiable information" means individually identifiable information about an individual, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a social security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or a place of birth; and

(H) any other identifier that the Federal Chief Information Officer determines permits the identification or physical or online contacting of a specific individual.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—Before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be collected, processed, maintained, or disseminated electronically, an agency shall—

(i) conduct a privacy impact assessment;

(ii) submit the assessment to the Federal Chief Information Officer; and

(iii) after completion of any review conducted by the Federal Chief Information Officer, where practicable—

(I) publish the assessment in the Federal Register; or

(II) disseminate the assessment electronically.

(B) SENSITIVE INFORMATION.—Subparagraph (A)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—A privacy impact assessment shall include—

(A) a description of—

(i) the information to be collected;

(ii) the purpose for the collection of the information and the reason each item of information is necessary and relevant;

(iii)(I) any notice that will be provided to persons from whom information is collected; and

(II) any choice that an individual who is the subject of the collection of information shall have to decline to provide information;

(iv) the intended uses of the information and proposed limits on other uses of the information;

(v) the intended recipients or users of the information and any limitations on access to or reuse or redisclosure of the information;

(vi) the period for which the information will be retained;

(vii) whether and by what means the individual who is the subject of the collection of information—

(I) shall have access to the information about that individual; or

(II) may exercise other rights under section 552a of title 5, United States Code; and

(viii) security measures that will protect the information;

(B) an assessment of the potential impact on privacy relating to risks and mitigation of risks; and

(C) other information and analysis required under guidance issued by the Federal Chief Information Officer.

(3) RESPONSIBILITIES OF THE FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

(A)(i) develop policies and guidelines for agencies on the conduct of privacy impact assessments; and

(ii) oversee the implementation of the privacy impact assessment process throughout the Government;

(B) require agencies to conduct privacy impact assessments in—

(i) developing or procuring an information system; or

(ii) planning for the initiation of a new collection of personally identifiable information;

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Federal Chief Information Officer determines appropriate;

(D) assist agencies in developing privacy impact assessment policies; and

(E) encourage officers and employees of an agency to consult with privacy officers of that agency in completing privacy impact assessments.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Federal Chief Information Officer shall develop guidelines for privacy notices on agency websites.

(B) CONTENTS.—The guidelines shall require that a privacy notice include a description of—

(i) information collected about visitors to the agency's website;

(ii) the intended uses of the information collected;

(iii) the choices that an individual may have in controlling collection or disclosure of information relating to that individual;

(iv) the means by which an individual may be able to—

(I) access personally identifiable information relating to that individual that is held by the agency; and

(II) correct any inaccuracy in that information;

(v) security procedures to protect information collected online;

(vi) the period for which information will be retained; and

(vii) the rights of an individual under statutes and regulations relating to the protection of individual privacy, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of that title (commonly referred to as the Freedom of Information Act).

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—

(A) IN GENERAL.—The Federal Chief Information Officer shall promulgate guidelines and standards requiring agencies to translate privacy policies into a standardized machine-readable format.

(B) WAIVER OR MODIFICATION.—The Federal Chief Information Officer may waive or modify the application of subparagraph (A), if the Federal Chief Information Officer determines that—

(i) such application is impracticable; or

(ii) a more practicable alternative shall be implemented.

(C) NOTIFICATION.—Not later than 30 days after granting a waiver or modification under subparagraph (B), the Federal Chief Information Officer shall notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of the reasons for the waiver or modification.

SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.

All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

SEC. 220. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Federal Chief Information Officer makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Federal Chief Information Officer shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in this Act, including the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2002 through 2006.

SEC. 302. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act.

E-GOVERNMENT ACT OF 2001—SECTION-BY-SECTION DESCRIPTION

TITLE I: OFFICE OF MANAGEMENT AND BUDGET E-GOVERNMENT SERVICES

Sec. 101: Federal Chief Information Officer (CIO)

Establishes a Federal CIO, reporting directly to the Director of OMB, with responsibility for the development, application, and management of information resources for the federal government. The Federal CIO is appointed by the President and confirmed by the Senate. Delegates to the Federal CIO responsibility for implementation of the Privacy Act, oversight of information technology (IT) capital planning and performance pursuant to the Clinger Cohen Act, oversight of implementation of the Government Paperwork Elimination Act, promulgation of federal computer systems standards and guidelines, consultation on expenditures from GSA's IT fund, and government-wide statistical policy.

Sec. 102: Office of Information Policy and Office of Information and Regulatory Affairs

Establishes the new Office of Information Policy, headed by the Federal CIO. The existing Office of Information and Regulatory Affairs retains responsibility for information collection review functions. Other functions prescribed by the Paperwork Reduction Act, such as information dissemination functions, are the responsibility of the Federal CIO and the Office of Information Policy. Specifies that the offices will coordinate their efforts.

Sec. 103: Management and Promotion of Electronic Government Services

Creates a new Chapter 36 in Title 44 of the United States Code.

Section 3602 specifies some of the Federal CIO's information resource management (IRM) functions, which include: Reviewing agency budget requests related to IT capital planning and investment; evaluating those investments with respect to performance and results; reviewing legislative proposals related to IT capital planning and investment; advising the OMB Director on the resources required to effectively operate information systems; recommending to the Director changes in government-wide strategies and priorities for IRM; establishing IRM policies and requirements for executive branch agencies; promoting innovative uses of IT, especially initiatives involving multi-agency collaboration; administering the distribution of funds from an "E-Government Fund"; consulting with the GSA Administrator on the use of the GSA's IT fund; chairing the CIO Council; establishing and promulgating IT standards and guidelines for interconnectivity and interoperability, categorizing and labeling government electronic information to enhance search capabilites, and computer system efficiency and security; establishing several forums for communicating with IRM leaders in the regulatory executive branch agencies, legislative and judicial branches, and in state, local, and tribal governments; establishing a cross-sector forum on IRM with representatives from federal agencies and the private, nonprofit, and academic sectors to encourage collaboration; developing and promoting an integrated, standardized, Internet-based system (a portal) for providing government information and services to the public by function and from a single point; coordinating with the Office of Federal Procurement Policy in implementing electronic procurement initiatives; assisting federal entities in implementing accessibility standards, and ensuring compliance with those standards; and administering the Office of Information Policy.

This section also requires the Director of OMB to ensure that the Office of Information Policy has adequate employees and resources to fulfill its statutory functions, and it authorizes $15 million for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006, for maintaining the Internet portal described in the section.

Section 3603 establishes a CIO Council, chaired by the federal CIO, and consisting of representation from CIO's of all major federal agencies. The Council will receive administrative and other support, including funding, from GSA. The Council is designated the principal interagency forum for improving agency practices related to all aspects of federal government information resources. Its responsibilities include: Developing recommendations for the Federal CIO on information resources management (IRM) policies, and assisting the CIO in developing a government-wide strategic plan; sharing experiences and best practices related to IRM; providing recommendations to the Federal CIO regarding the use of E-Government Fund; coordinating the development of common performance measures for agency IRM; working with NIST to develop recommendations on IT standards; and working with the OPM to address the hiring, training and professional development needs of the government with respect to IRM.

Section 3604 establishes an E-Government Fund within the Dept of the Treasury to fund interagency IT projects and other innovative uses of IT. It authorizes $200,000,000 in fiscal years 2002 through 2004 for the Fund and such sums as are necessary for fiscal years 2005 through 2006. Proposed projects are reviewed by a committee of the CIO council according to specified criteria; after receiving the committee's recommendation, the Federal CIO determines which of the projects should be funded. Appropriators and authorizing committee are notified in advance of the intended uses of the funds, and the Federal CIO reports annually to the President and Congress on the operation of the fund.

TITLE II: FEDERAL MANAGEMENT AND PROMOTION OF E-GOVERNMENT SERVICES

Sec. 201: Federal Agency Responsibilities

Specifies that federal agencies are responsible for complying with the Act and polices and standards established by the Federal CIO, and for supporting the efforts of the Federal CIO to maintain the Government's online portal. It also specifies that agency CIO's will participate in the CIO Council and monitor the implementation within their agencies of common IT standards. Each agency will submit to the Federal CIO an annual E-Government Status Report on the current status of agency information and services available online.

Sec. 202: Compatibility of Methods for Use and Acceptance of Electronic Signatures

Requires each executive agency to ensure that its methods for use and acceptance of electronic signatures are compatible with OMB procedures and standards. The GSA Administrator will support OMB by establishing the federal bridge certification authority to allow efficient interoperability among executive agencies when certifying digital signatures. GSA will be authorized $7,000,000 for FY2002 appropriations, and such sums as may be necessary each fiscal year thereafter for development and operation of a federal bridge certification authority.

Sec. 203: Online Federal Telephone Directory

Requires GSA, in coordination with the CIO Council, to develop and issue an online federal telephone directory organized and retrievable by function and by agency. The telephone directory will be provided to local telephone book publishers to encourage publication of functionally arranged directories. Executive agencies are required to publish an online agency directory, accessible by electronic links to the federal telephone directory, including contact information for principal departments and employees.

Sec. 204: Online National Library

Requires the establishment of an online national library as a collaboration between several federal agencies, including the National Science Foundation, Smithsonian, and the Library of Congress, to provide public access to educational resource materials. The materials will be functionally integrated without regard to the boundaries of the contributing institutions. For the development, expansion and maintenance of the national library, NSF and the Library of Congress are each authorized $5,000,000 for FY 2002, and such sums as may be necessary each fiscal year thereafter.

Sec. 205: Federal Courts

Requires each federal court to establish a website that would include public information such as location and contact information for courthouses, local rules, docket information for each case, and access to written opinions issued by the court, in a text searchable format. Documents filed electronically, and those converted to electronic form, shall also be made available. The Judicial Conference may promulgate rules to protect privacy concerns. The existing PACER electronic docketing system will no longer be required to charge fees to users. Court websites are required to be established no later than 2 years after the Act's effective date, with access to documents filed electronically no later than 4 years. Any court may elect not to comply with any requirement of this section, but Congress is notified of all such decisions and the reasons for the decisions.

Sec. 206: Regulatory Agencies

Requires that agencies post on their websites all information about the agencies' regulatory proceedings that is required to be published in the Federal Register. Agencies must accept submissions in regulatory proceedings by electronic means (including e-mail and fax). Agencies shall also establish electronic dockets for online rulemaking. Electronic dockets shall make available all agency notices, publications, or statements related to each rulemaking, and all submissions made pursuant to the rulemaking. Agencies can opt out of the section's electronic docket requirement. Websites are required to be established no later than 2 years after the Act's effective date, with submission by electronic means no later than 4 years.

Sec. 207: Integrated Reporting Feasibility Study and Pilot Projects

Requires the Federal CIO to conduct a study on the feasibility of integrating federal information systems across agencies by addressing the feasibility of (1) integrating data elements used in the electronic collection of information, (2) developing software for assembling, documenting, and validating the accuracy of electronically submitted data, (3) developing a distributed information system, involving at least 2 agencies, that provides public access to the information holdings of an agency, and (4) incorporating other data elements related to the purposes of this section. To collect information for the study, the Federal CIO will implement no more than 5 pilot projects that integrate data elements with the goals of reducing information collection burdens by eliminating duplicative data elements, and establishing interoperability between public databases. The resulting report, which shall be submitted to Congress within three years of the date of enactment, will include recommendations that Congress or the executive branch can implement to reduce the burden on reporting and strengthening public access.

Sec. 208: Online Access to Federally Funded Research and Development

Provides for the formation of an interagency task force to review current databases of federally funded research and development, then develop recommendations on standards for the collection and dissemination of essential information about such data that addresses both public availability and agency coordination and collaboration. No later than 1 year after enactment of this Act, the Federal CIO will promulgate standards and regulations based on the recommendations, and determine which agencies should maintain databases and a website providing online access to the information. The respective agencies will then develop any required databases and a centralized, searchable website. The website will be operational within 2 years after the date of enactment. $1,000,000 is authorized for FY 2002, $5,000,000 for FY 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

Sec. 209: Common Protocols for Geographic Information Systems (GIS)

Requires the Department of the Interior, in consultation with the National Institute of Standards and Technology, private sector experts, and other interested parties, to facilitate the development of common protocols for geographic information to maximize the electronic compatibility of geographic information from various sources and promote the development of interoperable GIS technologies for low-cost use and sharing of geographic data by government entities and the public. The Federal CIO will oversee the agency initiative and promulgate the resulting standards.

Sec. 210: Share-In-Savings Program Improvements

Encourages the use of the share-in-savings contracting approach (in which the contractor is paid from the savings realized) for IT projects, and allows the agency conducting a project to retain a portion of the savings realized, and use those funds to acquire additional information technology. If the share-in-savings pilot projects are successful, the GSA Administrator may provide general authority to executive agencies to use the contracting approach.

Sec. 211: Enhancing Crisis Management Through Advanced Information Technology

Provides for a 2-year study, conducted by the National Academy of Sciences, to develop a research and implementation strategy for effective use of IT in crisis response and consequence management of natural and manmade disasters. The study will identify opportunities for research and development on enhanced technologies for improving communications with citizens at risk, enhancing the use of remote sensor data for planning, advance warning, and response, building more trustworthy systems for communications in crises, and facilitating coordinated actions among responders. $800,000 for FY 2002 would be authorized for the research.

Sec. 212: Federal Information Technology Training Center

Requires the establishment of an IT training center to (1) analyze the personnel needs related to IT on an ongoing basis, (2) design curricula, training methods and training schedules, and (3) recruit and train federal employees in IT disciplines at a rate that ensures that government's needs are met. The curricula will cover a broad range of IT disciplines, will be adaptable to varying levels of expertise, and will include the use of self-paced courses, online courses, on-the-job training, and remote instructors. $7,000,000 is authorized for the Office of Personnel Management for FY 2002, and such sums as may be necessary each fiscal year thereafter for developing and operating the training center.

Sec. 213: Community Technology Centers

Provides for a study by the Department of Education to evaluate the best practices being used by Community Technology Centers (CTC's) that receive federal funds; the resulting report will include an evaluation of CTC's best practices, a strategy for establishing a network to share information and resources as CTC's evolve, an analysis of whether CTC's have been deployed effectively throughout the country, a database of all CTC's receiving federal funds, and recommendations for enhancing the development of CTC's. The Federal CIO will work with relevant agencies and the private and non-profit sectors to provide assistance to CTC's, public libraries, and other institutions that provide computer and Internet access to the public. OPM will provide IT training curricula, and the Department of Education will develop an online tutorial. The Department of Education will be authorized $2,000,000 for FY2002, $2,000,000 for FY2003, and such sums as are necessary in fiscal years 2004 through 2006.

Sec. 214: Disparities in Access to the Internet

Provides for a non-profit, non-partisan organization selected by the Federal CIO to conduct a study of how disparities in Internet access influence the effectiveness of online government services. The study will include recommendations on how to ensure that online government initiatives will not have the unintended result of increasing any deficiency in public access to government services. The section also provides that when promulgating policies and implementing programs that provide services over the Internet, the Federal CIO and agency heads shall ensure that the availability of government services has not been diminished for individuals who lack access to the Internet. The Federal CIO and agency heads are also directed to pursue technologies that make government services and information more accessible to individuals who do not have access to the Internet. $950,000 is authorized in FY2002 to carry out this section.

Sec. 215: Accessibility, Usability and Preservation of Government Information

The section establishes an Advisory Board on Government Information comprised of members from federal agencies, and from the public, private and nonprofit sectors. Based on information provided by each agency, the Board will recommend standards for (1) establishing permanent public access to government information disseminated on the Internet, (2) developing inventories of government information, and (3) cataloguing and indexing government information. Based on these recommendations, and after public notice and opportunity for comment, the federal CIO will promulgate standards and issue regulations, which agencies will then implement. Specifically, this section requires that the following steps be taken:

Permanent Public Access: The Board will make recommendations on standards for permanent public access to government information disseminated on the Internet, including a definition of the types of information to which the standards apply, and the process for implementing permanent public access (due 30 months after enactment). The Federal CIO will issue regulations requiring standards for permanent public access, and agencies will implement the standards. Agencies are also required to report annually on their efforts in this area.

Inventories of Government Information: The Board will identify all classes of government information, and recommend which classes of information should be inventoried and how the inventories should be conducted. The Federal CIO will then issue regulations describing the scope and timetables for the inventories. Completed agency inventories will be posted online and linked to the federal government portal. Agencies are also required to inventory their websites, and electronically post the inventories, within 180 days of the Act's effective date.

Cataloguing and Indexing of Government Information: The Board will review cataloguing and indexing standards currently used by federal agencies, and determine whether they are in the public domain and interoperable (due 18 months after the Act's effective date). The Federal CIO will issue regulations requiring interoperable standards that are in the public domain. The Board will also review completed agency inventories and existing statutory and regulatory requirements, and recommend which government information should be catalogued and indexed, and the priorities for completing that work. The Federal CIO will then issue regulations specifying which government information shall be catalogued and indexed, and setting timetables. Indexes and catalogues completed by agencies will be posted on a centralized searchable database, which will be linked to the Federal Government portal.

Agencies will also determine, after public comment, which information to make available on the Internet, and shall develop priorities and schedules for doing so (due 1 year after the completion of agency inventories).

Sec. 216: Public Domain Directory of Federal Government Websites

Requires the development, through interagency collaboration, of a public domain directory of federal government websites on the Internet. The directory will be based on a taxonomy of subjects used to categorize Federal Government websites, and will be linked to the Federal Government portal.

Sec. 217: Standards for Agency Websites

Requires the federal CIO to promulgate standards and criteria for agency websites no later than 1 year after the Act's effective date. These standards include requiring links to (1) privacy statements, (2) descriptions of an agency's mission and statutory authority, (3) electronic reading rooms, (4) agency regulations, rules and rulemaking materials, (5) information about the organizational structure of the agency, and (6) an agency's strategic plans. The standards will also include minimum requirements to aid in navigating websites, such as speed of retrieval of search results, the relevance of the results, and tools to aggregate and disaggregate data.

Sec. 218: Privacy Provisions

Specifies that an agency will conduct a privacy impact assessment before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be processed electronically. The assessment will be submitted to the federal CIO and include a description of: the information to be collected, the purpose for the collection and reason each item is necessary, any notice that will be provided to persons from whom the information is collected, and any choice that an individual who is the subject of the collected information has to decline to provide the information, the intended uses of the information and proposed limits on other uses, the intended users or recipients of the information and any limitations on reuse or redisclosure, the retention period, whether and by what means the individual who is the subject of collected information has access to that information, and security measures to protect the information.

The section also requires the Federal CIO to establish guidelines mandating the posting of privacy notices on agency websites, and lists information that must be included in privacy policies. The Federal CIO will also promulgate guidelines requiring agencies to translate privacy policies into a standardized machine readable format.

Sec. 219: Accessibility to People with Disabilities

Specifies that all actions taken by the federal government under this Act will comply with section 508 of the Rehabilitation Act of 1973.

Sec. 220: Notification of Obsolete or Counterproductive Provisions

Specifies that if the Federal CIO determines that any provisions of this Act is obsolete or counterproductive, as a result of changes in technology or any other reason, the Federal CIO will notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

TITLE III: AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec 301: Authorization of Appropriations

Except for those purposes for which the Act specifically provides an authorization, authorizes to be appropriated such sums as may be necessary to carry out the Act for fiscal years 2002 through 2006.

Sec 302: Effective Date

Specifies that the Act shall take effect 120 days after the date of enactment.

Mr. MCCAIN. Mr. President, I would like to join my colleagues, Senator LIEBERMAN, Senator BURNS, Senator BINGAMAN, Senator FITZGERALD, Senator DASCHLE, Senator CARPER, Senator DURBIN, Senator JOHNSON, Senator KERRY, Senator LEAHY, and Senator LEVIN today in introducing the E-Government Act of 2001. I believe that this bill will play an important role in making the federal government more responsive to our citizens.

Currently, it can be very challenging for most Americans to find the information they need about their government. For example, if someone was looking for information on an issue pertaining to international trade, he or she would have to look at the web sites of the Department of Commerce, United States Trade Representative, International Trade Commission, possibly the Department of State or Agriculture, and a myriad of House and Senate Committees to find the information they seek. This process will undoubtedly frustrate the average American, and reinforce feelings of a remote, confusing government. Today, less than one percent of current interactions between government and citizens are online. There is clearly need for improvement.

This legislation will help create a coordinated government electronic policy. By establishing a Federal Chief Information Officer to operate within the Office of Management and Budget, the federal government will use staff and resources more effectively to promote e-government and address the nation's other pressing information policy issues. In addition, the bill establishes an Interagency Information Technology Fund to break down existing bureaucratic barriers, and set up a "one-stop shopping" portal that will make it easier for the public to access information. Finally, the bill will task the Office of Personnel Management to respond to the shortage of skilled Information Technology professionals in the federal government.

This bill is not simple, and I realize that some issues it raises must still be resolved. I believe that the Administration and relevant Congressional oversight committees must be involved in this process. I know that my colleague, the Chairman of the Government Affairs Committee, Senator THOMPSON, will examine this issue, and I would like to work with him to resolve any issues that he, or any other Member, may have with this legislation.

In conclusion, I urge my colleagues to support this legislation. It is important that we seriously examine how to use the Internet and other electronic commerce processes to make the federal government more open to public scrutiny.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, and Mr. REED):

S. 804. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I am very pleased today to be joined by Senator OLYMPIA SNOWE to introduce this important legislation to gradually phase-in the fuel efficiency standards for SUVs and light duty trucks by 2007.

I would also like to thank the other cosponsors: Senators CHARLES SCHUMER, SUSAN COLLINS and JACK REED.

Put simply, this is the single most effective action we can take to limit our reliance on foreign oil, save consumers at the pump, and reduce global warming.

Today, the U.S. has 4 percent of the world's population, yet we use 25 percent of the planet's energy.

So as the world's largest energy consumer, I believe it is our responsibility to make every effort to be the world's leader in conservation.

Specifically, the results of this bill would be substantial. It would: Save America one million barrels of oil a day; reduce oil imports by 10 percent; and prevent 240 million tons of carbon dioxide emissions from entering the atmosphere—this is the single biggest cause of Global Warming.

Today, the fuel economy standard for passenger vehicles is 27.5 miles per gallon, while the standard for SUVs and light duty trucks is 20.7 miles per gallon due to a loophole in the 1975 law.

The result: SUVs and light trucks now comprise nearly half of new car sales, bringing the average fuel economy of all the nation's new vehicles to its lowest point since 1980.

The Feinstein-Snowe legislation would: Phase in fuel economy standards for SUVs and all other light duty trucks on the following schedule: By 2002, SUVs and light duty vehicles must average 22.5 miles per gallon; by 2005, SUVs and light duty vehicles must average 25 miles per gallon; and by 2007, SUVs and light duty vehicles must average 27.5 miles per gallon; require that vehicles up to a weight of 10,000 pounds must qualify for fuel efficiency standards by 2007. The current limit is 8,500 pounds; increase the fuel economy of new vehicles comprising the federal government fleet by 6 miles per gallon by 2005.

Last year, former Senators Slade Gorton, Richard Bryan and I fought an uphill battle to try and find a way to increase these fuel economy standards.

But, we were stymied by the auto industry and their supporters in Congress.

Ultimately, at the end of the session, we reached an agreement that directed the National Academy of Sciences to study whether, in fact, we could raise fuel efficiency with sacrificing safety or competitiveness.

Recently, the automakers have said that they will not actively oppose increases in fuel efficiency standards.

The Big Three manufacturers have promised a voluntary increase in efficiency for SUVs by 25 percent by 2005.

This is an important step forward, but we need to do more. I believe this bill is the best way to do that.

By Mr. WELLSTONE (for himself, Mr. COCHRAN, Ms. COLLINS, Mr. BENNETT, Mr. BREAUX, Mr. BUNNING, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. MIKULSKI, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 805. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, this is the Muscular Dystrophy Community Assistance, Research And Education Act of 2001. It really is the MD CARE Act. I thank Senators COCHRAN and COLLINS, especially, for their assistance. There are 20 colleagues who support this legislation. It is about equally divided between Democrats and Republicans, thank God, because of what this piece of legislation is about.

To look at the record of research on these debilitating and deadly diseases is to realize that despite our country's enormous resources, sometimes people are left behind. Today, despite all the advances in medical science, victims of muscular dystrophy—which afflicts tens of thousands of individuals every year in America—have no cure and no effective treatments available to them.

I became engaged with the muscular dystrophy community when I was approached by several families in my home state of Minnesota with children suffering from Duchenne's muscular dystrophy (DMD). DMD is the most prevalent form of muscular dystrophy affecting children and it is the most deadly.

Children with DMD are most often not diagnosed before the age of two or three years. Because it is sex-linked, the disease only strikes boys but in reality, it strikes the entire family.

DMD children don't begin to walk until late, and then in an unusual manner. They frequently fall and have difficulty getting up. Climbing stairs is a major ordeal.

By age 9 these children start to rely on a wheelchair and by their teen years reliance becomes total.

Most tragically, the disease is characterized by a continued rapidly progressive muscle weakness that almost always results in death by 20 years of age.

I have three children, ages 36, 31, and 28. I cannot imagine this.

Children afflicted with Duchenne Muscular Dystrophy have no ability to produce the protein dystrophin, the protein that binds the muscle cells together. It is an exceptionally cruel disease that slowly robs boys of their independence and ultimately immobilizes them, leading invariably to an early loss of life.

Sadly, the federal response to this disease has been inadequate. This year, in an NIH budget of more than $18 billion, research into Duchenne and Becker Muscular Dystrophies totals just $9.2 million. Only $17 million was devoted last year to all of the muscular dystrophies combined. If you want to understand why there is nothing available to treat DMD children, you need look no further than the weak federal response to this disease. The gene that is flawed in this disease is readily identifiable, and has been so for 14 years. Astonishingly, however, the pace of research on DMD actually slowed down after the gene was discovered.

One DMD child back in Minnesota that I have become especially fond of is Jacob Gunvalsen. Jacob is an adorable 10-year-old. He loves to play with his siblings out on his parents' farm, draw pictures for his family's refrigerator and play video games. Jacob and his mother Cheri Gunvalsen have made quite an impression on several members of Congress, and Jacob's picture adorns the desks of numerous health care legislative staff throughout Washington. This is because like so many other parents facing the day-to-day experience of living with a child suffering from this debilitating disease, Cheri is focused on leaving no stone unturned in her quest to help improve her son's chance of survival. One day, Jacob drew a picture of himself, and in a cloud above, his figure he wrote the words, "What I want most in the world is a cure for Duchenne Muscular Dystrophy". I say to my colleagues, that's what I want, too. Today, we are getting one step closer to making Jacob's wish come true.

David Mesick, also of Minnesota, is the Chairman of the Parent Project Muscular Dystrophy, a national voluntary health organization committed to promoting medical research efforts specific to Duchenne and Becker muscular dystrophies. Through David's leadership and the organization's efforts, the muscular dystrophy community has successfully increased Congress' awareness of this devastating disease. Today, their voices are being heard here on the floor of the Senate. I have been moved by the number of families in Minnesota and elsewhere who have been affected by this disease, and I have been moved even more by their tenacious response. We can support this community by improving federal research efforts and public programs to address the needs of individuals with muscular dystrophy.

Mr. President, passage of this legislation will improve coordination of research not only into Duchenne's, but into all the various forms of Muscular Dystrophy. It authorizes the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to establish separate Centers of

Excellence to promote basic and clinical research, epidemiology, data collection and assessment on the various forms of muscular dystrophy. These steps are needed to ensure a long-term commitment by the federal government to the treatment and cure of muscular dystrophy.

I am neither a scientist nor a physician. But I am told that it is highly probable that sooner or later gene therapy will be able to cure diseases of this nature. For diseases like Duchenne's muscular dystrophy, involving flaws on a single, identifiable gene, the outlook is even more positive. Yet the words 'sooner' and 'later' have profound consequences in the lives of tens of thousands of Americans and their families. With the introduction of the MD CARE Act, we move a step closer to giving those families hope. I encourage my colleagues on the Senate HELP Committee to work steadfastly to move this crucial legislation through the Senate, and I urge all colleagues to support it.

I also think of Eric Anderson who is such a good friend of my son. David and Eric came to Washington. So many of the families who came, and many came with their children, were so young and their children were so young. Time is not neutral for them. There is an excellent chance we can make a real breakthrough in finding a cure. It is not too much that these families ask for and it is not too much to pass this legislation and try and push forward a commitment to the funding, a commitment to this research.

This is one of those diseases. I hate to label, so few are affected, but for these children and these families, they are not too few in number. These are their lives. These are their hopes. These are their dreams. This is their pain. This is their agony. I want to turn this into hope. I ask all of my colleagues to support this legislation.

I am very pleased this has strong bipartisan support.

By Mr. HUTCHINSON:

S. 806. A bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of Full Social Security Benefits Guarantee Act be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Social Security Benefits Guarantee Act".

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall issue to each individual who, as of such date, is receiving benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) and, thereafter, to each individual who applies for such benefits, a certificate representing a legally enforceable guarantee—

(1) of the monthly amount of benefits that the individual will receive under that title, as determined on the date of the issuance of the certificate; and

(2) that the benefits will be adjusted—

(A) not less frequently than annually on the basis of an accurate determination of the increase in the cost-of-living of the individual; and

(B) as a result in a change in the eligibility status of the individual under that title.

(b) Entitlement.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in the amounts set forth in the certificate and adjusted thereafter as described in subsection (a)(2).

By Mr. CORZINE:

S. 807. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, today I am introducing the Youth Financial Literacy Act to address an important issue in education: teaching students the basic principles of financial literacy.

Unfortunately, when it comes to personal finances, young Americans do not have the skills they need. Too few understand the details of managing a checking account, for example, or using a credit card. It is time to make sure that our education system teaches our children all the skills they need, including the fundamental principles involved with earning, spending, saving and investing, so that they can manage their own money and succeed in our society.

We have just finished tax season, and a recent survey by the non-profit JumpStart Coalition reveals that the average high school student knows very little about how taxes will affect her take-home pay. The study also found that, on average, only 36 percent of surveyed high school students could correctly answer basic personal finance questions, and only 33 percent of students believed that financial issues strongly impacted their daily lives.

Young people today face an exceedingly complex financial system that is laced with pitfalls. Credit card companies lure naive college students, encouraging them to spend liberally. Music companies offer extraordinary deals such as "8 CDs for one penny!" and then trap customers into purchasing unwanted music every month. Many of our children are simply unaware of the dangers of these kinds of offers.

We also must make sure that the next generation is prepared to deal with the challenges they will find in the workplace. Rather than providing specific benefits, many companies are now encouraging employees to buy their own health insurance coverage and arrange their own retirement plans. The onus is now on the worker, who will need to understand the ins and outs of benefits programs in order to best provide for themselves and their families.

This Congress is seeking to change the rules governing bankruptcy. I agree with the proponents of that legislation about the importance of holding Americans accountable for their financial obligations, indeed, our economy depends on the willingness of people to pay their bills and act responsibly, but this legislation will mean that people who have been plunged into debt must negotiate a more complex system and face very serious consequences. It will be all the more critical that the next generation learns how to better manage their money to stay out of debt.

It is time for our schools to take on the challenge of preparing our children to succeed in every way, including their financial decisions. Young people need to learn the skills that will help them stay out of debt, maintain a good credit record, and save money for the future.

In New Jersey, I am happy to say that many have already started the ball rolling on financial literacy education. My state allows local schools the option of offering financial education in high school, and the New Jersey Coalition for Financial Education is working with the New Jersey Department of Education to develop and implement core curriculum standards. Some in the business community have decided to help out as well. In South Orange and Maplewood, the Allegiance Community Bank has partnered with the Saturn Corporation to provide financial education to local schoolchildren. We in Congress ought to recognize and support more effort like these.

I am not alone in advocating the importance of financial literacy. Federal Reserve Chairman Alan Greenspan said recently that "Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions." In Wisconsin, Governor Scott McCallum has introduced a program to help high school teachers integrate financial literacy into their classrooms.

Today, I hope to elevate the discussion of this issue by introducing the Youth Financial Education Act, which would provide grants to states to help them develop and implement financial education programs in elementary and secondary schools, including helping to prepare teachers to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

We must not sit idly by while so many of our children lack financial literacy. So I ask for my colleagues to join me in support of the Youth Financial Literacy Act, to help ensure that our next generation is prepared to meet the challenges of the new economy.

By Mr. BAUCUS (for himself, Mr. THOMPSON, Mr. CRAIG, and Mr. BURNS):

S. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my good friend and colleague, Senator FRED THOMPSON, today in introducing legislation that will repeal the Special Occupational Tax, SOT, on taxpayers who manufacture, distribute, and sell alcoholic beverages. The special occupational tax is not a tax on alcoholic products but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. This is an inequitable tax that has outlived it's original purpose and is a clear example of an antiquated approach to federal taxation. Believe it or not, this tax was originally implemented to help finance the Civil War.

The SOT on alcohol was dramatically increased during a budget process in 1988 and has unfairly burdened business owners across the country. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the (SOT). According to the AFT, there are 480,427 locations nationwide that pay SOT's every year, including 458,603 retailers. These retail establishments account for $114 million out of $126 million in SOT revenues.

In Montana, there are 3,378 locations, including 3,172 retail businesses, which pay more than $1 million dollars in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, "mom and pop" convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana and the United States pay the Federal government almost $100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages. For example, a small business owner in Helena, Montana runs several convenience stores and a few restaurants. The SOT for each establishment is $250. As a result, he pays $1750 a year in SOT payments that are in the nature of business license fees. In fact, a chain of four neighborhood food stores pays the same annual tax as the nation's largest single site brewery or distillery $1,000. This is not what Congress had in mind 150 years ago, and I don't believe it is a situation we want today.

Repeal of the SOT on alcohol is supported by a broad-based group of business organizations enjoys wide-spread bipartisan support on Capitol Hill. Similar legislation has been introduced in the House this year and bills have been considered in previous Congresses, but for one reason or another, the laws were not enacted. The GAO has examined the efficacy of the SOT several times and found it fundamental flawed. The staff of the Joint Committee on Taxation recommended in its recently released study on tax simplification that this special occupational tax be eliminated.

It is time for us to move forward and enact legislation to repeal the SOT on alcohol. We urge our colleagues to join us in this endeavor.

By Mr. REID (for himself and Mr. ENSIGN):

S. 809. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Town of Kingston Emergency Landing Strip Conveyance Act.

The residents of Kingston in southern Lander County, NV, depend on an emergency landing strip owned by the Bureau of Land Management, BLM. Kingston is a small rural town of 780 people located on an island of private land in central Nevada, which is surrounded by public lands owned by the United States Forest Service and the BLM. Lack of private land around Kingston constrains the growth, economic diversity, and public services available to those who live in or visit Kingston. The local Fire and Rescue maintains an agreement with Medic Air of Reno to provide 24-hour emergency medical service to this landing strip. However, BLM cannot re-issue an airport lease to the Kingston Town because the strip does not meet FAA standards.

This bill will convey 144.88 acres to the Town of Kingston. Seventy acres will be conveyed at fair market value and 74.88 acres at no cost. The 70 acres to be conveyed at fair market value includes the main landing strip. The 74.88 acres to be conveyed at no cost includes the balance of the approach; and the disposal of this land for no consideration will benefit the United States because it is an isolated, segregated parcel that would be difficult to manage for public use. I hope that Congress will pass the Town of Kingston Emergency Landing Strip Conveyance Act for the benefit of rural Nevadans, federal managers, and the residents of Kingston.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the lease by the Secretary of the Interior of certain land to the town of Kingston, Nevada, for use as an emergency airstrip has expired;

(2) rather than renew the airport lease (which would require certification by the Federal Aviation Administration), the Secretary and the Town desire that the parcel on which the main landing strip is situated be sold to the Town for fair market value as determined by the Secretary;

(3) adjacent to that parcel is other land, most of which, if the airstrip parcel is sold to the Town, would be isolated from other land administered by the Secretary and would therefore be difficult for the Secretary to manage;

(4) it would in the best interests of the United States and the Town for the Secretary to convey to the Town both the airstrip parcel and the adjacent parcel, at the fair market value of the airstrip parcel; and

(5) the parcels have been determined to be suitable for disposal in the Shoshone-Eureka Resource Management Plan and Environmental Impact Statement.

(b) DEFINITIONS.—In this section:

(1) ADJACENT PARCEL.—The term "adjacent parcel" means the parcels of land in the State of Nevada, comprising 74.88 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, lot 4, E1/2NESE, S1/2SWNESE, S1/2S1/2NWSE.

(2) AIRSTRIP PARCEL.—The term "airstrip parcel" means the parcel of land, with a landing strip running on an easterly bearing and a portion of a landing strip running on a southerly bearing, in the State of Nevada, comprising 70.00 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, N1/2SESW, N1/2SWSE, N1/2SESE, SESESE.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) TOWN.—The term "Town" means the town of Kingston, Nevada.

(c) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary shall convey to the Town all right, title, and interest of the United States in and to the airstrip parcel and the adjacent parcel, totaling 144.8 acres.

(2) CONDITIONS.—

(A) AIRSTRIP PARCEL.—The Secretary shall convey the airstrip parcel under paragraph (1) by direct sale, at fair market value.

(B) ADJACENT PARCEL.—The Secretary shall convey the adjacent parcel under paragraph (1) for no consideration.

(d) NO RESERVATIONS.—The patent by which the conveyance under subsection (c) is made shall contain no reservations.

By Mr. McCONNELL (for himself and Mrs. LINCOLN):

S. 810. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Finance.

Mr. McCONNELL. Mr. President, I rise today to introduce legislation to remedy the shortage of food donations that plagues food banks and other organizations dedicated to ending hunger in America.

It is a sad truth that hunger continues to persist even as our economy has broken records over the past decade. If we take a look at the dynamics of the restaurant industry, new construction, long lines for tables, oversized portions of food, it is obvious that food supply is not the problem.

The problem is waste. America wastes 96 billion pounds of food each year. And in doing so, we allow 31 million people to go hungry. This is unacceptable in a society that has bountiful food resources and an infrastructure of local and national food banks willing to accept donations of surplus food. Perhaps the most awful statistic is that while many of us wait in line to purchase, or to be served, abundant amounts of food, many hungry American families will wait in line at food banks and never receive a meal. Last year we failed to meet more than 20 percent of the demand for food at area food banks. That means, in effect, one out of every five families is sent home hungry.

Why is there such a shortage of donated food? Well, our Internal Revenue Service makes it more economical to throw food away rather than give it away. While the tax code permits restaurants to deduct half of the difference between the cost of donated food and its market value, the IRS often will tell a restaurant that donated food has no market value for deduction purposes simply because the food was not sold through normal retail distribution channels. For instance, a restaurant may have its own extra-stringent "freshness" standard where they proudly sell food that has been "off the grill" for less than 10 minutes. Well, we all know that this same food, if properly maintained, will remain wholesome for much longer, and that area food banks have a desperate need for such food.

But when the IRS fails to assign an appropriate market value to donated food, the deduction is meaningless. Donating food requires a business to incur additional costs of storage, transportation, and labor. If a business cannot, at the very least, recoup these additional costs, they actually lose money by donating food instead of throwing the food away. What we have then, Mr. President, is an IRS that is effectively administering tax policy that discourages, rather than encourages, private industry from helping to feed needy families. We all learned in church that it's better to give than to receive. Unfortunately, at the IRS, the motto seems to be: it's better to throw away than to give away.

Another reason that excess food fails to reach needy families is that too many businesses are ineligible to deduct food donations because of an outdated restriction in the tax code. Many small restaurants, farms, and franchises are organized as "s" corporations, limited liability corporations, or sole proprietorships. The current law, however, limits the deduction to traditional "c" corporations. If we are serious about feeding needy families through charitable donations, then the Government needs to enlist a new army of small businesses in the fight against hunger.

To eliminate these two major barriers in the fight against hunger, the Feeding Needy Families Act would define the market value of donated food without penalizing businesses for setting high internal standards. This codifies the decision of the United States Tax Court in *Lucky Stores, Inc.* v. *Commissioner*, 95 T.C. 420 (1995), where the court held that the market value of donated bread was the full retail price for purposes of calculating the deduction. The bill also expands the deduction to any entity that is kind enough to expend the effort necessary to donate surplus food, whether it be an "s" corporation, a limited liability corporation, or a sole proprietorship. Removing these legal, logistical, and financial roadblocks will go a long way to ensure that excess food flows from table to table rather than from table to trash.

I am pleased to be joined by Senator LINCOLN in introducing this important legislation. I ask unanimous consent to include in the RECORD, following the text of my statement, a copy of the bill. I also would ask unanimous consent that the RECORD include letters of support from the Salvation Army, USA Harvest, Kentucky Harvest, Northern Kentucky Harvest, the National Association of Chain Restaurants, and the National Restaurant Association.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Feeding Needy Families Act".

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, or such circumstances, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

MAY 1, 2001.

Senator MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR: I am writing in support of your food donation bill. It has been my experience over the last 14 years that there is truly a need in our nation for the effort that is put forth in this bill. Tragically the average age of homelessness today is 9 years old. Your legislation will certainly go a long way in assisting the 120 USA Harvest chapters in helping feed our nation's less fortunate children.

The encouragement that this bill will provide those people and organizations in the food business to partner with USA harvest is going to make a significant difference in the quality of life for many millions of Americans.

Very truly yours,

STAN CURTIS,
Founder and Chairman USA Harvest.

KENTUCKY HARVEST,
Lexington, KY, April 26, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write to thank you for your plan to introduce the "Good Samaritan Tax Act" in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

ED SCHAUB,
Chairman.

NORTHERN KENTUCKY HARVEST,
Covington, KY, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing on behalf of the bill you plan to introduce named "The Feeding Needy Families Act." By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate, the Feeding Needy Families Act will help ensure that our program will have access to additional wholesome food.

In fact, Northern Kentucky Harvest will benefit greatly by your new bill. In the past, many company-owned restaurants participated in our program where excess food was donated and distributed to feed the homeless and less fortunate in Northern Kentucky. However, when these restaurants were sold to local franchisees, they no longer participated due to the inability to receive "credit" for their food donation to defray costs associated with the donation. As a result, many homeless and less fortunate people went without food. This bill gives us another opportunity to reclaim "wasted" food and give the less fortunate "hope" for another day. Your bill means a great deal to the success of eradicating hunger.

Please support this bill and allow us to make a difference in our community by trying to overcome hunger.

Sincerely,

WILLIAM E. HENDERSON III.

THE SALVATION ARMY,
Louisville, Kentucky, April 19, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of our hunger relief program, we write today to thank you for your plan to introduce the "Good Samaritan Tax Act" in the Senate. By clarifying the charitable deduction allowable for contributions of food and extending the deduction to all business entities willing to donate food, the Good Samaritan Tax Act will help ensure that our program will have access to additional wholesome food. This food will be used to continue our fight against hunger.

It is a shame for good food to go to waste. However, significant costs are associated with the systematic distribution of food by restaurants to those in need. Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to those who are in need.

We believe that the Good Samaritan Tax Act will help the food service industry offset these costs, and therefore encourage the contribution of their excess food to organizations such as ours. This additional food will help to ensure our ability to continue to assist those in need.

Thank you for your support in the fight against hunger.

Sincerely,

HOWARD SPARKS,
Director, The Salvation Army Service-unit.

NATIONAL COUNCIL OF
CHAIN RESTAURANTS,
Washington, DC, May 1, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Council of Chain Restaurants, we are writing to express our support for the "Feeding Needy Families Act". This bill, which you introduce today, provides tax incentives to encourage business contributions of food items.

The National Council of Chain Restaurants ("NCCR") is a national trade association representing forty of the nation's largest multi-unit, multi-state chain restaurant companies. These forty companies own and operate in excess of 50,000 restaurant facilities. Additionally, through franchise and licensing agreements, another 70,000 facilities are operated under their trademarks. In the aggregate, NCCR's member companies and their franchisees employ in excess of 2.8 million individuals.

Your legislation is necessary to clarify the charitable deduction allowance for contributions for food, helping ensure the nation's food banks and donation centers can continue the fight against hunger. As welfare reform kicks in, many people making the transition between public assistance and independence are turning to charitable food distribution programs for assistance.

Unfortunately, the IRS is exacerbating the problem with its interpretation of the charitable donation sections of the Internal Revenue Code. The code is designed to encourage charitable donations of food by allowing a deduction equal to cost plus one-half the difference between cost and fair market value. However, the IRS maintains that when food cannot be sold through normal distribution channels (i.e., food left over when a restaurant closes for the night), its retail value is zero and the taxpayer's deduction is limited to cost only.

Distribution and transportation systems, quality control assurances, record keeping and compliance systems must be developed and maintained to safely and efficiently get food to the needy. These processes involve significant costs. The "Good Samaritan Tax Act" will help the food service industry offset these costs, and therefore encourage the contribution of food to the needy, by codifying the fair market value of donated food. It also extends the deduction to any trade or business, not just corporations.

We thank you for introducing this common-sense legislation and offer our assistance to ensure its enactment into law.

Sincerely,

TERRIE M. DORT,
President.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 25, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 844,000 restaurant locations nationwide, the National Restaurant Association offers it's support of the Feeding Needy Families Act, which would provide more equitable tax treatment for food that is donated to charities.

As you know, under the current tax code, businesses do not receive the same tax deduction for charitable donations of food as they do for other inventory. Food that is not sold through normal distribution channels is considered by the Internal Revenue Service to have no market value. In effect, businesses are penalized and charities suffer because it makes more economic sense for businesses to discard the food than to donate it. The Feeding Needy Families Act would correct this discrepancy in the tax code by allowing businesses to take deductions on a fair market value basis rather than just deducting the cost of raw materials.

As I am sure you can imagine, the effort and cost involved in preparing perishable items to be donated can be considerable. The food must be carefully collected, packaged, and transported in a timely manner before it can be distributed to food banks, soup kitchens, homeless shelters and other organizations that serve the hungry. Because of the additional work involved, we are concerned that it creates a disincentive for businesses to donate food. That is why the National Restaurant Association supports this legislation as a means of providing strong incentives for businesses to donate food—a much needed and valuable commodity.

We appreciate your support in moving this issue forward and we hope that you will be successful in enacting the bill without any modifications this year as restaurants are an important resource in helping the millions of Americans that do not get enough food to meet their basic needs.

Thank you for supporting the Feeding Needy Families Act and we look forward to working with you in passing this legislation.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
LEE CULPEPPER,
Senior Vice President, Government Affairs and Public Policy.

By Mr. NELSON of Nebraska (for himself and Mr. CRAPO):

S. 811. A bill to amend title 36, United States Code to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation designating the oak tree as an official national emblem. This day bears especially great significance for me as a United States Senator from Nebraska, since Arbor Day was first celebrated in our great state.

The original seed of this day was planted in 1872 by J. Sterling Morton, a newspaper executive and an environmentalist ahead of his time. Mr. Morton moved from Michigan to Nebraska City, where he discovered a tree-less prairie. In effort to bring some shade to the state, he collaborated with Robert Furnas to promote the idea of a statewide holiday dedicated to tree planting.

Mr. Morton authored many articles on the benefits of trees as he garnered support for the idea of an Arbor Day. He also became active in Nebraska Territory politics, where he continued to voice his aspiration for a forested prairie. While Morton is revered as the Father of Arbor Day, it was then-Governor Furnas who made the observance official in 1874 with the first proclamation designating Arbor Day in Nebraska.

Since then, with the exception of one year, Nebraskans have celebrated

Arbor Day with pride. The one million trees that were said to have been planted on the very first Arbor Day—not to mention all the ones since—have had a tremendous impact on the landscape and on the lives of Nebraskans. The influence of that first observance has continued as each year, during planting season, people from around the globe observe the Nebraska-born tradition of Arbor Day.

Considering the historical significance of Arbor Day to Nebraska, I am proud to sponsor this legislation to designate the oak tree, selected by Americans in a nationwide vote, as an official emblem of the United States. By formally designating a national tree, we honor the past and plant hope for an even greener future.

After all, an oak tree is an appropriate metaphor for the history of our country. The United States has grown from the acorn of colonialism into a strong, branching entity. Like a maturing oak, our roots are deepening, and with each passing year, our core strengthens.

J. Sterling Morton, as he expounded on the indifference of trees to their worldly surroundings, once wrote, "There is no aristocracy in trees." To his sentiment, I would add that, "Instead, there is only the humble root of democracy." The oak, the symbol of our democracy, will always serve as reminder of the vitality and strength that permeates our national—as well as natural—history.

In closing, I would like to thank Senator MIKE CRAPO for cosponsoring this legislation and for his support of this effort. I also want to commend each of the voters who participated in the selection process, sponsored by the National Arbor Day Foundation. The involvement of these American citizens has made this legislation possible.

Mr. CRAPO. Mr. President, I rise today to join Senator BEN NELSON in introducing legislation to designate the oak tree as America's National Tree.

I am pleased to support an effort that recognizes the importance of trees in our lives and our nation's heritage. Trees provide a number of societal benefits and, as a renewable resource, can provide these benefits generation after generation when properly managed. From our nation's reliance on wood and wood products to the environmental benefits of cleaner air and water, trees are an integral part of our lives.

Trees produce oxygen, lower ambient air temperature, release moisture into the air, retain particulates, create habitat for wildlife, and store carbondioxide. Trees can produce wind breaks, provide shade, and stabilize soils. Trees provide a multitude of products that are used in our daily lives.

In a national effort that culminated in a nationwide vote, the public chose the oak tree as America's National Tree. I appreciate the public's involvement in this effort and recognize that the oak tree is America's most widespread hardwood. As an Idahoan, I am partial to Idaho's state tree, the White Pine, but support the people's choice. The "King of Trees" has long been valued for its shade, beauty, and lumber and is a fitting symbol of America's strength and diversity.

I look forward to working with my colleagues to support the public's choice for a national tree. I appreciate Senator NELSON'S efforts to add a national tree to the list of national observances, which includes our national anthem, motto, floral emblem, and march.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—DESIGNATING MAY 2001, AS "OLDER AMERICANS MONTH"

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas older Americans are the foundation of our Nation;

Whereas the freedom and security our Nation now enjoys can be attributed to the service, hard work, and sacrifices of older Americans;

Whereas older Americans continue making significant contributions to our communities, workplaces, and homes by giving freely of themselves and by sharing their wisdom and experience through civic leadership and mentoring;

Whereas the older Americans of tomorrow will be more socially, ethnically, and economically diverse than any past generation, which will impact upon our Nation's ideas of work, retirement and leisure, alter our housing and living arrangements, challenge our health care systems, and reshape our economy;

Whereas the opportunities and challenges that await our Nation require our Nation to continue to commit to the goal of ensuring that older Americans enjoy active, productive, and healthy lives, and do so independently, safely, and with dignity; and

Whereas it is appropriate for our Nation to continue the tradition of designating the month of May as a time to celebrate the contributions of older Americans and to rededicate our efforts to respect and better serve older Americans: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2001, as "Older Americans Month";

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities that promote acknowledgment, gratitude, and respect for older Americans.

Mr. CRAIG. Mr. President, I rise today to submit a resolution honoring May as Older Americans' Month.

I am here today to celebrate May as Older Americans' Month. For 38 years May has been the official month during which we pay tribute to the contributions of our 44 million older Americans. It is during this month that we as a nation recognize older Americans for their service, hard work and sacrifice that helped assure us the freedom and security we now enjoy.

Not only should we take this time to show our appreciation and respect for America's seniors, but also to acknowledge that today's and tomorrow's seniors will continue making significant contributions to our communities through their wisdom and experience; in the workplace, in civic leadership and in our homes.

We must also recognize that 77 million baby boomers will soon be retiring and must begin to address some of the challenges this influx will bring. Social Security and Medicare modernization, including the option for prescription drugs, must be addressed before this generation retires.

As the new Chairman of the Senate Special Committee on Aging, I am looking forward to the opportunities and challenges that await us as we continue our commitment to the goal of ensuring that senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity. This Committee is celebrating its own anniversary this year and I am proud to say that for 40 years, it has played a role in studying problems and opportunities related to older Americans.

In addition, this year I believe we have special reason to celebrate. Last year, Congress was able to pass the reauthorization of the Older Americans' Act. As you all know, this reauthorization was 5 years in the coming. I was an original cosponsor of legislation to update and amend the Act and strongly supported the legislative goal of making the programs and services under the Act more responsive to the needs of America's seniors.

With this reauthorization Congress was able to add an important component to the Act. The program authorized $125 million to establish a new National Family Caregiver Support Program to provide grants to states to provide information and services to family caregivers. Because of the importance of this program, the Special Committee on Aging will be holding a hearing May 17 to examine its implementation.

In the tradition of Older Americans' Month, I am introducing a resolution in the Senate calling on the people of the United States to observe the month of May 2001 as Older Americans' Month and to encourage all Americans to promote awareness through ceremonies, programs, and other activities that promote acknowledgment, gratitude, and respect for American seniors.

I ask all of you to celebrate with me Older Americans' Month this May.

SENATE RESOLUTION 79—DESIGNATING MAY 1, 2001, AS "NATIONAL CHILD CARE WORTHY WAGE DAY"

Mr. CORZINE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CARNAHAN, Mr. CLELAND, Mrs. MURRAY, Mr. DURBIN, Mr. KERRY, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 79

Whereas approximately 13,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is $15,000 per year, and only ⅓ have health insurance and even fewer have a pension plan;

Whereas the quality of child care and other early childhood education programs is directly linked to the quality of early childhood educators, and low wages make it difficult to attract qualified individuals to the profession;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because of low wages and lack of benefits, making it difficult to retain high quality educators, and research has demonstrated that young children require caring relationships to have a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the importance of the job of helping the young children of the United States develop their social, emotional, physical, and intellectual skills to be ready for school;

Whereas the cost of adequate compensation cannot be funded by further burdening parents with higher child care fees but requires public as well as private resources so that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2001, as "National Child Care Worthy Wage Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe "National Child Care Worthy Wage Day" by honoring early childhood educators and programs in their communities and by working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to submit a resolution supporting National Child Care Worthy Wage Day, which I hope will being attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our nation's young children are undervalued. The average salary of a childcare worker is about $15,000 annually. In 1998, the middle 50 percent of child care workers and pre-school teachers earned between $5.82 and $8.13 an hour, according to the Department of labor. The lowest 10 percent of childcare workers were paid an hourly rate of $5.49 or less. Only one third of our nation's childcare workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for childcare staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

If we want our children cared for by qualified providers with higher degrees and more training, we will have to make sure they are adequately compensated. Otherwise, we will continue to lose early childhood educators with BA degrees to kindergarten and first grade, losing some of our best teachers of young children from the early years of learning.

In order to bring attention to childcare workers, I am sponsoring a resolution that would designate May 1st as National Child Care Worthy Wage Day. On May 1st each year, childcare providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education.

I encourage my colleagues to join me in recognizing the importance of the work and professionalism that childcare workers provide and the need to increase their compensation accordingly. The nation's childcare workforce, the families who depend on them, and the children they care for, deserve our support.

AMENDMENTS SUBMITTED AND PROPOSED

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him by the bill S. 1 supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Act of 1965; which was ordered to lie on the table; as follows:

On page 521, between lines 18 and 19, insert the following:

SEC. 405. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

"SEC. 691. FINDINGS.

"Congress makes the following findings:

"(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

"(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

"(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

"(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

"SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

"In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

"SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

"(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado to enable such University to provide to institutions of higher education across the nation such services that are offered under the special education teacher training program carried out by such University, such as providing educational materials or other information necessary in order to aid in such teacher training.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2002, and $1,000,000 for each of the fiscal years 2003 through 2005.".

SA 356. Mr. CORZINE (for himself, Mr. ENZI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965;

which was ordered to lie on the table; as follows:

On page 619, line 6, strike "and".

On page 619, line 7, strike the period and insert "; and".

On page 619, between lines 7 and 8, insert the following:

"(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:00 a.m., in open session to receive testimony on the report of the Panel to Review the V–22 Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 1, 2001, at 9:30 am on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet Tuesday, May 1, 2001, immediately following the first vote on the Senate Floor, in S–301 of the Capitol, to consider reporting the following nominations:

Mr. David Aufhauser, to be General Counsel, Department of the Treasury;

Mr. Kenneth W. Dam, to be Deputy Secretary, Department of the Treasury;

Faryar Shirzad, to be Assistant Secretary of Commerce, Department of Commerce;

Michele A. Davis, to be Assistant Secretary of the Treasury, Department of the Treasury;

Grant D. Aldonas, to be Secretary of Commerce for International Trade, Department of Commerce;

John B. Taylor, to be Under Secretary, Department of the Treasury; and

Scott Whitaker, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "SBA's Funding Priorities for FY 2002" on Tuesday, May 1, 2001, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs and the Subcommittee on East Asian and Pacific be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 10:15 am and 2:00 pm to hold hearings. The agendas for these meetings follow:

SUBCOMMITTEE AN EAST ASIAN AND PACIFIC AFFAIRS—AGENDA

WHERE ARE U.S. CHINA RELATIONS HEADED?

(Tuesday, May 1, 2001, 2:00 pm SD–419)

Witnesses:

Panel 1. Administration witness to be announced Department of State, Washington, DC.

Panel 2. Ambassador James Lilley, Resident Fellow, American Enterprise Institute, Washington, DC.

Mr. Douglas H. Paal, President, Asia Pacific Policy Center, Washington, DC.

Mr. Michael E. O'Hanlon, Senior Fellow, Brookings Institute, Washington, DC.

Mr. David Shambaugh, Director, Department of Asian Studies, George Washington University, Washington, DC.

SUBCOMMITTEE ON EUROPEAN AFFAIRS—AGENDA

RELIGIOUS FREEDOM IN EUROPE

(Tuesday, May 1, 2001, 10:15 am, SD–419)

Witnesses:

Panel I. Mr. Michael E. Parmly, Acting Assistant Secretary of State for Democracy, Human Rights, and Labor.

Panel II. Ms. Elizabeth A. Clark, Associate Director, BYU International Center for Law and Religion Studies, Provo, UT.

Representing: Dr. W. Cole Durham, Jr., Gates University Professor of Law, Director, BYU International Center for Law and Religion Studies, Provo, Utah.

Rabbi Andrew Baker, Director of International Jewish Affairs, The American Jewish Committee, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2001, at 2:30 p.m., in open session to receive testimony on the U.S. military's capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Kimberly Walker and Phoebe Trepp of my staff be granted floor privileges for the duration of the time that I control on this motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Michael Yudin, be granted floor privileges throughout the pendency of the debate on S. 1, the Better Education for Students and Teaches Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, reappoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Commerce, Science and Transportation), and the Senator from Washington (Mrs. MURRAY) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), reappoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from South Carolina (Mr. HOLLINGS) (from the Committee on Appropriations), and the Senator from Georgia (Mr. CLELAND) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Rhode Island (Mr. REED) (At Large), and the Senator from Louisiana (Mrs. LANDRIEU) (from the Committee on Appropriations).

The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and on the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from North Carolina (Mr. EDWARDS) (from the Committee on Commerce, Science, and Transportation; and the Senator from Louisiana (Mr. BREAUX) (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), reappoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Maryland (Mr. SARBANES) (At Large), and the Senator from Maryland (Ms. MIKULSKI) (from the Committee on Appropriations).

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of following nominations:

Reported by the Finance Committee, No. 62, Mr. Faryar Shirzad; and No. 63, Scott Whitaker, reported by the Armed Services Committee, which I am privileged to chair.

Our committee met today in the course of a very thorough and very lengthy hearing on the issues regarding the B-22. I commend my committee and the Members who were in attendance, and indeed the witnesses who came before that committee.

I think we performed some very valuable oversight. We will do much more.

Within the course of that committee meeting, a quorum being present, we reported out favorably No. 45, Mr. Dov Zakheim to be Comptroller, and No. 48, Mr. Powell Moore to be Assistant Secretary of Defense for purposes of legislative affairs. I have known these gentleman for so many years. They are to be viewed as citizens who once again sign up to go into public office after extensive previous public office to serve our Nation. I commend them and their families. And, Nos. 51 through 57, 64, 65, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF DEFENSE

Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller).

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Donald A. Lamontagne, 3494

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Lance W. Lord, 1026

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brian A. Arnold, 4452

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Timothy A. Kinnan, 5802

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard V. Reynolds, 1156

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William J. Begert, 2790

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Malcolm I. Fages, 4038

DEPARTMENT OF COMMERCE

Faryar Shirzad, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Scott Whitaker, of Virginia, to be an Assistant Secretary of Health and Human Services.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Keith W. Lippert, 1581

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Garry L. Parks, 1088

AIR FORCE

PN207. Air Force nominations (55) beginning Gregory O. Allen, and ending Wayne Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN224. Air Force nominations (4) beginning Steven D. Carey, and ending Richard R. Lemieux, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

ARMY

PN225. Army nomination of Joe L. Smothers, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN160. Army nominations (482) beginning Donald M. Adkins, and ending X0268, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

PN208. Army nominations (3) beginning James R. Gusie, and ending Dennis J. Sandbothe, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN209. Army nominations (2) beginning Michael Child, and ending Leland Gallup, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN226. Army nominations (9) beginning Louis A. Abbenante, and ending James M. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN244. Army nominations (121) beginning Margretta M. Diemer, and ending Mary A. Witt, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2001.

MARINE CORPS

PN228. Marine Corps nominations (33) beginning Charles E. Brown, and ending Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN227. Marine Corps nominations (15) beginning Dennis G. Adams, and ending Lawrence R. Woolley, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN210. Marine Corps nominations (5) beginning Walter T. Ellingson, and ending Michael J. Kantaris, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

NAVY

PN229. Navy nomination of David C. Barton, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN230. Navy nomination of James W. Hudson, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN231. Navy nomination of Sheila C. Hecht, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN232. Navy nomination of Paul R. Faneuf, which was received by the Senate and appeared in the Congressional Record of April 3, 2001.

PN233. Navy nominations (2) beginning Daniel L. Bower, and ending Tedman L. Vance, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, MAY 2, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 2, 2001. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume the motion to proceed to S. 1 postcloture.

TIME CONSUMED UNDER RULE XXII

I further ask unanimous consent that the time of adjournment be considered as having been consumed from the time allotted under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, I announce to the Senate that on Wednesday it is expected the Senate will begin the amendment process with respect to the education bill. Therefore, votes may be expected to occur during the day and into the evening on the Elementary and Secondary Education Act. Senators interested in offering amendments should contact the managers on both sides of the aisle.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:42 p.m, adjourned until Wednesday, May 2, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 2001:

FEDERAL COMMUNICATIONS COMMISSION

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, VICE SUSAN NESS, TERM EXPIRED.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, VICE HAROLD W. FURCHTGOTT-ROTH.

DEPARTMENT OF DEFENSE

THOMAS E. WHITE, OF TEXAS, TO BE SECRETARY OF THE ARMY, VICE LOUIS CALDERA.

SMALL BUSINESS ADMINISTRATION

HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE AIDA ALVAREZ, RESIGNED.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 1, 2001:

DEPARTMENT OF DEFENSE

DOV S. ZAKHEIM, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

POWELL A. MOORE, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF COMMERCE

FARYAR SHIRZAD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SCOTT WHITAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD A. LAMONTAGNE, 3494

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 1026

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRIAN A. ARNOLD, 4452

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TIMOTHY A. KINNAN, 5802

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD V. REYNOLDS, 1156

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM J. BEGERT, 2790

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MALCOLM I. FAGES, 4038

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KEITH W. LIPPERT, 1581

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARRY L. PARKS, 1088

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING GREGORY O ALLEN, AND ENDING WAYNE WISNIEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

AIR FORCE NOMINATIONS BEGINNING STEVEN D. CAREY, AND ENDING RICHARD R. LEMIEUX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DONALD M ADKINS, AND ENDING X0268, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JAMES R. GUSIE, AND ENDING DENNIS J. SANDBOTHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

ARMY NOMINATIONS BEGINNING MICHAEL CHILD, AND ENDING LELAND GALLUP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. SMOTHERS, 1738

ARMY NOMINATIONS BEGINNING LOUIS A. ABBENANTE, AND ENDING JAMES M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

ARMY NOMINATIONS BEGINNING MARGRETTA M DIEMER, AND ENDING MARY A WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WALTER T. ELLINGSON, AND ENDING MICHAEL J. KANTARIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

MARINE CORPS NOMINATIONS BEGINNING DENNIS G ADAMS, AND ENDING LAWRENCE R WOOLLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

MARINE CORPS NOMINATIONS BEGINNING CHARLES E BROWN, AND ENDING DANIEL R WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MANUEL E.R. ALSINA, AND ENDING VINCENT S SHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID C. BARTON, 2088

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JAMES W. HUDSON, 6298

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA C. HECHT, 1427

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL R. FANEUF, 4456

NAVY NOMINATIONS BEGINNING DANIEL L. BOWER, AND ENDING TEDMAN L. VANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING KYLE P. DURAND, AND ENDING JEFFREY J. TRUITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

NAVY NOMINATIONS BEGINNING EDUARDO C CUISON, AND ENDING ROBERT K MCGAHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

WITHDRAWALS

EXECUTIVE MESSAGES TRANSMITTED BY THE PRESIDENT TO THE SENATE ON MAY 01, 2001, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATIONS:

KATHLEEN Q. ABERNATHY, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2000, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, WHICH WAS SENT TO THE SENATE ON APRIL 30, 2001.

HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 2001*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

INVESTIGATION OF CIVILIANS ON NAVY SHIPS CALLED FOR

Mr. FRANK. Mr. Speaker, the terrible tragedy that led to the loss of Japanese lives when one of our submarines surfaced and crashed into a ship obviously consists of the loss of those lives and the trauma of the other people involved, both on the submarine and on the Japanese trawler. But there is another disturbing aspect of that, although it is, of course, far less disturbing than the loss of life. But we cannot do anything about the loss of life. However, we can do something as a House of Representatives, which we are not doing, about the kind of circumstances that led to that.

It is clear that those lives would not have been lost were it not for the Navy's program of bringing civilians along on military activities for the purposes of lobbying the Congress of the United States. Now, that is true at one level without debate. That submarine would not have left port if it were not for the need to take 16 apparently well-connected, politically influential civilians for a ride. As the New York Times points out, that purpose was to build support among these civilians so they will lobby the Congress for more money.

In addition to the excursion for the 16 civilians being the sole reason for that particular submarine going out, we have questions that the Navy refused to even ask, and certainly to have answered, about the extent to which the 16 civilians on board a very crowded submarine might have contributed to the terrible tragedy.

We have a commander who was ordered to take the submarine out for the purpose of giving the 16 civilians a ride, who has ended his career. That is a sad thing. He appears to have been a very able, very dedicated man. We have other sailors who may be disciplined.

No one appears to be dealing with the policy by which the Navy sent those people into that difficult situation, surfacing the submarine in an area where ships would be around, with 16 civilians present, and the investigation conducted by the Navy which led ultimately to the resignation of the commander appeared designed not to get to the bottom of these questions.

As the New York Times reported on April 22, one of the sailors who had initially indicated that the presence of the civilians was a problem, changed his testimony. Indeed, it appeared that the pressure was on him from the Navy to change his testimony. "It was very dramatic, recalled Jay Fidell, a lawyer and former Coast Guard judge who followed the proceedings as a commentator for the Public Broadcasting System," the New York Times reports. "There was this long pause, and then he said 'no'" to the question about whether or not the civilians had interfered. He previously said "yes."

What bothers me now is that this House of Representatives, with oversight responsibilities, appears to be ignoring what went on in that situation. The policy of the Navy of scheduling trips solely for the edification of civilians in the hope that they will become political lobbyists appears to be nothing we are going to challenge.

I do not think any other agency in the Federal Government guilty of this practice would be let off so easy. We are told that we do not have enough money in the budget for training missions, but we had enough money in the budget for a mission that had nothing to do with training, was not required for training, but was required to show off for 16 civilians.

We do not know who the 16 civilians were. Were they contributors? I did not think it was a good idea to let contributors sleep in the Lincoln bedroom under President Clinton. But we did not build the Lincoln bedroom solely to let them sleep there. We did not undergo any expenses to let them sleep there.

Letting people sleep in the Lincoln bedroom seems to me to have probably less of a negative impact than sending out a submarine into waters where there are civilian ships, just to make 16 civilians happy. I would rather those 16 civilians have got 16 nights in the Lincoln bedroom than to have a submarine go out there.

Now, it is no one's fault that this led to the loss of life. No one wanted that to happen. Everyone is genuinely sad. A career of a very distinguished officer has, unfortunately, been lost to this. But we did allow a submarine to go out there, knowing that this is a dangerous thing.

So I hope my colleagues in the House with supervisory responsibilities will look into this policy. I believe we ought to say to the Navy, look, it is one thing if you let people observe something that is going to be happening anyway; but scheduling complicated military events, potentially dangerous ones, just so you can show off to people who will become political lobbyists? Do not do that anymore.

[From The New York Times, Apr. 23, 2001]

DESPITE SUB INQUIRY, NAVY STILL SEES NEED FOR GUESTS ON SHIPS

(By John Kifner)

HONOLULU, 'APR. 23, 2001.—The Navy's inquiry into the submarine Greeneville's collision with a Japanese fisheries training vessel has sidestepped one factor in the fatal crash: a program hugely popular with the Navy brass in which thousands of civilians, many wealthy or influential, are invited on excursions aboard warships in hopes of bolstering support for the services and, ultimately, their financing.

Adm. Thomas B. Fargo, the commander of the Pacific Fleet, acting on the report of a three-admiral court of inquiry, is expected to recommend a review of the visitors program and suggest a few rules—some of which were already in place and violated by the Greeneville—but the program is regarded as so vital, not only by the Navy but by all the services that it is likely to continue virtually unchanged, military officials say. "There is very strong support for this departmentwide," a Navy official at the Pentagon said. "There is no chance that bringing civilians to Navy units is going to stop. By no means."

The role of the visitors program in the accident that killed nine people aboard the Japanese vessel, the Ehime Maru, on Feb. 9 is still unclear for several reasons:

The court of inquiry was convened specifically because it was one of the few military panels that could compel civilian testimony, but one of the 16 civilians aboard the submarine were called before it.

The chairman of the panel, Vice Adm. John B. Nathman, said that part of his charge from Admiral Fargo was to look into "implementation of the distinguished visitor embarkation program," but there was little testimony about it.

Two targets of the inquiry—the Greeneville's captain and a sailor who failed to manually plot the location of the Japanese ship—have reversed their accounts on whether the presence of civilians in the control room was a factor in the crash.

"In my opinion the investigation is not complete," said Eugene R. Fidell, the president of the National Institute of Military Justice, in Washington. "Never to summon 16 witnesses jammed into that control room is bizarre. "The Navy, I think, is collectively desperately concerned not to give up the distinguished visitor program," Mr. Fidell added. "They don't even want to talk about this. This is a real big deal to the Navy. "It absolutely has to do with funding, weapons programs," he said. "They compete like crazy with the other branches." Last year, the Pacific Fleet welcomed 7,836 civilian visitors aboard its vessels. There were 21 trips aboard Los Angeles-class nuclear attack submarines like the Greeneville, with 307 civilian guests, and 74 trips to aircraft carriers, with 1,478 visitors.

Defense Secretary Donald H. Rumsfeld, embarrassed by the incident, said at the time that he would order a review of the program. Mr. Rumsfeld made his statement after disclosures that the sole reason for the Greeneville's cruise on the day of the incident was to give a tour to the civilians and that a Texas oil company executive was at the controls when the submarine shot to the surface, striking and sinking the Ehime Maru. Mr. Rumsfeld put a moratorium on civilians' handling controls, but otherwise the programs are continuing in all services. A Navy official said that no review orders had yet been issued by the Pentagon and that the Navy was conducting a review on its own. The submarine's skipper, Cmdr. Scott D. Waddle, is not expected to be court-martialed. Instead, Admiral Fargo, acting on the court of inquiry's report, is expected to announce an administrative punishment on Monday, under which Commander Waddle will resign from the Navy, ending his career at his current rank with an honorable discharge and a full pension.

On March 20, Commander Waddle's civilian lawyer, Charles W. Gittins, seemed to shift direction as he was winding up a rambling closing statement at the end of 12 days of hearings. Mr. Gittins raised the question of the 16 civilians with the retired admiral, Richard C. Macke, who made the arrangements for the submarine tour. Most of the civilians had been planning to take part in a golf tournament, which was later postponed, to raise money for restoration work on the U.S.S. Missouri, the World War II battleship on which the Japanese surrendered in 1945. Among them were oil executives, their wives and a Honolulu couple. Mr. Gittins also wondered aloud about whether there was a business benefit for anyone involved in getting the civilians aboard. Admiral Macke, once a four-star commander in the Pacific, lost his job after he made remarks deemed insensitive, saying that three marines stationed on Okinawa, Japan, who raped a 12-year-old girl in 1995 were stupid because they could have simply hired a prostitute. Although he is retired, Admiral Macke remains active in social affairs related to the Navy, and he is prominent here as an executive of a telecommunications company based in Reston, VA. To some people here, it seemed an implied threat that, if Commander Waddle were to go to a court-martial, Mr. Gittins would raise the presence of civilians as part of his defense and might produce embarrassing material about the visitor program.

Commander Waddle, in his testimony—given voluntarily after he had been denied immunity—said the 16 civilians crowded into the control room did not interfere with operations. Asked twice by different admirals if the civilians were a factor in the accident, Commander Waddle each time replied, "No, sir." But last Monday, the main article on the front page of The Honolulu Advertiser quoted Mr.. Gittins as saying that Commander Waddle had changed his mind and now believed that the presence of the civilians broke the crew's concentration at a crucial time. The article also noted that the visitors program "could figure prominently in the unlikely event of a court-martial and prove an embarrassment for the Navy." That same day, Time magazine published an interview with Commander Waddle that said the skipper had "revised his previously benign view of the presence of civilians on board."

Time quoted Commander Waddle as saying "Having them in the control room at least interfered with our concentration." But Petty Officer First Class Patrick T. Seacrest changed his account in the opposite way. Petty Officer Seacrest was the fire control technician, whose job involves keeping track of nearby ships as potential targets for a submarine's torpedoes.

On the day of the accident, an important piece of equipment, essentially a television monitor that displays the sonar soundings, was discovered to be broken soon after the submarine left Pearl Harbor. With the monitor down, Petty Officer Seacrest's old-fashioned plotting of the positions of vessels on paper became the crucial substitute. He was to have gotten up from his chair and gone to a nearby bulkhead to mark the positions on a scrolling device visible to the officer of the deck at intervals of about three minutes, a former submarine commander said. But some of the visitors were crowded into the narrow path between his post and the plotting paper, and he did not push through them to update the positions. Petty Officer Seacrest told the National Transportation Safety Board investigators and the preliminary Navy inquiry that the presence of visitors had interfered with his task.

John Hammerschmidt, the chief N.T.S.B. investigator, said Petty Officer Seacrest reported that "he was not able to continue his plotting." But when Petty Officer Seacrest appeared before the court of inquiry, testifying under a grant of immunity, he said the civilians had no effect on his task.

"It was very dramatic," recalled Jay M. Fidell (the brother of Eugene R. Fidell), a lawyer and a former Coast Guard judge, who followed the proceedings as a commentator for the Public Broadcasting System. "There was this long, long pause and then he said 'No.'" Under questioning, Petty Officer Seacrest agreed when one of the admirals told him, "You just got lazy, didn't you?"

The main note on the visitors program was struck in the testimony of the submarine fleet commander, Rear Adm. Albert H. Konetzni Jr., a strong advocate of using the program to gain support for more nuclear submarines at a time of shrinking budgets. Admiral Konetzni remarked that attack submarines were named for cities rather than for fish because "fish don't vote." His views were echoed by the other admirals. "The visitors program is the whole thing that's driving this," said Mr. Fidell, the former Coast Guard judge. "Every flag witness said the same thing. It was like something out of 'The Manchurian Candidate.' They are desperate to protect this program."

[From The Washington Post, Apr. 21, 2001]

Accountability and the Navy

A decision by the commander of the Navy's Pacific fleet not to court-martial Cmdr. Scott Waddle or other crew members responsible for the collision of a Navy submarine with a Japanese fishing trawler in February is consistent with the recommendations of the three admirals who conducted a court of inquiry, a fourth admiral who investigated the incident and the record of handling previous accidents at sea. Unfortunately, it is also in keeping with the Navy's pattern of avoiding full disclosure or accountability for its failures.

Two weeks of hearings by the court of inquiry last month showed that Cmdr. Waddle violated procedures and failed to take proper safety measures while seeking to impress 16 VIP visitors abroad the USS Greeneville. Among the other things, the veteran skipper took the submarine deeper than allowed, did not order a key piece of equipment fixed and spent only 80 seconds on a periscope search that should have taken three minutes. What followed was a collision that killed four young Japanese fishing students, two teachers and three crewmen aboard the Ehime Maru trawler. While accepting those findings, Adm. Thomas Fargo is expected to conduct a private disciplinary hearing for Cmdr. Waddle and allow his honorable discharge from the Navy with a full pension.

The Navy's attempt to justify this decision began even before it was made. The acting secretary of the Navy, Robert B. Pirie Jr., told reporters more than two weeks ago that he sympathized with Cmdr. Waddle and worried a court-martial might hurt morale among Navy officers. He praised Cmdr. Waddle's record; other officials pointed out that officers have not been prosecuted for past accidents and argued that an end to the commander's Navy career punishment enough. Said Secretary Pirie: "I think this incident is really tragic because of the possibility that the Navy will have lost Scott Waddle's services."

But the real tragedy is the loss of nine lives because of poor conduct aboard the submarine. And while that conduct may not have risen to the criminal, the Navy admirals who drew that conclusion had strong political incentives to do so. Ever since the accident occurred, Navy officials have tried to deflect public attention from the guests aboard the Greeneville and the larger program of hosting civilians aboard ships. At first the Navy refused to disclose the civilians' names; though the board of inquiry was specifically charged with investigating the guest program and the role of the civilians, none of the VIPs was called to testify during 12 days of public hearings. There are conflicting and still-unresolved accounts about whether the civilians distracted the Greeneville's commander and crew, but one fact is undisputed: The submarine's excursion that day and the emergency surfacing exercise that led to the collision were conducted solely for the benefit of the visitors, many of whom had earned the trip by raising money for a memorial to the World War II battleship Missouri.

Cmdr. Waddle's attorney made clear that his court-martial defense would have focused on the Navy public relations program, a tactic that might have produced just the embarrassment the Navy has tried to avoid. Did that prospect play a role in Adm. Fargo's decision? Yes or no, the absence of a court-martial means the only examination of the civilian guest program will be buried in the 2,000-page report by the court of inquiry. News reports have suggested that Adm. Fargo will recommend a review of the Navy visitor program and a halt to the practice of conducting excursions solely for the benefit of visitors. Those sound like appropriate conclusions. But if the Navy has its way, the reasons for reaching them, and the role played by the visitors program in the Ehime Maru tragedy, will never get the full airing that a court-martial would have provided.

[From USA Today, Apr. 23, 2001]

NAVY DUCKS SCRUTINY

As the Pacific Fleet commander today metes out punishment against the captain of the sub that collided with a Japanese fishing boat Feb. 9, the disciplinary action is secondary to a more critical point: That the Navy itself is likely to get off unscathed.

The commander already has decided to forgo a court-martial, according to news reports. That means Cmdr. Scott Waddle won't be imprisoned for the botched procedures and cut corners that contributed to the deaths of nine Japanese passengers. Even so, he faces punishment short of jail time.

Not so for the Navy, which ducked self-scrutiny during the public hearings into the collision and is now poised to do so again.

During a 12-day court of enquiry into the deadly transgressions by Waddle and his crew, the Navy failed to question any of the 16 civilian guests for whom that day's sub ride was conducted. And it did so despite the enquiry's written mandate to probe civilian-guest programs. The Navy thus obscured the degree to which its improperly organized public-relations outings distract crew from more important duties, and harm the service's reputation.

It will use the same obscuring tactic today, reading Waddle his punishment behind closed doors in a brief "admiral's mast" proceeding rather than a court-martial. The latter would have been public and lengthy, and might have triggered an appeal during which any dirty laundry from the Navy's guest program might have come out.

Regardless of the merits of the court-martial decision, no valid interest is served by the Navy's failure to confront hazardous practices. The Navy had until last week to call more witnesses to prove more deeply the civilian guest program. It did not do so.

There's still opportunity for a full accounting. The Navy could report on what went wrong with its civilian visit. Among the questions that remain unanswered are whether the visitors distracted the crew, as some members initially told the National Transportation Safety Board; why the unscheduled civilian ride was held, against guidelines; whether guests were favored because of personal connections; and how pervasive such problems are.

If the Navy stays true to form, such a public accounting won't be forthcoming. It'll be left to the Department of Defense Inspector General or the NTSB to draw conclusions. But these are unlikely to satisfy public and congressional questions as fully as the Navy could, and should.

Shortly after the accident, Waddle publicly took responsibility for it. It's high time his superiors demonstrate the same sense of duty.

RESTORING THE LAFAYETTE-ESCADRILLE MEMORIAL

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to bring to the attention of my colleagues the deteriorating state of a memorial to our World War I aviators.

The Lafayette-Escadrille Memorial, which is located west of Paris, honors all the United States aviators who flew for France in World War I, with 68 Americans memorialized or buried on the site.

Formed in 1916 as part of the French army, the Lafayette-Escadrille was the birth of the American combat United States Air Force we have today. In fact, Captain Eddie Rickenbacker, the first U.S. trained ace, was trained by Mr. Lufberry, one of the original U.S. volunteers in the Escadrille. "Escadrille" is a French term for squadron.

Seven Americans formed the original American squadron. When the Escadrille transferred to U.S. command in 1918, 265 American volunteers had served in the French air service, with 180 of those having flown combat missions. In all, the Escadrille flew 3,000 combat sorties, amassing nearly 200 victories. By the end of the war, most of the fallen of the Lafayette-Escadrille were buried along the battlefront in various military cemeteries.

A joint French-American committee was organized to locate a final resting place for those American aviators. With land donated by the French Government, the Memorial was dedicated on July 4, 1928.

My colleagues, the memorial is a site to behold. It encompasses an arch of triumph with a series of columns placed on either side. It contains a sanctuary and a burial crypt. Sunlight fills the tomb by way of 13 stained glass windows. Each of these works of art depicts the Escadrille flying its many missions over the battlefields of Europe. One of the more striking stained glass works depicts the U.S. aviators escorted by an eagle on a symbolic flight across the Atlantic to come to the aid of the French.

However, sadly I report, the memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, worsened by the poorly functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation, and double glass is needed to protect the remarkable stained glass windows.

In 1930, U.S. attorney Nelson Cromwell founded the Lafayette-Escadrille Memorial Foundation. He endowed the foundation with $1.5 million for its maintenance, but unfortunately, all of those funds have been exhausted. Today, the foundation has a mirror organization in France and a pledge of monetary support to restore the memorial.

Although studies to estimate the cost of restoring the memorial are ongoing, it is obvious that the resources required will exceed the meager means of the foundation. The French Government has already indicated its willingness to assist, and it is time for the U.S. Government to do the same.

Just as we did in World War I, World War II, and most recently, in the Gulf War, it is time for the U.S. and French Governments to join together in doing what is right and what is just. This is an important memory. We must perform the duty of living and properly honor the memory of those who gave so much.

Combining the efforts of private industry and Congress, it is my hope to join the French in restoring the memorial to its original beauty. It is the right thing to do, to honor our fallen aviators of World War I and to demonstrate our respect for the sacrifices of all Americans in service to our Nation and our allies.

I hope my colleagues will join me in supporting funding for the restoration of this magnificent memorial.

ADVOCATING A MORE APPROPRIATE ROLE FOR THE FEDERAL GOVERNMENT IN DISASTER RELIEF

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, you cannot promote livable communities without examining the problems associated with our complex set of State, local and Federal policies for emergency relief. Many of these policies have encouraged people to live and invest in places where nature has repeatedly shown they are not welcome.

The recent increase in the number of natural disasters and the associated losses has clearly demonstrated that our protective strategies are inherently flawed. We had better figure it out before we are overwhelmed by further impacts of global climate change.

In the last decade alone, we have lost nearly $100 billion and almost 1,000 lives. Although we have invested tens of billions of dollars in dams and levees over the last 40 years, our losses now total almost six times the amount lost before we began. Natural forces continue to confound our best engineering efforts.

The average coastline in the United States is due to erode approximately 500 feet over the next 60 years, and this figure does not take into account any rise in sea level or increased intensity of storms due to global warming. Walling off our coastlines is a contest we are going to lose.

The National Flood Insurance Program is a good idea and an important program, but it is not sound because over 8,000 victims of repetitive flood loss are not required to either floodproof their property or relocate out of harm's way. The worst example of this absurdity is the payment of over $800,000 to the owner of a home in Houston for 16 losses over 20 years for a home that is appraised at less than $115,000.

Communities on the West Coast should be required to upgrade seismic standards in preparation for earthquakes, to place vulnerable coastal areas off limits to development, and to carefully evaluate the long-term effectiveness of beach reconstruction and fortification.

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All of these actions should emphasize appropriate cost-sharing and environmental sustainability. If State or local governments have not or will not do their job, then Federal support should be phased down.

Davenport Iowa's mayor Phil Yerington is correct to point out that the residents of his city are not the only ones who should be subjected to scrutiny. While I appreciate FEMA director Allbaugh's tough questions, I am not convinced that flood walls are the only or even the best answer. Oftentimes structural solutions may provide local protection but only increase flooding problems downstream. Passive flood control systems using wetlands and other natural features may provide better alternatives.

But whatever the approach, people need to accept the consequences of their location and development decisions. Repetitive flood loss should not be the sole responsibility of the Federal government.

State and local governments should ensure that zoning regulations and building codes in storm-prone areas are rigorous enough to limit wind and water damage by highly predictable weather patterns.

I commend the FEMA director for his concerns, and stand ready, along with my congressional colleagues, to work with him on these difficult issues. Disaster relief should not be lost in the shuffle of must-pass emergency legislation. It must receive the scrutiny it deserves.

We ought to make sure, for example, that Federal tax dollars are not used to rebuild environmentally-damaging lagoons of hog waste in flood plains. The Coastal Barrier Resources Act was a terrific Reagan-era environmental protection embraced by Democrats and Republicans, environmentalists and business interests alike. It should be extended to all coastal areas.

Sensitive shorelines should not have private development subsidized at the Federal taxpayer expense. Government regulations should be making it cheaper and easier for local communities to take the less intrusive greener approach to flood control than to use the more environmentally-damaging structural approaches.

Project Impact, which invested small amounts of Federal money to develop emergency management partnerships and planning in advance of a disaster, should be enhanced, not eliminated, as recommended by the Bush administration. It was an ill omen for the administration to propose Impact's elimination on the very day of the Seattle earthquake.

It is time for the administration to align its land use, disaster, and infrastructure policies to be supportive these cost-effective, visionary approaches. It is time for Congress to step up to be a full partner, rather than supporting short-term parochial interests that only encourage people to live in harm's way, waste tax dollars, and ultimately make the problem worse.

What better response to this year's Earth Day than a bipartisan cooperative approach between the administration and Congress to tackle this long-term and growing problem.

UNITED STATES MISSILE DEFENSE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized during morning hour debates for 5 minutes.

Mr. ABERCROMBIE. Madam Speaker, with the President making his remarks today on missile defense, I think we need to recognize unprecedented political challenges loom on the strategic horizon. Current U.S. defense force planning is set within an atmosphere of great uncertainty. Historic rivals of the United States, such as the Soviet Union and Eastern Bloc nations, have either disintegrated altogether or lost much of their competitive influence.

Regional state actors, particularly on the Asian continent, show signs of future ascendancy on the world political stage. Other nation states, some exhibiting anti-U.S. bent,, continue to challenge American allies and interests around the world, even as U.S. peacekeeping and peacemaking commitments evolve.

The very definition of American interests is in transition as varied threats emerge in the post-Cold War world.

International corruption, organized crime, and the production, trade, and trafficking of illicit narcotics is on the rise. These transnational threats contribute to the instability of political systems abroad, the violation of U.S. borders, and often represent a threat to social conditions in the United States.

The threat of terrorism, both state and nonstate sponsored, has grown in significance and Americans have increasingly become targets for attackers abroad. According to a December 2000 unclassified Central Intelligence Agency (CIA) report, terrorist attacks against the United States, its forces, facilities, and interests overseas are expected to increase over the next decade. Additionally the report states, "Between now and 2015 terrorist tactics will become increasingly sophisticated and designed to achieve mass casualities." This potential threat is of particular concern for the United States with its open borders, emphasis on local—and perhaps uncoordinated—emergency responders, and a prevalent cultural respect for civil liberties, and, thus, freedom of movement and action. Antiterrorist measures must address all plausible attack scenarios, including the delivery of an explosive device by more traditional means, such as by ship, rail, foot, or automotive vehicle.

The availability of advanced technologies has also reached a significant level of concern as Russia, China, and North Korea, continue to exhibit ambivalent attitudes towards nonproliferation agreements.

The 2001 Report of the Secretary of Defense to the President and the Congress notes the spread of materials with potential applications to nuclear, biological, and chemical weapons, and highlights the proliferation of advanced long-range delivery systems.

Another study, the Quadrennial Defense Review 2001 Working Group by the National Defense University laments, and I quote, "Given the diffusion of advanced military technologies and the proliferation of weapons of mass destruction, one could envision an adversary armed with longer-range missiles and cruise missiles, weapons of mass destruction, advanced integrated air defense systems, and/or sophisticated anti-ship mines and missiles by 2010, if not sooner."

U.S. military forces, then—forward deployed to temper adversarial behavior and required to provide both a credible deterrence and an overwhelming response to aggression if needed—face new and multiple challenges, not the least of which is to consider anew its role in assisting with defense of national territory.

Set within this context, U.S. strategists are challenged with questions about nuclear strategy and force posture, arms control regimes, and missile defense modernization options. Missile proliferation has introduced an immediate threat to American uniformed personnel stationed abroad, and brought to the fore the prospect of ballistic missile attack on the United States as a real possibility within the next 5 to 7 years.

China, Russia, and North Korea each have well-armed missiles capable of striking parts or all of the United States, and other nations, such as Iran, may possess similar technology in the not too distant future.

This new setting has led some to call for a new strategic synthesis and a doctrinal requirement to, in the words of Michael Krepon, and I quote, "reduce the dangers from missiles and weapons of mass destruction in the uncertain period ahead."

Still, the view of the threat from abroad should not create a threat from within. An effort must be made to avoid strategic decisions that might antagonize our international competitors and/or partners, leading them to adopt a posture even more belligerent in nature. Krepon suggests, and I quote, "The net effect of missile deployments should be to reinforce reductions in nuclear forces, reassure allies, support nonproliferation partners, and reduce the salience of missiles and weapons of mass destruction."

Thus, the threat to America should be viewed holistically. It should be viewed with an eye receptive to the benefits of negotiation, diplomacy, and arms reduction possibilities, mindful of adversarial intent. The possibility of a threat does not necessarily deem it likely. Whereas missile threats to the United States and allies indeed exist and are likely to increase, other threats also remain. America, therefore, should invest in a force structure commensurate with likely threats. Above all, consideration of missile defense systems must not acquire a 21st century Maginot Line mentality.

Calls for nonpartisanship respecting an issue are generally rhetorical and strategic in nature as regards their political origin. Missile doctrine made manifest in congressional policy, however, cries out for just that approach. No other defense posture is as pregnant with controversy and potential for bitter political conflict. The costs of commitment alone set off warning bells throughout the budget spectrum. Discussion can rapidly descend into confrontation and accusation if we do not pledge to bring serious, sober consideration and resolution to the table. What is needed presently is the equivalent of a congressional deep breath.

We need to remember the various missile launch scenarios are abstract evaluations and the solutions promulgated in response are visions, for the most part, still on paper and in the mind's eye.

Missiles, offensive or defensive, are at best a technological answer to a military question, not a diplomatic answer to a question of negotiation. International diplomacy and national policy remain an art, not a science. Science is fixed and immutable in its consequence, while art, as Andy Warhol said, is what one can get away with.

Congress must guard against allowing missile defense systems becoming the policy, allowing the technology, in effect, to develop its own psychology. There is gradually being created in the United States a burgeoning military and corporate apparatus dependent in large measure on missile defense to rationalize its existence.

It is imperative, therefore, that the Congress assess the role of missile defense policy in the overall context of national security and economic stability. The issues are real. The responsibility is ours.

MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Missouri (Mr. SKELTON) is recognized during morning hour debates for 5 minutes.

Mr. SKELTON. Madam Speaker, it is no secret that missile defense is perhaps one of the most significant national security issues facing the House this year. How our country decides to pursue reducing that specific threat affects how much we will be able to spend on other aspects of defense, how we will deal with our friends and allies, and how America participates in shaping the world.

I do not oppose missile defense. Neither do many Democrats. But I believe, as with any aspect of national security, that our expenditure should be proportional to the threat posed.

My friend, the gentleman from Hawaii (Mr. ABERCROMBIE), has laid out some very sound principles by which I believe we should proceed in considering our system, and that is a significant one.

Reducing the missile threat should be a cooperative undertaking involving the United States, nations that wish us well, and nations that do not. Every missile not built is one we do not have to defend against.

Developing our policy should also be a cooperative process, Madam Speaker. I hope the President will work with Congress in that effort. This is an area where I can assure the President that a bipartisanship is possible.

I look forward to hearing from the expert, the gentleman from South Carolina (Mr. SPRATT), and I also compliment the gentleman from Hawaii (Mr. ABERCROMBIE) on his seminal work in this area. I thank him for that.

Let me speak first about the threat as it involves military intelligence. Missile defense, if nothing else, is at the terminal end of military operations. Its use represents a failure to deter, and perhaps, more to the point, a missed opportunity to have assessed accurately intentions and activity of a potential enemy.

There is no substitute, and I will repeat it, there is no substitute for comprehensive intelligence-gathering and analysis if the preventative value of missile defense is to be maximized.

Now, there are several points that should be brought out that can be termed as principles on missile defense. The deployment of missile defense systems to protect our country and its interests is a decision that should be considered in the following context.

First, missile defense investment must be measured in relation to other military requirements.

Missile defense must counter a credible threat.

Missile defense will require an integrated, fully-funded military and intelligence effort, and I will repeat, that reliability and timely intelligence is critical to the success of any missile defense system.

Missile defense must be proven to work through rigorous, realistic testing prior to any final deployment decisions. In other words, it has to work.

Missile defense must improve overall United States national security. This is fundamentally a question as to whether deploying defenses will encourage opponents to deploy counter-offenses, encouraging in the process a global missile proliferation race.

Missile defense must be deployed with an understanding that those benefiting from its protection will share in its costs. That is, if the benefits of a missile defense system are extended to share with American allies in Europe or elsewhere, equitable burden-sharing arrangements need to be made.

Finally, deployment of missile defense will be debated in relation to the provisions of the antiballistic missile defense system.

Madam Speaker, the whole issue of missile defense will be a serious issue this year. The President is making a statement regarding that later today. It is an area where bipartisanship is needed. It is an area that I feel very certain that bipartisanship will happen, but we need to be thorough and not rush to judgment and do something that is wrong or inaccurate, or something that does not work or meets the threats that are obviously apparent.

Again, let me commend our friend, the gentleman from Hawaii (Mr. ABERCROMBIE), on his efforts. I look forward to hearing our friend, the gentleman from South Carolina (Mr. SPRATT), who has done a great deal of work in this area.

SUPPORTING THE PRESIDENT'S MISSILE DEFENSE INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized during morning hour debates for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise in support of the President's announced speech to move forward with missile defense for this country.

It is outrageous to me, and it should be to our colleagues, Madam Speaker, that 10 years after 28 young Americans came home in body bags from Desert Storm, that we still do not have a highly effective theater missile defense system to protect our troops.

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We have made some progress. We have pushed the PAC3 system, to the extent now where it is about to be deployed. We have made progress on the THAAD program, having had successful intercepts three times. We have had success in our Navy areawide program.

The Israelis have had success with the Arrow program. We are now moving together with them on the theater high energy laser program, which offers promising potential for us. We are working with the Europeans, particularly the Germans and Italians on the Medium Extended Area Defense System, or MEADs.

We are making progress, but we still have not had the success that we need. I am convinced that part of that is because for the past 8 years we had no consensus and leadership from the White House pushing this country on military defense as John Kennedy challenged America to land on the moon in 1960, and 9 years later we did it.

Madam Speaker, all of that is changing today, as the highest elected official in our country comes out solidly in favor of missile defense as a resource for defending our people.

Now, some would say, well, why do we worry about missiles when a terrorist can take a truck bomb and do the same thing? Well, we are concerned about terrorists activities. In fact, that is why in our committee we have plussed up funding for work-related to chemical and biological terrorism significantly over the past several years; but the fact is the weapon of choice by Saddam Hussein to kill 28 young Americans was not a truck bomb. It was, in fact, a low-complexity SCUD missile that sent those young Americans, half of them from my State, back home in body bags to be buried by their families.

Some say we cannot rush to judgment on national missile defense, and I can tell my colleagues what the President is going to offer is a layers approach, much like we have advocated, where we deploy those quickest possible technologies that are proven and tested to give us some short-term capability.

I say it is about time that we begin deploying technologies that can assist us. Some of our colleagues will say, wait a minute, the Russians will be backed into a corner. I say that is hogwash. Yes, the Russians do not trust us today.

Madam Speaker, I would say if I were a Russian today, I would not trust America either on missile defense, because three times in the last 10 years, we have publicly rebuked Russia on cooperation of missile defense. The first was after Boris Yeltsin in 1992 accepted George Bush's challenge to work together, and we began the Ross-Mamedov between our State Department and the Russian Ministry of Foreign Affairs.

In 1993, when Bill Clinton came into office, he abruptly canceled those talks. That sent a signal to Russia, we do not want you involved. The second time was in 1996, when the only cooperative missile defense program between this country and Russia, the Ramos project, was canceled by the Clinton administration.

It was only because CARL LEVIN, people like the gentleman from Missouri (Mr. SKELTON), the gentleman from Hawaii (Mr. ABERCROMBIE), and the gentleman from South Carolina (Mr. SPRATT) went to war with the White House that we were able to reinvigorate the Ramos program and keep it alive, but the signal was sent to Russia we do not want to work with you.

The third example was in 1997, at a time where almost everyone says the ABM treaty needed to be flexible. The administration sent its negotiators to Geneva to negotiate two outrageous protocols that would actually tighten up the ABM treaty. One would create demarcation between theater and national missile defense artificial differentiation, the other would be multilateralization of the treaty.

The administration knew that neither the House or the Senate, especially the Senate would ratify those protocols, but they convinced the Russians that that was our position. Even though the Constitution requires the administration to submit those kinds of changes to the Senate for their advice and the consent for 3 years, the administration never did that, because they knew the Senate would not ratify them.

The Russians for the third time were tricked in their mind, tricked into believing that America really was serious about cooperating with them.

When the Duma included those two protocols, the part of START II ratification last spring, all of a sudden our Senate said no way are we now going to pass START II, because the Duma did what the administration did not do. They attached the protocols to the ABM treaty, as additions to the START II treaty, something that we would never accept in this country.

It is no wonder the Russians do not trust us. If I were in Russia today, I would not trust America's intentions in missile defense either. It is time to get beyond that. We can, in fact, rebuild a trust that we have lost and let the Russians know that missile defense is not about backing them into a corner.

Missile defense is for Americans, for Europeans, for Russians, and for all peaceloving people on the face of the Earth.

NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. SPRATT) is recognized during morning hour debates for 5 minutes.

Mr. SPRATT. Madam Speaker, President Bush will outline today his plan for national missile defense. I reserve judgment until I hear the speech, but I have been following SDI and NMD, National Missile Defense, for years; and I have a few thoughts of mine that I want to share with the House, for whatever they may be worth.

I think National Missile Defense, NMD, is worth pursuing, and if it works, I think it is worth deploying. But we have not proved that it works, not yet. In fact, after spending more than $60 billion on missile defense, we have learned as much about its limits as about its potential. Every form of defense we have explored at great expense has been found to be an Achilles heel of one sort or another. Boost-phase interceptors can be thwarted by fast-burn boosters or ablative covers. Space-based systems, whether they are lasers or kinetic interceptors move in fixed orbits and can easily be targeted and taken out. Sea-based systems are constrained by an obvious factor, the finite space availability on ships available.

We for now settle on ground-based, mid-course interceptors, which I consider to be our clear first choice, the right way to go, but I will be first to tell you that the problem of discriminating warheads from decoys and chaff is a daunting problem that is a long way from being resolved.

We have spent 18 years and $60 billion since Mr. Reagan made his speech; and if we have learned anything, it is that missile defense is not likely to render nuclear weapons impotent and obsolete. It may enhance deterrence, I believe it will; but it is not likely to replace deterrence.

There is, however, a threat, a threat of an unauthorized or accidental attack, a threat of a rogue attack, existing and emerging, and I think it would be wise to have a missile defense system to meet that threat. But we have to recognize, we have to be realistic and recognize that a rogue or unauthorized attack can well come in an unconventional manner and probably will, rather than by missile with the sender's signature written all over it, and that threat, the threat of nuclear weapons in the hands of parties undeterred by our ability to strike back, is a very real threat best opted at its source.

If we strike ahead to defiantly on our own abrogate the ABM treaty and deploy any defense systems that we want to deploy, we may very well jeopardize the arms control measures that make us secure and make ourself less secure rather than more.

Now, I think that ground-based interceptors are the first right step. We build the SBIRs-Low system anyway.

We are working on a technology here with ground-based interceptors that are complementary to the technology we use for theater missile defense systems. Everybody agrees that is a need we need to develop; and it will be proved to be useful, I think, to have a system on the ground which can be tested continually and improved incrementally.

But having said that, having said that, I want to say, I do not think we should be so zealous to deploy any system that we deploy a substandard system that has not been tested and tested rigorously or else we will find ourselves on a rush to failure.

Finally, I think we need to be realistic. We are soon going to get a defense budget from the Pentagon. We are told it could be to $200 billion to $300 billion to $400 billion more than the $2 trillion we have already provided in the FYDP for the next 6 years. We need to be realistic about not only the acquisition costs but the life cycle costs of a ballistic missile system.

I do not think NMD deserves a trump card in our budget. It is time, I think, that we in the Congress and elsewhere in the government stopped treating BMD, ballistic missile defense, as a political totem. That is what it has become, a political totem like no other weapon system we have ever seen.

It is time for us to start treating this just as any other weapon system. It does not need cheerleaders. It does not need pallbearers, what BMD, what NMD needs is candor. It needs to be held to the same standards of feasibility, cost effectiveness as every other weapon system we buy and deploy.

If we are going to sell this system to others, our allies, our adversaries, our former adversaries, to Russia, we need to have unity or some cohesion among ourselves, bipartisan unity.

I think if we stay within these bounds, we can build that kind of bipartisan consensus. We should never lose sight of this fundamental fact. We have got a rough, rocky relationship with the Russians right now, but we are making progress.

While we can work with Russia, we should work with Russia to secure their missile systems, to secure their nuclear and fissile materials. And bear this in mind, a critical point, through programs like Nunn-Lugar and the Cooperative Threat Reduction Program, we have helped to deactivate so far 5,288 Russian warheads, 419 long-range missiles, and 367 silos. These numbers, what we have accomplished under these cooperative programs, dwarf the number of warheads that even the most robust NMD system could have handled or could have stopped.

We have only begun in that effort. We do not want to diminish that effort and leave ourselves less secure rather than more secure, that is why I plead to the President not just for the statement of policy, but also for balance and also ask him to make a bipartisan effort founded on consensus and not just on the unilateral position that his administration is pursuing.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 2 p.m.

PRAYER

Dr. Laudis H. Lanford, The Methodist Home for Children and Youth in Macon, Georgia, offered the following prayer:

The Lord be with you, and for our Jewish friends, Sh'ma Yisrael Adonai Elohanu, Adonai Echad.

Oh Lord, my God, how majestic is Your Name in all the earth. Your handiwork is to be exalted and praised before the people. How awesome You are in everything and everywhere. Your love for us is greater than the east is from the west, yes greater than the number of stars in the sky and grains of sand along our shores.

Humble us this day, O God, that we might pause and recognize who You are within our lives and reflect upon the bountiful blessings that You bestow upon us.

Forgive us when we have failed to be obedient to You, both in word and deed. And forgive us when we have not heard the cry of the needy. Forgive us, O God, when we have not loved our neighbors as ourselves. And free us for joyful obedience to You and service to others.

And like Jabez, we call upon You, the God of Israel, saying, O that Thou wouldest bless us indeed, enlarge our coast, that Thine hand might be with us; that Thou wouldest keep us from evil, and that it may not grieve us. Grant, O God, that which we humbly request. Charge to keep I have, a God to glorify, a never dying soul to save, and fit it for the sky.

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. BARCIA) come forward and lead the House in the Pledge of Allegiance.

Mr. BARCIA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF GUEST CHAPLAIN, DR. LAUDIS H. LANFORD

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, it is indeed a privilege and a pleasure for me to have Dr. Laudis H. Lanford as the guest chaplain in the House today. My good friend, Rick Lanford, is vice president for development at the Methodist Home for Children and Youth in Macon, Georgia, where he is affectionately known as "Daddy Rick."

Dr. Lanford is a graduate of Emory University in Atlanta and Candler School of Theology, where he received a Master of Divinity, and the McCormick School of Theology, where he received a Doctor of Ministry.

Rick's love of the Lord is exhibited in his everyday life, but no place more than in his work with the 110 orphaned and abused children at the Methodist Home.

Rick has made a strong commitment to his community and his State. He is chaplain for the Macon City Police, the Bibb County, Monroe County, and Jones' County Sheriff's Department. He is also chaplain for the Georgia Sheriff's Association and serves on the Gang Awareness Task Force Committee.

Dr. Lanford changes lives of young people in our part of the State every day. I am proud to have him here today, but I am even more proud to call him my good friend.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 2, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, May 2, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PENSION REFORM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, retirement is something every American needs to prepare for, but with the prices of everything from college educations to gasoline as high as they are, putting away money is difficult for many Americans. It is not made any easier by a government that takes about 40 percent away in taxes.

This week, the House is going to vote on a bill to make retirement easier for working Americans. We are going to increase IRA contribution limits from $2,000 a year to $5,000. We are going to increase the limit on 401(k) contributions to $15,000. And we are going to allow people close to retirement an additional $5,000 in catch-up contributions to their 401(k)'s.

Helping people keep more of their own money so they can invest it and retire comfortably is a cause every Member of this body should support. We have not increased IRA limits in 20 years. This legislation is long overdue.

Yes, Republicans passed this legislation before; but this time we have a President who will sign the bill. This time it will become law. I thank the President for joining us in doing the right thing.

ABOLISH THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a government investigation said that the IRS gave, quote-unquote, wrong information 50 percent of the time. In addition, they say one-third of all calls to the IRS go unanswered.

Unbelievable. According to my math, the IRS is upside down about 80 percent of the time. If that is not enough to give your 1040 a hernia, the IRS says, give us more money and we will solve our problems. Beam me up. The IRS does not need more money. Congress has got to abolish the IRS.

A recent national poll says 70 percent of American taxpayers favor the Tauzin-Traficant 15 percent national sales tax. No more forms, no more tax on capital gains, savings, investment, education, inheritance. Think about it. And the IRS is abolished.

I yield back those stumbling, fumbling, bumbling, nincompoops at the IRS.

SCHOOL CHOICE WORKS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, children should not be trapped in a failing school where they cannot possibly reach their fullest educational potential. That is why H.R. 1 includes a school choice program that enables parents to send their children to another school, public or private, after 3 years of chronic failure.

Public support for school choice is strong, especially among African Americans. A survey conducted in 1999 by the Joint Center for Political and Economic Studies found that approximately 60 percent of African Americans favored school choice. According to a bipartisan poll for the National Education Association conducted in February, 63 percent of Americans say they support President Bush's approach to school choice.

Moreover, school choice programs in Milwaukee, Wisconsin, and Florida have met with significant success. Howard University's Jay P. Greene found that since Florida's A-Plus school choice program began, student test scores have improved across the board. There is evidence that the A-Plus program has compelled failing schools in Florida, now under the threat of losing their students, to improve performance.

It is our responsibility to empower parents to make the right decision for their children's future.

VIEQUES, PUERTO RICO

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Mr. Speaker, I am here to reaffirm the commitment of the Government of Puerto Rico to find a solution to the situation in Vieques. While we work toward that end, I must bring to your attention recent unfortunate events. The gentleman from Illinois (Mr. GUTIERREZ) was more than one of 150 protestors who committed the misdemeanor offense of trespassing on Federal lands. Some 72 hours after being arrested, our colleague was still detained. This after being denied a phone call for more than 24 hours and having spent a night on a rock strewn floor of an abandoned roofless dog kennel in the rain. I am outraged by the treatment of the detainees by Federal authorities and the use of excessive force against peaceful protestors.

I must address those who have used the issue of Vieques to call into question Puerto Rican commitment to the defense of this great Nation and the principles it represents. For over 100 years, Puerto Ricans have served with distinction and paid the ultimate sacrifice for the United States during war time. I quote Deputy Secretary of Defense Paul Wolfowitz, who said last week, "The patriotism of Puerto Ricans is absolutely certain. Their contribution to our military individually is extraordinary." With the same spirit that Puerto Rican soldiers have defended democracy and justice around the world, today we defend the rise of the more than 9,000 U.S. citizens that live in Vieques.

Vieques is not a partisan issue. It is no longer a Puerto Rican issue. Vieques is an issue of health, environment, and human rights. Paz para Vieques.

COMMUNICATION FROM THE HONORABLE PHIL ENGLISH, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable PHIL ENGLISH, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building.

DEAR MR. SPEAKER: Effective April 27, 2001, I hereby resign from the Committee on Small Business. If you have any questions regarding this matter, please ask your staff to call my Administrative Assistant, Bob Holste at 5-5406.

Sincerely,

PHIL ENGLISH,
Member of Congress.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 30, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1404 of Public Law 99-661 (20 U.S.C. 4703), I hereby appoint the following individual to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. Ralph M. Hall, Texas.

Yours Very Truly,

RICHARD A. GEPHARDT.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C 2761, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. PETRI of Wisconsin; and
Mr. GALLEGLY of California.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

RECOGNIZING IMPORTANCE OF INCREASING AUTISM AWARENESS

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 91) recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them.

The Clerk read as follows:

H. CON. RES. 91

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, and numerous other organizations commemorate April 27 as Autism Awareness Day and April as Autism Awareness Month;

Whereas autism is a developmental disorder that is typically diagnosed during the first three years of life;

Whereas autism has robbed at least 400,000 Americans of their ability to communicate and interact with others;

Whereas autism affects at least 1 in every 500 children in America;

Whereas autism is 4 times more likely in boys than in girls, and can affect anyone regardless of race, ethnicity, or other factors;

Whereas the cost of specialized treatment in a developmental center for autistic persons is approximately $80,000 per individual per year;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at more than $13 billion per year; and

Whereas, despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideas of Autism Awareness Day and Month;

(2) recognizes and commends the parents and relatives of autistic children for their sacrifice and dedication in providing for the special needs of their autistic children and absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, and promote understanding of the special needs of autistic persons;

(4) urges the Department of Health and Human Services to continue to press for the swift and full implementation of the Children's Health Act of 2000, particularly the establishment of not less than three "Centers of Excellence" at the Centers for Disease Control and Prevention and not less than five "Centers of Excellence" at the National Institutes of Health, in order to monitor the prevalence of autism at a national level, leading to a better understanding of autism and related disorders;

(5) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies, including Applied Behavioral Analysis, are the primary therapeutic options for young autistic persons;

(6) supports the goal of federally funding 40 percent of the costs of the Individuals with Disabilities Education Act to States and local school districts, recognizing that the inadequacy of this funding has adversely affected the ability of school districts to appropriately respond to the rising number of autism cases in our schools;

(7) urges Federal, State, and local governments to allocate sufficient resources to teacher training initiatives to alleviate the shortage of appropriately trained teachers that have the skills and support necessary to teach, assist, and respond to the special needs of autistic students in our school systems; and

(8) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that autistic persons can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

□ 1415

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 91, and include extraneous materials.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise today to support this legislation for two very important reasons: One is a grandchild of Lurla and Richard Mane of Augusta, Georgia, who is an autistic child. The Manes are dear friends, and I have watched as they and their family have struggled with autism over the years.

Mr. Speaker, it is my humble opinion that there are far too many American families suffering the effects of autism on a family member, with far too little being done to search out the cause of autism, or for effective treatments. It seems that no one really cares about autism until their child or a friend's child has autism.

This disease affects nearly half a million Americans, yet there are no FDA-approved treatments. There are no clear diagnostic tests to even accurately determine when the disease exists. Properly directed Federal research aid holds the promise of correcting these deficiencies. We have failed to provide that direction in the past. Let us not fail again in this regard.

Mr. Speaker, the second reason I support this bill is that it recognizes and calls for action on one of the most glaring injustices of this body; namely, our failure to live up to our word for disabled children.

When we passed the Individuals with Disabilities Education Act, known around here as IDEA, we ordered our local schools to provide disabled students, including those students suffering from autism, whatever they needed. In return, this body agreed to pay 40 percent of the cost of this Federal mandate, and it may come as little surprise to many of us, the Federal Government has not paid its share of the tab, but we have been sure to fully enforce our local school's obligation to pay theirs.

This bill recognizes that fact and moves this Congress closer to honoring its word. It is time we provided every dollar of support for our autistic students in public schools to which we are obligated.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the cochairman of the Congressional Coalition for Autism Research and Education, it is my honor to speak in support of House Concurrent Resolution 91 which recognizes and commends parents and families of autistic children for their sacrifices and loving dedication to the demanding needs of caring for an autistic loved one.

Mr. Speaker, I want to recognize and thank the gentleman from New York (Mr. ENGEL), my colleague on the Committee on Energy and Commerce, for allowing me to manage the time; and I want to thank the gentleman from New Jersey (Mr. SMITH), cochairman of the Coalition for Autism Research and Education, for introducing this resolution and for his support of autism awareness legislation such as last year's ASSURE Act, which had the support of nearly 200 Members of Congress and is now public law.

Autism is a family of closely related disorders commonly known as autism-spectrum disorders. No matter what particular disorder, autism is a devastating, lifelong impairment of childhood development that significantly impacts the lives of those affected, as well as the lives of parents and relatives. Autism deprives children of their ability to interact with others in ordinary ways. It robs them of the means to understand and communicate, and destroys normal reasoning skills. Autism forever changes the lives of individuals affected, and resonates deeply throughout the social, economic and spiritual lives of all family members.

Mr. Speaker, this disorder affects nearly 1.7 million Americans, with recent evidence pointing to a prevalence rate that one out of every 150 to 170 children born has an autism-spectrum disorder. Autism does not discriminate. It affects all races and economic status with equal veracity. The disorder is more common than Down's syndrome, muscular dystrophy, cystic fibrosis and many forms of childhood cancer.

The symptoms usually become apparent by the first 2 years of life, with nearly 75 percent of cases occurring in the second year as normal reasoning skills fail to develop. The other 25 percent of cases usually occur in the 12-to-24-month time period in which they regress and typical autism behavior emerges. It is the latter "regressive autism" cases that have been linked to the measles, mumps and rubella vaccination.

Most disturbing is the fact that we simply don't know what causes autism and autism-spectrum disorders, nor do we know any cure for the disorder. But the number of those afflicted continues to grow. For those of us who have not experienced autism directly in our families, it may be difficult to truly comprehend just how demanding and stressful raising a child with autism can be on a family.

Just last Friday, during the first coalition information briefing, I heard a description of autism that, as a father of four children, really hit home for me. Mr. Speaker, imagine that tonight while here in Washington, someone secretly entered my colleague's home and replaced my colleague's son or daughter with another child that looked exactly like their son or daughter, but did not speak or acknowledge when his or her name was called; who found parental affections painful and repulsive. Imagine, Mr. Speaker, if that child changed overnight and remained that way forever. This is autism, my friends.

I have had a long-standing working relationship with autism advocacy leaders both here in Washington and in Pittsburgh. The impact of autism on families and individuals was first brought to my attention by Mr. Dan Torisky. Dan and I met in my early days in politics when I worked for a State senator, and from the first day I met Dan, I was impressed with his tireless and tenacious attitude towards finding a cure for autism. Dan was a past two-term national president of the Autism Society of America, and remains one of the most amazing advocates for autism that I have ever met.

Dan knows autism on a very personal level. Dan's son, Eddie, is autistic; and like all families across America struggling with autism, from day one, Dan and his late wife, Connie, simply wanted their son to have as normal a life as possible. The Toriskys gave me my first comprehensive educational lesson on what it meant for a family to live with autism. I realized that the voices of local researchers, advocacy leaders, and parents needed to be heard by Congress so that they, too, could be educated about the needs for more advanced and dedicated research.

Most importantly, I understand how frustrated parents of autistic individuals are when it comes to their legacy. Who will care for their autistic child when they are no longer here?

Mr. Speaker, the cost associated with caring for and providing critical services to individuals with autism can be phenomenal. In my home State of Pennsylvania, the Autism Society of America estimates that we have 73,686 individuals with autism-spectrum disorders, which translates into about 0.6 percent of the total population. If you take into account early intervention, special education, transportation to special programs, respite care, housing and special programs for adults with autism, over the course of a year, it is estimated that autism costs Pennsylvania $50,000 per person.

In my view, Mr. Speaker, Congress must confront the rising problem of autism on three fronts: cause, cure, and quality of life.

We must continue Federal funding of advanced research into the suspected causes of the disorder, including efforts aimed at investigating the connection between late-onset autism and measles vaccinations, and identifying the genetic and biologic basis of susceptibility to autism.

We must continue to fund research into the cures for the disorder that for the time being have helped us better identify and treat autism. Ongoing research has shown that the effects of autism can be mitigated if proper steps are taken to identify the disorder at the earliest age possible, and corresponding intervention programs are applied.

We must also improve the quality of life for individuals with autism, while not turning our back on quality research into the causes and treatment. Autism lasts a lifetime, and often children with the disorder outlive parents. This creates a burden on the health care and social service systems nationwide, one that they are ill-prepared to carry. We need to care for and educate autistic children and adults, and provide properly trained staff and educators to meet the highly complex and specialized needs of these individuals. It is important that we take appropriate steps to reduce the disability associated with autism so that more individuals can work and live semi-independently.

Mr. Speaker, it makes good sense to invest in research now, and passage of House Concurrent Resolution 91 is an important step because it presses for full implementation of the Children's Health Act of 2000, now Public Law 106–310. Particularly important is the establishment of up to three additional Centers of Excellence in Autism at the Centers for Disease Control and Prevention, and up to five more Centers of Excellence to complement the ongoing biomedical research of the existing 10 NIH Collaborative Programs in Excellence in Autism.

It is vital that we in Congress fund research programs without taking away much-needed funding to pay for new programs. I believe that any expansion of research programs must come with a corresponding expansion of funding dollars.

Mr. Speaker, we have a responsibility to help families dealing with autism. We must do our share because autism is not terminal, and 1.7 million families are a growing and strong testament that life not only goes on, but it can flourish, given strong support and an advocacy network.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey (Mr. SMITH), the cofounder of the Autism Coalition and a leader in helping to solve the problems of children with this malady.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman for yielding me this time, and thank him on behalf of his good work for autistic children.

Mr. Speaker, I also thank the gentleman from Pennsylvania (Mr. DOYLE), the cochairman of the Coalition for Autism Research and Education (C.A.R.E.). It is a privilege to work with him, and I thank the gentleman for his work and the work his staff has been doing.

Mr. Speaker, we have 119 members on the Coalition for Autism Research and Education, CARE, and I hope my colleagues who might be watching in their offices and their staffs would look into joining this coalition. We are trying to mobilize Congress in a bipartisan way on behalf of autistic children and adults and their families, who are in great need of our support.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BOEHNER) and the majority leader for releasing this resolution to the floor. It was referred to their respective committees, the Committee on Energy and Commerce and the Committee on Education and the Workforce. The majority leader and the committee chairman worked together to get the resolution to the floor.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his work on behalf of this, and the gentleman from Indiana (Mr. BURTON), who held a very important hearing on the issue of autism, trying to get to the core reasons as to what is causing it.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), who was the prime sponsor of the Children's Health Act which contained title I which sets up the Centers of Excellence. Many of us worked on that language, and we were very pleased when the gentleman made that title I of his very important health care initiative.

□ 1430

Mr. Speaker, H. Con. Res. 91 calls attention to one of the major public health issues of our time, the developmental disorder called autism. Last Friday (April 27), as Members probably know, parents and families of autistic children from all over the country came down to Washington to mark the second annual Autism Awareness Day and to raise awareness of the challenges and sacrifices families make on behalf of their loved ones. H. Con. Res. 91 calls attention to autism and tries to dedicate this Congress, this body, this House, to supporting efforts to treat and to eventually cure autism. In the meantime, we need to at least mitigate its occurrence.

Mr. Speaker, it is not an exaggeration to say that autism spectrum disorders may be the silent epidemic of our time. It is silent because this developmental disorder has robbed at least 400,000 children of their ability to communicate and interact with their families and their loved ones. It is silent because there are currently no operational autism registries in the Nation to tell us how many people are actually afflicted with this disorder. Conventional wisdom and passive reporting suggests that autism affects at least one in every 500 children in America. Much of the recent anecdotal evidence, however, suggests that autism rates are significantly higher, some say closer to one in every 250 children. We have got to get to the bottom of the numbers but more importantly the why of it. Why is this exploding on our scene in America today? What is the cause? What is the pathway? Is it environmental? Is it an immunization shot? Nobody really knows. There are a lot of theories, but not much when it comes to getting to the bottom of the why of it.

Mr. Speaker, let me just say to my colleagues, I was brought into this 21 years ago by a Dr. Holmes who runs the Eaton Institute in Princeton, a very, very important, dedicated person who has done so much, has literally written books and books on the issue of autism. But more recently it was a family, Bobbi and Billy Gallagher in Brick Town, New Jersey who came to me and said, "We think we have an elevated number of autistic cases in Brick Township, New Jersey." They brought evidence. They had done their own survey, finding that there may be as many as 4 per 1,000 rather than the estimates of 2 per 1,000 in that municipality. We then invited the CDC and ATSDR in and they did an empirical, very scientific study.

The bottom line is that they brought forth information that suggested an elevated incidence of prevalence that exceeded what was supposedly the norm. CDC and ATSDR found, about 4 per 1,000 children had autism, and in the spectrum, 6.7 per 1,000 children this was much higher than what we anticipated. This study may indicate that there is a cluster of children with autism in Brick Township, but this study may portend a much higher incidence occurring throughout the country.

We need to spend more money on this. This resolution at least puts us on record as saying it is important to us, we want to get to the bottom of it, and we want to see implementation of title I of the Children's Health Act.

Mr. DOYLE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I am pleased to speak today as a member of the Congressional Autism Caucus and to voice my support of House Concurrent Resolution 91. The challenges of autism have been brought to my attention by parents and families whose lives have been affected by autism. Often these parents suffer as the young children do not speak, do not make eye contact and withdraw from them socially. This legislation provides a call for increased awareness of autism. It commends the courage of parents, recommends early intervention, and encourages training and support for parents, teachers, and professionals who work with autistic children. While once children with autism may have been institutionalized, now early interventions can unlock the worlds of these children.

In my home State of Utah, one of the greatest challenges in expanding services to children with autism is a lack of adequate resources. Many children are denied services due to a lack of space. These are the services which have helped other children learn to interact with family and to combat the debilitating effects of autism. Currently in Utah, there is a call to establish an Autism Center for Excellence, a new school with the space, the trained personnel, the teachers, the social workers, and the researchers all engaged in helping these children and families escape their isolation and integrate into society.

The Carmen B. Pingree School will be the first systemic program in the Nation to help children with autism develop from preschool through the elementary grades. It will provide these early services, and it will engage in progressive research. It is my hope that this legislation will provide some of the needed impetus for the recognition of autism. Hopefully it will be the beginning of many efforts across the Nation to create centers of excellence like the Carmen B. Pingree School to bring crucial services into the lives of children with autism.

Mr. GREENWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. DOYLE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 4 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time. I would like to congratulate the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. DOYLE) for cochairing the Autism Caucus.

I did not know much about autism, except it was a disease of some kind that afflicted a lot of kids and some adults until it happened to my grandson. One day he was normal, starting to talk, walking, great kid. He got nine shots in one day. Nine shots in one day. Many of the shots he received had mercury in them. Most people do not know that when their kids are vaccinated, many of the shots they get have thimerosal in them. It is mercury and mercury is a toxic substance that hurts people, especially children, and it builds up in your system as you get more and more of it.

Anyhow, within just a couple of days after getting nine shots in one day, the MMR shot which has been referred to by the gentleman from Pennsylvania (Mr. DOYLE) and many shots including mercury, he started flapping his arms, running around banging his head against the wall, he had obstructions in his bowel, he had chronic diarrhea, he walked around on his toes, and he has not been normal since.

The interesting thing about this is that I found out after seeing this in my grandson, that not too long ago one in 10,000 children in this country were autistic. One in 10,000. Now it is between 1 in 250 and 1 in 500. The gentleman from New Jersey (Mr. SMITH) just said we have an epidemic on our hands. We really do have an epidemic. In the life span of a child who is autistic, the cost is going to hit this economy to the tune of about $5 million each. Each. And if 1 in every 250 to 500 children are autistic, we better darn well pretty soon find out the cause. Our health agencies really are not doing much. They are appropriating very, very little money in research into autism.

We have a growing body of scientists and doctors who have testified before my committee and the Congress that are saying that mercury is a contributing factor to autism and Alzheimer's.

We have a growing number of people who have Alzheimer's in this country. They are getting shots with mercury in them. I got a vaccination here by the doctor at the Capitol and I found out, he did not know it, he is a great doctor, a fine fellow, but he did not know there was mercury in the vaccine. How many of my colleagues got vaccines this year to protect themselves against the flu, flu vaccine? If you got one, you got mercury in your vaccination. That is a contributing factor according to a lot of scientists and doctors to Alzheimer's and to autism in kids. We need to find out why they are putting mercury in vaccines. It does not have to be in there. We have a supply of vaccines that will take care of our children across this country that does not contain mercury. Yet if you have three shots in one vial, they put mercury in as a preservative. The mercury is very toxic and may be, and we believe it is, a contributing factor to autism.

All I can say is that the FDA and HHS and all of our health agencies need to get on the stick and get things like mercury and aluminum and formaldehyde out of the shots we are giving our children and out of the shots we are giving adults. I just want to tell Members that every parent, every grandparent in this country ought to be concerned about what is going into their children's bodies. Not too long ago the FDA took any topical dressing you put on your skin, they took mercury out of them because it would leach into the skin and could cause a problem. Yet they still give shots to our children that contain mercury today. As we speak, children are getting mercury injected into their bodies with vaccines.

That is wrong. It should not happen. It should not happen. That is why we in the Congress ought to know everything we can about what is going into our children. Our children get 26 shots by the time they go to school. Many contain these toxic substances. It should not happen. I personally believe that is what caused my grandson's autism, and I believe parents across the country feel the same way. I do not know how many hundreds of parents I have talked to, thousands of parents I have talked to who had the same experience that we had in our family; and it is something that should not happen.

I want to thank the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from New Jersey (Mr. SMITH) for what they are doing. I want to thank the 113 members that have joined the caucus, and I hope all 435 Members join the caucus and put every bit of pressure we can as well as resources into the health agencies to solve this problem.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from my home State of Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding time. I also rise in support of House Concurrent Resolution 91. I think there are some bright spots in dealing with the issue of autism. Some of them are due to the fact that this Autism Caucus was created 7 years ago.

There has been a great increase in public education and information on the disorder. Parents have become much more active and involved in helping us to get the word out. The caucus has been designed to show that autism is a major children's health issue. People are beginning to understand how important it is.

Based on the dedicated work of the caucus, there have been 10 research programs funded throughout the country in addition to five comprehensive autism centers providing clinical and educational outreach as well as extensive research. One of the best programs is the University of Pittsburgh-Carnegie Mellon Collaborative Program of Excellence in Autism, or CPEA. It works in conjunction with the University of Pittsburgh Center for Autism Research. These researchers are going to be part of the key to solving the problems of autism.

But aside from the research, it is awareness and community awareness. I want to give special recognition to Renee Georgi, a constituent in my old Senate district who has a son with autism. They discovered very early that her son had autism and because of some of the research and some of the developments in educating young people with autism, her son will be able to be mainstreamed into his elementary school next year. But that is not the complete solution. We do need to find out the causes of autism. We do need to find a cure. It is with dedicated Members of Congress like those here today that we will be able to work together with researchers and parents to make sure that we find that cure and eliminate autism.

Mr. GREENWOOD. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from New Jersey (Mr. SMITH) for introducing this resolution. I want to thank him and I want to thank the gentleman from Pennsylvania (Mr. DOYLE) for cochairing the Congressional Autism Caucus. I am proud to be a member, also.

Also, I want to point out that the gentleman from Indiana (Mr. BURTON) who chairs the Committee on Government Reform on which I serve has really been exploring through committee hearings the dramatic rise in autism rates and what we can do about it. What was once considered a rare disease affecting one in 10,000 children now, as we have heard now, is estimated to affect one in 500 children, some say one in 250, in the United States.

Over 500,000 people in the United States today have some form of autism. The estimated prevalence rate of autism now places it as the third most common developmental disability, more commonly occurring than Down's syndrome. Unfortunately we found through these hearings that there is almost no existing data on causes or links to causes of autism in children.

We found that there is a real need to fully understand the actual incidence of autism and autism spectrum disorders. For example, we need to better understand what if any is the link between vaccines and acquired or late onset autism. I have no doubt of the need for more autism research that will lead to better treatment options and cures and the need for more practice-based research to evaluate current treatment options.

Autism or autism spectrum disorder is not only simply a learning disability or developmental delay, it is a medical condition, a neurobiological disorder. The Autism Society of America defines autism as a complex developmental disability that typically appears during the first 3 years of life. Children and adults with autism typically have difficulties in verbal and nonverbal communication, social interactions and leisure or play activities. The disorder makes it hard for them to communicate with others and relate to the outside world.

Mr. Speaker, I want to know why autism is four times more prevalent in boys than girls, when in fact autism knows no racial, ethnic or social boundaries, and it appears that family income, life-style and educational levels do not affect the occurrence of autism.

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Mr. Speaker, in this county we look forward to the future. We plan for the future. We look at our children as the future. With the children's future in mind, I urge my colleagues to support this legislation and make sure that that ribbon which has the puzzle pieces in it has those puzzle pieces come together with research.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GREENWOOD asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. GREENWOOD. Mr. Speaker, the other speakers, my colleagues, the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from New Jersey (Mr. SMITH), the cofounders of the coalition, have outlined the agonies that parents go through when they find that their children suffer from autism.

It is just that those precious moments in the upbringing of a child, as the child begins to communicate, there is a glimmer of recognition of the child, of his siblings, of the world around him or her, and the joy of beginning to sing with their children and to teach them their ABCs and to read to them and to laugh with them. It is just at that time in the development of a child that this terrifying phenomenon occurs, and that is closing down where suddenly the child begins to just turn away and fall away from the grasps of the parents, not beyond their love but certainly beyond their ability to communicate. It is a heartbreaking event.

The parents in my district and in my colleagues' districts around the country, many of them decided to turn their anguish into action. They decided that the thing to do was to see if this process that we are engaged in here in Washington actually works. They came to Washington and they said, we need legislation to try to cure this disease, to find out what causes it, to find out how to treat it, to find out how to diagnosis it, to teach doctors how to recognize this disease. They came and we introduced legislation in the last session and the session before that. It took a lot of perseverance on the part of these parents and these families coming to Washington over and over again, through all of our press conferences, coming to their Members from around the country to persuade them to join forces with us; but they succeeded.

For a while it was a little bit frightening because the autism bill became a children's health act as one disease after another was added to the legislation. There was some fear that maybe this thing was growing so big that it would be too expensive and too hard to pass; but as it turned out, it created momentum to parents of children with all kinds of conditions who helped to pass this legislation; and we passed it and it was a wonderful, magnificent example of how our political process can actually work in this country.

The problem was, or the problem became, that now we had to go to the next stage, and that is the implementation. This bill calls for the creation of five Centers of Excellence geographically distributed throughout the country where parents can take their children, when they suspect there might be a problem of this kind, for diagnosis; where they can get them involved in the latest clinical trials; where there are the best researchers, the best doctors, the best experts in the country all located to get to the bottom of this disease, and to provide real hope for the parents that their children can progress and hopefully some day be cured of this.

It turned out it was going to take years, literally years, to get these Centers of Excellence up and running, and that is not what Congress intended, and that was unacceptable.

Just last week during the rally, some parents and I, upset about all of this, called into my office from the Department of Health and Human Services the National Institutes of Health Acting Director Ruth Kirschstein, and we said that it was unacceptable that these Centers of Excellence would be postponed a couple of years. I am pleased to report today that we made magnificent progress in that meeting, and I take my hat off to Dr. Kirschstein for the commitment that she made that day. The commitment that she made is that just 6 weeks from now, by mid-June, June 15 to be precise, the National Institutes of Health will put out the request for applications for the Centers of Excellence. By the end of the year, all of those applications will be in and by next year we will be prepared to the tune of $12 million, which is their commitment to fund these Centers of Excellence.

So finally this process that these parents have been so engaged in and so many of my colleagues have been so committed to will actually come to fruition, and around the country hopefully we will be able to stand with these parents and their children and cut the ribbons to these centers and have the children walk in and meet their new doctors and their new therapists so that in future years we will be able to report to our colleagues in the House and to the rest of the country that this has worked; that not only did we get a bill passed, but we got it implemented and we got the money spent and we got the experts working side by side with the parents on behalf of these children and, in fact, we can hopefully see the day where these children will begin to come out of these mental prisons in which they have been held captive so cruelly for so many years.

Will that day not be a day for great celebration?

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, May 1, 2001.

Hon. JAMES GREENWOOD,
House of Representatives,
Washington, DC.

DEAR MR. GREENWOOD: Thank you for the opportunity to discuss implementation of the autism title of the Children's Health Act of 2000 with you, members of your staff, and representatives of Cure Autism Now in your office last Friday. I commend you for your legislative leadership and your personal commitment to focusing federal resources on research that will lead to a better understanding of this terrible illness and eventually better treatment for those who bear its burden. I also want you to know that all of us at the National Institutes of Health (NIH) share your commitment.

I particularly appreciated your patience and objectivity in listening to NIH's plans for meeting the goals of the Act. As my colleagues and I explained, investigators performing autism research represent a relatively small field of science. We believe the field needs to be broadly developed and also invigorated by new researchers with expertise that may expedite and enhance scientific discoveries. At the same time, NIH wants to facilitate the work of outstanding researchers currently in the field by providing additional resources to them, including the establishment of the Centers of Excellence described in the Act.

Toward carrying out the Act's provisions, NIH is in the process of implementing a multi-stage approach to autism research. An important part of our approach is the solicitation, through a recent Request for Applications (RFA), for investigators interested in receiving NIH support to develop research excellence in autism. Separately, NIH will also accept applications from current investigators who believe they have sufficient expertise to coordinate and manage Centers of Excellence, as authorized by the Act. NIH will clarify in a public notice issued within the next ten days that applications will be accepted for this latter endeavor; we intend to issue a separate RFA for Centers of Excellence by June 15, 2001. Of course, applications for both development grants and Centers of Excellence grants must undergo and pass NIH's peer review process.

In addition, I assure you that NIH will strive to fully fund the Centers of Excellence within the parameters of the Act.

I will keep you informed as we proceed. My colleagues and I will answer any additional questions you might have in the future regarding implementation of the Act, as well as any other queries regarding the state of autism research in general. Again, thank you for inviting us to discuss this matter. Please let me know if I can be of additional assistance.

Sincerely,
RUTH L. KIRSCHSTEIN, M.D.,
Acting Director.

Mr. Speaker, I yield back the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I just want to thank my friend and colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), who has really been one of the leaders in this Congress for the cause of autism, and my good friend, the gentleman from New Jersey (Mr. SMITH). I think we all feel the same way. We do not want to take five steps forward and go 10 steps backward. We want to make sure that we fund and continue to fund the 10 existing centers as we put the five new ones online.

This comes down to a matter of funding. We are blessed this year to be looking at surpluses in this budget. Surely, we want to make sure we are not robbing from Peter to pay Paul and that as we put these new centers online that we find the funding to do that, without taking any funding away from the research that needs to take place at the existing centers.

Mr. Speaker, I hope we have a strong showing of votes in favor of this resolution for the 1.7 million individuals living with this disorder, of which 400,000 are children.

In closing, I urge passage of House Concurrent Resolution 91, encourage my colleagues who have not yet joined the Coalition for Autism Research and Education Caucus to please do so.

Mr. WAXMAN. Mr. Speaker, I rise in support of H. Con. Res. 91. Over the past few years there has been increasing interest in autism. How prevalent is it? What causes it? How do you treat it? Can we prevent it? During Congressional hearings, we have heard heart-wrenching stories from parents about the shock of hearing the diagnosis of autism, about the battles to find appropriate schooling, and about the desperate search for treatments and cures. One father told us that he has to drive 12 hours every month to take his son to treatment. The testimony of these parents have provided us with crucial information necessary for a better understanding of the impacts of this disease and what our research priorities should be.

We have also heard the testimony of some clinicians who are reporting increasing diagnoses of autistic children in their clinics. CDC researchers have told us that they do not have good data on the number of cases of autism, whether the number is going up and, if it is, by how much. It is important to determine how pervasive this disease is and whether the rates are, in fact, increasing. Many researchers have suggested that environmental factors may contribute to autism. Understanding if there is an increase in incidence and when that increase began may give us some clues to what environmental factors could be to blame.

Researchers have also testified at our hearings that much about the causes of autism remains unknown and that treatment options are limited. And we know that there is no known cure for this disease.

We have heard some positive things as well. Recently, several genes associated with autism have been identified. Last week, researchers from NIH, the March of Dimes, and the MIND Institute at the University of California, Davis, announced that they may have found a biological marker for autism that would allow for the identification of autism earlier in life, before the onset of symptoms. This could lead to better diagnoses of autism, earlier interventions, which are critical for a more successful outcome, and perhaps the discovery of therapies for the disorders.

Despite these recent advances, answers are not coming quickly enough for the parents of autistic children who live with these conditions every day, many of whom have tried every available treatment and intervention and who are running out of options. It is our obligation to these parents and to their children that we do everything we can to ensure that the best possible research is conducted quickly and thoroughly by appropriating the money authorized under the Children's Health Act and through other authorities of the NIH. In the meantime, while we wait for answers, we need to help parents of these children get the free and appropriate education to which their children are entitled by fully funding the Individuals with Disabilities Education Act.

Many questions about autism remain unanswered. What we do know, however, is that we are not yet doing enough to help these children. I hope that the current attention being given to this devastating disease reflects a renewed commitment on the part of Congress and can bring new hope to families living with autism.

Mr. REYES. Mr. Speaker, I rise today in strong support of H. Con. Res. 91, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them. I commend my colleague from New Jersey, Mr. SMITH, for introducing this resolution.

We owe a debt of gratitude to national organizations such as the Autism Society of America, Cure Autism Now, Unlocking Autism, and others that have done a tremendous job with limited resources in their efforts to help parents and relatives of individuals with autism disorders. These groups have long been involved in research as well as in the development of improved treatments for autism. Their local affiliates, like the Southwest Chapter of the Autism Society in El Paso, are a beacon of hope for many families that have few places to turn to for help. I personally want to thank the Southwest Chapter in my district for providing help and networking for local families that are often overwhelmed by dealing with autism disorders.

It is time for Congress to step up to the plate and provide more tools for these families, and to provide the necessary resources for education and increased research. H. Con. Res. 91 is about helping families. For those of you who have a member of the family with autism, and for those of you assisting these families, this resolution is a signal that we in Congress understand the need to tackle autism disorders head on and work together to find better ways to treat autism, to expand federal research, to improve access to a community-based education and support services, and ultimately, to find a cure.

Mr. Speaker, I once again want to thank Congressman SMITH for introducing this resolution, and I urge all of my colleagues to vote in support of this important effort.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 91, which recognizes the importance of increasing awareness of the autism spectrum disorder, and in support of programs for greater research and improved treatment and training.

Autism is a development disorder that is typically diagnosed within the first three years of life. It does not discriminate based on family income, lifestyle or educational level. Its cause is essentially unknown. Its prevalence rate makes autism one of the most common developmental disabilities.

As a result of autism, an estimated 400,000 Americans have lost the ability to communicate and interact with others, although many states do not track the numbers. The cost of caring for people afflicted with autism is estimated to be more than $13 billion per year.

I firmly support the goals and ideas of Autism Awareness Day and Month. A generation ago, most people with autism were housed in institutions. With the appropriate support most families are able to take care of their autistic child at home. Others move into group homes, assisted living or residential facilities.

I recognize and commend the parents of autistic children for the sacrifices and dedication they show in providing for the special needs of their autistic children and absorbing the significant financial costs for specialized education and support services. Special education costs for a child with ASD are over $8,000 per year, with some specially structured programs costing about $30,000 per year, and care in a residential school costs $80,000–$100,000 per year.

I support increased federal funding for research to learn the causes of autism, identify the best methods of early intervention and treatment, and promote understanding of the special needs of autistic persons. I also support the goal of federally funding 40 percent of the costs of the Individuals with Disabilities Education Act (IDEA) to states and local school districts, because the funding inadequacy has adversely affected the ability of school districts to serve the rising number of autism cases. Nationally, in 1989–99, the last year for which data is available, IDEA served only about 35,000 students, 4300 in Texas. This is only a portion of those who need such services.

I urge swift implementation of the Children's Health Act of 2000, particularly the establishment of at least three "centers of excellence" at the Centers for Disease Control and Prevention and at least five centers at the National Institutes of Health, in order to monitor the prevalence of autism at the national level. Furthermore, although there is no medical cure for autism, it is crucial that we provide early intervention services soon after a child has been diagnosed with autism. Such services result in dramatically positive outcomes for young children with autism, helping many to eventually live and work independently in the community and become productive citizens.

Mr. Speaker, together we can make a difference.

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Con. Res. 91, which recognizes the importance of increasing our nation's awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them.

Autism impacts our society in a myriad of ways. By supporting funding for research and increasing education and awareness, we can begin to effectively fight this devastating disease. It is important to understand how autism is defined, why the autism rate is increasing at an alarming rate, and how we can support effective research that will benefit those who are affected by autism.

Autism is a disease that affects an individual's ability to communicate and interact with people and their environment. While autism may not have been a common disease during my childhood, the Center for Disease Control and Prevention estimated that autism rates have increased from affecting 1 in 10,000 children to its current rate of 1 in 500 children. If autism is not affected by race, ethnicity, socio-economic, and educational factors, then what does affect the increasing rate of autism? Only continued research can begin to fully answer this question.

Autism is a disease that paralyzes communication, and we cannot afford to paralyze our own communication between the medical community, the government sector, and those affected by autism. Accordingly, the Committee on Government Reform has recently held a number of hearings that have determined that there is a lack of support for biomedical research into the causes, prevention, and effective treatments of autism. This research is essential to our ability to help those who are affected by this disease. These hearings have also discovered that there may be a significant link between certain childhood vaccines and autism. It is still much too early to draw any concrete conclusions about this relationship, but I am confident that by working with the FDA, NIH and the CDC, we can begin to learn more about autism.

It is gratifying that our colleagues, the gentleman from New Jersey, Mr. SMITH and the gentleman from Pennsylvania, Mr. DOYLE are co-chairing the Congressional Caucus on Autism. This caucus will have to build support for essential autism research. Accordingly, I urge my colleagues to support this important resolution.

Mr. FERGUSON. Mr. Speaker, I am honored to be here in support of H. Con. Res. 91, following the 2nd Annual Autism Awareness Day. This resolution calls attention to one of the major public health issues of our time—the developmental disorder called autism.

Autism has affected the lives of an estimated 400,000 children—one in five hundred—and altered their ability to interact and communicate with family and loved ones. Despite the tremendous impact on families, we still lack adequate information on this condition. In fact, we have no scientific records to indicate exactly how many children have autism, or the degree to which they are affected. Information on the cause and treatment of autism is also severely limited. Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and education fields are still unaware of the disorder.

Awareness is the key to this important issue. Specialists do know that early intervention services can dramatically improve a child's long-term prospects, if autism is detected at an early age. In many cases, early intervention can determine if a child is able to speak. While the cost of educating a child with autism is expensive, no price tag can be placed on a child's future.

H. Con. Res. 91 is a step in the right direction because it supports greater research and improved treatment of autism. In addition, this legislation appropriately asks for improved training and support for individuals with autism and those who care for them.

As a member of the Autism Caucus, I applaud Chairman CHRIS SMITH'S leadership on this important issue. My fellow New Jersey colleague has displayed hard work and dedication as the Chair of the Autism Caucus and he is the reason that this legislation is before us today. I urge you to join our efforts in support of legislation that will significantly improve the lives of thousands of children.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 91. Autism, a brain disorder that affects 1 to 2 in every 1,000 Americans, too often results in a lifetime of impaired thinking, feeling, and social functioning. This disability has no racial, ethnic, or social boundary and usually appears in the first three years of a child's life.

In Fairview Heights, Illinois, the Illinois Center for Autism was established in 1977 to provide a Special Day School program. At the time, it was serving eight children with autism. Today, the Illinois Center for Autism has helped prevent the institutionalization of hundreds of people with autism and has assisted them to become productive members of society. I commend the center for its continuing commitment to autism and dedication to service.

Mr. Speaker, it is important to support the goals and ideas of Autism Awareness Day and Month and support the goal of increasing federal funding for aggressive research on autism. I recognize the parents and relatives of autistic children and hope this legislation gives them optimism for their children. The Illinois Center for Autism in my district is one example of true achievement, and I commend the center for its continuing commitment to autism and dedication to service. For these reasons, I support this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, as an original cosponsor, I would like to express my strong support for H. Con. Res. 91, and I commend my colleague and author of this legislation, CHRISTOPHER SMITH, for addressing the importance in promoting an increased awareness of autism spectrum disease disorders.

Autism is a brain disorder that impacts an individual's ability to respond appropriately to an environment and to form relationships. It affects at least 1 in every 500 children in America, and some studies suggest even 1 in 200. The number of children who are diagnosed with autism has escalated dramatically and, in Florida, approximately 50 percent of children suffering from autism reside in my community of South Florida.

My good friends, Charles and Patience Flick, have two children, Bonnie and Willis, who have autism. This development disorder has robbed Bonnie and Willis of their ability to communicate and interact with their family members and playmates. Fortunately, Bonnie and Willis are able to afford the little treatment and intervention that exists, but many families living with this disorder are not as fortunate.

As a Member of the House Autism Caucus, and as a strong supporter of H. Con. Res. 91, I am committed to raise awareness on autism, to work toward an increase of $6 million for the National Institutes of Health, and an additional increase of $5 million for the Centers for Disease Control and Prevention.

I support the goals and ideas of Autism Awareness Day and Month, which are: to begin early intervention services for children with autism, federally fund 40 percent of the costs of the Individuals with Disabilities Education Act to States and local school districts, and recognize the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism.

Mr. Speaker, I commend the House leadership for helping to raise awareness on autism by bringing H. Con. Res. 91 to the floor, and I strongly encourage my colleagues to pass this resolution and join the efforts in finding a cure.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 91, which recognizes the importance of increasing awareness, support, and research for the autism spectrum disorder. I would like to thank my colleagues, Congressman SMITH of New Jersey and Congressman DOYLE of Pennsylvania for their leadership in introducing this important legislation.

In my district of Guam, 28 children with autism are enrolled in Guam's public school system and 20 families are members of the Autism Society of Guam. Today I would like to take this opportunity to share one mother's challenge of raising a child with autism.

At two years of age, Jay, who is the fourth child of the Flores family in Guam, was able to speak in full sentences with clear articulation. One day he stopped talking. He began to have severe regression, which was noticed at age three. He was not able to make any bowel movements without suppositories. He messed up his bed and played with his feces. He gradually lost the many skills he learned in school. He displayed many difficult behaviors, and was unmanageable in school and at home, alternating between violent and withdrawn behavior. His sleep pattern was erratic and he averaged only about three to four hours of sleep each night. He also required a lot of prompting to do self-help skills.

As Jay became older, he also became worse. He began running into the street and getting inside neighbors' homes. He also was very self-abusive, banging his head and hitting himself so his arms and legs were bleeding. He cried constantly. Around the clock, family life revolved around Jay. His mother sought solutions to his problems. Unfortunately, our system in Guam did not understand Jay's situation. As his mother worked with Jay's teachers to provide the most appropriate program for him, his education seemed to become just a series of fragmented services. At that time, Guam's teachers did not have the training nor were they knowledgeable about autism. Jay's mother was able to locate a school that specialized in teaching children with autism. She was able to work assertively with Guam's special education school officials to send Jay to school in Boston as no schools in Guam were able to provide specialized education for children with autism.

At the Boston school, Jay was able to receive the appropriate service needed to teach children with autism. His overall behavior is now in sharp contrast to the behavior shown before he was given a chance to receive this education. His aggressive behavior has reduced. His artistic talent was nurtured and he is able to play some musical instruments and has mastered some academic skills.

Jay's mother, a teacher by profession, became a strong advocate of the effectiveness of this Higashi program, which was developed by Dr. Kiyo Kitahara of Japan. She learned as much as she could from methods from his teachers and wrote a proposal to Guam's Department of Education about developing a program for autistic students. Guam's education officials realized what a contribution her proposal would bring to improve the special education services and gave her approval to move forward her proposal.

She was granted a sabbatical from her teaching position, which she spent studying at Lesley University in Cambridge, Massachusetts. She received her masters in special education focusing on autism in just over a year's time and returned to Guam in 1991, to work with the superintendent of special education establishing a program for school children with autism. In 1995, she was recognized as Guam's Teacher of the Year for her efforts. But, shortly thereafter, the Guam superintendent special education retired and so did the program.

Since then, she has worked with other parents of children with autism to fight for the program she initiated in 1991. Guam's parents and education professionals continue to advocate for appropriate programs for adults and children with autism. Their efforts have resulted in the introduction of Bill 60 in the Guam Legislature to appropriate funding for autistic adults. In addition, one school in Guam recently began offering a preschool program for children with autism. However, the original autism program has not been fully integrated in the school system and many are still not receiving appropriate services.

Jay's mother and other mothers and fathers of children with autism, established the Autism Society of Guam, which was chartered in 1989. The Society's mission is to promote lifelong access and opportunity for all individuals with autism spectrum disorders and their families through education, advocacy, the promotion of research and increased awareness, the establishment of residential facility, supported employment, and early intervention programs, so that individuals with autism may become fully participating members of their communities.

Due to the efforts of parents and professionals over the years, autism is locally recognized as one of the most challenging disabilities encountered by educators. As you may know, Guam's school system is struggling to meet the basic needs of all students with limited resources. But awareness of autism is growing and Guam's schools are realizing the need for support services for children with autism, including: one-to-one aide assistance, speech and language therapy, occupational therapy, counseling, transportation, home component services and leisure education. And though many educators on Guam are increasing in the experience of educating children with autism, few receive proper training to gain a comprehensive understand of the problems associated with autism or are properly trained to provide effective therapy to children with autism.

Autism is a developmental disorder that is not fully understood. Although the cost of treatment and special education of individuals with autism is high, the results of individuals living without appropriate treatment and education are even higher. Approximately, 400,000 Americans have been robbed of their ability to communicate and interact with others. As autism continues to affect at least 1 in 500 children in our country, it continues to deserve our greatest support.

Mr. Speaker, it is for this reason I stand in strong support today and urge my fellow colleagues to join in the efforts to increase awareness, support and research of the autism spectrum disorder. I would also like to take this opportunity to recognize the efforts of Jay's mother, Jelly Flores, President of the Autism Society of Guam and the officers and Board of Directors of the Society: Rosalina Wirkunnen, First Vice President; Lou Bascon, Second Vice President; Flor Paule, Secretary; Maritess Maulit, Treasurer; assistants Remedios Camilsola and Lirio Mondina; and board members, Beverly Bacera, Dolly Montano, Panchito Maulit, Carol Somerflec, Rupert White, Leonardo Paule, Dr. Nerissa Bretania-Shafer, Gericka Tate and Jesus Bacera, for their heroism and heartfelt commitment to fighting for the rights of individuals with autism. I also would like to acknowledge the efforts of Julian and Beka Martinez in their unceasing work to bring attention to this condition here in Washington, D.C.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of H. Con. Res. 91, Recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism.

Autism is a developmental disability that generally appears between 15 and 20 months. Autism affects boys five times more than it affects girls, although girls are generally more severely affected. In the United States, over one half million individuals live with autism, making it more prevalent than Down Syndrome, childhood diabetes, and childhood cancer combined.

Last year the Children's Health Act was signed into law. This important bill authorized among other worthy goals:

Additional NIH "Centers of Excellence" to study autism and the "Centers of Excellence in Autism Epidemiology."

Provides for training and education grants to professionals who provide care for patients with autism.

Provides grants to states that want to establish their own autism programs.

This year we must fund the programs to their full amount.

Another area that is greatly impacted by autism is special education. For many years Congress has been struggling to increase funding for IDEA. I am happy to say that in the last six years we have done better but there is much more to do. We are still well short of the federal funding of level of 40 percent. The federal government must fulfill its commitment so every special child has access to a quality education.

April was Autism month. Families with autistic children visited many congressional offices last week. Anyone who met with these loving families know the courageous struggles that they endure everyday. We must do everything we can to help these brave children and their families. H. Con. Res. 91 reaffirms Congress' commitment to finding a cure for autism and I urge its passage.

Mr. BILIRAKIS. Mr. Speaker, I am delighted that the House is considering H. Con. Res. 91 today. Among its provisions, this resolution expresses our strong support for the goal of increasing federal funding for autism research and treatment programs. It also emphasizes the need to begin early intervention services for children with autism.

I want to commend my colleagues, Congressmen CHRIS SMITH and JIM GREENWOOD, for their dedicated efforts to improve awareness and understanding of autism while working to expand research and treatment initiatives. I was pleased to work with both of them to enact children's health legislation I sponsored in the last Congress, which included provisions they authored to significantly increase federal resources in the fight against autism.

Autism is a brain disorder that most commonly begins in early childhood and persists throughout adulthood. Autism impacts the normal development of the brain in the areas of social interaction and communication skills. Children and adults with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. The disorder makes it hard for them to communicate with others and to relate to the outside world.

Mr. Speaker, autism is a national crisis affecting over 400,000 families and costing the nation over 13 billion dollars each year. According to recent studies, as many as 1 in every 500 children affected by this disorder.

Any parent can tell you that nothing is more heart-wrenching than watching your own child suffer with an illness. As a father and grandfather myself, I know how terrible that can be. Today, however, we have a rare opportunity to do something that will give hope to families affected by autism.

I urge all of my colleagues to join me in supporting passage of H. Con. Res. 91.

Mr. DOYLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRATERS OF THE MOON NATIONAL MONUMENT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 601) to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL MANAGEMENT REQUIREMENTS FOR FEDERAL LANDS RECENTLY ADDED TO CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO.

(a) REDESIGNATION.—The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after the date of enactment of this Act, be known as the "Craters of the Moon National Preserve".

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906, (commonly referred to as the "Antiquities Act"; 34 Stat. 225; 16 U.S.C. 431); and

(C) the laws generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.).

(2) HUNTING.—The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area's resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and included extraneous material, on H.R. 601, the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON), to explain H.R. 601, which he introduced.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for yielding me the time.

Mr. Speaker, on November 9, 2000, former President Bill Clinton issued Presidential Proclamation 7373 to expand the boundaries of the Craters of the Moon National Monument. Prior to Clinton's proclamation, the monument, which was established by President Coolidge in 1924, comprised 54,440 acres.

Former President Clinton's proclamation expanded the boundaries to include approximately 661,287 acres of additional Federal land. The area is managed by the Secretary of Interior through the National Park Service and the Bureau of Land Management. The National Park Service manages approximately 410,000 acres of the expansion, while the Bureau of Land Management manages the remaining 251,000 acres. When the monument was expanded, it was understood both by the congressional delegation and by the Governor of the State of Idaho that continued access to hunting would be maintained in the expanded area. However, when the proclamation was issued, hunting was restricted in the area of the expansion which was managed by the National Park Service.

Under this legislation, areas that were open to hunting before the expansion will remain open to hunting. In addition, the amended bill includes language requested by the administration to ensure that the Secretary has appropriate oversight, in cooperation and consultation with the State of Idaho, over hunting activities within the expanded area managed by the National Park Service.

Finally, the bill, as amended, designates the expanded area under the jurisdiction of the National Park Service as a national preserve rather than a national monument.

Unfortunately, due to the outmoded and antiquated national monument process, there was not a formal means by which the State of Idaho, the congressional delegation, and the general public could comment on the proposed monument expansion.

While the Idaho Fish and Game Department expressed their interest in working with the Secretary of Interior to allow for appropriate wildlife management in the expanded area, their concerns largely went unheard.

When the Idaho congressional delegation and the Governor spoke with the Secretary of the Interior regarding the Craters of the Moon expansion, we were led to believe, as I mentioned earlier, that hunting would not be affected. However, when that proclamation was issued, it was realized that current Park Service regulations preclude hunting in the area of the expansion managed by the National Park Service, therefore denying access to traditional hunting grounds.

H.R. 601 is about fairness and ensuring that Idahoans are not locked out of traditional hunting areas. H.R. 601 has the support of the Idaho Fish and Game Commission, the Idaho Fish and Game Advisory Committee, Idaho Wildlife Council, Idaho Wildlife Federation, and local county commissioners. It is a bipartisan bill. It has broad bipartisan support and is also supported by the administration.

Mr. Speaker, I want to thank the subcommittee chairman, the gentleman from Colorado (Mr. HEFLEY), for his work on this and the staff, the majority staff's work on this, and also the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her work, and the minority staff's work on this piece of legislation. I urge my colleagues to support H.R. 601.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 601 would provide for hunting on the Federal lands that were included within the Craters of the Moon National Monument when the monument was enlarged on November 9, 2000. The bill as introduced also provided for the disposition of grazing fees arising from the use of the expansion area. In hearings on this legislation before the Committee on Resources, the administration testified in support of allowing hunting in the 410,000-acre expansion area administered by the National Park Service, citing unique circumstances regarding shared management and problems with enforcement.

The administration also recommended an amendment to provide authority for the Secretary to exercise jurisdiction over hunting consistent with what has been done in other areas. The administration further recommended deleting the grazing language, as it is unnecessary.

On a bipartisan basis, the Committee on Resources developed and approved an amendment in the nature of a substitute. The changes made by the amendment address not only matters raised by the administration but also allow us to handle this issue in a manner consistent with long-standing park policies and procedures.

Except for the minor change made by the amendment, no other change is being made to the monument designation or to the management of the significant natural resources of the Craters of the Moon area.

Since it is long-standing policy not to permit hunting in national monuments administered by the National Park Service, the committee amendment redesignates the approximately 410,000-acre expansion area that the National Park Service manages as the Craters of the Moon National Preserve. This change is consistent with previous acts that authorize hunting in national park system units.

Other than hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument that the National Park Service also administers.

The committee amendment also includes the administration-requested language on hunting jurisdiction and deletes the unnecessary reference to grazing.

Mr. Speaker, I appreciate the cooperation of the majority members of the Committee on Resources in amending this legislation. While H.R. 601 is a relatively minor clarification of a small management issue, I am encouraged by collaboration exhibited in addressing this matter. I believe we have an improved legislative product with the amendment adopted by the Committee on Resources, and I am pleased to support the bill as amended; and I congratulate the gentleman from Idaho (Mr. SIMPSON) for his work.

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Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to emphasize one point that the gentleman from Idaho (Mr. SIMPSON) made: H.R. 601 is supported by the administration, and it does have strong bipartisan support. I would urge my colleagues to support H.R. 601, as amended.

Mr. RAHALL. Mr. Speaker, Resource Committee Democrats did not object to, and in fact, support consideration of H.R. 601 because it represents a technical amendment to the recently expanded Craters of the Moon National Monument.

The legislation in no way seeks to repudiate the November 2000 action taken by the Clinton Administration to expand the monument.

In this regard, H.R. 601 simply allows hunting, a traditional use of the expanded area, to continue. Except for hunting, no other change is made or contemplated to the management of the significant natural resources of the Craters of the Moon area.

By way of background, Craters of the Moon National Monument was initially established by Proclamation of President Coolidge in 1924 and is administered by the National Park Service.

Meanwhile, the 661,287 acres of additional Federal lands added to the monument by President Clinton had been managed by the Bureau of Land Management and hunting was permitted on these lands.

Under the Clinton Proclamation, the NPS now manages approximately 410,000 acres of the expansion area which contain nationally significant exposed lava flows, while the BLM continues to administer the remaining 251,287 acre portion of the expanded monument.

As such, while hunting can continue on a portion of the expanded area, since this activity is normally not allowed in monuments administered by the NPS it is not allowed on the other portion of the expanded area.

H.R. 601 addresses this minor discrepancy by redesignating the approximately 410,000 acre expansion area that the NPS manages as the "Craters of the Moon National Preserve." Except for hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument.

Again, except for hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument.

This bill then in no way reflects a rollback of the Clinton Administration monument designations nor does it signal the willingness of Resources Committee Democrats to support any such move.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 601, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.".

A motion to reconsider was laid on the table.

EIGHTMILE RIVER WILD AND SCENIC RIVER STUDY ACT OF 2001

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 182) to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile River Wild and Scenic River Study Act of 2001".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Eightmile River in the State of Connecticut possesses important resource values, including wildlife, ecological, and scenic values, and historic sites and a cultural past important to America's heritage;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(138) EIGHTMILE RIVER, CONNECTICUT.—The segment from its headwaters downstream to its confluence with the Connecticut River.".

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(18) The study of the Eightmile River, Connecticut, named in paragraph (138) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date of the enactment of this paragraph.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 182, introduced by the gentleman from Connecticut (Mr. SIMMONS) would authorize the Secretary of the Interior to conduct a study of the Eightmile River in Connecticut for the purpose of evaluating its eligibility for designation as a Wild and Scenic River. This study could ultimately result in adding a segment of the Eightmile River to the National Wild and Scenic Rivers System.

The Eightmile River in Connecticut is host to a variety of natural, cultural and recreational resources and is currently listed on the National Park Service Nationwide Rivers Inventory, which lists river areas believed to be good candidates for Wild and Scenic River designation.

Mr. Speaker, H.R. 182 is a noncontroversial bill that has strong support from State and local officials and the residents of surrounding communities in Connecticut.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 182 would authorize a study to determine whether it would be appropriate to designate the Eightmile River in Connecticut as part of the Wild and Scenic Rivers program. The Eightmile has already been identified by the National Park Service as a potential Wild and Scenic River based on its outstanding scenic, geologic and wildlife values, and an official study is the next step in the process. It is our hope that once the study has been completed, the Eightmile can be added to the impressive list of waterways included in this important program.

We support H.R. 182 and urge our colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the sponsor of this bill.

Mr. SIMMONS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 182, which is a bill to study the inclusion of Connecticut's Eightmile River into the National Wild and Scenic River System.

Eastern Connecticut has a wealth of natural beauty, such as the Eightmile River. The river and the watershed it supports are an outstanding ecological system. The streams are free-flowing, they display excellent water quality, and they contain a diversity of fish species, including native trout. The Eightmile River is also an important recreational asset and contributes to the character of the communities that surround it.

That is why on January 3 of this year, on my very first day as a Member of this body, I introduced H.R. 182, to study the Eightmile River for wild and scenic status. I was particularly pleased to be joined in this initiative by all of my House colleagues from Connecticut across party lines. I was also pleased to be joined by Senators DODD and LIEBERMAN, who have introduced companion legislation in the Senate.

For more than 30 years, the National Wild and Scenic Rivers Act has safeguarded some of our Nation's most precious rivers. The act intends to select rivers of the Nation which possess exceptional scenic, recreational, geologic, fish, wildlife, historic, cultural and other values, that they be preserved in free-flowing condition, and that they be protected for the benefit of present and future generations.

Designated rivers receive Federal protection to preserve their free-flowing condition, the water quality and other conservation values. Currently, only one river in Connecticut has this status, the Farmington River.

I believe that the Eightmile River also possesses all of these qualities, and I believe these protections should be considered and extended to this river by the National Park Service.

I am very proud to submit this legislation on behalf of my constituents in East Haddam, Lyme and Salem. I particularly thank East Haddam First Selectman Sue Merrow and Nathan Frohling of the Connecticut Nature Conservancy for their hard work, and I especially express my deep thanks and gratitude to the gentleman from Colorado (Chairman HEFLEY) and to the gentleman from Utah (Chairman Hansen) for moving this legislation forward so quickly.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. UNDERWOOD. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to just add a voice to the prior issue that was discussed on the floor, H.R. 182, the Eightmile River Wild and Scenic River Study Act of 2001. I want to compliment my colleague, the gentleman from Connecticut (Mr. SIMMONS) for sponsoring the bill and spearheading the protection effort.

The Eightmile River is a vast watershed with farms and villages. It is an incredible resource and a treasure that the State of Connecticut has. It was once described as the Nation's best-landscaped sewer, and thanks to hard-fought clean-up and protection efforts over the last 30 years, it has been designated a Last Great Place by the Nature Conservancy.

We have made great strides in reversing years of neglect. Much remains to be accomplished. It is seriously endangered by incremental unplanned growth and pollution. What we want to do is to provide the localities there and the communities with the tools they need to balance the needs of conservation and growth to protect this national treasure.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Connecticut (Mr. SIMMONS) for his tenacious approach to this piece of legislation. The gentleman has given me no peace until it gets to the floor and gets passage. I think that is an example where a freshman can come to this body and have an impact early on. We appreciate the gentleman's diligence and his effort in this.

Mr. Speaker, this is a very worthwhile project. It has bipartisan support. I do not think there is any reason why we should not all support this piece of legislation and move it on down the road.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 182, Eightmile River Wild and Scenic River Study Act of 2001, sponsored by my colleague ROB SIMMONS from Connecticut.

At the outset, Mr. Speaker, I wish to thank and commend Mr. SIMMONS and my other colleagues from Connecticut who have co-sponsored this bill.

This bill would authorize the National Park Service to conduct a study of Connecticut's Eightmile River for possible inclusion as part of the National Wild and Scenic Rivers System. The National Wild and Scenic Rivers System was established by Congress in 1968 to recognize and support exceptional rivers.

Connecticut is a State proud of its heritage and natural beauty, ranging from the Connecticut River, to the Litchfield Hills, to the Long Island Sound and the EightMile River in Eastern Connecticut. The Eightmile River and the watershed that supports it is an outstanding ecological system. The designation of the Eightmile River as part of the National Wild and Scenic Rivers System will offer federal protection and mutually agreed conservation policies that are all desperately needed in a time when the condition of this river is in danger.

This free-flowing river is home to a variety of fish and wildlife and provides cultural, recreational, and scenic benefits that State, local officials, and area residents support. It is a pleasure to see how a project can work in bringing a community together for the greater good of protecting our natural environment.

As a supporter of the Eightmile River, its recognition and conservation, I am proud to stand here today as an original co-sponsor of H.R. 182 that highlights one of Connecticut's treasures and I urge my colleagues to vote in favor of this measure.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 182, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.".

A motion to reconsider was laid on the table.

GUAM FOREIGN INVESTMENT EQUITY ACT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 309) to provide for the determination of withholding tax rates under the Guam income tax.

The Clerk read as follows:

H.R. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GUAM FOREIGN INVESTMENT EQUITY ACT.

(a) SHORT TITLE.—This section may be cited as the "Guam Foreign Investment Equity Act".

(b) IN GENERAL.—Subsection (d) of section 31 of the Organic Act of Guam (48 U.S.C. 1421i) is amended by adding at the end the following new paragraph:

"(3) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, the rate of tax under sections 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the Internal Revenue Code of 1986 on any item of income from sources within Guam shall be the same as the rate which would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States. The preceding sentence shall not apply to determine the rate of tax on any item of income received from a Guam payor if, for any taxable year, the taxes of the Guam payor were rebated under Guam law. For purposes of this subsection, the term 'Guam payor' means the person from whom the item of income would be deemed to be received for purposes of claiming treaty benefits were Guam treated as part of the United States."

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to amounts paid after the date of the enactment of the Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 309, the Guam Foreign Investment Equity Act. This bill, introduced by the gentleman from Guam (Mr. UNDERWOOD), amends the Organic Act of Guam to provide the government of Guam with the authority to tax foreign investors at the same rate as states under the U.S. tax treaties with foreign nations.

H.R. 309, which is supported by both the Republican Speaker and Democratic Governor of Guam, deals exclusively with a Guam territorial income tax that is collected and administered by their government. Because the territorial government of Guam does not have the authority to amend the Organic Act nor their tax rate, congressional action is necessary to conform their income tax rate on foreign investors to that of the 50 States.

In conclusion, I would like to thank the gentleman from Guam (Mr. UNDERWOOD) and the gentleman from Utah (Chairman HANSEN) for their hard work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you would acknowledge, this is a very important piece of legislation for the people of Guam, and I would like to urge my colleagues to support H.R. 309, the Guam Foreign Investment Equity Act.

This legislation, which passed the House Committee on Resources on March 28, provides the government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties. I would particularly like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for helping me to expeditiously move this bill to the floor.

During the 106th Congress, virtually identical legislation passed the House as part of an omnibus Guam bill on July 25, 2000. Unfortunately, while agreement was reached with the Treasury Department on the provisions of the bill last year, the Senate was unable to act on this important legislation before sine die adjournment.

H.R. 309 is direly needed by the people of Guam. Given Guam's struggling economy and 15 percent unemployment rate, which is more than three times the national average, unlike the rest of the Nation which has experienced unprecedented economic growth and low unemployment rates the past few years, Guam's economy and tourism industry continues to recover from the Asian financial crisis, given our island's ties to the economies of Asia.

Moreover, given the impact of a likely Federal tax-cut package on the government of Guam's revenue stream, because Guam's tax code exactly mirrors the U.S. Tax Code, I believe that H.R. 309 is also good public policy. The revenues from foreign investment that this legislation will generate for the government of Guam and for the economy of Guam is one way to help mitigate the reduction in local revenues anticipated under any new Federal tax-cut plan.

Currently, under the U.S. Internal Revenue Code there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law mirrors the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent. However, under U.S. tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns.

Unfortunately, because there are different definitions for the term "United States" under these treaties, Guam is not included. As an example, with Japan, which has the biggest impact on our economy, the U.S. rate for foreign investors is 10 percent. That means that while Japanese investors are taxed at a rate of 10 percent withholding tax on their investments in the 50 States, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long-term solution for this is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the government of Guam to tax foreign investors at the same rates as the 50 States.

Other territories under U.S. jurisdiction have already remedied this problem or are able to offer alternative tax benefits to foreign investors to delineate their unique covenant agreements with the Federal Government or through Federal statute. Guam alone is therefore the only State or territory in the United States which is unable to provide this tax benefit.

The Congressional Budget Office has indicated that the legislation will not have an effect on the Federal budget. It simply allows the government of Guam to lower its withholding rate for foreign investors. While the bill will result in the loss of revenue for the government of Guam in the short term, these losses are expected to be offset by the generation of increased tax revenues through increased foreign investments in the long run. Some 75 percent of Guam's current commercial development is funded by foreign investors.

H.R. 309 also incorporates changes recommended by the Treasury Department to ensure that a foreign investor who benefits from this legislation cannot simultaneously benefit from tax rebates under Guam territorial law.

My legislation is supported by Governor of Guam, Carl Gutierrez, the Speaker of the Guam Legislature, Tony Unpingco, and the Guam Chamber of Commerce. I also want to thank my good friend, Senator Ben Pangelinan in the Guam Legislature, who initially suggested this legislation a few years ago.

I have worked closely on this measure with the House Committee on Resources, the House Committee on Ways and Means, the Senate Finance Committee, the Senate Energy and Natural Resources Committee, the Interior Department, Treasury Department and the White House National Economic Council.

I urge my colleagues to support H.R. 309. It is good for Guam's economy, and it is sound national policy towards foreign investments in the United States.

□ 1515

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend the gentleman from Guam for his leadership and for the authorship of this important legislation. I want to thank our colleague, the gentleman from Colorado (Mr. HEFLEY) for his leadership in managing the legislation pertaining to the Committee on Resources. I thank the gentleman from Utah (Chairman HANSEN) and the gentleman from West Virginia (Mr. RAHALL), the ranking minority member, for their support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 309, a bill to provide for the determination of withholding tax rates on the Guam income tax law. I am often critical of the relationship, or should I say, a lack of a well-defined relationship, currently existing between American Samoa and the United States.

Unlike Guam, the Virgin Islands, Puerto Rico, or the Commonwealth of the Northern Mariana Islands, American Samoa does not have an Organic Act setting forth the basic structure of the government, or a covenant relationship that defines such a relationship, as is currently the case with the Commonwealth of the Northern Mariana Islands.

On the other hand, Mr. Speaker, once a territory becomes organized, the local government loses much of its flexibility that it otherwise would have in addressing many of its social and economic issues.

Mr. Speaker, as many of my colleagues may not be aware, the territory of American Samoa is an unorganized and unincorporated territory of the United States. This year marks the very unique political relationship between American Samoa and the United States which has now existed for over 101 years.

American Samoa now has a territorial Constitution that was approved by the Secretary of the Interior in 1967, but was never approved by the Congress. A law was passed by the Congress in 1984 to prohibit any changes in the territorial Constitution without the consent of the Congress, but at the same time, Congress passed a law in 1929 to delegate all military, judicial, and administrative authority under the control of the President or his designee, currently the Secretary of the Interior. Mr. Speaker, how would we like to figure that one out?

Mr. Speaker, the issue addressed by this legislation is one example of the inflexibility of existing Organic Acts. Under current Federal tax law, there is a 30 percent State income tax rate for foreign investors, or I am sorry, 10 percent for foreign investors in the United States. Guam's territorial tax law is imposed under Federal law, so an act of Congress is needed to change it.

Even though the United States enters into treaties with foreign governments authorizing lower income tax rates for foreign investors in the States of the United States, current treaties do not include the territories as part of the United States. The net result is that if a Japanese businessman invests in a State of the United States and has an income of $100,000, that investor pays a $10,000 tax on the income. That very same investor earning the same $100,000 in income from an investment in Guam would have to pay $30,000 in tax, or three times as much.

Given Guam's proximity to Japan and other Asian countries, and given the number of nonaffiliated islands in the Pacific, the 30 percent income tax rate is a considerable disincentive for foreign investors to do business in a territory like Guam, thus hampering Guam's economic development.

I welcome this proposed change in Federal law to permit the governing authority in Guam to tax foreign investors at the same rates as States under U.S. tax treaties with foreign nations.

While American Samoa does not have this problem because it has authority to enact its own tax laws, I would suggest that future tax treaty negotiators include U.S. territories within treaty provisions so separate legislation is not necessary.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for those kind remarks and for his indulgence in seeing this through.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would encourage my colleagues to support this broadly-supported bill, a bipartisan bill, a good bill. I commend the gentleman from Guam (Mr. UNDERWOOD) for his hard work on it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) supporting a National Charter Schools Week, as amended.

The Clerk read as follows:

H. CON. RES. 95

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 35 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received more than $500,000,000 in grants from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.);

Whereas 34 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving approximately 550,000 students in more than 2,150 charter schools during the 2000 to 2001 school year;

Whereas charter schools can be vehicles both for improving student achievement for students who attend them and for stimulating change and improvement in all public schools and benefiting all public school students;

Whereas charter schools in many States serve significant numbers of students with lower income, minority students, and students with disabilities;

Whereas the Charter Schools Expansion Act of 1998 (Public Law 105–278) amended the Federal grant program for charter schools authorized by part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) to strengthen accountability provisions at the Federal, State, and local levels to ensure that charter public schools are of high quality and are truly accountable to the public;

Whereas 7 of 10 charter schools report having a waiting list;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system; and

(2) it is the sense of the Congress that—

(A) a National Charter Schools Week should be established; and

(B) the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 95, which acknowledges and commends the charter school movement for its contribution to improving our Nation's public school system, and calls for a National Charter Schools Week to be established.

We have all seen the results of inflicting the many unfunded mandates on our Nation's public schools, and believe that the charter school movement, led by California, Arizona, Colorado, Florida, Georgia, Minnesota, New Mexico, Massachusetts, and Wisconsin in the early 1990s, is a direct result of the desire for parents to increase their personal involvement and control of their children's education.

My home State of Florida passed its charter school law in 1996. The latest information available shows that there are 149 charter schools operating in the State of Florida serving over 27,000 students.

New charter schools have swept the country to the point of including 36 States, the District of Columbia, Puerto Rico. This represents a clear change in how education is disseminated across the great country.

There are nearly 2,150 charter schools across the country serving almost 550,000 children. Laboratories of learning are being established from coast-to-coast, and the common denominator between them all is a staunch desire for local hands-on control by parents and teachers. From back-to-back basic schools in Arizona to magnet programs in Colorado, they are all proving that there is not just one way to teach.

Two weeks ago, the State of Indiana passed a very strong charter school law which will likely rank the State in the top dozen of States with the strongest laws. This is an outstanding victory for parents and teachers, who have been waiting a long time to affect their children's education in a positive way.

A recent report by professor Scott Milliman of James Madison University, Frederick Hess, and Robert Maranto of the University of Virginia, and social psychologist April Gresham, revealed that the establishment of charter schools has spurred noticeable differences in the public school system.

For example, based on a March, 1998, survey of Arizona public school teachers, the researchers concluded that the power of choice and market competition from charter schools led to the following changes between the 1994–1995 and the 1997–1998 school years.

First, districts made greater attempts to inform parents about school programs and options. Second, districts placed greater emphasis on promoting professional development for teachers. Third, school principals increased consultation with the teaching staffs.

The authors also found that charter schools do not replace district schools, but rather, push district schools to compete, primarily because State subsidies follow the students.

This resolution supporting National Charter Schools Week must be used as a means of celebrating true diversity: diversity in education, diversity in learning, and diversity in thought. Supporting National Charter Schools Week lends credence to the proclamation that not everyone thinks alike and not everyone learns alike.

Combined with the Charter Schools Expansion Act from the 105th Congress, it acknowledges the success of thinking outside the box by supporting and commending those communities who have chosen to take control of their own destiny.

Mr. Speaker, I reserve the balance of my time.

Mr. ROEMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for helping manage the bill here today, a charter school bill which will establish this week as the National Charter Schools Week, named House Resolution 95.

As our Founding Fathers contemplated the importance of what American society might look like in the ensuing decades after they wrote the Declaration of Independence and the United States Constitution, George Washington, John Adams, Thomas Jefferson, and James Madison all talked of the extreme importance put forward on an enlightened society, on an educated society.

Now, today, in the year 2001, we should put even more importance on our public education school system, on a system that is visionary, that is accountable, that is flexible, that provides more public school choices to our parents to send their children to the very best kinds of schools.

Charter schools, I believe, are part of this effort. Charter schools are part of an effort to provide more vision, more flexibility, more reform, more options, more parental choices, more teacher curriculum, curriculum developed at the local level into the schools.

They might even expand on the school day or the length of the school year, providing more and more options for our schools in an increasingly globally-oriented economy.

When our kids fail, if our kids do not succeed in public education today, it is almost as if a death sentence has been laid upon their heads. If they fail and drop out of school as a third-grader, at 13, or if one does not get that high school degree, our children are almost destined to failure, or oriented toward juvenile reform, prison, and problems where it gets increasingly difficult for us to rescue them. So charter schools are part of this effort to reform our schools and change the way we currently educate our children.

I am also extremely pleased, as we talk about charter schools, that very soon after the State legislature has passed a new charter school bill, the Governor of our State, Governor Frank O'Bannon, will sign Indiana's charter schools into law.

□ 1530

We will become the 38th State with charter schools in this Nation. Charter Schools Week will seek to recognize the accomplishment of charter schools around the country. Charter Schools, as I said before, stress the principles of accountability, parent flexibility, choice and autonomy. Charter schools are public schools that respond to an increasingly high demand for choices from parents, from students, from teachers designed at the local level so that we can respond to the challenges in that local community.

All different kinds of States, the District of Columbia, and the Commonwealth of Puerto Rico are serving more than 500,000 students in almost 2,100 charter schools.

I am especially happy that in many of these charter schools, we have about 7 out of 10 have waiting lists. Seven out of 10 of the charter schools have people waiting to get more of their students into the schools. So that proves that more and more parents want to get their children into a charter school.

There is a criticism of charter schools, and that is that some of them have been shut down, some of them have not worked. We have about a 4 percent failure rate in our charter schools. There are some that do not want to talk about that. As a matter of fact, I think the fact that charter schools are accountable can be closed down, can be reconstituted, can be put on probation and turned around or permanently closed, I think, is a benefit in favor of charter schools.

Out of over 2,000 charter schools, 59, 59 have closed down for various reasons; that is about a 4 percent failure rate, about a 4 percent failure rate at the over 2,100 charter schools where we can make them accountable, where we can reconstitute them, where we can put them on probation and ultimately either make them perform better, close them down and allow students to go to other public schools.

I am also very proud of the fact that as we look at charter schools across the country, whether they are in California or Arizona or the first State to have charter schools, Minnesota, charter schools also reflect the diversity of our schools across the country in public education.

We have a charter school out in California, where we have had people come in to testify before our Committee on Education and the Workforce called Fenton Charter School, which has over 90 percent eligible for free and reduced lunches, over 90 percent African American and Hispanic enrollment rate, and have seen incredibly good increases in the scores in mathematics, in science, in reading take place since it has changed to a charter school.

So we are seeing schools that reflect a rich diversity of this country, have charter schools and then succeed in terms of educating, graduating and promoting their students.

I am delighted to join with my colleagues today in this resolution, H. Con. Res. 95 to establish this week as National Charter Schools Week. I am anxious to talk about charter schools as we start debate tomorrow in the Committee on Education and the Workforce as we reauthorize the ESEA Act as we look forward to, hopefully, a bipartisan bill that is going to move us forward in terms of our education reform in this country.

Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who, I think, has been a very, very eloquent and articulate spokesperson for public education in this country and someone who has been to many of the charter schools that are here in the District of Columbia.

I have had the pleasure of going to two or three of those schools and have seen the great job that many of those charter schools are doing with respect to students with limited English proficiency, with respect to students eligible for free and reduced lunches, and the increased graduation rates that those schools are achieving in the District of Columbia.

Ms. NORTON. Mr. Speaker, I kindly thank the gentleman from Indiana (Mr. ROEMER) for yielding the time to me.

I congratulate him and the sponsor of this resolution, the gentleman from Florida (Mr. KELLER). I want to commend him for his leadership, particularly on charter schools, which stands out in the stellar leadership that he has given on the issue of education during his years in the Congress.

I come to the floor because the District of Columbia is proud to say that it has probably, I think I can say without contradiction, a greater percentage of its children in charter schools than any school district in the United States. And part of the reason for this is the accommodation of the Congress with me in 1995.

There were fierce fights about vouchers and the imposition of vouchers on the District of Columbia. And, yet, the majority had a point, you cannot say to somebody in the first grade, we will get these schools fixed maybe by the time you are out of school altogether.

The child is in the first grade only once, and I was particularly open to the notion of charter schools as an alternative to the public schools of the District of Columbia, even though I was then and remain opposed to vouchers which the people of the District of Columbia strongly oppose, believing that public money should go to public schools, either public schools in the regular public school system or public charter schools; and we believe that our experience indicates that this is by far the best alternative for those truly searching for an alternative to public schools which need fixing.

The Congress passed a school reform bill which was, in essence, a public charter bill for the District of Columbia in 1995. Look what has happened since then. Thirteen percent of all public school students in the District of Columbia are enrolled in 40 public charter schools. There are public charter schools in seven out of our eight wards. Nearly two thirds of all the public charter school students qualify for free or reduced lunch, yet about half of our public charter schools offer academically rigorous curricula of the liberal arts.

Many of the rest offer curricula in particular subject matters, the arts, foreign language, immersion, technology.

The rate at which charter schools have come on line in the District of Columbia is a model for an alternative school system within the public school system for our country. Over 70 percent of the D.C. public charter schools have fewer than 300 students and small classes are the norm in these charter schools. Many of the parents say they want the charter schools for this reason; they wanted smaller classes. They wanted smaller schools, and they wanted to be freed from the central bureaucracy of the public school system.

They wanted to innovate. Interestingly at the moment, Mr. Speaker, the scores of our public school children are better than the scores of our charter school children. Our public schools have a new mayor, a new school board and new rigor; but we are proud and pleased that we have this great diversity of charter schools here.

The charter schools have pushed our public schools, so that now our public schools are doing very much better than they were doing. And the very thing that we said we wanted the charter schools to do, to be a competitive force to the public schools, has come true.

We do not believe, by the way, that private schools would be that kind of competitive force, because the private schools are outside of the public school systems. We have some of the best private schools in the United States, some of the best private Catholic schools and some of the best private schools that are secular. But when you see a school in your neighborhood dealing with precisely the same children you are dealing with last year and they now have moved to another school and they would rather be in that school, that, my friend, is competition.

That is why we believe that the best competition for the public schools are not vouchers, are not fancy schools, by or whatever other name you call them. But a charter school right next to a public school where the child is going, compare how those children are doing, and then you will have real competition between your public school and your charter school. And your public school will do what our public schools are doing, our public schools will have to do better.

Mr. ROEMER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to say to the gentlewoman from the District of Columbia (Ms. NORTON), my classmate from the, 1990's election, that in the charter schools that I have visited across the country, certainly the charter schools in the District of Columbia stand out as some of the very best.

I remember charter schools that I visited a couple of years ago right here on the Hill, where they had smaller classes, they were also teaching some of the more challenged students, students that had actually dropped out of other schools and had, I believe, a 15 percent to 20 percent higher graduation rate from that particular charter school than the surrounding public schools taking on some of the most at-risk and challenging students.

I commend the job that those charter schools are doing. These charter schools are a choice, a public school choice, a supplement to the system. I know in the charter schools that I visited in Chicago that they are part of the reform efforts successfully taking place to make the Chicago schools better and better and better schools in one of the biggest school districts in the country.

We are delighted to have this resolution before us.

Mr. CUMMINGS. Mr. Speaker, today I rise in support of H. Con. Res. 95, supporting National Charter Schools Week.

Franklin Roosevelt once said that, "we cannot always build the future for our youth, but we can build our youth for the future." I truly believe that statement. The proper education of all children is essential in order to build our youth for the future. We do not have a more important issue in American today than investing in our children by making sure they have a quality education. In celebrating National Charter Schools Week, we recognize the principle in highlighting many accomplishments of charter schools around the country.

Charter schools are public schools that are given flexibility and independence in exchange for being held accountable for improving student achievement and for their financial operations. They provide a different and unique model for public schools with new, innovative programming and smaller class sizes without so much red tape. Unlike vouchers, charter schools do not take money from public schools because the public funds remain in the public school system.

In 1994, there were less than a dozen charter schools in America. Today there are more than 2,150 charter schools across the nation. Currently, 36 states, the District of Columbia and Puerto Rico have passed laws authorizing charter schools. Although in my home state of Maryland, the General Assembly again failed to pass legislation authorizing the establishment of public charter schools, I am pleased that Baltimore City has a few schools similar to charter schools. My daughter attends one of these schools in Baltimore City.

As the national debate on how to improve our public schools continues, we must do all we can to hire more teachers, reduce class size, modernize our nation's public school, put computers in every classroom, and encourage parental involvement. Supporting the creation of charter public schools is one concept that will help improve public schools because charter schools pressure the more traditional public schools to continue to strive for excellence.

As this body considers various education initiatives, such as ESEA, and education funding, let us be committed to supporting creative solutions, such as public charter schools, while ensuring that we maintain quality education for all of our nation's youth.

Mr. BOEHNER. Mr. Speaker, in honor of National Charter Schools Week, I rise in strong support of H. Con. Res. 95.

This weeklong celebration, which started yesterday and runs through Friday, is co-sponsored by more than seventy grassroots charter support organizations and is coordinated by the Charter Friends National Network.

Although a relatively new phenomenon, charter schools have been at the cutting edge of educational reform for the past several years.

In exchange for flexibility and freedom from regulations, charter schools are held accountable for improving the academic performance of their students. This newfound flexibility and freedom has not only translated into higher test scores, but also innovative practices. It has empowered parents with the ability to seek out the best education possible for their children.

In fact, we have done our best to mirror these same principles of freedom, flexibility and accountability throughout the Elementary and Secondary Education Act in H.R. 1, the No Child Left Behind Act of 2001, which we are marking up in committee tomorrow.

Currently, 36 states, the District of Columbia, and Puerto Rico have passed charter school laws and more than a half million students attend charter public schools nationwide. My hope is that one day, in the not so distant future, every state will have passed a charter school law.

That said, Mr. Speaker, I would like to congratulate all the students, parents, teachers, principals and administrators who have embraced the charter school movement. I would also like to thank Mr. TANCREDO, Mr. KELLER, and Mr. ROEMER for their efforts in bringing this important resolution to the House floor.

Mr. PETRI. Mr. Speaker, I am pleased to speak in support of this resolution that recognizes the charter school movement for its contribution to improving our Nation's public school system.

I have been a strong supporter of the charter school movement since 1992 when former Representatives Penny and McCurdy and I introduced the Public School Redefinition Act of 1992. That bill was based on legislation introduced the year before by Senators Durenberger of Minnesota and LIEBERMAN of Connecticut. This was the very beginning of Congressional efforts to encourage charter schools.

I am happy to say that the bipartisan efforts of a handful of dedicated individuals resulted in the subsequent creation by Congress of a federal Public Charter Schools program in 1994.

Later, the Charter School Expansion Act of 1998 revised the Public Charter Schools statute by, among other things, increasing its authorization and giving priority for grants to states providing charter schools with financial autonomy.

The charter school movement, we should note, is a true grassroots movement. This movement was started in the early 1990s by concerned parents and frustrated teachers who were tired of the status quo, tired of fighting the bureaucracy that smothers innovation, and tired of seeing their children sink into mediocrity and failure.

It is therefore important to keep in mind that Congress should try to avoid imposing federally prescribed requirements such as teacher certification.

According to the Charter Friends National Network, "More than two-thirds of the states—with more than 80% of the charters—currently have some degree of flexibility in allowing use of teacher qualifications other than traditional certification." Any attempt to apply a teacher certification mandate to charter schools would jeopardize their very nature, which is based on autonomy in exchange for academic achievement.

In my state of Wisconsin, I am proud to say that we have a strong charter school and school choice program—especially in the city of Milwaukee where we have the support of education-reform minded individuals such as former school superintendent Howard Fuller and Mayor John Norquist.

Mr. Speaker, the bottom line is that charter schools work. They work because they are freed from burdensome regulations, and in return, they are held accountable for academic results.

I want to commend the gentleman from Colorado, Representative TANCREDO, for introducing this resolution. I appreciate the opportunity to speak in support of this measure, and I urge may colleagues to support and promote a National Charter Schools Week.

Mr. KIND. Mr. Speaker, I rise today in support and recognition of Charter schools. Charter schools, which are public schools authorized by a designated public body, were established with the goal to enhance school organization and instruction. Charter schools operate on the principles of accountability, parent flexibility, choice, and autonomy.

Charter schools provide an invaluable means of improving student achievement for all who are enrolled in them. Charter public schools are held to highest standards and act as a vehicle for stimulating positive change and improvement in all public schools. As a member of the House Education and Workforce Committee, I am committed to fighting for improvement in our Nation's education system and charter schools have the ability to enhance the quality of education for all public school students.

There are 36 States, along with the District of Columbia, and the Commonwealth of Puerto Rico that have passed laws authorizing charter school. My home state of Wisconsin currently supports 95 charter schools, educating 7,210 students. There are over 550,000 students enrolled in 2,150 charter schools nationwide. Not only is education a top priority, but it is the key to a successful future. These schools are providing an excellent education for the American youth.

Many charter schools serve significant numbers of students with lower income minority students, and students with disabilities. A charter school does not and cannot discriminate against any student. The contract for the schools is required to explain how the school will achieve a racial and ethnic balance among its pupils that reflects the school district population.

Charter schools have the unique ability and freedom of setting up their own governance and administrative structures. Many of the schools create decision-making boards that include some or all of a school's teachers, while others have parent-teacher committees to address various school needs. Some schools have students playing a vital role in their governing bodies.

Over the years, charter schools have received significant bipartisan support from the Administration, the Congress, State governors and legislators, educators, and parents throughout the Nation because the schools have been effectively educating their students. A good education is invaluable to any student and we have the responsibility to provide every child with the opportunity to learn. The Nation should take a week to honor the model education system set up by the charter schools.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 95. I am proud to acknowledge and commend the charter school movement for its contribution to improving out nation's public school system. A charter education is a special and rigorous public education for more than 500,000 children nationwide. Charter schools serve a broad range of students, many of which better meet the needs of students than conventional schools. Charter schools exercise increased autonomy in return for increased accountability. They are accountable for both academic results and fiscal practices to their sponsors, their parents, and the public.

The charter schools in my district, Syzygy Charter School, Visional Academy Charter School, Tomorrow's Builders Charter School, and Fort Bowman Academy Charter School, increase opportunities for learning and access to quality education for all students, create choice for parents and students within the public school system, encourage innovative teaching practices, and encourage community and parent involvement in public education.

Mr. Speaker, it is important to establish a National Charter School Week. The charter schools in my district and nationwide demonstrate impressive levels of achievement and accomplishment, and I commend them for their continued dedication to serve. For these reasons, I support this legislation.

Mr. ROEMER. Mr. Speaker, I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1467

Mr. OTTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1467.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

RECOGNIZING 100TH ANNIVERSARY OF 4-H PROGRAM

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 112) recognizing the upcoming 100th anniversary of the 4-H Youth Development Program and commending such program for service to the youth of the world.

The Clerk read as follows:

H. RES. 112

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas the 4-H Youth Development program sponsors clubs in rural and urban areas throughout the world;

Whereas the 4-H Clubs have grown to over 5.6 million annual participants ranging from 5 to 19 years of age;

Whereas today's 4-H Clubs are very diverse, offering agricultural, career development, information technology, and general life skills programs; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, That the House of Representatives recognizes the upcoming 100th anniversary of the 4-H Youth Development Program and commends such program for service to the youth of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 112, which extends the recognition of this body to the 4-H Youth Development Program on the occasion of its 100th anniversary of its creation next year.

The 4-H is the original "learning by doing," and like all great ideas in education, it originated at the local level as the product of local educators and concerned citizens who saw a way to improve agricultural education.

4-H participants pledged their heads to clear thinking, their hearts to greater loyalty, their hands to greater service and their health to better living for their clubs, their communities, their country, and their world, not a bad code by which to live.

Even before Congress began supporting land-grant extension programs that took the agricultural advances of academia into working farms, 4-H understood the value of putting ideas into action.

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It is at the heart of this organization.

From its roots in agricultural education, food preservation, and nature study, 4-H has spread to include training in a variety of areas, more than 110 areas, in fact. These areas include the arts, environmental education, communication, science and technology, and healthy life-style education. With new programs, 4-H has continued to help more and more young people learn skills to succeed later in life and become positive contributing leaders. Today, only 10 percent of participating youth live on farms. In fact, 30 percent are minorities. More than 6.5 million youth are members. Some of the well-known former 4-H members are Johnny Carson, Faith Hill, Reba McIntyre, and Dolly Parton.

The leadership skills 4-H members develop, the practical knowledge they accumulate in the programs they study, the friendships they build, and the experiences they have in competition and problem-solving make them better people and make our country a better place.

Earlier this year, my family and I had the happy privilege of visiting with several 4-H'ers at the Florida State Fair in Tampa and the Orange County Fair in Orlando, Florida. These young people had prepared several impressive agricultural exhibits, and they were also very knowledgeable about the cows and the pigs and other livestock they had raised. These 4-H members made quite a positive impression on my two young children.

In a changing world, I am very glad that 4-H has been there for America's young people and has continued to grow with them. 4-H helps to prepare them for the challenges they continue to face and help America to continue to be the place where the ideas and beliefs that made it great are still taught and practiced.

Congratulations 4-H on 100 years of success and service, and best wishes for 100 more.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of House Resolution 112, which recognizes the upcoming 100th anniversary of the 4-H Youth Development Program. I am very proud to be an original cosponsor of this legislation; and I would like to commend my colleague, the gentleman from Florida (Mr. FOLEY), for introducing this important recognition of a voluntary youth movement that has been highly successful in our country.

Too often, I think, many of us in Congress rely upon the initiative coming from governmental sources. We look for ways in which we can stimulate young people into doing productive work and innovative programs for self-improvement. But here is an example, where nearly 100 years ago, a group of individuals got together and decided that the young people could come together and determine the ways in which they might help themselves, and this is precisely the strength and the energy that the 4-H movement leaders had.

It is very exciting to know that over the years it has grown. As my colleague, the gentleman from Florida (Mr. KELLER), said, there are almost 7 million young people, ages 5 to 19, that participated in the 4-H programs in the year 2000; 1.6 million were members of 103,000 clubs; 2.5 million were members in a variety of special interest groups; 3.6 million were members of school enrichment programs. There were individual study groups, instructional programs, child care programs, and many opportunities for groups that went out camping and other types of excursions.

As my colleague said, initially this was supposed to be a farm or agriculturally centered program, but it has gradually moved in from the farms to our small towns and our communities. Today, well over half of the program is centered around small towns and cities throughout the country. Thirty percent of the participants are from minority racially-ethnic groups. An astounding statistic that I found was that 52 percent of the participants are girls and 48 percent boys. I am very encouraged by that. We have over 610,000 volunteers, adults and others over age 19, who are participating in this program and helping the 4-H movement to grow.

Many of us feel very honored each year to have the leaders of our 4-H clubs come to visit us in Washington. They come to participate in the wide variety of national programs, some elective, some not; and it is always a pleasure to see these young people and the energy that they bring to the work that they do.

Before I end my short part in this program this afternoon, I wanted to tell my colleagues something about the 4-H movement in my own State. The first club was organized in 1918. It had 31 members and was on my own island of Maui, where I was born. It grew from there to have clubs in all of the islands, Oahu, the big island of Kauai. It was very much centered on the agricultural basis of farming and hog raising and cattle raising, and the contests and various kinds of agricultural activities. Today, the Hawaii 4-H organization has 24,000 participants throughout the whole island, and they engage in a wide variety of activities; not just farming, but citizenship, civic education, the arts, sciences, environmental education, and all the things that go to making up the totality of the human development.

So I stand today very proud to acknowledge the importance of the 4-H clubs and to join in celebrating the upcoming 100th birthday.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), the sponsor of this important House resolution.

Mr. FOLEY. Mr. Speaker, I appreciate the leadership of the gentleman from Florida on the floor today on this very issue. And I want to take a moment before I begin my prepared remarks to commend my colleague, the gentlewoman from Hawaii (Mrs. MINK), for her wonderful homecoming for members of the Navy who flew back and first landed in Hawaii on their return to the United States from China. We are particularly honored by the way the gentlewoman put the presentation together, and we are delighted that they are on American soil again.

Mr. Speaker, I rise to speak on House Resolution 112, a resolution I introduced to recognize next year's 100th anniversary of the 4-H Youth Development Program, and commending the 4-H program for service to the youth of the world.

The 4-H program has grown over the years to include 6.6 million children. These 5- to 21-year-olds have benefited tremendously from 4-H's wealth of diverse programs: from agriculture, career development, information technology, to general life skills. These programs are offered in both rural and urban areas of the world.

The 4-H continues to make great contributions toward the development of well-rounded youth both in America and abroad. The program enables youth to have fun, meet new people, learn new life skills, build self-confidence, learn responsibility, and set and achieve goals. In fact, more than 45 million people worldwide are 4-H alumni, including my distinguished colleague, the gentleman from Idaho (Mr. OTTER), who told me just moments ago he will celebrate his 50th year of swearing in as a member of the 4-H Club.

The 4-H truly builds the leaders of tomorrow. In fact, their motto is "To Make the Best Better." Our country benefits enormously from programs like 4-H. With the rising tide of teen suicide, drug use, and school violence, the 4-H gives our youth an avenue to excel and build self-esteem. One success story from a young 4-H'er in Georgia caught my eye. It is entitled, "4-H Brought Me to Life."

It goes on to say, "I was not popular at all. I had just moved and I felt like an outcast. One day a lady came. She was with 4-H. I really did not do anything with 4-H that year except camp. I then said I'm going to have fun and make this year the best of my life. It has been 3 years since. I'm now in the 8th grade. I have friends all over Georgia. 4-H brought me to life."

The gentlewoman from Hawaii mentioned several of the people who are former 4-H'ers that I think deserve notation, and I will read the list. And while I read the list, I will ask my colleagues to think with me, because I think one of the hallmarks of 4-H is that none of these people have been involved in any controversy. Seldom do we hear of a child that has been accused of a crime or another problem having 4-H on their resume. It obviously leads them on the right path, not the wrong path.

Listen to some of these famous names: Glen Campbell, Johnny Carson, Johnny Cash, John Denver, Janie Fricke, Faith Hill, Holly Hunter, Martina McBride, Reba McIntyre, Dolly Parton, Charlie Price, Charley Pride, Roy Rogers, Ricky Skaggs, Sissy Spacek, Aaron Tippin, and even my favorite, Orville Redenbacher, who brings us such great popcorn.

These are people that learned the basics of life from 4-H and why I am tremendously proud we are saluting them today on the House floor. Hopefully, it will not only give them the enthusiasm but the direction that not only do Members of Congress support them, but the Nation looks up to those in the 4-H movement, those that have brought the 4-H'ers to communities throughout our country.

I want to pay special tribute, because 100 years does not come often in anyone's life, nor the legacy of any organization. I am joined by many, many of my colleagues who have become cosponsors of this movement and of this resolution, and they are noted in the RECORD. I would like to thank John Hildreth, my legislative specialist, who was working on this as well with us.

Again, my salute to every hamlet in America, wherever there is a 4-H. And for children that may be listening, if you feel alone and you feel desperate, look to 4-H for leadership. Look to 4-H for guidance. Become a member of this great organization, and your life can turn around much like that of the girl from Georgia. I commend them to you, I commend them to your community, and I salute them.

Mrs. MINK of Hawaii. Mr. Speaker, I am delighted to yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), who is currently the co-chair for the Rural Caucus, and has led us in so many areas that are important to rural America.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in commendation of the upcoming 100th anniversary of the 4-H youth program. For almost a century, 4-H has been a constant beacon reminding us that we only receive from our communities as much as we put into them. The 4-H Youth Development Program has long recognized that leadership is not an innate quality, but rather that leadership is built one step, one person, one community at a time.

Rural America needs leaders today more than ever. I know I need not remind my colleagues of the crisis in rural America today. I would like to give my heartfelt thanks to 4-H for providing rural America with strong voices of leadership for almost 100 years. I would also like to urge 4-H to continue their very fine work. The fate of rural America may well rest in the next generation of leadership.

I regret the fact that this country does not have a policy for rural America. It needs one desperately. As this Congress considers ways in which to assist rural America, I think that we would be wise to look to the national 4-H for direction. In fact, 4-H has served rural America well and has expanded its services and its opportunities to urban youth, for which we congratulate and commend them.

The four components of 4-H, the head, the heart, the hand, and health, speak to our unstated obligation to survey the needs of rural America comprehensively, not in isolation from one another. In fact, the national 4-H statistics are very impressive. We have heard them already, but they are worth mentioning again. There are more than 6 million youth, from the ages of 5 to 19, who are involved in 4-H program. Over half of them are from urban areas. Indeed, only 10 percent of them are from farm programs. So, indeed, it has moved from its original program of serving farm youth to serving the youth of America, and we commend them for that.

More importantly, they provide leadership. They provide opportunity for development. They provide enrichment programs. They provide environmental studies. But, also, they provide leadership and training both for the youth and the adults who are involved in that.

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The needs for rural America are many: historically low commodity prices, crumbling infrastructure, limited education opportunities, out-migration of youth, limited employment opportunities, lack of access to quality health care. Every one of these is, indeed, a serious problem in its own right, but only by seeing them together, as necessary pieces of a whole, do we see the complete picture.

We must address the entire fabric of farming communities across the country, including youth development, rather than just the single threads that bind it together.

The stakes are high. The livelihood of millions of farmers and the future of our youth in America and urban area are at stake. But I am heartened as we move forward, because standing alongside us is the national 4-H program, building leaders for rural and urban America.

I commend them on their upcoming birthday.

Mr. KELLER. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, nearly 50 years ago I raised my right hand and I said, "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world."

Mr. Speaker, some of my colleagues may argue that not all of that took as well as it might have, but I would argue for whatever benefit I did receive in taking that pledge, my life has been richly blessed and immensely improved by the process that goes on in 4-H.

The pledge of my head stands for the clear thinking that is required to be a 4-H'er. Not only that, but the decision-making process and the collection of knowledge, knowledge that one will use throughout their life.

In pledging greater loyalty from the heart, the 4-H'er promises to have greater loyalty to his fellow man and to his country, but also to himself and for those values that they themselves stand for.

To pledge their hands to larger service, in this day and age it is certainly needed by every citizen of this country.

Finally, to pledge their health, we all know the value of what good, healthy lifestyles can stand for in this country.

Mr. Speaker, I would like to associate myself with the remarks of my colleague, the gentleman from Florida (Mr. FOLEY), who spoke before me, because he covered much of the material that I had intended to. I would like to point out, in the nearly 7 million participants, as mentioned by the gentlewoman from Hawaii (Mrs. MINK), some 597,000 are involved in citizenship civic education programs, nearly 1 million in community expressive arts programs, a half a million in consumer family science, 1.3 million in environment and science programs. In Idaho, Mr. Speaker, 32,643 members in 3,743 clubs with 4,200 adults participate in the volunteer and leadership programs for 4-H.

Mr. Speaker, I join with my colleagues as a cosponsor in recognizing, as is long overdue, the 4-H Clubs of the United States of America that have stood for a long time for those words so aptly put by Chester Bernard when he said that "to try and fail is at least to learn, but to fail to try is to suffer that estimable cost of what might have been." Mr. Speaker, 4-H knows what it is.

Mr. KELLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of House Resolution 112, recognizing the upcoming 100th anniversary of the 4-H Youth Development Program in 2002.

Mr. Speaker, as you have heard, the four H's stand for head, heart, hands and health; and the program gives children and youth the opportunity to gain responsibility through hands-on involvement in challenging projects. 4-H began as an agricultural education program for youth, and clubs were formed with adult volunteers to encourage learning by doing.

Mr. Speaker, I am personally familiar with 4-H as my youngest son spent most of his teen years in a 4-H club and showed quarter horses in local competitions and the State fair. The club developed his leadership skills and made him a more responsible and purposeful young man.

As we recognize 4-H, I want to commend the dedicated volunteers and county extension agents that have given countless hours of their time to help children and youth develop their skills and learn, while having fun, and to thank them for the good times my son has enjoyed, and to wish the organization another productive century of service.

Mr. KELLER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise, as my colleagues have, to recognize the upcoming anniversary of the dynamic 4-H Youth Development Program. I congratulate the gentleman from Florida (Mr. FOLEY) for introducing H. Res. 112.

For a century the 4-H club has offered a wide range of projects and activities for the purpose of building the leaders of tomorrow. I am fortunate enough to represent the congressional district with not only local branches of the 4-H club, but also the headquarters of the 4-H Youth Development Program at the National Conference Center in Chevy Chase, Maryland.

In my district, Montgomery County, the 4-H club reaches over 8,000 youth annually with such innovative programs as Adventures in Science. During the early 1970s, Ralph R. Nash began this hands-on science education activity in his basement in Gaithersburg, Maryland, in order to provide science adventures for his daughter. Over the years, AIS has introduced the fun of science to hundreds of children. AIS now meets at five sites in Montgomery County, and additional programs have been initiated at several other sites in the country, based on the same philosophy and a similar format. Since the early 1990s, the Montgomery County 4-H program has provided an administrative framework for AIS, using 4-H Maryland Cooperative Extension volunteers as site managers.

The Adventures in Science goal is to present science as an exciting activity and a way of thinking about the world, rather than as a compendium of facts. The topics presented reflect the interests of children and the volunteers, rather than any prescribed curriculum. The 4-H method of "learning by doing" facilitates not only the education process but also encourages teamwork and develops conflict resolution skills.

The Adventures in Science program, in addition to the various annual activities at the Montgomery County Agricultural Fairgrounds, instills a spirit of community and volunteerism into the area's youth. It is this spirit that enables the 4-H Youth Development Program to fulfill the lofty ambition of their motto, "to make the best better."

I was very impressed that Mr. OTTER earlier gave the 4-H pledge, "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world."

Mr. KELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

As someone who was in 4-H for 9 years and learned a great deal from my activities there, and everybody thinks about 4-H as how to have a project for raising livestock or grains, that type of project, the things that helped me the most in 4-H, we had Carl Rayder, our extension director, used to have special classes for us out in the country and teach us about etiquette: How to eat at a table, how to dress. We had fashion shows. There are a lot of different things that 4-H did in rural America that really helped us along in life.

Mr. Speaker, probably the most important thing is the leadership that was taught in 4-H and the opportunity for a young farm kid to be a leader in his 4-H club locally, county-wide, and move on to State offices, things like that were very, very important and meant a great deal to us in 4-H.

I am also extremely proud that Clarion, Iowa, which is in my district, is the home of the 4-H emblem; the four-leaf clover with the four H's, one H on each leaf of the clover, obviously, is a sign that is known by everyone as representing the 4-H itself.

Mr. Speaker, 4-H has been a very, very positive experience for young people for 100 years now. I want to congratulate them. I do not have to read the 4-H motto. "I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, my health to better living, for my club, my community, my country, and my world." And it means a great deal to a lot of young Americans that we can still do that pledge.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 112 in honor of the millions of young people who participate in the 4–H program.

Mr. Speaker, this resolution recognizes the 100th anniversary of the 4–H Youth Development Program and commends the program for its service to the youth of the world. With over 6.8 million members, the program is a stellar example of what is best and most successful in selfless community and national service.

Mr. Speaker, at a time in our history when we are so often consumed by what is wrong with our youth culture, I am delighted to take this occasion to honor many of our Nation's young people who, each and every day, work to give back to their communities in positive ways through public service, education, and leadership.

"To make the best better." That is the 4–H motto, and it rings true. The 4–H pledge states: "I pledge my head to clear thinking; my heart to greater loyalty; my hands to larger service; my health to better living; for my club, my community, my country, and my world." Mr. Speaker, these are good and inspiring words to live by.

4–H provides our Nation's youth with the kinds of support, and positive life-experience challenges that are so important in their development into responsible and active members of our community. 4–H is committed to nurturing our youth so that they may reach their fullest potential by building self-confidence, teaching responsibility, and by setting and attaining personal goals.

With focus programs ranging from Workforce Preparation; Environmental Stewardship; Health, Wellness and Safety; Community Development; and Youth Changing Their Community, 4–H operates through fairs, shows, camps, state youth gatherings, a national congress, a national conference, a collegiate program, and through an international youth exchange.

4–H is committed to bringing children and adults together through community service by creating bonds that last a lifetime. This makes 4–H a unique and truly inspiring example of what is best in our community and national service. These young people, their parents and sponsors do a great job, and they deserve our thanks and our applause.

Mr. KIND. Mr. Speaker, I am honored to have the opportunity to recognize and commend the 4–H Youth Development Program. Today marks the organization's 100th anniversary and it is important for Congress to take the time to recognize this outstanding program.

The 4–H is a dynamic group whose mission is to foster innovation and shared learning of America's youth, ages 6 to 19. Its vision is to draw upon combined power of youth and adults so that we can learn together in order to address the challenges and opportunities critical to youth in our communities. The 4–H is uniquely established to provide opportunity to young people nationwide to learn valuable life skills, work with others toward common goals, and develop into community leaders.

4–H stresses three fundamental values: First, Mr. Speaker, we must treat others with mutual trust and respect and open and honest communication. Second, we must assume personal leadership and responsibility for our actions. And third, we must celebrate our differences as well as our similarities, and always realize that working with youth as partners is the key to our success.

Over 5.6 million young people are involved in the 4–H clubs, dedicating time and effort to the betterment of their communities and their country. In fact, volunteerism among America's youth has increased over the years, indicating that these fine young people have a sincere interest in helping fellow Americans.

On the 100th anniversary of the 4–H club, I am honored to have the opportunity to commemorate the group because I am a former 4–H member myself. Growing up in Wisconsin, I loved and appreciated the time that I spent within my 4–H club. In fact, two of my staffers here in Washington were also 4–H members in their youth. The 4–H Clubs extend their invaluable services throughout the United States and have personally touched many of our lives.

Mr. Speaker, in closing, I am delighted to speak here today to honor and commemorate the 4–H Youth Development Program and its contributions to American communities for the past century. By pledging their heads to clearer thinking, their hearts to greater loyalty, their hands to larger service, and their health to better living, our young people—along with the adult volunteers who teach and help them—are working to strengthen the clubs, their communities, and their country.

Mr. PUTNAM. Mr. Speaker, in 2002, the 4–H movement celebrates its centennial as one of America's premier youth development organizations. Reflecting its historic vision, Congress is commemorating this event that has brought together our nation's youth, youth leaders, and communities for over a century and created youth development strategies for the future.

No other youth organization spans the nation like the 4–H movement, traveling the most remote roads of rural America and the most diverse streets of our large cities. 4–H is uniquely poised to bring together youth through collaboration, engagement, and a commitment to civic responsibility to build a nation of strong communities. 4–H is in every county in every state, in every U.S. territory and the District of Columbia and 3,067 countries around the world.

The 4–H mission is to create supportive environments for diverse youth and adults to reach their fullest potential. The 100 year-old program has molded itself to meet the needs of our citizens by focusing on developing rural, suburban and urban youth and teaching youth utilizing the research and knowledge base of our state's land grant institutions. 4–H has broadened its program areas to encompass not only agriculture and animal science, but also public speaking, computers, wildlife, forestry and many other topics of interest to today's youth.

Through "learning by doing" experiences, young people in the 4–H program are educated through hands-on instruction about the world around them with the guidance of over 600,000 volunteer leaders and cooperative extension service faculty who invest time, talent, and trust in our youth.

The 4–H program enables young people to grow up and become participating citizens and defenders of democracy through outstanding and exemplary programs such as the 4–H legislatures and the citizenship project. The 4–H program serves 6.8 million youth across America through 4–H clubs, special interest groups, camping and school enrichment educational programs. 4–H young people devote thousands of hours in service to their communities annually through programs such as "4–H'ers Helping the Hungry" and other service activities that benefit the people of our nation.

In the coming century, 4–H is posed to provide a national curriculum for youth development professionals reflecting tools and strategies that yield the most successful outcomes. By its call to excellence epitomized in its motto "to make the best better," 4–H is inspiring today's young people to strive for their dreams and not settle for anything less than their best effort. Congress recognizes these accomplishments through this resolution celebrating the centennial anniversary of 4–H programs for America's youth.

Mr. STENHOLM. Mr. Speaker, as the 4–H program prepares to celebrate its 100th anniversary as a national organization, I rise today to honor them and to congratulate the individuals who have made this program a tremendous national success. Let me also add that 4–H has also passed another significant milestone in my own home state of Texas: For the first time in its history, over one million young people are enrolled in the various Texas 4–H programs.

Young people are the future leaders of our country and the lessons they learn in 4–H programs, in any state or U.S. territory, help them to be responsible, energetic, and committed individuals who make an important contribution to our nation.

I commend 4–H for the positive impact it has on cultivating the head, heart, hands, and health of our young people. The positive educational experiences 4–H affords young people allows them to imagine unlimited possibilities and to take them in new and exciting directions.

I would also like to recognize the efforts of 4–H adult volunteers; it is their continuing efforts that allow this great organization to grow. 4–H leaders say they work to make the best better. For almost 100 years they have done just that, and our country is clearly the better for it.

Mr. UNDERWOOD. Mr. Speaker, I rise today to support H. Res. 112, recognizing the upcoming 100th anniversary of the 4–H Youth Development Program and commending such program for service to the youth of the world. I would especially like to extend a heartfelt congratulations to the members of the Guam 4–H Club on their twenty-seven years of community activism and commitment to our youth.

The 4–H started as an idea that generated in the United States and developed according to the needs of our communities. For most of the nineteenth century, rural America set the tone for the country. However, things changed at the turn of the century and jobs in the larger cities enticed the youth of rural America and many moved in search of economic prosperity.

These rural communities were faced with the potential loss of children leaving to the larger cities. With these concerns to educate the children of rural America and the advances in agricultural technology came the 4–H idea of practical and applied educational principles in the public schools of country life. In 1862, the Morrill Act created the land grant university system. These land grant institutions were dedicated to the general education and improvement of agricultural and mechanical arts in the education of rural children. In addition, as part of the land grant system, experimental stations were established in agricultural production and technology. Although the farming community did not readily accept these new ideas and concepts, concerned citizens, school teachers, agricultural scientists scattered the seeds that started the roots of the 4–H. By 1902, the club concept was adopted and hence the forming of a club for boys and girls promoting vocational agriculture in rural schools through the land grant system. by 1914 the Cooperative Extension System was enacted with the passage of the Smith-Lever Act. This was a unique partnership created by Congress to establish national educational network designed to meet the need for research, knowledge and educational programs. Local leaders were now involved and as a part of the program base for the cooperative extension programs the concept of 4–H expanded beyond agricultural vocation.

During its first 80 years, 4–H grew from an organization primarily concerned with improving agricultural production and food preservation to one dedicated to total youth development. It has become an integral part of the Land-Grant University and the Cooperative Extension Service Systems and is one of the nation's most diverse organizations that has now come to include people from every economic, racial, social, political and geographic category. More than 6.8 million youth annually participate in 4–H programs. These programs are conducted via the Cooperative Extension System in 3,067 counties in the United States, the District of Columbia, the Commonwealth of Puerto Rico and in my home district of Guam. The 4–H has followed the needs of the nation's youth from rural America to our urban and suburban communities, and even further into our U.S. Territories. The participation of young people in developing and governing 4–H has been key to its continuing success.

In 1972 the University of Guam was awarded land grant status and by 1974 the College of Agriculture and Life Sciences (CALS) was established. With the establishment of CALS, 4–H youth development on Guam was officially sanctioned and is today 27 years old. 4–H has served its members in Guam and other Pacific Island areas. Through public and private partnerships, the 4–H club has afforded many of our island youth the opportunity to engage in activities that hold their personal interest, while being guided by adult volunteers. Youth development professionals employed by the Cooperative Extension System with the University of Guam provide direction and leadership and centers on the personal growth of the 4–H member. Through projects, activities and events sponsored by the extension program, our 4–H youth members build life skills they can use for the rest of their lives. Because of their experiences with 4–H, our youth become contributing, productive, self-directed members of a forward moving society. Experiences are built around life skills that center on positive self esteem, communication and decision making. Citizenship, leadership, learning how to learn, and the ability to cope with change are also important life building skills learned through their activities. Two of my children, Sophia and Roberto, now grown adults in their 30's, participate in 4–H activities in Guam. I can't help but think that their maturation was assisted by their experience.

I can think of no greater tribute to the 4–H program than by recognizing its 100th Anniversary of community activism, and its positive youth development through its partnerships and programs.

Mr. HOBSON. Mr. Speaker, I rise in support of H. Res. 112, and recognize the accomplishment of the 4–H Youth Development Program.

In 1902, in Clark County, Ohio, which is my home and part of Ohio's 7th Congressional District, Mr. Albert Belmont Graham held the first meeting of what eventually become known throughout the nation as 4–H. The four H's are head, heart, hands and health; all of which should be used to serve your community, country, and world. The purpose of Mr. Graham's initial meeting was to instruct the county youth on the best methods of harvesting corn, testing soil samples, planting a garden, and identifying natural wildlife.

Soon, The Ohio State University's College of Agriculture became interested in Mr. Graham's meetings, and assisted him in setting up more of these "agricultural clubs" across the State of Ohio. Since that time, 4–H has expanded to all fifty states, internationally to more than 80 countries, and 45 million people now are 4–H alumni. The original curriculum has been expanded to include health, family life, photography, and more than 200 subject areas. The 4–H community not only includes those with agricultural backgrounds, but has broadened to reach the youths of the inner-cities and suburbs.

Every summer when I tour the county fairs in my district and see young men and women showcasing their talents, I am reminded of the vision of Albert Belmont Graham and his 4–H program, which continues to provide lasting educational, cultural, and social benefits to young people across America and throughout the world.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the resolution, H.Res. 112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 1, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 44 U.S.C. 2702, I hereby reappoint the following individual to the Advisory Committee on the Records of Congress:

Dr. Joseph Cooper of Baltimore, MD

Yours very truly,

RICHARD A. GEPHARDT.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. RYAN of Wisconsin;
Mr. SMITH of Texas;
Ms. DUNN of Washington;
Mr. ENGLISH of Pennsylvania;
Mr. PUTNAM of Florida;
Mr. STARK of California;
Mrs. MALONEY of New York; and
Mr. WATT of North Carolina.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed from earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 91, by the yeas and nays;

House Concurrent Resolution 95, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

RECOGNIZING THE IMPORTANCE OF INCREASING AUTISM AWARENESS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 91.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 12, as follows:

[Roll No. 90]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—12

Buyer
Ganske
Gutierrez
Hobson
John
Millender-McDonald
Moakley
Rothman
Serrano
Smith (WA)
Weiner
Young (FL)

☐ 1825

Mr. MEEKS of New York and Mr. SHERWOOD changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the provisions of clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 95, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 6, answered "present" 7, not voting 14, as follows:

[Roll No. 91]

YEAS—404

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt

Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—6

Ackerman
Capuano
Crowley
Hilliard
Tierney
Waters

ANSWERED "PRESENT"—7

Bonior
Johnson, E. B.
Jones (OH)
Kucinich
Lee
Owens
Rivers

NOT VOTING—14

Allen
Berkley
Buyer
Ganske
Gutierrez
Hobson
John
Millender-McDonald
Moakley
Rothman
Serrano
Smith (WA)
Weiner
Young (FL)

☐ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HOBSON. Mr. Speaker, on rollcall No. 91, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall Nos. 90 and 91, due to delay of the plane coming in from Los Angeles to Dulles, I missed the votes. Had I been present, I would have voted "yea." on both.

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, on April 26 I inadvertently voted "yea" on final passage of H.R. 503, the Unborn Victims of Violence Act, when it was my strong intent to vote "no" on the bill. I feel that the best way to protect the fetus is to better protect the woman, and because this legislation fails to address the need for legislation to prevent and punish violence against women, I would not support this or any other similar bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

Mr. Reynolds, from the Committee on Rules, submitted a privileged report (Rept. No. 107-53) on the resolution (H. Res. 127) providing for consideration of the bill (H.R. 10) to provide for pension reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXPRESSING SYMPATHY TO FAMILY, FRIENDS, AND COWORKERS OF VERONICA "RONI" BOWERS AND CHARITY BOWERS

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 117) expressing sympathy to the family, friends, and coworkers of Veronica "Roni" Bowers and Charity Bowers, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. Isakson). Is there objection to the request of the gentleman from North Carolina?

Mr. HOEKSTRA. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman please explain the purpose of the resolution.

Mr. BALLENGER. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from North Carolina.

Mr. BALLENGER. Mr. Speaker, on April 20, 2001, a Peruvian fighter jet mistakenly shot down a small seaplane carrying Baptist missionaries from Muskegon, Michigan, over the jungles of Peru. Believing that the small plane was engaged in drug trafficking, the Peruvian pilot attacked this small aircraft, killing two of its passengers, a mother and her infant daughter, and severely wounding the pilot.

As you may know, Roni Bowers, her husband James, their 6-year-old son Cory and 7-month-old adopted daughter Charity were flying aboard the seaplane when it was intercepted and attacked by the Peruvian fighter.

The aircraft, owned by the Association of Baptists for World Evangelism, was en route to Iquitos, Peru to acquire visa documents for newly adopted Charity. Although severely wounded in the attack, pilot Kevin Donaldson was able to land the plane safely. Unfortunately, Mr. Speaker, Roni and Charity Bowers were killed in the burst of gunfire. James and Cory Bowers escaped serious injury in the incident. An investigation into this matter is now underway.

H. Con. Res. 117 expresses Congress' deepest and most heartfelt sympathy to James and Cory Bowers, their extended family, and to their friends and fellow missionaries. It commends wounded pilot Kevin Donaldson for his bravery and skill in safely landing his crippled aircraft and wishes him a speedy recovery. Finally, it calls on the Governments of the United States and Peru to undertake a cooperative and thorough investigation into this incident to ensure that similar incidents will be avoided in the future.

I want to commend my colleague from Michigan,. Mr. HOEKSTRA, for this timely and important resolution and I join him in extending my personal condolences to the Bowers family. I urge my colleagues to support this passage.

Mr. HOEKSTRA. Mr. Speaker, continuing my reservation, let me just share a few facts about the tragedy on April 20.

James and Veronica, also known as Roni Bowers of Muskegon, Michigan, were missionaries affiliated with the Calvary Church of Fruitport, Michigan, and the Association of Baptists for World Evangelism. The Bowerses conducted their Christian mission work with their children, Cory and Charity, serving the native tribes along the Amazon River in the South American country of Peru. They had been there since 1995.

On Friday, April 20, 2001, the Bowerses were flying in an Association of Baptists for World Evangelism plane piloted by Kevin Donaldson, traveling from the Peru-Brazil border to Iquitos, Peru, after attempting to secure necessary visa documents for their newly adopted daughter, Charity.

The plane was wrongly attacked by a fighter jet of the Peruvian Air Force in an apparent attempted antidrug interdiction effort that may have also involved personnel of the United States. Roni and Charity Bowers were killed by bullets that were fired by the Peruvian jet into the plane, and pilot Kevin Donaldson was also severely injured in the attack. Kevin Donaldson, despite his injuries, was able to safely land his plane on the Amazon River, saving the lives of his other passengers.

The family, friends, and coworkers of Roni and Charity Bowers have displayed a shining example of their faith and grace in the face of this terrible tragedy. With this resolution, the U.S. House of Representatives expresses and conveys its deepest and most heartfelt sympathies for the loss of Roni and Charity Bowers to Jim and Cory Bowers, as well as to their extended families and their friends, their coworkers and fellow missionaries at the Association of Baptists for World Evangelism.

With this resolution, the U.S. House of Representatives commends Kevin Donaldson for his heroic actions in safely landing the plane, and further wishes Mr. Donaldson a speedy and complete recovery from his injuries.

And with this resolution, the U.S. House of Representatives strongly encourage the governments of the United States and Peru to work together as expeditiously as possible to determine all the circumstances that led to this unfortunate and regrettable incident and to ensure that an incident of this kind never occurs again.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of my good friend and colleague's resolution expressing our deepest sympathies to the family and friends of Roni and Charity Bowers for their tragic loss, and also our admiration and wishes for a speedy and complete recovery to pilot Kevin Donaldson.

The calling to perform God's work is not given to all, and not all heed this call to serve. Missionaries, like the Bowers family and Mr. Donaldson, are blessed in their dedication to improve the lives of their fellow man and their service to spread the word of God so that all might know His love and promise of redemption.

The good work of these people must be commended, and the loss of a young mother and child to a tragic mistake is heart-wrenching. Mr. Speaker, while we are rightfully deeply concerned with the circumstances of this tragedy, we must not allow it to deter our resolve to fight the trafficking of illegal drugs that have affected not only families and children living in the United States, but indeed all those in the Americas.

I call on all my colleagues to support Congressman HOEKSTRA's resolution to express our heartfelt sympathies and condolences, and to strongly encourage a prompt and thorough investigation into the circumstances that led to this tragic outcome. The details surrounding the attack by the Peruvian fighter jet need to be determined, and we must find a way for our governments to effectively work together to ensure illegal drugs are not allowed to continue to poison our children and our societies, and also that never again will innocent civilians suffer due to an interdiction mission gone awry.

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my sincere condolences to the Bowers and Donaldson families for their loss. I commend Congressman HOEKSTRA for bringing this resolution to the floor. It is the right thing to do.

My committee held a hearing today, chaired by subcommittee chairman MARK SOUDER. What became readily apparent from a variety of administration witnesses, is the CIA was responsible for this tragedy, yet they refused to return staff phone calls, member requests for briefings, and to provide a witness for the hearing. Instead the hearing resembled Abbott and Costello's "Who's on First" routine.

There is an established procedure for air interdiction. It has worked successfully nearly 100 times since it was implemented in 1995. Clearly this procedure was not followed here. Why? Why is all information surrounding the shootdown classified? Why does the CIA refuse to provide legitimate oversight committees in the Congress with briefings or witnesses? Why does the CIA refuse to provide a witness? All of these questions need to be answered, and I hope Chairman SOUDER continues to pursue this matter in his subcommittee with oversight jurisdiction on this matter.

But, what cannot be done, is to give the drug traffickers a green light to resume their illegal activity that has been significantly slowed by the air interdiction program. I would like to submit for the record this AP article in which the Bowers family indicates that their tragedy should not stop the program. Mr. Bowers is quoted as saying "the United States should quickly resume drug surveillance flights . . . to say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong." If a grieving husband and father can say this, the government should take note, and get back to providing the necessary coverage to stifle the drug flights as soon as possible.

There is an avenue here to consolidate these surveillance flights under one roof. The U.S. Customs Service already does this mission very well. They are a law enforcement agency with strict rules of engagement. It may be time to give this entire account—and most importantly the additional assets and funding necessary to successfully complete the mission—to the Customs Service. This means more P–3 surveillance planes as well as Citation aircraft. By placing this in one department who does not use civilian contractors, will leave the responsibility in one place. There will be no question of who is responsible, and where to go with questions. The acting Customs Commissioner at the hearing today said they would be able to do this if they were given the assets and the mission. I think it is time we in Congress gain some accountability by giving them the responsibility for this mission.

Thank you Mr. Speaker, and may God bless and comfort the Bowers and Donaldson families in their time of mourning.

[From the Associated Press, Apr. 30, 2001]

MISSIONARY SAYS DRUG SURVEILLANCE SHOULD RESUME QUICKLY

(By Bill Kaczor)

PENSACOLA, FL (AP).—A missionary says the United States should quickly resume drug surveillance flights suspended after his wife and adopted baby were killed in Peru when they were mistaken for drug smugglers and shot down.

Jim Bowers, who survived unharmed when their small plane crash landed after being fired upon by a Peruvian warplane April 20, said Monday he has expressed that view in a call to Secretary of State Colin Powell's office.

"To say there needs to be an entire review of the whole program and suspend it and to let the drug people continue their business as usual is wrong," Bowers said at a news conference.

He said it should take investigators no more than a day to figure out the shooting was simple error.

The Peruvian air force failed to contact a control tower that was in radio contact with the missionaries' float plane before shooting at it without first firing any warning shots, Bowers said.

"The main error in this whole thing is they were too quick to the trigger," he said. "I don't hold anyone responsible. It was a mistake as though someone fell asleep at the wheel and ran into us in a vehicle."

A U.S. Central Intelligence Agency aircraft had detected the missionaries' plane and notified the Peruvian air force. American officials say the surveillance crew, however, had advised it appeared, from the way the plane was flying, that it was not a drug smuggling flight.

Bowers, 38, of Muskegon, Mich., was in Pensacola for the funeral and burial Sunday of his wife, Veronica "Roni" Bowers, 35, and their 7-month-old daughter, Charity. He stayed with family in Wake County, N.C., immediately after the shooting.

The couple's 6-year-old son, Cory, also survived uninjured, but the plane's pilot, Kevin Donaldson, 41, of Morgantown, Pa., was wounded.

Bowers spoke to reporters at Marcus Points Baptist Church where the funeral services was held. His wife's parents, John and Gloria Luttig, of nearby Pace, are members of the church, which had helped support the couple's missionary work.

Bowers expressed his forgiveness to all involved at the funeral and during a memorial service Friday at his home church in Michigan. He said Monday he also hopes to talk personally with the Peruvian pilot who fired on their plane.

"I'm looking forward to that some day, but right now, I'm praying for him," Bowers said.

Although insisting he wasn't placing blame, Bowers said the pilot failed to give the missionaries a chance to land before he started shooting.

"I was assuming, because I've watched movies just like you all have, that there would be some kind of communication, they would come up next to us and let us know what they wanted," Bowers told reporters.

The air force plane swooped by a half-dozen times and began firing only five or 10 minutes after the first pass, he said.

"Any decent air force pilot would give the other aircraft time to understand his intentions," Bowers said. "I just thought this is way too soon for them to be shooting already."

He said he saw a puff of smoke from the front of the warplane and told Donaldson he thought it was shooting at them just as the bullets began ripping through their aircraft. A single bullet instantly killed his wife and daughter.

Bowers said neither he nor anyone else from his family or church has been in contact with the baby's natural parents, but he said they knew she had been killed.

The couple's missionary work also has been supported by Calvary Church in Fruitport, Mich., and the Association of Baptists for World Evangelism, based in New Cumberland, Pa.

Mr. HOEKSTRA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 117

Whereas James and Veronica "Roni" Bowers of Muskegon, Michigan, served as missionaries affiliated with the Calvary Church of Fruitport, Michigan, and the Association of Baptists for World Evangelism;

Whereas the Bowerses conducted their Christian mission work with their children, Cory and Charity, serving the native tribes along the Amazon River in Peru since 1995;

Whereas on Friday, April 20, 2001, the Bowerses were flying in an Association of Baptists for World Evangelism plane piloted by Kevin Donaldson, traveling from the Peru-Brazil border to the city of Iquitos, Peru, after attempting to secure necessary visa documents for their adopted daughter, Charity;

Whereas the plane was mistakenly attacked by a fighter jet of the Peruvian Air Force in an apparent attempted anti-drug interdiction effort that may have also involved personnel of the United States;

Whereas Roni and Charity Bowers were killed, and pilot Kevin Donaldson was severely injured in the attack;

Whereas Kevin Donaldson, despite his injuries, was able to safely land his plane on the Amazon River, saving the lives of his other passengers; and

Whereas the family, friends, and co-workers of Roni and Charity Bowers have displayed a shining example of their faith and grace in the face of this terrible tragedy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses and conveys its deepest and most heartfelt sympathies to Jim and Cory Bowers and to their extended families, friends, co-workers, and fellow missionaries at the Association of Baptists for World Evangelism, for the loss of Veronica "Roni" Bowers and Charity Bowers in an attack by a fighter jet of the Peruvian Air Force on the plane in which they were traveling;

(2) commends Kevin Donaldson for his heroic actions in safely landing the plane and wishes Mr. Donaldson a speedy and complete recovery from his injuries; and

(3) strongly encourages the Governments of the United States and Peru to work together as expeditiously as possible to determine all the circumstances that led to this unfortunate and regrettable incident and to ensure that an incident of this kind never occurs again.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 117.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ILO CHAMPIONS CAUSE OF WORKERS' RIGHTS AROUND THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, this is a quote:

> The failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions of their own countries.

☐ 1845

Powerful words, and I wish I could claim that they are mine, but they are not. They are from the preamble of the Constitution of the International Labor Organization, which was created 82 years ago.

The United States, of course, was one of the nations which helped form the ILO. And, true to its mission, in the years since, the ILO has championed the cause of workers' rights around the world: the right to organize and bargain collectively; the right to refuse forced labor; the right to reject child labor; and the right to work free from discrimination.

In fact, right now the ILO is mounting a global effort to inform workers of their rights. Versions of this poster to my right, in a variety of languages, are being distributed around the world. You have rights to organize and bargain collectively, to refuse forced labor, to reject child labor, to work free from discrimination.

The ILO is living up to the challenge of fighting for workers' rights. The question is, are we?

Last week in Quebec, the President called for expanding NAFTA and creating a free trade zone stretching from the Arctic Circle to Tierra Del Fuego. We are told it is an opportunity to promote our values and democracy throughout the Americas. Imagine what a source of relief that must be to workers at Chentex, which is a clothing factory in Las Mercedes Free Trade Zone in Nicaragua. Or should I say the "former workers" of this factory, because after they organized a union in 1988, the workers at Chentex had the audacity to ask for a wage increase.

One day they staged a 15-minute work stoppage to protest the company's intransigence. What was the company's response? They fired the leaders of the union. At that point the workers went on strike. What was the company's answer, they forced more than 500 workers from their jobs and then they blacklisted them so they could not work in the free trade zone again.

If you follow the logic presented to us in Quebec, with a Free Trade Area of the Americas, that would not happen. As a result of dealing with American companies, employers like Chentex would see the error of their ways. They would respect workers' rights and bargain fairly. Their managers would stop forcing workers to labor as much as 12 hours a day, and they would not monitor their visits to the bathrooms or any of the other things that happen frequently.

There is only one problem with this theory: It is that the Chentex factory has been trading with the United States companies for years. In fact, they make clothing that is sold today by major U.S. retailers.

We do not practice what we preach. The theory that the President and the so-called free traders advocate has not worked. You do not have to go to Nicaragua, you can go to the free trade zone along the Mexican-U.S. border. You can go to another 100 places like that around the globe. The reality is that too many corporations are treating people without human respect. And the ILO, I have a right, you have a right, to organize and bargain collectively, to refuse forced labor, to reject child labor, to work free from discrimination, is an important message to let people know around the world that we will not tolerate it, and they can stand up and be respected.

We have too many children, 8, 9, 10 years of age, working 12 hours in factories for less than a nickel an hour, a nickel a day in some instances, basically working for nothing. We have too many instances of people being discriminated against in the workplace.

We have too many instances of forced labor, and this needs to stop. I only wish U.S. corporations were willing to cooperate with this movement.

It takes some leadership at the national level here in this country, not only from the government but from our corporate leaders. I wish someone would stand out and say we are going to set the pattern and treat workers abroad with respect and dignity. I think once that wave starts, it is pretty hard to stop. What we need to do is continue to press. We need to continue to support the ILO and their efforts to educate workers around the globe that they have these rights. We as a country, as people, as governments, and as corporations ought to stand up for those rights.

DECISION TO CHANGE HEADGEAR OF U.S. ARMY FROM FOLDING GREEN CAPS TO BLACK BERETS DISAGREED WITH BY MANY

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, last week I attended a briefing before the House Committee on Armed Services regarding the decision to change the headgear of the United States Army from the traditional green folding cap to a black beret. There have been many hearings and briefings since this decision was announced, and it seems to me, following each one, another bit of information not previously known has come to light.

The decision to disregard the history and proud tradition of the Rangers was the first bad decision. The decision to bypass the Berry amendment and purchase the berets from China and other foreign countries, rather than buy them from U.S. suppliers, was the second bad decision.

I did not believe that this decision could become any worse, but the longer the situation drags on, the worse it seems to become. The bottom line is that we have troops without adequate ammunition and pilots who cannot fly because of a lack of funds, so why would the Army spend $23 million to change the color of a hat on the whim of one general? It just does not add up. Just like a dead fish, this seems to be rotting from the head down.

Mr. Speaker, I have heard from many of our retired and active duty Rangers, among them Sgt. Bill Round from my district and Sgt. David Nielsen, who are both veterans. Believe me when I say, contrary to what has been reported, they are not pleased with the decision to change the beret designation to tan.

Mr. Speaker, tomorrow I will testify before the House Committee on Small Business regarding the matter in which the Berry amendment was arbitrarily dismissed. The gentleman from Illinois (Mr. MANZULLO) and the Committee on Small Business are to be commended for calling the hearing so that the Committee on Small Business can flesh out how the decision to bypass the Berry amendment was reached.

During my testimony, I will be discussing a bill that I have introduced that will prevent an error like this from ever happening again in the future. However, the immediate need needs to be addressed right now. The decision regarding the change from folding green hats to black beret appears to be dying a slow death. Murmurings are circulating about shoddy workmanship, and I am sure that other problems will come to light following the hearing tomorrow.

The time to bring an end to this ill-fated decision has come. It is my hope that the Congress and the administration can stop this outrage once and for all and restore the emblem which for so long has been a symbol of excellence in the United States Army, the Rangers wearing the black beret.

INTERNATIONALLY RECOGNIZED WORKERS' RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I thank my colleague, the gentleman from Michigan (Mr. BONIOR), for organizing this evening's discussion on so critical an issue as international workers' rights. The gentleman from Michigan (Mr. BONIOR) has been a champion for workers' rights at home and abroad, and I am proud to join him in this discussion.

Work is fundamental to our existence. It gives our life meaning, and it is necessary so workers can provide for even the most basic human needs, like food, shelter and clothing. We say that women and men share the same fundamental rights when they are at work. We say that the new global economy is creating unprecedented opportunities and new-found rights for workers, especially women, including the right to work free from gender discrimination, yet clearly we are not doing enough to make this a reality.

Gender wage discrimination is a national and international atrocity which continues to hold our global community captive and hinders further progress.

From the United States to Japan, from South Africa to the Netherlands, women are paid less than men. What is worse is that there is no indication that this will soon change for women worldwide. Across the globe, the United States Congress has the ability to protect workers' rights, including the right to work free from gender discrimination. As the most powerful nation in the world, we have the responsibility to influence other governments to defend workers' rights, to ensure that women workers are paid a fair wage so they can support their families. It is time that we live up to these responsibilities.

For decades women have been fighting for their right to enter the labor force, and progress has been made in terms of women in the workforce. With the globalization of the economy, women have assumed extraordinary responsibilities and have adapted to the duties of providing for the security of their families. They have taken on roles in the workplace and in their communities, oftentimes to lessen the harm from local and national crises, for example, the women that enter the agriculture sector in Africa in order to alleviate their families from the burdens of famine that have plagued Africa.

For the past 2 decades, the level of women's participation in the labor force has been increasing. In fact, in 1994, approximately 45 percent of the world's women from the ages of 15 to 64 were economically active. The rate at which women are becoming economically active is almost twice the rate for men. In the United States, Canada and the Scandinavian countries, women now make up nearly half the active population, with activity rates of over 70 percent in core age groups. Unfortunately, this is only half the story.

It is simply unacceptable that not all women have been able to choose to enter the workforce and those that do encounter additional barriers and violations of their rights. Although women have benefited a great deal from the changing global economy and newly created jobs, unequal pay remains a problem and job equality has declined.

I cannot believe that the majority of women worldwide continue to earn on the average only 50 to 80 percent of what men earn. In Japan, the Republic of Korea, women's salaries are roughly half of men's salaries. In developed countries, including the United States, the pay gap varies between 30 percent to slightly less than 10 percent. Worldwide, women earn an average of 75 percent of men's pay in nonagricultural work. These are outright violations of workers' rights, and the injustices persist despite undeniable success which women have achieved in accessing education and vocational and professional training. We can no longer assume that the women arriving in the job market have fewer skills and less training than men.

In spite of numerous international conventions and laws guaranteeing the equality of opportunity and treatment, discrimination between the sexes persists. Women still assume the double burden of family and employment obligations. Women's pay remains lower than that of men; and women remain in the minority in decision-making and managerial posts.

The dramatic increase of women in the labor market has driven public opinion and the governments of many countries to acknowledge that they need to fight against these inequalities.

The United States Congress needs to be doing more to ensure that our government and those across the globe adopt legislation which represents the real political will that exists to eliminate inequality of opportunity on the basis of gender.

We need to pass legislation like the Paycheck Fairness Act, which I introduced in the 107th Congress, to ensure that protections against gender discrimination are enforced. It is a matter of human rights, of social justice, and sustainable economic development to make sure that women are paid in the same way that men in our society are paid.

HONORING REV. LEON SULLIVAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, today one of the greatest civil rights and human rights leaders of our time, a great orator, a humble minister who lived his faith, Reverend Leon Sullivan, was laid to rest in Phoenix, Arizona.

Rev. Leon Sullivan was an advocate for the "least of these." His deep and abiding commitment to human rights, to economic development, to education, to the elimination of racism and apartheid transcended the North American continent all of the way to the continent of Africa and the entire world. His love for all of God's children was the driving force for many of his magnificent endeavors here in America and in Africa.

Mr. Speaker, I include for the RECORD Reverend Sullivan's obituary which sets forth his life's work.

[From the International Herald Tribune, Apr. 27, 2000]

Leon Sullivan, 78, Key Player In Ending Apartheid, Is Dead

(By Paul Lewis)

The Reverend Leon Sullivan, 78, the clergyman and civil rights leader who drew up guidelines for American businesses operating in South Africa under apartheid, died Wednesday of leukemia in Scottsdale, Arizona.

In 1977, Mr. Sullivan drafted the Sullivan Principles to help persuade American companies with investments in South Africa to treat their workers there in the same manner that they treated their U.S. workers.

He later worked with the United Nations on a code of ethical conduct for multinational corporations.

As originally stated, the Sullivan Principles called for racial nonsegregation on the factory floor and in company eating and washing facilities; fair employment practices; equal pay for equal work; training for blacks and other nonwhites so they could advance to better jobs; promotion of more blacks and other nonwhites to supervisory positions, and improved housing, schooling, recreation and health facilities for workers. On Wednesday, the UN secretary-general, Kofi Annan, praised Mr. Sullivan, saying that he had played a bold and innovative role in ending apartheid. And the Reverend Jesse Jackson called Mr. Sullivan "a tremendous source of hope and vitality and moral authority."

In 1971, Mr. Sullivan joined the board of General Motors as the company's first black director. He was instrumental in expanding black employment and creating more black dealerships.

By 1984, Mr. Sullivan had used his position on the General Motors board to persuade most American companies doing business in South Africa to abide by his principles. He then added several more guidelines.

He said that American companies should campaign actively against apartheid, allow black workers full job mobility and provide housing accommodations close to work.

In 1987, with apartheid still in place and such African leaders as Nelson Mandela still in prison, Mr. Sullivan toughened his approach, urging American corporations to withdraw altogether from South Africa and calling for the United States to impose trade and investment sanctions on that country.

This harsher stance, however, won little support from either the Reagan administration or American business leaders.

When apartheid was dismantled in the 1990s, many credited Mr. Sullivan's work as a major force in the change. But he said only, "If you take a hammer and chisel and pound a rock 100 times, it's going to crack. I pounded and pounded and it cracked."

In 1988, Mr. Sullivan retired as the head of Zion Baptist Church in Philadelphia, moved to Phoenix and began building bridges between Africa and black America, organizing a series of African and African-American summit meetings, with the first held in Abidjan, Ivory Coast, in 1991.

In 1999, he promulgated his own Global Sullivan Principles, ethical guidelines for multinational corporations. About a hundreds U.S. corporations have accepted them.

He was awarded honorary degrees by Dartmouth, Princeton and Swarthmore, among dozens of other colleges.

A Fighter Against Racism

A Baptist minister from humble beginnings in Charleston, W. Va., Leon Sullivan became a force for racial justice from the streets of Philadelphia to Soweto. The Rev. Mr. Sullivan died last week of leukemia at the age of 78. He will be buried today in Phoenix.

The Rev. Mr. Sullivan wrote an international code of business conduct that helped fight apartheid. For more than 20 years, he crusaded against institutionalized racial oppression, backed by the white South African government. His "Sullivan Principles," written in 1977, called on U.S. firms conducting business in South Africa to establish fair-employment practices, train non-whites and promote them to management jobs, and to improve employees' lives outside of the work environment. He used his position as the first African-American to sit on the board of directors of General Motors Corp. to focus attention on racial segregation and deplorable living conditions of black workers in South Africa.

Before he moved into the international arena, the Rev. Mr. Sullivan fought for racial equality in Philadelphia, where he organized a boycott of local firms that would not hire African-Americans. Not one to accept the common corporate excuse that no qualified African-Americans could be found for available jobs, he established the Opportunities Industrialization Centers that since 1965 have trained hundreds of thousands of people in the United States and Africa. There are 56 affiliate centers in 36 states (none in Missouri or Illinois) providing education, training, employment and housing services to poor people of all races.

As the United states continues to push for global trade, the Rev. Mr. Sullivan's principles promoting equal economic opportunity for all races are every bit as relevant as they were in 1977.

Mr. Speaker, I will miss Reverend Sullivan tremendously. I will miss his words of wisdom and counsel. My last conversation with Reverend Sullivan was on the front steps of the Cannon Building last year. We talked about the HIV/AIDS pandemic which is ravaging Africa.

☐ 1900

He told me that he intended for the African American Summit, which had been scheduled to take place in Abuja, Nigeria this month, to highlight the devastation brought on by this disease. He said that we must stay faithful to our mission to eradicate this disease from the face of the earth. Reverend Sullivan's untimely death prevents, for the moment only, this summit from proceeding, but his message of hope must be heard.

Tonight we can all honor his legacy. Tonight we can and we must recommit ourselves to increasing the level of funding to address the global HIV/AIDS pandemic, specifically in sub-Saharan Africa which has over 70 percent of the world's HIV/AIDS infections.

Finally, in honor of Reverend Sullivan, let us remember his magnificent life; and let us remember that it was he who helped mobilize us, making us take note that Africa does matter. It was he who helped remind us that America is home to tens of millions of African descendants. We cannot forget that Africa matters.

It is with a heavy heart, yet a sense of gratitude, that I remember Reverend Sullivan tonight. My prayers go out to Reverend Sullivan's family. May this great warrior rest in peace.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET—107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of

Representatives, I respectfully submit the rules of the Committee on the Budget for the 107th Congress for publication in the CONGRESSIONAL RECORD.

GENERAL APPLICABILITY

RULE 1—APPLICABILITY OF HOUSE RULES

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

RULE 2—REGULAR MEETINGS

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give notice in writing or by facsimile to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

RULE 3—ADDITIONAL AND SPECIAL MEETINGS

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide notice in writing or by facsimile of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

RULE 4—OPEN BUSINESS MEETINGS

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by recall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

RULE 5—QUORUMS

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

RULE 6—RECOGNITION

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

RULE 7—CONSIDERATION OF BUSINESS

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

RULE 8—AVAILABILITY OF LEGISLATION

No bill or joint or concurrent resolution shall be considered by the committee unless copies of the measure have been made available to all committee members at least 4 hours prior to the time at which such measure is to be considered. For concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete chairman's mark (or such material as will provide the basis for committee consideration). the provisions of this rule may be suspended by the concurrence of the chairman and ranking minority member.

RULE 9—PROCEDURE FOR CONSIDERATION OF BUDGET RESOLUTION

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

RULE 10—ROLLCALL VOTES

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

HEARINGS

RULE 11—ANNOUNCEMENT OF HEARINGS

The chairman shall make public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

RULE 12—OPEN HEARINGS

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

RULE 13—QUORUMS

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

RULE 14—TIME FOR QUESTIONING WITNESSES

(a) Committee members shall have an amount of time not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

(b) After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(c) In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 15—SUBPOENAS AND OATHS

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

RULE 16—WITNESSES' STATEMENTS

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the 2 preceding fiscal years.

PRINTS AND PUBLICATIONS

RULE 17—COMMITTEE PRINTS

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

RULE 18—COMMITTEE PUBLICATIONS ON THE INTERNET

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

RULE 19—COMMITTEE STAFF

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a, b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

RULE 20—STAFF SUPERVISION

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule X, clause 9(c)) and job title, and, at his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority member of the committee, who may delegate such authority, as they deem appropriate.

RECORDS

RULE 21—PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

(a). An accurate stenographic record shall be made of all hearings and business meetings.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

RULE 22—ACCESS TO COMMITTEE RECORDS

(a)(1) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

RULE 23—GENERAL OVERSIGHT

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(e) of rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

RULE 24—AVAIABILITY BEFORE FILING

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the ranking minority member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the chairman or with a majority vote by the committee.

RULE 25—REPORT ON THE BUDGET RESOLUTION

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

RULE 26—PARLIAMENTARIAN'S STATUS REPORT AND SECTION 302 STATUS REPORT

(a)(1) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House or Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the j8urisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

RULE 27—ACTIVITY REPORT

After an adjournment of the last regular session of a Congress sine die, the chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

RULE 28—BROADCASTING OF MEETINGS AND HEARINGS

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

RULE 29—APPOINTMENT OF CONFEREES

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party of members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

RULE 30—WAIVERS

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL LIBRARY LEGISLATIVE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Davis) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I join with the gentlewoman from California in paying tribute to Reverend

Dr. Leon Sullivan who was one of the outstanding international leaders of our day. As a matter of fact, I recall some 25, 26 years ago when I was visiting in East Africa, and one of the first things I saw was an OIC center in Nairobi, Kenya. That is an indication of the kind of reach that Dr. Sullivan had.

I rise today, Mr. Speaker, to pay tribute to an important group of institutions in our communities, institutions that often go unrecognized, and, that is, our public libraries across the United States of America. This institution has served as an intellectual playground where young people explore their dreams. And for many of us, this institution has served as our think tank, where we go to formulate master plans for personal growth and development, where we go and relive our hopes for success.

Recently, I have had the opportunity to interact with three libraries in my congressional district, the one in Bellwood, Illinois; the one in Maywood, Illinois; and the Chicago library, the Harold Washington Library, in Chicago. Behind these walls, meticulously preserved are the thoughts, data, theories, and dreams that were generated by countless people who have greatly impacted our society. And so today I decided to simply recognize National Library Legislative Day.

There are approximately 122,289 libraries in the United States. A significant number of these libraries are free and available for public use. As an American, I am proud and pleased to live in a country that prioritizes giving access to information and knowledge.

We have all heard the phrase "knowledge is power" and yes, it is. It is not just the building or even the books that make the library so special. Day in and day out, libraries provide a smorgasbord of information that is needed by the general public. They provide guidance in a child's academic endeavors. They lend a helping hand to adults seeking to expand their knowledge base. And today libraries have been in the forefront of helping to close the digital divide by providing computer and Internet training to community residents. Indeed, libraries are multifaceted institutions.

We salute them for their commitment. We commend their excellence. And we are grateful for their guidance. We praise them on this special day and say, long live our libraries, so that long can live freedom and democracy in our country.

HONORING REVEREND LEON SULLIVAN

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we funeralized a hero of the American people and a hero of the world. And so I offer to his family and to the world, his world of friends, both national and international, my deepest sympathy.

Mr. Speaker, I rise today with a heavy heart to mark the sad passing of our friend Reverend Leon Sullivan, an educator, minister, diplomat, civil rights leader, and yes, national treasure. I am so happy that in the course of the last year, Reverend Sullivan and myself were together. His love for life, his interest and his passion of working with the people of Africa, his concern on making sure that there is a synergism between the business communities of this Nation and of the Continent were alive and well. And yes, he was receiving an outstanding award from then President Clinton for his great humanitarian service, and he relished it and he loved it and yes, we loved honoring him.

As the Lion of Zion, the 6-foot-5-inch Reverend Leon Sullivan was a giant among men. Reverend Leon Sullivan was an activist, civil rights leader, business leader and pastor as I have previously said. Reverend Sullivan once said, "We must stand up with politicians and businessmen and women. We must stand up for those who need help to stand on their feet." He was the author of the Sullivan Principles, a set of guidelines for American businesses operating in South Africa under the apartheid regime. Although later largely superseded by the divestment movement, these principles laid a foundation for ethical business practices that continue to influence companies today.

The central premise of the Sullivan Principles was that American companies operating overseas should treat their workers there with the same fairness and equity that they practiced at home. He was a pioneer moving throughout this very difficult time, leading the way for then the major apartheid movement to come and finally crush that terrible and tragic time in our history.

The Sullivan Principles called for racial nonsegregation, fair employment practices, equal pay for equal work, improved housing, educational and health facilities for workers, and increased training and promotion opportunities for nonwhites who had been denied access under South African law and custom. He was trying to find solutions for what was then an insurmountable problem. He had faced discrimination at home. By the mid-1980s, most American companies operating in South Africa followed these principles before, as I said, we finally crushed apartheid.

As a child, Leon Sullivan lived in a segregated world where he was not permitted to sit at a counter in certain stores or attend school with white students. Although he was elected Governor of Negro Boys State, he was not treated the same as his white counterpart.

About his experience he said, "I couldn't understand quite why I had to do things a certain way. My grandmother had to wash these clothes. She had to iron them and put them in a little basket and I had to put them in my red wagon and take them out to where the big houses were. When I walked up Washington Street, all the white children walked on the left side of the street and all the colored children walked on the right side of the street."

In 1987, Sullivan called for U.S. companies to withdraw from South Africa and for international trade and investment sanctions against the apartheid regime. He came to the conclusion that a more harsher and stronger viewpoint must be taken and that we must end apartheid then and end it now.

About his role in helping end apartheid, Sullivan said, "If you take a hammer and chisel and pound a rock 100 times, it's going to crack. I pounded it and it cracked."

After the fall of apartheid, Sullivan worked with U.N. Secretary-General Kofi Annan to encourage businesses to adopt the Global Sullivan Principles for Social Corporate Responsibility on a worldwide basis. About 100 American corporations accept these principles today.

In 1971, Mr. Sullivan became the first African American director of General Motors. As a member of the board of directors, he expanded minority hiring and business opportunities. He went on to build bridges. He continued to pastor the Zion Baptist Church in Philadelphia. They loved him greatly. He challenged the establishment. He continued to work on behalf of us all, and he did something even greater, beginning to put major conferences and summits on the continent of Africa, insisting that we travel to Africa to talk about the issues of health care, business opportunities, education, and yes, to enhance these developing nations.

Reverend Leon Sullivan knew what the 21st century would have to do. It would have to fight the war of HIV/AIDS and win that war. He was a champion of those issues. To the end, he was aware that the Continent was rich in resources and human resources and that in order for it to grow and thrive, we must embrace it, we must help it and enhance it but it must help itself. And yes, he embraced the fight against HIV/AIDS and helped Members of Congress to raise their voices against that terrible pandemic. He was a warrior and a lion. I will always remember his smile but most of all his fight for justice and equality and his love for humanity.

HONORING HELENE H. HALE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor Helene H. Hale, a distinguished citizen of Hawai'i, whose extraordinary example of public service truly sets her apart.

I reprint here a copy of a Proclamation issued by County of Hawai'i Mayor Harry Kim on April 10, 2001, honoring Helene's many contributions to Hawai'i and recognizing a truly unique and remarkable woman.

COUNTY OF HAWAI'I PROCLAMATION

WHEREAS, Helene H. Hale has served the people of Hawai'i in various elective capacities for almost 50 years, and in at least one office in each of the past six decades: in the 50's and 60's as a County Supervisor, in the 60's as Chairman or Mayor of Hawai'i County, in 1978 as a delegate to the State's Third Constitutional Convention, and in the 80's and 90's on the County Council; and

WHEREAS, at the age of 82 years young, in the year 2000, she was elected to the State House of Representatives on the slogan "Recycle Helene Hale," becoming the oldest freshman ever elected to the State House, and she has taken State government by storm: and

WHEREAS, far from being a career politician, she has combined government service with other vocations, including wife, mother, college lecturer, bookstore manager, coffee grower, realtor, U.N. supporter, and founder of the Merrie Monarch Festival, and she has brought to each of these the same intelligence, wit, energy, and dedication which have marked her service in government; and

WHEREAS, Helene Hale has claimed many "First," including first female government official in Hawai'i since Queen Liliuokalani, first African American elected official in Hawai'i, first resident of Hawai'i on the cover of Ebony, first female chief executive of a county in Hawai'i, and the first octogenarian in Hawai'i to campaign for public office in a bathing suit, and

WHEREAS, Jeremy Harris, Mayor of the City and County of Honolulu, proclaimed March 23, 2001, as "Helene H. Hale Day" in the City and County of Honolulu; and

WHEREAS, Helene Hale is a resident of the County of Hawai'i, and her political career has been here, not in Honolulu, and we cannot allow Honolulu to steal credit for our Helene.

NOW, THEREFORE, I, HARRY KIM, Mayor of the County of Hawai'i, do hereby proclaim (belatedly) March 23–29, 2001, as HELENE H. HALE WEEK in the County of Hawai'i, and extend belated best wishes for a Happy Birthday and many more in the future.

IN WITNESS WHEREOF, I have hereunto set my hand and caused The Seal of the County of Hawai'i to be affixed. Done this 10th Day of April, 2001, in Hilo Hawai'i.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to talk about health care and my concern that in the first 100 days of the Bush administration, we have seen no action, effectively, on the major health care concerns that affect the American people, that my constituents are talking to me about and that many of my colleagues in Congress, in the House of Representatives, not only on the Democratic side but also on the Republican side, have identified, issues that we have identified as important that need to be addressed in this Congress. I want to mention three tonight. There are many, but I want to mention three, if I could: one is the need for a Medicare prescription drug benefit; the second is the need to reform HMOs, the so-called Patients' Bill of Rights; and the third is the mounting problem of so many Americans, maybe 45 million Americans at this point, who have no health insurance.

Before I get to those three points, though, I probably should point out that the President's budget sends sort of a defining message with regard to health care by essentially not only dealing with some of these problems effectively but also by threatening through the size of the tax cut that he recommends, which is primarily for the wealthy and corporate interests, to possibly raid or effectively raid the Medicare as well as the Social Security trust fund.

So I guess there is no reason why we should be under any illusions, if you will, that President Bush effectively wants to address some of these health care issues when the reality is that his budget probably would harm health care, particularly for seniors, by tapping into the Medicare trust fund and certainly doing nothing that would improve the future viability of that trust fund. I know that we may be addressing the budget tomorrow or Thursday or sometime in the next week or so, and that is one of my major concerns, that the budget proposal through the tax cut proposal would dip into the Medicare trust fund and affect its future.

But I want to get back to the three issues that I wanted to address tonight that are health care-related and talk a little bit about each of those, if I could. One of the major problems that my constituents talk about, and I know it is true for all my colleagues because we have talked about it on the floor and we have had many discussions, the fact that so many seniors today are negatively impacted due to the cost of prescription drugs.

In my own State of New Jersey and in many States, we have enacted legislation that would provide prescription drug benefits, some more generous than others, depending on the State, for low-income seniors. But Medicare, which, of course, is the main health care program, the health care program that most seniors rely upon, that is universal, does not include a prescription drug benefit. You may be able to get it if you have an HMO, but increasingly the HMOs do not provide prescription drug benefits or very limited benefit.

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So what we see is more and more seniors taking money out of their pockets to pay for increasingly high costs for prescription drugs.

I happen to chair our Democratic Health Care Task Force where we took up this issue, but many of my colleagues on the Democratic side, and certainly some on the Republican side as well, felt that we needed to provide a prescription drug benefit in the context of Medicare so that all seniors, not just low-income seniors but middle-income seniors who are impacted probably more than anybody else, because in most States there is no benefit for them, there is no protection for them, need to have this kind of a benefit.

The Democrats came up with a bill which we introduced in the last Congress, and I just want to summarize that if I could, the major features of that bill, to get an idea of the type of prescription drug benefit that I think we need.

First of all, the Democratic bill, called the Prescription Benefit Act of 2000, was universal and voluntary; established a voluntary prescription drug benefit program for seniors and disabled in Medicare beginning in 2002.

Enrollment is voluntary when a senior or disabled person first becomes eligible for Medicare or if and when they lose coverage from an employer, an HMO plan, or Medicaid. Enrollees would receive Medicare payments for covered drugs from any participating pharmacy and are charged negotiated discounted prices on all of their covered drug purchases regardless of whether the annual benefit limit has been reached, the idea being that we want to pool all the seniors in a Medicare benefit so that the cost of prescription drugs is significantly less.

In terms of the benefit, the proposal that the Democrats put forth last year would pay for at least 50 percent of the negotiated price for the drug, up to 50 percent of annual limits equal to $2,000 through 2002 to 2004, and it goes up to $5,000 to 2009, and then adjusted for inflation. So 50 percent of the cost from the first prescription that one buys and then up to $5,000. There was a catastrophic benefit beyond that that one would not pay anything.

The main thing I want to point out, though, is that this was a universal benefit. What the Democrats have been saying is that everyone in Medicare should be eligible for a prescription drug benefit. That is because most of the people that are complaining to us about the cost of prescription drugs and not having coverage are, in fact, middle-income seniors, not the very poor who often have, as in my State of New Jersey, some kind of a program to pay for their prescription drugs.

Now, during the course of the campaign, President Bush said that he wanted to address the concerns of seniors and he wanted to enact, if he was elected President, a prescription drug benefit. It was not quite clear what he had in mind. He was pretty general about it, but he certainly suggested that it was not just for low-income seniors. It would be for all seniors.

Now so far in the first 100 days of this administration the only proposal that we have received is one that was basically included in the budget for, I think, about $150 billion, which is woefully inadequate in any case, for a low-income prescription drug benefit. I do not even want to stress this that much, Mr. Speaker, but I need to stress that there has been no push for this. It is one thing for the President to get up during the campaign and say I want a prescription drug benefit. It is another thing for him to change later and say, when he is elected, well, this is going to be primarily for the low-income or exclusively for low-income people.

We all know that from the bully pulpit of the Presidency that if one wants to get something done they simply come down here to the Republican leadership that is in the majority in both Houses and say this is a priority, we want to get this done and we want to get it done now.

We are not getting that. We are not getting any suggestion from the White House that this is a priority. Nobody is sitting down here with either the Republican leadership or the Democrats, certainly not effectively, and saying that we want to do something here and we want to move this. There may have been some hearings, but there is no legislation that is moving in any committee that would provide a prescription drug benefit.

I want to be a little critical of what the President has proposed because I want people to understand, and my colleagues to understand, that it really does not help too many people because it is a low-income benefit; but even more I want to stress over and over again that there is no push even to do this.

Let us just analyze briefly what the President's medicine proposal, prescription medicine proposal, is.

Basically, the way he defines it, he says it would limit full prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty line. So that is up to $11,600 for individuals and $15,700 for couples, and seniors with out-of-pocket prescription spending of $6,000 per year. Basically, we are talking about people at a fairly low-income level.

In my own State of New Jersey, the people that would be covered by the President's proposal would already be eligible for our low-income prescription drug plan that is financed through casino revenue funds. I would suspect that that is going to be the case in a lot of other States that we are only dealing with fairly low-income seniors, many of whom are already provided some kind of coverage by their State; but even if they are not, it is not a large percentage of the Medicare senior population that needs a prescription drug benefit.

I would venture to say that unless one is fairly well-to-do today, they are suffering if they have to pay for their prescription drugs out of pocket.

Now just to point out that the Democrats really mean business, when the President's budget came over, or when the House budget which essentially reflected the President's budget came over, to the Senate, the Democrats basically sought to double the amount of money that would be available for a prescription drug program from essentially $150 billion, which was the President's proposal, to about $300 billion, on the assumption that we could have some sort of universal benefit if it were to pass.

Of course, the President has canned that and said he does not support it.

Just to point out how important this issue is and that I am not just talking about this in the abstract but I know that it is something that is really crucial to the average senior, just last week in the New York Times there was an article, April 23, about States creating plans to reduce costs for drugs. It outlined how so many of the States now are putting in place prescription drug programs because they realize the necessity of them; but again, a lot of this is just for low-income seniors. A lot of it does not cover that many people.

I maintain that rather than look to the States to create these plans which oftentimes are limited and which frankly they cannot afford, the Federal Government should be taking a lead. Basically, the fact that so many States are dealing with this issue, and trying to, cries out, in my opinion, for a Federal solution.

Another area where I think that the average American is losing out with regard to health care needs is on the issue of HMO reform and Patients' Bill of Rights. Before I get to that, I see that one of my colleagues is here; and I know that she has been out front on these health care issues for a long time now, so I would like to yield, if I could, Mr. Speaker, to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my distinguished colleague, the gentleman from New Jersey (Mr. PALLONE). I particularly thank him for the persistent and dedicated leadership. Listening to him, I could not help but come to join him and raise some of the concerns that I have, particularly because I think it is important. I heard some lightheartedness made about our schedule; and I think it is important to note that, of course, the Democrats do not make the schedule for the House. The gentleman was just providing a long litany of needs, and I would really prefer to be here working with these issues, grappling with these issues.

Yesterday I spent a day in my district, called a day of community health, with the U.S. Surgeon General. What we did, rather than give speeches in a big auditorium, we went to different health centers to look at the different needs that our community has. We focused, first, on the fact that cancer is maybe the second disease or second highest death rate in our minority community and in our community. We looked at trauma, the needs of our trauma facilities; and lo and behold, we found out that across the Nation there is a nursing crisis; we do not have enough nurses to deal with health care.

We looked at HIV/AIDS. We looked at the question of children's health care, elderly care, and infant mortality. I raise these issues with the gentleman because it was a very productive day. We listened to the people who were there working every day on the ground with these issues.

The one thing that was noted is that health care dominates people's conversation. As I look at the administration's budget, it gives me pause for concern, particularly since we have about a million children uninsured in Texas. We are only about 300,000 that we have enrolled. We are looking forward to going to 400,000, but I still think that is not enough. So I am interested in ensuring that the CHIPS program continues to be funded at the level that is needed to insure every single child.

As the gentleman well knows, some of the programs relate to working parents. This is not a handout of sorts. Some of these are the working poor.

Just a few days ago, in the last 24 hours, the State of Texas took on a bill of about $57 million, I think, for the City of Houston to help pay for the insurance of public school workers. That is going to be a big burden on our State of Texas; and of course, we appreciate the leadership of the State legislature, but they obviously are going to need collaborative support as it relates to the funding for our hospital district, our county hospitals and, as well, as I said earlier, as it relates to the care of our children.

The gentleman noted that we are still struggling with this whole issue of prescription drugs for seniors. There is not a time that I go to the district that that issue is not being raised; that working seniors, and when I say working seniors, seniors that worked who now are retired, have indicated that even with their pensions and Social Security, the cost of prescription drugs is overwhelming. They are not able to provide for themselves with housing and the upkeep of the needs that they have and to pay their utilities, and particularly with the emerging crisis in energy, and also pay for the prescription drugs.

So my point this evening is simply to say that there is a great opportunity for us now to engage in real serious debate, bipartisanship, to talk about issues that soon we will say we are too overloaded with the appropriations process, the budget process and there goes prescription drug benefits again.

I would simply like to ask the administration, and the Republican leadership, can we not get down to the business of health care in America? Can we not come up and pass the prescription bill that is already filed, that is a bipartisan bill, that is waiting for us to respond to?

Finally, might I say to the gentleman from New Jersey (Mr. PALLONE), he was just about going to provide some statistics on that, in fact I think the American Association of Emergency Physicians is meeting here and the American Medical Association raised a number of issues in their meeting: we need the Patients' Bill of Rights. I do not know what the holdup is. The last session we were almost at the front door or at the brink of voting. I think we obviously passed it out of the House, never got anywhere. How long do the American people have to wait? How long do I have to continue to say to my constituents, we are working on it; we are working on it? I hope that the administration realizes that there is a great need in health care in America. Even in these days of seeming prosperity, we are still fighting AIDS domestically as we are fighting it internationally. We are seeing pockets of AIDS increase that need to be addressed to ensure that these individuals continue to have coverage for their particular needs.

So I thank the distinguished gentleman from New Jersey (Mr. PALLONE) for this Special Order. I hope that we can draw the attention of the administration on that 4 percent across-the-board cut that we do not find that health care in America goes down rather than up, and I believe that if the administration would listen they would know that health care is number one in Americans' minds and hearts, and we need to do something about it.

I thank the gentleman for yielding, and I hope we can get down to work.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments. I think she is very much on point. When I go back to the district, I hear the same thing, what is being done about the health care issues? As we heard, I identified the three: the Medicare prescription drug, the HMO reform, and the problem of the uninsured. I talked a little bit about the prescription drug benefit, but the gentlewoman pointed out with regard to the problem for the uninsured, I had very high hopes. If the gentlewoman remembers during the campaign, President Bush mentioned dealing with the uninsured.

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But then when he gets here, we do not see any action. Even in his confirmation hearings, the new Secretary of Health and Human Services, Secretary Thompson, said that he wanted to expand the CHIP program, the child health care initiative, to include adults, the parents of the kids.

Again, you point out, we are not talking about people that do not have a job or are not working. These are working parents who are above the Medicaid guidelines, but they do not get health insurance on the job and cannot afford it. So the idea was to expand CHIP to include the parents.

We also know, if you do that, you get more kids signed up, maybe selfishly so, if the parents are in it, the kids get in it too. I do not want to analyze all that, but we are not seeing that happening.

The Secretary is talking about granting waivers. But as you know, in many States the CHIP program has already exploded. I do not want to read this editorial now, but I have one from my local paper, the Asbury Park Press, a couple of weeks ago during our recess, and it points out how the program has been so successful, they do not have enough money to pay for it for the children.

Now, New Jersey has a waiver and is trying to expand it to the adults. So many people signed up for it, they do not know where the money is going to come from.

We do not have the money in the President's budget to expand the CHIP program to take care of adults, let alone even take care of all the kids, in my opinion.

Again, we heard about all these things once upon a time with President Bush and his Cabinet, but it is not happening. The money is not there. There is no initiative to say that CHIP should be permanently expanded to include adults and, more important, there is no money.

Ms. JACKSON-LEE of Texas. If the gentleman will yield just for a moment, as I just wanted to conclude on that point, you have got an exploding problem in New Jersey, and I have got an under-enrollment problem in Texas. I still have about 500,000 or 600,000. And I see my friend and colleague from Texas; he knows how hard we are working with the Hispanic, African American and poor community to get them enrolled. We still have work to do.

One of the other issues we have spoken about on this floor and still needs work, and I just wanted to mention it as I close, is mental health parenting. I was home this weekend and again that constituency was raising the question about, do you all realize how important it is to provide access to mental health services?

We all have legislative initiatives. They cannot be authorized and then not funded. That is a real issue in this country; how long are we going to have to wait to ensure that our insurance companies cover it? But people who are getting monies, not from the insurance companies, but using the public system, how do we provide them with mental health coverage?

So there are a lot of issues we could be addressing, and I wish that we would have the opportunity to do so.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to yield in just a minute to our other colleague from Texas, but the sad thing is the administration, this Bush administration, keeps talking about what they are going to do. But we do not really find that they are doing it.

We had Governor Thompson, now Secretary Thompson, before our Commerce Health subcommittee last week, and he was touting the fact that he is going to provide more money for community health centers. But if you look at the Bush budget, and there is one paragraph here, it actually gets aid to the uninsured.

So they are talking about trying to help with these community health centers, but then they cut it. This is from the New York Times. "The Bush budget will propose deep cuts in health programs for people without health insurance. Budget documents from the Department of Health and Human Services show the programs providing health care access for the uninsured will be reduced 82 percent to 20 million from 140 million in the current fiscal year. These programs received 40 million in 2000."

So I hate to use the term not being honest or not being truthful, but really, he is not being honest with the American people in terms of what he is doing on these health care issues. He talks about what he is going to do, but the money is not there and there is no movement, no effort to do anything to Congress to move in that direction.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman. I know he has been adamant about access to health care for everyone and trying to make sure it becomes not only accessible, but affordable to everyone. I want to thank the gentleman for doing that and continuously pushing forward.

Let me just say things have gotten worse now. We have got over 44 million uninsured. That number continues to grow. As people become unemployed, that is even going to get worse. And the reality is if you live in America and you work in a small company, and you do not work for government or for a major corporation, you do not have access to health care.

You have to be indigent to be able to qualify for Medicaid, you have to be elderly to qualify for Medicare, and if you are the working poor out there, trying to make ends meet, you do not have access to health care, both affordable and any type.

The reality is also that the increase in the prescription coverage we have been trying to provide, I know from a minority perspective, a large number of people, senior citizens on straight Medicare, and if you do not have access to Medicaid, then you do not have any prescription coverage and you do not have access to that.

I know the President has proposed that effort. But even his proposal, if you look at it, would disenfranchise about 25 million senior citizens that would not be able to have access to prescription coverage, which is something critical.

At a time when we are talking about tax cuts, here is an issue that if we could provide access to health care and affordable health care to all Americans, we would have an opportunity to not only help businesses and small businesses out there that are now having a rough time also paying for that insurance to get access to health care, but we would be providing everyone at least that opportunity when they got sick.

We talked about the fact that in America it is not a constitutional right, but I was surprised, and some people do not realize that the only ones who have a constitutional right to have access to health care are prisoners in this country. Our prisoners have a right to have access to health care, yet our working Americans out there that are working do not have access to it and cannot afford to have access. That is unfortunate.

The first 100 days, I have not heard the President say one word about health care. I know his budget, you mentioned the community health centers he had proposed, and I was real optimistic when he said he proposed $3.6 billion for the next 5 years. Well, that has not happened and that has not materialized. The community health centers are the ones out there in the country providing that access in rural America and urban areas for those individuals that do not have access to health care, and that is important.

I want to also indicate that the President's budget also cuts Medicaid by over $600 million. Here is an issue, and I mention Texas because I am from Texas, we have had over 300 nursing homes that have gone under, mainly because of the Medicare-Medicaid reimbursement in Texas, one of the lowest in the country. Yet he is going to cut $600 million from Medicaid, which is for the indigent, and we are going to have problems in that area based on that effort.

In addition, I want to share with you one of the areas, because I sit on the Committee on Armed Services and the Committee on Veterans' Affairs. In the area of veterans, he talked during the campaign about the importance of the military, yet when it comes to veterans, he has proposed a $1 billion increase. I want to share with you, that means 4.5 percent.

Well, in the area of health care, you can say the cost of living is 2.2, 2.3 percent, but in health care, it is over 15 percent. Prescriptions have gone up by almost 20 percent in cost. So when you look at an industry that is related to health, their cost of living is a lot higher. It has been estimated it is close to 4.7 percent.

Basically what his revenues for our veterans is going to cover is existing programs. Right now, we find a dilemma that those people that have served our country when we needed them the most, they were there for us, and now that they need us, we are not there for them.

There is no specific funding to reduce the lengthy delays in veterans' access to VA health care. There is no specific funding to improve quality of health care availability to veterans to rely on the VA. There is no specific funding to fully implement the Veterans' Millennium Health Care and Benefits Act, not to mention the fact that when it comes to our veterans in the area of mental health, as my fellow colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) indicated, in the area of mental health, at any one time you will find over half a million veterans that are homeless out there, a lot of them suffering from mental health problems. When it comes to that area, we are not doing enough to be able to cover that. So we have a real situation where we need to make sure that we are responsive to our veterans.

I just want to add that I think it is important to recognize that right now our colleagues back home in Texas, and I want to mention this because this directly relates to our President, that when he was in Texas, he also gave a major tax cut.

Well, as of September and August of this past year, 2 months before the election, our State comptroller indicated that we were projected to have a $5 to $6 billion surplus. That projection never materialized, and in fact, supposedly we are down almost $11 billion in the hole. So the State is having a real difficult problem, and there are some quotes from both Democrats and Republicans, the fact that the State has been left in a situation they have never been in in years.

What is going to happen with the tax cuts we are having now, without having our priorities, without considering the issues that are before us? We are going to find ourselves in a situation because of what he did today.

Today, he proposed the missile defense. Here we have a $100 billion proposal that we have already expended, by the way, since 1983 over $58 billion on this missile defense, which breaks every single treaty we have had with Europe and Russia. We are the ones that are proposing it. We are the ones that are breaking the treaty. We are the ones that decided we wanted to do something different and are causing a problem. We are going to expend major resources that should be going to services and to our veterans and to other things.

I want to just add a couple of things. I chair the Task Force on Hispanic Health Care, and one of the things we really need to kind of look at in this country is the fact that in the 1980s, up to 1987, I was in the public health community in Texas, and we were at a point of almost closing down our tuberculosis hospital because we did not have any cases.

The bottom line is that now there are over 15 million cases of tuberculosis throughout this country, a large number; one-third of them are along the border. So we need to be very cautious with those infectious diseases, wherever they occur, in this country or in Africa, because those diseases, if we do not take care of them now, the medication that is being tested now and is not taken appropriately, other types of viruses have come about that we do not have the technology to deal with. If those diseases come into this country, we are going to have a serious problem. So we are not spending enough when it comes to tuberculosis.

When it comes to AIDS we have made some inroads, and, yes, the statistics seem to be improving. But it is disproportionately now hitting certain populations. Hispanics, for example, represent 20 percent of the cases, yet we only represent 13 percent of the population.

When you look at AIDS throughout the world, and you would say, why do you want to get involved in AIDS in Africa, it is because of the fact that it is the same virus. If we do not treat it there, that virus will grow and go elsewhere and eventually, if we are not careful, it will come here too. So we need to be very cautious in those infectious diseases and treat them as if they were right here in our backyard. If we can treat them abroad, that is even better, so they do not reach our borders. So it becomes real important that we do those things.

I am hoping that as we move forward, and I know most Americans feel that we should at least have access to that health care, affordable and accessible care, I think that we can move forward on that. There are some beautiful proposals out there that talk about access to health care, and indicate that we can, because we are the country that expends the most right now on health care, and they are saying we can cut that by $150 billion if we come up with a new system, because we are based on a system that is basically based on profits and not provided. If you are sick, a lot of times you are let go and you are left and no one wants to insure you.

So the bottom line is that, as Americans, we need to make sure we are there for our senior citizens, we need to make sure that we are there for our most vulnerable; and we have to make sure that those working Americans have that opportunity to receive that care.

Once again, I want to thank the gentleman for his efforts. I know he has been there right on the forefront, and I love the fact that he has not let go of this issue; and it is something that is critical, and we should not let it go, and we need to move forward on it.

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Mr. PALLONE. I want to thank my colleague, the gentleman from Texas.

The gentleman pointed out in the beginning of his statement, and I just wanted to reiterate it again before we move to our colleague, the gentleman from Connecticut, that not only is the problem with the uninsured growing, I think a few years ago it was 40 million, now the gentleman said it was almost 45 million uninsured, but I think, as the gentleman pointed out, very importantly, that if the economy does not continue to do well, and we know in the last few months there have been problems, that the problem will get worse and a lot more people will not have insurance.

Again, I am critical of the President, not because I do not like him or anything, but just because he talks about these things but we do not see the action, we do not see the money.

When the budget went over to the Senate, a resolution was passed to actually put I think it was $28 billion in additional money into the budget just to address the problem of the uninsured. It was passed unanimously, and there were Democrats and Republicans who spoke out and said that this was important.

Senator WYDEN specifically talked about the economy slowing, and how more people would need insurance because they would not be getting it on their job.

Then we had OLYMPIA SNOWE, a Republican, talk about how this additional money could be used to put adults into the CHIP program, the way the gentlewoman from Texas (Ms. JACKSON-LEE) was talking.

Then we even had GORDON SMITH, who is a Republican, who said that the measure could be used to help businesses reduce the costs of insurance for their low-income employees, what the gentleman talked about.

I just do not understand what the resistance is on the part of the Bush administration to trying to address these issues. Again, we hear a lot of rhetoric, but we do not see any money. We do not see any effort to come down here and try to prioritize this issue at all.

Mr. RODRIGUEZ. What I am afraid of, if the gentleman will yield, is that he is going to move with a tax cut and then, in all honesty, come forward, because there are a lot of needs now on the military budget, and he has come up with a budget that almost does not provide anything yet and he has not brought it forward, but I am sure right now there is a real need for 40,000 new troops, we need $17 billion for infrastructure, and if he pushes that missile effort, that is $100 billion, not to mention that we need a lot of other resources.

So I am afraid that instead of taking care of priorities now when we do have the resources, we are going to find ourselves the way we found ourselves in the 1980s. It is a political move from the Republican right to pit the issue of the security of our Nation and our armies against health care and education.

It is unfortunate that he is playing with the lives of all Americans when it comes to access to health care at a time when we have the resources to take care of those priorities, both on the military side as well as on the health care side.

Mr. PALLONE. I appreciate the gentleman's comments. I thank him for coming down to join me and others.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from New Jersey, and join with both my colleagues in terms of their comments this evening as it relates to health care.

I especially want to laud the gentleman from New Jersey (Mr. PALLONE) for his efforts. Oftentimes he is the lone sentinel, if you will, on the watchtower of health care for everyone in this Nation.

With more than 44 million people without insurance and access to health care across this Nation, I think Americans listening in often wonder, as we talk to an empty Chamber, is there anyone home? Does Congress listen to the concerns that we have?

To the gentleman's earlier point, I think that in the last campaign I do not think that there was a person in this Chamber or clearly either Presidential candidate that did not take almost blood oaths with respect to providing prescription drug relief for senior citizens, and to making sure that Social Security and Medicare and Medicaid would be taken care of.

I am sure that the President is well-intended, but as the gentleman points out, the proof is not only in the budget, but in the resolve of those of us in this building to address these issues forthrightly.

Many of us, like the gentleman, have done surveys in our district with respect to prescription drugs, or have been home to town meetings or on radio talk shows where we have listened to call after call of the elderly, pleading to provide them with some relief, those elderly who have to choose between the food they are going to put on their table, the heating or cooling bills they are going to have to pay to their utility companies, or the prescription drugs that their doctors require them to take.

We know from the studies that the cost of the very same prescription drugs that they need for blood pressure, for relief from arthritis, they can get at half the price in Canada or Mexico.

I can say it no better than the woman on 60 Minutes who said, "I feel like I am a refugee from my own health care system in this country." Will not Congress listen?

Let us not judge these first 100 days on the basis of civility, and I give the President credit for changing the tone, but let us judge these first 100 days on the resolve to truly reach out and help the greatest generation.

Is it only lip service that we are paying Americans all across the country, or are we firmly committed to come forward and allow them to live out their final days in dignity, allow them not to be faced with the godawful choice between the food on their table and the prescription drugs their doctors are recommending that they take?

These are important decisions. When I go home to my district, people say, "You are not doing anything down there in Congress. It does not seem as though the rhetoric during the campaign lives up to actual action on the floor of either Chamber." Sadly, they are right.

I applaud the gentleman. I said to the people back in my district, I am going to continue to come to the floor of this House and continue to speak out on the need for us to provide the kind of relief that our citizens need.

In this time of prosperity, in this time when we have the resources, there is no excuse to turn our backs on the elderly. They should hold our collective feet to the fire on this issue, because both parties, all candidates, campaigned on this issue. Now it is a question of delivering on this issue for the people we are sworn to serve.

We would do well to heed the advice of Hubert Humphrey, and remember that those in need during a time of prosperity, whether they be the children in the dawn of their life, the elderly in the twilight of their life, or those in the shadows of their life who need our help and assistance, this is the time for us to act and respond.

I thank the gentleman again for providing this opportunity in this special order for people to address the concerns of health care, and specifically for me tonight to be able to talk about the need for prescription drugs.

Mr. PALLONE. I want to thank the gentleman, and thank him for coming down and expressing and articulating his thoughts so well.

The gentleman talked mainly about the prescription drug issue. I think of the three health care issues that I sort of highlighted, and that we all highlighted tonight.

That is the one where I think there has probably been the most disappointment because of, as the gentleman said, the rhetoric during the campaign. It was certainly true on the part of President Bush or then candidate Bush that this was going to be addressed and this was going to be a priority, and it has not been.

We can argue about what kind of plan we should be putting into place, and whether the Bush plan is different than the Democratic plan. I can talk about that all night. But the bottom line is, I do not see any movement. I do not see any effort by the President to come down here and say, "This is a priority and I want it enacted into law," even his own proposal, as limited as it is.

I think we can see that on all these issues. Probably the one that he most committed to was the Patients' Bill of Rights. I remember during one of the debates when he specifically said, "We have a Patients' Bill of Rights, an HMO reform bill, that is on the books in my State of Texas." And of course he did not comment on the fact that he never signed it. But leaving that aside, it was in effect. He said, "I would like to see the same thing, and I would support the same thing on a Federal level if I was elected President."

Well, 100 days have passed. We had a bipartisan bill introduced in the other Chamber. I think we had Senator McCAIN and Senator KENNEDY. Here we had a bipartisan bill. The gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) introduced a bill that was modeled exactly on the Texas law.

They had a previous bill in the last Congress called the Patients' Bill of Rights. They changed it slightly to conform exactly with the Texas law on the liability law, on all the issues that have some contention.

Within a couple of days, we saw the President come out and say, "That is not acceptable. I do not like that bill." I think he went before the cardiologists' association and said he would veto it if it came to his desk.

This was bipartisan. I went to a press conference and there were some pretty right-wing Republicans at that press conference supporting this legislation.

Well, what is it that he wants? Is he telling us what he wants and how he would like to change the McCAIN bill or the Dingell-Ganske bill? No. I do not get feedback in the Subcommittee on Health and Environment of the Committee on Commerce about what the President does want, so I just have to conclude he does not want anything.

In other words, the rhetoric is out there, "I want to pass this bill, and I want to do in the United States what we did in Texas," but I do not see any proposal coming from the White House to accomplish that. I do not see any effort to prioritize it.

I would venture to say that the differences on the Patients' Bill of Rights, for those who oppose it and those who are supportive, at this point are so minimal that if we sat down in this room tonight, we could work out the differences.

Mr. LARSON of Connecticut. There is no question. The compromise lies right ahead of us.

I think what frustrates the American public is they see us talking before an empty Chamber and they are wondering why the collective body is not addressing these important issues; why they just seem to linger on and on and on with no resolve.

I have a veteran from my hometown who has won three Purple Hearts whose monthly pension does not equal what he pays in terms of prescription drugs. This is what people are really seeking relief from.

I agree with the gentleman, people back home have talked passionately about a Patients' Bill of Rights. Certainly the concern is there for the uninsured that exist in this country, and the costs that our hospitals are experiencing, as well, under the Balanced Budget Act of 1997.

But invariably, the real gut level emotion that I hear from people is that they are being really hurt by the lack of a policy, the lack of a program that will allow them to have the drugs that their doctors know that they need in order to survive.

Shame on us for not continuing to move that forward. When I say "us," I mean Democrats, Republicans alike. The President, the Cabinet, all of us, we know that this is an important issue to all of them.

I thank the gentleman for being one of the lone sentinels, as I said earlier, who comes down here on a regular basis and makes sure that the public understands that there are people out there that care, that there are people willing to stand up and fight for what they believe is right, and people who feel that this is a higher priority than a tax cut.

Mr. PALLONE. I thank the gentleman for the accolades. I want to thank the gentleman for being so concerned, as well.

But I have to point out, because we are here tonight but we are going to come back again, I have to point out that the President has his party in the majority in the House of Representatives, and even though it is 50–50 in the other body, the Vice President can break the tie.

So I try to explain to my constituents that as Democrats, and I know it sounds very partisan, we do not have the ability to bring these bills up, either in committee, or we do not even have the ability to have a hearing. We certainly do not have an ability to bring the legislation to the floor.

The only thing we can do is to continue to speak out, as we have tonight, and demand action on these health care initiatives.

I know the gentleman is here tonight, and others, and we are certainly going to continue to do that, because we know this is not pie in the sky, this is important to the average person. Whether it is HMO reform, it is a prescription drug plan, or it is access for the uninsured, we have to address the issue.

I want to thank the gentleman again. I just want to repeat again, Mr. Speaker, that although I am concluding now, we are going to be back again until we see the President and the Republican leadership bringing legislation up that would address these health care concerns.

□ 2000

REBUTTAL COMMENTS ON HEALTH CARE, THE PRESIDENT'S SPEECH ON DEFENSE, AND ENERGY IN THE WEST

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, once again I want to spend a little time with an evening chat. I want to discuss this evening a couple of issues, but first of all I will rebut a couple of the comments that were made in the last hour.

As my colleagues understand the rules on the House floor, the previous speakers were allowed to speak 1 hour unrebutted, and now I have an opportunity to speak for an hour. It was not my intent when I came over here this evening to rebut this, but some of these statements were so strong that certainly my colleagues deserve to hear what the other side of the story is.

It reminded me of a courtroom, one time in a closing argument where the statement was made that if you have ever been a parent you understand that if there is a problem between two children and you separate the children, each child comes up and tells you an entirely different version of what happened. And it is not that either child is intending to lie; it is that through the eyes of those two different children, they have seen different versions. And I think that is what happens here.

It is not necessarily between Republicans and Democrats, although clearly there is a line drawn between the moderate and conservatives versus the liberal side of the Democratic party, but I think what we heard in the preceding hour certainly reflects the more liberal side, the left side, of the Democratic Party. I do not think it is the mainstream of America, and I do not think it represents the mainstream in this body.

I mean, how many of my colleagues will turn their backs on the elderly? Give me a break. There is nobody in these Chambers that intentionally turn their backs on the elderly. That is an exact statement that was made here just a few minutes ago, that our President, through his policy, turns his back on the elderly. As strongly as I disagreed with President Clinton in the previous administration, I never accused him of turning his back on the elderly.

It is these kinds of emotionally driven comments that are really nothing but, in my opinion, an effort to have emotion drive the issue instead of facts. We cannot come to a good solution if the means to get to that solution is driven entirely on emotion. That is exactly why this country has got financial problems; it is exactly why this country got into a deficit, because time after time after time Members of this body go out, and in their leadership strategy they lead the public by emotion; and then they leave it to the other Members to try to dig out what the facts are.

We see it out in the West. We see it all the time in the West on the public lands, where emotion drives the issue, not the science of the forests, not the science of the use of the water, not the science of using dams for hydropower, but the emotion of it. All the good of a hydroelectric power plant in the West can be overcome by simply tying it to some kind of degradation of Yellowstone National Park.

So what I would say to my colleagues that just preceded me speaking is, come on, let us talk about the facts. Next time I would be happy to join those colleagues. Bring a pencil and a calculator and let us see how we are going to afford exactly what they prescribed this evening.

Of course all of us in this country are having problems with pricing on prescription drugs. Of course, everybody that I would run a survey on and asked if they would like help on their prescription drugs are going to say yes. Anytime somebody offers to help pay our obligations with others' money, not our own money, with someone else's money, well, we are happy to accept that.

The proposals that were being made this evening by these preceding speakers, they are emotional. They sound wonderful. How can you lose? Somebody else gets to pick up the tab. And by the way, anybody that says maybe we ought to do the addition, maybe we ought to figure out the bottom line, that people will pay more and that we will have the government interfering more, maybe we ought to take a look at that. But the minute we say that, we get a comment from the left side that says, well, they are turning their backs on the elderly.

And it is some of these very same types of comments, or in my experience these types of representatives from that side of the party, that show up here and talk about how we turn our backs on education or we are ignoring the children or we do not care about this or we do not care about that. I have yet, I have yet to find one Congressman, Democrat or Republican, or independent, I have yet to find one Congressman that does not like education. I have yet to find one Congressman that intentionally or with any kind of design whatsoever turns their back on the elderly.

There are a lot of hard-working focused people in this body, none of which by the way, in my opinion, deserve to have the label put on them that they are turning their back on the elderly. And the same thing applies for the administration, this administration as well as the previous administration.

As I mentioned earlier, my disagreements with the Clinton administration were clear, and in my opinion they were very strong disagreements with the Clinton administration; but I never went to that administration and said they turned their back on the elderly or they turned their back on this or they turned their back on that.

So I think, really, in order for us to get to a solution in regards to prescription and health care in this country, we need to put some of this emotional rhetoric aside and sit down at a table. And when my colleagues come to that table, they had better bring a pencil and a calculator, because we cannot put together a wish list without figuring out, number one, who pays for it; number two, how we are going to pay for it; and number three, what are the honest expectations of that cost.

Take a look, for example, when Social Security was first conceived back in the 1930s. It was never intended to be a full retirement. Do not kid yourself. Social Security was never intended by the people of this country to be a full retirement package. Take a look at where we are today. Today, it is an expectation. It is an entitlement program for full retirement. That is what some people expect. As a result, some of us on this floor continue to give and give and give; and yet this system now, for future generations, for our young people, and if my colleagues want to talk about somebody we need to pay attention to, look at this young generation and try to explain to them with a straight face that there is going to be Social Security dollars around.

One of our problems today is we pay out $118,000 for people on Social Security today. For a couple we pay out $118,000 more on average than they put in the system. Now, how does that work? It does not work very well.

Later this evening I am going to talk a little about energy. You cannot continue to tell the consumer out there that their prices are not going to increase on the demand side and pay escalating prices on the supply side. That is exactly what is happening with the kind of calculations and the figuring with these promises that are being made about health care in this country.

Of course we want to improve health care; but dadgummit, we have to be straight with constituents. We have got to be straight with the American people and tell them what it is going to cost. This does not come free. It is so easy to stand on this House floor, it is so easy to stand on this floor and make promises about things we are going to give away. We may not use the word free, but that is the implication. We will handle all the prescription care problems of this country; we can finance all the priorities of this country. Well, let me tell my colleagues, we would not have enough money in the world to finance the priorities. Because every time we would start paying out, for every five priorities out, five more would jump in. My colleagues know that, and I know that.

And when we talk about things like health care, when we talk about things like the military, when we talk about things like education, when we talk about specific projects in our districts, when we are parochial about our districts, we have an obligation to be honest about the cost. We can look at any substantial entitlement program that this government has, any one of them, pick it randomly. Any one my colleagues want to pick, I can promise that at the time it was put into place the costs that were attributed to it, this is what it is going to cost the taxpayer, those costs were minuscule as compared to the actual costs. Here is the cost they promise; here is the cost we end up with.

It is the history of a Democratic government in a body like this, because the incentive is not to be straight with the taxpayers and the citizens of this country. The temptation is to go out there and promise everything for nothing. And that is exactly the problem today we now face in California. In California, the leadership out there, the elected leadership and the appointed leadership out there promised the citizens of the State of California, look, we do not have to take any risk of exploration; let us do not allow any generation plants in this State; let us not allow people to drill in this State; let us do not encourage conservation.

Now, they did not say, let us not encourage conservation, the practice they followed discouraged conservation. Because no matter how much energy was wasted, the price did not go up. It was capped. No matter how much the electricity cost, the generators sold it, citizens did not have to worry about it, the State capped it for them. Well, that is an empty promise, in my opinion, just the same as some of the promises or commitments that were made this evening. Those promises are empty if in the long term we do not have the dollars or the resources to provide for those.

And based on the statements I heard here in the last hour, if we stacked up the cost of those commitments or those promises that were made by these speakers, and we put it on our calculators, first of all we would have to have a calculator with a screen that long. We are talking about trillions. We are not talking about billions; we are talking about trillions of dollars. So if my colleagues can figure out how to pay for that, that is what they should do first, then make their promises second.

But what they do is they make the promise, and this is the typical program in the Federal Government, make the promise, put the program into place, then pass the cost of it on to the next generation. That is exactly what has happened here, year after year after year. You get to give out the freebies, you get to be the Santa Claus, but the next generation has to pay for it because my colleagues were clever enough in their legislation to deflect the true cost, to not admit the true cost, or to defer the true cost to some point in the future. That is why we have financial problems.

Being a Congressman does not require a lot of education. All we have to be is a citizen; we have to be a certain age. But we are not required to have a college degree. In fact, it was intentionally designed that way. The reason it was designed that way is our forefathers, justifiably and correctly, thought we wanted people from all walks of life to represent the fine people of this country. But if we could redo it, I think I would go back and say, look, every one of us ought to take business 101 or accounting 101. It ought to be a fundamental requirement before we sit in these chairs. Because what we tend to find happening is there are a lot more promises made than what are funded. Then when they are not funded, we hear comments like I just heard a half an hour ago: they are turning their backs on the elderly. And I have heard it on education: they do not care about kids; education is not a priority with them.

Again, let me point out that I do not know one Congressman, Democrat or Republican, I do not know one for which education is not a priority. It is a priority with everybody in these Chambers. So to make the statements like were made in this preceding hour, in my opinion, are totally unjustified and do not get us at all towards the kind of solution that we need to come towards in order to help bring those prescription prices within range of the average American so they not only can afford it, but they have access to it.

I want to visit about another issue before I get very deep into the subject of energy. I think the President today made a very, very significant speech to the American people. The President talked about how since the Cold War the defense mechanisms of this country have changed. Our military status, our defense in this country, has to be very fluid. It has to change with time. There are a few facts that are very clear. Number one, it is not only the United States, China, and Russia that have nuclear capabilities. Now we have got India, we have got Pakistan, we have Israel, we have Iran, we have North Korea. I mean, the spread of nuclear weapons is a fact.

Now, no matter how many millions of barrels of oil we promise the North Koreans, they are going to continue to develop nuclear weapons. The nuclear weapon kind of shows you are the big guy on the block. There is a lot of countries that want those weapons because it gives them leverage in world negotiations. So we should not be naive and think that these countries are not going to develop these weapons. I think what we have to do is assume that in fact these countries will develop these nuclear weapons, the ones that do not already have them. In fact, the ones that have them probably will, in many cases, like with China and like with Iran, assist other countries in acquiring these nuclear weapons.

So is the answer to build more nuclear weapons? I do not think so. I think our country has adequate military supplies of our weapons. The answer is figure out a device, figure out a missile defense. How do we stop those nuclear weapons? We are not going to stop it by trying to convince these people they should not own them. Of course they are going to own them. They will do anything they can to get their hands on them. What we need to do is to convince them, look, you are going to spend a lot of money developing a nuclear weapon; you are going to take a lot of resources from your people, developing a nuclear weapon; you are going to put a lot of your scientific resources of your country into developing a nuclear weapon.

□ 2015

And guess what is going to happen, when you come to your product, your final product, i.e. that nuclear weapon, the United States and its allies will have a defense that makes that weapon useless. That is exactly what the goal of this President is. And it is a justifiable goal.

We are crazy, we are certifiably crazy if we continue to turn our face and pretend at some point in the future there is not going to be a nuclear missile headed towards this country. We are irresponsible, in dereliction of our duty if we do not now begin an aggressive effort at putting some kind of a protective shield for this Nation and this Nation's allies and friends so that when that type of an attack comes, we are prepared. And we make the ownership of these kinds of weapons, not weapons of threat or fear, we neutralize them because we have a defensive shield for those kinds of weapons.

It seems to me that it is so basic that with this threat developing out there, in consideration of the fact that we have an obligation to the generations behind us, as well as the generation ahead of us and our own generation, we have an obligation to continue to give this country the best defense that it can possibly have. You are totally disregarding your obligation as a congressman if you continue to ignore the fact that this country needs to defend against a missile attack. A lot of Americans, a lot of your constituents assume because we have NORAD space command out in Colorado Springs and we can detect a missile launch within a few seconds anywhere in the world, in fact we are so good we can track a 6-inch bolt maybe 500 miles into space. We know what is coming at us. A lot of Americans assume that once we know it, we shoot it down. That is not the truth. That is not what can occur out there.

All we can do once we detect a missile launch against the United States of America, all we can do is call up the destination site and say, hold onto your britches, you have an incoming missile.

Do we have an obligation to put up some kind of shield to defend against that? Of course we do. That is exactly the direction that the President of the United States told this country this morning. That he is prepared, that the time has changed, he is prepared to reduce our nuclear stockpiles while at the same time putting together a defensive shield.

Now some of the critics and some people who oppose the military just in general pop right up and say we do not have the technology. It is going to be too expensive. We did not have the technology when we said that we were going to put somebody on the moon. We did not have the technology when we figured out we were going to solve polio. The fact is that we can do it. Americans can put their minds to something and accomplish it.

So these people who want to criticize ought to stand aside. They do not want to take a leadership position in the defense of this country. That is fine. I do not think that everybody needs to participate, but get out of our way. Let us defend this country because I do not want to be one with tears in my eyes who has to look at my children or my grandchildren, or maybe even great grandchildren, if I am fortunate, when we are in the height of an international crisis where these missiles might be used and say to those generations behind me, I am sorry, I could have put a defense together. I could have done something to help you, but I walked away from it.

None of us want to walk away from that obligation. We all need to come together behind the President and help the President with these efforts to defend this country and to build a capacity that will allow or take away all of the leverage of all of the countries in the world that have a nuclear weapon and they want to use it against the United States via some type of missile.

Let me move on to the other topic that I want to discuss with you this evening. That is energy. Look, we have all heard about the State of California. We know what the problem is in California, or at least we know some of the problem. Fundamentally I think every one of our constituents understands that California is running out of power. You know, it is kind of hard to feel sorry for California. California kind of adopted the not-in-my-backyard syndrome. California has promised its citizens do not worry, we will not increase your prices on energy, which means, in essence, you do not have to conserve. California has not allowed a power generation facility to be built, an electrical-generation facility to be built in their State for what, 10 years.

California has not allowed a natural gas transmission line to go through their State in California. In California you do not even dare talk about nuclear energy with their elected officials. There are a lot of people in California with the national Sierra Club whose number one priority is to take down the Glen Canyon Dam, one of the larger hydroelectric producers. There are people in California who are leading the effort to take down the dams in the Snake River or the Columbia River because they are trying to convince the population of California you can have it all and no risk. You can have it all and no cost. You can use as much as you want, it keeps on coming at the same price. We do not have to build electrical generation facilities in our State, because you can have it without it. We do not have to take risk and allow exploration of natural gas in our State. Do not worry about it.

In the meantime as this Titanic comes up on the iceberg, demand is going like this and supply is going like this. You cannot operate like that. You cannot operate an airplane when your airport is this far away, and your fuel consumption is going to get you this close. It does not work.

Despite the flowery promises, despite all of the hype that was given about California, we discovered something new. We have discovered for the first time in the history of the capitalistic market that we are going to be able to allow you to use all of the electricity you want, the price will be capped. We will deregulate. We will not have to take any kind of risks or suffer as a result of natural gas transmission lines or exploration because we have it all, and we will not have to do it in our own backyard. It is hard to find sympathy for the State of California. In fact, I have heard a lot of people say that is their problem.

Well, fortunately or unfortunately, I am here to tell you it is not all of California's problem. What is bad in many cases for California is bad for the United States of America. California, after all, is a State. It is a major State and it is a big player. It is a huge player in the world's economy. A huge player in the economy of the United States. It is a huge player in their educational institutions. It is a huge player in their artistic institutions in California. We have a lot of fellow citizens in California who are going to suffer lots of consequences this summer as a result of the short-sightedness of a few government officials. And, frankly, suffer as a result of adopting the concept or being convinced or swayed by the concept that you can have all of the power you want without having to have a generation facility somewhere in your State.

We cannot let California die on the vine. I am sure, colleagues, like the rest of you, I will probably go back to my office this evening and have calls from people that say let them die on the vine. California brought it on themselves, let them suffer.

It is not that simple. We need to work with California. But let us look at a few of the facts. Let me say at the very beginning that there seems to be a make-believe theory out there that if we just simply conserve, our energy crisis will be resolved. Let me tell you, that is inaccurate on its face, and it is inaccurate no matter which direction they tell you it. It does not work.

Conservation is a major contributing factor that we have to put in place immediately. In fact, you know what has put more conservation in place in the last few months than in any recent time in history? It is not the government. It is not the government that put conservation into place, it is the price of energy that has put conservation into place.

I am a good example. I will use myself. I did not turn down my thermometers a year ago in my family home. We had the temperatures in our home, I live high in the Rocky Mountains of Colorado, and in the winter time all of our rooms were at 70 degrees. And in the summertime, our air conditioning, because we like cool air, although we have a lot of cool air, if during the day it got hot, we kept the air conditioning at 60 degrees.

It was not because some government brochure or some bureaucratic official said you do not have to have your rooms at 70 degrees, especially if you are not using them. Why not leave those rooms at 55 degrees so your pipes do not freeze when you are not using the rooms. It was not because some government brochure came and told me that, it was because we got our gas bill. I can assure you now in our household, anywhere in the house where there are not people, that temperature is at 55 degrees. We have not even started our air conditioning. We have not had it on one time, not that it is on a lot this time of year; but still for a day or two, we would have had it on. We have our fans running. We are trying to make plans for this summer, how do we conserve? Why, because the price stun us.

In California, the elected officials did not have enough guts to let the prices sting. They tried to make an artificial world out where you can continue to have as much energy as you want and not have to have your prices increased. That does not encourage conservation.

But let us say here is supply, here is demand. Conservation will go up like this. So conservation closes a gap. I brought this over, it is one of the most fascinating things that I have seen. This is where we are going with incentives in the marketplace.

A crisis drives innovation. To come up with alternative energy, this energy crisis is actually of some benefit because it will drive innovation. There are a lot of people trying to figure out how to make a better mouse trap. There are a lot of people saying we better make our air conditioning units more efficient. We can have a competitive advantage if our SUV gets better mileage.

Here is a piece of innovation here, colleagues. This is a little piece of paper. To me it looks like a little piece of tinfoil. It is laminated in a piece of plastic, and there are two wires attached to this little piece of paper. Now the person that talked to me about this little device said there is a lot of energy and movement, movement that does not have to be generated. You know to generate electricity, you have to generate movement. You do not need to generate this, this is natural movement.

□ 2030

He said, we think we can capture energy out of waves, out of waves in the ocean. He showed me this. He gave me this. I was so fascinated by it. You will not be able to see it from there. If the lights were out in the Chambers, you would see as I go like this, the light comes on. That light is on. That movement generates energy which is put into this light. But do we have the capability today to generate any kind of significant source of power as a result of this device? No. Maybe in 15 years, maybe in 10 years, maybe we would get a real break and have stuff like this available in 10 years. But we do not have it available today. But that has not slowed down the demand out there that we have for power.

In fact, I find it interesting, one of our largest age consumption groups of power is our younger generation. That is the generation of people that some of the more radical environmental groups, for example, the National Sierra Club, has never supported a water storage project in the history of their organization. It is organizations like them out there trying to convince this younger generation, you can continue to increase your demand for power, whether it is your computer, your radio or whatever, you can continue to increase demand and yet at the same time stop supply or not allow supply to expand, or take down the dams. "Don't worry, the hydro power will be replaced somewhere else." Those are fallacies. That is exactly what got California into the jam that it is in. That is exactly what is getting the rest of us. We will be sucked down that drain as well if California goes down that drain.

Let us go over some statistics that I think are important to look at. Again remember, conservation is obviously a critical element for this solution to come together, but it is not the total answer. It is only a contributing factor to the gap in the energy supply that we have today. Let us just pull up natural gas. Consumer prices for natural gas have increased 20-fold in some parts of our country over the past year. In a 1-year period of time, the demand for natural gas has gone up 20 times.

I talked to a gas analyst who went to the different companies like General Electric that make power generation facilities that are powered by natural gas. Just the orders in place exceed the natural gas supply now available in this country. Let us go on. America's demand for natural gas is expected to rise even more dramatically than oil. Why? Because natural gas is a very clean fuel to utilize. It is a very convenient fuel to utilize.

According to the Department of Energy, by 2020, we will consume 62 percent more natural gas than we do today. Right now, an estimated 40 percent of potential gas supplies in the United States are on Federal lands that are either closed to exploration or limited by severe restrictions. Even if we find supplies of gas, moving it to the market will require an additional 38,000 miles of pipeline and 255,000 miles of transmission lines at an estimated cost of 120 to $150 billion, just to move the gas. In some places we have plenty of gas, but that is not where the population is. You have got to move the gas to the population. Now remember, the numbers that I am going over are assuming that the American public exercises conservation. Even in consideration of the fact that you would conserve, these are still numbers you are going to face.

The problem of inadequate supply lines is illustrated by the Prudhoe Bay in Alaska. The site produces enough gas a day to meet 13 percent of America's daily consumption; but because a pipeline has not been built, the gas is pumped back into the ground. I might add, many of my colleagues have driven by gas wells where we now have the technology to capture the gas, and they burn it off or they burn it off because they do not have the capability to move the gas. They are looking for the oil. There are a lot of things we can do for efficiencies in this country, but we cannot do it by having our head in the sand and pretending that there is not a crisis, at least not as it applies to us and our price should not go up.

Let us move from natural gas.

Electricity. By the way, Vice President CHENEY gave some great remarks here in the last couple of days. Now, of course some of the more radical environmental organizations went nuts, saying, Oh, my gosh, look at what he's demanding. He's saying that we're going to have to have I think a power plant every week for the next 20 years just to meet the demand. So what these groups are suggesting, put your head in the sand and say, It ain't so, DICK. It ain't so, Mr. Vice President.

It is so. If we are going to continue with the kind of demand that we have and remember this demand, that is not wasted power. This demand, just take a look at what the computer generation has brought onto us for demand for energy. Realistically, we are going to have to have energy in this country on an increasing production rate. So at least somebody has had enough guts to stand up and say because we have ignored this, because we have put our heads in the sand, we now have to build a bunch of power plants. We should have been building them all along.

What we need, the best energy policy and, by the way, keep in mind, the last administration had no energy policy. Our Secretary of Energy had no energy policy. Our President had no energy policy. Our Vice President had no energy policy. This new administration has come forward and a great part of the wrath that they are getting put upon them by, say, some of the environmental organizations has been brought about because this administration is saying to the American public, we need an energy policy. We need to put everything on the table.

We need to have on the table conservation, we need to have natural gas, we need to have the Arctic Wildlife Refuge. That is not to say that all of these are going to be accepted, but they have got to go on the table. And then we need to have level-headed minds from all walks of life sit down and come up with a strategy for energy for this country. That means we may add more items onto the table, or it means we may take some items off the table. But for us to prematurely eliminate sources or restrict conservation, what you do by the way with price caps, to do those kind of things does not help us develop a solid energy policy.

Let me move on to electricity. Electricity is one of our greatest challenges. As illustrated in the growing crisis in California, the Department of Energy estimates that over the next 20 years, the demand for energy in the United States will increase by 45 percent. The increasing reliance on technology has prompted our energy demands to outstrip recent projections. Some experts calculate that the demands of the Internet already consume eight to 13 percent of the electricity. If demand grows at the same pace as the last decade, we will need 1,990 new plants by 2020, or more than 90 a year just to keep pace. With conservation ideas in mind, with the current technology that we have, we are going to need to build 90 plants a year to keep pace.

What happens if you do not? Some people might say to you, Well, you know, we can all do without a little air conditioning. We can all suffer a little more. Most people that say that really mean you can suffer a little more. We do not really mean I should be the one that suffers a little more, but you can suffer a little more.

Take a look at what these rolling blackouts will do to the State of California. California is one of the largest agricultural producers in the world. Refrigeration is a basic ingredient in order to, once you pick that crop, to store that crop, to transport that crop. Take a look at the chicken farms and the turkey farms out in California. They have tens of millions of birds out there. I had a chicken farmer tell me the other day that if their circulating fans go off this summer, if they are shut down for 20 minutes, they lose their flock of birds.

Take a look at the computer chip industry that has to have refrigerated storage. Take a look at the medical industry that has to have refrigerated capacity. Take a look at the frozen foods. You all see them, those trucks that have those little boxes up on the front of the trailer and a lot of times when the truck is parked you can hear that little engine in there idling. That is refrigerating that trailer. That will not be shut off obviously because of the shutdown of a power plant in California, but those little generating facilities take fuel. My point here is electricity is very important for us. Do not think that it is just a matter of turning off the air conditioner that is going to get us out of this crisis. The only way we are going to move out of this is we have got to build additional electrical generation.

Let me continue. Hydroelectric power generation is expected to fall sharply. Today, relicensing a power plant can take decades and cost millions. Now, even though consumers are faced with blackouts and shortages, some of the activists still want to tear out dams on the Snake River.

Let us move on to our next one. Oil. It is amazing to me how negative people have turned the word oil, as if it is some evil empire out there. They think of the J.R. Ewing of Dallas days and oil. I am telling you, everything we have in our life depends on this oil. I would like to be able to go to solar. So far, despite years and years and years and billions of dollars in research, we have not made any kind of dramatic steps forward in solar. We have got some, but we have not made the kind of steps we thought we could make to replace oil.

I hope someday oil goes the same direction that whale oil went. It used to be before the discovery of oil, we used whales for oil, before the discovery of oil in the ground. Thank goodness we stopped hunting the whales because we found a replacement product. I hope through our technology we are able to find a replacement product, but the fact is we do not have it today. The hard reality of it is we are not going to have it next year. We are probably not going to have it for any number of years. So our reliance on oil, our dependency on oil is very significant and we all depend on it. Our clothes are made with oil. Our medicine is made with oil. Our vehicles, our ambulances, our fire trucks, our school buses, our personal vehicles all run on oil. The lights that we have. Members know what I am talking about. Take a look at any facet of life and tell me where oil is not needed. Any facet of life. It is fundamentally important. Until we find the replacement, we better face up to the reality that we have to meet the demand. You cannot just meet the demand through conservation alone.

Let us talk. Oil. In the next 20 years, America's demand for oil will increase by 33 percent, according to the Energy Information Institute. Yet as demand rises, domestic production drops. So the demand is going up and the domestic production in our country is going down. We have not had an inland refinery built in this country for 25 years. That is not how you answer an upswinging demand line. We now produce 39 percent less oil than we did in 1970.

Those of you my age and older, a little younger, can remember the crisis we had in the 1970s. Remember how this country committed that we would lessen our dependence on foreign oil, lessen it? It did not work. What happened is we continued to regulate, and I can tell you a lot of those regulations were good regulations. But we continued to discourage any kind of oil exploration in this country, and we depended on other countries because other countries were easier to extract it from because less regulations and safeguards, et cetera, et cetera, and we have become more dependent, not less dependent, upon it. We are down nearly 4 million barrels of oil a day. Unless our policies change, domestic production will continue to drop to 5.1 million barrels a day in 2020, down from 9.1 million barrels a day 30 years ago.

We are increasingly dependent on foreign governments for our oil. Back in 1973, we imported just 36 percent of our oil from overseas. Today, we import over 54 percent of those resources. The number of U.S. refineries has been cut in half since 1980. There has not been a new refinery built in this country in more than 25 years. Those are pretty startling statistics.

Let us go back very quickly to California and take a look at the California situation. We have just seen the nationwide situation. Let us look at California. No new natural gas lines in 8 years. They placed price caps on the rate that electricity providers could charge to the consumers while doing nothing to discourage demand.

□ 2045

You continue to allow demand to go up. You do not discourage it through conservation. You do not discourage it through price. What you do is allow it to continue to go up, and you allow supply to continue to go down. When there is a cross, there is a collision. It is like two airplanes hitting in the sky. It is going to be a nasty crash. No new coal-fired plant permits in 10 years. No nuclear power plants have been built in our Nation in over 20 years. No inland refineries have been built in 26 years.

California's power capacity is down 2 percent since 1990 while demand is up 11 percent in that same period. So on one end, your supply you take it down by 2 percent. On the other end you take demand up by 11 percent and in the meantime you say to the consumer your price is capped; you do not have to worry about a price increase.

My purpose tonight is to say that this Nation needs an energy policy. It is our President, the first President now in 9 years, who has come forward and in my opinion had enough gumption to stand up, not hype, not a bunch of hype but the gumption to stand up and say maybe we ought to look at everything we are doing out here in regards to energy. Maybe, for example, we ought to look at some of the sanctions we have on oil-producing countries like Iran or some of these others. Maybe we ought to take a look and tell the people, look, we have to conserve.

Again, let me remind my colleagues, and my guess is every colleague in here has been conserving in the last few months. Why? Not because the government told them to conserve but because the price of the energy they are using has gone up tremendously. That is what is driving their conservation.

We have a President who says let us put everything on the table. Let us put conservation on the table. Let us put oil exploration on the table. Let us put ANWR, let us put transmission lines on the table, put everything on this table and then bring people to sit down at this table and let us develop an energy policy. It is an obligation, by the way, that we have; not only to ourselves but to the generation behind us and the generation ahead of us.

What do you think we are going to do? Earlier in my comments I mentioned that I said somebody said well, we turned our back on the seniors, if you do not buy their program you are turning your back on the seniors. You better talk to those seniors this summer when you have to shut off air conditioning out there in California. You better explain to those seniors out in California why you would not be a willing participant at the table in trying to come up with some kind of energy policy. You better be willing to talk to the seniors not only of California but of New York, of Oregon, of Washington, and explain to them why you did not find time to come to the table.

We have to come to this table. The President has provided the table. The President has even provided the subject of the discussion and the debate. Here are some of my ideas. Here is what I want to talk about. Now if you have a better idea, let us talk about it. Let us put it in place.

In the end, at the end of the day, the President says I need an energy policy for this country. That is good policy of its own. We, Members of this Congress, have an obligation, and I said earlier that obligation also means helping the State of California. It does not mean subsidizing the State of California. It does not mean allowing the citizens of California to continue to have their electricity or their gas or their oil at artificially low prices. What it does mean is we have to be willing to participate with California and help them get through this crisis, but California has got to step up to the plate as well. California is going to have to take a little more careful look about the not-in-my-backyard position that they have taken. California is going to have to take a little more careful look about going out to its citizens and promising them no price increases. California is going to have to take another look at not allowing refineries in their State or at least stalling the permitting process so they cannot get in there. California is going to have to take a look at not allowing a natural gas transmission line permit to go into their State or be granted in their State over such a long period of time.

This crisis, by the way, is not a crisis that is going to sink us. This is not like being in these House chambers say on December 7 or December 8 of 1941, the day after Pearl Harbor, the day after Pearl Harbor. That crisis is much more severe. This is a crisis we can resolve. This is a crisis that if we bring our heads together we can do something about it, but we are going to have to change some policy. We are going to have to change the policies of the previous administration of drifting along without an energy policy. We are going to have to adopt an energy policy. We are going to have to change the policies that you do not have to have an increase in supply to meet increasing demand.

We are going to have to educate, I think, our younger generation, work with our younger generation, and prove to them that the technologies that we have for oil exploration have improved and that if they want to continue to use power at the rate they are using power we all have to join in in finding this additional supply to meet that demand.

I think in the long run, what I hope in the long run, is that 5 years from now those of us on this House Floor can look back and say that energy problem we had back in 2001, it had some good benefits to it. The American people are now smarter about their utilization of energy. They are conserving. We have more innovation on the market. We have ways, we have alternative energy that really works similar to this one right here with the light. That is what I hope 5 years from now we look back, I hope 5 years from now we can look back, and we have SUVs, for example, that get 45 or 50 miles to the gallon instead of 12 or 15 miles to the gallon.

I think we can do it, but in order for us to do it, we have to stand up on the line. We have to come out of the foxhole. Somebody has got to be the first one out of the foxhole. To that end, I give credit to the President of the United States. He has taken a lot of heat in these last 3 or 4 weeks or maybe the last 2 or 3 months. Well, he has not been in office 3 months but a couple of months, and he has taken a lot of heat because he stood up and said we need an energy policy and, God forbid, we are going to need to explore for oil; and gosh darn, sorry about this but we are going to have to have an ability to move natural gas from one end of the country to the other end of the country.

Those are tough stands to take in a society that has become pretty used to the fact that they get the energy they need without having a generation facility inside of their home or inside of their community or even within the boundaries of their State. Times are changing.

Is it not Bob Dillon that said, times are changing? That is what is happening. Times are changing in our defense strategy and times are changing in our energy strategy. We have to pay attention to defense and we have to pay attention to energy. We have to pay attention to health care. We have to pay attention to education. Times are changing, and energy is not exempt from the change of time. Energy is not exempt from continuing demand with diminishing supply. You cannot have or continue to have diminishing supply with continuing upgrade in demand without a mid-air collision.

That is exactly what happened in California, kind of. That is exactly what is going to happen in California this summer. We are going to have a mid-air collision. Maybe we can avoid it. We probably cannot.

Let me wrap up my comments here in regards to energy by saying to all of us, especially to my colleagues from California, I have been particularly harsh this evening about what has gone on in the State of California but I am not about to abandon the State of California. You are important to us. We are important to you. But it does mean you are going to have to change your habits. It does mean that you are going to have to start to conserve. It does mean that you are going to have to stand up and tell your consumers out there that they are not going to be able to enjoy artificially low prices. They are going to have to pay.

When you have disruptions in the market you do not get the product you want, and disruptions are in the market when you artificially subsidize prices. That is what has happened out there. So we want to help our colleagues from California but for the rest of us, in our States that do not face this imminent energy crisis, we better watch out because one of these days that nasty wolf will be knocking on our door. So let us learn from the lessons of California. Let us figure out conservation methods that really work. Let us figure out where in a reasonable and responsible environmental fashion we can explore for additional resources for energy. We have to do it.

Let us be frank when we talk to our constituents and let them know, hey, we have to build power plants. We are going to have to have resources to do that. You are no longer going to be able to enjoy the luxury perhaps of having every room at 70 degrees. Times, they are changing. It is going to happen to us just like it has happened in California.

Let me just summarize my earlier comments in regards to the missile defense. We have left energy now. Let me just summarize my comments. It is an inherent responsibility of every Member of Congress to provide a national defense not only for the people currently here today, our generation and maybe the one behind us, but for the future generations. It is an undeniable fact that countries will continue to accumulate nuclear weapons and the capability to deliver them by missile. That is undeniable. The only way that you will be able to defend yourself against those type of horrible weapons is to have a missile shield of some type. Do not kid yourself. You are not going to be able to talk these countries out of disarming themselves. You are not going to be able, as the previous administration did or thought they could, bribe North Korea by sending them lots of oil, which by the way goes right to their military; or give them millions of dollars in foreign aid and expect these countries, on my word we are going to disassemble our nuclear weapons.

The fact is our country is going to have to disassemble nuclear weapons and any of you, by the way, who are opposed to nuclear weapons, you ought to be in support of this defensive shield. Why? There is no quicker way to make a nuclear weapon ineffective than have a shield against it. It works. We know it. You cannot disassemble a nuclear missile fast enough as you can with a missile shield once we put it in place. It makes them ineffective. That is what will break the nuclear arms race. Mark my word, that is what will break that race is the first country that is a major power that comes out with a shield that itself and their allies can use to defend themselves, that will break the nuclear arms race as we know it today in the world.

I intend to come back, I want to visit I hope later this week, certainly next week, and talk a little more about the issue of the death tax and what it has done to a lot of families in America. It looks like we are close to a tax agreement. This afternoon they have been down at the White House, Mr. Speaker, working with the administration. I hope we come together on that. I hope as we begin to put our budget together for this next year that we refrain from comments as were made in the previous speech prior to my coming up here, refrain from the comments that the administration, for example, has turned their back on the elderly or that they do not care about education or they do not care about this or they do not care about that.

They care about it. As I mentioned earlier, I think everybody on this floor, no matter how liberal their politics are, how conservative their politics are, I think everybody on this floor, everybody on this floor cares about education; they care about the elderly; they care about health care; they care about defense. I have a list a half a mile long that we care about. Let us work together as a team. I think we can do it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:

Mr. BONIOR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. ACEVEDO-VILÁ for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and May 2 and May 3.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. HERGER, for 5 minutes, on May 2.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, on May 2.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe); to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 256.—To extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. Referred to the Judiciary Jan. 30, 2001. Reported Feb. 26, 2001; Rept. 107-2. Union Calendar. Rules suspended. Passed House Feb. 28, 2001; Roll No. 17: 408-2. Received in Senate Mar. 1, 2001. Passed Senate Apr. 26, 2001.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, May 2, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1652. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1653. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's revised Annual Performance Plan for FY 2002; to the Committee on Government Reform.

1654. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2000 Performance Plan; to the Committee on Government Reform.

1655. A letter from the Staff Director, Commission On Civil Rights, transmitting the Commission's FY 2000 Government Performance and Results Act Report; to the Committee on Government Reform.

1656. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's FY 2000 Performance Report; to the Committee on Government Reform.

1657. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance Report for FY 2000; to the Committee on Government Reform.

1658. A letter from the Secretary, Department of Transportation, transmitting the 6-month report in compliance with the Inspector General Act of 1988, pursuant to 5 app; to the Committee on Government Reform.

1659. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2002 Performance Plan and FY 2000 Performance Report; to the Committee on Government Reform.

1660. A letter from the Inspector General, Department of Veterans' Affairs, transmitting the Office of Inspector General's Strategic Plan for 2001-2006; to the Committee on Government Reform.

1661. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2002 Performance Plan and FY 2000 Annual Performance Report; to the Committee on Government Reform.

1662. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1663. A letter from the Chairman, Federal Labor Relations Authority, transmitting the FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1664. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's FY 2002 Final Annual Performance Plan; to the Committee on Government Reform.

1665. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2000 Performance Report; to the Committee on Government Reform.

1666. A letter from the Comptroller General, General Accounting Office, transmitting the Office's Performance and Accountability report for FY 2000 and Performance Plan for FY 2002; to the Committee on Government Reform.

1667. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's FY 2000 Annual Performance Report; to the Committee on Government Reform.

1668. A letter from the Director, Holocaust Memorial Museum, transmitting the FY 2000 Annual Performance Report; to the Committee on Government Reform.

1669. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2001–FY 2006 Strategic Plan and FY 2002 Performance Plan; to the Committee on Government Reform.

1670. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's FY 2000 Performance Report; to the Committee on Government Reform.

1671. A letter from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting the Board's FY 2000 Annual Program Performance Report and the FY 2002 Annual Performance Plan; to the Committee on Government Reform.

1672. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's FY 2002 Budget Estimates and Performance Plan; to the Committee on Government Reform.

1673. A letter from the Attorney General, Office of the Attorney General, transmitting the FY 2000 Performance Report and FY 2002 Performance Plan; to the Committee on Government Reform.

1674. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2000 Annual Performance Report; to the Committee on Government Reform.

1675. A letter from the Chairman, Tennessee Valley Authority, transmitting the FY 2000 Annual Program Performance Report; to the Committee on Government Reform.

1676. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the Agency's FY 2000 Performance Overview Report; to the Committee on Government Reform.

1677. A communication from the President of the United States, transmitting a letter in support of legislation to extend the window created under section 245 (i) of the Immigration and Nationality Act during which qualified immigrants may obtain legal residence in the United States without being forced to first leave the country and their families for several years; (H. Doc. No. 107–62); to the Committee on the Judiciary and ordered to be printed.

1678. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Third Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1679. A letter from the Secretary, Department of Health and Human Services, transmitting the seventh annual report entitled, "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 10. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 107–51 Pt. 1).

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 10. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 107–51 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 127. Resolution providing for consideration of the bill (H.R. 10) to provide for pension reform, and for other purposes (Rept. 107–53). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1088. A bill to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than May 2, 2001, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. 107–52, Pt. I).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas:

H.R. 1647. A bill to provide for electricity emergencies; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Mr. Towns):

H.R. 1648. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure access to covered emergency hospital services and emergency ambulance services under a prudent layperson test under group health plans and health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. Kucinich):

H.R. 1649. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. Gilman, Mr. Sanders, Mr. Kildee, Mrs. Morella, Mr. Scott, and Mrs. Davis of California):

H.R. 1650. A bill to establish the Child Care Provider Retention and Development Grant Program and the Child Care Provider Scholarship Program; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1651. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income health care subsidy payments made to employers by local governments on behalf of volunteer firefighters; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to reduce the amount of the earned income credit; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 1653. A bill to direct the Secretary of Education to conduct a study to determine the best means of developing a national standard by which to measure the rate at which students drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 1654. A bill to provide for the conveyance of certain National Forest System lands to the towns of Laona and Wabeno, Wisconsin; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin (for himself, Mr. Lantos, Mr. Souder, Mr. Watkins, and Mr. Gordon):

H.R. 1655. A bill to amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. McCrery, Mr. Towns, Mr. Foley, Mr. McDermott, Mr. Acevedo-Vila, Mr. Rangel, and Mr. Serrano):

H.R. 1656. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. Matsui, Mr. Foley, Mr. Ramstad, Mrs. Thurman, Mr. Jones of North Carolina, and Mr. Peterson of Minnesota):

H.R. 1657. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 1658. A bill to eliminate the Federal quota and price support programs for Burley tobacco, to compensate quota holders for the lost quota value, to provide transition payments to producers of Burley tobacco, and to provide assistance to communities adversely affected by the elimination of the quota and price support programs; to the Committee on Agriculture.

By Mr. HOUGHTON (for himself and Mr. Hall of Ohio):

H.R. 1659. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Frost, Mr. McGovern, Mrs. Meek of Florida, Mr. Sandlin, Mr. Hastings of Florida, Mr. Boucher, Mr. Rodriguez, Mr. Meeks of New York, Mrs. Christensen, Mrs. Jones of Ohio, Ms. Carson of Indiana, Ms. Lee, Mr. Rangel, Mr. Baca, Mr. Etheridge, Mr. Owens, Mr. Cummings, Ms. Woolsey, and Ms. Kilpatrick):

H.R. 1660. A bill to develop a demonstration program through the National Science Foundation to encourage interest in the fields of mathematics, science, and information technology; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. Walden of Oregon):

H.R. 1661. A bill to extend indefinitely the authority of the States of Washington, Oregon, and California to manage a Dungeness crab fishery until the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. Pallone, Mr. Rahall, Mr. Kildee, Mr. Hayworth, Mr. Waxman, Mr. Oberstar, Mr. Filner, Mr. Bonior, Mrs. Mink of Hawaii, Mr. Carson of Oklahoma, Mr. Larsen of Washington, Mr. McDermott, Ms. Lee, Ms. Millender-McDonald, Mr. Baca, Mr. Abercrombie, Mrs. Bono, Mr. Kind, Mr. Frank, Mr. Stupak, Mr. Frost, Mr. Kennedy of Rhode Island, Mr. Udall of New Mexico, Mr. Inslee, Mr. Nethercutt, Mr. Baldacci, Mr. Faleomavaega, Mr. Blumenauer, Ms. Lofgren, Mr. Lantos, Mr. Jefferson, Mr. Cannon, Mr. Condit, Mr. Towns, Mr. Blagojevich, Mr. Taylor of North Carolina, Mr. Watkins, Mr. Allen, Mrs. Napolitano, Mr. Hinchey, Ms. McCollum, Mr. Udall of Colorado, Mr. Lucas of Oklahoma, Mr. Camp, Ms. Kilpatrick, and Mr. Honda):

H.R. 1662. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOAKLEY:

H.R. 1663. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to extend the basic period for health care continuation from 18 months to 5 years; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE:

H.R. 1664. A bill to authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted; to the Committee on Resources, and in addition to the Committee on

Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1665. A bill to prohibit the destruction during fiscal year 2002 of intercontinental ballistic missile silos in the United States; to the Committee on Armed Services.

By Mr. QUINN:

H.R. 1666. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Administration.

By Ms. RIVERS:

H.R. 1667. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROEMER (for himself, Mr. Delahunt, Mr. Houghton, Mr. Olver, Mr. Neal of Massachusetts, Mr. McGovern, Mr. Frank, Mr. Meehan, Mr. Tierney, Mr. Markey, Mr. Capuano, Mr. Moakley, Mr. Greenwood, Mrs. Johnson of Connecticut, Mr. Souder, Mr. Kind, and Mrs. Christensen):

H.R. 1668. A bill to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. Lewis of California, Mr. Baca, Mr. Berman, Mrs. Bono, Mr. Calvert, Mr. Condit, Mr. Cunningham, Mrs. Davis of California, Mr. Doolittle, Mr. Dreier, Mr. Filner, Ms. Harman, Mr. Herger, Mr. Honda, Mr. Horn, Mr. Hunter, Mr. Inslee, Mr. Issa, Ms. Lofgren, Mr. George Miller of California, Mrs. Napolitano, Mr. Ose, Mr. Radanovich, Ms. Sanchez, Mr. Sherman, Mrs. Tauscher, Mr. Waxman, Ms. Woolsey, Mr. Matsui, Ms. Pelosi, Mr. Blumenauer, Mr. Schiff, Mrs. Capps, Mr. Lantos, Ms. Waters, Ms. Lee, Ms. Eshoo, Mr. Thomas, Mr. Farr of California, and Mr. McKeon):

H.R. 1669. A bill to provide incentives to encourage private sector efforts to reduce earthquake losses, to establish a national disaster mitigation program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. Crane, and Mr. McCrery):

H.R. 1670. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Ways and Means.

By Ms. DeLAURO (for herself, Mrs. Lowey, Ms. Roybal-Allard, Ms. Kaptur, Mr. Hinchey, Mr. Brown of Ohio, Mr. Kildee, Mr. Lipinski, Ms. Pelosi, Mr. Lantos, Mrs. Jones of Ohio, Mrs. Christensen, Mr. McGovern, Mr. Serrano, Ms. McKinney, Mr. Roemer, Mr. Weiner, Ms. Schakowsky, Mr. Wexler, Mr. McDermott, Mr. Rangel, Mr. Gutierrez, and Mr. Faleomavaega):

H.R. 1671. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON of Indiana:

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States relating to incarceration for minor traffic offenses; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. Weldon of Pennsylvania, Mr. Gekas, Ms. Pelosi, Mr. Ehlers, Mr. Upton, Ms. Kilpatrick, Ms. Rivers, Mrs. Jo Ann Davis of Virginia, Mr. Hoeffel, Mr. Flake, Mr. Levin, Mr. Ballenger, Mr. Schaffer, Mr. Smith of Michigan, Mr. Blumenauer, Mr. Knollenberg, Mr. Watts of Oklahoma, Mr. Pitts, Mr. Camp, Mr. Ose, Mr. Souder, Mr. Mica, Mr. Davis of Florida, Mr. Bereuter, Mr. Tancredo, and Mr. Cantor):

H. Con. Res. 117. Concurrent resolution expressing sympathy to the family, friends, and co-workers of Veronica "Roni" Bowers and Charity Bowers; to the Committee on International Relations. considered and agreed to.

By Ms. BERKLEY (for herself, Ms. Ros-Lehtinen, Mr. Frost, Ms. DeLauro, Mrs. Lowey, Mr. Ackerman, Ms. Slaughter, Mr. Cantor, Mr. Pallone, Mr. Delahunt, Mr. Towns, Mrs. Jones of Ohio, Mrs. Napolitano, Mr. Weiner, Mr. Moore, Mr. Wexler, Ms. Baldwin, Mrs. Maloney of New York, Mr. McDermott, Mr. Cardin, Mr. Holden, Mr. McNulty, Mr. Berman, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Mr. Engel, Mr. Kirk, Mr. Gutierrez, Mr. Levin, Mr. Gonzalez, Ms. Norton, Mr. Langevin, Mr. Nadler, Mrs. Mink of Hawaii, Mr. Kucinich, Ms. McKinney, Mr. Honda, Mr. Hinchey, Mr. Hoeffel, Mr. Crowley, Mr. Schiff, Mr. Hastings of Florida, Mr. Deutsch, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Abercrombie, Ms. Woolsey, Mr. Holt, Mr. Filner, Ms. Solis, Mr. Matheson, Ms. Kilpatrick, Mr. Matsui, Mrs. Capps, Mr. Gibbons, Mr. Foley, Mr. Frank, and Mr. McGovern):

H. Con. Res. 118. Concurrent resolution urging the return of portraits painted by Dina Babbitt during her internment at Auschwitz that are now in the possession of the Auschwitz-Birkenau State Museum; to the Committee on International Relations.

By Mr. CRANE:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Ms. Sanchez, Mr. Schaffer, and Mr. Hefley):

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Mr. HOEFFEL (for himself, Mr. Engel, Mr. Platts, Mr. Tancredo, Ms. Kaptur, Mr. Sherman, and Mr. Abercrombie):

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress that the United States Government should conduct a policy review of its relations with the People's Republic of China; to the Committee on International Relations.

By Ms. DeLAURO (for herself, Mr. Ackerman, Mr. Allen, Mr. Baldacci, Ms. Baldwin, Mr. Barrett, Mr. Bentsen, Ms. Berkley, Mr. Berman, Ms. Eddie Bernice Johnson of Texas, Mr. Bishop, Mr. Brady of Pennsylvania, Mr. Blagojevich, Mr. Bonior, Ms. Brown of Florida, Mr. Brown of South Carolina, Mrs. Capps, Mrs. Christensen, Mrs. Clayton, Mr. Crowley, Mr. Cummings, Mr. Davis of Illinois, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Mr. Engel, Ms. Eshoo, Mr. Ford, Mr. Frank, Mr. Frost, Mr. Green of Texas, Mr. Hilliard, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Horn, Ms. Jackson-Lee of Texas, Ms. Kaptur, Mr. Kildee, Ms. Kilpatrick, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Ms. Lee, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mrs. Maloney of New York, Mr. Matsui, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Payne, Ms. Pelosi, Mr. Rangel, Ms. Rivers, Mr. Rush, Ms. Sanchez, Mr. Sanders, Ms. Schakowsky, Mr. Schiff, Mr. Shows, Ms. Slaughter, Mr. Stark, Mr. Stupak, Mrs. Thurman, Mrs. Jones of Ohio, Mr. Watt of North Carolina, Mr. Waxman, Mr. Wexler, Ms. Woolsey, and Mr. Wynn):

H. Res. 128. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

30. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 103 memorializing the United States Congress to request the President to impose a moratorium on the roadless regulations pending careful review and study; to the Committee on Agriculture.

31. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 107 memorializing the United States Congress to support a moratorium on all imports of live cattle, precooked beef, all beef products, and potentially contaminated feed ingredients for a period of three years or until importers can prove that the meat, live animals and feed ingredients are free of Bovine Spongiform Encephalopathy for the protection of the United States cattle industry; to the Committee on Agriculture.

32. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint

Memorial 108 memorializing the United States Congress to enact legislation that mandates country of origin labeling for meat, and to require that products labeled "U.S. Produced" be born, raised and processed completely in the United States; to the Committee on Agriculture.

33. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 109 memorializing the United States Congress to support safeguards to prevent movement of Foot and Mouth Disease on persons, on other animals not directly susceptible to the virus but which could be passive carriers, and on inanimate objects; and we support a moratorium on all imports of cloven-hoofed animals and products thereof, for a period of three years or until importers can prove that cloven-hoofed animals and products thereof are free of Foot and Mouth Disease for the protection of the American livestock owners; to the Committee on Agriculture.

34. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 68 memorializing the United States Congress to enact H.R. 20, that was introduced on January 3, 2001, and that modifies provisions of the Clean Air Act, regarding the oxygen content of reformulated gasoline and improves the regulation of the fuel additive methyl tertiary butyl ether (MTBE); to the Committee on Energy and Commerce.

35. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 102 memorializing the United States Congress to respectfully request that the President refuse to designate the requested Owyhee-Bruneau Canyonlands National Monument without prior consultation with the Governor of Idaho, the State Land Board, the Idaho Legislature, and local government officials in Owyhee County, and without subjecting the request to public review and input; to the Committee on Resources.

36. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 144 memorializing the United States Congress to call on the City of Philadelphia to erect and maintain flashing warning lights in front of every elementary school building; to the Committee on Transportation and Infrastructure.

37. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 106 memorializing the United States Congress to request that President direct the Office of the U.S. Trade Representative and the Secretary of Commerce to make the problem of subsidized Canadian lumber imports a top priority; to the Committee on Ways and Means.

38. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 105 memorializing the United States Congress to enact legislation enacting pilot projects such as those recommended in the report submitted to the Idaho Board of Land Commissioners entitled, "Breaking the GridLock: Federal Lands Pilot Projects in Idaho."; jointly to the Committees on Agriculture and Resources.

39. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 104 memorializing the United States Congress in the interest of protecting the integrity and posterity of our forest and wild lands, wildlife habitat, watershed, air quality, human health and safety, and private property, the U.S. Forest Service and other federal land management agencies must immediately implement a cohesive strategy to reduce the overabundance of forest fuels that place these resources at high risk of catastrophic wildfire; jointly to the Committees on Agriculture and Resources.

40. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution 149 memorializing the United States Congress to urge the President of the United States, the Department of the Interior and the Environmental Protection Agency and the Governor to immediately implement the safe and effective cleanup of this fuel-oil spill in order to protect the health and welfare of the affected citizens of Hazleton, Pennsylvania; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. TOM DAVIS of Virginia, Mr. VITTER, Mr. REYES, Mr. BROWN of South Carolina, Mr. MORAN of Virginia, and Mr. BROWN of Ohio.

H.R. 12: Mr. TRAFICANT, Mr. HONDA, Mr. SMITH of Washington, Mr. RADANOVICH, and Mrs. MORELLA.

H.R. 13: Mr. FILNER.

H.R. 17: Mr. CRAMER, Mr. JOHNSON of Illinois, and Mr. BISHOP.

H.R. 28: Ms. PELOSI and Mr. LUTHER.

H.R. 31: Mr. BROWN of South Carolina, Mrs. CUBIN, and Mr, HASTINGS of Washington.

H.R. 41: Mr. TANCREDO, Mr. FARR of California, Mr. WAMP, Mr. CHAMBLISS, and Mr. BERMAN.

H.R. 61: Mr. KENNEDY of Rhode Island.

H.R. 81: Mr. HEFLEY.

H.R. 87: Mr. McGOVERN and Ms. LEE.

H.R. 122: Mrs. BONO, Mr. MILLER of Florida, Mr. BRYANT, Mr. SAXTON, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Mr. LINDER, Mr. DEMINT, Mrs. WILSON, Mr. SPENCE, and Mr. GALLEGLY.

H.R. 133: Mr. BERMAN.

H.R. 162: Mrs. DAVIS of California, Mr. MICA, Mr. GONZALEZ, Mr. HONDA, Ms. MILLINDER-McDONALD, Mrs. THURMAN, and Mr. COYNE.

H.R. 168: Mr. ROHRABACHER.

H.R. 184: Ms. SANCHEZ.

H.R. 218: Mr. SESSIONS, Mr. CHAMBLISS, Mr. STUMP, Mr. CANTOR, Mr. RAMSTAD, and Mrs. THURMAN.

H.R. 239: Mr. BEREUTER and Mr. LANGEVIN.

H.R. 268: Mr. BERMAN.

H.R. 280: Mr. WAMP and Mr. HILLEARY.

H.R. 281: Mr. JONES of North Carolina and Mr. McGOVERN.

H.R. 303: Ms. WATERS, Mr. QUINN, Mr. BENTSEN, Mr. HOBSON, Mr. ADERHOLT, Mr. TIBERI, and Mr. WELDON of Pennsylvania.

H.R. 326: Mr. TIERNEY.

H.R. 331: Mr. CAMP, Mr. STENHOLM, and Mr. RYUN of Kansas.

H.R. 337: Mr. GREEN of Wisconsin.

H.R. 340: Mr. BOUCHER.

H.R. 345: Mr. WU.

H.R. 356: Mr. SCHROCK, Mr. HOSTETTLER, and Mr. FALEOMAVAEGA.

H.R. 419: Mrs. MEEK of Florida.

H.R. 429: Mr. FARR of California.

H.R. 436: Mr. CUNNINGHAM, Mr. GANSKE, Mr. GREEN of Wisconsin, Mr. LaTOURETTE, Mr. BONIOR, Mr. MORAN of Kansas, Mr. JONES of North Carolina, Mr. COSTELLO, and Mr. McINNIS.

H.R. 439: Mr. CRAMER.

H.R. 440: Mr. ALLEN, Ms. SANCHEZ, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. CONYERS, and Mr. NEAL of Massachusetts.

H.R. 441: Mr. CUNNINGHAM and Mrs. DAVIS of California.

H.R. 456: Mr. GOODE and Mr. PENCE.

H.R. 458: Mr. RYUN of Kansas.

H.R. 476: Mr. WAMP.

H.R. 500: Mr. GILMAN.

H.R. 506: Mr. JACKSON of Illinois.

H.R. 526: Mr. FARR of California, Mr. ACKERMAN, Mrs. MALONEY of New York, Ms. RIVERS, Mr. EDWARDS, Mr. COSTELLO, Ms. BROWN of Florida, Ms. BALDWIN, and Mr. LANGEVIN.

H.R. 527: Mr. CLEMENT and Mr. ADERHOLT.

H.R. 544: Mr. BERMAN.

H.R. 572: Ms. SANCHEZ and Mr. PASCRELL.

H.R. 582: Mr. HOLT.

H.R. 586: Mr. LANGEVIN, Mr. WAMP, Mr. WYNN, and Mrs. NORTHUP.

H.R. 591: Mr. ABERCROMBIE.

H.R. 599: Mr. HONDA.

H.R. 600: Mr. REHBERG, Mr. BLAGOJEVICH, Mr. COYNE, Mr. BURR of North Carolina, and Mrs. MORELLA.

H.R. 602: Mr. ISRAEL.

H.R. 606: Mr. WYNN and Ms. KILPATRICK.

H.R. 612: Mr. ROSS, Mr. REHBERG, Mr. CLEMENT, and Mr. ROGERS of Michigan.

H.R. 632: Mr. SIMMONS, Mr. OLVER, Mr. REYES, and Mr. MOORE.

H.R. 653: Mr. BLAGOJEVICH.

H.R. 665: Mr. ACKERMAN.

H.R. 671: Mr. LANTOS, Mr. EVANS, Mr. NADLER, Ms. SOLIS, and Ms. SCHAKOWSKY.

H.R. 686: Mrs. THURMAN, Ms. SANCHEZ, and Mr. JACKSON of Illinois.

H.R. 693: Mr. PAYNE, Mr. ABERCROMBIE, and Mr. DAVIS of Illinois.

H.R. 701: Mr. EHRLICH.

H.R. 704: Mr. PAUL.

H.R. 718: Mr. RAMSTAD and Mr. GIBBONS.

H.R. 730: Mr. NEAL of Massachusetts and Mr. HINCHEY.

H.R. 737: Mr. PASCRELL and Mr. NORWOOD.

H.R. 742: Ms. WOOLSEY and Mr. STARK.

H.R. 755: Mrs. BIGGERT, Mr. LANTOS, Ms. BERKLEY, Mr. WYNN, and Mr. ISRAEL.

H.R. 786: Mr. FILNER.

H.R. 804: Mr. JEFFERSON.

H.R. 817: Mr. BONIOR.

H.R. 824: Mr. LUCAS of Kentucky and Mr. FOLEY.

H.R. 826: Mr. LUCAS of Kentucky.

H.R. 827: Mr. CRAMER.

H.R. 829: Mr. JACKSON of Illinois.

H.R. 832: Mr. HEFLEY and Mr. McHUGH.

H.R. 853: Ms. SANCHEZ.

H.R. 854: Mr. FILNER, Mr. SCHROCK, Mr. HALL of Texas, Mr. RUSH, Mr. BACA, Mr. PRICE of North Carolina, Ms. ESHOO, Mr. WAXMAN, Mr. DOOLEY of California, Mr. FRANK, Mr. GREEN of Texas, Mrs. BONO, Mr. McINTYRE, Mr. MOORE, Mrs. TAUSCHER, Mr. FARR of California, Ms. PELOSI, and Mr. CRAMER.

H.R. 868: Mr. SPENCE, Mr. CALLAHAN, Mr. GANSKE, Ms. WOOLSEY, Mr. TIERNEY, Mr. DEFAZIO, Mr. HEFLEY, Ms. McKINNEY, Mr. BOEHNER, Mr. JOHNSON of Illinois, Mr. ADERHOLT, Ms. HOOLEY of Oregon, Mr. SKELTON, Mr. CANTOR, Mr. McINNIS, Mr. HUTCHINSON, Ms. McCARTHY of Missouri, Mr. BRYANT, Mr. MORAN of Kansas, and Mrs. NORTHUP.

H.R. 875: Mr. LANGEVIN, Ms. WOOLSEY, Mr. BAIRD, and Mr. BERMAN.

H.R. 876: Mr. MOORE, Ms. DUNN, Mr. FROST, Mr. BECERRA, Mr. ABERCROMBIE, Mrs. CAPPS, Mr. EHLERS, Mrs. BONO, Mr. GREEN of Texas, Mr. OLVER, Mr. SCOTT, Mr. PAUL, Mr. STRICKLAND, Mrs. JONES of Ohio, Mr. LARGENT, Ms. RIVERS, Mr. RODRIGUEZ, Mr. CUMMINGS, and Ms. BALDWIN.

H.R. 877: Mr. PLATTS, Mr. BLUNT, and Mr. PUTNAM.

H.R. 899: Ms. SANCHEZ.

H.R. 914: Mr. PAUL.

H.R. 921: Mr. HAYWORTH, Mr. RAMSTAD, Mr. FROST, Mr. LANTOS, Mr. TANCREDO, and Mr. BENTSEN.

H.R. 945: Mr. FRANK.

H.R. 952: Mr. EVANS, Mr. LEVIN, and Ms. SANCHEZ..

H.R. 954: Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Mr. MCGOVERN, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. DEFAZIO, and Mr. KENNEDY of Rhode Island.

H.R. 972: Mr. BACA, Mr. RUSH, Mr. BALDACCI, Mr. LANGEVIN, Mr. CLAY, Mr. FROST, and Mr. KILDEE.

H.R. 978: Mr. SHERMAN.

H.R. 995: Mr. CANNON.

H.R. 996: Mr. CANNON.

H.R. 1001: Mr. FRANK, Mr. BOUCHER, and Mr. TOWNS.

H.R. 1011: Mr. LARSON of Connecticut, Mr. KILDEE, Mr. GALLEGLY, Mrs. MORELLA, and Mr. TANNER.

H.R. 1013: Mr. SOUDER, Mr. CHAMBLISS, Mr. NORWOOD, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, and Ms. SANCHEZ.

H.R. 1017: Mr. KELLER.

H.R. 1030: Mr. PRICE of North Carolina, Mr. LEWIS of Kentucky, Mr. SWEENEY, Mr. WAMP, and Mr. SMITH of Michigan.

H.R. 1043: Mr. RUSH.

H.R. 1073: Mr. LAMPSON, Ms. SANCHEZ, Mr. SPENCE, Ms. MCCOLLUM, Mr. WATT of North Carolina, Mr. GREEN of Texas, Mr. MOLLOHAN, Mr. BROWN of Ohio, Mr. EDWARDS, and Mrs. DAVIS of California.

H.R. 1076: Mr. WYNN.

H.R. 1079: Mr. FLETCHER.

H.R. 1086: Mr. MCGOVERN.

H.R. 1089: Ms. RIVERS.

H.R. 1090: Mrs. THURMAN, Mr. ABERCROMBIE, Mr. CRAMER, Mr. SIMPSON, Mr. SCHIFF, Mr. FROST, Mr. SHIMKUS, and Mr. WAMP.

H.R. 1092: Mr. EHRLICH, Mr. HOLDEN, Mrs. MINK of Hawaii, Mr. GORDON, and Mr. SANDERS.

H.R. 1097: Mr. PLATTS, Mr. INSLEE, Ms. RIVERS, Mr. PASCRELL, and Mr. SAWYER.

H.R. 1100: Mr. DELAY.

H.R. 1109: Mr. MCKEON, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. BEREUTER, and Mr. DELAY.

H.R. 1119: Mr. BONIOR.

H.R. 1136: Mr. HINOJOSA, Mr. RUSH, Mr. WELLER, and Ms. WATERS.

H.R. 1143: Mr. PAYNE, Ms. DELAURO, and Mr. LAFALCE.

H.R. 1170: Mr. KILDEE.

H.R. 1172: Mr. SCHIFF, Mr. WAXMAN, Mr. SNYDER, Mr. PUTNAM, Mr. VITTER, Mr. HOEFFEL, Mr. PICKERING, Mr. ETHERIDGE, Mr. ROGERS of Kentucky, Mr. PITTS, Mr. COLLINS, and Mr. HOLT.

H.R. 1177: Mr. QUINN and Mr. ANDREWS.

H.R. 1179: Mr. REHBERG.

H.R. 1182: Mr. FOLEY.

H.R. 1191: Mr. JEFFERSON and Mr. FALEOMAVAEGA.

H.R. 1192: Mr. DELAHUNT, Mr. PASTOR, Ms. PELOSI, Mr. MORAN of Virginia, Ms. BERKLEY,, Mr. MOAKLEY, and Mr. WATKINS.

H.R. 1198: Mr. QUINN, Mr. STUPAK, Mr. STEARNS, Mr. HASTINGS of Washington, Mr. JONES of North Carolina, Ms. SANCHEZ, Mr. VITTER, Ms. CARSON of Indiana, and Mrs. ROUKEMA.

H.R. 1201: Mr. BOUCHER and Mr. SIMMONS.

H.R. 1220: Mr. SANDLIN, Mr. HEFLEY, and Mr. TANCREDO.

H.R. 1230: Mrs. SANCHEZ, Mr. TOWNS and Mr. ALLEN.

H.R. 1232: Mr. OBERSTAR, Mr. SHOWS, and Ms. WOOLSEY.

H.R. 1242: Ms. SOLIS, Mr. OWENS, and Mr. BECERRA.

H.R. 1252: Mr. EVANS, Mr. MCGOVERN, Mr. BARCIA, and Mr. CLEMENT.

H.R. 1266: Mr. HORN, Mr. LAMPSON, Mr. TIAHRT, and Ms. WATERS.

H.R. 1268: Mr. HERGER.

H.R. 1271: Mr. ARMEY and Mrs. JO ANN DAVIS of Virginia.

H.R. 1275: Mr. BERMAN.

H.R. 1276: Mr. MCGOVERN and Mr. BROWN of Ohio.

H.R. 1280: Mr. RAHALL, Ms. BROWN of Florida, and Mrs. JONES of Ohio.

H.R. 1289: Mr. LANGEVIN, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. GEORGE MILLER of California, Mr. HONDA, Ms. MILLENDER-MCDONALD, Ms. MCCARTHY of Missouri, Ms. NORTON, Ms. RIVERS, and Mr. HOLDEN.

H.R. 1291: Mr. CLEMENT.

H.R. 1305: Mr. ANDREWS, Mr. BISHOP, Mr. CALVERT, Mr. CAPUANO, Mr. COSTELLO, Mr. DEAL of Georgia, Mrs. JO ANN DAVIS of Virginia, Ms. HART, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOSTETTLER, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. MOORE, Mr. OXLEY, Mr. PETRI, Ms. RIVERS, Mr. ROSS, Mr. ROYCE, Mr. SHADEGG, Mr. TOWNS, and Mr. TURNER.

H.R. 1306: Mr. CLEMENT.

H.R. 1307: Mr. DOYLE, Mr. ALLEN, Mr. STUPAK, Mr. COYNE, and Mr. MCHUGH.

H.R. 1318: Mr. ACKERMAN.

H.R. 1340: Mr, MCNULTY and Ms. ESHOO.

H.R. 1351: Mr. DIAZ-BALART, Mr. COOKSEY, and Mr. GILLMOR.

H.R. 1353: Mr. GUTKNECHT, Mr. POMEROY, and Mrs. JONES of Ohio.

H.R. 1354: Mr. FALEOMAVAEGA, Ms. WOOLSEY, Mr. MCGOVERN, Mr. PAYNE, Ms. BALDWIN, and Mr. FRANK.

H.R. 1357: Mr. MCINNIS.

H.R. 1363: Mr. PASTOR, Mr. HOLDEN, and Mr. PETERSON of Minnesota.

H.R. 1366: Mr. SCHIFF, Mr. ISSA, and Ms. MILLENDER-MCDONALD.

H.R. 1367: Mr. CROWLEY.

H.R. 1369: Ms. SANCHEZ.

H.R. 1377: Mr. FILNER, Mr. SCHAFFER, Mr. SIMMONS, Mrs. BONO, Mr. COMBEST, and Mr. GIBBONS.

H.R. 1383: Ms. MILLENDER-MCDONALD, Mr. WAXMAN, Ms. CARSON of Indiana, Mrs. MINK of Hawaii, Mr. HILLIARD, Mr. SANDERS, Mr. OBERSTAR, Mr. BLAGOJEVICH, Mr. TOWNS, Mr. BONIOR, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Ms. ESHOO, Mr. BALDACCI, Mr. SKEEN, Mr. EHRLICH, Mr. POMEROY, Ms. BALDWIN, Mr. MARKEY, Mr. FRANK, Mr. CONDIT, Mrs. NAPOLITANO, Mr. FROST, Mr. PALLONE, Mrs. JONES of Ohio, Mr. CARSON of Oklahoma, and Mr. CONYERS.

H.R. 1388: Ms. RIVERS, Mr. FOLEY, Mr. HINOJOSA, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. POMEROY, Mrs. THURMAN, Mr. SIMMONS, Mr. GIBBONS, Mr. KOLBE, and Mr. PICKERING.

H.R. 1398: Mr. GREEN of Texas, Mr. OBEY, Mr. HASTINGS of Florida, Mr. SHERMAN, and Ms. DELAURO.

H.R. 1401: Mr. TOWNS, Mr. SANDLIN, Mr. DAVIS of Illinois, and Mr. HASTINGS of Florida.

H.R. 1405: Mr. RAMSTAD.

H.R. 1407: Mrs. KELLY.

H.R. 1413: Mr. BARCIA.

H.R. 1433: Ms. MCKINNEY, Ms. PELOSI, Mr. FROST, Mr. FRANK, Mr. BAKER, and Mr. CLEMENT.

H.R. 1458: Mr. HINCHEY and Mr. GOODE.

H.R. 1470: Ms. WATERS and Mr. WAXMAN.

H.R. 1471: Mr. COYNE.

H.R. 1489: Mr. SERRANO, Ms. NORTON, and Mr. STARK.

H.R. 1490: Mr. ISAKSON.

H.R. 1494: Mr. ABERCROMBIE.

H.R. 1511: Mr. PAUL, Mr. GOODE, Mr. DEMINT, Mr. PITTS, Mr. AKIN, Mr. DOOLEY of California, Mrs. MYRICK, Ms. SANCHEZ, Mr. MORAN of Virginia, and Mr. HALL of Texas.

H.R. 1512: Ms. WATERS and Ms. VELÁZQUEZ.

H.R. 1520: Mr. PALLONE, Mr. WEXLER, Mr. LANGEVIN, and Mr. CLEMENT.

H.R. 1534: Mr. GILLMOR and Mr. ROGERS of Kentucky.

H.R. 1536: Mr. GREEN of Texas, Mr. ACKERMAN, and Mrs. THURMAN.

H.R. 1541: Mr. FRANK, Ms. CARSON of Indiana, Mr. WEXLER, and Mr. MASCARA.

H.R. 1553: Mr. HOEFFEL, Mr. DOOLEY of California, Mr. KOLBE, and Mr. ENGLISH.

H.R. 1556: Mr. CRAMER, Mrs. ROUKEMA, Mr. HILLIARD, Mr. JEFFERSON, and Mr. ROSS.

H.R. 1581: Mr. TAYLOR of North Carolina and Mr. JONES of North Carolina.

H.R. 1585: Ms. JACKSON-LEE of Texas, Mr. RANGEL, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. CUMMINGS, Mr. CLAY, and Ms. KILPATRICK.

H.R. 1594: Mr. STARK, Ms. BALDWIN, Mr. CAPUANO, Mr. WYNN, Mr. HINCHEY, Ms. LEE, Ms. MCKINNEY, Ms. CARSON of Indiana, Mr. BLAGOJEVICH, Ms. HOOLEY of Oregon, Ms. PELOSI, and Mr. LAFALCE.

H.R. 1601: Mr. HERGER, Mrs. THURMAN, Mr. LEWIS of Kentucky, and Mr. CLEMENT.

H.R. 1609: Mr. SHERWOOD, Mr. ADERHOLT, Mr. HILLEARY, Mr. HUTCHINSON, Mr. BOSWELL, Mr. CALLAHAN, Mr. GRAHAM, and Mr. PETERSON of Pennsylvania.

H.R. 1610: Mr. MCINTYRE, Mr. JONES of North Carolina, Mr. GOODE, Mr. BOUCHER, Mr. GORDON, Mr. WHITFIELD, Mr. JENKINS, and Mr. LEWIS of Kentucky.

H.R. 1620: Mr. FROST and Mr. BARCIA.

H.J. Res. 36: Mr. CANTOR.

H. Con. Res. 3: Mr. BONIOR, Mrs. CAPPS, and Ms. DEGETTE.

H. Con. Res. 42: Mr. FILNER, Mr. ETHERIDGE, and Mr. COSTELLO.

H. Con. Res. 58: Mr. ENGEL and Mr. BROWN of Ohio.

H. Con. Res. 67: Mr. TANCREDO.

H. Con. Res. 68: Mr. HINCHEY, Mr. VISCLOSKY, and Ms. ROS-LEHTINEN.

H. Con. Res. 91: Mr. LANGEVIN, Mr. BURTON of Indiana, Mr. CLEMENT, and Mrs. MORELLA.

H. Con. Res. 95: Mr. ISSA, Ms. SANCHEZ, Mr. SIMMONS, Mr. RYUN of Kansas, Mrs. NORTHUP, and Mr. VITTER.

H. Con. Res. 97: Mr. LEWIS of California, Mr. FILNER, and Ms. SANCHEZ.

H. Con. Res. 103: Mr. BLUMENAUER, Ms. SANCHEZ, Mr. TOWNS, Ms. SOLIS, and Mr. FARR of California.

H. Con. Res. 106: Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. KING, Mr. SHAYS, Mr. UNDERWOOD, Mr. EVANS, Mr. TURNER, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. GRAVES, Mrs. MORELLA, Mr. FROST, and Mr. SANDERS.

H. Con. Res. 109: Mr. GEKAS, Mr. ISAKSON, Mr. GOODE, Mr. PASTOR, Mr. SIMMONS, Mr. JONES of North Carolina, Mr. LANGEVIN, and Mr. GILCHREST.

H. Con. Res. 115: Mr. WAXMAN, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 116: Mr. FROST.

H. Res. 16: Mr. GOODE.

H. Res. 18: Mr. SABO.

H. Res. 72: Mr. WAMP.

H. Res. 97: Ms. SCHAKOWSKY and Mr. WAXMAN.

H. Res. 112: Mr. OTTER, Mr. PUTNAM, and Mr. POMEROY.

H. Res. 120: Mr. SIMMONS, Mr. WYNN, and Ms. CARSON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1467: Mr. OTTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY MR. THOMAS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.
Sec. 209. Availability of qualified plans to self-employed individuals who are exempt from the self-employment tax by reason of their religious beliefs.
Sec. 210. Certain nonresident aliens excluded in applying minimum coverage requirements.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Modifications to minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Provisions relating to hardship distributions.
Sec. 307. Waiver of tax on nondeductible contributions for domestic or similar workers.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Protection of investment of employee contributions to 401(k) plans.
Sec. 507. Periodic pension benefits statements.
Sec. 508. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to SAVER Act.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.
Sec. 708. Studies.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The deductible amount is:**
2002	$3,000
2003	$4,000
2004 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2002 or 2003 shall be $5,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) Defined Benefit Plans.—

(1) Dollar limit.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) Limit reduced when benefit begins before age 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62" and by striking the second sentence.

(3) Limit increased when benefit begins after age 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) Cost-of-living adjustments.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2001".

(5) Conforming amendments.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) Special rule for commercial airline pilots.—

"(A) In general.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

"(B) Individuals who separate from service before age 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) Defined Contribution Plans.—

(1) Dollar limit.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) Cost-of-living adjustments.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2001".

(c) Qualified Trusts.—

(1) Compensation limit.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) Base period and rounding of cost-of-living adjustment.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2001"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) Elective Deferrals.—

(1) In general.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) In general.—

"(A) Limitation.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) Applicable dollar amount.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.".

(2) Cost-of-living adjustment.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) Cost-of-living adjustment.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) Conforming amendments.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) Applicable dollar amount; cost-of-living adjustment.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) Applicable dollar amount.—

"(A) In general.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

"(B) Cost-of-living adjustments.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) Simple Retirement Accounts.—

(1) Limitation.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) Applicable dollar amount.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) Applicable dollar amount; cost-of-living adjustment.—

"(i) In general.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

"(ii) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) Conforming amendments.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) Rounding Rule Relating to Defined Benefit Plans and Defined Contribution Plans.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) Rounding.—

"(A) $160,000 amount.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 amount.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) Amendment of Internal Revenue Code.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) Loan exception.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) Amendment of ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) Simplification of Definition of Key Employee.—

(1) In general.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) Conforming amendment.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) Matching Contributions Taken Into Account for Minimum Contribution Requirements.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) Distributions During Last Year Before Determination Date Taken Into Account.—

(1) In general.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) Distributions during last year before determination date taken into account.—

"(A) In general.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-year period in case of in-service distribution.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) Benefits not taken into account.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "last 5 years" in the heading and inserting "last year before determination date"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) Definition of Top-Heavy Plans.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) Cash or deferred arrangements using alternative methods of meeting nondiscrimination requirements.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) Frozen Plan Exempt From Minimum Benefit Requirement.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) Exception for frozen plan.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) Elimination of Family Attribution.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) Family attribution disregarded.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) In General.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Deduction Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) Pension Benefit Plan.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) Eligible Employer.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) Determination of Average Fees Charged.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) Effective Date.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 207. DEDUCTION LIMITS.

(a) Stock Bonus and Profit Sharing Trusts.—

(1) In general.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) Conforming amendment.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(b) Compensation.—

(1) In general.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) Definition of compensation.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) Conforming amendments.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND CONTRIBUTIONS AND EARNINGS THEREON.—The term 'qualified distribution' shall not include any distribution of an excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated plus contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(d)(1)) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 209. AVAILABILITY OF QUALIFIED PLANS TO SELF-EMPLOYED INDIVIDUALS WHO ARE EXEMPT FROM THE SELF-EMPLOYMENT TAX BY REASON OF THEIR RELIGIOUS BELIEFS.

(a) IN GENERAL.—Subparagraph (A) of section 401(c)(2) (defining earned income) is amended by adding at the end thereof the following new sentence: "For purposes of this part only (other than sections 419 and 419A), this subparagraph shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(b) SIMPLE RETIREMENT ACCOUNTS.—Clause (ii) of section 408(p)(6)(A) (defining self-employed) is amended by adding at the end the following new sentence: "The preceding sentence shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 210. CERTAIN NONRESIDENT ALIENS EXCLUDED IN APPLYING MINIMUM COVERAGE REQUIREMENTS.

(a) IN GENERAL.—Subparagraph (C) of section 410(b)(3) (relating to exclusion of certain employees) is amended by inserting ", determined without regard to the reference to subchapter D in the last sentence thereof" after "section 861(a)(3)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catch-up Contributions for Individuals Age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for ,such year which are made without regard to this subsection.

"(3) Treatment of contributions.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) Application of nondiscrimination rules.—

"(A) In general.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) Aggregation.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) Eligible participant.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(6) Other definitions and rules.—For purposes of this subsection—

"(A) Applicable employer plan.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) Elective deferral.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) Exception for section 457 plans.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2006, the Secretary shall adjust annually the $5,000 amount in paragraph (2)(A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2005, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(b) Effective Date.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) Equitable Treatment.—

(1) In general.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) Application to section 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) Conforming amendments.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 404(j) is amended by adding at the end the following new paragraph:

"(3) Special rule for money purchase plans.—For purposes of paragraph (1)(B), in the case of a defined contribution plan which is subject to the funding standards of section 412, section 415(c)(1)(B) shall be applied by substituting '25 percent' for '100 percent'.".

(D) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(E) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) Annuity contracts.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(F) Section 415(c) is amended by striking paragraph (4).

(G) Section 415(c)(7) is amended to read as follows:

"(7) Certain contributions by church plans not treated as exceeding limit.—

"(A) In general.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 aggregate limitation.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) Annual addition.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(H) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(I) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) Applicable limitation.—

"(A) In general.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) Cost-of-living adjustment.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(4) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) Special Rules for Sections 403(b) and 408.—

(1) In general.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) Special rules for sections 403(b) and 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) Effective date.—

(A) In general.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) Exclusion allowance.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such

Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. MODIFICATIONS TO MINIMUM DISTRIBUTION RULES.

(a) LIFE EXPECTANCY TABLES.—The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 306. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

"(C) any distribution which is made upon hardship of the employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 307. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking "or" at the end of subparagraph (A), by striking the period and inserting ", and" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer.''

(b) Exclusion of Certain Contributions.—Section 4972(c)(6) is amended by adding at the end the following new sentence: ''Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).''.

(c) No Inference.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

''(16) Rollover amounts.—

''(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

''(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

''(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

''(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

''(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

''(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).''.

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting ''(other than rollover amounts)'' after ''taxable year''.

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by inserting after subparagraph (B) the following:

''(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.''.

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

''(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or''.

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

''(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).''.

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following:

''(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).''.

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by inserting after clause (iv) the following new clause:

''(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).''.

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

''(10) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.''.

(C) 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

''(9) Special rule for rollovers to section 457 plans.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in section 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).''.

(b) Allowance of Rollovers From and to 403(b) Plans.—

(1) Rollovers from section 403(b) plans.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking ''such distribution'' and all that follows and inserting ''such distribution to an eligible retirement plan described in section 402(c)(8)(B), and''.

(2) Rollovers to section 403(b) plans.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by inserting after clause (v) the following new clause:

''(vi) an annuity contract described in section 403(b).''.

(c) Expanded Explanation to Recipients of Rollover Distributions.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.''.

(d) Spousal Rollovers.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking ''; except that'' and all that follows up to the end period.

(e) Conforming Amendments.—

(1) Section 72(o)(4) is amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(2) Section 219(d)(2) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(3) Section 401(a)(31)(B) is amended by striking ''and 403(a)(4)'' and inserting '', 403(a)(4), 403(b)(8), and 457(e)(16)''.

(4) Subparagraph (A) of section 402(f)(2) is amended by striking ''or paragraph (4) of section 403(a)'' and inserting '', paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)''.

(5) Paragraph (1) of section 402(f) is amended by striking ''from an eligible retirement plan''.

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking ''another eligible retirement plan'' and inserting ''an eligible retirement plan''.

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

''(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.''.

(8) Section 408(a)(1) is amended by striking ''or 403(b)(8),'' and inserting ''403(b)(8), or 457(e)(16)''.

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(10) Section 415(c)(2) is amended by striking ''and 408(d)(3)'' and inserting ''408(d)(3), and 457(e)(16)''.

(11) Section 4973(b)(1)(A) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(f) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Reasonable notice.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor rollover notice after the date of the enactment of this Act, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which

is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following:

"The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) Application of section 72.—

"(i) In general.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) Applicable rules.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Exception.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) Elimination of form of distribution.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Amendment of ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) REGULATIONS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(2) AMENDMENT OF ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c), as amended by section 207, is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) Timing of notice.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Designees.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) Notice before adoption of amendment.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) Definitions and Special Rules.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) each participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

"(3) Early retirement.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) New Technologies.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.".

(2) Clerical amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(b) Amendment of ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(F) The Secretary of the Treasury may by regulations allow any notice under this paragraph to be provided by using new technologies.

"(4) For purposes of paragraph (3)—

"(A) The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan; and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) The term 'applicable pension plan' means—

"(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h)(3) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special notice rule.—

(A) In general.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) Reasonable notice.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before April 25, 2001, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

(d) Study.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—

(1) In general.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) Conforming amendment.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) Combining and Aggregation of Plans.—

(1) Combining of plans.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) Exception for multiemployer plans.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

"(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

"(B) with any other multiemployer plan for purposes of applying the limitations established in this section.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 506. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 507. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"SEC. 105. (a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request.

"(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant, and

"(C) may be provided in written, electronic, or other appropriate form.

"(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) MODEL STATEMENTS.—The Secretary of Labor shall develop a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 508. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

"(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) CROSS REFERENCE.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) NONALLOCATION YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) Definitions.—For purposes of this subsection—

"(A) Employee stock ownership plan.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) Employer securities.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) Synthetic equity.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) Coordination With Section 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) Excise Tax.—

(1) Application of tax.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) Liability.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) Liability for Tax.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) Definitions.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Definitions.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) Special rules relating to tax imposed by reason of paragraph (3) or (4) of subsection (a).—

"(A) Prohibited allocations.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) Synthetic equity.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) Special rule during first nonallocation year.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) Statute of limitations.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) Exception for certain plans.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) Amendment of Internal Revenue Code.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) Annual valuation.—

"(A) In general.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) Valuation date.—

"(i) Current year.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) Election to use prior year valuation.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Adjustments.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) Amendment of ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)"; and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan; and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Standards for Disallowance.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting "avoidance or" before "evasion".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury and the Secretary of Labor shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of plan years beginning after December 31, 2002, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2003, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "GOVERNMENTAL PLANS.—".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "EXCEPTION FOR GOVERNMENTAL PLANS.—".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "GOVERNMENTAL PLANS.—" after "(G)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(2) AMENDMENT OF ERISA.—

(A) IN GENERAL.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to the extent that they relate to sections 203(e) and 205 of such Act to substitute "180 days" for "90 days" each place it appears.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1)(A) and (2)(A) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 and under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 613. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council or any other appropriate, qualified entity.";

(3) in subsection (e)(2)— .

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)—

(A) by striking "There shall be not more than 200 additional participants." in subparagraph (A) and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in subparagraph (A)(i) and inserting "not more than 100 participants shall be appointed under this clause by the President,";

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in subparagraph (A)(ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress";

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) PRESIDENTIAL AUTHORITY FOR ADDITIONAL APPOINTMENTS.—The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this subparagraph additional participants to the National Summit. The number of such additional participants appointed under this subparagraph may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(C) (as redesignated), by striking "January 31, 1998" and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment";

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report" the first place it appears;

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) CONFORMING AMENDMENTS.—Section 206(f) of such Act (29 U.S.C. 1056(f)) is amended—

(1) by striking "title IV" and inserting "section 4050"; and

(2) by striking "the plan shall provide that,".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section

4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) In General.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) Definition of New Single-Employer Plan.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) Effective Date.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) New Plans.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) Small Plans.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) Effective Dates.—

(1) Subsection (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) In General.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) Modification of Phase-In of Guarantee.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) Modification of Allocation of Assets.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) Conforming Amendments.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended by inserting after "fiduciary or other person", the following: "(or from any other person on behalf of any such fiduciary or other person)".

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraphs:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of the enactment of this Act.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under subparagraph (B) of section 203(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation in connection with any suspension of benefits described in such subparagraph—

(1) in the case of an employee who returns to service under the plan after commencement of payment of benefits under the plan—

(A) shall be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accrual will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), shall include a statement that the rate of future benefit accrual will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

SEC. 708. STUDIES.

(a) MODEL SMALL EMPLOYER GROUP PLANS STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall conduct a study to determine—

(1) the most appropriate form or forms of—

(A) employee pension benefit plans which would—

(i) be simple in form and easily maintained by multiple small employers, and

(ii) provide for ready portability of benefits for all participants and beneficiaries,

(B) alternative arrangements providing comparable benefits which may be established by employee or employer associations, and

(C) alternative arrangements providing comparable benefits to which employees may contribute in a manner independent of employer sponsorship, and

(2) appropriate methods and strategies for making pension plan coverage described in paragraph (1) more widely available to American workers.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary of Labor shall consider the adequacy and availability of existing employee pension benefit plans and the extent to which existing models may be modified to be more accessible to both employees and employers.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study under subsection (a), together with the Secretary's recommendations, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Such recommendations shall include one or more model plans described in subsection (a)(1)(A) and model alternative arrangements described in subsections (a)(1)(B) and (a)(1)(C) which may serve as the basis for appropriate administrative or legislative action.

(d) STUDY ON EFFECT OF LEGISLATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the effect of the provisions of this Act on pension plan coverage, including any change in—

(1) the extent of pension plan coverage for low and middle-income workers,

(2) the levels of pension plan benefits generally,

(3) the quality of pension plan coverage generally,

(4) workers' access to and participation in pension plans, and

(5) retirement security.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2004.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2006" for "2004".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

EXTENSIONS OF REMARKS

HONORING RICHARD DEUTCH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate a distinguished citizen of South Florida, Mr. Richard Deutch. Richard Deutch's inspiring courage, innovative business career, and leadership within the medical community serve as an example for what one caring individual can do when they share their dreams with others. Sadly, Mr. Deutch passed away on April 19, 2001.

Born on April 18, 1926, Mr. Deutch was raised in Providence, Rhode Island and matriculated to Brown University at the age of 16 in 1942. Mr. Deutch earned his DDS degree from the New York University College of Dentistry in 1950, but not before proudly serving his country as a Naval Lieutenant Junior Grade during World War II.

Mr. Deutch moved to Miami, Florida in 1957 and practiced as a successful pediatric dentist for over 20 years. In 1978, Mr. Deutch innovated a still-thriving chain of dental offices within retail department stores throughout South Florida. A compassionate man, he believed that quality dentistry should be affordable and available to every family. Not only did the convenience of Deutch's locations make a difference, but his willingness to keep his offices open long hours and weekends opened the doors for countless hard-working parents to attain quality care for their children.

Mr. Deutch's tremendous capacity for leadership amongst his peers was shown in countless dental, civic and philanthropic organizations. Mr. Deutch was on staff at St. Francis and North Miami General hospitals, and served as Chief of the Department of Pediatric Dentistry at Mt. Sinai Medical Center. Mr. Deutch was a fantastic teacher and found great satisfaction in his teaching position at Mt. Sinai Medical Center, a non-profit teaching hospital. As the President of Mt. Sinai's Sustaining Board of Fellows, a Founder and Life-Trustee at Mt. Sinai, a former Trustee of Temple Israel of Greater Miami, and president of Westview Country Club for six years, Mr. Deutch never ceased giving his time and effort to improve the health and well being of the South Florida community.

Patient and kind, Mr. Deutch will no doubt be missed the most by his loving wife of 46 years, Felicia, as well as by their children and grandchildren. However, he will also be long remembered by the unending list of the South Florida families, patients, and students he helped throughout his life.

RECOGNIZING HIYAMA FARMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Hiyama Farms for being named Industry of the Year. The Fowler Chamber of Commerce will present the award to Hiyama Farms at Fowler's annual Community Recognition Banquet.

Hiyama Farms is truly a family operation. Kazuo and Edith Hiyama purchased 20 acres of vines in Eastern Fowler during the 1930's. Over the years the farm has gradually grown, increasing their acreage and focusing on growing tree fruit. The farm currently produces Zante currant raisins, cherries and tree fruit. Howard, the son of Kazuo and Edith, operates the farm with the help of his sons, Darren and Gene, and his brother Dean Hiyama.

Hiyama Farms is one of the original growers to associate with the Fowler Packing Company and they share many of their innovative farming inventions with them. Kazuo invented agricultural equipment called "automatic movable platforms." His invention greatly improved pruning and thinning of fruit trees. Before the advent of mechanized farming, Hiyama Farms utilized "dried on the vine," mechanical raisin harvesters, and other efficient farming practices. The Hiyama sons' current goal is to continue to improve the mechanization of the farm. These innovative farming methods singles out Hiyama Farms of Fowler as a leader in agriculture.

Mr. Speaker, I rise to recognize Hiyama Farms for their Industry of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing the Hiyama family and Hiyama Farms many more years of continued success.

CELEBRATING THE ACHIEVEMENTS OF SISTER EYMARD GALLAGHER, PRESIDENT OF MARYMOUNT UNIVERSITY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MORAN of Virginia. Mr. Speaker, It is with great pleasure that I rise today to honor Sister Eymard Gallagher, who has served as President of Marymount University, located in Arlington, Virginia, since 1993. During her tenure as President, Sister Gallagher has focused her efforts on ensuring that Marymount University becomes recognized as one of the premier higher learning institutions in the Washington metropolitan area, a goal that has been achieved time and time again.

One of Sr. Gallagher's many accomplishments includes the establishment of the new University Center, named in honor of Ms. Rose Bente Lee, a generous benefactor, which was constructed and dedicated in 1999. Sr. Gallagher also helped to establish the Marymount University Center for Ethical Concerns, which provides a forum for both students and faculty members alike to exchange ideas and concerns about ethical issues facing society. It also helps to foster an understanding and create a dialogue among students, faculty members and visiting scholars. Since its inception, the University Center for Ethical Concerns has hosted national conferences on numerous issues including Cyber Ethics, Sweatshop Labor, and Managing Health Care Costs.

Sr. Gallagher also led the festivities last year when Marymount University had the distinct honor of marking its 50th Anniversary. Through her leadership and innovation, Marymount University has also launched the program, the "Educator to Educator Initiative", designed to provide technology training to teachers in the Northern Virginia area. This important educational initiative will enable teachers at collaborating schools with the resources, materials and technical assistance needed to enrich classroom teaching in computers and technology. Sr. Gallagher has always recognized the fact that technology has become increasingly important in our country and to complete in the world-wide market. The "Educator to Educator Initiative" program provides students with the opportunity to utilize technology effectively to enhance their learning process.

In addition to Sr. Gallagher's achievements on the campus of Marymount, she has also provided leadership to the regional community, serving as a member of the Greater Washington Board of Trade and its Potomac Conference and Workforce Availability Task Force. Sister Gallagher also serves on the boards of the Fairfax County Chamber of Commerce; the Northern Virginia Business Roundtable; the Information Technology Association of America Foundation; and First Virginia Bank. Virginia Governor James Gilmore has also appointed Sr. Gallagher to the e-Communities Task Force of the Governor's Commission on Information Technology.

I am very proud, Mr. Speaker, that I have been given the wonderful opportunity to honor such a wonderful community leader as Sister Eymard Gallagher. On June 30th of this year, Sister Eymard Gallagher will say goodbye to Marymount University, its faculty and its students. Though she will no longer serve as President of Marymount, she will forever be linked to the University for her leadership and dedication, the perfect example of a true community leader. She embodies the best in the rich tradition of Catholic higher education in America. I wish Sister Eymard Gallagher all the best as she continues on her path of benefitting the lives of others.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ROTARY CLUB OF ORMOND BEACH 50TH ANNIVERSARY

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CRENSHAW. Mr. Speaker, this past weekend, the Rotary Club of Ormond Beach celebrated their 50th anniversary.

The Rotary Club of Ormond Beach, comprised of business and professional leaders who practice ethnical standards in relationships in the community, is a dedicated and respected member of the large international humanitarian service organization. The members of the Rotary Club of Ormond Beach dedicate their time, skills, expertise and other resources to help improve the lives of others in developing countries by supporting the Rotary Foundation, helping to bring families together through its participation in the Children's Grief Center, and providing the youth of our community with six academic scholarships annually through the Darcy Akers Scholarship fund.

It is an asset to Ormond Beach to have a group of men and women who consistently promote truth, fairness, and try to improve relations among citizens in the community. The Rotary Club of Ormond Beach provides friendship and fellowship to its members and visiting Rotarians and are some of the most active local citizens motivating and influencing community leaders through their efforts. The Rotarians of Ormond Beach are true citizens of the World and exemplify the motto "Service Above Self."

Mr. Speaker, I would like to congratulate the Rotary club of Ormond Beach on its 50th Anniversary and commend each of its members for their tireless commitment to their local community.

HONORING JACOB J. MARKS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Jacob J. Marks, a distinguished citizen of Pembroke Pines, FL who proudly served his nation and his community. Mr. Marks, who unfortunately passed away on April 21, 2001, was an inspiring leader who left a legacy of diligence and devotion for his entire community.

Born in 1921 in Philadelphia, PA, Mr. Marks was raised and educated in Pittsburgh. He attended the University of Pittsburgh where he met his wife, Harriet. In 1941, Mr. Marks joined the U.S. Marines and courageously served his country until the end of World War II. He fought in the Battle of Iwo Jima and was there when the United States flag was raised on Mount Suribachi. He was always proud to say that the official flag was raised only ten feet from his foxhole. Following his military service, Mr. Marks worked as a draftsman at Blaw Knox, a Pittsburgh engineering company where he remained until he moved to Pembroke Pines, Fl in 1984.

After moving to Florida, Mr. Marks became involved in numerous civic and community organizations. Residents immediately recognized the value of his enthusiasm for and commitment to his community; characteristics which made him a natural leader. Loyal and responsive to the needs of his fellow veterans, Mr. Marks served as the Commander of the Jewish War Veterans, Post 177. As treasurer of Pembroke Pines Concerned Citizens, Mr. Marks worked diligently on numerous issues affecting the well being of his community. In his position as Director Emeritus of the Pembroke Pines Democratic Club, he was active in voter registration and community organizing. In addition, he was recently elected as the vice chairman emeritus of the Century Pines Jewish Center Board of Trustees. Always combining his energy with his compassion, he participated in annual charity events such as walkathons to raise money for medical research and disease awareness.

In sum, Mr. Speaker, Mr. Marks was a wonderfully caring man whose energetic devotion to Pembroke Pines made him a true community leader. While we mourn his passing, Mr. Marks' legacy of community enrichment will be treasured by current and future generations of Pembroke Pines.

HONORING MRS. JANE B. GARRISON

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KINGSTON. Mr. Speaker, I rise today to honor a woman from my district whose hard work and leadership are rivaled by only a few. This woman, Mrs. Jane B. Garrison, has dedicated the past eight years to the Safe Kids of Savannah Coalition and to the prevention of unintentional injury to children, the number one killer of children. Her hard work has, indeed, made my hometown, Savannah, Georgia, a safer place for children.

Working as the Coalition's Coordinator, Jane Garrison has made Safe Kids of Savannah a truly successful organization. She has been the driving force behind its many charities and functions. Because of Mrs. Garrison, Safe Kids of Savannah has been given many awards, including the 1994 Outstanding Health Promotion Program from the U.S. Department of Health and Human Services, the 1995 SAFE KIDS of Georgia Coalition of the Year and the 1996 Outstanding Coalition of the National SAFE KIDS Campaign.

Mrs. Garrison has quietly been an outstanding supporter of protecting and promoting the welfare of children in Savannah since she moved there in 1985. Her other achievements include: the establishment of Boy Scout Troop #57 on Skidaway Island; Chairman of Lifeline of Children, Inc. (a volunteer group that works with the Chatham County DFCS Department to prevent child abuse and neglect); most recent former Chairperson of the Board of Directors of Chatham County DFCS; and recipient of the Richard A. Schieber, MD Award for 2001 from SAFE KIDS of Georgia, as an outstanding SAFE KIDS Coordinator.

I think it is only fitting, Mr. Speaker, to add a prayer for the children in honor of Mrs. Garrison's hard work and the SAFE KIDS of Savannah's 10th Anniversary Celebration. This prayer, taken from the SAFE KIDS of Savannah Coalition's 1999–2000 Annual Report, was adapted from Ina J. Hughes by the Children's Defense Fund. It is entitled, Lest We Forget: A Prayer of Responsibility for Children

WE PRAY FOR CHILDREN
Who bring us sticky kisses and fistfuls of dandelions,
Who hug us in a hurry and forget their lunch money.

WE PRAY FOR CHILDREN
Who never get dessert,
Who do not have any rooms to clean up,
Whose pictures are not on anybody's dresser,
Whose monsters are real.

WE PRAY FOR CHILDREN
Who throw tantrums in the grocery store and pick at their food,
Who squirm in church and scream in the phone,
Whose tears we sometimes laugh at and whose smiles can make us cry.

WE PRAY FOR CHILDREN
Whose nightmares come in the daytime,
Who are not spoiled by anybody,
Who go to bed hungry and cry themselves to sleep,
Who live and move, but have no being

WE PRAY FOR CHILDREN
Who want to be carried, and for those who must,
For those we never give up on and for those who do not get a second chance,
For those we smother . . .
And for those who will grab the hand of anybody kind enough to offer it.

WE PRAY FOR YOUR CHILDREN, O GOD
May we, ourselves, be an answer to prayer.

Thank you, Mr. Speaker, for the opportunity to speak on behalf of a loyal servant of God; a woman whose efforts keep children alive and healthy. Thank yo for your dedication Mrs. Garrison, you keep children's dreams alive. God bless these children and Mrs. Jane Garrison for helping them.

HONORING DR. TJ OWENS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. LOFGREN. Mr. Speaker, I wish to congratulate Dr. TJ Owens, Vice President of Student Services, who is retiring this month after 10 years of service to the students of Gavilan Community College in Gilroy, CA. Dr. Owens will be much missed by the students, faculty and administration of Gavilan College.

Dr. TJ Owens began his career as a teacher in Barstow, California, after earning his degree from Fresno State. Upon completion of his Masters Degree in Counseling and Guidance Education, he served as the Assistant Dean and then the Dean of Student Services at San Jose City College, which is when I first met him. He became the Vice President of Student Services at Gavilan Community College in 1981.

Dr. Owens' commitment to the community, and to education, runs deep: he is a board member of the Gilroy Unified School District and the Gilroy Gang Task Force. He also chairs the Charles, Sr. and Ernestine Williams Foundation. He belongs to the Association of California Community College Administrators, the Faculty Association of California Community Colleges, and the California Community College Chief Student Services Association.

I want to thank Dr. TJ Owens for his friendship, and for his dedication to Gilroy and to Gavilan College, and to wish him all the best in the next phase of his life.

RECOGNIZING THE PIZZA FACTORY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fowler Pizza Factory for being named Business of the Year. The Fowler Chamber of Commerce will present the award to the Pizza Factory at Fowler's annual Community Recognition Banquet.

Tim and Denise Hamblet are the proprietors of the Fowler Pizza Factory. From 1986 until 1998 the Hamblets owned and operated a heavy equipment business in San Bernardino. Denise also worked for several car dealerships during that time. A Hamblet family friend, who had bought the Pizza Factory in Firebaugh, persuaded the couple to look into the Fowler franchise. The couple liked the Pizza Factory and decided to buy the restaurant and relocate.

Since the fall of 1998, the Hamblets have developed the Fowler restaurant into the fourth-rated franchise out of about 100 in the entire chain.

Tim has served on the Fowler Planning Commission. Denise has plans to become involved in various community activities in Fowler. Both are originally from Southern California. They were married in 1973 and have 3 children.

Mr. Speaker, I rise to recognize Fowler Pizza Factory for their Business of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing the Hamblet family and Fowler Pizza Factory many more years of continued success.

TRIBUTE TO HERBERT PUNDIK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Mr. Herbert Pundik—a man who has dedicated his life to promoting greater understanding and tolerance between people of different cultures, especially the Palestinians and the Israelis. His commitment to humanism and his many commentaries have had a great influence in both his native Denmark and his adopted Israel.

Mr. Speaker, Mr. Pundik was only 16 years old when he himself was a victim of intolerance and racism. Born September 23, 1927, in Copenhagen, Mr. Pundik was brought up in a Jewish family, and he was only 12 years old when the Nazis invaded Denmark on April 9, 1940. Initially the occupation did not bring much change to lives of the Danish Jews as the Danish government and the Danish laws remained in effect until August 29, 1943, ensuring, among other things, that no Jew in Denmark ever had to wear the yellow star.

On October 1, 1943, the Nazis decided to round up all the Danish Jews and deport them to concentration camps. Fortunately, G.F. Duckwitz, a German diplomat with contacts among the Danish Social Democrats, tipped off the leading Danish Social Democrat, Hans Hedtoft, regarding the deportation. Hedtoft quickly alerted the Jewish community, and a spontaneous and courageous rescue action developed among Danes. During the evacuation Mr. Pundik and his family, along with most other Danish Jews, were transported by fishing vessel to neutral Sweden. In 1945 Mr. Pundik joined the Danish voluntary forces in Sweden (Den Danske Brigade), and when Denmark was liberated in May of that year, he returned to Denmark to complete his high school education.

Mr. Speaker, Herbert Pundik recently wrote a book published in November 1998 about the incidents surrounding the great rescue of the Danish Jews—In Denmark it Could Not Happen. I urge all my colleagues to read this book to learn the details of how the Danish population courageously committed themselves to common human decency and saved virtually their entire Jewish community.

Mr. Pundik later went to Israel, where he was a member of the Israeli voluntary forces from 1948–49 when Israel fought its war of independence. He returned briefly to Denmark and married Susie Ginzborg in 1951. In 1954 they immigrated to Israel where they raised their three children. Their oldest son was killed as a soldier in the 1973 Yom Kippur War. Another son was one of the two Israelis who initiated the Oslo peace talks between the Israelis and Palestinians.

Professionally Mr. Pundik pursued a career as a journalist. He was a co-founder and editor of the Danish periodical Israel, and through the years he has worked at both Danish and Israeli newspapers covering major international crises such as the Vietnam War, the Kashmir conflict, and the Middle East struggle. In 1963 he began working as an international correspondent for one of the largest Danish newspapers Politiken and in 1967 he became a permanent employee. Three years later he was promoted to editor-in-chief. Under terms of a unique agreement, Mr. Pundik managed Politiken for 23 years, commuting forth and back between Denmark and Israel each month and spending roughly three weeks in Copenhagen and one week in Tel Aviv.

Mr. Speaker, Mr. Pundik's dedication to human rights and tolerance has earned him many prizes—among those are honorary citizenship of Latvia in 1991 because he was the first person to suggest that Denmark send a cultural representative to Latvia, even though the country was then technically a part of the Soviet Union. In 1993 Mr. Pundik retired from his position as editor-in-chief at Politiken, but he has continued his humanitarian efforts. He is a member on the board of Politiken, the coordinator for the International Alliance for Arab-Israel Peace and a member on the board of directors of Humanity in Action, an exchange student program with participants from the U.S., the Netherlands, and Denmark.

Mr. Speaker, often in today's world too much attention is focused on the violent aspects of society. Today however, we have the opportunity to pay tribute to an extraordinary man who is a consistent and eloquent advocate for peace and tolerance. Mr. Speaker, I urge my colleagues to join me in recognizing Mr. Herbert Pundik.

RECOGNITION OF THE SERVICE OF RABBI MARVIN BASH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MORAN of Virginia. Mr. Speaker, I rise today on the occasion of the retirement of Rabbi Marvin Bash to extend my sincere thanks to him for his service to the Eighth District of Virginia. For more than thirty-five years, Rabbi Bash devoted himself to the Arlington-Fairfax Jewish Congregation as Arlington's only congregational rabbi, making him the longest serving active congregational rabbi in the Metropolitan Washington area. As a community leader and activist, he led his community in a fight for civil rights, support for Israel, Jewish education, and tolerance. He taught our children, cared for our sick and elderly, and served as an example of moral leadership to all of us. I am honored to be a part of this celebration of his service. I send Rabbi Bash warm wishes for a blessed retirement and hope that his time as Rabbi Emeritus will be filled with the return of the love and support he has given his community.

NAVAL AIR STATION JACKSONVILLE COMMUNITY SERVICE PROGRAM

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CRENSHAW. Mr. Speaker, this week I had the honor of participating in the Annual Volunteer Service Recognition Program held at Naval Air Station Jacksonville, Florida. The event was held to thank and acknowledge departments and residents commands at NAS Jacksonville for the volunteer work their personnel gave to the local community this past year.

The NAS Jacksonville community service program falls under the larger Navy Community Service Program. The NCS program was developed by the Chief of Staff of the Navy in 1992 to expand the role of Navy military and civilian personnel by encouraging community service projects and partnerships that strengthen the academic and personal growth of local youth.

During calendar year 2000, military and civilian personnel of NAS Jacksonville contributed 434,457 hours of volunteer service to the Jacksonville community. As recently as last year, the House Armed Services Committee discussed a certain disconnect that has developed between American society and the United States military. The NCS program was designed to break down those barriers and enable military and civilian military personnel to interact with their local communities in constructive ways.

The Jacksonville community is a wonderful example of a strong partnership between the United States armed forces and their neighbors. The military and civilian personnel at NAS Jacksonville wholeheartedly embraced the opportunity to build a sense of community between themselves and the Jacksonville community.

Today, our youth are exposed to many aspects of life that have potentially negative repercussions on their social decisions. Military and civilian personnel from NAS Jacksonville have become role models to local youth through teaching, coaching, and offering advice. Local families can feel more confident about the decisions their children are making. NAS Jacksonville personnel are given the opportunity to discuss how they contribute to the national security of the United States and society is strengthened by the strong community bonds developed.

Mr. Speaker, in closing I would like to commend the volunteers of the Navy Community Service Program and thank the military and civilian personnel at NAS Jacksonville for their tireless commitment to their local community.

HONORING BOY SCOUT TROOP 76 OF WILMINGTON ISLAND

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KINGSTON. Mr. Speaker, I rise today to honor a great achievement by Boy Scout Troop 76 of Wilmington Island, which is in my district. I believe that the Boy Scouts of America play a wonderful role in the life of many young men throughout our nation. The life lessons and morals taught by this organization should be heralded daily by all of us. What happened at a recent outing of Troop 76 to the Delta Plantation in Hardeeville, South Carolina is proof of this.

In late March, Boy Scout Troop 76 went on a weekend camping trip to the Delta Plantation, a privately owned 1,600 acre tract of land in Hardeeville, South Carolina just outside of Savannah. The area is completely unspoiled and teeming with wildlife.

During the weekend, the owner of the property approached the Scout Troop and informed them that an American Bald Eagle was injured and stuck in the marsh nearby. One of the troop leaders, Will Jarvis, and several of the older Scouts went to help.

Upon their arrival at the scene, they found a baby American Bald Eagle in the marsh struggling to escape. Disregarding their own safety, Will and several of the Scouts went into the alligator and snake invested water to help the scared animal. The eagle was wrapped in a blanket and rushed to the only veterinarian who is allowed to treat endangered species. The eagle is currently under the doctor's care where it will be nursed until it can be safely released.

I believe that this is a perfect example of what Scouting is all about. If it were not for these Boy Scouts' quick response and disregard for their own personal safety, we would have lost yet another of an already endangered species. I applaud Boy Scout Troop 76 for their bravery and I applaud the Boy Scouts of America for what they teach.

TRIBUTE TO PROFESSOR HELLE PORSDAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a most talented and remarkable Danish scholar—Professor Helle Porsdam. Professor Porsdam is affiliated with the University of Southern Denmark, Odense and is a well known scholar and commentator on American society. Her most recent publication is Legally Speaking: Contemporary American Culture and the Law, which offers an insightful analysis of American culture and discusses the social impact of law in the United States.

In addition to her outstanding scholarship, Dr. Porsdam is known for her involvement in human rights. She was instrumental in the creation of the European Master's Degree in Human Rights and Democratization in 1997. Some 90 students from the 15 European Union partner universities earn this Masters degree after a year of intensive study.

This summer, Dr. Porsdam will be one of the Danish Speakers at the Humanity in Action Program (HIA), which conducts two educational programs that run simultaneously in both Denmark and the Netherlands. Some 20 students from the United States participate together with 10 students from both host countries. HIA has been established in association with Johns Hopkins University and in cooperation with the U.S. Holocaust Memorial Museum. The goal is to strengthen the participants' commitment to democratic values and broaden their knowledge of the resistance struggle against human rights violations today and in the past. A special focus of the program is the protection of European Jews during World War II.

Mr. Speaker, Dr. Porsdam is an associate Professor of American Studies at Odense, and she holds an M.A. in English from the University of Copenhagen and a Ph.D. in American Studies from Yale University. She teaches American history, and her research interests include American intellectual history, law and American culture, and literature. In 1992–93 she was an American Council of Learned Societies Visiting Scholar and a Liberal Arts Fellow at the Harvard University Law School. She is currently involved in a research Project on Danish legalization as a form of Americanization. In this project Dr. Porsdam explains how the U.S. has exported a tendency to the rest of the world to define major issues in terms of rights.

Dr. Porsdam is an extraordinary scholar and ardent defender of human rights and I urge all my colleagues to join me in paying tribute to her today.

TRIBUTE TO DRINA COLLINS

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. LOFGREN. Mr. Speaker, we rise in gratitude to Drina Collins, who is leaving the Pacific Gas and Electric Company after more than twenty years of service.

Drina Collins has helped the company and the community through countless crises: floods, mudslides, fires and more. Ms. Collins has been the tirelessly cheerful and efficient public face of PG&E for San Jose and Santa Clara County since long before the area was known as the Silicon Valley. During her tenure in the Government Relations department of Pacific Gas and Electric, Ms. Collins managed the public affairs programs, answering questions from customers and elected officials alike with accuracy and enthusiasm.

A glance at Drina Collins' résumé reveals a lifelong commitment to Santa Clara County. Before beginning her job at Pacific Gas & Electric she served as the Chief of Staff for the Honorable Dom Cortese, a Santa Clara County Supervisor. She is currently the Chairperson of the Santa Clara County Redistricting Committee 2000 and the Silicon Valley Economic Development Corporation. Ms. Collins serves on the board of the San Jose Conservation Corps and the Guadalupe River Park and Gardens Corporation.

Drina Collins has a knowledge of and love for Santa Clara County that is unmatched, and we know she will be much missed at PG&E. Moreover, we want to say that we are both grateful to her for her caring friendship and wise counsel through our careers, which we are confident will continue through the years. Our families wish her nothing but the best in the next chapter of her life.

RECOGNIZING JOHN GOODE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize John Goode for receiving the Friend of Fowler Award. The Fowler Chamber of Commerce will present the award to John at Flowler's annual Community Recognition Banquet.

While Mr. Goode currently lives in the Bay Area, he remains involved in Fowler affairs. John regularly contributes to the Fowler High School and Sutter Middle School bands. He has also recently endowed a scholarship in memory of his parents to the University of California, for which preference is given to Fowler High graduates. He plans to host the 40th reunion of the Fowler High School Class of 1962 in conjunction with the 2002 Fowler Fall festival.

John credits many of the values he learned growing up in the Fowler-area as guides for his career. He has been honored as a "Forbes Honor Roll" winner for his skills in risk management. He has managed the Smith Barney Fundamental Value fund for 10 years. John is currently the chairman and chief investment officer of Davis Skaggs Investment Management.

Mr. Speaker, I rise to recognize John Goode for his Friend of Fowler Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing John Goode many more years of continued success.

TRIBUTE TO ATK AMMUNITION PLANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GRAVES. Mr. Speaker, I rise today to congratulate ATK and its Lake City Ammunition Plant located near Independence, Missouri, for their efforts in providing the United States Military with high quality ammunition while at the same time reducing their impact on the environment.

This week, the U.S. Army will present Lake City Ammunition Plant with its Secretary of the Army Environment Quality Award for an industrial installation. The Secretary of the Army recognizes the efforts of the Lake City Army Ammunition Plant to improve the environment. The Plant has reduced its hazardous waste generation rate by sixty percent eliminating twenty tons of air emissions per year. At the same time, it has operated in compliance with twenty-five different environmental permits and recycled over fifty-five hundred tons of material.

Through the hard work of nearly eight hundred fifty employees, the Lake City Ammunition Plant has proven that it can continue to be the largest supplier of small caliber ammunition to the United States Department of Defense, while retaining a superb record on the environment.

Again, I congratulate and commend ATK and the employees of Lake City Ammunition Plant for their excellent record on the environment and congratulate them for receiving the Secretary of the Army Environmental Quality Award.

TRIBUTE TO PROFESSOR THERKEL STRAEDE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues today to join me in paying tribute to Professor Therkel Straede, a remarkable scholar who has put together an important exhibition of photographs of the rescue of Danish Jews in 1943. The exhibition shows how the Danish people acted as the keepers of basic human decency and saved almost the entire Jewish community of Denmark. At a time when most of Europe was oppressed by Nazi tyranny, which was the antithesis of humanity, decency, and brotherhood, the Danes showed great humanity despite tremendous personal risk.

Mr. Speaker, since 1995 Dr. Therkel Straede has been a Professor of Modern German History and Holocaust Studies at Odense University in Denmark. During the period 1988–1992 he was a member of a research team at Ruhr-University at Bochum, Germany. There he researched the history of the German automobile company Volkswagen A.G., and the use of forced labor by Volkswagen during the 3rd Reich. He has recorded testimonies of more than a 120 survivors and is producing a monograph on the subject.

Dr. Straede has focused most of his work and studies on the Holocaust, and he is a founding member of the Danish National Committee for the Counseling of Victims of Nazi German Persecution, Forced Labor and Genocide. He has received scholarships at the Technical University of Berlin (1986) and the Institute for German History in Tel-Aviv (1992). He was a Fulbright visiting researcher at the Georgetown University at the Center for German and European Studies in 1998–99 and an associate scholar of the Center for Advanced Holocaust Studies at the U.S. Holocaust Memorial Museum in 1999. Currently, Dr. Straede is writing a series of articles on a number of German concentration camps for the U.S. Holocaust Memorial Museum's Encyclopedia of Nazi Camps.

The traveling exhibit on the rescue of the Danish Jews, of which Dr. Straede is the curator, has been displayed in more than 100 locations in 27 different countries. On May 2, 2001, it will be on display in the Rotunda of the Russell Senate Office Building. With the help of Project Judaica Foundation Inc., the exhibition will hereafter be on display at a number of locations in the United States.

Mr. Speaker, I urge all of my colleagues to take a moment out of their busy schedules to visit this worthwhile exhibit while it is here in Washington at the Russell Rotunda.

Mr. Speaker, I want to pay tribute to Dr. Therkel Straede for his thorough work on the history of Holocaust, and his diligent documentation of the details of the Nazi use of slave labor. We can all learn a valuable lesson from Dr. Straede's work; even a force of evil as powerful as the Nazi regime can be beaten by dedicated people committed to common human decency. I believe this is best shown in the spontaneous and courageous rescue action of the Danish people in 1943.

TRIBUTE TO MS. LEE REEVES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. ROGERS. Mr. Speaker, today, I rise to honor the accomplishments of Ms. Lee Reeves of Pinckney, Michigan. Ms. Reeves has recently been named a Women of Distinction by the Girl Scouts of the Huron Valley Council of Ann Arbor, Michigan. This honor is in recognition of her excellence in business ethics and volunteerism. As the current President of the Howell Chamber of Commerce, Ms. Reeves has greatly enhanced the quality and scope of the programs offered to its members. Her work at the Chamber has increased both membership and financial capabilities.

Ms. Reeves leadership abilities have impacted not only the Chamber, but also the community at large. Her community focus is indicated through the initiation of such programs as the "Drug-Free Workplace" and the Howell Public Schools mentor program. Ms. Reeves has also participated in numerous community organizations such as the Livingston County Substance Abuse Prevention Coalition and the Livingston County Child and Family Services Board.

This brief commentary only scratches the surface of the professional and community contributions of Ms. Reeves. Above all else Ms. Lee Reeves is a women of integrity. Her professional and community leadership demonstrates a personal vision with a societal focus which I respectfully ask my House colleagues to recognize.

HONORING THE LATE FLORIDA GOVERNOR LAWTON CHILES AND DR. HORACIO AGUIRRE ON BEING NAMED RECIPIENTS OF THE GREAT FLORIDIAN AWARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my heartfelt congratulations to Florida's late Governor and United States Senator Lawton Chiles and Diario Las Americas newspaper publisher Dr. Horacio Aguirre on the occasion of being named recipients of the Great Floridian award. This award, which is presented periodically, symbolizes the everlasting contributions these two individuals have made to the state of Florida. I am proud to stand before this body and honor these two great Floridians.

From the moment he was first elected to the Florida State House of Representatives in 1958, until his untimely death in 1998, Lawton Chiles was a household name in Florida politics. As a boy, Lawton Chiles dreamed of becoming a United States Senator. In 1970, after eight years in the Florida House and four years in the Florida State Senate, his dream came true when he was elected to the first of three consecutive terms in the United States Senate. After deciding not to run for reelection in 1988, Lawton Chiles successfully ran for governor of Florida in 1990, a position he proudly held until 1998. Throughout his career, Governor Chiles represented the people of Florida with honor and conviction. Whether it is providing health insurance for all children or working to restore Florida's Everglades, the work Governor Chiles did, and the programs he supported, made the lives of millions of

Floridians better. It is for his hard work and dedication to the issues he cared about, that Governor Chiles is considered by many to be one of the most successful and respected public officials in the later half of the 20th century.

Dr. Horacio Aguirre, co-founder of Miami's oldest Spanish-language newspaper, is one of the most influential Hispanics in Florida. Dr. Aguirre was born in 1925 in New Orleans, Louisiana, to two Nicaraguan parents. In 1950, Dr. Aguirre completed his studies at the University of Panama, where he earned degrees in law and political science. In 1953, with the help of his brother Francisco, Dr. Aguirre founded Diario Las Americas. As the editor and chief editorial writer, Dr. Aguirre has helped shape the views and images of Miami's Spanish-speaking community. He has served as President of the Inter American Press Association, as well as a member of various newspaper and editorial organizations. Today, Diario Las Americas is read by thousands of South Floridians every day. Spanish and non-Spanish speakers alike look to Diario Las Americas for the views and concerns of Miami's Hispanic community.

Mr. Speaker, the people of Florida have benefitted from the actions and accomplishments of the two gentlemen I speak of today. The late Governor Lawton Chiles and Dr. Horacio Aguirre are worthy of the praises of the people of Florida as well as the members of the House of Representatives. They are both great Floridians and Americans.

RECOGNIZING KELLY FUJIKAWA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Kelly Fujikawa for being named Youth Citizen of the Year. The Fowler Chamber of Commerce will present the award to Kelly at Fowler's annual Community Recognition Banquet.

Kelly is currently a senior at Fowler High School, where she is active in school sports, clubs, and student council. She is an honor student and is involved in the Science Olympiad, Academic Decathlon and California Scholarship Federation, Spanish Club, Asian Club, Peer Helper Program, and the school band. Kelly also earned the prestigious honor of being named student representative to the Fowler School District Board for the fall semester.

Her community involvement includes: Girl Scouts, 4–H, Buddhist Church of Fowler, Japanese dance teacher, Sunday School teacher's aide, volunteer pianist, lunch service at the Edwin Blayney Senior Center, and aided at Fowler and National Grange events.

Mr. Speaker, I rise to recognize Kelly Fujikawa for her Youth Citizen of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Kelly Fujikawa many more years of continued success.

TRIBUTE TO THE COMMUNITY HEALTH AGENCY OF ATTLEBORO, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. McGOVERN. Mr. Speaker, today I rise to applaud the Community Health Agency of Attleboro, Massachusetts. In 1910, town and church officials approached Rena Rounsville, President of the Murray Church Mission Circle, with a challenge. Would she be interested in forming some sort of nursing service for the health and welfare of the citizens of Attleboro?

The ensuing years resulted in clinics for tuberculosis, family welfare, school nurses, new baby welfare, and a myriad of other services. The local pharmacy, doctors, and dentists in the area cooperated and a network of health care professionals to care for the needs of the community was established. Funding, at best, was haphazard—running the gauntlet of tag days, tuberculosis Christmas seals, and very small patient fees.

The present day program has evolved and is now called Community Health Agency, Inc. It encompasses the nine cities and towns in the area and provides skilled nursing care, therapists, home health aids, and hospice to the region. Throughout the years, this agency has provided the citizens of this community with services during times of great stress to the patients and their families. It is important that the elderly, as well as other community members, have the resources to assist them with their health needs, and accordingly, the agency provides a network of services to assist them. Compassionate and dedicated care by professional and well trained medical staff is the foundation for quality care in the region. Thank you.

I applaud the services that they provide and look forward to the coming years with the hope that the agency will continue to provide services that are so desperately needed.

TRIBUTE TO NICHOLAS W. INMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Nicholas Inman, of Marshfield, MO, will be retiring as host of the Webster County Opry on May 4, 2001.

In 1997, as a 15 year old boy, Nicholas had a vision to bring quality entertainment and a new tradition of Ozark music to Webster County. Although he faced many obstacles and challenges Nicholas' dream has grown into a reality, known today as the Webster County Opry. His many accomplishments include increasing the Opry membership from eight to 50, welcoming numerous local celebrities and hosting and producing every show in the four year history of the Opry. Nicholas has also received and deserved praise from the late Governor Mel Carnahan and former First Lady Barbara Bush.

Mr. Speaker, Nicholas Inman dedicated himself to the establishment and growth of the Webster County Opry. The joy he brought to so many is indeed commendable. I am certain that the Members of the House will join me in wishing him all the best.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, due to illness, I was unable to be present for rollcall votes 85 through 89. Had I been present, I would have voted "yea" on rollcall votes 85, 86, and 88, and "nay" on rollcall votes 87 and 89.

COMMENDING THE ACADEMIC ACHIEVEMENTS OF STUDENTS FROM WILLISTON NORTHAMPTON SCHOOL IN EASTHAMPTON, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. OLVER. Mr. Speaker, I rise to congratulate the students of Williston Northampton School in Easthampton, MA for their excellence in academic competition. Under the tutelage of Mr. Peter Gunn, these young people have shown an acute knowledge of the Constitution and its Amendments, in particular the Bill of Rights.

On April 21–23, 2001 more than 1,200 students from across the country were in Washington, DC to demonstrate their expertise in American government and represent their home states as part of the "We the People . . . The Citizen and the Constitution" program, sponsored in part by the U.S. Department of Education. I am pleased to announce the class from Williston Northampton School participated on behalf of the Commonwealth of Massachusetts.

Mr. Gunn's students have taken a strong interest in the principles that govern our nation. Through their students, they have become aware of the founders' efforts to fashion an enduring republic. Through their accomplishments, they have shown a keen understanding of the political process, its participants and the laws that will ensure America's continued vitality.

It is an honor to recognize such a meritorious group.

HONORING TOM SAWYER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor the distinguished career of my good friend Merced County Sheriff-Coroner Tom Sawyer. Today, Tom retires after 34 years as a peace officer. True to his nature, he is only stepping aside from one venture to begin another.

I have had the privilege of working with Tom on a wide variety of issues since his earlier service with the California Highway Patrol. He is a respected member of the law enforcement community and is known for his dedication to the community.

Tom has worked on many statewide issues. He serves on the California State Board of Corrections and was instrumental in establishing the Central Valley High Intensity Drug Trafficking Area, where he continues to serve as the Intelligence Committee chairman. Since becoming sheriff he has overseen a department that has grown by leaps and bounds.

He has been successful working with the COPs program to put more deputies on the street. He has worked tirelessly to expand the presence of the Merced County Sheriff's Department to transform his vision of improved correctional facilities and the department's relationship with the community. He has done each of these remarkably well.

One prime example is the Explorer Scouts program. When he began his tenure as sheriff, the group consisted of 8 members. Now, I am proud to report to my colleagues, the program thrives with more than 150 outstanding young men and women. Volunteerism is up and through Tom's leadership new substations help secure and ensure the safety of our communities. He has guided the department through growth in many areas including an impressive search and rescue system on land, water and in the air.

Mr. Speaker, Tom's career as Merced County Sheriff-Coroner is distinguished. He has set standards for others to follow. He will be missed. I am proud to call him my friend and would ask my colleagues in the House of Representatives to rise and join me in thanking him for a job well done and wishing him the best in his retirement.

RECOGNIZING LEE JOHNSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Lee Johnson for being named Citizen of the Year. The Fowler Chamber of Commerce will present the award to Lee Johnson at Fowler's annual Community Recognition Banquet.

Lee has been a business owner in Fowler since 1946, when he bought Star Cash Grocery. Several years later he bought Brady's Store and changed the name to Lee's Market. Lee's Market has been a Fowler landmark ever since. The old store building burned down in 1991. Lee, who was 80 years old at the time, decided to rebuild the store along with two adjacent office spaces. The new building stands as a great source of commerce in the middle of Fowler.

Lee has been involved with several professional and community organizations including: Fowler Merchants Association, Fowler Chamber of Commerce, 4–H, Fowler Grange, the new Youth Grange, Fowler Police Department's Volunteers in Patrol Program, Masonic Lodge, American Legion, Lions Club, Fresno County Crippled Children's Fund, and the Presbyterian Church of Fowler.

Mr. Speaker, I rise to recognize Lee Johnson for his Citizen of the Year Award presented by the Fowler Chamber of Commerce. I urge my colleagues to join me in wishing Lee Johnson many more years of continued success.

HONORING DR. DOUGLAS X. PATIÑO

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to commend an exemplary and truly outstanding public educator who has contributed enormously to the success of many minority and other students in the California public education institutions. Dr. Douglas X. Patiño recently retired from California State University-Long Beach as Vice Chancellor, University Advancement. As Vice Chancellor he brought the CSU from its infancy in development to a position of leadership in California, exceeding fundraising records among comparable institutions. It is truly a proud honor to recognize today the outstanding contributions this gentleman has made in education and public service.

Dr. Patiño has served in numerous positions in education and state government, including executive positions in the cabinets of Governor Bruce Babbit of Arizona and Governor Jerry Brown of California. He also serves as President and Chief Executive Officer of the New Partnerships Foundation and The Patiño Group in San Rafael, California.

His community service activities include currently serving as Trustee of the Charles Stewart Mott Foundation in Flint, Michigan; President Clinton's appointee to the Enterprise for the Americas Board in Washington, DC; as a Board Member of the Centro Mexicano Para La Filantropia, Mexico, D.F.; The California Wellness Foundation, Woodlands Hills, California and The Campanile Foundation in San Diego. He is a leader in developing philanthropic services along the US/Mexican border. When he was President of Hispanics in Philanthropy and a member of the Council of Foundations, he introduced international foundations to border issues. His foundation, the New Partnerships Foundation, is an active supporter of a childcare center in Tijuana, BC, Mexico.

Throughout his career, Dr. Patiño has received multiple honors and awards for his work and devotion to public service including being named as one of the 100 Most Influential Hispanics (1995, 1997 and 1998) Hispanic Business; The Azteca Award for Public Service to United States Farm Worker Families, California Human Development Corp. of Santa Rosa; The Leadership and Public Service Award, United Way of the Bay Area and National Concilio of America; Chair of the Board of Directors of Hispanics in Philanthropy and presented with The Outstanding Leadership Award by the American Public Welfare Association, Washington DC.

More importantly, Dr. Patiño has been an inspiration, motivator and a friend to many would-be students. He has helped many of these students achieve great educational goals and served as a mentor and financial supporter as well. Dr. Patiño has taken students into his heart and his home, helping them to make their way through to a better life.

Dr. Patiño, his wife Barbara, his son Viktor, who recently graduated from California State University, Long Beach and is now working for the State of California Parks and Recreation Department, are long time friends and I sincerely wish them every possible success in their future endeavors.

COMMEMORATING THE 100TH ANNIVERSARY OF THE SOUTH MOUNTAIN RESTORATION CENTER

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PLATTS. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the South Mountain Restoration Center in South Mountain, Pennsylvania, and to pay tribute to a century of service provided to the people of south central Pennsylvania.

Nestled in the heart of Pennsylvania's Blue Bridge Mountains and straddling the Adams and Franklin County lines, the South Mountain Restoration Center was established at the turn of the 20th Century as a hospital dedicated to the treatment of tuberculosis. The devoted medical staff at the Dr. Samuel G. Dixon Tuberculosis Hospital, as it was known until the mid-1960s, have cared for tuberculosis patients, World War I soldiers who were victims of poison gas, and the mentally ill.

The tuberculosis epidemic in the United States necessitated the state-of-the-art medical care that the hospital provided. At the peak from 1938 through 1940, there were over 1,200 TB patients residing in the hospital on any given day. Prior to the discovery of antibiotics, the only treatments for tuberculosis were fresh air, sunshine, and exercise—three things the hospital provided in abundance.

The 300 acres of land also housed a children's hospital or "preventorim." Established in 1938, the "preventorim" sought to prevent the full-blown development of tuberculosis in children who had been exposed to the disease by their families. Many of these children came to the hospital underweight and malnourished, increasing their chances of contracting tuberculosis. By removing them from environments in which tuberculosis was prevalent, and providing them with nutritious food, fresh air, and excellent care, these children were spared the devastating effects of this terrible disease.

After the introduction of antibiotics in the 1950s, TB was largely eradicated in this country. In 1968, The Dr. Samuel G. Dixon Tuberculosis Hospital was renamed the South

Mountain Restoration Center. Since that time, it has provided nursing home-care to the mentally ill. It is called a "restoration center" because of the facilities' dedication to a philosophy of rehabilitating individuals before they rejoin the community.

Today, the South Mountain Restoration Center serves as a long-term care facility for almost 200 mentally ill patients and shares its extensive grounds with a residential training program for young first-time offenders.

Saturday, May 12, 2001 will mark the centennial of the South Mountain Restoration Center. I know that the tradition of excellence in care that has been established over the last 100 years will continue well into the 21st Century. As we celebrate this momentous occasion, I would like take this opportunity to express my sincere gratitude to the men and women through out the Center's history who have selflessly dedicated their lives to caring for those in need.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. EMERSON. Mr. Speaker, to me, this is an issue concerning human life where the pro-life and pro-choice arguments do not apply. When there is an act of violence against a pregnant woman, we need to remember that more than one life is affected by this violent act. An attack against a pregnant woman is an attack against her unborn child and I believe that the law needs to reflect that. I am pleased to offer my support for the Unborn Victims of Violence Act and commend my colleague, Representative LINDSEY GRAHAM for his dedication and the action he has taken to protect and promote the life of the living—born or unborn.

This legislation is similar to the legislation from my home state of Missouri where, as the law states, "The killing of an "unborn child" at any stage of pre-natal development is involuntary manslaughter or first degree murder. (Mo. Ann. Stat. 1.205, 565.024, 565.020 (Vernon Supp. 1999), *State* v. *Knapp*, 843 S.W.2d 345 (Mo. 1992), *State* v. *Holcomb*, 956 S.W.2d 286 (Mo. App. W.D. 1997))." We make it clear back home that life is sacred and today's legislation makes it clear across the nation.

If a criminal assaults a pregnant woman and her unborn child, and injures or kills the unborn child, common sense recognizes that the criminal has harmed two victims—the mother and the child. But current federal law does not reflect this common sense recognition. Federal law (including military law) considers that such an assailant has harmed only one victim. Even if the aggressor has purposefully killed an unborn child who has been named and whose birth is eagerly anticipated, he has thereby not committed a crime under federal law, beyond the crime of the assault on the mother. The Unborn Victims of Violence Act would correct this conspicuous gap in federal law. The bill would establish that if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child.

You know, there are many out there who would rather not talk about these issues, but the fact of the matter is that it is time for us to take a look at where we have a consensus—similar to the consensus we have reached regarding partial-birth abortion. In turn, we use that consensus to work toward an end where common sense and understanding prevail while we reach out and educate each other about areas of disagreement. I believe that this, too, is one of those issues.

Mr. Speaker, Missouri is known as the Show-Me-State. At home, we show our respect for human life by protecting the unborn. I am proud to be a co-sponsor of this life saving legislation and I am hopeful that today, Congress will show its respect for life and do the same.

CITIZEN MICHAEL LIPOF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. FRANK. Mr. Speaker, the greatest strength of our democracy consists of those citizens who take their obligations of citizenship seriously. We are very well served in particular by men and women who are active in our private sector, creating wealth, but who do not allow this to preclude meaningful civic participation. One of the best examples of this whom I have encountered is Michael Lipof of Newton, Massachusetts. Mike Lipof has been an extremely constructive force in the economy of the Greater Boston area. He has been a leader in the real estate field, and is currently serving in a very important capacity as the President—and a very operational hands on President—of New England's largest Jewish cemetery, Sharon Memorial Park. At the same time, he has been very active in both public and community affairs. He has been a leading member of the Jewish community of Greater Boston, in partnership with his wife, Rabbi Emily Lipof. And he started a family tradition of participation in public affairs as an Alderman in the city of Newton, which is now being carried on by his son, Richard Lipof. And Mike was a very able member of the Board of Trustees of the Newton Free Library, a very important entity in our city. I have known Mike Lipof in a number of capacities, and in every one of these, private, public, elective, and communitarian, he has been an extraordinary asset. And of course he and Emily have been proud and loving parents and grandparents as well. I congratulate the people at Sharon Memorial Park for their decision to honor Mike Lipof for his extraordinary range of contributions to all of us and I am delighted to join in that congratulation, and in presenting to my colleagues an example of the kind of active, creative citizenship on which our country thrives.

TRIBUTE TO MICHAEL E. HURST

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor the memory of Michael Hurst, who passed away on March 22, 2001. Michael Hurst was president of 15th Street Fisheries, a restaurant in Fort Lauderdale. Mike was a cornerstone in the Fort Lauderdale community and, as his representative in Congress, I was impressed by his tireless enthusiasm for promoting education in the restaurant industry.

Many times Mike opened the doors at 15th Street Fisheries to give to others in need and to show them what hospitality truly was. He was not only a professor at Florida International University, he brought the classroom into his restaurant. Wherever he was he took the opportunity to tell others about his passion for education and the restaurant industry.

Mike was a regular visitor throughout the years to my office in Washington, D.C. It was evident that he had an unwavering commitment to the industry, and his "We're Glad You're Here" button is a positive reminder of his excitement for restaurant issues.

Mike was a remarkable leader and it was my privilege to serve as his representative. He combined business acumen with compassion and energy to ensure that those in the restaurant industry have educational opportunities. His many contributions will remain with us in Florida's 22nd congressional district and across the nation.

INTRODUCTION OF FOCUS ON COMMITTED AND UNDERPAID STAFF FOR CHILDREN'S SAKE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues Mr. GILMAN, Mr. SANDERS, Mr. KILDEE, Mrs. MORELLA, Mr. SCOTT, and Mrs. DAVIS in introducing the FOCUS Act. This legislation would be an important step in increasing child care quality for all children.

As we all know, high quality child care can play an important role in healthy child development and school-readiness. One of the most critical components of quality child care is a stable and qualified teaching staff. Yet, child care staff—who have the responsibility of helping guide children's development—are among the lowest paid workers in America. In 1999, the average hourly wage for a child care provider was $7.42, which is approximately $15,430 annually. Moreover, most providers do not receive health insurance or paid leave. Academic and government studies conclude that low pay is one of the leading causes of poor quality child care. The annual turnover rate is about 30 percent. Low wages keeps qualified providers from remaining in the field and deters new providers from entering the field. A report released April 29th by the Center for Child Care Workforce and the University of California Berkeley found that centers are losing qualified staff because of low wages and are forced to hire less qualified replacements. The six-year study also found that not only are wages extremely low, but they are not keeping pace with cost of living increases. States report centers are closing or turning away children because they cannot properly staff their programs.

FOCUS directly addresses the problems low pay creates by providing stipends to qualified child care staff based on the level of education. This legislation would be a mechanism to assist states increase the pay of child care workers and to improve the overall quality of child care. The bill would supplement wages by a minimum of $1000 per year for providers with child development associate credentials and a minimum of $3000 per year for providers with B.A.'s in the area of child development. These stipends will help attract new qualified workers to the field and increase the retention and skill level of current workers. FOCUS also would provide funds for scholarships so that we can continue to increase the qualifications of the child care workforce.

Research on early childhood and brain development clearly demonstrates that the experiences children have early in life have a decisive, long-lasting impact on their later development and learning. We cannot expect children to transition to kindergarten and succeed in school if we do not take the necessary steps to provide quality care in the years prior to school entry. The average quality of child care is far poorer that what it should be in a country as wealthy and committed to our children's future as is ours. It is time we work to make quality child care for all children a national priority. Mr. Speaker, I urge Members of the House to join me and co-sponsor the Focus Act.

SALUTING THE 2001 JOHNSON COUNTY, KANSAS, YOUTH VOLUNTEER AWARD RECIPIENTS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. MOORE. Mr. Speaker, I rise today to salute twenty-eight outstanding young Kansans from Johnson County, Kansas, who will be recognized on Friday, May 4th, at an informal reception honoring their volunteer service. Youth Excelling in Service [YES], a program of the Volunteer Center of Johnson County, has invited Johnson County leaders and educators to this reception honoring the twenty-eight Outstanding Youth Volunteers who will be featured in the upcoming "Movers and Shakers" publication. I will present the young people with a Congressional Award for their contributions to the community, and YES will spotlight the role these committed young people play in addressing community needs.

Johnson County's young people are becoming increasingly involved in service to their community and the stories of their accomplishments are powerful. The twenty-eight "Movers and Shakers" to be honored at the reception testify to the fact that my congressional district's young people see needs in their communities and are ready, willing and able to meet those needs by investing their time and skills. These young people are passionate about challenging, motivating and recruiting other young people to likewise take the plunge into volunteer service. I am pleased to have this opportunity to place in the CONGRESSIONAL RECORD profiles of these twenty-eight "Movers and Shakers."

MOVERS AND SHAKERS 2001—YOUTH PROFILES

Natalie M. Binkholder, 17, Olathe East High School—Over 700 hours—Olathe Youth Court, Olathe Youth Congress, Mother's Hands.

Natalie's volunteerism is fueled by her optimism and energy. "Anyone can change the world," Natalie says, "the best way to start is with a smile." Natalie first began her volunteer leadership in 9th grade when she presided over the school's community service organization. Natalie is active in a variety of causes, including homeless assistance, crime prevention, and drug and alcohol prevention. Her proudest accomplishment is the success of the Olathe Youth Court, where she and other members of the court positively intervene in the lives of juvenile offenders in order to decrease repeat crimes. During her volunteer experiences, she has developed a love for serving youth, and one day plans to use her skills as a professional attorney to assist youth courts. "No matter where life takes me, I want to continue to be involved with youth. Youth are the leaders of tomorrow and I want to help them achieve their dreams." Natalie was nominated by Cheryl Oakley.

Adrienne Cichelli, 17, Shawnee Mission West—100 hours—JAWS [Join Active West Students], Young Life, Teen Advisory Council.

To Adrienne, it really is the thought that counts when it comes to volunteering. Adrienne says, "Building a house isn't any better than picking up trash on the streets. The impact comes from the volunteer's attitude and motivation, not the deed." Adrienne has done everything from building a house to organizing a special event to advocating healthy lifestyle choices for elementary students. During a mission trip to Mexico, Adrienne's eyes were truly opened to the level of need and the effect her help had on the families with whom she worked. She plans to spend much more time volunteering, and this summer she will be with Children's Mercy Hospital and serving as a companion at an assisted living facility. For potential youth volunteers, Adrienne gives these words of wisdom: "Participating in a single act of volunteerism can change your life in a way you never thought possible. Give your time to help your community, it's more valuable than any paycheck you'll ever receive." Adrienne was nominated by Mary Lea Kieffer.

Leah Cogswell, 17, Olathe South High School—Over 100 hours—SOAR, 4-H, Promise Youth, Youth Volunteer Corps.

Food, Fun and Friends! Volunteering on Leah's projects will never be boring! Leah's volunteer experience began when she noticed all her friends were involved in community service. She has since taken the lead by serving as the chairman of the community service committee in her 4-H club. She has organized bake-a-thons to raise money for an Olathe youth with leukemia and to provide flood relief to eight families devastated by Hurricane Floyd. She has served as a counselor for several youth camps, leading games and crafts, campfire activities, and helping with meals. "There is nothing quite as rewarding as seeing the smiling face of someone you have helped," beams Leah. "We live in a area where so many people have been blessed with so much; it is time to give a portion back to those who are less fortunate." In the future, Leah plans to take on bigger projects to reach people throughout the United States and around the world. Leah was nominated by Al Davis.

Jonathan Eckman, 12, Prairie Star Middle School—75 hours—Overland Park Arboretum and Botanical Garden, Children's Center for the Visually Impaired.

Jonathan began volunteering in order to become eligible for the President's Student Service Award. He has volunteered more than enough hours to earn the award, but Jonathan continues to volunteer because he has found his community service rewarding on its own. He has also been impressed and inspired by the dedication of other volunteers with whom he has worked, particularly those at the Overland Park Arboretum and Botanical Garden. Working with such enthusiastic volunteers made Jonathan realize that "we all can make a difference some way in the community". Jonathan plans to continue volunteering at the Arboretum as well as coaching children's gymnastics. Last year, his gymnastics group raised $5,000 for the Children's Center for the Visually Impaired. He's not stopping there! He also plans to volunteer with his church's nursery and be involved with the soup kitchen. What does such a busy guy have to say to other potential youth volunteers? "I would say to other youths to try it because when you see the results it is phenomenal!" Jonathan was nominated by Gretchen Steffen.

Chelsea Fogelman, 17, Olathe East High School—Over 180 volunteer hours—Uplift Organization, Inc., Christmas in October, Mother's Hand, Sherwood Center.

With the Fogelmans, volunteering is definitely a family affair. Chelsea's extensive work with the homeless has been inspired by her "unendingly supportive" parents, Candi and Dave. Since the age of 10, Chelsea has been raising awareness of homeless issues in the area. She has collected and prepared food for thousands of individual through Uplift Organization, Inc. and enjoys knowing that her efforts will provide a meal to someone in need. Chelsea's family has made Christmas in October a tradition, and spend the day repairing family homes in poverty stricken areas. Chelsea feels that volunteering should come from the heart. "When you're contributing to a cause that's important to you and that you enjoy, you'll learn more about yourself and the world around you," Chelsea states. "Volunteering can be both fun and meaningful if you can find a cause that you care about." Chelsea plans to expand her volunteering efforts to include other issues. She will continue her work with the homeless and hopes to recruit other youth to do the same. Chelsea was nominated by Barbera Ferrell.

Joe Klinkenborg, 17, Shawnee Mission NorthWest High School—Over 200 hours—LakeView Village.

Joe quotes his class motto when asked about his service: The doer of good becomes good. Joe has transformed his school spirit into volunteer spirit with his work through Shawnee Mission NorthWest's community service club whose teacher inspired him to become passionate about community service. Joe believes in the importance of performing "random acts of kindness" and says that wherever he goes, "volunteerism will always be a component of my life." He teaches the elderly to become computer savvy, including how to use the internet. Working with the residents of LakeView Village, Joe formed LKVW, an in-house tv station featuring interviews with the residents on World War II, the Great Depression, and other lifetime historical events. Tapes of these living memories will be sent to the Smithsonian in Washington, D.C. as a model of enrichment and creativity. "The news media does need to let the public know that young people are capable of doing good things and they do them in great numbers." Joe is certainly determined to have his words heard. Joe was nominated by Ronald W. Poplau.

Paul Lampe, 15, St. Thomas Aquinas High School—Over 400 hours—4-H, LakeView Retirement Community (Lazarus Project), Kauffman Foundation.

"As a culture of youth we have so much . . . we need to learn to share." Paul doesn't just say these words, he puts them into action. Through his volunteering efforts, Paul has learned to share his time, his skills, his leadership, and even his home to help others. He learned this when he was very young as a member of 4-H. The more Paul learns, the more he gives. When Paul was taught to rebuild a computer, he shared that skill with residents of LakeView Village for the Lazarus Project. He rebuilds discarded computers for nonprofit organizations. When he's not working with the retirement community, Paul's busy with the Kauffman Youth Advisory Board, providing hundreds of thousands of dollars to youth projects in the city. Currently, he's setting up websites for 4-H clubs throughout the county and sharing his home with a foreign exchange student which Paul says "takes some effort, but you'll learn a great deal about yourself as well as another culture!" He enjoys the diversity of his volunteer experience and plans to keep encouraging other youth to get involved. Paul was nominated by Al Davis.

Macklen Mayse, 17, Shawnee Mission West High School—280 hours—Shawnee Mission Medical Center, Girl Scouts, Down's Syndrome Guild of Kansas City, AIDS Walk of Kansas City.

While a junior volunteer at Shawnee Mission Medical Center, Macklen was working the telephones when a woman called who spoke no english. Macklen, who has studied spanish for five years, took a crack at helping the woman and it worked! She is proud to be able to use her talents to find new ways to help others and has been very busy with numerous organizations and projects. She focuses on the impact of her volunteer work and finds her motivation to keep volunteering by remembering the big picture. "Feeling like I could have an impact on someone or help someone has always felt awesome." Her volunteer experiences are diverse. Through Girl Scouts, Macklen has collected can goods and planned and participated in special events. Twice she has volunteered for the AIDS Walk of Kansas City. In the future, Macklen hopes to be able to use her Spanish skills to impact her community and plans to go global with her volunteering by traveling to Central and South America. Macklen was nominated by Marty Lea Kieffer.

Madison Meloy, 13, Leawood Middle School—Over 120 hours.

From childcare to coaching to working with the homeless, Madison is on a roll with her community service. According to Madison, "After doing community service once you don't want to stop." She certainly has remained busy! When she's not busy helping the teachers at school, Madison is sacking lunches for a shelter, sorting clothing donations,

Maranatha Deanna Wall, 16, Shawnee Mission North—Over 30 hours—Good Samaritan Project.

Few individuals could muster the tact and maturity that Deanna does in order to answer her peers' questions on the topic of teen sexuality. Deanna volunteers eight hours a week for the Good Samaritan Project, an organization devoted to HIV/AIDS prevention and education. She has worked with teens to help them understand the importance of self-respect when it pertains to safe sex and spends time on hotline calls answering panicked questions from her peers. Deanna says that she enjoys being able to clear up confusion on what may be very difficult issues for teens. She is convinced that youth volunteers are the catalysts for community change. "It's beautiful to see what other youth are doing to set off some new ideas," Deanna says. "It's important to be recognized for good especially when teens sometimes receive negative recognition." Deanna plans to assume many different roles as a volunteer, and with "a kazillion things to do" she promises to never be boring. Deanna was nominated by Elizabeth Spaur.

Bethany Meola, 14, Shawnee Mission West—Over 100 hours.

Bethany's volunteer experiences began at church, where she was inspired by the woman running a program there. Working with the children there has been challenging, but volunteering has allowed Bethany to learn the skills of patience and leadership. She enjoys being a role model for the younger kids she teaches and knows that they enjoy being able to look to her for encouragement. Her volunteering has taught her to recognize the potential in herself and in the children with whom she works and Bethany encourages other youth to take the volunteer plunge. "I know I have a better understanding about different things that I never would without community service. It really does change your perspective." The kids in church will be glad to know that Bethany plans to help out more, but that won't be enough for her! In Bethany's words: "Whatever looks interesting to me I will probably do; If I find any way to help the community, I will."

Christine M. Murray, 18, blue Valley North High School—Over 165 hours—Shawnee Mission Medical Center, Phi Theta Kappa.

Christine believes that individual gifts mean everyone has something to offer as a volunteer. "While we might not be great in every area," Christine says, "we all have that one special talent and can use it to help others." This ambitious young lady takes her inspiration from her family members who have "always considered community service to be part of the normal course of their lives." Growing up in a family with such high standards to emulate motivated Christine into action at an early age. Through middle school, she volunteered in a number of capacities with several organizations. Currently, she serves at Shawnee mission Medical Center where she has been a volunteer for two years. Though she is still in high school, she has already been inducted into Phi Theta Kappa Honor Society at Johnson County Community College. Christine also acknowledges that the young volunteer can get lost in the shuffle when it comes to recognition. To really energize youth, Christine suggests that "volunteering needs to be elevated to a higher level of recognition to get more people involved." She plans to take her own volunteer commitments higher still in the future. Christine was nominated by Patricia Murray.

Amy Turek, 13, Leawood Middle School—50 hours.

Even when Amy was on vacation, she was still volunteering! For two years, Amy collected the samples of soaps, lotions, and shampoos hotels offer to guests and later donated them all to a local homeless shelter. "Just try it once and you'll know how great it is!" she exclaims. Amy's greatest inspiration to participate in community service came from the people at her temple. There, she has been able to participate in many service events with her family that have been organized by the temple. She frequently goes to homeless shelters to serve and cook meals for the needy, and enjoys playing games and teaching arts and crafts to the children at the shelters. Amy relays this story about her volunteer experiences at the shelter: "After giving a man his food, he came up to my sister and I with tears in his eyes, thanking us and telling us 'God bless you'. I could tell he really meant it from the bottom of his heart." Amy will continue serving the community through her Jewish youth community service program. Amy was nominated by Michelle Myers.

Eddie Mitchell, 16, Blue Valley North—100 hours—Villa St. Joseph.

Eddie is getting seniors on the move. For months now, Eddie and other volunteers he has helped to recruit have been transporting the wheelchair-bound residents of Villa St. Joseph Nursing Home to Sunday Mass every week and tending to the resident's needs with attentive compassion. He helps the facility transform a livingroom into a temporary Chapel and back again and also transports all the residents to lunch. Every Sunday, services with Villa St. Joseph go off without a hitch, thanks to Eddie and his friends' commitment. But Eddie will be quick to point out that he's benefitting from his service more than the residents because he is able to connect to the people for whom he volunteers. "Not only do I get to feel the joy of helping out my community, but I also learn a lot every time I go," remarks Eddie. "I feel truly honored to be able to offer my hand to such inspiring and caring people." Eddie's proof that he's making a difference? The smiles he receives from the residents week after week. Eddie was nominated by Debbie Mitchell.

Allison Steinbrueck 16, Blue Valley High School—Over 1,000 hours—Heart of America Humane Society, The Bea Martin Peck Animal Shelter.

Allison has taken her love for animals further than caring for a family pet. When she discovered a volunteer opportunity at the Humane Society, she jumped at the chance to put her compassion to work. At the animal shelters, Allison helps animals to find a home and families to find a loving companion. She has accumulated thousands of hours of service, often caring for animals in her own home until they are ready to be adopted. "There is a whole wide world out there needing help," Allison says, "and you can rescue it." She is tackling her own corner of the world by developing her own program called The Little Orphan Animal Program. Through this program, Allison raises funds to allow animals to remain in the shelter. Allison plans to continue volunteering "forever" and understands that recognizing youth volunteers is important not only to keep youth motivated, but to teach others that what youth are doing for the community is truly amazing. No stranger to amazing herself, Allison was also nominated as the Junior Volunteer Coordinator at the Heart of America Humane Society. Allison was nominated by Dennis King.

Nathan Oliver, 18, Shawnee Mission East High School—1,500 hours—Ewing Marion Kauffman Foundation Youth Advisory Board, Youth Volunteer Corps, SHARE Program.

Nathan is not a young man to mix words and certainly not one to shirk away from a challenge. "This world is full of followers and I challenge each and every individual to stand up and be a leader." Nathan has proven his leadership abilities through his experiences volunteering. His diverse talents range from support and counseling to fundraising and program development, but Nathan is ready for more. He points to his experience as a member of the Youth Advisory Board for the Ewing Marion Kauffman Foundation as an illustration of the impact of his service. He is part of a group of youth that help fund projects for up to $10,000, for a total of $200,000 every year. In the future, Nathan will continue to volunteer and develop his photography skills. Eventually, Nathan hopes to establish his own community foundation and put in place programs that give back to the community. Nathan was nominated by Bev Timmons.

TRIBUTE TO RICHMOND BAKING COMPANY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PENCE. Mr. Speaker, I rise today to honor the Biscuit & Cracker Manufacturer's Association. This leading cookie and cracker baking industry association is celebrating its 100th Anniversary this week.

The B&CMA's "Biscuit Boy" trademark is emblematic of the past 100 years of baking. It evokes memories of the nostalgic cracker barrels of 1901 and reminds us that its products still taste great in 2001. Every father knows the value of a well-placed cookie during important negotiations with his four-year-old.

The B&CMA has led the charge for rigorous and rapid growth throughout the century. Regional bakeries sprouted up all over the country. One that is especially important to me is our own Richmond Baking Company in East Central Indiana. It has been a leading manufacturer and employer for many Hoosiers in my district.

Richmond Baking ideally reflects the benefits of membership in the B&CMA. It has a working relationship with the community, offers delicious products and enhances our local economy. Richmond Baking is a good corporate citizen and their membership in the B&CMA is a part of that legacy.

Mr. Speaker, I urge my colleagues to join me in congratulating the B&CMA on a century of outstanding service to the cookie and cracker industry. May the association continue to thrive and produce products that will delight families for years to come.

TRIBUTE TO JONA GOLDRICH

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BERMAN. Mr. Speaker, it is a great honor to join the Jewish Federation of Greater Los Angeles' Real Estate & Construction Division in paying tribute to Jona Goldrich, for his generous service to a great variety of worthy organizations and causes and to the Jewish community worldwide. Jona has given tirelessly of his every resource, including the most cherished—his time—to improve the lives of his fellow citizens. He is to be saluted at a special dinner in his honor on May 31st in Los Angeles.

Jona is one of the most active supporters of the Jewish Federation of Greater Los Angeles in its mission to provide a wide array of agencies and programs with funds for food, shelter, health care, education, counseling, rescue and resettlement for individuals in need.

Jona came to the United States as an immigrant and created a real estate company so successful that he is widely acknowledged to be one of the most important and successful developers and managers of housing in the state of California. His distinguished career in real estate has earned him honor and recognition from virtually every professional organization in his field, including the "Man of the Year" award from the National Housing Conference. He has received accolades from numerous charitable groups for his work on behalf of those in need of affordable housing. As a member of the Chairman's Council of the Weingart Center, he has worked tirelessly to provide leadership and to seek innovative solutions to break the cycle of homelessness in Los Angeles.

Jona was born in Lvov, Poland in 1927. Out of fear for his life, his parents smuggled him out of Europe in 1942. He was sent to refugee camps in pre-Israel Palestine and later served in the Israeli Navy and the Merchant Marines in the military actions of 1948 and 1949 that resulted in the creation of the State of Israel. In 1953, he immigrated to the United States, traveling by bus from Boston to California and settling in Los Angeles because its climate reminded him of Israel.

Teaming up with Sol Kest, he formed G & K Industries, an innovative leader in the Southern California real estate market. Among the great accomplishments of this important company is the development of the Marina Pointe Apartments in Marina del Rey.

The great energy that has made Jona so successful in his business endeavors also fueled his tireless work on behalf of the Jewish people and the cause of remembrance. He has been honored with the National Conference of Christians and Jews Humanitarian Award, the American Jewish Congress Civil Achievement Award, and the President's Club Award of the B'nai B'rith, among many others. He is a member of the American Friends of Tel Aviv University and a great supporter of the Israel Philharmonic.

Among the greatest achievements, of Jona and his wife, Doretta are their two outstanding daughters, and among the greatest pleasures they enjoy is time spent with their grandson and granddaughter.

It is a great pleasure today to honor Jona Goldrich as a great champion of the Jewish Community in California and in Israel and to congratulate him on his philanthropic and professional service. We take pleasure in inviting our colleagues to join us in this salute to Jona.

IN HONOR OF CHIEF ROBERT E. LANGSTON OF THE U.S. PARK POLICE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to salute Chief Robert E. Langston of the U.S. Park Police on his more than 35 year career to law enforcement to the government of the U.S. and the U.S. Park police. Chief Langston retired from public service on April 7, 2001. His exceptional career began from his graduation of Florida State University with a B.S. in Police Administration, where he began his U.S. Park Police Career in August 1965 as a patrolman covering foot, cruiser, and motorcycle beats.

Upon promotion to Sergeant in 1971, he was assigned to the Training Branch, then to the Operations Division as a patrol Sergeant, followed by duty as a Motorcycle Unit supervisor. Promoted to Lieutenant in 1973, he served as a Shift commander before assuming command to the Communications Section. In 1975 he was promoted to Captain, first serving as Watch Commander and then assigned to the National Park Service's Southeast Region headquartered in Atlanta, Georgia, where he served as Law Enforcement Specialist. After 2 years he returned to Washington, D.C. to the Operations Division as Commander of the Central District. Upon promotion to major in 1982, he saw duty at the National Park Service's Headquarters until his 1984 promotion to Deputy Chief in charge of the Field Office Divisions. Prior to his promotion to Assistant Chief in 1988, Langston also headed the Operations Divisions. Then in September 1991, Chief Langston was appointed to the duty of Chief of Police of the U.S. Park Service.

As Chief of one of the Nation's oldest law enforcement agencies, he was responsible for a force of 700 officers and 135 civilian employees assigned to National Park Service lands, parkways, monuments, and memorials in the greater Washington, D.C. area, the Gateway National Recreation Area, including the Statute of Liberty in New York, and the Golden Gate National Recreation Area, including the Presidio, in California. Members of the force are also detailed to the Federal Law enforcement Training Center in Brunswick, Georgia.

Active in numerous civic and professional organizations, the Washington, D.C. native was a member and past chairman of the Police Chiefs Steering Committee for the Washington Metropolitan Council of Governments, a member of the International Association of Chiefs of Police, the D.C. Law Enforcement Executive Forum, the FBI National Executive Forum, the FBI National Executive Institute-Police Executive Research Forum, and a former president of the FBI National Academy Associates, District of Columbia Chapter. He was also a member and past president of the Board of Directors, Bethesda-Chevy Chase Rescue Chapter. He is also a past member of the Montgomery County Fire and Rescue Board. He has received numerous awards and honors for his professional contributions.

Mr. Speaker, it is clear that we will clearly miss an inspirational member of the U.S. Park Police like Chief Robert E. Langston. I am sure that I speak for many when I say that his tireless work for the U.S. Park Police will not soon be forgotten and that we are very thankful. I would like to personally wish him well in this new stage of his life and know that he will continue to be a presence in Washington. I am certain that my colleagues will join me in honoring this remarkable man.

Chief Langston and his wife, Beverly, have two children, a son Robert and a daughter Kellie.

CONGRATULATIONS TO SIKH NATION ON VAISAKHI DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. TOWNS. Mr. Speaker, April 13 was the anniversary of the founding of the Sikh Nation by Guru Gobind Singh, called Vaisakhi Day. It is the most important of Sikh holidays. I would like to take this opportunity to congratulate the Sikhs on Vaisakhi Day.

Sikhs have made many contributions to American life in fields ranging from agriculture to law to medicine. One Sikh, Dalip Singh Saund, even served in the House of Representatives, representing a California district in the late 50s to the early 1960s.

Sikhs are suffering from significant persecution in India. Since 1984, according to The Politics of Genocide by Inderjit Singh Jaijee, over 250,000 Sikhs have been killed by the Indian government. A new report from the Movement Against State Repression—an organization that should not be necessary in a democracy—confirms that tens of thousands of Sikh political prisoners are being held in illegal detention in India without charge or trial, some for as long as 17 years! This confirms what Amnesty International had previously reported. 19 of us from both parties sent a letter to the President last month urging him to get involved in freeing these political prisoners.

This is part of a pattern of repression against religious minorities that engulfs India. In India, there has been an ongoing campaign of terror against the Christian community since Christmas 1998, which many of us have discussed in the RECORD. It has included killing priests, burning churches, raping nuns, and burning a missionary and his two young sons to death in their jeep while they slept. Muslims have also been subjected to fierce religious oppression. It is time for India to live up to the standards of a democratic state.

The fact that Vaisakhi Day this year coincided with the Jewish celebration of Passover, which celebrates the escape from slavery, and the Christian celebration of Good Friday and Easter, celebrating the triumph of life over death, should underline the importance of freedom, life, and basic human rights for all people.

American is the hope of the world. It is the land of freedom. We must take a stand for freedom. It is time to stop American aid and trade with India until it respects basic human rights. Also, it is time to declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and all the other nations seeking their freedom. This would be a great way to celebrate Vaisakhi and Easter, by doing our part to bring freedom to all the people and nations of the subcontinent.

I am including the Council of Khalistan's press release on Vaisakhi Day in the RECORD for the information of my colleagues.

A TIME FOR FREEDOM

Washington, D.C., April 9, 2001—Citing the words of Guru Gobind Singh, who said "Recognize ye all the human race as one," Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, extends Happy Vaisakhi Day wishes to the Sikh Nation, Happy Easter wishes to the Christian community, and Happy Passover wishes to the Jewish community. "It is interesting that these celebrations and the birthday of Thomas Jefferson, author of the American Declaration of Independence, all come together at this time," Dr. Aulakh said. The Council of Khalistan is the organization leading the Sikh Nation's struggle for freedom for its homeland, Khalistan.

Vaisakhi Day, which marks the formation of the Khalsa Panth by guru Gobind Singh in 1699, falls on April 13, which is also Mr. Jeferson's birthday. This year, April 13 is also Good Friday in the Christian calendar. April 15 is Easter. The Jewish holiday of Passover started this past weekend and runs for eight days, concluding this coming weekend.

Passover celebrates the Jewish people's escape from slavery in Egypt. Good Friday is the observance of Jesus's death on the cross, followed on Sunday by the Resurrection. It celebrates not only the resurrection of Jesus, but also the triumph of life over death and the resurrection of spirit in every person.

"The coming-together of these important occasions is a time to celebrate freedom," said Dr. Aulakh. "As the Jewish community celebrates the escape of their ancestors from slavery in Egypt, let us rededicate our efforts to the cause of freedom for the Sikh Nation," he said. "As Thomas Jefferson wrote, when a government becomes destructive of the inalienable rights of any people, 'it is the right of the people to alter or abolish it.' Guru instructed the Sikh Nation to oppose tyranny wherever it is found. Let us step up the struggle against the tyranny that engulfs our own people," he said. "As Christians celebrate the triumph of life, let us devote ourselves to protecting the life of our Sikh brothers and sisters and the Sikh Nation by liberating our homeland, Khalistan, from Indian occupation."

Dr. Aulakh called on the Sikhs in Punjab, Khalistan to observe Vaisakhi as a day of prayer and introspection, not working or doing business with the Indian government, but taking a day to go to the Gurdwara and celebrate the lives of the Gurus and remember their words. He also urged them to pray for freedom for the Sikh Nation and also for every other people in the world.

"India is not a democracy for Sikhs, Muslims, Christians, and other minorities," said Dr. Aulakh. "Congressman Rohrabacher was right when he said that for minorities 'India might as well be Nazi Germany.'" Police witnesses have confirmed that the police tortured and murdered the former Jathedar of the Akal Takht, Gurdev Singh Kaunke, and human-rights activist Jaswant Singh Khalra.

Sikhs ruled Punjab up to 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikh would have "the glow of freedom" in Northwest India and the Sikhs took their share with India. Sikhism was not even recognized in the Indian constitution as a separate religion, while Islam, Buddhism, Hinduism, etc., were recognized. Discrimination against the Sikh Nation took place in every sphere. After the Golden Temple attack, the Sikh Nation stepped up its struggle to achieve its God-given right to the free. Tens of thousands of Sikh political prisoners are rotting in Indian jails without charge or trial. On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution. The Sikh Nation demands freedom for Khalistan.

The government of India has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1947, over 70,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Daltis (the aboriginal people of the subcontinent), and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." Government-allied Hindu militants have murdered priests, and raped nuns. Hindu radicals, members of the Bajrang Dal, burned missionary Graham Stewart Staines and his two sons, ages 10 and 8, to death while they surrounded the victims and chanted "Victory to Hannuman," a Hindu god.

"Democracies don't commit genocide," Dr. Aulakh said. "India should stop the repression and allow a plebiscite on the future status of Kashmir, Nagaland, and Khalistan," he said. "Only freedom will bring peace and justice in South Asia."

TRIBUTE TO DOUG STRUYK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to extend our sincere congratulations to Doug Struyk, President and CEO of the Christian Health Care Center of Wyckoff, New Jersey. He is being honored as the Wyckoff Family YMCA's Man of the Year for 2000 at the nineteenth annual Friends of the Y Banquet to be held on May 3, 2001.

Mr. Struyk is receiving this award because of his vision and humane leadership of the

Christian Health Care Center and in creating a state-of-the-art, on-site day care center. The day care center is operated by the Wyckoff YMCA. We all know that quality childcare is vital for working families. When that childcare is available at the workplace it makes it even more valuable. Knowing that their children are in a safe, learning, and loving environment allows parents to perform better at home and at work. In addition, having the childcare on-site at the workplace allows the parent to have lunch with their child or just "pop in" for a visit.

Mr. Struyk's work at the Christian Health Care Center has truly been amazing. He joined the Center in 1990 as chief financial officer and moved up to CEO and president in 1994. He has created a dynamic and caring organization that has served the surrounding community for many generations. He has inspired many with his personal touch in caring for the elderly.

I speak from personal experience. My beloved mother, Margaret Scafati, was cared for with compassion and professionalism of the highest quality.

In addition to all of this, he is actively building a partnership with the federal government to address many issues facing our society. On April 25, 2001, Mr. Struyk joined us in Washington, D.C. to participate in the first annual Faith-Based Summit. Hundreds of faith-based leaders from across the nation came together at the Summit. Mr. Struyk is a leader in the area and his knowledge and experience was greatly appreciated and of great value.

The Center is a private, non-profit institution, that was established in 1911 by members of the Reformed and Christian Reformed Churches. The mission of the Center is to provide a continuum of high quality services consistent with the Christian principles on which the institution was founded. Care is provided to those in need of long term care, mental health care and residential living in a compassionate loving environment. The Center consists of a 251 bed skilled nursing home, a 40 unit supportive senior housing complex, a residential living facility and a psychiatric hospital. The most recent construction is the 80 unit Longview assisted living facility that includes the new child care center.

Doug Struyk's leadership and dedication is continuing the well deserved reputation of the Christian Health Care Center as one of the finest of the kind in our great nation. Our hearts and prayers go with him and his dedicated staff.

THE GOOD SAMARITAN TAX ACT: TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO CLARIFY THE AMOUNT OF THE CHARITABLE DEDUCTION ALLOWABLE FOR CONTRIBUTIONS OF FOOD INVENTORY

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. HOUGHTON. Mr. Speaker, today, I am pleased to join my colleagues from Ohio, TONY HALL, in introducing the "Good Samaritan Tax Act", a bill that has been introduced in the two previous Congresses. The purpose is to help meet the demand for food for the needy. The economic boom of recent years has not eliminated the need to feed the hungry. In fact, as more and more citizens are removed from the welfare rolls many turn to food banks for help.

A recent U.S. Department of Agriculture report indicated that in 1999, 10 percent of American households, comprising 31 million individuals (including 12 million children), suffer from hunger. According to a recent Conference of Mayors report, demand for emergency food has increased, and over 13 percent of this demand goes unmet.

The bill would increase the incentives for restaurants, farms and other businesses in the food industry to donate food to food banks, homeless shelters and other charitable organizations. The Internal Revenue Code actually discourages contributions because of the uncertainty regarding the tax treatment of donations of food as compared to donations of other inventory. The bill has been designed to correct that deficiency.

We believe this bill would remove the uncertainty and provide the necessary incentive for businesses to increase their food donations. This would be accomplished by adding a provision to Section 170(e) of the Code that would indicate that the fair market value of donated food is determined, (1) without regard to internal policies, lack of market, or similar circumstances, whether the food cannot or will not be sold, and, (2) if applicable, by taking into account the price at which similar products are sold by the taxpayer at the time of contribution. These have been points of controversy with the Internal Revenue Service, causing uncertainty as well as disincentives to incur the administrative and other costs necessary for the proper handling and preservation of food being donated. In addition, Section 170(e) would be amended to include businesses in addition to C corporations, as the current law provides.

We hope our colleagues will join us in cosponsoring this legislation.

FBI DIRECTOR FREEH RETIRES AFTER A PROUD RECORD OF SERVICE TO HIS NATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILMAN. Mr. Speaker, it is with a heavy heart that today we learned of the planned retirement of FBI Director Louis Freeh, who has served his nation so well. For 27 years he has served his country as an FBI agent, federal prosecutor, and a sitting federal judge, and having worked tirelessly here and around the globe to enhance the rule of law.

Our country will surely miss his dedication, his professionalism and integrity, which he displayed each and every day he served as the Director of our nation's leading federal law enforcement agency, the FBI, as he led the fight against transnational crime and terrorism.

Director Freeh brought vision, foresight, and innovation to the battle against crime and terrorism, both at home and abroad. In the area of foreign crime fighting and the battle against international terrorism, which I am most familiar with, he wisely expanded the FBI's presence abroad to fight transnational crime and international terrorism long before it reached our nation.

I was particularly proud to work hand and hand with Director Freeh in establishing and maintaining the first ever International Law Enforcement Academy (ILEA) in Budapest, Hungary. It is today the model for international training and development of regional cooperative police relationships around the globe. There is now an ILEA operating in Asia, and others planned for Africa, and our own Western Hemisphere. We will miss Director Freeh's vision and leadership.

As he himself said today of those overseas efforts, among others: "These measures already have proven invaluable in the international fight against terrorism, organized crime, cyber-crime, and transnational crimes in the Information Age." We fully agree with his assessment.

Finally, I invite my colleagues to join me in wishing our good friend and fellow New Yorker, Director Louis Freeh, and his family, much success and joy in his future endeavors, whatever, or wherever they maybe in the private sector. He has served our nation and our people well. We all owe him a debt of gratitude.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, I include for the RECORD, the following testimony pursuant to the vote on H.R. 503, the Unborn Victims of Violence Act.

[From the National Right to Life Committee, Inc., Washington, DC]

My name is Shiwona Pace.

On August 26, 1999, I was a 23-year-old college student in Little Rock. I was the mother of two—my five-year-old son, and an unborn baby girl named Heaven Lashay. I had named my baby "Heaven" two months earlier, after an ultrasound test revealed that she was a girl. August 26 was one day before my predicted full-term delivery date.

But that night, three men brutally murdered my unborn baby daughter.

I curled up face down on the floor, crying begging for them to stop beating me. But they did not stop. One shouted, "F*** you! Your baby is dying tonight."

They choked me, punched me, hit me in the face with a gun. They kicked me again and again in the abdomen. After about thirty minutes, they left me sobbing there on the floor.

At the hospital, they found Heaven had died in my womb. She was a perfect baby, almost seven pounds. She almost looked as if she were sleeping.

The assailants were arrested. They had been hired by Erik Bullock, my former boyfriend. He paid them $400 to kill little Heaven Lashay.

Only a month before, a new state law took effect that recognized unborn children as crime victims. If that law had not been enacted, Erik Bullock would have been prosecuted only for the assault on me, but not for the death of my baby.

But thanks to the state law, Bullock was also convicted for his role in killing my baby. The men who attacked me are also being prosecuted for what they did to Heaven.

I tell my story now for one reason: If this same attack occurred today within a federal jurisdiction, the men who killed my baby could be prosecuted only for assault.

That is why I urge members of Congress to support the Unborn Victims of Violence Act (H.R. 503, S. 480), which would recognize unborn children as victims under 68 federal laws dealing with crimes of violence.

I was dismayed to learn that some members of Congress oppose this bill, and insist on adoption of a radically different bill (the Lofgren Amendment) that says that such crimes only have one victim—the pregnant woman.

They are wrong. On the night of August 26, 1999, there were two victims. I lived—but my daughter died. I lost a child and my son lost the baby sister he had always wanted—but little Heaven lost her life.

It seems to me that any congressman who votes for the "one-victim" amendment is really saying that nobody died that night.

And that is a lie.

A PROCLAMATION RECOGNIZING MONSIGNOR GENE W. MULLETT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. NEY. Mr. Speaker, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the Twenty-Fifth year of Monsignor Mullett's service in the Catholic Church.

Whereas, Monsignor's journey began on May 1, 1976 when he was ordained at St. John's Arena by Bishop John Mussi; and,

Whereas, Monsignor has tirelessly dedicated himself since that date in service to God and to his fellow man; and,

Whereas, such institutions of God's will as Saint John's Vianney Parish of Powhatan Point, Saint Anthony's Church of Steubenville, and Saint Michael's Parish of Bellaire, have all benefitted and prospered under his guidance;

Therefore, I invite my colleagues to join with me and the Citizens of Ohio in celebration and commemoration of Monsignor Gene W. Mullett's twenty five years of service to our community.

CLARIFICATION RELATING TO THE INTRODUCTION OF H.R. 1457

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GUTIERREZ. Mr. Speaker, the bill H.R. 1457 was reintroduced in error on April 4, 2001. The correct bill, H.R. 917 (the Federal Living Wage Responsibility Act), was already introduced on March 7, 2001.

IN HONOR OF THE AMERICAN LYME DISEASE FOUNDATION, INC. ON THE OCCASION OF THE ALDF ANNUAL GALA BENEFIT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mrs. MALONEY of New York. Mr. Speaker, I enthusiastically rise today to honor the American Lyme Disease Foundation, Inc. (ALDF). Established in 1990, ALDF is the nation's most vital public voice in the battle against Lyme disease. From its comprehensive educational campaign to generous support for cutting-edge research, ALDF champions the prevention and treatment of Lyme disease, saving thousands of people each year from the often painful and debilitating symptoms of tick-borne infections.

Lyme disease is the most prevalent vector-borne disease in the United States, with over 145,000 cases reported to the Centers for Disease Control and Prevention since 1982. The actual number of cases may be 3–5 times that reported and costs related to tick-borne infections may exceed two billion dollars a year. Over the last decade, ALDF has increased public awareness about Lyme disease tremendously. Furthermore, many of the scientific advancements made by ALDF supported research have significantly increased our understanding of Lyme disease and the best methods for preventing and treating the disease.

I salute the leadership of ALDF for their vigilant work to raise public awareness about Lyme disease and to increase the body of medical knowledge available for the prevention and treatment of the illness. In particular, I applaud the members of the ALDF Board of Directors, Chairman Anthony J. Walton, and Executive Director David L. Weld. I also want to recognize my friend and constant advisor on the issue of Lyme disease, Richard E. Gray, who is also a Member of the ALDF Board of Directors. ALDF's esteemed Council of National Scientific Advisors deserves recognition as well, for their innovative research on Lyme disease. This research remain critical to the health and well-being of thousands of communities in high-risk areas, especially in the Northeast region of the United States.

ALDF plays a key role in providing reliable and scientifically accurate information to the public and to health care providers regarding Lyme disease. Recently, the ALDF, in collaboration with the Dutchess County Department of Health and the Institute of Ecosystem Studies in Millbrook, NY, received a grant of $300,000 for the first of a three year grant period from the Centers for Disease Control and Prevention to institute a community-based integrated management plan to significantly reduce reported cases of Lyme disease and other tick-borne infections within a target community. I congratulate ALDF for creating this innovative project and trust that when implemented, it will become one among many of ALDF's successful public awareness campaigns.

Mr. Speaker, I am proud to pay tribute to the American Lyme Disease Foundation, Inc. in recognition of the Foundation's honorable mission and distinguished record of achievement.

IN HONOR OF ROBERT W. GILLESPIE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Robert W. Gillespie, a man known throughout his distinguished career not only for his business acumen and leadership in the financial services industry, but also for his active participation in the Greater Cleveland community.

Mr. Gillespie earned his bachelor of arts degree in economics from Ohio Wesleyan University. Continuing his studies, he is also a graduate of the Harvard Business School's Advanced Management Program and earned his master of business administration degree in 1968 from Case Western Reserve University. While completing his graduate degree, he began his association with Society Corporation on a part-time basis.

From the time of the merger of KeyCorp and Society Corporation in March 1994 until May 1997, Mr. Gillespie served as their president. He was elected chairman of KeyCorp in September 1996 and served as chief executive officer from September 1995 through February of this year as well.

Along with his successful career, Robert W. Gillespie is an active member of the Greater Cleveland community. He currently sits on the boards of trustees of the Cleveland Museum of Art, the United Way, Case Western Reserve University, Musical Arts Association, Cleveland Tomorrow, and the Greater Cleveland Growth Association. He is also a member of the Financial Services Roundtable, the American Bankers Council, and the American Bankers Association.

My fellow colleagues, join me in recognizing Robert W. Gillespie, a man whose enormous energy and dedication has touched the lives of thousands of people in the Greater Cleveland area in a most positive way.

TRIBUTE TO THE NORCO LIONS CLUB ON THEIR 50TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, I am honored today to pay tribute to the Norco Lions Club as they prepare for their 50th Anniversary Celebration to be held on Saturday, April 28th. In my congressional district of Riverside, California, we are fortunate to have numerous community service organizations that not only unselfishly give their time and talents to the community but find their own lives enriched in return. The Norco Lions Club epitomizes this and more.

Lions Clubs International, the world's largest service club association with over 1.6 million members, was founded in 1917 by Melvin Jones with a simple mission—"We Serve." Ever since, Lions Clubs across the world have been dedicated to helping those less fortunate in their communities and around the world. Lions Clubs International's goals pivot on their commitment to aiding the blind and visually impaired, followed by their dedication to serving young people—encouraging youth to serve their community without personal financial reward, with efficiency and high ethical standards in commerce, industry, professions, public works and private endeavors.

The Norco Lions Club, the largest in their district, encompasses the majority of both Riverside and San Bernardino Counties. Services to the community are eye-sight programs, including eye exams and eye-glasses for children in need, and blood drives. Additionally, Norco Lions Club has founded or helped to establish the Norco Boy Scout Troop 33, Mira Loma Swan Lake Lions Club, Norco Lioness Club, Swan Lake Lioness Club, Norco Leo Club and other local community organizations. Youth outreach offers a Student Speakers scholarship program, International Peace Poster Contest, 4–H Clubs, Boy Scouts, Future Farmers of America Scholarships, D.A.R.E. programs, sports programs and local high school programs.

Mr. Speaker, volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. By working so closely with the youth of today, Norco Lions Clubs, and the clubs around the world are assuring that "an active interest in the civic, culture, social and moral welfare" of our communities is passed on from generation to generation. I congratulate the Norco Lions Club on its 50th anniversary, commend its local community and international service, and wish them success for another 50 years to come.

IN SPECIAL RECOGNITION OF JENNIFER L. GALIPEAU ON HER APPOINTMENT TO ATTEND THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Jennifer L. Galipeau of Tiffin, Ohio, has been offered an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Jennifer's offer of appointment poises her to attend the United States Air Force Academy this fall within the incoming cadet class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertaking of their lives.

Jennifer brings an enormous amount of leadership, service and dedication to the incoming class of Air Force Academy cadets. While attending Calvert High School in Tiffin, Jennifer attained a grade point average of 3.96, which places her sixty in a class of 72. In her high school career, Jennifer has been recognized as a National Honor Society Member, a National Science and English Merit Award Winner, Citizenship award recipient, a three time Academic Varsity letter recipient and has been counted in the Who's Who Among American High School Students.

Outside the classroom, Jennifer has distinguished herself as an excellent student-athlete. On the fields of competition, she has earned letter in cross-country and softball. She has also been active as a member of SADD, the Calvert News Staff, the French Club, and has been an assistant coach for the Tiffin ponytail softball league. Highlighting her distinguished career is her service in the Civil Air Patrol where she was named Flight Commander and the 1999 Cadet of the Year. In addition, she is a 1999 graduate of the NASA Space Academy in Huntsville, Alabama.

Mr. Speaker, I am proud of rise today to pay special tribute to Jennifer L. Galipeau. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Jennifer will do very well during her career at the Air Force Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

COMMEMORATING MERCER COUNTY'S TRIBUTE TO MRS. NELL FRANKLIN ON MAY 10, 2001

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, Nellie Irene Roop Franklin was born on a farm Southeast of Fort Recovery, Ohio, a farm that has been in the family since 1896. Nell graduated from Fort Recovery High School in 1934 and is married to Darrell Franklin. They will soon be celebrating 60 years of marriage. Nell and her husband attend the Fort Recovery Methodist Church.

Nell began her career working for a beauty shop, where she continued to work until her retirement 40 years later. During this time she was elected to village council and then filled an unexpired term as Mayor. She was later reelected and spent 19 years as Mayor of Fort Recovery. Following her retirement from the beauty business, she remained involved in local politics by working for the Mercer County Board of Elections. She spent 17 years serving as both Director and Deputy Director. She has a total of 16 years spent as Treasurer of the Mercer County Republican Central Committee and 10 years as the President of the Mercer County Republican Women's Organization. Nell attended two Republican National Conventions as a delegate and alternate delegate from the 8th Congressional District. Nell has never missed voting in an election since she was 21.

Nell has received many awards for her community involvement including the Fort Recovery High School Distinguished Alumni Award given to her in 1997, the Service to Community Award presented to her by the Fort Recovery Masonic Lodge #539 in September of 2000, and the Mercer County Chamber of Commerce Achievement Award awarded to her in 1996. In addition, her name is listed in the Fort Recovery Hall of Fame.

In both a professional and personal capacity, Nell has gone above and beyond in providing service to her community. Her hard work and dedication should serve as an example and an inspiration for us all. Every American should aspire to this kind of enthusiastic commitment to their community. I am proud to know and represent Nell Franklin in Congress—a hard-working woman who spent her life dedicating herself to the ideals that will help insure our country remains a great place to live with hope and opportunity for all.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to remember one of the most historic days in Vietnam history and to honor the numerous agencies and churches that helped thousands of refugees adapt to a new life in the greater Cleveland Area.

Mr. Speaker, April 30, 1975, represents one of the most historic dates in the history of Vietnam. It was on this date, twenty-six years ago, the communist troops completed their conquest of Vietnam. Mr. Speaker today, twenty-six years later, I rise to honor the memory of the 500,000 South Vietnamese soldiers and the 58,135 American service personnel who made the ultimate sacrifice in the name of freedom and the defense of democracy in the conflict.

Mr. Speaker, today I also rise to join the Vietnamese Community of Cleveland to congratulate and thank the many agencies and churches in the Cleveland area for their outstanding efforts in providing much needed assistance to the Vietnamese refugees as they adapted to their lives in Cleveland. They represent the very best that Cleveland has to offer, and their assistance to the thousands of refugees has helped the Vietnamese Community grow.

I ask my fellow colleagues to join me in rising on this special day, to honor the memory of the hundreds of thousands of men and women who gave their life in the name of freedom and to thank, with the Vietnamese Community of Great Cleveland, the many agencies and churches that helped improve the lives of thousands of Vietnamese refugees.

TRIBUTE TO THE DICKEY DELOSS RECIPIENT, GOLD KEY AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, I am honored today to pay tribute to Dickey DeLoss as she is presented with the Gold Key Award from Soroptimist International of Riverside on April 24th. In my congressional district of Riverside, California, we are fortunate to have men and women that not only unselfishly give their time and talents to the community but find their own lives enriched in return. Dickey DeLoss epitomizes this and more.

Soroptimist International of the Americas, a volunteer service organization for women, was formed in 1921 with a simple mission—to "make a difference for women." Members represent a wide array of professions, including doctors, attorneys, teachers, chief executive officers, business owners and government officials. The group's name comes from two Latin words meaning "best for women."

Dickey DeLoss, as a Soroptimist, has unquestionably become a leader of women in her community. Her service began more than 20 years ago. Since then, Dickey has given tirelessly, engaging in awareness, advocacy and action through an incredible array of community life, including volunteering with: Alternatives to Doméstic Violence, Deaf Awareness Commission, Evergreen Cemetery, County of Riverside-Division on Student Programs, Law Enforcement Policy Commission, YWCA, Youth Accountability Board and Human Relations Commission for the City of Riverside.

As a realtor since 1967 and broker since 1969, Dickey has led the way for women in the Inland Empire and received countless awards and recognitions. In fact, she became only the second woman in the 20 year history of the Riverside Board of Realtors to be President in 1975 and was the first woman president of the Magnolia Center Chamber of Commerce. Dickey was honored as California "Woman of the Year" in 1995 and has received over 73 other awards.

Mr. Speaker, volunteers are critical to fostering a spirit of understanding, good citizenship and good government in the United States and worldwide. The women of Soroptimist International of Riverside exemplify this by offering young women role models, thereby assuring that an active interest in the civic, culture, social and moral welfare of our communities is passed on from generation to generation. I congratulate Dickey DeLoss on her award and commend her for her work within the community.

IN SPECIAL RECOGNITION OF EMILY A. GROSS ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Emily A. Gross of Norwalk, Ohio, has accepted an appointment to attend the United States Air Force Academy, Colorado Springs, Colorado.

Mr. Speaker, Emily's offer of appointment poises her to attend the United States Air Force Academy this fall with the incoming cadet class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Emily brings an enormous amount of leadership, service and dedication to the incoming class of Air Force Academy cadets. While attending St. Paul High School, Emily attained a grade point average of 3.93, which places her tenth in a class of 68. In her high school career, Emily has been recognized as a National Honor Society Member, a Wendy's National Heisman Award Nominee, and has been counted in the Who's Who Among American High School Students.

Outside the classroom, Emily has distinguished herself as an excellent student-athlete. On the fields of competition, she has earned numerous letters and awards in volleyball and basketball. She has also been an active member of the Key Club, marching band and concert band.

Mr. Speaker, I am proud to rise today to pay special tribute to Emily A. Gross. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Emily will do very well during her career at the Air Force Academy and I ask my colleagues to join me in wishing her well as she begins her service to the nation.

EXTENSION OF REMARKS/STATEMENT BY CONGRESSMAN BOEHNER TO COMMEMORATING NATIONAL ALCOHOL AWARENESS MONTH

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, I rise today during National Alcohol Awareness Month to recognize the Century Council and the distilled spirits industry for their latest efforts to fight drunk driving.

On April 10, 2001, in a landmark announcement, the Century Council joined by Mothers Against Drunk Driving (MADD) announced that they will work together to help states implement comprehensive legislation to combat the devastating problem of drunk driving.

America's leading distillers have had a longstanding commitment to fighting drunk driving and maintain that it is the responsibilities of the states to enact an appropriate blood alcohol concentration level.

Launched in May of 1991, the Century Council is funded by America's leading distillers to promote responsible decision-making regarding alcohol consumption and to fight alcohol abuse, focusing on drunk driving and underage drinking problems.

I am pleased to join President Bush and Secretary Mineta in commending the Century Council, the distilled spirits industry, and Mothers Against Drunk Driving for their lifesaving efforts.

IN HONOR OF BR. JAMES SPOONER, CSC PRESIDENT OF ST. EDWARD SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Br. James Spooner, CSC, President of St. Edward High School.

Born on January 4, 1946, Br. James Spooner grew up in Westpark where he attended Our Lady of Angels School. He eventually went to St. Edward High School in Lakewood where he graduated in 1964 and later attended Eastern Michigan University graduating with a B.A. and M.A. in Science.

Br. Spooner entered the congregation of Holy Cross in 1964 where he served his Postulancy at Sacred Heart Academy in Watertown, Wisconsin. He then served his Novitiate at St. Joseph Novitiate in Rolling Prairie, Indiana from 1964–1965 and his Scholasticate at Dujarie Hall in Notre Dame, Indiana from 1965–1967.

Br. Spooner has traversed throughout the Midwest Provence serving as teacher and role model for high school students. He was a dedicated teacher and dorm counselor in Boysville School in Clinton, Michigan. He also spent time in Kentucky and Ohio offering his service at different high schools. From 1986–1988 he served as Associate Principal of Archbishop Hoban High School in Akron and then in 1988 became President and Principal of St. Edward High School in Cleveland.

Under his leadership as President of St. Edward High School, Br. James Spooner has led the school to many great achievements. In 1996, St. Ed's was honored as a Nationally Recognized School of Excellence by the United States Department of Education. He spearheaded the St. Edward Technology Plan, a $1 million program to incorporate technology in the classroom. He also raised the school's endowment from $300,000 to over $5 million for student financial aid and faculty development. He has worked tirelessly with the staff and faculty to create and foster the Community Service and Community Meal programs which allows St. Edwards staff and students help and serve others. He has also worked for the school accreditation as a College Precatory School.

Most recently, he worked to launch the Generations of Eagles campaign, an ongoing capital campaign that will change the landscape of St. Edward High School from a Student Activity Center to be opened this fall, to the Jack Kahl Student Life and Leadership Center to break ground this summer, and the complete renovations of the Chapel starting next year.

Mr. Speaker, please join me in honoring Br. James Spooner's hard work, dedication and his commitment to the St. Edward High School community.

TRIBUTE TO THE AUXILIARY OF RIVERSIDE COMMUNITY HOSPITAL ON THEIR 75th ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community volunteers who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to enrich and brighten the lives of so many at Riverside Community Hospital. It is my distinct pleasure to honor and commend the Auxiliary of Riverside Community Hospital today as they celebrate their 75th Anniversary on April 28th.

Volunteers of the Auxiliary of Riverside Community Hospital have donated millions of hours of service to the hospital and the community over the last 75 years. Fund-raising before 1997 helped to significantly improve services at the hospital. And since then, the Auxiliary has raised $50,000 for defibrillators for the Riverside City Fire Department, $75,000 for a mobile health vehicle to deliver free health services throughout the riverside area, and most recently $50,000 for dental equipment and $25,000 for health educational materials for the Eastside Health Center. The Auxiliary volunteers also raise funds for educational scholarships and seminars.

Volunteers of the Auxiliary give over 60,000 volunteer service hours a year to the riverside Community Hospital in addition to all of their community work. Services that Auxiliary volunteers perform to augment the quality of health care at the hospital include: Discharging patients, clerical work, visiting patients, information desk, messenger service, maternity tea, lobby host and much more.

As we approach National Volunteer Week, from April 21 to April 28, it is fitting that we thank the Auxiliary volunteers for their dedication and service to better the lives committed to Riverside Community Hospital's care and the enriched atmosphere that their presence creates. 2001's designation as International Year of Volunteers also reminds us that the men, women and youth across our nation who volunteer deserve recognition and thanks for giving back to their local community, state and nation.

Mr. Speaker, I congratulate the Auxiliary of Riverside Community Hospital on its 75th anniversary and commend its local community and city service.

IN SPECIAL RECOGNITION OF ARTHUR I. CERALDI ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Arthur I. Ceraldi of Oak Harbor, Ohio, has been offered an appointment to attend the United States Naval Academy, Annapolis, Maryland.

Mr. Speaker, Arthur's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipman class of 2005. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and regarding undertakings of their lives.

Arthur brings an enormous amount of leadership, service and dedication to the incoming class of Naval Academy Midshipmen. While attending Oak Harbor High School, Arthur has attained a grade point average of 3.75, which places him 21 in a class of 175. Arthur is a member of the National Honor Society, and received a superior rating at the Ohio State Science Fair during his sophomore year.

Outside the classroom, Arthur has distinguished himself as an excellent student-athlete. On the fields of competition, Arthur has earned varsity letters in football, track and swimming where he is the team captain. Arthur has also been active in the Boy Scouts, the French Club, the Science Club, the Varsity Club, and Buckeye Boys State.

Mr. Speaker, I am proud to rise today to pay special tribute to Arthur Ceraldi. Our service academies offer the finest education and military training available anywhere in the world. I am confident that Arthur will do very well during his career at the Naval Academy and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

COMMEMORATING RETIREMENT OF J. RICHARD HARRIS FROM THE OFFICE OF DEVELOPMENT AT LEHMAN CATHOLIC HIGH SCHOOL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHNER. Mr. Speaker, at 78 years of age, Mr. J. Richard Harris remains an active member of the Piqua community. Dick is a Troy native and graduate of Troy High School. He served his country during World War II in the US Navy and saw active duty aboard the U.S.S. *Bunker Hill* and the U.S.S. *Wasp*. Upon his return to Ohio, he served on the Highway Patrol Auxiliary and worked for Waco Airplane Company in Troy before becoming advertising director and later publisher of the Piqua Daily Call. He also worked for the Piqua Battery Company for a number of years before opening a Development Office at the Lehman Catholic High School in the late 1980's.

During his 12-year tenure at Lehman, he helped raise over $5.5 million in the Twenty-First Century capital campaign to benefit the school. He remains active with the Piqua Area Chamber of Commerce and founded the Piqua Ambassadors, a group dedicated to promoting the city of Piqua and its communities. He has served as a United Fund chairman and has continued his work with Border City Savings & Loan, the YWCA and the YMCA.

In both a professional and personal capacity, Mr. Harris has gone above and beyond in providing service to his community. His hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Dick Harris in Congress. A hard-working man who has spent his life striving to live up to the ideals that will help insure our country remains a great place to live with hope and opportunity for all.

IN HONOR OF CLAIRE A. VAN UMMERSEN, PH.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the tireless efforts of Dr. Van Ummersen. Dr. Claire A. Van Ummersen has gone above and beyond her duty in furthering the mission of Cleveland State University as one of the great urban universities in the nation.

Dr. Claire Van Ummersen became president of Cleveland State University in April of 1993. Since that time, she has granted diplomas to over 20,000 graduates. Under her leadership, Cleveland University executed an extensive building construction program and implemented several resourceful degree programs. The University's endowment grew fourfold during her tenure. Recently, the North Central Association of Colleges and Schools Commission on Institutions of Higher Education suggested that Cleveland State University be honored continuing accreditation without qualification for the next ten years.

Prior to her appointment at Cleveland State University, Dr. Van Ummersen facilitated as chancellor of the University System of New Hampshire. She also served as a vice chancellor of the Massachusetts Board of Regents of Higher Education.

Dr. Van Ummersen has been continuously active on numerous boards and commissions. She earned her B.S. summa cum laude from Tufts University. Furthering her education, she earned an M.S. and a Ph.D. from the same university. Achieving high honors in her field of study, Dr. Claire Van Ummersen has been awarded two honorary Doctor of Science degrees, and she is a member of both Phi Beta Kappa and Sigma Xi honorary societies.

In November, Dr. Van Ummersen announced she accepted an opportunity to work for the American Council of Higher Education as Vice President and Director of the Office of Women in Higher Education.

In honor of Dr. Claire A. Van Ummersen's hard work and dedication, I ask my colleagues to join me today to recognize her efforts as a community leader and role model.

SUPPORT THE EARTHQUAKE LOSS REDUCTION ACT OF 2001

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LEWIS of California. Mr. Speaker, when a major earthquake hits our communities in California, one of the first things firefighters and police must do is make sure local hospitals are ready to handle injuries. Falling walls, buckling roads, flaming gas-main breaks—the aftermath of an earthquake can quickly turn an entire hospital into an emergency room.

Imagine, then, what a disaster it would be if one of the buildings destroyed in an earthquake is the only hospital for 100 miles around. This is the prospect faced by many residents in remote rural areas in California, like the Mojave Desert in my district. It is a chilling thought, and it is something that we must not allow to happen.

The California Legislature has mandated that it will not happen. By 2008, all hospitals in the state must be retrofitted or rebuilt to ensure they will remain standing in a major quake. This is an admirable goal and an absolute necessity. But it is also so expensive that small rural hospitals and major urban medical centers are worried they cannot afford the upgrade.

To help avoid this, my colleague MIKE THOMPSON and I have introduced the Earthquake Loss Reduction Act of 2001. It would begin the process of investing in mitigation rather than paying tens of billions of dollars in disaster relief for every natural disaster that occurs in this country.

In support of this measure, I would urge my colleagues to consider the following information provided to me by the California Healthcare Association:

HISTORY OF HOSPITAL SEISMIC MANDATE

The state of California in 1994 enacted sweeping legislation mandating stringent new hospital building seismic standards (SB 1953, Chapter 740, Statutes of 1994).

The legislation was approved in the wake of the January 1994 Northridge earthquake, which caused 23 hospitals to suspend some or all of their services and resulted in more than $3 billion in hospital-related damages.

No patient who was hospitalized during the Northridge earthquake died as a result of the tremor. No patient in any California hospital has died as a result of a building's structural failure due to an earthquake since 1971.

The seismic mandate requires all hospital buildings in the state to comply with more stringent seismic-safety mandates by specified deadlines—(1) by 2002, major non-structural systems such as backup generators, exit lighting, etc. must be braced; (2) by 2008, all general acute-care inpatient buildings at risk of collapsing during a strong earthquake must be rebuilt, retrofitted or closed; and (3) by 2030, all hospital buildings in the state must be constructed to remain operational following a major earthquake or close.

The specific regulations for this statute were not finalized until 1997, and the cost of the mandate was not fully understood until engineers thoroughly evaluated all of the state's hospital buildings as required by Jan. 1, 2001.

Thorough hospital building evaluation reports were submitted by hospitals throughout the state by Jan. 1, 2001. These reports were made public by the Office of Statewide Health Planning and Development (OSHPD) on March 28, 2001.

Based on the evaluation reports, 78 percent of the hospitals in California have at least one building that is at risk of collapse during a major earthquake.

IMPACT OF LEGISLATION

There are approximately 2,700 general acute-care inpatient hospital buildings (at approximately 470 hospitals) that are required to meet the mandates of the seismic law.

The seismic mandates enacted by the Legislature in 1994 did not provide any financial assistance to hospitals to help defray the costs of these upgrades. The state's seismic law is an "unfunded mandate" on hospitals.

The current "hard construction" cost estimate to comply with the requirements of the state's seismic law is $24 billion. This cost is equivalent to the total undepreciated assets of all of California's hospitals. Additionally, hospitals will face significant additional costs including the cost of financing, land acquisition, reconfiguring parking and revenues lost during seismic retrofitting or construction.

California hospitals face mounting financial pressures. More than 60 percent of California's hospital—2 out of every 3—are currently losing money from operations. Nearly a third of the state's urban hospitals and more than 50 percent of rural and inner-city hospitals are losing money from all sources of income.

Many hospitals—especially rural and inner-city facilities—may not be able to raise the necessary capital to comply with the state's seismic law. Those that can't will be forced to close their doors or significantly reduce their services.

According to a December 2000 Standard & Poor's report, California's hospitals face ". . . deteriorating credit quality and more limited access to capital" than hospitals in other parts of the country. "Given the volatility of the health care sector, access to capital through bond financing has been greatly reduced for all but the strongest credits. Bond insurers have retreated from the sector, limiting exposure to higher-rated credits and charging significantly higher fees."

The seismic mandates do not account for the additional operating burdens faced by hospitals, including rising costs for pharmaceuticals and new technologies, and reduced reimbursement from government and insurance programs.

Construction and retrofitting activities to meet the law's current deadlines are likely to diminish services to patients—including the uninsured—exacerbate personnel shortages, and result in dislocation of medical staff and employees.

Because of the lengthy five- to six-year approval and construction processes required for hospital building projects, the issues surrounding compliance with the seismic law must be addressed this year.

HONORING THE PARTICIPANTS OF THE 16TH CONGRESSIONAL DISTRICT ARTS COMPETITION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DINGELL. Mr. Speaker, I rise this morning to honor the students, teachers and volunteers who participated in 16th Congressional District Arts Competition this past Saturday in Southgate, Michigan. All totaled, 73 students from twelve area high schools participated in this year's competition and I want to say thank you to everyone involved in putting this extraordinary event together.

It gives me great pleasure to announce the winners this morning. I offer my congratulations to Jennifer Senko of Lincoln Park High School, who took top honors with her self-portrait entry; Rebecca Gruden of Dundee High School in Monroe County, who won the second place prize for "Alice's Cup of Tea"; Amber George, also of Lincoln Park High, who placed third for "The Old House"; and finally Brian D. Goodwin of Grosse Ile High School, who received the fourth place award for his work "Belle Isle."

Finally, I would like to acknowledge the contributions of a wonderful woman and educator from Lincoln Park High School, Mrs. Valerie Truax. Valerie has been involved with the Congressional Arts Competition for many years. Unfortunately, this will be her last year, because after 34 years of instructing the students of Lincoln Park in the visual arts, Valerie is retiring. It is a beautiful tribute and a reflection of her dedication and enthusiasm that two of her students won honors at the competition, with Jennifer taking the top prize. Congratulations Valerie, thank you for your fine service to your community and to the arts. We will miss you.

Jennifer Senko, the first place winner received a $100 U.S. Savings Bond and will be flown to Washington, D.C. to participate in an awards ceremony with other first-place winners from around the country. Her winning self-portrait will be shown at the Capitol Exhibit with the artwork of other first-place winners in the Cannon Tunnel—an underground, pedestrian walkway between the U.S. House of Representatives and the Capitol—through May 2002.

The artwork of Rebecca Gruden, Amber George and Brian D. Goodwin will be proudly displayed in my Washington office through May 2002, where visitors from all over the world will have the opportunity to appreciate the talents of these fine young artists from Michigan's 16th Congressional District. I am looking forward to the arrival of these fine works of art.

INTRODUCTION OF ADAMS MEMORIAL LEGISLATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. ROEMER. Mr. Speaker, I rise today to announce the introduction of my legislation to authorize the placement of a memorial in Washington, D.C. to honor John Adams and his wife, Abigail; John Quincy Adams and his wife, Louisa; and their legacy of public service.

History's characterization of the remarkable Adams family has been woefully inadequate. The patriarch, John Adams, is often portrayed as short and overbearing, better known for his temper than his leadership and intellect.

Thanks largely to David McCullough's forthcoming biography of Adams, such misconceptions will soon be corrected. Adams, of course, was the most passionate advocate for our break with Britain. He nominated Jefferson to write the Declaration of Independence and passionately and persuasively defended the final product. It was Adams's foresight to nominate George Washington as commander of the Continental Army, and he negotiated the Treaty of Paris to end the Revolutionary War.

As President, Adams was nonpartisan and ideological, never sacrificing his beliefs for political gain. He skillfully (and wisely) avoided war with France despite the overwhelming warmongering from his own Federalist Party. Such independence preserved his integrity, but cost him a second term.

One of the few people truly comparable to John Adams both in passion and intellect was his wife, Abigail. Those who knew them personally called their union perfect. Abigail's letters to her husband reveal not only her wit and intelligence, but also a profound belief in the equality of women that was more than 100 years before its time.

Their son, John Quincy Adams, was perhaps the most remarkable public servant in our country's history. Following in the footsteps of his father, Adams spent much of his public service career in Europe as foreign minister to Russia, the Netherlands, Portugal, Prussia, and Great Britain. As foreign minister to Russia during the Madison Administration, he negotiated the Treaty of Ghent, which ended the War of 1812. As Secretary of State under President Monroe, John Quincy Adams was a primary author of the critical Monroe Doctrine, which warned European nations against involvement in American affairs. He also negotiated the transfer of Florida from Spain to the U.S. and successfully extended the border of the Louisiana Purchase all the way to the Pacific Ocean.

Like his father, John Quincy Adams was an idealistic President. Despite the objections of many in his own party, he sponsored a program of government investment in science, education and infrastructure. He urged the government to establish an observatory, and fund a national university. His many critics called his initiatives unconstitutional. Like his father, John Quincy Adam's refusal to succumb to political pressure cost him a second term.

Following his Presidency, John Quincy Adams returned to public life as a U.S. Representative from Quincy, Massachusetts. He served nine terms in Congress and spent the majority of his time and energy vociferously opposing slavery. He suffered a stroke on the House floor in 1848 and died in a chamber of the Capitol two days later.

John Quincy Adams's son, Charles Francis, served in both the Massachusetts and U.S. House of Representatives, in his father's old seat. Similar to his father and grandfather, Charles Francis Adams was a strong abolitionist who left the Whig Party to run on the 1848 Free Soil ticket as the vice-presidential candidate. He is best known for his role during the Civil War as foreign minister to England, his logic, reserve and directness preventing the British from substantively embracing the Confederacy.

Charles Francis Adams's son, Henry Adams, was a "liberal Republican" journalist who detested the partisanship that infested Washington during Reconstruction. Through his writing, he exposed massive political corruption and numerous scandals. Henry Adams is best known for his brilliant autobiography, The Education of Henry Adams (published in 1918), which won the Pulitzer Prize.

Mr. Speaker, I am pleased to introduce this legislation which, pursuant to the 1986 Commemorative Works Act, authorizes the placement of a commemorative work, to one of our country's truly remarkable and indispensable families. I want to thank my friend and colleague, BILL DELAHUNT, for joining me in this important effort.

IN HONOR OF DANNY PLYMESSER AND DOLORES TLACIL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Danny Plymesser and Dolores Tlacil. My fellow colleagues, please join me in honoring these representatives of the Veterans of Foreign Wars and Ladies Auxiliary.

Danny Plymesser is a Cleveland native. After graduating from Fairview High School, he joined the Navy. There, he was quickly sent to Panama, and from there, Vietnam.

After his service, he joined the Veterans of Foreign Wars Post 2533. A very active member, Danny participated in many programs and advanced through the post positions. In 1996, he became Post Commander. For four consecutive years, his peers selected him for Post Commander. Danny was recognized every year as All-State Post Commander. He continues to provide extensive service to the Post on various committees and chairmanships, and even as a cook during their dinners.

Additionally, Danny is active with the Cuyahoga Council County, and is now serving as commander. He is also active at the state and national levels. He is to be commended for his broad service.

I also wish to honor Dolores Tlacil. During World War II, she married and began raising her family of seven children. She joined the Ladies Auxiliary to the Veterans of Foreign War in 1985. Dorothy served on many committees and became President in 1986. She proudly carried the American Flag in many local parades to honor our veterans.

Last year, Dolores was elected to President of the Cuyahoga County Council. She is also involved in the American Legion Post 496. Dolores has served as model of active citizenship and public service to assisting our local veterans.

I ask my colleagues to rise in honor of Danny Plymesser and Dolores Tlacil. They have served as true models of the committed men and women who serve in the VFW and Ladies Auxiliaries.

AMTRAK TURNS THIRTY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. OBERSTAR. Mr. Speaker, thirty years ago today, the National Railroad Passenger Corporation (Amtrak) took over from the Nation's freight railroads the responsibility for providing intercity passenger train services in the United States. Passenger train services had fallen on hard times. The railroads had a common carrier obligation to provide passenger train service, but virtually all of them were losing money and wanted to rid themselves of what they saw as an unnecessary burden. Prior to the creation of Amtrak, it was the policy of many of the railroads to simply allow the service to deteriorate to the point where ridership was so sparse that the Interstate Commerce Commission would grant the carriers permission to discontinue the operation. Some of the railroads went beyond benign neglect and actively downgraded the service to discourage people from riding the trains.

The railroads were private, for-profit firms that saw passenger operations as little more than a drain on their income from carrying freight. After 1920, except for the World War II years, intercity rail passenger travel declined, as people shifted to air and auto to meet their intercity transportation needs. Passenger train travel declined not only relative to other modes, but absolutely as well. From being the dominant mode of intercity transportation in 1920, rail passenger service declined to relative insignificance by 1970. Less than one-half of one percent of intercity passenger transportation was made by rail. Many thought that the day of the passenger train was over, and that outside of a handful of operations in a few densely populated corridors, passenger trains were destined to join the stagecoach and the flatboat as relics of America's transportation history.

Fortunately, for America's traveling public, this was not to be the case. Congress passed the Rail Passenger Service Act of 1970 and created the National Railroad Passenger Corporation—popularly known as Amtrak. On May 1, 1971, most of the railroads still operating passenger trains turned over their equipment to Amtrak and the new company took over the responsibility for providing intercity passenger train service. From the outset, it was clear that the task of revitalizing the service would be daunting. Amtrak had to overcome years of railroad neglect and indifference.

The first thing that Amtrak had to do was to arrest the long-term decline in intercity rail passenger ridership. Despite being woefully undercapitalized and inheriting a fleet of passenger cars and locomotives that averaged more than 20 years old, Amtrak stemmed the tide of traffic to the other modes and began the long and arduous task of rebuilding passenger train service in America.

Over the years, Amtrak has managed to replace and upgrade the car and locomotive fleets, rehabilitate many once dilapidated train stations, and introduce a variety of new services in an effort to keep people riding the rails. Congress has continued to provide both operating, and capital support for Amtrak, although the level of support has varied. Amtrak has never received the kind public investment that the Nation's highways and aviation system's have received. In fact, the Corporation often has been starved for capital. Almost from the outset, Amtrak's opponents have pressured Amtrak to reduce its deficits, while at the same time they tried to cut its budget. From Roger Lewis to George Warrington, a succession of Amtrak's CEOs have pleaded for adequate funding. Rarely have those pleas been answered.

Nevertheless, many in the Congress have demanded that subsidies to Amtrak be eliminated, and the Corporation is now scheduled to achieve operating self sufficiency by the end of 2002. Amtrak has made great progress toward reaching that goal.

Back in 1971, many believed that Amtrak would be little more than a holding action until passenger trains disappeared forever. Instead, despite the obstacles, Amtrak has survived—survived the inadequate equipment and facilities with which it started life; survived the budget cutters, and survived the competition from low cost airlines. And now, in 2001, we see the wisdom of keeping in place intercity rail passenger service in the United States.

Today, our airports and highways are facing gridlock. Delays are rampant and there are real limits to simply pouring more concrete and asphalt for new highways and runways to solve our Nation's congestion problems. Intercity rail passenger service can now be a major part of the solution to our transportation congestion problems. Most recently, Amtrak has inaugurated its Acela train service in the Northeast Corridor, and for the first time Americans can experience high-speed rail travel similar to what the French, Germans, and Japanese have enjoyed for decades.

When the Acela trains are fully operational, Amtrak plans to capture 50 percent of the air-rail travel market in the Northeast Corridor, replicating its experience in the southern end of the Corridor between New York and Washington D.C. with its Metroliner service. Already, Amtrak is carrying a record number of passengers—22.5 million in 2000—and, as additional Acela trains come on line, Amtrak's ridership will increase further. Amtrak should be proud of what it has achieved.

In the near future, the gentleman from New York (Mr. HOUGHTON) and I will be introducing a bill that will help develop high-speed rail passenger service throughout the United States. The Secretary of Transportation has designated about a dozen high-speed rail corridors around the Nation that will be eligble for this funding. Amtrak currently serves these corridors, and in most cases its operations will provide the basis for building the high-speed operations.

By preserving our Nation's rail passenger service network through difficult times, Amtrak has set the stage for developing a national network of high-speed trains that can play a major role in relieving air and highway traffic congestion. Not only then is Amtrak a vital link to our Nation's transportation history, it is indispensable to our transportation future.

ON PRESIDENT BUSH'S EDUCATION PROPOSAL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LAFALCE. Mr. Speaker, I want to share with my colleagues an outstanding article written by Linda Banas, an English teacher, a constituent, and a resident of Tonawanda, New York, regarding President Bush's education proposal. This article, which appeared in the April 24, 2001 edition of the Buffalo News, is response to the President's recent statements on National Public Radio that our children are trapped in schools that do not teach and will not change. Linda Banas's column appropriately points out that these accusations are groundless. She emphasizes that teachers across Western New York and throughout the nation are making extra efforts to ensure their students succeed both in and outside the classroom. Her thoughtful ideas and observations serve as a starting point from which to begin a national conversation on education, and I urge all of my colleagues to take the time to read the following article.

MY VIEW: BUSH'S INANE ACCUSATIONS WON'T IMPROVE OUR SCHOOLS

I am a teacher. I teach in a nice suburban high school. We have access to the Internet in every classroom. Most of the students go on to post-secondary education. The halls are calm and the students are polite and thoughtful.

Our district is not without problems, but we can handle them because the community has resources. I am truly thankful for the opportunity I have to focus on what I was trained to do—teach English. As I drive to work, I listen to National Public Radio. Recently, President Bush was talking about education. He said, ". . . children are trapped in schools that will not teach and will not change."

I tried to imagine the teachers and administrators the president says will not teach. I suppose Bush pictures them sifting around tables having morning coffee and planning their day. A kindergarten teacher would snicker as she says, "I know the whole alphabet, but I am not going to tell even one letter to those kids in my room." A second grade teacher would agree, "I know how to do long division, but I'm not going to teach them how to even do the first step."

Bush wants to be the education president. Does he really think some educators go to school to not teach? I know of a high school where the one set of books is chained to the desks so the kids cannot take them home to study. Why doesn't the president know this?

I know a school librarian who spends part of her paycheck on coats and shoes for children who don't have any, teaches gang members to write poetry, runs baby showers for young mothers who have nothing, and buys food every week for kids who are hungry after school. Why doesn't the president know this?

I know a teacher of eighth-grade English who has no novels and is allowed one ream of paper a month for her 160 students. I know about the hundreds of dollars she spends in the copy stores each year. I know a guidance counselor who takes children into her home to help them escape abuse and hunger. Why doesn't Bush know this?

If I were the education president, I would look at these teachers and the thousands like them who "will not teach." I would look at the neighborhoods around the schools. I would see great poverty and need amidst the plenty and prosperity. If I were the education president, I would wonder why all children do not have clean, warm, well equipped schools.

If I were the education president, I would ask Congress to provide each child with a school as nice as the ones my daughters attended. That would be a start. Then I would ask how we could improve the neighborhoods where these children live.

If I were the education president, I would wonder what I could do to help poor parents get training or better jobs. If I were the education president, I would see that every neighborhood had access to a clinic and that all children had enough to eat. After I did all these things, then I would be certain to hold schools accountable for the children in their charge.

A real education president will use his power to make positive change in the lives of our children. A real education president will not settle for accusations and trite sayings. If I could spend an hour with this education president, I would beg him to spend some time with teachers in the schools he says "will not teach." Then I would ask him to rise above partisanship and make a real difference.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill.

Let me make something perfectly clear from the outset: The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. Those who injure or kill a pregnant woman and her fetus should be severely punished, and families should have the legal tools to have their loss recognized. We will offer a substitute that does that, and I believe that the Lofgren substitute demonstrates very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attack on a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I—for the first time in federal law. Instead of addressing the real issues at hand—the horrible pain for a woman who loses a pregnancy to a cowardly, violent act—this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a Human Life Amendment. In fact, the National Right to Life Committee admits that it participated in the drafting of the bill, and according to the NRTL website, "[t]he bill challenges that [pro-choice] ideology by recognizing the unborn child as a human victim, distinct from the mother."

If anti-choice members of this House want to recognize the fetus as a person—do that. Put your money where your mouth is. Bring a Human Life Amendment to the floor and let us vote on it. But don't tell pregnant women in this country that you're trying to protect them with this bill when there are existing state and federal laws to do that and when we are willing to join you in addressing the tragic cases when pregnant women are attacked. The American people are smarter than you're giving them credit for. They know that you're proposing a political statement today, not a real solution.

If you really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you're serious about protecting women in this country from violence, let's fully fund the Violence Against Women Act today.

VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. And one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman's right to choose.

I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die every hour. And it is tragic that 1 of every 3 women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers.

Please vote no on H.R. 503.

IN HONOR OF DORIS MERRILL MAGOWAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a prominent and beloved San Franciscan, Doris Merrill Magowan. Mrs. Magowan recently passed away, and she will be missed not only in San Francisco, a City she called home, but across the country.

San Francisco had to share Mrs. Magowan with several other cities, and each benefited from its association with her. Mrs. Magowan divided her time among California, New York, and Florida and was an active member of her community in every location. In San Francisco, she served on the Board of Directors of the Fine Arts Museum, the Strybing Arboretum, Children's Hospital, and Grace Cathedral Episcopal Church. A lover of art, gardens, and antiques, she founded the San Francisco Antique Show in 1979. The event has become one of the premier events in the field.

In New York City, she served on the Board of the Greenwich House, the Lenox Hill Neighborhood Association, and the New York Infirmary. In South Hampton, New York, she worked with the Fresh Air Home, St. Andrews Dune Church, and South Hampton Hospital. In Palm Beach, Florida, she served with the society of the Four Arts and Bethesda-by-the-Sea.

Nationally and internationally, she was involved with the National Tropical Botanical Garden, the World Wildlife Fund, the Smithsonian Institution, and the Most Venerable Order of the Hospital of St. John of Jerusalem.

Family was of great importance to Doris Magowan, and her family members were as impressive as she was. Her father, Charles Edward Merrill, founded the financial services company Merrill Lynch. Her brother, James Ingram Merrill, was a Pulitzer Prize winning poet. Her brother, Charles Edward Merrill, served as the President of Morehouse College in Atlanta. Her husband, Robert Anderson Magowan, was Chairman of the Board and Chief Executive Officer of the Safeway grocery store company.

She also leaves five successful sons, Robin, Merrill, Peter, Stephen, and Mark. It has been my privilege to know this exceptional family, including Peter in his capacity as President and Managing General Partner of the San Francisco Giants.

Doris Magowan was an inspiration and a friend to many. Her commitment to her community and her family earned her the respect and admiration of all who knew her. My thoughts and prayers are with her sons, her grandchildren, and her great grandchildren at this sad time.

INTRODUCTION OF INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RAHALL. Mr. Speaker, today I join 43 Members in introducing legislation to reauthorize and amend the Indian Health Care Improvement Act (IHCIA)—the keystone federal law that directs the delivery of health services to American Indian and Alaska Native people.

The Indian health care network—comprised of reservation- and traditional homeland-based hospitals, clinics, school health centers and health stations in very remote areas, and urban Indian health programs in major cities—is the primary source of medical care for over 1.3 million American Indians and Alaska Natives. The Indian Health Service administers this comprehensive health care network largely in partnership with Indian tribes themselves who have assumed an increasingly greater role in operating health programs so vital to the well-being of their members.

The IHCIA was first enacted in 1976 to present a more organized and comprehensive approach to the delivery of medical care to Indian people, most of whom live in isolated, sparsely-populated and under-served areas of our country. Subsequent reauthorization, has amended the Act to reflect advancements in health care delivery, respond to the desire of tribes for greater responsibility of programs, and target the high incidence of certain diseases that have plagued this segment of the American population.

The bill we introduce today is based largely upon recommendations made by the Indian health community—including tribal leaders, tribal health directors, health care experts, Native patients themselves, and the Indian Health Service. Its primary objective is to improve access to quality medical care for this population.

In this bill we maintain the basic framework of the IHCIA, including its provisions that target diseases for which Indian Country shows an astonishingly high rate—such as diabetes, tuberculosis, infant mortality, and substance abuse. We have included a greater role for Indian tribes in setting local priorities for health care delivery and provide for innovative options for funding of Indian health facilities. This legislation authorizes a nationally certified Community Health Aide program to supply medical care in under-served, remote areas and strengthens health programs that serve Indian people in urban areas. In addition, this bill will provide for the consolidation of substance abuse, mental health and social service programs into a holistic system for behavioral health services.

We have certainly made improvements in the health status of Indian and Alaska Native people since IHCIA was first authorized including; infant mortality which has decreased by nearly 55 percent. Native people, however, still suffer death rates from some diseases at rates many times higher than the national population such as; diabetes at 249 percent higher, tuberculosis at 533 percent higher, and substance abuse at 627 percent higher.

I will push for immediate action on this important legislation in the Resources Committee where I serve as the Ranking Democratic Member and look forward to working with my colleagues and Indian Country as we proceed.

INTRODUCTION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. BOEHLERT. Mr. Speaker, I'm pleased to introduce the Department of Environmental Protection Act, important legislation that redesignates the Environmental Protection Agency as an executive department in the executive branch.

Like many of my colleagues, I believe the time has come to elevate EPA to cabinet-level status. This is not a new idea, but it continues to be a good idea. Rep. Jim Florio and I introduced legislation in the 101st Congress (1988) to elevate the agency. I introduced a similar bill again in the 103rd Congress. Several of my colleagues also introduced EPA elevation bills and, in 1993, there was significant debate surrounding Senate-passed and House Committee-passed bills. The problem wasn't so much the concept behind the bill, but the "baggage" attached to the bill. It became a magnet for controversial provisions and pet projects.

And so, today I'm introducing a baggage-free EPA elevation bill. I believe the bill steers clear of controversial issues that could sidetrack the broader effort. It also combines features from previous legislative efforts, particularly those of the former Chairman and Ranking Member of the Government Operations Committee, Representative JOHN CONYERS and former Representative Bill Clinger.

The Department of Environmental Protection Act should help start the discussion in the 107th Congress. There is at least one bill introduced in the Senate. The subject also came up during Administrator Whitman's confirmation hearings. But there needs to be much more discussion and, most importantly, action.

It may be an "old" idea but it's still a good idea. EPA's mission is too critical for the agency not to be an official part of the cabinet. The idea was good under a Republican President in the late 1980's, a Democratic President in the 1990's, and now a Republican President at the start of the 21st Century.

I urge my colleagues to join me in support of the effort.

TRIBUTE TO MS. JENNIFER LUCIANO

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Ms. Jennifer Luciano. Ms. Luciano has spent the last five months doing an internship in my Congressional office. As she prepares to leave Capitol Hill tomorrow and return to Loyola University to complete her education I wish her well.

On behalf of the constituents of the Seventh Congressional District I want to commend and congratulate Jennifer for doing an outstanding job. During her internship Jennifer responded to constituent mail, drafted ideas for legislation, prepared "Dear Colleagues" and assisted the legislative staff.

In particular, Jennifer thought of the idea for a Minority Women's Statue to be displayed in the Rotunda of the United States Capitol. Currently, there are no depictions or Statues that represent the accomplishments of Minority Women to the history of America. In addition, she thought of a bill to expand Medicare coverage to cover eyeglasses and hearing aids for the Medicare eligible population. These are just two of the outstanding ideas that Jennifer worked on.

I am certain that Jennifer will do well in her future endeavors if she continues to work as hard as she has worked on behalf of the people of the Seventh Congressional District and the United States.

Mr. Speaker, I ask all my colleagues to join with me in congratulating Jennifer Luciano as she prepares to go back to Chicago, Illinois.

ANNIVERSARY OF AQUI EN EL VALLE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Aqui en el Valle newspaper, headquartered in Bloomfield, New Mexico, and its founder, LaVerta Valdez-Johnson, on its recent one-year anniversary. In that short period, this newspaper has delivered dedicated service and commitment to the Hispanic community in the Four Corners area.

Aqui en el Valle, or "Here in the Valley," is typically focused on positive local news and information that benefits the Hispanic community. The paper also focuses on Southwestern history and profiles of successful Hispanics. The newspaper is even used in Bloomfield elementary and high schools for Spanish language classes.

The Aqui en el Valle, however, would never have become a reality without the persistence and vision of LaVerta Valdez-Johnson. She was told by the business community that a Hispanic newspaper was not a sound investment. Undeterred, Mrs. Valdez-Johnson, with the help of her husband, Wesley and son, Russ, the monthly paper has gone from 1,000 copies in March, 2000, to a circulation today of more than 5,000. It has established a strong and diverse base of support and serves a vast area of 11 New Mexico towns that stretch from Bloomfield to Santa Fe.

Mr. Speaker, I ask my colleagues to join me in commending LaVerta Valdez-Johnson for not backing down from her dream and to extend best wishes for continued success in the coming years.

THE MATHEMATICS AND SCIENCE PROFICIENCY PARTNERSHIP ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I am introducing a bill to authorize the Director of the National Science Foundation (NSF) to establish a demonstration program under which the Director awards grants to qualified schools.

The grants received by these schools will be used to develop a program that builds or expands mathematics, science, and information technology curricula; purchase equipment necessary to establish such a program and provide teacher training in such fields. The act also allows the private sector to contribute goods and services, such as the donation of computer hardware and software; the establishment of internship and mentoring opportunities for students who participate in the mathematics, science, and information technology program; and the donation of scholarship funds for use at institutions of higher education by eligible students.

The need for this legislative proposal to provide grants to qualified schools is beyond doubt, and the case supporting this bill can be simply stated:

Mathematics and science education is a vital link to connect today's students with the information age and to the workplace of the 21st century.

Today's United States economy depends more than ever on the talents of skilled, high-tech workers and in order to sustain America's preeminence, we must take drastic steps to change the way we develop our workforce.

It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology.

The nexus between scientific and technological advances and education has been noted by several entities. Yet, according to the National Commission on Mathematics and Science Teaching for the 21st Century, the performance of our country's students from both the Third International Mathematics and Science Study (TIMSS) and the National Assessment of Educational Progress (NAEP) echo a dismal message of lackluster performance and this must be addressed.

The National Education Association (NEA), an endorser of this bill, recognizes that quality math and science education is essential to prepare our students to compete in the 21st century. The NEA stated,

> By authorizing grants to Local Education Agencies for expansion of math, science, and technology curricula, purchase of technological equipment, and teacher training, this legislation will help enhance math and science education. The resources provided for teacher training will help ensure the high quality professional development critical to world class math and science teaching. In addition, the bill's special focus on schools with the greatest economic needs will help level the playing field for disadvantaged students, who often lack access to technological

> and other resources necessary to maximize math and science learning.

Texas Instruments, another endorser of this bill, believes that the need for additional emphasis in the fields of mathematics and science education is clear. Texas Instruments stated,

> In this age of rapidly advancing technology, math and science education is a vital link that prepares students to thrive in the new, information and technology driven economy. More than ever, U.S. economic and technological leadership depends on our ability to ensure that students graduate with the skills and knowledge they need for 21st century jobs.

We must acknowledge that the effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States.

The education of America's students is critical to developing this resource. American students consistently demonstrate average and below average performance compared to their international peers in their skills in mathematics and science. According to the 1999 edition of the National Assessment of Educational Progress, also known as the Nation's Report Card, the trends in mathematics and science are characterized by declines in the 1970's, followed by increases during the 1980's and early 1990's. However, performance has remained unchanged since the early 1990's. Several findings of the Report Card deserve mention, including the following:

In 1999, the average science score for 17-year-olds was lower than the average score in 1969 for the same age group.

In 1999, the average science score for 13-year-olds was similar to the average score in 1970 for the same group.

In 1999, White students had higher average mathematics scores than their Black and Hispanic peers. Although the gap between White and Black students narrowed since 1973, there is evidence that the gap may be widening since 1990.

In 1999, males outperformed females in science at ages 13 and 17.

A greater percent of 13-year-olds in 1999 than in 1986 reported that the content of their science class was general rather than focused on earth, physical, or life science.

In an age now driven by the relentless necessity of scientific and technological advancement, the current preparation that students in the United States receive in mathematics and science is, in a word, unacceptable. Proficiency in mathematics and technology is necessary to prepare American students for participation in the 21st century and to guarantee that the United States economy remains vibrant and competitive. Now is the time to set the stage for advancement in mathematics and science proficiency. The United States must expect more from our educators and students.

In order to achieve this, it is important that we show interest in economically disadvantaged students who have not been provided with opportunities that will improve their knowledge of mathematics and science. Many economically disadvantaged students in urban and rural America share a common need to receive a quality education, but often their schools lack the needed resources to prepare them for the 21st century global community. The schools and businesses serving these communities are strategically positioned to form a unique partnership with urban and rural students that will increase their mathematics and science proficiency for the benefit of the Nation. If our Nation continues failing to prepare citizens from all population groups for participation in the new, technology-driven economy, our Nation will risk losing its economic and intellectual preeminence. Finally, America's students must improve their performance in mathematics and science if they are to succeed in today's world and if the United States is to stay competitive in an integrated global economy. It is clear that we must provide American students with the competence and confidence to succeed.

Mr. Speaker, The Mathematics and Science Proficiency Partnership Act of 2001 provides an unprecedented opportunity to redefine the federal role in K–12 education that establishes clear national priorities, provides incentives for change, disseminates best practices and targets assistance effectively. I urge my colleagues to support this bill.

RECOGNIZING THE CONTRIBUTIONS OF ASIAN AND PACIFIC AMERICAN WWII VETERANS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to recognize and pay tribute to our WWII veterans of Asian and Pacific Island ancestry.

Half a century ago, these young members of the Greatest Generation answered this country's call to fight in Europe, North Africa and Asia, on the Atlantic and the Pacific. They selflessly served in support of a greater cause, and all too often were called upon to give the greatest sacrifice of all—their own lives.

The willingness of these young service members to serve and die in support of the war effort is made even more poignant by the racial inequalities experienced by their families at home in the United States. Many of these Asian and Pacific Islander WWII veterans went into service while their families were simultaneously being forcibly relocated to internment camps across the country, solely because of their ethnic origins.

The generous service of these WWII veterans is truly remarkable. It is a privilege to recognize their contributions to this country on the House floor today, in celebration of "Asian and Pacific American Veterans of WWII Day."

I wish to also commend the Asian American Student Union of the University of Wisconsin-Madison. This group of committed students has worked diligently to ensure that the memory of these veterans' sacrifices, selfless service, and patriotism is never forgotten, and they have helped to make this day of recognition a reality in Wisconsin.

THE 90TH ANNIVERSARY OF THE NEW YORK COLLEGE OF PODIATRIC MEDICINE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. RANGEL. Mr. Speaker, I rise to celebrate the 90th anniversary of an important institution in my Congressional district, the New York College of Podiatric Medicine. In view of the fact that podiatric doctors are assuming a growing and significant place on the Nation's health care team, the College means even more to our community.

The College was founded in 1911 in East Harlem by Dr. Maurice J. Lewi, medical physician and educator, former Secretary to the New York State Board of Medical Examiners and first president of this institution. Dr. Lewi drafted the first legislation creating the New York College of Podiatric Medicine and its clinical training arm, the Foot Clinics of New York to provide educational and training programs and the establishment of the first standards of podiatric clinical care.

The College is the first and largest college of podiatric medical education in the Nation, having treated literally hundreds of thousands of people in its foot clinics over the 90 years of its existence. Graduates of the College account for 25 percent of the Nation's practicing podiatrists. Forty percent of the current student enrollment are minorities, 45 percent of whom are women. The college is affiliated with the New York Presbyterian Healthcare System, Lincoln and Harlem Hospitals, Metropolitan Medical and Nassau County University Medical Centers—a clear reflection of the outstanding reputation the college has earned in the health care community. In October, 2000, the college affiliated with Columbia College of Physicians and Surgeons to provide improved access to patient care, academic programs for medical education and joint research programs.

The Foot Clinics of New York is a fully staffed medical teaching/training facility with more than 50,000 annual patient visits who have benefited from the skill, dedication and quality of care provided by clinical faculty of the Foot Clinics.

As the College is celebrating the 90th year of its existence, I want to salute the New York College of Podiatric Medicine, the Foot Clinics of New York, its board of trustees, president, Louis Levine, faculty and staff and students on the occasion of this 90th anniversary year. The history of this outstanding educational institution truly has been marked by its distinguished graduates and by its traditions of academic excellence and service to the community. May it continue to carry on its proud tradition for many years to come.

REMEMBERING THE ARMENIAN GENOCIDE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. FILNER. Mr. Speaker, I rise with my colleagues in observance of the 86th anniversary of the Armenian genocide and to celebrate the victory of the Armenian spirit over an oppressor bent on their extinction. But, Mr. Speaker, I also rise to remind my colleagues of our obligation to the Armenian people.

Before this House will be a bill to recognize the Armenian genocide, a bill that we, as Americans, as a people whose predecessors fought their own battle against an oppressive rule, have a responsibility to support.

Can we claim to have earned our passage into the 21st century if we fail to recognize the atrocities of the last century? Progress is not earned by merely flipping the pages of a calendar. Progress is achieved when we are unafraid of the truth—of seeing the past for what it was, and to stand guard: ensuring that this hate-filled violence will not happen again on our watch.

We owe this to the Armenians, but not just to the Armenians. We owe this to ourselves—and to our children. The generations that come after us will learn from us and use our actions as an example.

If the 21st century marks anything, it should be that the echoes of past tragedies will not dissolve into obscurity. That we recognize the earlier failures of mankind and strive against their repetition.

The Armenian people are no longer victims, but victors. It is our responsibility to see that their triumph is awarded its rightful place in our collective memory.

And it is in this spirit that I stand here and celebrate the enduring legacy of the Armenians. But only in recognizing the Armenian genocide do we earn the right to stand here and share in their triumph.

HONORING THE EUREKA LODGE OF ELKS' 100TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Elks Lodge of Eureka in Humboldt County, California.

Formed in 1901, the Eureka Lodge of Elks joined the Benevolent and Protective Order of Elks of the United States which was established in 1868, and since its inception has grown to more than one million members nationwide. The Elks is one of the largest and most active fraternal organizations in the world.

Through scholarship programs and charitable aid, members give generously of their time to support the youth of the region, providing countless hours of service for the betterment of the community. Local members sponsor Girl Scout and Boy Scout groups, youth soccer programs, and services for veterans. They also help to fund medical aid to disabled children in rural areas through mobile units staffed with trained therapists. Eureka members assisted in the establishment of the Humboldt-Del Norte Blood Bank, a vital asset to the North Coast of California. In May of this year, the Eureka Lodge will dedicate a memorial to all veterans of our armed forces.

Mr. Speaker, it is appropriate at this time that we honor the members of the Eureka Lodge of Elks by acknowledging their dedication and recognizing the value of their efforts for our country.

INDIAN HEALTH CARE IMPROVEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, today we are introducing legislation to reauthorize and amend the Indian Health Care Improvement Act (IHCIA)—the keystone federal law that directs the delivery of health services to American Indian and Alaska Native people.

This bill is based largely upon recommendations made by the Indian health community—including tribal leaders, tribal health directors, health care experts, Native patients themselves, and the Indian Health Service. Its primary objective is to improve access to quality medical care for this population.

The basic framework of the IHCIA is retained, including its provisions that target diseases for which Indian Country shows an astonishingly high rate—such as diabetes, tuberculosis, infant mortality, and substance abuse. The major revisions come in the following areas: Greater role for tribes in health care delivery, including local priority-setting. Authorization for a national certified Community Health Aide Program to supply medical care in under-served, remote areas. Innovative options for funding of Indian health facilities. Strengthening health programs that serve Indian people in urban areas. Consolidation of substance abuse, mental health and social service programs into a holistic system for behavioral health services.

While there have certainly been improvements in the health status of Indian and Alaska Native people in the past two decades, Native people still suffer death rates from some diseases at rates many times higher than the national population. The Indian health care network is the primary source of medical care for over 1.3 million American Indians and Alaska Natives. The Indian Health Service administers this comprehensive health care network largely in partnership with Indian tribes themselves who have assumed an increasingly greater role in operating health programs vital to the well-being of their members.

The IHCIA was first enacted in 1976 to present a more organized and comprehensive approach to the delivery of medical care to Indian people, most of whom live in isolated, sparsely-populated and under-served areas of our country. Subsequent reauthorization, has amended the Act to reflect advancements in health care delivery, respond to the desire of tribes for greater responsibility of programs, and to target the high incidence of certain diseases that have plagued this segment of the American population.

I plan to work with my Republican colleagues to ensure that this bill is a high priority for the House Committee on Resources, which should expedite consideration of this measure. It is my hope that Congress will have wisdom and courage to enact this important legislation this year.

INTERNATIONAL LABOR ORGANIZATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise to express my strong support for the United Nations' International Labor Organization (ILO) Worldwide Workers' Rights public awareness poster campaign. The goal of this initiative is not only to make people aware of the shameful atrocities workers suffer around the world, but to say that all workers have basic, fundamental rights. The right to form a union, bargain collectively, work free of discrimination, refuse forced labor, and to reject child labor. These moral and humane worker rights should and must be honored both in the job field and during international trade and other agreements. We cannot look the other way when these issues come before us.

I would like to ask my colleagues how they would feel if their family, loved ones, and children were forced to work under conditions where basic labor and human rights were eroded by the lack of enforceable labor protections. Unfortunately, the ILO estimates that about 250 million children between the ages of 5 and 14 are in the workforce, half of which are employed full-time, often in dangerous industries. During hearings I held as Chairman of the House Subcommittee on International Relations and Human Rights in previous sessions of Congress it became obvious that children often labor under unsafe conditions. These young people frequently go to work in dangerous factories or mines, not to mention the despicable business of child pornography and prostitution. Legislation I introduced, which was passed by the full House, would have authorized $30 million per year from fiscal years 1999 to 2001 for the International Program on the Elimination of Child Labor (IPEC). This organization has identified the need for specific programs in dangerous industries where child labor is prevalent.

While well intentioned efforts have been made on behalf of these children, not enough has been done. Child labor continues to grow in many countries around the world. Regrettably, some of the trade agreements approved by Congress, such as the North America Free Trade Agreement (NAFTA), General Agreement on Tariffs and Trade (GATT), and Permanent Normal Trade Relations (PNTR) status for China, have compounded the worldwide child labor problem. Unfortunately, the idea of linking worker rights and child labor laws with trade policy is still in the early stage of development.

Nations should not be recognized and rewarded with profitable trade agreements for their systematic violation of internationally recognized workers' rights. These rights must be considered when we discuss plans to expand NAFTA or address our current trade relation agreements with The Peoples Republic of China. Although on paper, virtually every country in the world has outlawed child labor in its cruelest forms, in reality, hundreds of millions of children are still being robbed of childhood for the profit of others.

We can no longer look the other way when basic fundamental labor and children rights are denied or broken. These rights must be addressed head-on and in the most straightforward way. Mr. Speaker, I urge my colleagues to pledge their active support for the basic labor rights brought to the forefront by the ILO's declaration on fundamental principles and rights at work.

EMERGENCY AMBULANCE SERVICES ACCESS ASSURANCE ACT OF 2001

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. UPTON. Mr. Speaker, I rise today to introduce H.R. 1648, the Emergency Ambulance Services Access Act of 2001. This legislation will ensure payment for emergency hospital services and emergency ambulance services under a "prudent layperson" test under group health plans and health insurance coverage. I am pleased to be joined by my colleague ED TOWNS in introducing this legislation, which we hope will be included in any patient protection legislation that moves through the House in this Congress.

Individuals suffering from what they have every reason to believe to be life threatening conditions should not have to call their insurance plan before they call for an ambulance. And patients and ambulance services should not be stuck with the bill should the condition turn out to be less than life-threatening once the patient is diagnosed in the emergency room.

Some people assume that because a patient protection bill which includes a prudent layperson standard for emergency room services also covers emergency ambulance services. But that wasn't the case at all before we introduced this legislation in the last Congress at the start of the debate over patient protection. Most of the bills amended the Emergency Medical Treatment and Active Labor Act. That Act covers only what happens after you enter the emergency room. It does not include ambulance services. As the debate progressed, most of the bills and amendments that received active consideration in the House and Senate were amended or redrafted to apply the prudent layperson standard specifically to emergency ambulance services.

I urge my colleagues to join me and ED TOWNS in cosponsoring this legislation. You will be demonstrating your support for ensuring that emergency ambulance services are included in the more comprehensive patient protection legislation that will be considered in the House. To become a cosponsor or obtain further information, please call us or Jane Williams of my staff, who may be reached at 5–3761.

CONGRATULATIONS TO GRANITE QUARRY ON ITS 100TH BIRTHDAY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. COBLE. Mr. Speaker, this month, a second town in the Sixth District of North Carolina will celebrate its centennial. Ironically, this town is in the same county as another small municipality in our district to reach the century mark this year. Earlier, we celebrated the 100th birthday of Landis, North Carolina. Now, it is time to turn our attention to another Rowan County town as it marks 100 years of official existence.

On May 19, 2001, the town of Granite Quarry will celebrate its centennial, and on behalf of the entire Sixth District of North Carolina, we honor the first 100 years of Granite Quarry and look forward to the town's bright future. While Granite Quarry is officially 100 this year, the history of the town is more than two centuries old. Granite Quarry began in 1766 when Michael Braun (Brown) moved to the area from Pennsylvania. He constructed what became known as the Old Stone House of native hand-hewn granite. (The house has been restored by Rowan Museum, Inc., and is recognized as the oldest German dwelling in North Carolina.)

The town was known as Woodville in the late 1800s, and by 1891, when the first post office was established, it was under the name of Woodsides. The second name was for a family of Woodsides who lived in the community. On March 7, 1901, the North Carolina General Assembly officially changed the name to Woodsides. When the town was first incorporated, five families lived in the town. Jerry L. Shuping was the first mayor and William Lefler, L.H. Kluttz, Rufus B. Peeler and Alfred L. Peeler were the first aldermen. These family names remain fixtures in Rowan County today.

Shortly after incorporation, it was discovered that there was another Woodsides in North Carolina, resulting in confusion for mail and freight deliveries. While the post office name was changed to Granite Quarry in 1902, it wasn't until February 5, 1905, that the General Assembly approved the new name of Granite Quarry to recognize and highlight the stone quarried there. The quarries were already attracting attention years earlier as they developed along the newly completed Yadkin Railway and more and more people moved into the area to work the quarries.

Quarrying was begun by the eccentric J.T. Wyatt who was later known as a local newspaper columnist with the fascinating sobriquet of "Venus of Faith." Wyatt began his digging at the site of the Balfour Quarry. The demand for paving stones and later, Durax blocks, kept the town full of workers. Durax blocks, four by four pieces of stone laid in circles on city streets, can still be seen in the nearby town of Salisbury on Depot Street in front of the Southern Railway Station. Curbing stones quarried in Granite Quarry can be found in cities all over the United States.

Large scale quarrying began in 1906 when the Whitney Company was selected to provide the stone for a granite dam on the Yadkin River in Stanly County. Whitney contracted with the Gillespie Company to operate the Rowan County quarry. Hundreds of Italian laborers and English stonecutters were brought to Granite Quarry to work in the mines. Stone cutting was an art that few people in the United States knew, making it necessary to import workers. The dam lost almost $20 million and when the Whitney Company went into bankruptcy, the Gillespie Company ceased operations. Nearly all of the foreign workers left except for a few of the English stonecutters who had little difficulty in finding employment at other quarries. The waters of Badin Lake today cover the granite dam, but when the water level is lowered, the dam can still be seen in its watery grave.

When the Whitney project failed, the town was hit by a depression, and Granite Quarry became a ghost town. It was saved from a permanent death in the 1920s when the state became a pioneer in the construction of public roads. The demand for crushed stone for paving was tremendous. That demand, when added to the normal output for curbing, paving blocks, ornamental stone, and memorial work, pushed production to new records. It would last for several decades. The quarrying industry has declined in recent years because of rising labor costs and the increasing use of concrete in buildings and road construction, but today, Granite Quarry does not survive on stones alone.

The future for Granite Quarry is bright. The Rowan County town of almost 3,000 people is a bedroom community for nearby larger jurisdictions, but it still boasts of more than 30 businesses including restaurants, doctors' offices and service stations. It is proud of its paid police department of a dozen full-time and part-time officers. Granite Quarry has one of the largest volunteer fire departments for a town of its size with more than 30 members. The Granite Quarry Civic Park stands as a testament to the hard work and dedication of the people who live there. From 1968–1973, civic groups, churches, government and business leaders joined forces to construct the park that is still enjoyed by the residents of Granite Quarry today.

While other towns may have grown larger and still others may have become better known, the people of Granite Quarry will tell you they cannot think of a better place to call home. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Granite Quarry on its first 100 years. We look forward with much anticipation to what the future holds for this outstanding Rowan County community.

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 5th with Bloomfield Citizens Council Awards.

Every year, the Bloomfield Citizens Council gives out these awards to recognize members of the community who have, in some way, improved the quality of life in the Bloomfield neighborhood of Pittsburgh. I would like to take this opportunity to commend the 2001 award winners for their efforts to make Bloomfield a better place to live.

John Giancola has been selected as the 2001 recipient of the Mary Cercone Outstanding Citizen Award. This award is given to individuals who demonstrate "an unselfish commitment to others and a deep love for the community of Bloomfield." Mr. Giancola has been actively involved in volunteer activities like organized youth athletics and service to seniors. He has also served the Catholic Church, the Democratic Party, and the City of Pittsburgh.

A Community Commitment Award will go to Malfalda "Maffy" Giancola, who has served the community through her involvement with city government, the Catholic Church, and organized community activities for young people and seniors, as well as her operation of Maffy's Restaurant on Liberty Avenue.

An Extra Mile Award will be presented to Ron Flynn for his involvement in community sports for young people, his volunteer work for neighborhood festivals, and his advocacy for the rights of the physically challenged.

Charlie Oleniacz and Bill Reynolds will receive the Patriotism Award for their lifetime commitment to fellow veterans and their efforts to ensure that our Civil War veterans continue to receive the respect and reverence they deserve.

The Bloomfield Citizens Council will again present a number of awards for Christmas decorations this year. Lavern and Joe Manes will receive the Keeping Christ in Christmas Award for their Precious Moments Nativity scene display. George and Eleanor Sciullo will receive the Most Outstanding and Completely Decorated Home Award this year for decorations that warmly express the love they feel for their home and community. Tim and Leigh Ann LeDonne will receive the Most Illuminated and Elaborate Property Decoration Award for decorations that outline every story of their house, including windows, banisters, and surroundings. And finally, the Most Creative Design Award will be presented to Nancy and John Greegus for decorating their home, trees, and shrubbery with lights, caricatures, and wreaths. These four couples all helped bring the joy of the holiday season to their neighbors.

In closing, let me just say that all of the individuals receiving 2001 Bloomfield Citizens Council awards have made important contributions to the quality of life in Bloomfield. On behalf of the residents of Bloomfield and the rest of the 14th Congressional District, I thank them for their efforts and congratulate them on their selection as recipients of 2001 Bloomfield Citizens Council awards.

SENATE—*Wednesday, May 2, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy God, before Whom we dare not swagger in self-sufficiency, we humbly confess our need for You. We don't have all the answers; we are not always right; and we are not perfect in our judgments of people or what is best. We turn to You for wisdom, penetrating insight, and precise analysis. Bless the Senators to know that You give the day and You provide the way. Thank You for their deep desire to know what is right and do it, to discern Your best for America, and to pledge their lives, their fortunes, and their sacred honor to achieve it. We join with the psalmist, claiming Your promise: "The humble You guide in justice and the humble You teach Your way."—Based on Psalm 25:9. May our fresh praise for Your blessings be the antidote to any false pride. You alone are the source, security, peace, and hope because You alone are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 2, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will resume the remaining hours of the postcloture debate on the motion to proceed on the education bill.

CHARGING OF TIME

I now ask unanimous consent that the time until 10:30 a.m. be equally divided in the usual form and that it be charged accordingly under rule XXII.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. THOMAS. The Senate is expected to begin full consideration of the bill during today's session. Therefore, amendments will be offered, and votes on the amendments are expected. Members will be notified as the votes are scheduled. Senators are encouraged to work with the bill managers if they intend to offer amendments to the bill.

I thank my colleagues for their attention.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume postcloture consideration of the motion to proceed to S. 1.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to have the opportunity to discuss the education bill for 10 minutes, please.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is so recognized for 10 minutes.

Mr. THOMAS. Mr. President, we come to the floor again today to consider education. I think, unfortunately, we are still talking about the postcloture motion and have not yet had the opportunity actually to move to the bill. We are hopeful there will be some decisions made in the next hour, hour and a half, so that we can come to the bill.

Clearly, there will be differences of our views with respect to this legislation. That is not a new idea. But we need to get on with it. We need to come to this Chamber and begin to make our arguments and, where there are differences of opinion, have amendments and move forward with them.

I think most people agree that one of the major issues before us is education. Certainly there are different views as to what the role of the Federal Government is with regard to elementary and secondary education. There are different views as to how much involvement the Federal Government ought to have with respect to financing elementary and secondary education.

I think most of us believe that is a primary function of the State and local governments, and has been traditionally over time, and I believe for good reason. No. 1, we want the control largely to remain there; indeed, it should remain there.

With respect to money, even though, obviously, it is very important, money is not the only salvation for education. There needs to be policy changes. There needs to be more accountability, measurement of progress. Money alone—and we talked about this when I was in the Wyoming legislature—we know that money alone is not the only salvation, that there need to also be these other principles. But without money, of course, those things cannot be accomplished.

Since 1994, when the Republicans took over Congress as the majority, there has been a 50-percent increase in funding for education. We will hear about how the Republicans are reluctant to fund education properly. The fact is, this Republican Congress has funded it at a much higher rate than was done previously by the Democrats or, indeed, even suggested under the Clinton administration. It still is an issue, but the idea that Republicans have not been generous with money is just simply not factual.

There are other issues, however, that are really key to what we want to do with S. 1. First, it is symbolic that it is S. 1. That indicates that as we came into this Congress, education was our highest priority. So there we are.

There are a number of things that are very important. One is accountability. Title I of this bill indicates that when schools fail to adequately have progress, they will receive technical assistance from the Federal Government. In order to make sure there is progress, of course, there has to be some testing.

Clearly, there are different views about testing: Whether it ought to be mandated, whether it ought to be done only by the State's decision. I happen to believe the States ought to be the ones to decide how it is done. But there needs to be testing if you are going to have Federal funding. If you are going to have the kind of mobility we have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

where young people are going to school in Utah and end up working in New York, there needs to be some measure of whether or not those educational opportunities are going to be similar so that you can deal with the mobility we all have.

So under this title, there would be technical assistance available for schools where the progress was not up to the average and certainly not making advancement. If the school failed to have adequate progress in the second year, it would be placed in another category of corrective action. Students in that school then would begin to be able to transfer to other public schools.

This is one of the things where you measure performance and then give some kind of relief when, in fact, performance is not being exhibited. This does not, at the present time, include the private school options. Some argue, of course, that there ought to be vouchers for private schools. Again, there is a very legitimate difference of view as to that issue. I am sure it will be discussed at some point during the consideration of this bill.

Accountability: Schools in a corrective action category that fail to make progress over 3 years would be required to do something different—to change staff, to close the school, to do something that would show that progress needs to be made.

We mentioned public school choice. That is there. We happen to have some experience in my hometown of Casper, WY, where they have started a number of charter schools. Casper, by the way, is not a big city—about 50,000 people. It is our second largest city in Wyoming. They have charter schools so there are some choices within the public school system so that parents can participate. In this bill there are opportunities for assistance in transportation for students of that kind and also some opportunities for low production schools for people to be able to use some of the Federal money for that.

The key to education, most everyone would agree, is teachers, quality teachers. We have excellent teachers generally, and teachers try very hard to do their things. I admire teachers very much, particularly since my wife is one in a public high school. On the other hand, we are going to find a time soon when there will be lots of teachers retiring and running into that, whatever profession it is, whether it is nurses or teachers. We are going to need a great number of new teachers, and there needs to be incentives for teachers to be trained. There needs to be some opportunities for teachers to have continuing education certainly and to do some things, to do some things particularly in specifics. If they are teaching math, if they are teaching science, there ought to be people who have really good backgrounds in that.

The technology, of course, is one of the things for which we will be searching—opportunities to do that.

Here we are, talking about accountability. We are talking about improving teaching opportunities, improving the skills of teachers so they can be, indeed, more effective in the teaching they do.

One of the areas, of course, is going to be flexibility. This is always a controversial thing with Federal money. With Federal money, do there have to be regulations that go with it to use it this way or the highway? No, it doesn't need to be that way. It can be much more flexible. I suppose in many things, but in education there is such a difference between the needs in small towns of Wyoming or Utah as opposed to downtown New York or Philadelphia. In many of the schools, that is one of the controversies we have had over time. With Federal money, according to the last administration, you had to use it for smaller class size. That is the only thing you can use it for, or you use it for construction of school buildings, and that is all you can use it for. Both of those, of course, are very important issues, but in different school districts those things are quite different.

I can take you to some schools in Wyoming where class size is not the issue. I went to a one-room school in Wapiti, WY. Class size wasn't the problem. Other things—technology, for example, access to the Internet, doing the kinds of technological things that may be in a particular school—are much more important. So this idea is to have some flexibility and to allow local school districts and the States to have, of course, the decisionmaking, along with the accountability. We can't just expect to send taxpayers' money out from the Federal level and say: Do whatever you want; we don't care what happens to it. That is not the point. The point is, use it for what you want with some accountability.

Other provisions: Of course, there are going to be reading initiatives. Most of us do believe that the ability to read, and read early, is certainly the first prerequisite to becoming successful in education. Bilingual education, of course, is one of the real keys to many of the students who have difficulty in meeting standards, and so is literacy in English. So there are going to be a number of these things.

School safety: Obviously, we have had lots of bad experiences in the last several years in terms of school safety. The Columbine incident sort of remolded our ideas about what we do there in terms of drug prevention and in terms of other kinds of safety. That will also be dealt with in this bill. So there are just really lots of things that are very helpful and things on which we need to move forward.

I am afraid we are going to find ourselves, before this week is over, dealing with the budget. I believe there is going to be some agreement there. So we continue to put off this very important issue, and we need to move forward with it.

I mentioned the expenditures. I wish I had some of those charts here. It is really interesting, as you look at a chart on expenditures versus reading scores that we have now, that expenditures go up fairly dramatically, up to about an $8,500 per pupil expenditure in this country. But 12th grade reading, 8th grade reading, 4th grade reading stay very constant and, indeed, edge down a little bit in the 4th grade category.

So again, as we said, money is not the only element. Indeed, it may not be the most important element in terms of turning around where we are with respect to making improvements in our educational direction.

So these are the things we have talked about; these are the things that are before us. I don't find it particularly new that we have different views on how to do this. That is what this Senate is all about—to bring together different views, to bring together different representations of the needs of our individual constituencies, and yet to blend them in with the overall need for the national values of education and what our role is in causing those things to be even better.

This morning we will be talking in fairly general terms about the generalities that are in this bill, which has received a great deal of attention and effort. It is a good one. It is generally supported, of course, by the administration, by the President who, by the way, had education as his No. 1 issue in his campaign. I have been very proud of the President, as a matter of fact, as someone who went out and talked about issues, put priorities on issues in his campaign, laid them before the people before the election, and now is committed to doing things he said he was going to do. That is as it should be.

I hope we are able to move forward and have an opportunity to debate these things and come to a favorable conclusion.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that following the Senator from Washington, the Senator from Idaho be able to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, as the Senate gets ready to update our Nation's Federal education policy, I want to talk this morning about the importance of the education debate, some of the issues that we all agree on, the principles that guide my decision, and a few concerns I have as we look at this bill coming before us.

Since 1965, the Elementary and Secondary Education Act has defined how the Federal Government helps students across the country. In America, we believe that no matter where you are born, no matter who you are or where you come from, and no matter whether your parents are rich or poor, every child deserves an equal chance to succeed.

This law, the ESEA, puts that principle into practice. Forty years ago, many students did not get the help that they needed. Many lived in poor or rural areas that didn't have the tax base to support them. Many were discriminated against and many were left behind because they had special needs.

In 1965, Congress passed the historic Elementary and Secondary Education Act to fix those problems, providing a safety net for disadvantaged students, a stepping stone to help all students succeed, and a way to help us meet our education goals.

During the Cold War, ESEA helped us focus on building skills in math and science. Today, with our high-tech economy, ESEA is helping students learn to use technology. As we update this law, we are not just changing letters on a page; we are changing the law that helps make our schools more equal, more fair, and more successful for students across the country. I take this responsibility very seriously.

The Senate may only debate education for a few weeks, but what we decide will be felt in classrooms across the country for a decade or more. So let's make sure we do this right.

As we begin this debate, there are some things about which all of us agree. We all agree that we want every child to reach his or her full potential. We all agree that taxpayer dollars should be used for efforts that we know work. We all agree that we can make a difference at the Federal level with what we do. Otherwise, this debate would not be so heated. We know that Federal support is an important part of every child's education.

Finally, we all want to be proud of America's schools. Today, there is a lot to be proud of. Every day, we hear stories about the progress kids are making. Every day, we talk to leaders who were inspired by teachers in our public schools—teachers who helped them succeed. I know I would not be here today without great public school teachers.

The truth is, we have made a lot of progress as a country in improving education. This is an opportunity to build on that progress. I have been in classrooms where teachers are excited and where the kids' eyes are bright and their minds are eager to learn.

In Washington State, our teachers, parents, educators, and businesses have put together annual assessments that are changing the way we think about education and expanding our possibilities. We are working on this bill because we know that States and local school districts want a Federal partner, and we are excited because we know that being a responsible partner can help make sure great things happen in every school.

Because we will be talking about a lot of different issues, I want to outline some of the principles I have developed to make sure we are doing what is right for our students.

First of all, we have to invest in the methods we know work. I have been saying this for years. It is critical as we update our Nation's education policy.

Second, we have to protect disadvantaged students and make sure they get the extra help and support they need.

Third, we have to make sure that public taxpayer dollars stay in public schools.

Fourth, we have to help meet the national education goals we are committed to, whether it is making sure that every child can read, making sure every child gets the skills they need for tomorrow's workforce, or making sure every child attends a school where they are safe.

Finally, we have to set high standards and provide the resources so all students can meet them.

Those are my five principles as we begin this debate on education policy.

Next, I want to outline some of the concerns I have at the start of this debate. First of all, so far, I do not see a commitment from this administration to provide the resources so all students can reach high standards. We can't just tell students they have to meet certain goals without giving them the support they need to get there. Just telling students they have to pass a test or their school will be reconstituted won't help a single student to learn to read or write.

So far, this administration has been very vocal about saying it will punish schools that don't improve. But it has been way too quiet on how they will provide the resources so students can improve. Imposing tests and punishments without resources will not help students to learn. It will just punish them.

I have a second concern, and this is about the President's testing plan. As we all know there is a lot of discussion about testing and whether or not it works. That is a debate we ought to have and I expect we will. But one thing is clear: We cannot require States to conduct these expensive tests on a yearly basis without also giving the States the resources to do what we are requiring.

As a former school board member and a State senator, I can tell you what will happen. President Bush will send an unfunded mandate to the States requiring them to test students every year. The States and the districts and the schools will have to take money—some estimate the cost at $7 billion—away from things such as hiring teachers and developing curriculums to pay for the tests. That is going to end up hurting students.

If President Bush doesn't pay for the tests he is imposing, students will get hurt. I know a lot of my friends on the Republican side are very concerned about unfunded mandates from the Federal Government to the States, so I hope they will follow through by ensuring that we fund the tests that we are demanding.

There is another important question related to these new Federal tests. How are we going to use the results of these tests? If we use test results to punish, we are not helping students. We should use those test results for what they are—a tool—to show us what areas need improvement. And we cannot stop there. We need to invest in the areas that need improvement. That is the right way to use tests: to make schools better and to allow students to learn.

Finally, as I look at this proposed bill, I see gaping holes. The bill leaves out dedicated funding for class size reduction, for school construction, for teacher recruitment, and for school libraries. We know these efforts have made a very positive difference for students across this country.

Amendments are going to be offered, as we work our way through this bill, to make sure it funds those important efforts. I plan to introduce one myself on class size. I look forward to supporting a number of the others.

So as the Senate gets ready to begin this very important debate, I hope we will all remember that what we do here will have a real impact on students for years to come. We have an opportunity to bring success to every student across the country, to support the efforts that are working, and to continue our role as an important partner in educational excellence.

Students, parents, and teachers are looking for support and for leadership, and I am going to do everything I can to make sure we provide it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Mr. President, as you know and certainly now as our country knows, for this week and until we have concluded, we are focused on the reauthorization of the Elementary and Secondary Education Act and the important role it plays in the future education of our young people.

By overwhelming majorities, Americans have said time and again that they want education in this Nation improved. We cannot improve education by merely throwing money at the problem. We have tried that for a long time. Yet the performance of our young people against the performance of other young people around the world simply does not rate as it should.

Our educational system does not need money alone, and that is why we have spent the last several years looking at the concepts that fall together to create a dynamic education program of the kind that is so important for the future of our country and our country's young people.

Increased funding alone, as I have mentioned, will not help. Do we need money? Of course we do, and with this bill, there is a substantial amount of more money authorized. What we really need to look at is the tremendous bureaucracy of education that has grown up over the years in the public systems in our country and does that, in fact, function in the dynamic ways that are necessary to stay on the edge of educating in a contemporary society. At the same time, we need to deal with all young people and all levels of learning that are so necessary to have a thorough and responsible system.

Our President has said time and again over the course of the last year that he wants to leave no child behind. Neither do we. The combination of our work, with the leadership of this new President, I believe, can accomplish what Americans have been asking for a long time.

We have underperforming schools, and when we have underperforming schools we have children who have not been provided the opportunity to advance as rapidly as they are capable of doing.

Clearly, if schools are underperforming, then children are underperforming. And if they are not able to compete, then the likelihood is they run the risk of underperforming for the remainder of their lives.

With the reauthorization of this act and its modernization, we are creating levels of accountability that can become the cornerstone of the advancement of the quality of education in our country, the kind of accountability that will bring constant reform to the educational system.

Key to accountability is the commonsense notion that we should not allow Federal dollars to follow failure, but clearly we have. If we used the concept that the current system needed more money and the current system, in some instances, is failing, that is exactly what has been going on. We were financing failure without any level of measurement that would determine what that failure was and how it could be replaced.

Accountability is, without question, going to be the greatest key factor in what we do with the reauthorization and the modernization of this act: accountability in the schools and allowing the parents an element of measurement, working to improve those schools that are underperformers, but at some point if the system does not respond, giving the parents the flexibility to move that child elsewhere. Empowering parents and children in the educational system will, by its very character, push it toward reform.

It is that kind of dynamic we must demand of our public education system in this country. To strengthen, to assure that a free society always has access to a public learning system has been the strength of our country historically and can continue to be our strength. As we work in this area of education and work to reauthorize this legislation, that is clearly part of the goal toward passage of this act.

I am pleased to be a part of it. I will come back to the Chamber over the course of the next several weeks as we debate this issue to participate with my colleagues in explaining to the American people what we are attempting to do, what role the Federal Government can play with the States and local communities.

I and others believe that the bulk of the educational responsibility does reside with the State and the local communities. The funding, the tax base, the local school districts, the parents—that is where the greatest responsibility lies. With help, we set standards that are flexible, that fit States, that States can participate in, so it is not one Federal-size-fits-all, but there are levels of measurement, and most assuredly there are levels of acceptance.

How do you determine an underperforming school? Clearly, that is determined by the child in that school who isn't performing at the required level.

All of these are components of what we work to accomplish in the reauthorization of this most important public law for our country. I am pleased to be part of it, involved with it, to work with my colleagues who spend most of their time in this area and understand it a great deal better than I. I am pleased the Senate is now focused on what really is one of the most important issues we will deal with this year. I am proud to have a President who has made education a priority and who has said and now is backing up not only in words but actions that in his tenure as President of our country no child will be left behind.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we had an hour of postcloture debate. That time has expired. I ask unanimous consent that the next hour be equally divided and the time be counted under the provision of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, there are efforts being made to come to some agreement to bring to the floor. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we opened up the debate on education. And, of course, they tell us that we have an agreement in principle. So at this point, for all who believe that it is good for kids, let's go on and do it. We are hearing a lot of words with regard to policy and money, and basically money will not be a part of this debate and should not be a part of this debate. There is a good reason for that.

We hear stories—some of them are not too good—about the condition of some of our schools. There is no doubt about it; we see some schools in very poor condition.

I represent the State of Montana. Some of its schools are on our Indian reservations, and some of our Native Americans are under crowded conditions. In fact, there are a couple of schools that we are going to replace to help them get into new facilities next year; now young people are going to class in the janitor's closet.

Then we like to compare the good old days of our education. Sometimes I hear it said, in fact, that it is a wonder we as a nation have accomplished what we have because of our educational system. I don't want to talk about that. We should be talking about the successes of our system and the successes of yesteryear in education.

I went to a rural school. It was a country school with one room. I think it ranged in size anywhere from 18 to 25 or 26 kids. The eighth graders taught the first graders how to read. We only had one teacher.

All of us could tell stories like that about our life as a young person in a rural setting. We could talk about that. We could also say how we graduated from a smaller high school. There were only 29 students in my graduating class. We could talk about all the things we missed in our education, but we don't. We like to talk about our accomplishments.

When we hear the debate in this Chamber, do we, as policymakers, have all of the answers to the challenges of public education and what it faces today? No, I do not think we do. We might think we do. We need to face the fact that we now come to a subject where success will be based on how we make choices. That is the basis for the debate.

The Founding Fathers of this country placed a high priority on public education. They did it for a simple reason. We cannot be a free society and understand the Constitution unless we do it with educated minds.

It is remarkable when you look at the documentation of the two great wars fought on this continent, in our country. If you look at the Revolutionary War, very small snippets of history are found in our history books because most of the people who participated in the Revolutionary War at ground level were illiterate. They could not read and they could not write.

Then almost 100 years later—not quite, about 90—we had the Civil War, of which we find documentation and letters that soldiers wrote home to their folks and to their loved ones, to their mothers and to their brothers and sisters, to their families and their friends. From those letters we piece together a complete history of the Civil War of this country. The Founding Fathers said that public education is a must. We have to have a high degree of literacy in this country if we are to maintain a free and responsible society.

Ever since those days, we have seen strong public support for public education. In fact, there has been overall support for a strong public school system throughout my life—until, I would say, maybe the last 10 years.

What happened along the way? And I say the only way we make a good, sound argument is when we relate to how things are in our own neighborhood. There was a time when you could pass a school bond, and it was nothing to it. If you needed more money for buildings—brick and mortar—if you needed more teachers, if you needed more money to run the school, a school bond was fairly easy to pass because everybody supported the local schools and what they were doing.

I look at my own neighborhood and the support of the teachers and the schools. It is still there. But there is something missing because we have now experienced a history over the last few years of school bonds going down, voted down, to where it takes a real effort—a real public relations effort—to pass just an ordinary school bond.

There is a given in this debate: Anytime education comes before this body, it is sure to attract a great deal of attention. I do not know of a soul in the public sector or in this Chamber who does not have an opinion on education, and they will readily give it to you.

I have also found some other things to be true. Everybody knows how to run a school. That is another given. But I also have found that very few look at the record and can think their way through the idea that we have arrived at a time in the history of the evolution of public education and realize that systemic reform is now needed.

I am no different than most in this body. One could say: My schooling was sufficient for me; therefore, it would be good enough for our children. But we know that is not true. If we did that, then we would be stuck in low gear.

We have to look at this. Again, we should not be talking money. We should be talking accountability. If we are to have great support for public education, we have to have accountability. Everybody understands that.

Accountability means testing. It means the product that you are producing has to be a good one. Testing is the only way to do that. You can have a big argument about who is going to give the test and all that. I still say it should be left to the States. Testing also gives us, and public educators, the information needed to develop the sound support, that public education should have.

We should be supporting the programs that work, reduce the bureaucracy, and give increased flexibility to those who run our schools.

I leave you with a closing thought. Money is not the answer. You will see many charts throughout the debate. As this chart shows, we have increased spending in education drastically. Look at the blue line on the chart. It goes right on up. That shows how we have increased spending on education. But look where the achievement line is on the chart. Have we improved reading and math? No. So money is not the answer. Systemic reform is what is needed.

I am looking forward to the debate. But I think we have to use some common sense because what we need to do now is restore the accountability in and the support for our public education system because it is the cornerstone of this free society.

Do not test the young people for reading. Do not test them for math. Test them on history because, I will tell you, that is where the seed of freedom remains in a society to be perpetuated for future generations.

Mr. President, in accordance with rule XXII, I ask unanimous consent that the remaining time under my control be yielded to the Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. I ask the Senator from Texas to yield me such time as I may consume.

Mrs. HUTCHISON. Mr. President, I yield the remainder of the time on the Republican side to the Senator from New Hampshire.

The PRESIDING OFFICER. Twelve and a half minutes is yielded to the Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Texas.

I congratulate the Senator from Montana for his excellent statement on how we should approach educational reform—especially on his emphasis for the need for reform, not the need to put more dollars into education to follow dollars that have already failed in helping our children receive a good education.

I want to continue this discussion on education which was started so effectively by the Senator from Montana. I want to review very quickly where we are.

The President of the United States has made education his No. 1 priority. The Senate has aggressively pursued trying to address the issues which the President has raised. Specifically, we have tried to adjust, with the bill that is before us today, the role of the Federal Government in education.

The Federal Government has traditionally taken small parts of education and focused on them—whether it is the needs of special students or, in the case of this bill, the needs of students who come from lower income families. We have, as was pointed out so effectively by the Senator from Montana, not been very successful in our goal.

Our goal was to increase the educational capacity and achievement of kids from low-income families. We have spent $120 billion trying to do that, and in fact during the decade of the 1990s we spent the majority of that money. Yet the educational scores and educational proficiency of kids from low-income families have actually deteriorated, according to the reviews that have looked at it, or remained the same, at best.

Unfortunately, the child who comes from a low-income family today reads at two grade levels below the children from other families in the same classroom in the fourth grade. That is true right through the school system. That is true of math also. It is also true of the graduation rates where there has been a distinct dropoff in graduation rates of kids who come from low-income families and in their proficiency upon graduation. So we have not succeeded in addressing the needs of kids from low-income families even though we have spent a huge amount of money.

The President has suggested: Let's stop throwing money at the problem. Although he is significantly increasing the funds, he is suggesting: Let's first look at reforming the issue so we actually give these kids from lower income families more of a chance in America to be academically competitive with their peers and, therefore, to have the opportunity of the American dream. The American dream today depends on being educated and being able to compete in a technological society.

He has suggested four basic themes: First, that we change the Federal programs from being focused on bureaucracy to being focused on the children. It is called the child-centered approach: Second is that we give local teachers and parents and principals more flexibility, which is absolutely critical as to how they educate the child, especially the child from low-income family. They know what they need. We here in Washington don't know what they need. We can't categorize programs so that we are going to help a child. It is much more important that we give the principal and the teacher and the parent more capacity to control these dollars and have some decision processes which will lead to better education. So he has suggested more flexibility.

Third, however, in exchange for the flexibility, the President has said he expects and we should expect academic achievement. That means bringing the child up to the level of being competitive with their peers; in fact, doing even better than their peers in some programs. And fourth, the President has suggested that the academic achievement level be made accountable; in other words, that we not allow the low-income child to be left behind because we norm them in with every other child. We basically put them in with the law of averages, and by putting them there, we actually ignore them and lose them in the process.

His proposals make a great deal of sense as to fundamentally reforming the system, giving the system more flexibility, making it more child centered, expecting more academic accountability, and getting accountability of what is happening in our system in exchange for more money. These are positive steps, and that is positive reform. It is reflected in the bill that underlies this legislation and hopefully will be reflected in an agreement we can work out and we are attempting to work out with the Senator from Massachusetts who I see just came to the Chamber. He has been such a major player in this issue for so many years.

I have been picking out certain sections of this bill to talk about to try to give people some exposure they might not have otherwise gotten because the bill is so big and complex. There are a lot of interesting issues in it. I am trying to focus on them in sequence just for the edification of my colleagues. Let me focus on one function today, and that is what we do relative to teachers, how we try to assist teachers.

There has been a debate raging in the Congress for the last few years which was energized, in great part, by President Clinton's initiative called classroom size. Essentially his proposal was: Let's put a lot of money out there to try to help schools hire more teachers because we know there is a teacher shortage. That is a given. There is a huge shortage in this country. His proposal was: Let's create a categorical program which says, here is a bunch of money, $1.4 billion; you can use that, school systems, to hire more teachers and to try to reduce class size down to a ratio of 18 to 1.

This was an interesting proposal, and it was in some ways appropriate, but unfortunately the execution of it was not effective.

We have in this bill tried to reform that proposal and make it more effective. First, you should understand that teacher ratio is not necessarily the function of a better education. Much like putting more money into the problem, reducing the number of kids in a classroom does not necessarily improve education. If you put fewer kids in a classroom with a teacher who is incompetent, the kids still aren't going to learn any better. The competency of the teacher, the teacher's ability to actually teach and to be an exciting teacher who excites the minds and interests of the children with whom they are dealing, is the key category as to a teacher's capacity to improve that classroom.

That requires teachers who are well informed, teachers who understand and are teaching subject matters in which they have been trained, teachers who are up to date with the latest technology, if they happen to be in the science area, and the latest developments in the disciplines in which they are teaching, teachers who have had the chance to maybe go to an extra course or an extra workshop to learn to teach better. We in Washington cannot unilaterally decide whether a teacher in Epping, NH, or Cheyenne, WY, or San Francisco, CA, is going to be a good teacher or a bad teacher. We can't even decide whether the classroom size in that community is the right ratio.

It should be noted that the vast majority of the States in the country already have a classroom ratio which is below 18 to 1. I believe 41 States already have met that ratio. But that really isn't the issue. It really is the local school district, the principal specifically, working with parents, working with the teachers in the class, who can understand whether they need more teachers to teach or whether they need their teachers who are teaching to be better educated on the subject matter, or whether they have some really good teachers in their classrooms who are being attracted to work outside the school system and they are afraid they are going to lose them because they can't pay them enough, or whether those teachers need technical assistance in order to communicate better to their students. We don't know that. We don't know any of those factors.

Unfortunately, the original program, as has been put forward and may be put forward as an amendment on the floor, was, we are going to tell local school districts: You must, in order to get these dollars, hire more teachers.

There are a lot of school districts in the country that don't need more teachers, but they do need the teachers they have to be better educated. They need to be able to retain the good teachers they have or they need more technology for those teachers.

What we have done in this bill is something called the Teacher Empowerment Act. We have merged the two major funding streams for teaching—Eisenhower grants and classroom size grants—and we have said: Here is a large pool of money. Last year it would have been $2.3 billion appropriated and $3.2 billion authorized. We have merged those two streams of money, and we are saying to local school districts: You can use this money to hire more teachers. If you have a classroom size issue, if you have a teacher need, you can use this money to hire teachers. But you don't have to hire teachers. You can also use this money to pay your good teachers more, or you can use this money to bring your teachers up to speed in the disciplines in which they are teaching, or you can use this money to give them the technical support they need in order to teach their courses better.

We are giving the local school districts a great deal more flexibility with these funds. We are actually giving them a lot more funds, but we are also giving them more flexibility. Rather than a specific top-down, Washington-knows-best approach, we are essentially saying: You, the local school districts, make the decisions as to what you need in the teaching area. These funds are dedicated to help you as a supplement, essentially, to your local efforts in teaching. And as a result, hopefully, the teaching in that school district will better serve the students in that school district.

I pick out this part of the bill to talk about because I think it reflects the overall thrust of this bill, which I believe is so positive in many ways. I have reservations about certain sections of the bill, but the overall thrust of the bill is in the right direction. This section on teaching reflects that.

This Teacher Empowerment Act is essentially saying: OK, local school districts, we understand you have a problem. We are going to try to help you with some dollars, but we are not going to tell you that you must do it one way or the other. We are going to give you a variety of options to solve the problems.

I view it as a cafeteria line, where the Federal Government says here are three or four different programs you can use. In the teacher areas, they include hiring more teachers, improving the pay of the teachers, improving the knowledge base of the teachers, or improving the technical support for the teachers; and, you, the local school district, can go down that cafeteria line and pick off the plate what you need to help your students in your classrooms. Rather than saying you only get one choice on your cafeteria line, we are saying you get four choices.

I think it is much more constructive. I think we will have a much more aggressive and effective impact on the quality of teaching—to the extent the Federal Government can assist in that.

It is basically the theme of this whole bill—at least of the President's proposals as they have come forward on the bill—to give the local communities more flexibility. Let's also hold them more accountable. There are, by the way, more accountability standards in this bill on teachers. We require higher levels of proficiency and of certification within the bill. So this is just one concept that I thought should be outlined as we go forward.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, what is the time situation?

The PRESIDING OFFICER. The minority has 29 minutes.

The Senator from Massachusetts has 20 minutes of his time under postcloture remaining.

Mr. KENNEDY. So is it possible for me to use that 20 minutes and then use a few minutes of the minority time?

The PRESIDING OFFICER. The Senator would have to get unanimous consent to do so.

Mr. KENNEDY. I ask unanimous consent to be able to use up to 9 minutes, which would be the total amount allocated to the Democrats.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. No. Mr. President, the Senator very kindly gave his time last night to the Senator from Vermont. So I ask unanimous consent that he be allowed to use the 29 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I request just 15 minutes.

I thank the Senator from Texas. She is always gracious and courteous, as well as a gifted Senator.

I want to just take a few moments to go over the basic elements of the Elementary and Secondary Education legislation that will be before us this afternoon and then speak on what I consider to be the outstanding missing element in this bill. I ask the Chair to tell me when I use 10 minutes of my time.

The legislation we will be considering builds upon the excellent work done in a bipartisan way on the Health Education Labor and Pensions Committee. The bill includes the elements of our Committee bill plus some of the other agreements that have been worked out over the recent days.

The Nation's schools face many challenges that must be addressed if all students are to be challenged to achieve high academic standards. School enrollments are at record high levels and continue to rise. Large segments of the teaching force are preparing to retire. Diversity is increasing, bringing new languages and cultures into the classrooms, and family structures are changing. More women are participating in the workforce, creating a greater demand for quality before, after, and during summer school activities.

In addition, many of the Nation's school buildings are deteriorating and must be renovated and modernized so all students can learn in a safe learning environment. The demand for Internet skills is at an all-time high, but the supply of computers connected to the Internet is inadequate in school buildings located in the poorest districts.

The BEST bill is a good start toward improving student achievement in the Nation's public schools. This bill creates tough standards that must be established for States, districts, and schools which hold them accountable for improving student achievement. We must drive resources and support the most chronically failing schools to ensure they get the help they need to turn around and to succeed.

The bill requires that every child should be tested each year in grades 3–8, not as a punishment, but so that parents and educators know where every child stands and what more needs to be done to help them. We hope to strengthen provisions within the bill to ensure that these State tests are high quality, so that parents will know that the results of these tests are meaningful for their children.

All parents deserve a complete picture of what is happening in their child's school. A recent survey by the Center For Community Change found that 36 States produce some variation of a school report card that includes student achievement in other factors. Report cards will highlight school challenges and provide parents with information they can use to become more involved in their child's education. They will include information on student achievement by desegregated groups of students; graduation and dropout rates; teacher quality; information on how schools have progressed in relation to their State standards and assessments; and information on schools identified for improvement.

Reading is the golden door to opportunity. Unfortunately, forty percent of fourth grade students do not achieve the basic reading level, and 70 percent of fourth graders are not proficient in reading. Children who fail to acquire basic reading skills early in life are at a disadvantage throughout their education and later careers. They are more likely to drop out of school and be unemployed. The BEST Act triples funding for the reading programs and strengthens the Reading Excellence Act to ensure that all children learn to read—and learn to read well early—so they have a greater chance for successful lives and careers.

Over the next 10 years, we will need to recruit more than 2 million teachers to teach the record number of elementary and secondary students in our public schools. Nothing in education is more important than ensuring a highly qualified teacher for every classroom. Research shows that what teachers know and can do is the most important influence on what students learn. Increased knowledge of academic content by teachers and effective teaching skills are associated with increases in student achievements.

The BEST bill includes strong definitions of professional development, mentoring, and highly qualified teacher and contains strong accountability and application requirements. In particular, the bill contains many of the elements that research indicates constitute effective mentoring and professional development—sustained, intensive activities that focus on deepening teachers' knowledge of content, collaborative working environments, and training that is aligned with standards and embedded in the daily work of the school.

Under this bill, limited-English-proficient students will get substantially more support to help them learn English and achieve high academic standards. We are experiencing a tremendous growth in the number of limited-English-proficient and immigrant students in our Nation's classrooms—from 3.4 million students in the 1997–98 school year to an estimated 4.1 million of our school children today.

Dramatic shifts are taking place in the growth of our immigrant population in the United States, and immigrant students are emerging in areas where their presence had previously been invisible. The most recent census data shows that, between 1990 and 1998, our States in the South have experienced a growth in the Hispanic population by 93 percent.

The BEST Act responds to this challenge by providing additional opportunities for success. The BEST Act increases the federal commitment to provide educational assistance to our limited English proficient students through the Bilingual Education Act. When the program is appropriated at $700 million, it will become a state formula program based on 67 percent LEP population, and 33 percent new immigrant population. Our bill responds to States in which the limited English proficient population has grown at a tremendous rate, and where there is little or no infrastructure in place to provide for the educational needs of these students.

Research shows that children who are home alone after school hours report higher use of alcohol, cigarettes, and marijuana. Nearly 45 million children ages 14 years and younger are injured in their homes every year and most unintentional, injury-related deaths occur when children are out of school and unsupervised. The bill expands the successful 21st Century Community Learning Centers, increasing the authorization from $846 million to $1.5 billion in fiscal year 2002. It also changes the program to a state formula program, ensuring students in every state will have expanded after-school opportunities. After-school opportunities are necessary to keep children safe before, after, and during summer school to keep children safe, help parents work, and expand children's learning opportunities. Yet demand for these programs continues to outpace supply. According to a report from the U.S. Census Bureau last year, almost 7 million children aged 5 to 14 are left unsupervised on a regular basis during the after school hours.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. KENNEDY. I thank the Chair.

Prior to the passage of the Class Size Reduction program in 1998, under the leadership of Senator MURRAY, more than 85 percent of the Nation's students were in classes with more than 18 students, and 33 percent were in classes of 25 or more students. Because of the Class Size Reduction Act, 1.7 million children are benefitting from smaller classes this year: 29,000 were hired with fiscal year 1999 funds; 1,247 are teaching in the first grade, reducing class sizes from 23 to 17; 6,670 are teaching in the second grade, reducing class size from 23 to 18; 6,960 are teaching in the third grade, reducing class size from 24 to 18; 2,900 are in grades 4–12; 290 special education teachers have been hired. And, on average, 7 percent of the funds are being used for professional development for these new teachers. We should continue the Class Size Reduction Act.

When we send childen to crumbling schools, we send them the message that they don't matter. Fourteen million children attend schools in need of at least one major repair, such as fixed heating or plumbing systems. Half of all schools have at least one environmental hazard, like inadequate ventilation. One-third of all schools are more than 50 years old. Urban, rural, and suburban communities are struggling with national school modernization costs of more than $127 billion. The BEST bill as reported by the committee is silent on school construction needs.

We should really commit to leaving no child behind by fully funding title I. It takes resources, as well as testing and accountability, to do school reform right.

We should maintain our commitment to reduce class sizes for 2 million children instead of backing away from it. Senator MURRAY will address that issue.

We should provide subject matter training for every teacher in high poverty schools.

New teachers should have mentors to pass on wisdom and keep them in the profession.

We should fix 5,000 crumbling schools over the next 10 years.

And we should ensure every child has a safe and supportive place to go afterschool.

Without these types of investments, our efforts at school reform will fall of their own weight.

Mr. President, in order to reach the elements of this legislation, we have to provide the resources.

The fact is only one-third of the neediest children are going to benefit from what we have developed if we do not increase the funding. We are going to leave behind two-thirds of the children who qualify for assistance.

The fact remains, we have approximately 12 million poor children in America. We made a decision in the early 1960s to give special assistance to those children. It is still primarily a State and local responsibility.

When I listen to my colleagues on the other side talk about the failure of these programs, it is really an indictment of the failure of States and local communities to provide the kind of assistance which is necessary to make a difference to these children. We know what it takes to educate children. That is not a great mystery. We have many schools that annually produce very talented and creative students.

I will tell you, Mr. President, what I fear about this legislation.

Looking at the funding levels for this legislation, we see we are currently reaching one-third of these children. We state in this legislation that all of these children, the 12 million who are basically poor and somewhat smaller numbers who are actually eligible who are very poor. None of these children should be left behind.

Under the President's budget, in fiscal year 2001, 3.5 million children are served under title I funding; fiscal year 2002, 3.7 million; fiscal year 2003, 3.9 million; fiscal year 2004, 4.1 million, and fiscal year 2005, 5.2 million children.

The Democrats start off with the same base at 3.5 million, up to 5.2 million, 6.9 million, 8.6 million, and by fiscal year 2005, no child is left behind. That is the basic and fundamental gap. This legislation offers these opportunities to only a small percent of the eligible children, and that is wrong.

We have fashioned a good bill that can benefit all children. So it is a reasonable question to ask: Why aren't we taking care of all the children? Why are we taking care of just one-third? Do we have the resources? Yes. Do we have the will? Evidently not. Do we have other priorities? Apparently so. A small percentage of the extraordinary tax cut of $1.3 trillion, about $5.3 billion a year over 4-years, would allow every one of these children to get the assistance they need to achieve success.

There is a high demand for afterschool programs. Last year, there were more than 2,250 applications for afterschool programs, and only 310 were funded.

What happens in these afterschool programs if we do not have enough resources? Why are afterschool programs so important? First, we have 7 million children between ages 9 and 13, who are left unsupervised after school hours. Afterschool opportunities are necessary to keep children safe, help parents work, and expand children's learning opportunities.

Do parents want this service? Yes. Do children need it? Yes. Are they effective? Yes. Do we have the money? No.

We are talking about the future of the country. We are talking about 80 percent of the children going to innercity schools in the eighth grade are without an adequate math teacher who can teach them algebra. We know all educators will effectively agree if children do not learn algebra, they have a difficult time advancing on to college. Unless someone is going to help provide the well-trained teachers who can teach student necessary math skills, we are effectively saying to millions of children in the country, that opportunity is closed to them.

This issue effects the future of our Nation. We are talking about a world economy, a highly educated society; we are talking about updating skills; we are talking about continuing training programs for people in jobs so they can compete. Are we meeting that challenge at the local level? We are not. That is the extraordinary tragedy in this program.

This legislation is the basis of something that can be enormously important and, I believe, can make a real difference in the education of some of the neediest children in our country. However, we are going to fail to meet that test unless we have the resources. Unless we are going to provide those resources, we are going to fail our children.

We know that many poorer schools are more challenged today. We have added approximately 5 million specially challenged children, who were not in the schools 10 years ago. They are taking the tests.

We have seen the expansion of the number of homeless children in our schools, some 600,000 homeless children. We have approximately 500,000 seasonal workers' children, a third attending school, and then moving on. We have migrant children in our school. We have challenges with different languages, with more than 4 million school age children who are either limited English Proficient or immigrants. We have seen an increase in separations and divorces, which has placed pressure on children. We have also seen the explosion of violence in our society—and in our schools. Many of the schools and teachers bear the brunt for dealing with those special needs. All of these factors are impacting children as they go to school.

We must not fail to do what works. That means a well-trained teacher in every classroom. It is amazing so many teachers in the inner-city schools working as long and as hard under such circumstances. They are extraordinary individuals making a difference in people's lives under extraordinary conditions. We need to give them help, assistance, and confidence. We need to make sure they will have the equipment they need to get a first-class education.

Why do we say education counts and then have children go to a crumbling school? It makes no sense. We can talk the talk but unless we are prepared to walk the walk, we fail the children.

We need accountability to make sure the children are actually learning. We want to make sure those schools will be safe. We want smaller class sizes in the early grades, so a teacher can take a little time with a child that has a particular need during the course of the day, rather than looking at the child as a number.

On this side of the aisle, we are virtually united in insisting we are going to get the resources to be able to do that.

We know now there are 10,000 failing schools. We also know that it costs about $180,000 to turn a school around. There are a series of 57 different options that have been tried and tested that are suitable for different schools. It would take $1.8 billion out of a trillion dollar budget, to try and turn schools around.

We are missing an extraordinary opportunity and responsibility in doing something about these children's education. If this is going to be a first priority for the administration, it ought to draw on first priority dollars and resources and invest in the children who need it. We ought to provide the resources necessary to leave no child behind, to reach every child before we even consider providing the tax breaks in the President's budget.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, with the agreement of the minority, that Senator FRIST be given 10 minutes of the next 30 minutes of divided time, that then Senator GORDON SMITH be given up to 5 minutes, following which the minority would have their 15 minutes, following which Senator BUNNING from Kentucky would have 20 minutes, following which the minority would have 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak very briefly—for 10 minutes—on the Better Education for Students and Teachers Act, a bill that was passed out of the Health, Education, and Pensions Committee, a bill that speaks very well to the principles, to the ideals, to the practical application of what President George W. Bush has put forth as his principles for education reform.

Let me say at the outset, as most people know, that there is a lot of discussion today about funding. We have a bill with significant reforms that I hope will very soon be brought to the floor.. That reform effort, which is terribly important, as we all know, and as both sides of the aisle agree, is being linked in concept, but also in process, to increased funding, as we just heard from my colleague from Massachusetts. I want to quickly provide some perspective about the funding side. While we have been talking a lot about the reform side, and will continue to talk about it, the funding side has been pushed aside. People know negotiations are underway. But I want to put it in perspective.

The primary argument for increased funds, according to the other side of the aisle, is that the modernization of the Elementary and Secondary Education Act requires increased funding to pay for those reforms. I want to make it very clear, again, to my colleagues and to people who may be watching this debate across the country, that when the Democrats were in charge of this body, that was not the principle that was applied. There was no dramatic increase in funding for reforms.

One example: In 1988 a Democrat Congress reauthorized the Elementary and Secondary Education Act, the same law enacted in 1965 that has been reauthorized seven times, and in the subsequent appropriation year—1989—a 5.1-percent increase in title I was enacted to cover those 1988 reforms.

Five years later, in 1994, a Democrat Congress reauthorized ESEA, again hailing at the time that it was the most significant reform package since the bill was initially put into effect in 1965. I quote a Senator from the other side of the aisle who said:

> It is the most important reauthorization of ESEA since the landmark Act was passed in 1965.

That particular Senator went on to hail the bill's accountability and high academic standards. I want to point out that for the major comprehensive reform effort, at that time, to the title I 1994 reauthorization, the Democratically-controlled Congress appropriated a mere 5.7-percent increase in the following year, fiscal year 1995.

So, when in control, the other side of the aisle has offered increases associated with reforms of somewhere between 5 and 6 percent a year. Yet in our negotiations several weeks ago they asked, not for what they had put forward, and appropriated, throughout their history of being in charge, which is an increase of 5 to 6 percent, but instead came to the table recommending, suggesting, insisting, on a 75-percent increase, and not in 5 years or 10 years, but in just 1 year.

At this moment negotiations are underway. I am not in the middle of those negotiations, but the figures being negotiated by the other side of the aisle are a 50-percent increase, a 49-percent increase. That ends up being about $5.2, $5.3 billion.

I point out to my colleagues that never, ever in the program's entire history has it grown by even $1 billion. So these proposals are significant increases. But I hope that when agreement is reached in the next several days, whatever figure we end up with, that the American people will understand that it is a figure dramatically larger than any ever suggested by the other side of the aisle.

President George W. Bush has demonstrated a strong and remarkable leadership position in reforming and modernizing education. He has focused in particular—and this is reflected in the agreements and in the policy that is being formulated in a bipartisan way—on serving the most needy students, so that, indeed, no child will be left behind.

We have all talked a lot about the achievement gap which has not narrowed but in fact gotten wider over time, the gap between the most needy students and others, between the underserved and others. The commitment of the President of the United States, and the bipartisan commitment in the underlying policy, is something, again, that we need to keep first and foremost in our mind—putting the emphasis on children, on individuals, and not on bureaucracies, on programs, or, I would add, indeed, not just throwing money at a system uncoupled with reform.

The President of the United States has expressed a willingness to support the largest increase in education funding, focusing on title I, ever proposed in the 35-year history of the program. I mention that because we tend to lose perspective. The bottom line is this President has proposed, and we support, the largest increase ever in the 35-year history of the Elementary and Secondary Education Act.

We have a great opportunity as we go forward. We look at the failure of performance of ESEA, especially as we focus on the neediest students, and the opportunity to reform and modernize with, yes, an increase in investment, but also with reform that captures the very best of what the American spirit is all about, and that is the creativity, the innovation, and the freedom to address issues and reward success rather than failure, as we have done in the past.

The underlying bill, which I am very hopeful will be released by the other side and brought to the floor so we can talk about it, stresses issues such as accountability.

Let me also point out that although people say we do not know what is in the underlying bill, that bill is before us, on all of our desks. Yes, there are modifications and there are certain agreements that are being reached that will be added to that bill. But they can look at that bill. I hope that bill will be brought to the floor. Basically, it does four things. No. 1, it increases accountability for student performance; No. 2, it rewards success; No. 3, it increases flexibility and freedom; and, No. 4, it puts emphasis on parents.

No. 1, it increases accountability for student performance. Over the last 24 hours in negotiations, we have reached general agreement on how to build in that accountability in a strict way. Yes, we give more freedom to innovate, but we link that to demonstrable results, measurable results. It is called average yearly progress. The technical aspects that have been worked out, and that language will be available shortly today.

No. 2, the BEST bill. It is called the B-E-S-T bill, Better Education for Students and Teachers Act. Again, the emphasis is on teachers and students. It focuses on what works. As I pointed out in my previous remarks on the floor, what is important is that we have an understanding, a measurement, of what works based on good science, on good research.

No. 3, the BEST bill will also reduce bureaucracy. It will get rid of red tape, and it will increase flexibility. That really comes back to the importance of having local control and innovation, of rewarding what works and recognizing what does not work. Additional flexibility will be given to the States, to the districts, and to the schools, stripping away the unnecessary and needless red tape that results in teachers not being able to teach; that takes time away from teaching; that prevents principals from spending time administering their schools.

No. 4, the underlying bill focuses on parents and on the individual student. It involves an element of choice. No longer will a child be locked into a school that fails today, that will fail next year, and the year after that, in spite of reform, in spite of additional resources. That child, for the first time in the history of this country, will be given an opportunity to choose another public school.

Those principles are accountability, rewarding success, reducing bureaucracy, increasing flexibility, and empowering parents.

I am very excited about this opportunity to move forward. I am very hopeful that we can, even though the other side objects to its being brought to the floor.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I ask unanimous consent to be allowed to take my 20 minutes now and concede to the opponents or the opposition 20 minutes following my 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Thank you, Madam President.

Madam President, I rise today to talk for a few minutes in support of S. 1, the President's education reform bill.

We all agree that every child should receive a top-notch education, and that no child should be left behind. There isn't one Senator who disagrees with that.

But we can disagree on the best ways to meet this goal, and that's what much of the debate is going to be about.

I believe that the bill before us today deserves our support for a number of reasons. And it ensures that no child left behind is more than a campaign slogan—it's a promise to our families and their children.

First, the legislation makes badly needed changes to the Department of Education—changes that will help us do a better job at educating our kids.

In the past we've relied too much on creating new programs and the failed notion that spending more and more money, and that creating more and more government, are answers to the question of how to best educate our kids.

If that were true, Federal welfare spending would have ended poverty years ago.

And Federal education spending would have ensured that every child could read and write. That hasn't happened because money isn't the answer.

Many of my friends on the other side of the aisle talk about spending more money as if it were a magic pill that will fix all of our problems.

This just isn't true. Look at the schools in the District of Columbia. Per student spending there is among the highest in the land, and the school system has been in terrible shape for years.

More money and more programs aren't the answer. It might sound good. It might make some of us feel better. But it's a false promise that cheats our kids.

And I would like to remind my friends on the other side who are now questioning our commitment to kids that the last time Congress worked on reauthorizing the ESEA back in 1994 that they didn't say one word about linking the bill to appropriations—not one word.

So all of their complaining now rings a little bit hollow.

You can't prove your commitment to children, your commitment to education just by tossing around dollar figures. Talk is always cheap. There is a difference between just spending more money and spending it wisely. This bill recognizes that difference.

For instance, today there are 58 programs funded through the Elementary and Secondary Education Act alone, and we are going to spend approximately $18 billion on these programs this year alone.

The bill before us simply doesn't just tack more programs onto current law and increase spending as part of a hollow promise to improve education.

That would be a cheap out, an easy way to make us all feel better. Instead, this legislation makes more fundamental and significant changes. It folds many of these programs into more constructive approaches, and repeals others that don't work.

That does not happen often in Washington—getting rid of a program that doesn't work.

But this bill does it. And I think it's going to make a difference for the kids. And by folding programs and some spending into block grants, we put more power in the hands of the local officials and teachers who are on the front lines and have the most experience with what methods really work.

Another good aspect in this bill is that it requires results and instead of just tossing funding at a problem, it injects serious accountability into education.

By testing students annually from grades three to eight, we make sure they are actually learning and not simply getting passed along to become someone else's problem.

And it holds teachers and school boards accountable for these results. If scores don't improve, the kids can leave those failing schools and funding will follow them to institutions that work and teach.

Schools that fail to educate their students will face the consequences. Parents will be notified and students will be allowed to transfer to other public schools.

If the problems continue, the school could be forced to implement a new curriculum, the school's staff could be replaced, or the school could be reopened as a charter school.

This legislation contains other promising initiatives, including the Reading First Program that makes sure all children read by the end of third grade.

Instead of social promotion, we are actually going to make sure that kids master the most fundamental skill of all—reading. And there is an Early Reading First program that focuses on reading for children ages 3 to 5.

I realize that this sort of testing and accountability is a change from the past for many and makes a lot of folks nervous.

However, there are times when change is necessary. And this is one of those times. We should not be happy with the status quo when it comes to educating our children, and should always be looking for better ways to educate.

If something doesn't work, you change it. Fear of improvement or a fresh approach is no reason to continue to shortchange our kids. By requiring the States to test children, this bill maintains another crucial aspect of our educational system—local control.

Some of my colleagues might remember last year when President Clinton took a tour around the country to promote one of his education proposals. Some of the Washington bureaucrats put together a map of his tour that included a stop in Owensboro, KY.

Of course the map and the PR material they put out about the President's trip to Owensboro showed it being in the middle of Tennessee, and actually lopped off the western part of Kentucky and gave it to Illinois.

That is just a funny little mistake, but it demonstrates my point that Washington does not know best.

I definitely trust folks in western Kentucky—who know where Owensboro really is—to educate our Kentucky kids than officials who work here at the Department of Education.

I already talked a little bit about block grants and about how they'll work. I'm also glad that the legislation strengthens the successful ED-Flex Program and I hope it eventually includes the important straight A's Program.

Those are crucial parts of this bill that guarantee local control and the best possible results. Under the President's plan, States test kids in grades 3–8 in reading and math, States are responsible for creating the tests as well as setting performance goals and creating a plan for ensuring that all of their students are proficient on their statewide tests within 10 years. Additionally, States will also administer a national test, called the National Assessment of Educational Progress in grades 4 and 8, to make sure all students across the country are not being cheated out of a good, positive education.

By protecting the role of State boards of education, we help ensure that local communities can play their traditional role in instructing our children. And just to make sure that the work gets done, the Federal Government will foot the bill for these testing procedures by paying for half of the cost of the statewide tests, and the full cost of the national assessment test.

Local education agencies will be held to the same standards of improving student achievement, and will face similar consequences if they fail. Just as students have to pay a penalty if they fail, so should teachers and schools if they fail in their responsibilities. Education is a serious business. There should be real consequences for failing our kids. We trust schools and educators with our kids' futures, and there is no reason why they shouldn't be called to task for the results. Personally, I think that one of the most effective parts in this bill is the provision that gives children the power to change schools if their school fails them. To sum it up, in this legislation the money follows the kids. If a child escapes a failing school, the money used to help educate them follows them to an institution that works.

I support completely the choice of schools for children. I think it is the best way to give schools an incentive to do a good job. Competition is the way to ensure the best results when it comes to markets and practically every other part of our society. But for some reason, when it comes to education and our kids the opponents of choice say no. I don't know why the opponents of choice think that it won't work for kids and schools. I believe that this cheats our neediest students and takes power away from them. I look forward to this part of the debate. But even if we don't succeed in giving complete freedom of choice to students, the fact that this bill gives students in public institutions the power to change their schools is a dramatic improvement over the status quo.

In conclusion, I urge support for the bill. The legislation before us presents an important choice to us: Do we continue with the status quo, or do we take an important step in improving education for children, and ensuring a bright future for them? Do we listen to those who sing the tired old songs about more money and more money, or do we opt for real reform and accountability? I, for one, will vote to improve education and for a fresh start for our kids. I urge support for this legislation before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I was not here when the order came for my 5 minutes in a unanimous consent agreement. I ask unanimous consent I be allowed 5 minutes now, and any time I get be added to the Democratic side. I will be very brief.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator may proceed.

THE BUDGET RESOLUTION AND UNINSURED AMERICANS

Mr. SMITH of Oregon. Madam President, I have come to this Chamber in the past to express my frustration when things have not seemed to be proceeding and we seemed to have been stuck in gridlock. Today is a very real exception to that feeling. I rejoice that we have a budget agreement, and that we are working on education reform that puts serious resources behind serious reform in our educational system.

I am here as well to thank the leaders of the conference committee on the Budget, specifically Senator DOMENICI and Senator LOTT on our side, and others in the House and Senate who have, I am told, preserved the one thing I wanted most in this budget, which was a $28 billion authorization for 3 years to expand health care to the uninsured.

I came to this issue not this year, but from the first year I entered public life as an Oregon State senator and won membership on our health care committee. I was not around when we created the Oregon Health Plan, but I did play a role in obtaining funding for it. The Oregon's Medicaid program, known as the Oregon Health Plan, has dramatically reduced the number of the working uninsured in the State of Oregon.

We have a tradition in our State of trying to take care of those who cannot take care of themselves. I express gratitude to my colleagues on the Democrat and Republican side for this budget agreement that will help our State and others do just that.

I believe we need tax reduction and tax reform. I think we are going to do something very significant in our generation with what we will likely adopt very soon in this body and the other, and that President Bush will sign. It will put real dollars into the pockets of working Americans.

But I must say how grateful I am that this budget item has been preserved—$28 billion for the uninsured—because while we cut taxes for Americans, it is also appropriate that we care for those who cannot care for themselves.

Madam President, I ask unanimous consent an editorial from the Washington Post of this morning entitled "Timeout for the Uninsured" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, May 2, 2001]
>
> TIMEOUT FOR THE UNINSURED
>
> House conferees have been fighting with their Senate counterparts to reduce the spending levels in the congressional budget resolution. No doubt some cuts can be made in the Senate totals without the country's suffering harm. But at least one relatively minor Senate proposal deserves to remain.
>
> Oregon Sens. Gordon Smith and Ron Wyden won inclusion in the budget of an additional $28 billion over three years to reduce the number of Americans without health insurance. The money would mainly be spent on lower-income people. Exactly how would be up to the authorizing committees, but an add-on of some kind to Medicaid and/or the children's health insurance program that Congress enacted several years ago seems most likely. The modest expansion would hardly solve the un-insurance problem, but it would push in the right direction.
>
> About a seventh of the population remains uninsured. Most are poor or near poor. They lack insurance mainly because they can't afford it. The administration has proposed a tax credit to help those whose employers don't offer insurance. But the credit would cover only part of the cost of an average policy, and most uninsured families still would find such a policy beyond their means. Some people think the industry might respond by offering only partial policies, but it's not clear that would be a good result, either.
>
> The administration proposal has some interesting features and would do limited good, but limited is the operative word. The spending programs for the lower-income uninsured have shown themselves to be efficient ways of increasing coverage. Whatever the fate of the tax credit, they should be expanded. Much attention has lately been paid to the health care problems of the already insured. The elderly lack a drug benefit; people enrolled in managed care complain that care is sometimes sacrificed to cost. But at least these people have insurance. More than 40 million don't. The budget argument this year has been mainly about how large a tax cut to give the better-off. What about a timeout to pay a little heed to those who can't afford to get sick?

Mr. SMITH of Oregon. The Washington Post editorial states:

> House conferees have been fighting with their Senate counterparts to reduce the spending levels in the congressional budget resolution. No doubt some cuts can be made in the Senate totals without the country's suffering harm. But at least one relatively minor Senate proposal deserves to remain.

They are referring to this $28 billion that we can use to reduce the ranks of the uninsured. Currently that is about 17 percent of our fellow citizens, over 43 million Americans.

Senator WYDEN and I, when we came up with this idea, hoped we could cut this number in half. It is now up to the Finance Committee to achieve that. They have the money now authorized to accomplish that.

Good programs do exist for providing health care to the uninsured. Medicaid, as we all know, is working. It needs more resources. There is also the Children's Health Insurance Program, or CHIP, which has also reduced the number of uninsured children in this country.

One of the things I was most grateful to have been a part of when I first came to the Senate was a compromise between Senator HATCH and Senator KENNEDY for the CHIP program, which became the pivot point for the balanced budget agreement. Oregon's Children's Health Insurance Assistance Program has enrolled 13,000 children in our State. But there are more than 61,000 eligible children without coverage because of the limited amount of money budgeted for this purpose. Senator WYDEN and I hope the Finance Committee will expand this program to include their parents.

What we are doing is providing access to health care for low-income Americans. This is the No. 1 bipartisan agenda item we have. We have started on that plan and will build on its past successes.

I believe expanding coverage can be done in a way that will promote State flexibility, avoid new bureaucracies, and protect the employer-based coverage system, while providing a meaningful, affordable benefit to millions of Americans.

Our first component that we will propose to the Finance Committee will be to give businesses incentives to make quality health insurance more affordable for their low-income workers. Our plan will give businesses a tax credit if they chip in more to offer quality health care to their low-income employees. Many low-wage employees are working hard but are having trouble paying the full amount for health insurance.

Second, our plan will extend Medicaid coverage to more low-income Americans. Many low-income adults who cannot afford or are not offered health insurance will be eligible for Medicaid coverage. As I indicated, we want to expand the CHIP program.

The PRESIDING OFFICER (Mr. BUNNING). The Senator's time has expired.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. We believe that expanding health insurance to millions of hard working low-income Americans will relieve the uncertainty and fear many people face, knowing that they are one illness away from losing their life savings or their home. It is the right thing to do. It is the right time to do it.

As the editorial in the Washington Post says:

> What about a timeout to pay a little heed to those who can't afford to get sick?

I thank my colleagues on the budget conference committee for preserving this critical line item for the uninsured. I urge all my colleagues to vote for it when it comes out of this conference and then later when it is crafted into final form by the Finance Committee.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY

Mr. KERRY. Mr. President, yesterday the President of the United States gave a very broad outline of a new national security strategy that moves away from the reliance on deterrence and arms control towards missile defenses and unilateral arms reductions.

Frankly, the President's brief remarks raise more questions than they answer. I wanted to take a few minutes to address in this Chamber some of the key issues he touched on yesterday.

First, the President stressed that we must move away from our reliance on deterrence to keep our citizens and our allies safe from aggression or from nuclear blackmail. While I agree that in principle we want to find alternative methods of being able to protect ourselves from the potential of nuclear blackmail or terrorism, the hard reality is that there will always be a measure of deterrence in any approach we find with respect to the prevention of attack or maintaining the security of the United States of America.

If there is a real potential of a rogue nation—and I underscore "if" there is a real potential of a rogue nation—firing a few missiles at any city in the United States, responsible leadership requires the most thoughtful steps possible to prevent losses as a consequence thereof.

The same is true of accidental launch. If at some point in time, God forbid, there were to be an accidental launch of a nuclear missile, the notion that any country in the world, if technology were available, should be subject to that possibility would be unacceptable. All of us in the civilized world need to take steps to try to protect ourselves against the potential of that ever happening.

Let me make it clear. The rogue missile rationale that has been offered on many occasions really merits much greater analysis than many people have given it. For a state to develop a missile capacity, it would require some measure of testing, some measure of actual deployment, such as we have seen in North Korea with its Taepo Dong 2. It would also require a launch site and capacity, all of which are detectable by the United States, all of which are traceable over a period of time.

If, indeed, a state is to such a degree a rogue state that we think its leadership might be in a position of firing one or two rogue missiles at the United States, we ought to also think beyond that as to what they would be inviting as a response. Clearly, one or two missiles clearly traceable, obviously coming from a particular rogue state, would invite their annihilation.

So when we measure threats, we don't just measure capacity to be able to do something. We measure the intent to do something. We measure the consequences of somebody doing something. Indeed, Saddam Hussein, who possessed weapons of mass destruction, saw fit not to use those weapons of mass destruction when we went to war against him, even when he was losing the war. The reason that he didn't was because, Secretary Baker made it patently clear what would happen to them if they did.

Even the most unreasonable, most demonized of leaders still calculates risk and still calculates the repercussions of his actions.

Indeed, our military, in making a judgment about the different tiers of threat we face, places the threat of a rogue missile attack at the very bottom of threats the United States might face.

Here we are in a debate about education and we are being told we are not sure we have enough money for education; we are not sure we have enough money for alternative and renewable fuels; we are not sure we have enough money for a prescription drug program for seniors; we are not sure we have enough money to fix our schools and provide the next generation with the kinds of education we want—we need to balance what we get for our expenditures in terms of national security against other initiatives that also have an impact on the national security of our country.

I say, with respect, that the President's efforts with respect to the rogue missile threat seem to be willing to do things to the ABM treaty, to our relationships with Russia and China that go well beyond what we could possibly gain in terms of our security.

Let me come back to missile defense, which is really only a response of last resort when diplomacy and deterrence have failed. I support research and development of a limited missile defense system that, indeed, might have the ability to knock down one or two incoming missiles. I think it would be, in fact, a step forward for the United States to be able to at least know that we have that capacity. I suggest, very respectfully, that most scientists and most strategists who are well respected in this country recognize the extraordinary difficulties developing a system that might do much more than take out a selected number of missiles, and that if this were something more than a limited system, if it were a system designed to provide some kind of shield or some kind of larger protection against the potential of a larger attack, and was in fact deployed in that way, we would simply be inviting the kind of counterresponse we saw throughout the cold war, when we unilaterally initiated some advance in technology which the Soviet Union interpreted in a way that invited them to respond.

Most people who make judgments about the potential of knocking down missiles, given the difficulties of decoys, of the extraordinary technological difficulty of discerning the difference between artificial and real targets, the capacity of 1 warhead to potentially carry 100 different bomblets, which you have to discern the difference between in a matter of seconds—to suggest you can somehow have a system that is going to be 100-percent effective would be to stretch the imagination to where I think no strategist would want to go. I don't think anybody worth their salt in making judgments about potential conflict would come to a conclusion that one is 100-percent failsafe protected.

So if you are not 100-percent failsafe protected, you are still dependent, ultimately, on deterrence. We can't get rid of that equation. If you know you are going to suffer some damage, the judgment then becomes, well, how much damage? If we suffer that amount of damage, what is it going to take in return to be able to guarantee that they will, too? So, in effect, you are pushed back into a corner where you are still dependent on the mutual assured destruction equation—the very equation we have lived with since the beginning of the Cold War in 1945.

If you have a system that is 100-percent effective, you have also dramatically changed the equation of the balance of power because if you are sitting there and your adversary says, well, they have a system that is 100-percent effective against an intercontinental ballistic missile, so we had better deliver systems that completely avoid the intercontinental ballistic missile—if, indeed, they are an adversary—if China is sitting there and their strategists are saying the United States now has the ability to shoot down all of our missiles—they have a 100-percent effective defense—that means they have the first strike capacity because the minute you have developed a 100-percent defense, you have translated defense into offense because if you are 100-percent protected, you can fire with impunity first, knowing nothing hits you in return.

So what you have done is really turned on its ear the very concept of fear by both sides that the consequences of a conflict are so great that you avoid the conflict. In point of fact, one of the reasons the United States restrained itself from considering even greater escalation in Vietnam, and in other parts of the world in conflicts, was knowing that the Soviet Union and China have this extraordinary capacity to escalate to the ultimate confrontation. It was always the fear of the ultimate confrontation that drove us to restrain ourselves and ultimately to put in place the ABM Treaty.

The ABM Treaty represents the conclusion of Republican and Democrat administrations alike that we need to find a way out of the continuing escalation of the arms race. That is why we put it in place. It gave us a guarantee that we knew we could begin to reduce weapons because neither side was going to upset this equilibrium. That is why China and Russia are so deeply upset at what we are now considering doing—if we do it unilaterally. I am not against doing it if it is arrived at mutually. I want to research the capacity. I think there is a value to being able to say to New York City or Los Angeles, you are never going to be hit by a rogue missile or an accidental launch.

But what good is it if you deploy it in such a way that you abrogate the treaty that has held the balance and invite your adversaries to interpret it as the efforts of the United States to gain this superior edge, which then leads them into the same response—the tit-for-tat syndrome that led us through the entire arms race in the first place?

That arms race is completely traceable. We were the first people to actually use an atom bomb. People forget that. We used it for a noble purpose—to end the war and hopefully save lives. But we used it. After that, quickly Russia did an atom bomb. Then we did the hydrogen bomb. Russia did the hydrogen bomb. Then we did long-range bombers. They did long-range bombers. We put them on submarines, and they put them on submarines. In one—maybe two—instances, they beat us. With Sputnik, they beat us. In every other instance, the United States led. We were the first to put out the more sophisticated weaponry capacity.

But what happened? Inevitably immediately it may have taken we found ourselves in this race. The whole purpose of the SALT talks and the START talks—now START I and START II—where we have the capacity to lower from 7,200 weapons down to the 3,500, is the notion that we have arrived at an equilibrium and we are prepared to ratchet down together to make the world safer.

I say to my colleagues, very simply, if we can get China and Russia and our allies to understand that a mutual deployment of a clearly verifiable, highly transparent system, mutually arrived at in protocol—if we can deploy that, all of us together, with a clear understanding of the reductions we are seeking, that could be salutary in its extraordinarily limited way.

But if the United States insists on moving unilaterally, abrogating a treaty, we will send a message to already paranoid hardliners in other countries that the United States once again wishes to have technological superiority. That will drive them to respond as a matter of their security perception and as a matter of their politics, the same politics we have, where a bunch of people sit around and say: How can you allow them to do that? You are a weak leader. You had better respond. If you don't respond, you are going to be thrown out of office. And they respond. What happens? We wind up spending trillions of dollars on something that takes us to a place that we will ultimately decide is more dangerous than the place we are in today and from which we need to back off.

Sam Nunn and DICK LUGAR, two of the most respected Senators—one former Member and one current Member of this institution—have led this body in a well known effort to reduce the nuclear threat from the former Soviet Union. We had distinguished bipartisan testimony in the Foreign Relations Committee a few weeks ago that we need some $30 billion more than we are allocating now just to reduce the threat of the nuclear missiles we are trying to dismantle in the former Soviet Union. Yet we are talking about spending more than that to create a whole new round of mistrust and misunderstanding.

The President, yesterday, also stressed the fact that national missile defense is only one part of a comprehensive national security strategy. I could not agree more; it is. But let me underscore that missile defense will do nothing to address what the Pentagon itself considers a much more likely and immediate threat to the American homeland from terrorists and from nonstate actors, who can quietly slip explosives into a building, unleash chemical weapons into a crowded subway, or send a crude nuclear weapon into a busy harbor.

I ask my colleagues: What do you think is the more likely scenario? Do you really believe that North Korea will leave the trail of a missile, a targetable trail and send a missile to the United States, and like the sleeping giant that was awakened in Pearl Harbor, have us return the compliment, or do you believe if they were intent on doing injury to the United States, they would take a little bottle of anthrax and drop it in the water system in Washington, DC?

What do you think is more likely? Do you think it is more likely perhaps that some rogue nation might say: Wait a minute, they have the ability to knock down our missile, so let's put one of these illegally purchased weapons in the marketplace—because we are not doing enough to stop proliferation internationally so they can go out and purchase a small nuclear weapon—and they bring it in on a rusty freighter under the Verrazano Bridge, and detonate a nuclear weapon just outside New York City.

I would like to see us focus on those things that most threaten us, not create these notions of false threat that require us to debate for hours to stop something that does not necessarily promise a very positive impact for the long-term interests of our Nation.

Obviously, the President gave very few details yesterday because he cannot. We do not have an architecture yet. We do not even have a budget yet. We do not even have enough successful tests yet to suggest we should be rapidly deploying and abrogating the ABM Treaty. What are we talking about?

The President said he wants to pursue technology that would allow us to intercept a ballistic missile at the boost phase when they are moving the slowest. I agree with that. In June of 2000, I called on the previous administration to explore the technology for a boost phase intercept system which would build on the current technology of the Army's land-based THAAD and the Navy's sea-based theater-wide defense system to provide forward-deployed defenses against both theater missile ballistic threats and long-range ballistic missile threats.

I welcome President Bush's commitment to investing considerable resources needed to make those systems capable of reaching the speeds necessary to intercept an ICBM. A forward-deployed boost phase intercept system would allow us to target relatively small ballistic missile arsenals and shoot down a very few accidental or unauthorized launches.

Deploying such a system, even though it might require amendments to the 1997 ABM Treaty Demarcation Agreement, would establish the line between theater missile defense systems that are not limited by the treaty and the strategic defenses that the treaty prescribes.

In a nutshell, these agreements allow the United States to deploy and test the PAC-3, the THAAD, and the Navy theater-wide TMD systems, but they prohibit us from developing or testing capabilities that would enable these systems to shoot down ICBMs.

Russia might not be happy about that, but I believe they would prefer that to a system that would really scrap the entire treaty and all the limitations on strategic defenses that would come with it.

I agree that the strategic situation we confront today is worlds apart from the one we faced in 1972, but nothing in this changed environment suggests that we will be better off by walking away from the ABM Treaty. If somehow Russia and China are not persuaded by President Bush's assurances that our missile defense system is not aimed at undermining their nuclear deterrent capabilities, and instead they perceive a growing threat to their interests, they will act to counter that threat. We will not be safer if our NMD system focuses their energies on developing—and eventually selling—new ways to overwhelm our defenses.

The ABM Treaty can be amended to reflect our changed security environment. But to abandon it all-together is to welcome an arms race that will make us more vulnerable, not less.

The President made a point of announcing that he will begin high-level consultations with our allies about his plans for NMD and he stressed that he would seek real input from them as he moves forward. This is critical. Even if, as can be expected, our allies in Europe and Asia accept a U.S. NMD system, they have a lot at stake in how we develop and deploy that system. The President must take their views into account as he determines what architecture he will pursue and the timing of deploying. Clearly, these are important discussions that will require more than one or two cursory consultations.

The administration must also pay close attention to our allies concerns about Russia. Because they are keenly aware that a fearful, insecure Russia is a dangerous Russia, they have consistently stressed the importance of including Moscow in our discussions on NMD. Let me be clear: the importance of working with Russia as we move forward is not to suggest that Moscow has a veto over our missile defense plans. But we have an obligation to avoid unilateral steps that will throw our already tenuous relations with Russia into further turmoil. Serious discussions with Moscow on amending the ABM Treaty—even if they are not ultimately successful—will allow us to move toward NMD deployment transparently and with minimal provocation.

As with Russia, if an NMD decision is made absent serious discussions with China, the leadership in Beijing will perceive the deployment as at least partially directed at them. The Administration must try hard to reach a common understanding with China that there is a real threat from isolated regimes bent on terrorism and accidental or unauthorized launches. The Clinton administration invested a great deal of time and diplomatic effort convincing Russia that the threat is real and it affects us both. We must make the same effort with China. If we fail to take this task seriously, we will jeopardize stability in the Pacific.

The President's proposal on NMD lacks specifics and his intentions on the ABM Treaty are vague. He and his advisors know that the American people will not support an expensive, ineffective NMD system, or one that comes at the expense of a Treaty that has made them safer over the last 20 years. So to sweeten the President's bad news on these two issues, he promised—again without any detail—to unilaterally reduce the U.S. arsenal of strategic nuclear weapons.

The proposal to unilaterally reduce U.S. nuclear stockpiles is an important and overdue first step toward reducing the nuclear danger. Unfortunately, before the President can make good on this promise, he will have to convince his Republican colleagues in the Congress to repeal a provision in the FY 98 Defense Department Authorization bill that prohibits the reduction of strategic nuclear delivery systems to levels below those established by the START I treaty.

Senate Democrats have tried for the last three years to repeal this provision, which prevents exactly the kind of nuclear reduction President Bush has spoken about. But they have been stymied by a Republican leadership that believes the U.S. should not move to START II arms levels even though the Senate ratified that treaty in 1996—before Russia has done so.

I hope we can move immediately to repeal this prohibition and begin the process of cutting our strategic arsenal in half—from more than 7,000 warheads today to the 3,500 allowed under START II. While those reductions are underway, the President should immediately proceed to talks with Russia on a START III agreement, which could bring our arsenal to below 2,000 warheads and codify similar, transparent, verifiable and irreversible reductions by Russia.

Mr. President, for 40 years, the United States has led international efforts to reduce and contain the danger from nuclear weapons. We can continue that leadership by exploiting our technological strengths to find a defense against ballistic missiles, and by extending that defense to our friends and allies. But we must not jeopardize stability in Europe and Asia by putting political ideology ahead of commitments that have kept us safe for decades.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

Mr. KERRY. Mr. President, I ask unanimous consent to proceed for a few minutes within my hour on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and my colleagues. I will be brief. I see the Senator from Maryland is here, as well as others.

Mr. President, I do not think there is a person in the Senate who does not view education as the single most important domestic priority this year. A number of us have been working for a long period of time to advance the dialog with respect to education. Indeed, a couple of years ago, we Democrats were prepared to move forward on the Elementary and Secondary Education Act. We were prevented from doing so because, frankly, our colleagues on the other side, for political reasons, were unwilling to allow President Clinton to be the person who signed a bill that passed education reform in the country.

Politics trumped real reform. Politics trumped, once again, the interests of young people in our country.

I remember JOE LIEBERMAN, others, and myself talking for hours with Paul Coverdell, our late colleague, with Slade Gorton, and others trying to find the common ground so we could move forward on this critical issue.

Here we are this year with Democrats having moved in ways that many people would have argued they never would have moved previously. There has been a challenging of the orthodoxy that has governed the debate on education for a long period of time. So we have a consolidation of programs. We have an effort to deal in a realistic way with the problem of accountability.

It used to be there were some pretty one-sided discussions. Some people on the other side of the aisle thought it was just good money chasing after bad, and so they did not even want to talk about resources. All the discussion was about an alternative to the public education system—fundamentally, vouchers. On this side there was fundamentally only a discussion about school construction or class size. Nothing happened. Most important, nothing happened for our kids. The schools did not get much better, except in isolated instances where extraordinary leadership managed to break through.

The fact is that 90 percent of America's children go to school in public schools. There are not enough vouchers and there are not enough private and parochial schools to offer enough choice to all of the students of this generation to get the education they need by alternatives.

The bottom line is if 90 percent of America's children go to school today in public schools, if we are going to have the workforce we need for the future, but equally important, if we are going to have the skilled labor force we need, and much more important, if we are going to have young people who grow up to understand the obligations of citizenship, who have the capacity in an age of managing more information to be able to process the information and translate it into good civic activities, the acceptance of values, the acceptance of family responsibilities, the acceptance of community responsibilities, then every student, indeed, better have the best of opportunities.

I have joined with JOE LIEBERMAN, EVAN BAYH, MARY LANDRIEU, BLANCHE LINCOLN, JOHN BREAUX, TOM CARPER, and a host of Democrats in agreeing we have to change the dynamics of this debate; that we need strict accountability; that we cannot put money into a school and allow it year after year as a consequence of some kind of reform to fail. But everybody in this institution knows there are countless communities in the United States of America that just cannot afford to do the basics. Property tax is what funds education. Come to Lawrence, New Bedford, or Holyoke, MA, or countless other communities in America where they don't have the tax base, particularly through the property tax, where people are on fixed incomes trying to hang on to a home and cannot afford higher property rates. In many States, there are limits on what can be raised on the property tax—mine among them.

The question is, how do we provide adequate numbers of teachers to have a class size where a teacher can actually cope with children? How do we keep school doors open into the evening if the community can't pay the custodians or the additional teachers or have remedial classes? How do we put in the technology if they can't afford to buy it?

The bottom line is, we have put in place in this bill an enormous change, a sea change, in how we are prepared to try to encourage accountability, to encourage reform and encourage change. But we cannot do it if there isn't an adequate commitment of resources for IDEA, the greatest burden we hear principals talk about in schools, to the capacity to be able to have a teacher for certain classes. We have some schools where 80 percent of the children in the school do not have an algebra teacher. Teachers are teaching out of field.

Test students all you want, but if they do not get the fundamentals, they will be in deficit from the beginning.

This is a choice for the Senate. Either we fund education reform to the degree that will empower it to actually take place or we will invite an incredible new round of cynicism. We will pass something and call it reform, and teachers and parents across the country will say: Thank God, reform at last. It is coming. But if you don't empower them to be able to do it, you can see the next wave of discussion. It will be: The public schools have failed; they did not live up to the expectations. We gave them the opportunity, and they didn't make it. Now it is alternatives.

I am not going to buy into, as I think many of my colleagues will not buy into, a false equation of reform. We insist there be adequate funding of those communities that simply do not have the ability to be able to make the difference. That is the best of what the Federal Government exists for in the sense we assert a national priority, something in the interest of everybody in this country—educating our kids, making sure they have values, making sure they are in safe communities, where they can grow up to full citizenship. We share the capacity of our country to be able to guarantee that no child is left behind.

In the budget that President Bush has presented, with only a 5 percent increase in disadvantaged children's funding, how can one possibly live up to that promise? This is not a political fight. This is not a political food fight. This is not just Washington somehow being the same.

I respect President Bush's effort to change the tone and be bipartisan. Right now, the only bipartisanship has been movement on our side of the aisle to consolidate the programs, to move toward a more sensible regime for accountability. The question we are asking is, where is the bipartisanship on the other side of the aisle that moves toward us with respect to this critical element of funding?

You can have accountability, but if you don't have adequate funding to make it happen, it is a complete sham and waste of time. Likewise, we believe you can have a lot of money but if you don't have the accountability, it is equally a sham and waste of time. If we are prepared to change the dynamic and provide this country with education reform it deserves, we must be prepared to adequately fund the reform effort.

I reserve the balance of my hour, and I ask unanimous consent I be permitted to speak again within the hour, if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise to speak on the motion to proceed to the Elementary and Secondary Education Act, and I yield myself 15 minutes.

I hope we will proceed. I intend to vote for the motion to proceed so we can get on the bill and get serious in the Senate about addressing the compelling human needs that exist in America's public schools.

I believe education is the most important crucial rung in our Nation's opportunity ladder. During the coming days, we will discuss how we can strengthen this opportunity ladder. The Elementary and Secondary Education Act is only the first step. It sets the framework for reform, and also it will establish how we will address our public education.

We do need reform in our public schools, and at the same time we need to have the resources to put the reforms into action. However, if we put the reforms on the Federal law books but do not put the resources in the Federal checkbook, this will be a hollow opportunity.

There are some on my side of the aisle who question whether we should embark upon testing. First, I stand squarely in the corner of supporting the concept of accountability. I also stand squarely in the corner of supporting testing, but making sure the Federal Government does pay the bill.

In the State of Maryland, we have had testing for more than a decade. Testing enabled us to provide an inventory of where our schools were, what schools needed intervention and what type of intervention.

I view testing like a CAT scan: It gives an inventory of where the problems might be and identifies other areas of potential problems. I believe we should proceed with testing and also aggressively fight for the resources. At the same time, we should not hold up on getting an inventory of where we are.

In keeping with this principle, I support six priorities for educational reform. One is something I am calling "digital opportunity." I know the Presiding Officer is deeply troubled about the need to have more people educated in math, science and technology in order to meet our growing national security needs. The Rudman-Hart report clearly indicates we need to have children technologically competent, not only for the new economy but also for the new security threats facing the United States of America. Issues such as cyberterrorism are an example of why we need to make the availability of educational technology a priority.

I worked very hard to have a series of amendments creating digital opportunity. One, a national goal that every child be computer literate by the time they finish the eighth grade. I enjoyed bipartisan support on this issue in the committee and it passed. To make the goal a reality, I offered an amendment to make technology funds more robust and more effective. The BEST bill authorizing $1 billion for education technology.

The new technology block grant that President Bush is advocating is something I will support because it will mean the programs will no longer be scattered through the Department of Education. As we are dealing with the scattered problem, we also have to deal with the skimpy problem and make sure we have the funds for hardware, software, and teacher training.

I know, also, we are not considering the e-rate in ESEA. Sometimes in legislation the best thing we can do is do no harm. The Bush administration talked about eliminating the E-rate or consolidating the E-rate with ESEA technology programs. I am pleased that in our discussion with the White House they clarified the E-rate will be a subject of further discussion in the future. I am a big supporter of the E rate. I hope we do not change it.

A weakness in the bill is that it focuses entirely on schools and not enough on the communities where children learn. Everybody does not entirely learn in school. Many people learn in structured afterschool activities and in the community. This is why I will offer an amendment on community tech centers, to establish 1,000 community tech centers, throughout the United States of America. That means that they can be run by nonprofits including the Boys and Girls Clubs, faith-based organizations, and Latino heritage organizations. Let's get tech into the community. In some instances our children are in schools that are so dated they cannot be wired. We want to make sure our kids are wired for the future.

We also need to focus on teachers, recruiting the best, training the best, and retaining the best. I am pleased the education bill authorizes almost $3 billion for teacher training. At the same time, we could use more. I believe we need at least $2 billion more for teacher training to bring them into the classroom and also to upgrade their skills.

Another priority I believe we need to focus on is smaller class size. Everyone will tell you we do need smaller class sizes. I will be supporting Senator MURRAY's effort to continue to try to hire 100,000 new teachers for our classrooms.

Coming back to where children learn, I support structured afterschool activities. Children need structured afterschool activities where they can learn, have fun, and be safe. In many of these neighborhoods this is absolutely crucial.

Speaking of safety, this then takes us to school modernization. The average school in the United States of America is 42 years old. Many of them are crumbling. Many are dated. Some are even dangerous. We really need to work out how we can be a partner with State and local governments on the improvement of schools to modernize those facilities.

The other area where we also need to keep our commitment is on funding for IDEA, the Individuals with Disabilities Education Act. The Federal Government passed, some years ago, a mandate that local school districts are supposed to come up with individual education plans for children who are disabled. We promised them if they did that, they would get 40 percent of the cost from the Federal Government. Guess what. We only provide about 15 percent. In Maryland it's 9 percent. I believe we should keep the policy, but let's really, now, meet that mandate. If over the next 3 years we could work every year to increase the funding for IDEA, the money would go right into the school districts. It would help the local communities. It would alleviate a lot of the financial pressure on the state and locals to serve our special kids, without us becoming the schoolmarm or chairman of the school board in local school districts.

These are the issues on which I look forward to working. I believe we can move the bill on a bipartisan basis. Let's have reform with resources so we can have results. Those are the three R's I want: Reform, resources, and results. Let's get our kids and our country ready for the 21st century. We have made great progress in the past, and I know we can do so in the future.

I yield the floor. I yield back any time I may not have consumed.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I would like to be recognized on the motion.

The PRESIDING OFFICER. The Senator is recognized. The minority has 16 minutes 6 seconds remaining.

Mr. NELSON of Florida. Mr. President, I listened closely to the eloquent comments of our colleague from Massachusetts this morning. It was his late brother, President Kennedy, in 1962, who said in a message to the 87th Congress: "A child miseducated is a child lost."

Today, nearly four decades later, these words ring truer than ever. Far too many of our children, particularly poor and minority children, remain miseducated today despite efforts over the years to strengthen and reform America's public schools. The latest tests by the National Assessment of Educational Progress, for example, showed that only 32 percent of our Nation's fourth graders were proficient or better in reading and more than one-third of the fourth graders read below basic minimum standards. That is unacceptable, especially today, when the consequences of such poor performance have never been greater.

In this era of rapid technological change, business and industry require highly skilled, highly educated workers. If we fail to improve our school systems, many of our young people will be locked out of well-paid jobs and denied opportunities to succeed in a changing global economy. We cannot deny them that opportunity, nor can we deny this Nation the talent and skills it needs to grow and prosper. This 107th Congress must lead so no child is left behind.

As for their leadership thus far, I wish to compliment many of our colleagues who have engaged in tough and bipartisan negotiations aimed at ensuring that we adequately address our Nation's educational priorities. The administration has proposed one plan, and some parts of it are very good. They are certainly in step with the reforms many of us have advocated in the past—particularly as I tried to articulate in this last election cycle in Florida. But other parts of the administration's plan are seriously flawed or are grossly underfunded. At the outset we must decide to put partisan interests aside and do what is right for our children.

By the way, more than 90 percent of our children attend public schools. We must debate and resolve the important issues that still separate us, keeping in mind our common goal of giving every child the opportunity to succeed, not only in school but also in life.

The teachers and public schools in Melbourne, FL, along with my parents, gave me my start and instilled in me a lifelong love of learning. Public elementary and secondary schools gave me the opportunity to go on to college and to law school, and to serve in the Army and the Florida legislature and the U.S. House of Representatives. That public school education also allowed me to serve as Florida's State treasurer and as a member of the State cabinet, as a member of the State board of education, overseeing public education. Now I have the privilege of being here as a Member of the Senate.

I am forever indebted to my teachers and to those schools. Those schools were good ones, located in a growing, prospering community along the east coast of Florida. I was blessed. As we know and as the recent reading scores demonstrate, not every child is that fortunate. Too many of them come from broken families, too busy putting food on the table to worry about the absence of books in their homes. Too many attend failing schools in failing neighborhoods, or crumbling schools with overcrowded classrooms. Too many have outdated textbooks, insufficient numbers of books to go around, and tired teachers who believe they lack the support they need.

Thanks to economic growth and the fiscal discipline imposed by the Congress, we now have a unique opportunity this session to help our States and local school districts address these problems. We have an opportunity not only to provide more of the financial help needed but also to ensure that those dollars help produce a better education for our children. We must not squander that opportunity now.

I am encouraged that the White House has emphasized education. I also am encouraged that progress has been made in the negotiations so that we can give the States and school districts greater flexibility on spending while also holding them more accountable for results. These are goals we all share.

I am confident that we can resolve our remaining differences on this legislation and work out the details on how best to achieve those goals that we share. But I am also convinced that the administration's commitment to leave no child behind will be nothing more than an empty slogan unless we bolster it with sufficient resources needed to get the job done. Reform without resources is not reform.

In this regard, the President's demand for excessive tax cuts contradicts his pledge to do right by America's schoolchildren. I believe that it would be reckless to risk a return to the annual budget deficits that you and I, Mr. President, experienced in the 1980s and return to mounting national debt by committing this Nation to a tax cut that could overwhelm the projected surplus. It is a tax cut that is said to be $1.6 trillion, but in a real estimate of what it would cost in terms of deficit reduction, it is $2.5 trillion. It would be reckless to use the surplus for that instead of investing any increase in Federal education over the next 10 years. The White House claimed its proposed budget would provide an 11.5 percent increase for education in the coming fiscal year. But the real increase would be half that amount, and could leave the States with unfunded mandates, something the Congress in 1995 vowed that it would never do—put unfunded mandates on the States.

If we are truly to leave no child behind, then we can do a whole lot better. We must do better.

In my view, there is no higher priority than providing a first-rate education for the children in our public school systems. Our Federal Government, which now provides just 7 percent of the money for all of our schools nationally, ought to provide a larger investment for school construction, for dropout prevention, for smaller and safer classes, for teachers who are both well trained and well paid, and for programs that assist children with preschool education and afterschool care.

The amendments we adopted last month in our Senate budget resolution would strengthen the Federal investment in public education and children with disabilities by more than $250 billion over the next decade. We can also help failing schools succeed by strengthening our programs for disadvantaged children and targeting additional Federal money to needy students and to the poorest schools, some represented by the distinguished Senator who honors me with his presence here, the distinguished Senator from West Virginia.

Along with increased support, the education bill that Congress enacts this year should provide for greater accountability. It should condition future help on academic performance standards set by the States and measured by testing students yearly and uniformly within each State.

We also need to ensure that the States set meaningful standards and measure real progress.

We can do all of this in part by using the National Assessment of Educational Progress tests of fourth and eighth grade students and as a way to audit the results of the yearly State reading and math tests that would be provided under this bill in grades three through eight.

So the States do their thing, with their own accountability, but we then will have a national measure, a standard by which to compare the States with the National Assessment of Education Progress test. This will then enable us to confirm that Federal dollars were well spent.

Parents have an important role to play. They are entitled to timely report cards from their school districts on the performance of their children's schools, not just their individual child's report card. If, despite our best efforts, a school continues to fail, they ought to have a choice so their kids are not trapped in failure. But when the Nation's taxpayers are paying for it, the choice ought to involve public schools, and not private ones, if it is public school money.

I believe our negotiations are on the right track for providing options for transfers to charter schools, magnet schools, or other schools within a district, or for extra help from outside tutoring to summer school.

I want to make sure that we don't divert public school tax dollars to private schools through vouchers. We need to improve public schools that perform poorly. We don't need to abandon them. As we make our schools and local school systems accountable, we also need to give them more control and greater flexibility to use the Federal funds in ways that better meet local needs. I believe that we can consolidate programs and cut bureaucratic strings without sacrificing those Federal initiatives that are an essential part of the solution.

For example, we know that children learn better in smaller classes. Why in the world would we want to abandon our national commitment to reducing class size, to building new schools and renovating the old ones if we know that creates an environment in which children can better learn? We can do better.

In February, I joined with 10 other Senators in introducing the Public Education Reinvestment, Reinvention, and Responsibility Act, which we call the three Rs. Its aim is to streamline the Federal role in education and eliminate some of the bureaucratic strings that hinder local school districts. Its goal is to establish a clear national priority to ensure that every child has a chance at a quality education. These priorities include—and let's think about these; they are common sense—closing the achievement gap between poor and more affluent children; helping immigrant children learn English; improving teacher quality; reducing class size in the early grades; spurring innovative practices; and promoting choice within the public school framework.

I am pleased that many of our proposals are now embraced in the committee bill that is now pending before us. As our deliberations proceed, I will be fighting to ensure that they receive adequate funding.

We must succeed in this endeavor. Failure is not an option. We cannot afford to abandon our young people. In the long run, such failure would be far more costly than investing in quality education for all of our children.

Let us make sure that no child is miseducated, and let us make sure that no child is lost.

I thank the distinguished Senator from West Virginia for being kind enough to be interested and to be on the floor as I present my maiden speech on education.

I yield the floor.

The PRESIDING OFFICER. The time of the distinguished Senator has expired. The time of the minority has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from Florida may have 3 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair and thank the distinguished Senator from Florida for yielding. I thank him for the thoughtful remarks he has just made. I heard him as I was in my office, and I came to the floor because I knew I would hear something worth listening to. I gave some time to the Senator from Florida. I am very impressed with his dedication to his Senate duties, and I appreciate his love for the Senate. I am going to have a few remarks later concerning education and our schools and this legislation. I will want to scan very carefully—perhaps it would not be scanning—I will want to study very carefully the words of the Senator from Florida before I make my own remarks.

I thank him for his contribution to the Senate and for his contribution to the debate on this extremely important subject. I look forward to reading his comments and hearing him from time to time. It is a pleasure to work with him.

(Mrs. CLINTON assumed the chair.)

Mr. NELSON of Florida. Madam President, just in the remaining moment, I say to the Senator from West Virginia what a tremendous role model he has been to all of us new Senators, including the Senator now presiding in the chair. What a tremendous pillar of historical example he has been in carrying forth the traditions of the Senate and imparting those traditions to the new Senators, and then in his vision for the future to keep alive those traditions.

I have been so educated sitting in this Chamber listening to Senator BYRD bring in the history of the world to make his point on a particular argument in which he might be engaged. He recalls to mind, for me, the great orators who have been in this Chamber. Again, that is another part of he being a wonderful role model for all of the new Senators.

So I am eternally grateful, and I am especially honored that he would think me worthy of coming and listening to my comments today on education.

Mr. BYRD. Madam President, I thank the distinguished Senator for his generous and overly charitable remarks. I thank him very much.

Mr. NELSON of Florida. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask unanimous consent that the next 30 minutes of postcloture debate be equally divided between the majority and Senator HOLLINGS from the minority and that the time be deducted from each individual Senator as provided under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Madam President, I am waiting for one of our Senators. In the meantime, let me again say how important it is that we move on with what we started to do in this Chamber. We have been working on the education bill now for a very long time. The committee has done a great deal of work. But we find ourselves now sort of postponing consideration of the bill. This is the third time I have been in this Chamber today to ask for another hour of postcloture activity.

The time has come, certainly, for us to begin consideration of the bill, to begin to move forward, to begin to talk about those areas of disagreement, and to begin to offer the amendments that need to be considered.

I think, clearly, this bill is one of the most important issues on which we will be working. We have talked for a long time about the need for accountability. We have talked for a very long time about the need for additional funding. We have talked a long time about the flexibility that should exist when we have Federal money going to local and State governments so that there can be enough changes made to allow for the differences that exist in communities. Certainly that is important.

We have talked a lot about how we need to help teachers become more efficient and more effective in that they are the most important aspect of education.

We have talked about parental choice so that students can move between public schools in the various communities at the choice of the parent. Certainly that is an important item.

There will never be agreement on all these things among all of us, but certainly it is an issue with which we have to proceed. I look forward to that.

Madam President, I yield the floor to my friend from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair and thank the distinguished Senator from Wyoming for his leadership in this debate.

Madam President, I will just take a few moments to again speak on the very important issue of education and the legislation we have pending before us, and to urge my colleagues to support the motion to proceed.

I believe we have spent close to a week—perhaps more than a week—talking about education without having yet taken a single vote on an amendment.

I believe this issue is of such great importance that while we do not want to shortchange the amount of time we spend on this issue, and while we do not want to short circuit the process, we also do not want to become victims of the process.

I saw last year where we spent weeks on the Elementary and Secondary Education Act, and where we had other items of important business that would interrupt the education debate, and where we would return to the education debate, and while there was never a formal filibuster, the effect last year was to have a filibuster by amendment and by process, so that extraneous amendments prevented us from ever getting a final vote on the Elementary and Secondary Education Act and the reauthorization of this important bill. The losers, as always, are the American people and, more critically, the children of this country.

I urge my colleagues to allow us to proceed with the bill. I know there are good-faith negotiations occurring on important subjects. I have been involved in those. I think they are in good faith. I applaud the efforts that are ongoing. But we have spent a long time on this issue. The differences now are fairly small, whether it be in funding or whether it be in policy. It is critically important that we go ahead and proceed to consider the bill and begin the process of offering amendments and debating this issue.

The process of what occurred in the Health, Education, Labor, and Pensions Committee and the bill that was voted out of that committee, as well as the bipartisan policy agreements that have been reached through negotiations, have produced, I suspect, 95-percent agreement now on policy. In both of these instances—both the committee and the negotiated agreement—we have taken a tremendous step forward in education in this country and have made a tremendous move toward real educational reform.

Let me mention a few of the areas. Let's reiterate them again. We must have accountability in educational reform. To pour billions of dollars more into the Federal contribution to educate our children without requiring real accountability would not only be foolhardy but would be a waste of taxpayers' dollars. So we must have accountability.

The bill that is before us—the negotiations and what has resulted from those negotiations—brings us real accountability, and it transforms the way we have thought about accountability for the last 35 years. What it has been in the past has been asking the local schools, local education authorities: Are you spending the money the way we prescribed that you spend it? That is what we have defined as accountability. Did you fill out the paperwork correctly? Did you cross the t's correctly? Did you dot the i's correctly? Did you spend it the way we prescribed you to spend it?

Whether it made good sense locally or not, whether it was in the best interest of the children or not, if it conformed with what we in Washington believed was the right way to spend it, we said, then that is accountability. You have met the accountability requirements.

We have changed that and gone in a whole new direction. We have said every child ought to be tested every year. We ought to know whether or not children are learning. We are taking a giant step away from how old are you, what grade should you be in, have we shuffled you through the system, to what do you know.

I have heard the critics of testing and the testing proposals. Testing is by no means perfect, but I ask my colleagues, is there a better way to measure what children know? The answer is, of course, no. That is the best tool we have to know whether or not children are progressing academically, whether or not they should be moved ahead and promoted. That is very important. If you are going to have real accountability, you must not only measure through testing; there must be consequences to those schools that are not teaching, that are not succeeding, that are not preparing their students to go out into the workplace and compete in this global economy.

Under this bill, there are real consequences for those schools that will not teach and will not change. Yes, additional resources; yes, additional help, but in the end, if a school will not change and it will not teach and the children are being trapped in a school that is handicapping their future, then we say, in this legislation, there should be consequences to those schools.

The best consequence, the best way you hold schools accountable is to ensure that parents have greater choices. Yes, after schools are given an opportunity to improve and to address the shortcomings of failing schools, and still they do not make the changes, then we would say parents should have the right to take those children and move them to the public school of their choice. I would prefer that the choices be expanded, but in the bill before us at least there is the expansion of parental choice in the sense that they can go to another public school. Competition is good in any sector in our economy. It is good in business and in education. The public schools will be better when that element of competition is injected.

The evidence is overwhelming, whether you look at Milwaukee, WI, or whether you look at the State of Florida, that where you have competition, you have improvement in the public schools.

We recently heard from the Milwaukee superintendent of schools, the longest choice program in the Nation. His testimony was that the public schools in Milwaukee are better today because of the choice element, because parents of low-income children have the right to take those children and move them into a private, public, parochial, or charter school where they have a whole range of options; that choice has made the public school system better. We suggest in this legislation that real consequences mean greater parental choice.

We also say that where a school will not change and will not teach, those parents should be able to find supplemental services to assist in the education of their children. Parents should not be forced to sacrifice the future of their children because they happen to be in a school that will not make the academic investment in those children.

We say, yes, if a parent has children who are in a school that after years does not improve and is still not doing the job, is still a failing school, the parents ought to be able to take those children to a Sylvan Learning Center or they should be able, with their title I dollars, to hire a tutor. They ought to be able to take that portion of the Federal contribution to local education and ensure that their children are not sacrificed in a failing system.

Accountability is a huge part of the legislation that is before the Senate and that I hope we will begin voting on soon.

A second aspect of this legislation is the consolidation that occurs. One of the frustrations of local educators for many years has been the plethora of programs that we have created at the Federal level, oftentimes well intended, oftentimes with a very good purpose in mind, and frequently never funded by the Federal Government, just authorized without any funding. Sometimes when we question officials at the Department of Education about how many programs they have, it is very difficult to get a clear, unequivocal answer. They simply don't know how many programs are under their jurisdiction that have been created through the years, since the department was established, authorized, some funded, some not funded, some having wilted away but still on the books. They don't know how many programs there are.

We know that while it has been repeated frequently during the debate on education that we contribute between 7 and 9 percent of the local school's budget from the Federal Government, we contribute about 50 percent of the paperwork with which local educators are required to comply. That is probably the best gauge of how many Federal mandates accompany that 7 to 9 percent of the funding at the local level.

What the President has suggested and what the committee has produced in the committee deliberations is a bill that consolidates this plethora of Federal programs into a more manageable, more simple stream of funding for the local schools. The funding is still there but, as a result, there is far greater flexibility than there has been in the past because we have consolidated these many programs.

That is something that needs to be done. Local educators acknowledge that. Yes, every program has a constituency. When we try to consolidate, to eliminate, we hear from those constituencies. But let the educators of this country realize, there is no reduction in funding. In fact, the funding is dramatically increased in this legislation.

The flexibility for local educators to use those resources in the area they feel is most essential for local educational reform is enhanced under this legislation. Whether that is class size reduction, hiring more teachers, whether it is tutors, school nurses, whether it would be a form of merit pay, paying the best teachers more, enhanced flexibility would be there for these local educators under this legislation. So consolidation is a very important part of what we are doing in this education reform.

Then what I hope comes out of the ongoing negotiations is a form of the President's proposal regarding charter States. This was a bold initiative that President Bush campaigned on and spoke eloquently about and that has been whittled down and whittled down and diminished and deluded, but there is a form of it still remaining. We are talking about perhaps seven States as a demonstration project with perhaps 25 local educational authorities or school districts that would be given the option of applying for this new status created called charter States. In last year's deliberations, we called it the Straight A's Program.

The concept is we will give States broad new flexibility to consolidate streams of funding and to make local education reforms in exchange for strict accountability standards.

The concept of charter schools has for years been used successfully across the country. That is why they are increasing in number. We say to a charter school: You have a waiver in effect from local and State education requirements in exchange for results we expect from what you are doing in that charter school. If it works at the local school, why shouldn't it work if we give States, the laboratories of democracy, that kind of flexibility. So States would be given a new element of freedom and flexibility in exchange for a performance agreement with the Department of Education and the Secretary of Education as to what they intend to accomplish and how they intend to accomplish it and ensuring that there is going to be increased annual yearly progress.

That is a good deal for schools; it is a good deal for States; and it is a good deal for the American people. There will be a little bit of that proposal that survives so that a few States can apply, and a few States will be willing to try it, to break out of the old mold. The result will be an example that a lot of other States will want to try in the future.

I commend the President for his strong emphasis upon early childhood education and particularly his emphasis upon reading programs, his willingness to triple funding for reading programs. So often the tragedy of shuffling children through the system all begins in kindergarten and first grade and second grade, where the foundation is not adequately laid. The President's emphasis upon reading is to be commended and is an important part of this legislation as well.

One aspect that I and my staff have been involved in, that will not get a lot of attention but is going to be a very significant step, is the change that is made in the bilingual education program.

Historically, that has been a competitive grant program. Many States that have had growing minority populations—particularly—in the State of Arkansas, with a growing population have received almost nil under the current system. Because of the changes made in the legislation, we will not only have increased funding nationwide, but we will have a formula that will benefit many of these States such as Arkansas and Alabama, and many of the rural States that have fared so poorly under the past approach on bilingual education. In addition, there will be emphasis—in fact, a requirement—on teaching English in these programs.

This is a huge step in the proper direction of reform. I know my colleague, Senator BOND, is on the floor. I am anxious to hear what he has to say on this subject. Senator BOND has been involved in education for years.

I will conclude by addressing an issue that we have heard repeatedly on the floor, and we are going to hear a lot more about it in the next couple weeks, and that is the issue of spending. For those who say this is an unfunded mandate upon the States, for those who say it is unconscionable to do education reform without fully funding the Elementary and Secondary Education Act, I just say: Where have you been? This is the first time that the Republican Senate, with a Republican Congress and with a Republican President, has had an opportunity to reauthorize the ESEA. Historically, with a Democrat President and Democrat Congress, the funding increases when ESEA has been reauthorized, have been between 5 and 6 percent. So to demand that the only way you will support education reform is if there is a full commitment to funding ESEA for the next so many years is really disingenuous.

The President has made a strong commitment to dramatic increases in education funding—in fact, more than in any other Cabinet department—and has been willing to move even higher on those numbers in the negotiation process across the aisle.

So I just plead with my colleagues on both sides of the aisle that we not allow a bogus debate on funding to distract us from the very important task of giving the children of this country and the families of this country the kind of education reform they deserve, and that will truly put meaning behind what has become a very popular phrase—"leaving no child behind." We are leaving them behind today. We have an opportunity to leave far fewer behind. Every child can learn if given the opportunity and the expectations.

This legislation, through accountability and flexibility, testing requirements, through increased funding, does many good things in moving us in the right direction toward greater educational opportunity for every child in America. I hope that we get on with it, get on the bill, and pass the bill and send it to the President, who has been a dynamic leader on education reform in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I know I am out of order, but I do not see a representative from the other side. I ask unanimous consent that I may be allowed to proceed out of order for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I rise today to support President Bush's education initiative and S. 1, the Better Education for Students and Teachers Act. As a new member of the Health, Education, Labor, and Pensions Committee I have been involved in the tremendous bipartisan progress that has been made in Congress thus far on public education reform. I look forward to the swift conclusion of the debate, the signing ceremony that will take place, but most importantly—the improvements to public education that will result to ensure that "no child is left behind."

It is obvious that the American public places improvement of our public education system as a top priority. Parents and communities are aware of the same statistics that have been provided to us. Our children are not reading at the basic level. Too many students never graduate from high school. U.S. students lag behind too many countries in science and math. Our higher education institutions are spending too much money on remedial education and businesses have to spend billions of dollars teaching their employees what the schools did not teach them.

I believe there is agreement that education, while a national priority, is a responsibility and obligation of the state and local communities. The education of our children has always been carried out and implemented at the local level. The American public is interested in the debate here in Washington, but they understand what really matters is what takes place in the schools and classrooms around the country—not the Senate or House floors.

The decisions that are going to improve children in a particular school district are going to be made by the teachers, parents, school board members, and administrators who know the names of the children, know their problems, know their opportunities.

Every single one of us have a vested interest in the success of today's generation and future generations of youth in this country. Therefore, we have a vested interest in the improvement of our public education system.

For many decades Congress has debated numerous education issues, including the federal role and federal funding. Even after the completion of this specific debate, discussions and debates will continue. The debates continue because we are constantly seeking ways to improve upon our public education system.

However, we must be careful. One of the main reasons that I support President Bush's plan and S. 1 is because it streamlines and consolidates many of the countless individual education programs that exist. We have all read the reports and have heard several colleagues talk about the 760 education programs scattered throughout 39 different federal agencies. According to the Education Commission of the States, "In the 1999-2000 budget, the federal government spent almost $44 billion on elementary and secondary education programs. This funding was spread across 35 different education programs in 15 different federal departments."

All the programs that exist today were started with good intentions. Some I have advocated and numerous others I have supported. All along, all of us have tried to do the right thing. But—what have they gotten us?

Today, our good intentions have gotten us burdensome regulations, unfunded mandates, and unwanted meddling. Parents, teachers, and local school officials have less and less control over what happens in the classroom. The myriad of federal education programs make the jobs of our school administrators and teachers harder than they should be. Teachers are taken of the task of teaching, preparing lesson plans, taking on after school student activities and instead are researching for grant opportunities, reading regulations, preparing applications, filling out paperwork requirements, complying with cumbersome rules, and reporting on how they spend the little federal funding received. We even have teachers and administrators that decide that the little extra federal funding is not worth the time and effort that it will take to apply and comply so they do not even bother with the process. Instead of empowering parents, teachers, and local school officials we have empowered the federal government and bureaucrats.

We have slowly eroded the opportunity for creativity and innovation on the local level and have established a system where supposedly the Olympians on the hill know what is best for the peasants in the valley.

Knowing where we now are, how can we afford to keep spending our federal education dollars in the same way we have been doing for years if it is not simulating academic success for our children? We can't. Not only will I not stand for it, but parents, teachers, school boards, communities, and businesses cannot afford to stand for continued lackluster performance and failure in some cases.

The President's education plan and S.1 are huge steps in the right direction recognizing that the answer to improving public education does not lie within the Halls of Congress or in the granite buildings of the downtown Washington education establishment. As an editorial from one of my homestate newspapers, the Southeast Missourian stated, "The answer to fixing America's educational woes rests with individual school boards and passionate educators. The bureaucrats must reduce the red tape and mandates that are strangling our schools. Give those who know best the time, talent and incentives to finally fix public education." I agree with what the Southeast Missourian said.

The President's proposal and S. 1 stress high academic achievement for all students so the achievement gap that exists will erode. The legislation stresses the importance of literacy and making certain our children can read. We know that reading is a basic, essential, and fundamental tool for personal growth and self-sufficiency. Reading provides the foundation for all other learning and eventually for productive employment. Accountability, as well as flexibility, are incorporated in the Bush plan and S. 1 to ensure that the needs of the individual child and school can be addressed while also ensuring that our tax dollars are resulting in academic success. Finally, one of the most important aspects from my perspective—advocation for increased parental involvement. It is very simple and well documented. Children whose parents are involved in their education from the very beginning are more successful in school and score higher on tests. Parents are a child's first teacher, and we can do things to help them be better teachers.

Parental involvement, especially as it relates to early childhood education, is something that everyone has heard me talk a lot about, and they are going to hear more about it.

There is bipartisan recognition that we must try something new to improve our public education system. My dear friend and colleague, the Senate leader from the other side of the aisle, Senator BYRD, said the following on the Senate floor in the 105th Congress:

> . . . when one goes the last mile of the way and concludes from what he sees, from what he hears, and from what he reads, concludes from analytical reports about public education that we are not doing well, that there is something working, then it seems to me that, in the interest of the public schools system, we may have to try a little different approach, else the confidence of the American people in that system and the support of the American people for that system are going to erode. We see that happening.

From all the newspaper articles, television reports, letters to the office, et cetera, we know that the American people want more, demand more, and deserve more when it comes to public education. Let's put partisan rhetoric aside, let's move past the squabbling, and let's move forward on our common goal. Let's get on with our business. Let's have our votes. We want to be a positive contribution to educating our children for a lifetime of achievement.

Madam President, I ask unanimous consent that the next 30 minutes of postcloture debate be equally divided between the majority and minority parties and the time deducted from each Senator as provided under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I rise to speak again on the education bill that I hope will be before the Senate very shortly. We have been talking about this bill off and on for 2 weeks. It is time for the Senate to get down to the real debate.

Let us bring the bill forward, propose amendments, let everyone have their say, and send a bill to President Bush he can sign. We have the opportunity in this debate to change the course of public education in this country, and I believe it needs changing.

We have seen year after year, in the last 25 years in this country, more spending going into public education from the Federal level but not improvements in the overall education of our children. I do not think throwing more money at education is the only answer. We are going to put more money into education, but we are going to do it in a reformed education system. In fact, we need to shake up the system.

We have some very good public schools in our country, but we don't have a uniform standard of public schools where we can say all of them meet the test of giving every child the chance to reach his or her full potential with a public education. That should be the standard. We must be able to help each individual child learn in the best way that child possibly can, if that child is going to reach his or her full potential. That is exactly what we are trying to do with the bill we hope to bring up soon.

I will talk about a couple of amendments I want to include in the bill that are not included now. One is to help bring more good teachers into the classroom. Every Member knows of a teacher shortage in a public school in their area. Rural schools have problems, urban schools have problems getting qualified teachers in some of the core subject matters, and especially math and science are lacking in qualified public teachers.

We are trying to add some creativity into the process by giving incentives to school districts to bring more people into the teaching profession. We must be a partner with the States. It is the States that set the salaries and the benefits and the hours for the teachers. That is first and foremost what needs to be improved. I don't know of one public school teacher making enough money—not one. Not even in our best public schools are teachers making what they are worth. Our teachers should be making what our major corporate CEOs are making. What they are doing is more important than what any corporate CEO could possibly do. They are determining if our democracy is going to stay intact. We should pay them more. Most States are trying to do that.

My home State of Texas is in its legislative session now and they are looking for ways to augment what teachers are paid, as well as benefits for teachers. I imagine most States are trying to do it because I think we all agree, public school teachers are not being paid what they are worth.

We can do more at the Federal level where we can't set the salaries and we can't set the hours and we can't set the school days. We can be creative. We can reach out, and we have done so, as in the Troops to Teachers Program which would go for the many wonderfully qualified military personnel who are retiring, sometimes at the age of 40, 45. They are looking for a second career. We want them to go into teaching. Many of them have skills where there are teacher shortages.

For instance, a military person is fluent in French, Spanish, Chinese, or Japanese. We have schools all over our country that cannot teach these courses because they don't have qualified teachers. We are offering incentives for alternative certification to get those people into the classrooms in their areas of expertise, although they don't have educational certification or educational degrees.

Someone has a math degree, but they didn't get an educational degree. However, they are very qualified to teach math. Why not give them an incentive to come into the classroom and teach the area in which they are expert?

My amendment will be called careers to classrooms. It is modeled after the Troops to Teachers Program. It says to a retiree of a computer firm, perhaps one of the wonderfully successful computer firms that has done well and the person can retire at the age of 40, 45, 50, or 55, if they would like to do something else, they are not ready to retire, why not encourage them to teach computer skills to our young people in the classroom by offering an incentive for an alternative certification for that teacher to be able to come into the classroom with a minimum of hassle, a minimum of bureaucratic red tape. Let's break the red tape. Let's get the qualified people into our classrooms, targeting the schools that have teacher shortages—rural schools and urban schools.

My careers to classrooms amendment will be just such an incentive that we hope will reach out to more teachers or more potential teachers and bring them into the classroom and enrich the experience of the young people in the classroom.

The second amendment I am planning to offer, along with Senator SUSAN COLLINS, with the help of Senator BARBARA MIKULSKI and others, is the single sex option for public schools. I believe if our public schools are going to compete, we are going to have to give every option to parents. Many parents can afford to send their children to private schools. So they have their young girl attend a girls' school, or their boy attend a boys' school.

However, if you go to public schools or you cannot afford to send your children to private schools, you probably don't have that single sex option. It has proven, time and time and time again, some young people at certain ages, usually in that junior high school to high school age range, and not later than elementary school, some young people do so much better in a single sex atmosphere. It was found girls do better in math in a single sex atmosphere in those age levels. It was found that rowdy boys do better in a single sex atmosphere, particularly in an urban setting.

Why not allow parents the options? We are not talking mandate. Many parents prefer to have their children in coeducational schools. Some parents might want to give a special needs child that single sex atmosphere. They can't afford to send their children to private schools, so why not let them have the option of going to their school board and saying they would like to have a single sex math class in the fifth grade in the elementary school. Why not give them the option? We want to take away the barriers being put in front of the parents, putting schools in fear they may be sued if they have a single sex educational opportunity.

There would be a requirement for a comparable opportunity for young people of the other sex. That is fair. We want that to be allowed, also.

We want to offer all the options a parent could possibly have if the parent had the opportunity to go to parochial schools or private schools for their children. We want those options to be available in public schools. I will offer the single sex amendment to this bill because I want to grow the opportunities; I don't want to kill them. I want public schools to be the best.

I always like to proudly say I am a total product of public schools. I grew up in a small town of 15,000. I went to public schools. I graduated from the University of Texas and the University of Texas Law School. I want every child to have the same opportunity I had. I want every child to be able to go to public school and compete in any arena. I have competed in debates, I have had opponents who have had a wonderful Harvard education, and I won. I couldn't have done that without the quality public education.

I want every child to have the same opportunity I had so that young people with private school degrees and public school degrees will have the equal opportunity to reach their full potential.

Madam President, the choices are what make our country great. The basis we must provide is quality public education. I am excited about the opportunity to reform education, and I am excited about the President's plan. I am excited about what Congress will be able to do to make sure that future generations have the quality public education that has been the foundation of our democracy. That is what I want for every child for the future in our country.

I hope we can get on to the bill. I think it is time. We have talked about policy and all the priorities that we have for a long time—about 10 days now. It is time for us to start amending this bill and going forward so we will have the winds of change in this country in public education. I urge my colleagues to come together and make it happen.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent I may speak notwithstanding the previous agreement. If someone from the other side of the aisle arrives to the floor, I will yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I rise to continue our discussion as we prepare to bring to the floor a very important bill that I believe realizes the dream of the President of the United States, his campaign pledge, the vision he has put forward of dramatically shaping and reshaping and modifying and changing Washington and the Federal Government's role in education.

We are at a unique time. I believe never before in this body, at least in the history of the last 35 years since the Elementary and Secondary Education Act was first enacted, have the American people, and their Representatives on both sides of the aisle, been so focused on education, kindergarten through 12th grade, and the reform of education so that we truly leave no child behind.

With that attention and that focus, come great expectations. I believe as a Congress we must seize that opportunity. We must work together, both sides of the aisle, to work with the President of the United States and take advantage of that opportunity to creatively improve how the Federal Government addresses education and to answer the question: What is the appropriate Federal role and how can we best leverage that Federal role to leave no child behind?

I spoke a little bit to that point yesterday. It was to get Washington out of the business. Remember, of the total amount of money spent on education for K–12 in this country, only 7 percent comes from the Federal Government—from the taxpayer, I should say, through the Federal Government.

In my mind, it means we need to change that Washington role from one of regulator to one of education investor—to invest in education and to regulate only to the degree that we accomplish that goal of reducing the achievement gap, of boosting the academic achievement of all children to make them more ready for the world they inherit. It comes down to the concept of allowing innovation and creativity to address the problems we have identified and then coupling the freedom to innovate and create, the freedom to teach with measurable results, which clearly is a Federal role, to couple whatever requirements and assessments we place, mandates—yes, mandates—that we place in terms of testing and assessing that we attach to freedom and flexibility, to have those measurable results.

We must continue, I believe, to cut the redtape, to cut the unnecessary bureaucracy that has resulted from a litany, a myriad of programs that were all well-intended. They were Federal programs passed in this body over the last 35 years, but they have resulted in a complex network of overlapping responsibility in terms of the target population: excessive and confusing bureaucracy, and paperwork. We need to get rid of the overly prescriptive Federal mandates on the Federal role in education, those mandates put on the floor, taken through the legislative arena, and imposed on our communities. I believe it is our opportunity today to cut that red tape and remove those overly prescriptive mandates.

I think the result of our discussion and debate on this bill, once we are allowed to bring it to the floor, will result in innovation, in creativity, all of which will translate, again, to leaving no child behind.

One aspect of our bipartisan discussion of the last 3 months that I look forward to talking more about at the appropriate time is what is called Straight A's, the Academic Achievement for All Act. That is why it is called Straight A's, which really in a demonstrable, optional way allows for a consolidation of a lot of the programs that we have inherited—given that consolidation of programs in funding all the way down to the State or down to the district—and allows those funds to be used but attaches them to demonstrable, measurable results of academic achievement.

This is, again, a demonstration program that hopefully will allow up to seven States to participate. They will have what is called a performance agreement. In that performance agreement with the Secretary of the Department of Education and the administration, there will be high standards, high accountability, measurable results coupled with freedom, with consolidation of programs so we can, with a performance agreement, link, to the maximum extent possible, flexibility and freedom to innovate with measurable results.

I see we have other Members on the floor. As I said, by unanimous consent I will be glad to yield the floor at this juncture and look forward to coming back and continuing a discussion of what is in the underlying bill as well as what I hope will be added to the bill over the course of the day as the language becomes available.

Madam President, I request recognition to briefly speak on behalf of the leader.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

Mr. FRIST. Madam President, I ask unanimous consent that the next 60 minutes of postcloture debate be equally divided between the majority and the minority parties and the time be deducted from each individual Senator as provided under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank my colleague from Tennessee.

Madam President, I rise today to speak about the landmark educational reform bill and plan we are currently debating, and in fact are currently negotiating, a plan that, I think, if it reaches its proper drafting conclusion and, most importantly, is adequately funded, will spur bold changes and innovations in our public schools and will ultimately help improve the quality of education for every child in Connecticut and every child in America.

It is premature at this moment to talk about this comprehensive legislation with total certainty and in all of its details, so I intend to make a fuller statement about the bill once the negotiations are complete. But I did want to come to the floor today as we work out the final pieces of this complicated policy puzzle to offer both a few congratulations and a few concerns about what I would call this important near agreement on reauthorization of the Elementary and Secondary Education Act.

Let me start by saying how encouraged I am about the process we have followed for formulating this plan to reauthorize ESEA and its prospects for stirring a real revolution in our public educational system.

The discussions we have had over the last several weeks involving Senate Democrats and Republicans and the White House have been a model of how this place should work. There has been civility. There has been healthy debate. There has been disagreement from time to time. But there has also ultimately been a shared sense of common purpose. We have had our disagreements—some of them profound—but the Members and our staff have negotiated in good faith and with good will. In doing so, I think we have demonstrated that we can find common ground on a consequential issue and move this country forward as we do so. This can be a real breakthrough given some of the rancor and division that have plagued the education debate too often in recent years.

I commend our leaders, my colleagues from both parties, the President, and representatives from the White House who participated in these negotiations. I think we all want to realize the same goal, which is the best public educational system in the world. We all understand that today we have significant challenges ahead of us if we are going to achieve that goal.

We all want to close the persistent achievement gap separating the haves in our society from the have-nots. That is by far the biggest hurdle I think we have to overcome. We all want to deliver on the promise of equality and opportunity for every child. We all want to increase the supply of highly skilled workers, which we all know is critical to our future economic competitiveness and the long-term prosperity and security of this Nation. Now, through the reforms in this bill, we are not just talking the same points of principle; we are actually walking the same path to progress.

I am particularly encouraged and gratified that a number of the ideals and ideas that Senator BAYH and I and so many other Members of the new Senate Democratic coalition have been advocating for the past few years through our three R's reform bill and that so many of these ideas presented by the distinguished occupant of the Chair, and other colleagues, are reflected in the historic agreement on a core bipartisan amendment to ESEA that we are very close to achieving.

As some of my colleagues know, we started out with the three R's bill with the new vision of education policy, one that focuses not on progress but on performance, not on rules and regulations but on results, not so much on what we put into the system, although obviously that is important, but ultimately on the real test, which is what we get out of the system. What are the results? How well are our children being educated?

We drew up a reform blueprint that translates these principles into policies, calling for increased investments to help our public schools, help every child learn at a high level, for greater flexibility to allow the local educators to decide, as they know best, how best to spend their Federal dollars to meet the specific needs of their students, and also to encourage innovation and experimentation with different educational reform models at the local level.

We have in this bill stronger accountability. That is the way we test the results. That is the way we make sure we are not giving up on any child in America and that we are going to take them to the highest level their God-given potential gives them to achieve in education. That is particularly true of low-income and minority students. We propose this new equation, which we call invest in reform, and insist on results, as a possible bridge to a bipartisan compromise.

Last year, President Bush went across a bridge of his own and embraced some of those same goals and values and articulated a similar reform plan for realizing them, and for encouraging and accelerating the growing movement in many States towards standards and accountability—focus on results. What are our children learning?

This year, the President made that plan a legislative priority and signaled his seriousness not just on the subject of education but on the kind of educational reform that is embraced in our three R's bill.

It was focused on transforming the Federal Government into a catalyst for change, on demanding results, and on no longer tolerating failure, so that this bill, about which we are now debating a motion to proceed and around which negotiations are continuing and coming ever closer to a bipartisan agreement, builds on that common ground we have forged on those critical innovative ingredients to the recipe of reform.

The centerpiece of the three R's plan and of the President's blueprint was a tough new accountability system that would reward States in making real progress in meeting high standards while sanctioning those that did not and would require local districts to take strong remedial action to fix chronically failing schools.

We are not going to sit back and let schools continue to fail to educate our kids. We are not going to continue to push kids ahead from one grade to another just because a year has passed, regardless of whether the school has taught them anything or whether they have made progress.

This is a system that tracks the progressive reform that State leaders around America, including my own State of Connecticut, have already implemented. It has proven effective.

I will say that in the negotiations that have gone on over the last few weeks, we have had some differences on how to set those standards for judging performance, which is to say, How do we define progress for our students? How do we strike the right balance between truly holding schools and States accountable for raising academic achievement, and particularly closing the achievement, without setting the bar so high that we end up grading most schools as failing?

We have worked through those problems over the last few weeks.

I want my colleagues to know that we have reached an agreement certainly on policy on a reasonable and realistic middle ground. That agreement is now being drafted. Hopefully, we will have the opportunity to present it in this Chamber before very long. But it is a significant, real, and hopeful agreement.

While I would have liked, in some ways, to have made the provisions stronger, I have not given up hope of enhancing them in our discussions with the House. I do think this agreement is suitably explicit and demanding, as well as suitably fair, and will achieve our goal of driving real change and bold reform. I hope soon to be able to share the details of that agreement with our colleagues.

But as much as I appreciate this significant bipartisan achievement, I remain deeply concerned—as I believe almost all my colleagues on this side of the aisle do—about one missing, indispensable ingredient to the recipe for genuine educational reform in America, and that is investment. It is clear to us that these reforms will not work without a significant increase in resources from the Federal Government.

To date, the Federal Government supplies only about 7 cents of every dollar spent on public schools in America. Under the President's current budget, we will not provide much more than that. Some would go a step further and suggest we may, in fact, be setting up schools and children to fail if we do not back up the new demands for results that are in this bill—which we all agree are critically important—with new dollars to meet those demands. If that becomes the case, then we do not have a system of genuine accountability; we have a system that sets standards and does not help the local school districts meet those standards.

We clearly recognize, of course, that money alone will not solve the problems plaguing our public schools. Money will not spur innovation and lasting reform, and it will not streamline inert and inefficient bureaucracies, Money will not set high standards and hold schools responsible for meeting them.

That is why we New Democrats pushed so hard in this bill to shift our Federal focus from process to performance, to streamline duplicative and ineffective programs, to accentuate the freedom of local teachers to innovate—they are the heart of our whole educational system—to have principals enact reforms, superintendents to set new standards, and try new, bold ideas.

That is why we pushed so hard to recognize that we cannot have more blue ribbon schools without less redtape. And not least of all, that is why we who advanced the three R's bill decided that imposing real consequences on schools and districts that chronically fail to educate disadvantaged children is a necessary and critical element of a true educational reform proposal.

But we also recognize that money is a crucial part of the equation. We simply cannot expect States and local districts to improve the quality of teaching and reduce class size to help every child—for instance, an immigrant child to master English, to reconstitute chronically underperforming schools, and in particular to end the national disgrace of having African American and Latino American children reading and doing math, on the average around our country, at a level that is substantially below their fellow students in America's schools—if we do not substantially increase our investments in our public schools. This is something most Americans recognize, which is why there is overwhelming support for significantly increasing our national investment in education.

At home, in conversations I have had with people in Connecticut, and from public opinion surveys I read about American attitudes, it is clear that the American people put education at the top of their priority list, and sensibly so. The American people know you cannot bring millions of children, particularly low-income children who cannot read, up to grade level on the cheap. It cannot be done.

Consider a few specific examples, such as teacher quality. The reality is that we must hire, train, and ultimately retrain about 2 million new teachers over the next several years—2 million new teachers over the next several years.

The reality is, 95 percent of urban school districts are experiencing a shortage of qualified math and science teachers and that 50 percent of new teachers quit high-need schools during the first 3 years of their teaching there.

The reality is, educational reform will not succeed if we do not provide every child with a good teacher. Many people in our society do important work, but no one in our society today does more important work than a good teacher. We learned that lesson in Connecticut, which has invested millions of dollars—tens of millions, hundreds of millions—over the last several years to raise teachers' salaries, to attract and train high-quality professionals, and develop a nationally recognized mentoring program to nurture young teachers in their early years in the profession. That has produced, I am proud to say, one of the best teaching forces in the Nation. In turn, they have helped to produce consistently high scores by Connecticut students on national education tests.

The bill we are working on will push all of America in all of America's school districts to take similarly strong steps to strengthen the quality of their teaching force, setting a firm goal of having all teachers in the highest poverty districts highly qualified within 4 years. But reaching that benchmark is clearly going to take a significant increase in funding for recruitment, retention, and professional development. We have an obligation—since we are making these demands on the local school districts and on the schools and on the teachers—to help States meet those high standards by giving them adequate financial resources to do so.

Also, consider title I, the heart of our traditional Federal focus on disadvantaged children. Here again, the distinguished occupant of the Chair, the junior Senator from Arkansas, and I have talked often about this problem. It is real, from the cities of Connecticut to the cities and towns of Arkansas. The reality is that one-fifth of urban and rural districts, with 50 to 75 percent of their students living in poverty, receive no title I funding today. It is hard to believe.

Title I was a program established 35 years ago to help disadvantaged kids, low-income kids. Yet today, I repeat, one-fifth of urban and rural districts, with 50 and 75 percent of their students living in poverty, receive no title I funding. That is, in good part, because we do not target those dollars well with the formulas we are using today. That is a shortcoming we are working very hard to fix in these negotiations that are ongoing. But it is also because we are not providing the resources—enough money—to fully serve disadvantaged children and carry out our responsibilities under the Elementary and Secondary Education Act.

According to independent estimates, it would take $17 billion to fully fund title I, an increase of about 100 percent above current funding levels. That is an annual number.

The accountability system we are working on now will help make title I a much more effective program for kids in high-poverty districts—whether they live in Connecticut, Arkansas, or anywhere else throughout America—requiring States and local districts to turn around chronically underperforming schools, empowering parents whose children are trapped in those failing schools with new choices and new options to help their kids get a better education, sanctioning States that do not make progress in raising the academic achievement of disadvantaged students, and closing the gap between the haves and the have-nots.

Again, we cannot expect those interventions to succeed, those choices to be meaningful, or those sanctions to be fair if we do not invest in reform while we are insisting on results. That means infusing title I with substantial increases in funding.

Unfortunately, the Bush administration has to date been unwilling to match their commitment to reform that we are so near agreement on with commensurate resources on which we are still some distance from agreement. The President's initial proposal for ESEA programs included only a $700 million increase for the next fiscal year and less than $500 million for title I. In the last few days, the White House has increased that now to a total number of more than $2 billion. But this counteroffer is still far from sufficient to meet either the needs we have identified or the demands we will place on America's schools with this legislation.

That is particularly hard to justify when we know that we are projecting a $200 billion surplus for next year, $69 billion of which apparently will be spent on the President's tax plan. That is almost 35 percent of the projected surplus next year for the tax plan and a little more than 1 percent for additional funding for education.

We can do better. Hopefully, together, as we have come some substantial distance on most of the critical policy issues facing American education over the last several weeks in our bipartisan negotiations, we can similarly close the gap when it comes to our remaining disagreement on resources to make reform real.

In the same spirit in which we have negotiated this agreement to insist on results, we appeal today to the President to join us in investing in reform. We have a unique opportunity at this moment, and we cannot afford to let it slip away. The truth is, we can afford to give every child in America a quality education. That is our responsibility and, if we do it right, that will guarantee that our future is brighter.

Mr. KENNEDY. Madam President, I wonder if the Senator would be good enough to yield for a question.

Mr. LIEBERMAN. I certainly would.

Mr. KENNEDY. First of all, I commend the Senator for an excellent presentation and, more importantly, for all of his good work in the past weeks in helping move the process along and for the work that has been done in the past.

As the Senator spoke, one of the points he underlined was the need for additional funding. As we understand funding, for the Senator from Connecticut and myself, we are talking about investments. We are talking about investing in children and in their future and our Nation's future. The Senator has made that case very effectively.

I join with the Senator from Connecticut in the importance of developing the kind of blueprint which has been developed which we believe can really make a difference if it reaches out to the children who are out there who need the assistance. One of the major struggles and one of the major battles has been over funding.

Yesterday, we saw the President and our Republican friends make the announcement on the budget for this year and projected over future years. In that budget, the negotiators found $1.35 trillion in tax cuts over the next 11 years. Yet they declined to find the funding which would be necessary to support the amendment of our colleague and friend, Senator HARKIN.

As my colleague remembers, Senator HARKIN, during the budget debate, initiated an amendment that was passed with strong bipartisan support for $250 billion for education over the life of the budget. That virtually disappeared in these negotiations. That cannot be found. The position of the Senate, which was bipartisan, and the majority, is virtually eliminated.

I find it difficult. In looking over this budget and consulting with members of the Budget Committee and asking them whatever happened to it, it just disappeared. It virtually was eliminated. In that was the funding, as the Senator remembers, for the expansion of Head Start Programs. It had funding in terms of increased funding on title I. It had additional programs in terms of child care support, the block grant program, other programs that were targeted on children and needy children.

We have been told in these conversations that we have had with the administration: We are prepared to give some funds, some additional funds for title I, but we are unable to make a commitment in future years.

I notice in those budget figures that came out from the Budget Committee, they are prepared to list for millionaires what the reduction of their inheritance tax will be in the year 2011. Here we have, for the wealthiest individuals, a very clear roadmap about how their taxes are going to be reduced in 2011, but we can't get the administration to commit that over the next 4 years they are prepared to allocate sufficient funds so that the benefits of this bill will reach the children who are qualified to benefit from the program.

Is the Senator from Connecticut troubled by that development?

Mr. LIEBERMAN. Responding, if I may, to the Senator from Massachusetts, this Senator certainly is troubled by that.

Let me say, before I respond directly, what a pleasure it has been to work with the Senator from Massachusetts on this bill. There is not a better lawmaker/legislator in the literal meaning of that word in this Chamber than the Senator from Massachusetts. I have seen his talents, his persistence, his knowledge, and his great skill as an advocate at work. I have actually enjoyed the experience.

I thank him for his leadership. He has been responsible for successive advances in the quality of life in our country, particularly for our children. If we can bring this one to a conclusion, it will be yet another extraordinary accomplishment that he has led, working not just with members of this party but across the aisle and, in fact, with the White House.

The numbers the Senator from Massachusetts cites are troubling to me. They are particularly troubling today, as the two of us have said, because we have essentially reached agreement on the core issues relating to this bill. Our staffs are drafting and we will meet again later in the day, but this is a substantial accomplishment. It shows that we have common purposes, and we can reach common ground across party lines, across Pennsylvania Avenue, because what is on the line here is the well-being of our children and the future of our country.

All of these agreements we have now reached and are drafting are just not going to mean anything much unless we help the States and local governments and school districts meet the additional responsibilities we are placing on them through this bill.

The Senator from Massachusetts has spoken about the amendment to the budget resolution introduced by Senator HARKIN, our colleague from Iowa. It passed with bipartisan support. It took over $200 billion from the tax plan, used it to pay down the debt, took a similar amount, over $200 billion, and asked that it be invested in education. This expresses the concern across the aisle here in the priority placed on education.

In that amendment, as I read it, over the 10 years there was approximately $100 billion of that money that was to go through the Elementary and Secondary Education Act that we are considering now, about $50 billion there for the first 5 years which we are considering as part of this authorization; therefore, $10 billion a year. That is what was voted by this Senate in a bipartisan vote.

Here we are with the President saying to us that the most he can do at this point, as I understand it, is somewhat over $2 billion. And while so much more next year—$69 billion—is being put into the tax cut, 35 percent of the projected surplus in the tax cut, 1 percent is in education. I agree with the Senator. It doesn't make any sense to say we can't make a long-range commitment to the children of America for their education, but we can, in the budget resolution, somehow make a long-range commitment to the wealthiest taxpayers who, if I may say so personally, don't need the help as much as the children of America.

So the Senator is right. I say, again, when you think about the plenty that we have available to us, when you think about the strong economy we have had for the last several years, and the restraint we have shown at the Federal Government level that produces these extraordinary surpluses ahead, the likes of which we have never seen before, this all comes down to priorities and choices. How do we want to invest this money?

I say proudly, with the Senator from Massachusetts, who has been the leader, we want to invest it in our children's education.

The PRESIDING OFFICER. Under the previous order, the 30 minutes allotted to the Democrats has expired.

The Senator from Tennessee.

Mr. FRIST. Madam President, I want to take the next 7 or 8 minutes to complete the remarks I had begun 30 or 40 minutes ago. It really boils down to this whole theme of a change, a change in the Washington approach to education, from kindergarten through 12th grade. That is very much what I believe the underlying bill is all about. We recognize that 35 years and $125 billion later, we have failed to accomplish the original goal of the 1965 Elementary and Secondary Education Act. We have not met that goal, that is we have not reduced the achievement gap between the served and underserved, or the advantaged and disadvantaged, and we want to accomplish that, working together in a bipartisan way, under the leadership of President Bush and the principles he has laid out.

An important element of the President's plan is flexibility based on local identification of the problems and challenges facing schools today, coupled with strong accountability—accountability for the taxpayer dollars that are being invested, accountability in exchange for the freedom that we, through this legislation, will give local schools, teachers, school districts, communities and States in return for measurable results.

As I mentioned, we must cut the red tape and get rid of the overly prescriptive regulations, which we know have not worked. We must change the Washington approach, and transform the Federal role from that of education regulator, which has not worked, to education investor, because we are investing in education, in policies that we know are successful, in programs that work. We must not reward programs that don't work by investing in them further.

Education investor versus education regulator. To me that's what it's all about.

One element of our education investment plan is a piece of legislation called Straight A's. The formal name, of course, is the Academic Achievement for All Act—a lot of A's in there, which is why we call it Straight A's. That is an easy way to remember what it is all about.

Ultimately, Straight A's addresses the fact that we know there is excessive regulation out there—well-intended, but excessive. It addresses the fact that we know there are and hundreds of programs, again well-intended, but programs that straitjacket our teachers to the point that they can no longer teach because they are spending all their time complying with federal law. Rather than teaching that individual child face-to-face, they are doing paperwork.

Straight A's will free them up of that red tape, get those regulations off their backs, so they can do what we want them to do, what we'd like to hold them accountable for doing: teaching our children. Yes, it's what they want, but more importantly, its what our children need and deserve.

Today they do not have that flexibility.

Straight A's is an optional program. There is no school district that must participate in this demonstration project if it chooses not to. That is the way it is outlined and presented in the bill. It is an optional program, limited to just seven States. Even if there is a great demand, we will limit it to seven States. Personally, I would like to increase the number of participation states, but in negotiations we decided that as many as seven States would have the option of being freed from regulations if they agree to be held accountable for strong, measurable results.

Straight A's is not a block grant. We hear that, and it scares people. Block grant means when you give money to a group of people en bloc instead of having a hundred different programs and saying the money has to be used for a computer or software or to hire another teacher. The idea is to give that money in the aggregate. This is not a block grant program. It is a performance grant, linked to results. There is strong accountability. It is not just giving the money away. I think we have done that for too long. If you look at the last 35 years, we have spent about $120 billion. And for that $120 billion we neither received nor demanded results.

What I think is great about this bill is that it provides both local control and flexibility. Local folks receive the funds, they are held accountable for results, but how they use those funds is up to them.

Teachers in a classroom know what they need. Is it a piece of software? If so, they can use the money for that. Is it a new computer? If so, they can use the money for that. Smaller class size? Those things are best determined by an individual school or perhaps an individual subject area of a school. Why should we be dictating that from above when local schools, teachers or parents can make those decisions and participate in the process?

It might be that this money could be used for reducing class size or improving technology, or hiring better teachers. I can also be used for teacher development. If, for example, a teacher does not feel qualified to teach in a certain area, that money, available for the first time, can be used for teacher development, to ensure that every child in this country is given the opportunity to be in a safe classroom, drug-free classroom, with an excellent teacher at the head of that class.

So, this is not a block grant, it is a performance agreement. Accountability is part of that agreement, it is written in. You will hear a lot about accountability, accountability and high standards, because we all feel very strongly that boosting student achievement, reducing that achievement gap, is the essence of accountability measurement.

For this increased flexibility we have built even higher standards of accountability. We have very specifically addressed the idea of targeting both for the title I component and the title II component. An element of targeting is written into the bill, and the demonstration project, to ensure that the money goes to the people who need it the most.

Today, States, localities, and school districts are the engines of change. Not Washington. We are locked into a system where change is not allowed. That is the sort of reform I am very hopeful we will be able to debate and put forward. We want to support that engine of change that is going on in States all across America. We want to encourage it, make it possible, because there are teachers out there who care, who want to teach, who will teach, if we get rid of the bureaucracy.

We have parents who care, nobody cares more about children than parents. But right now, they have little in the way of choice, very little power to direct resources. We talk about supplemental services and how important they are so parents can have some element of choice, some way to direct their taxpayer dollars in a direction that will benefit their children.

This is very different than the current system. That system over the last 35 years, involved always thinking up new programs, and funding those programs—usually inadequately—hoping it would do some good. So that now we have hundreds of programs each with their own bureaucracy, each their own requirements, each inadequately funded, and all of which have resulted in the failure we see today.

I just want to share with my colleagues what the Chicago school system officials—again, this is not partisan—reported to the task force on education that we conducted in the Budget Committee under the leadership of Senator PETE DOMENICI. Those officials from the Chicago school system extolled the virtues of flexibility and credit much of the success they have seen in Chicago to this increased flexibility. I quote:

> We know the system and we believe we know the things that it needs to have in order to improve. So the more flexibility we have with Federal and State funds, the easier it is to make those changes.

It makes sense. People at the local level can best identify those needs. So we need to free up, get rid of those unnecessary regulations which have tied their hands, that have prevented them from boosting student achievement and reducing that achievement gap.

We will have time, hopefully, in the next several days to continue the discussion of this concept of flexibility, accountability, and local control. I appreciate the opportunity to share with my colleagues this concept of Straight A's which will be a part of the underlying agreement by allowing greater flexibility, coupled with those demands of achievement.

Washington will become, not the education regulator, but the education investor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I thank the Senator from Tennessee for his leadership in the area of education. We do have an opportunity to reform the system. What Senator FRIST was discussing on the issue of accountability is the key. We can pass all the laws in the world. We can pass all the regulations that fill the books, but if we do not have accountability, it will not work.

We know that because it has not worked so far. We have poured in more money. We have tried to give mandates; we have given them red tape; we have given regulations; but that has not helped.

What we need to do is have accountability. We need parents, teachers, and principals to work together to determine what is best in any particular area. Then we need to test to see if it is working, not so we can point fingers. We need to test so we can identify weaknesses and strengthen those weaknesses. That is the difference.

We have 15 more minutes of our time, but I understand the Democrats would like to start a little early. I ask Senator SESSIONS to take up to 10 minutes, and then we will allow the Democrats to take the rest of the time until we determine the next amount of time that we will have on the subject.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the opportunity to speak. I thank the Senator from Texas for her steadfast leadership and commitment to education. She has been a stalwart on these issues and cares about them deeply.

I also appreciate the leadership on the Health, Education, Labor, and Pensions Committee of Dr./Senator BILL FRIST of Tennessee. He is one of the champions for doing something different this time.

Yes, we have the largest increase in spending percentagewise in education than any other budget item, but that is not what is so special about our education debate today.

Our debate today is about children. Our debate today is about making sure what we do furthers not just a system that has not been as effective as it should be, but actually furthers learning. That magic moment in a classroom when a child and teacher come together and learning occurs is what it is all about. Nothing else really counts.

When you visit schools as I have for the last year, 25 or more schools around the State, and talk to teachers, principals, and superintendents, and you hear them express their deep frustration at the burdensome strings that are attached to the Federal Government's education funding. The Federal Government only makes up about 10 percent of education spending—90 percent of it is funded by the State, and well it should be. States have always been the primary engine of education in America. The Federal Government does not need to take over.

I do not think there is anyone who will stand up and defend a major, massive Federal takeover of education in America, but we are paying a substantial sum of money. We spend $125 billion improving the education of low-income children, trying to narrow the gap, and it has not worked.

What do you learn when you talk to the teachers and principals? They are frustrated. They tell me the paperwork is substantial; the regulations are burdensome; the money they get can only be used for certain programs which may not be programs they need in their school, and they cannot use the money for things they think are important and would improve learning in their school system.

They tell me the Federal Government—and I spend a lot of time dealing with this issue—is creating mandates under IDEA. School officials are not able to discipline children with disabilities who are disrupting a classroom. They must keep them in the classroom day after day, even though the child is not benefiting from being in the classroom and even though that child is disrupting the other children in the classroom.

I started in recent months to ask teachers, Which would you rather do: Take the 10 percent from the Federal Government or let them go away and run the schools the way you want to run them?

You would be surprised how many say: Take your money and leave us alone. That is shocking. I am not sure they really meant that, but their hands went up when I asked that question. It reflects a deep frustration that we are not being good partners in this deal.

How do these programs come about? How have we ended up with 700 Federal education programs in America? It is something like this: Some State develops a good idea for an education program. A Senator or Congressman hears about it. He thinks it is popular and would be popular back home if he authored a bill to fund that kind of program around the country, and program after program gets adopted over the years.

Some are good, some not good. Some may have been good 15, 20 years ago, but are not good today. Some of the programs are successful, and my colleagues have to understand that some of those special programs were successful because the teacher who ran it was special, and they could make certain things happen in a way that cannot be replicated with a teacher who does not have that passion to run that particular program. So we created all these systems.

We send the money and say: You can only use it for this science instruction, this reading instruction, this math instruction. It has burdened our school systems and has not created as much good will as we would like.

I believe our legislation today is a big step in the right direction. This legislation is designed to provide a way to give schools more money with less strings in return for accountability.

Many Senators have talked about accountability. It seems to me they have a misconception of what accountability actually is. They seem to think accountability is when somebody spends Federal Government money precisely, exactly as written in a rule book. They think that if they spend it that way, that is accountability, even though learning has not been improved one bit.

The growing consensus, I think, is bipartisan. Our bill came out of the committee almost unanimously. We believe accountability means finding out if the children are learning. Have they benefitted from the instruction or are they falling behind? We must look at those test scores and make sure they are brought up to speed. We must ask what can be done, at the earlier grades, to identify when children are falling behind? We must not let even one child fall behind.

When the Secretary of Education, Dr. Paige, was in Houston, he doubled the number of students passing the basic Texas proficiency test. Dr. Paige says if you love children and care about them, you will test them and find out if they are keeping up. If they are not, and you love them, you figure out a way to help them do better. He did that in Houston. Some say he got a lot of extra money to administer these tests, but he did not. The third or fourth year he picked up bit extra, but in 5 years he doubled the test scores mainly through changes in policy by doing things differently, with the passion to achieve. If schools in his system were not conforming, he confronted them, and fixed them. He did not let continue to fail.

In Alabama we have an excellent State superintendent of education and some wonderful schools and magnificent teachers. The new superintendent believes in testing. He has been testing for some time, and test scores are moving upward. Some say the tests in Alabama may be the most difficult in the Nation. Students cannot get a degree if they do not pass the basic proficiency test, and the test scores are moving up. If a school allows children to move to a higher grade without learning, the State superintendent can take over the school system and fix it. The State is putting a lot of money into this testing, and we need to know it is being spent well.

Let's get out of the business of micromanaging schools. Let's make sure progress is being made, that children achieve, that the school system is not leaving children behind, that they are not being abandoned, are not given up on. Because when children reach the ninth grade, still unable to read, unable to do basic math, they drop out of school with no prospects for any good economic future.

We can do better. Every child may not be able to handle advanced mathematics and the high sciences, but most children are able to do the basic reading, writing, and mathematics necessary to be successful in America today.

Some complain about tests, calling it punishment, a way to categorize or stigmatize a child. I don't see it that way. Neither does Dr. Paige who believes it is part of a good education. The way to teach is to find out how children are learning and progressing. When we know what they need, we can do it better. I think it is the right thing to do.

First, we want the States to conduct the tests. We encourage them to develop tests that fundamentally are fair and objective. If a test focuses on basic reading, basic math, basic science, and students are tested on those things, how can anyone complain if a teacher teaches to the test? Isn't that what we want? Don't we want to make sure that the basics are not being overlooked in the classroom?

I am excited about the possibility today that, across the Nation, we could achieve a fraction of the progress that our Secretary of Education achieved in Houston.

Mrs. HUTCHISON. Will the Senator yield?

The distinguished Senator from Alabama mentioned Rod Paige was the superintendent of schools in Houston before he became Secretary of Education. What struck me most about Rod Paige's attitude was that he wanted testing. He wanted parents to have a choice. He wanted parents to be able to send their children wherever they thought they could get a better chance. He was open to it. Because he was open, the public schools ended up winning the competition. More students came into public schools rather than into private schools because he said, I want parents to have the freedom.

He has had the experience at the grassroots level. He is not somebody reading about it out of the book. He has been there. He had a troubled school system, and he turned it around by seeking creativity, by seeking openness, by seeking choice, by seeking more opportunities for parents, because he wants parents to know they are getting the very best chance for their children.

That is what struck me about Rod Paige's style of leadership.

Mr. SESSIONS. I agree. That is precisely the way I feel. To hear him talk with such compassion and concern and determination was exciting.

His advice was, "[If we don't care about a child, we will let them just go along and we won't find out if they are falling behind.]" What happens if we don't test? A child will be left behind. He deeply believes in President Bush's vision that no child should be left behind. The Houston example is perfect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent the period for postcloture debate be extended until 4:40 p.m. with the additional time equally divided between the majority and the minority parties, and the time be deducted from each individual Senator as provided under rule XXII.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise today to discuss the importance of adopting legislation to expand and improve the Federal Government's commitment to education. In my view, there is no more important issue before the Congress than how we deal with education. As our economy becomes increasingly global, based on high technology, its future is increasingly dependent on the quality of our workforce.

The better our educational system, the stronger our economy and our Nation will be. That is why as a nation we should make education our number-one priority.

Let me begin by saying our current educational system, while it has many faults, does have real strengths. Today, throughout our Nation, dedicated teachers are working long, hard hours to educate our children. Often they get little public recognition and acknowledgment for their contributions. Almost always, they are paid much less than individuals educated similarly can earn in the private sector. I know because my mother was a teacher for 30 years, my wife for 7.

We have an incredible commitment to teaching from folks across the country. We should start this debate on education by saying thank you to these teachers. They deserve our appreciation and our support.

Of course, while our Nation is fortunate to have so many dedicated and selfless teachers, the fact remains our educational system still has serious problems. Too many of our schools are dilapidated, ill-equipped, and unsafe.

During the recent recess I visited schools in Jersey City, NJ, that were 100 years old or older. There are still too many children in too many classes that are not up to the latest standards. Too few schools are at the cutting edge of new technologies and new approaches, and mediocrity continues to be tolerated in too many of our school systems, without the accountability necessary to improve performance.

Some have suggested that local school boards should be left alone to solve these problems on their own. I disagree. I do support local control of education. It is fundamental in America. But local control does not mean much if you don't have adequate resources within your control. And it's not enough to leave the problem to states, which can pit urban areas against suburban communities—a fight with no winners.

Common sense makes clear that a property-tax-based financial system for our public education leaves unequal education rampant in our society.

No, if we are serious about education, we need to make it a national priority. We need to ensure that our national government plays an active and aggressive role, making sure every child has access to quality public education.

Our public schools can not assure equal outcomes in life, but they should provide equal opportunity.

I am optimistic that we can make that happen, and that we will soon pass a strong bill that addresses the most serious pressing issues facing education today. I thank Senator JEFFORDS, Senator KENNEDY, and the many other leaders in the Senate for their tremendous bipartisan efforts to ensure we have an exceptional bill. These are true leaders, making sure our children come first. I want to do what I can to help ensure their efforts are rewarded with passage in the Senate.

Today, I would like to take a few minutes to discuss some of the most important issues that I hope we will be addressing in the debate ahead.

First, let me mention some of the areas in which I think most of us agree. For example, I think we all agree that we need to promote parental involvement in education. It is common sense. That means giving parents more information about their children's schools, and giving them increased options in choosing among public schools. That is the right thing to do, and I am glad these ideas have broad support.

I am also glad that we generally agree about the value of promoting literacy. President Bush—and I compliment him for this—has proposed $1 billion annually for a reading first bill, and I applaud him for that. We need to make sure appropriations follow the authorization. We need to make sure we put our money where our mouth is, so we ensure that all children can read by the end of the third grade.

Another area of broad agreement is the need to improve teacher quality.

A good teacher is probably the most important single factor in the quality of a child's education. We can do everything else right, but if we do not have excellent teachers, the educational system just will not be top drawer.

That is why it is critically important that we provide real resources to attract and retain quality teachers, and to help teachers develop their skills and create a career of teaching our children.

Unfortunately, there is a lot of work to do in this area. Last year, schools in high poverty areas hired 50,000 unqualified teachers, and only 39 percent of teachers in these areas have an undergraduate major or minor in the primary field of instruction. That is not acceptable. And I am grateful that colleagues on both sides of the aisle seem to agree.

Unfortunately while there is much about education with which we can all agree, there are also some areas of disagreement.

I'm especially concerned about the need to reduce class sizes. In my view, it is abundantly clear that smaller classes are better for children, and we have made progress in recent years. But we have not gone far enough.

That Jersey City school I visited, the average class size was 29—29 children. No one believes that is the right size to make sure that you have quality education going on in the classroom.

It is abundantly clear that smaller classes are better for children and we have made some progress in recent years, but we have not gone far enough.

The Bush administration in my view is walking away from the class size initiative. In my view, that's a serious mistake. I look forward to working with Senator MURRAY and my other colleagues to secure approval of an amendment to reduce class sizes later in the debate. We ought to move that down to 18 per class.

I am also disappointed that the administration has failed to address one of the most compelling needs in education: the need to modernize our schools. Mr. President, 14 million children now attend schools that need major renovations, like fixed heating and plumbing systems. Nationwide, school construction needs total more than $127 billion. The problem is worse in our cities, where two-thirds of the schools—serving 10 million students—report problems. In my State of New Jersey, 87 percent of schools report a need to upgrade or repair a building; one in six say that the effort will require between $1.7 million to $30 million. The average age of all New Jersey school buildings is 47 years, compared to the national average of 35 years. That is why in New Jersey, we have begun a $12 billion funding program to modernize our schools. I believe the Federal Government should be a partner in that effort.

Despite the size of these needs, the Bush administration is proposing to eliminate virtually the entire school construction program that means higher taxes at the local level. That would be wrong. I look forward to working with my colleagues to protect the program, and increase our commitment to school modernization.

We have heard a lot of rhetoric lately about the need to ensure that no child is left behind, and about the need for school reform. But, at least until now, Congress simply has been unwilling to put our money where our mouth is. Whether we do now may be the most important issue of all.

There may be broad support for increased testing in our schools. But it does no good to diagnose a problem if you lack the resources to treat it.

I have heard in the last few hours that even in the conference committee on the budget we have now dropped the Harkin amendment, putting $225 billion over 10 years into supporting our school system. This is a mistake. We need to put money where we want our priorities to be—and our children should be that.

If we want to reform schools, we need to provide them with real resources. I would highlight, in particular, the title I program, which focuses funds on areas with the greatest needs. Title I can and should be the real engine for reform. Yet today we are meeting only one-third of related needs. And that is just not good enough. My own State struggles to cover the costs of implementing parity in education for the school children in our Abbott Districts—urban districts, the economically deprived. Especially given our historic surpluses, is not the time to leave behind the children from low-income families who need our help the most. I look forward to working with my colleagues to dramatically increase our commitment to the critical title I program.

I also want to take a few moments to discuss an issue of particular interest to me: teaching students the basic principles of financial literacy.

Unfortunately, when it comes to personal finances, young Americans do not have the skills they need. Too few understand the details of managing a checking account, for example, preparing tax returns or using a credit card. A recent survey by the non-profit JumpStart Coalition for Personal Financial Literacy revealed the extent of this problem, finding that only 36 percent of surveyed high school students could correctly answer basic personal finance questions, and only 33 percent of students believed that financial issues strongly impacted their daily lives.

In my view, it is time to make sure that our education system teaches our children all the skills they need, including the fundamental principles involved with earning, spending, saving, and investing.

These skills will help them stay out of debt and maintain a good credit record, save money for the future, and negotiate an increasingly exceedingly complex financial system.

I filed an amendment that would include financial education in S. 1, and I am very fortunate to have the support of my colleagues, Senators ENZI and AKAKA. I am hopeful that, working together, we can ensure that our next generation is prepared to meet the challenges of the new economy.

In conclusion, I again thank Senators JEFFORDS and KENNEDY for their remarkable leadership on this legislation. I look forward to working with them and with colleagues on both sides of the aisle to make a real commitment to education in the legislation before us.

But we must put resources with reform. The stakes couldn't be higher because the future of our children and our Nation depends on it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, many in the Senate today have not seen that much participation with respect to the education debate. I have found out after 30-some years up here that you have to direct your attention to where you can do the most good. I am not on the Education Committee.

Let me qualify. No. 1, 50 years ago I wrote a 3-percent sales tax for public education in the State of South Carolina. We were trying to play catchup ball with our sister State, North Carolina. They had passed theirs in 1936, some 14 years ahead of us. They were getting the industry in, and we were getting no investment whatsoever.

Right to the point, if somebody wants to attract an industry, don't tell me about the taxes, the highways, the climate, the rivers, the availability of water and that kind of thing. Get yourself good school buildings and a school system.

So I venture to say of the six-person committee that I headed up, five lost the election right after that.

But be that as it may, no one has put in to repeal that particular measure. It has been a saving grace in the sense that not only is it 3, but we have now increased it to 5 percent, and we have embellished it with technical training.

I immediately started to work the week after I was elected in 1948. The superintendent of the schools in my hometown said, FRITZ, I want you to get in the car and I want to show you something. We went across the river on the bridge on Christ Church Parish Road, and there was a big square building of just one story with four sides and a roof and a pot-bellied stove. It was November. There was a class in one corner, a class in another corner, a class in the third, and a class in the fourth corner, and one teacher.

Those were the schools we had at that time for minorities in South Carolina. I have this to say for those who weep and wail about the past 36 years, I have been putting money into education for the past 50 years and it's still not enough.

Yes. I started an equalization of facilities with that sales tax. But we have yet to perform the sort of catchup where we provide schools in rural areas, and those we have abandoned within the city, with equal facilities as those in the wealthier suburbs.

I came to Washington with that bone in my craw, as the saying goes, and I put in a revenue-sharing plan. But in taking the plan around, I found that I couldn't put it in just for education. That is what I was intent upon. If you can single out and target the program, I thought you could get the support. But I was told no, you couldn't get the support unless you could get it back to the States for general purposes. They did not suffer the ills and needs of my great State of South Carolina.

So I put in on February 1, 1967, the first revenue-sharing bill, later abolished in the 1980s, interestingly, from the standpoint of Howard Baker who led the abolition, or repeal. He said we were just financing the Government and we should send money back to the Governors so they could take the money and do with it what they wanted. So we were financing our opposition. We weren't financing education. We were financing our own education. We learned the hard way. So we did away with revenue sharing.

The next thing I got into was a tuition tax credit. I can see the distinguished Senator from New York now talking about his Boston Latin school. I had the assistance of the Senator from Arkansas, Kaneaster Hodges. We fought that particular diversion of funds from public schools to private schools, and thereupon they fought the institution, the Department of Education. We, along with President Carter, established the Department of Education. They wanted to, by gosh, avoid and oppose the Department of Education.

Then I have been on the floor, of course, with the vouchers and trying to force those. But I had not paid good enough attention to the testing and accountability debate until I started listening to the distinguished Senator from Minnesota, Mr. PAUL WELLSTONE, and now I know we have to fight. He knows of what he speaks. He is not talking about the pollster thing. That is the thing I resent and resist around here, this entire operation—that it's pollster driven. The cardinal rule of the pollster is: Never take a position that divides the voters. Don't say you are for chairs and desks. Don't say you are against them. Say I am concerned about these chairs and desks; they trouble me. All the Senators are running around, and they are all troubled. That is the nonsense we are engaged in.

But I take a poll, and everybody is for tax cuts. We have forgotten from whence we came. I am completely absolutely opposed to the budget settlement of $1.235 trillion, plus the stimulus $1.35 trillion, because I believe in paying down the debt, not increasing it.

But the polls do not do that. They ask you if you are for a tax cut, but they do not tell you we are spending surpluses that do not exist. I will bet anybody any amount of money, with any odds, that we will end this fiscal year with an increase in the national debt. We have done that each year, since Lyndon Johnson was President, for the last 30 years.

But now comes education, and it is polled also: Accountability, accountability. Here is the crowd that says: We want to find out what is wrong. Heavens above, they come to government as if it begins with them.

Senator WELLSTONE is really fighting the fight for the youngsters of America, for the economic strength of America, and for its defense. The best defense is an educated citizen. Do not give me all the toys—the Osprey: Jump, move forward, jump around, get in it, and kill everybody who gets in it. I am not for these toys. I am for education. That is the best defense.

Give me $225 billion; give me the Harkin amendment. That is what I want. Give me the moneys to flesh out these programs that have worked. But they come and say the programs have not worked. It is ignorance.

I say to Senator WELLSTONE, the Governors met in 1988. The distinguished Governor from Arkansas got together with another Governor, a Republican leader at the time, and they founded, so to speak, Goals 2000. But President Bush would not put it in. Then when President Clinton got here to put it in, they fought it.

So I begin to wonder when they say: We don't know how the schools are performing. Ha, they fought the Department of Education. They fought to privatize all the public money for public schools with vouchers, charter schools, tuition tax credits, any way they could, to destroy the public support for public schools. And they come now and say they don't know, when they fought Goals 2000.

We had testing in the Elementary and Secondary Education Act in 1994. They act as if we haven't heard of testing. We have testing coming out of our ears. But the polls say: Accountability; discipline, discipline, yes.

I say to the Senator, in relation to that discipline, I remember the mother who sent her little boy to school with a note for the teacher. It said: Dear teacher, my boy Ivan is very sensitive. If he misbehaves, slap the child next to him. That is punishment enough for my Ivan.

They say: Discipline, yes. I am for accountability. We are going to find out. Don't give me that stuff. Bug off. As my grandchildren say: Get a life.

We provide $7 of every $100 spent—or 7 cents for every $1 spent—on education. We act as if we have invented education and all of a sudden we are going to do something about it. One way or the other, we are not going to do much. But what we do that is working ought to be allowed to continue.

Specifically, we have the women's, infants, and children's nutrition program, which is not part of the education budget, but it is an important part of education. I worked with Senator Humphrey from Minnesota, a state where I worked on and wrote a book on hunger. I got with him, and we put in the women's, infants and children's program. You have 21 billion brain cells, and I have 21 billion brain cells, and 17 billion of the 21 billion brain cells have developed in the first 5 months in the mother's womb. Without the proper nutrition in relation to the protein and the synthesis of the nerve cells during those first 5 months, there can be as much as 20 percent less cellular development when that child is born, causing what we call organic brain damage. The child can't function, can't assimilate. That has everything to do with their education, and yet WIC is not adequately funded to meet the needs of all those who are eligible.

They want to know what works. We have had mathematical studies conducted about the benefits of title I for the disadvantaged. For every dollar we put in title I, the Government and society reap $7. For Head Start, it is $4. That works.

We are going to have this testing to find out who is failing and who is succeeding, but we are not testing the school building, we are not testing the principal, we are not testing the school board, we are not testing, really, the pupil.

As my distinguished colleague from Minnesota says, we are testing wealth. Why? Because the wealthy student—the one who starts his education in a good pre-school and has books read to him, and everything else of that kind—by the time he's tested in third grade, he has had 6 years of schooling. Without these advantages, a child has only three years of schooling coming into the test. So you are testing wealth.

The Senator from Minnesota has educated this Senator. He has really gotten into things that mean something to this body and this country. We are about to go the way—as I am convinced we are running up the national debt, and we have interest costs of $1 billion a day—of hollering surpluses, surpluses, surpluses, when we have deficits, deficits, deficits. That is their way of getting rid of the Government. And this is their way of getting rid of public education—anything to get rid of public education.

We have not really equipped our minority teachers, and yet they have outstanding schools here, there, and yonder. And then we have very poor ones. We know. I read in the morning paper—I do not have to wait to pass this bill—about schools that are practically closed. So they are going to take the test. And what are we going to find out? What we already know. It is like taking a fellow who can't swim, who is drowning 100 yards offshore, and throwing him a 50-yard lifeline. We haven't made it all the way for Head Start, for title I, for all of these measures. And then we are going to have the test to see whether he can swim, while the poor fellow drowns. No. We ought to be realistic and look at what we know is there.

I campaigned all over the State of Texas. I have never forgotten it. It was not the "best little whorehouse in Texas," it was the best little poorhouse—poorhouse. The Rand Corporation agreed last year that Texas had failed to improve on key education points. I can get into that debate on schools, but it isn't the point here. The point is, we do not want to really find that 20 percent or a third of our schools are failures. You do not have to administer a test to see what the good schools are doing.

So what are we going to do about it? What are we going to do about it? Mr. President, nothing. We are going to talk. We are going to speak to the polls and say in the campaign: I was for accountability. I am for accountability and I voted for testing.

The Senator from Minnesota and some of us others are going to have an extended debate on this issue. We have to educate our colleagues and get the support to kill the so-called accountability in its crib, the accountability they refused in Goals 2000 and earlier with the testing in the 1994 act. Now they act as if they have a discovery to identify the problem—hit-and-run driving.

Yes, accountability, accountability, accountability. Ask them about the Patients' Bill of Rights. There are too many lawsuits when you bring a suit to get accountability. No, no, we are not for accountability. We have too many lawyers. Get rid of the lawyers. That is also in the polls. Kill all the lawyers, said Shakespeare in Henry VI. Accountability.

Unfunded mandates, where are they? They were jumping all over the place 7 years ago on unfunded mandates. Now they are pell-mell down the road. For what? The President has put in $320 million to cover an estimated $2 to $7 billion in costs over the 4-year testing period. I am concerned that the states will have to pick up a substantial part of that cost.

We had the Governors. We had the local people say, heck, we know, we are there. It is amazing to me the distinguished President, who had been a Governor, acts as if he never has been in government before. He would know that this would hackle every Governor, every school board, every school superintendent, every principal. They know about testing. They are trying to get the money. But, no, we have accountability. We have unfunded mandates now, and right on down the road with a program that can't possibly work. But it is only going to highlight the need, they say, for vouchers.

The Senator from Minnesota has an amendment that fleshes out a program that works; namely to fully fund Title I before we proceed with a testing mandate. You have to teach the course before you give the exam. The U.S. Congress has not taught the course. We haven't given students, in many instances, the building. We haven't given them the professional classroom teacher. We haven't given them the right size class so that they can get the teacher's attention. We haven't given them counselors, and they need counseling. We haven't given, of course, the different courses and other assistance that we have all found, from time to time, is very necessary. So we haven't taught the course, but we are going to give them the exam. We are going to have accountability, and we are going to puff and blow and walk all around on the political stump saying: I was in Washington and I told that Washington crowd that we had to have accountability.

I want them to come with the Patients' Bill of Rights, because that is what we have in the Patients' Bill of Rights, some accountability. If they absolutely step aside, if they engage in malicious and reckless conduct, malpractice, then we can bring the suit. That makes them accountable. But, no, they are opposed to that kind of thing.

If the test shows schools are failing, we are not going to put up the billions to improve schools. Instead, they are going to put on a full course drive for vouchers to $1,500. What is that going to do?

The real need is to get teachers' pay up. If I were king for a day—I ran for the Presidency on this back in the 1980s—they laughed but it is still just as efficacious—I would increase teacher pay, because that $36,000, the average pay of a teacher in South Carolina, doesn't do the job.

But I go across the stage having made a graduation speech, and students approach me and say: Senator, I wanted to get into teaching, but I couldn't save enough money with the pay to send my kids to college. We have a lot of dedicated teachers in the classrooms and a lot of great schools, but we are missing out on bringing in the feedstock of that professional teacher because we are not paying enough. We are doing it on the cheap. We are doing it on the cheap, and we know it.

But we are going to tinker around. We are going to have reading. We are going to have math and science, and we are going to have the size of the classroom. And we are going to build another building, and we are going to toy around with it to try the hit-and-run drive, to identify with the problem but not solve it.

Begin at the beginning. Somehow let's get some revenue sharing with the teacher out in that rural school or combat pay for the inner-city classroom teacher. They deserve combat pay trying to keep law and order and act as a parent at the same time. The role of a teacher is just almost unable to be performed in the sense that teachers can't get around to teaching because of the other particular duties at hand.

I will have plenty more to say when this measure comes up about accountability. Please spare the Senator here from all of these expressions, the pollsters. Has anyone ever heard of a pollster being elected to anything? If they can find me a pollster who has been elected to office, I would like to find one. A pollster has never experienced anything.

Here are some expressions. We have to give the child "a real chance." We want to "find out what works" and so forth like that. We need to "increase flexibility." We need to "reduce bureaucracy." We need to "empower parents." Come on. Don't give us all of that. Parents are working day and night and the child is home and nobody is helping him with his homework. And we know it. We don't need a test to prove it. Let's get away from all of this gamesmanship and polling politics and really do something for public education in the United States.

If they want a starting point, our distinguished friend from Massachusetts has led the way and held the line on public schools for the years I have been up here. I have been glad to associate with him.

But I can tell you here and now, this is dangerous to come in and start, under the auspices of accountability, testing from the third to the eighth grade every student in all of America. They are going to create the very cost and the bureaucracy they want to get rid of and waste money that is needed for teachers' pay. The ultimate is, of course, finding out that there are a lot of schools in need, and we know where they are, and we are trying to get assistance to them. I saw it 50 years ago when I put in a county-wide millage for a school in Awendaw. You put in 100 mills property tax in that rural area, and you couldn't build a lunchroom, much less a school. So as chairman of the delegation, I put it in.

So don't give us these nebulous statements of flexibility and empowerment and all these buzz words around here. Let's give us some education and test the Senate. That is where we ought to have a test. Find out if we have passed the test first. Have we really fleshed out the women, infants, and children's program? Have we really fleshed out and supported 100 percent Head Start. Have we really financed title I for the disadvantaged? Have we built school buildings so that students can learn without the ceiling falling in on their heads or freezing to death? Have we done that? Give us the test first. Find out what we have done.

Or have we regarded what we have already known to be the case, what the Governors have come in with, Goals 2000? Have we responded to the test that we prescribed with the flexibility they said they wanted? In 1994, they wanted the States to be able to decide.

Have we passed that test? Give us a flunking grade, a zero—except for the Senator from Massachusetts, the Senator from Minnesota, the Senator from Iowa, and some others, such as the Senator from Connecticut, Mr. DODD. They have been out here working for education. But there are only a handful of them who can pass the test if given to the Senate itself. That is what I want to see. Cut out the pollster's gamesmanship and the campaigning and let's think not of our needs to be reelected, but the needs of the country to prosper and survive.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I understand our time would start in about 10 minutes. I am going to yield time to Senator BYRD, the time up to 4 o'clock, and then we will reclaim our time because we have speakers coming at 4. So such time as he may consume, until 4, I yield to Senator BYRD.

The PRESIDING OFFICER. Does the Senator from Texas yield time from the Republican side to Senator BYRD until the hour of 4 p.m.?

Mrs. HUTCHISON. I yield up until 4 o'clock to Senator BYRD, but I would not want it to come from the Republican time if others come and want to speak on the Republican time.

Mr. BYRD. If the distinguished Senator from Texas will yield, may I suggest that I only take—I think we have 5, 6 or 8 minutes——

The PRESIDING OFFICER. It is 7½ minutes.

Mr. BYRD. May I suggest that I take that amount of time now and make a few remarks about Bob Schieffer. Then I will wait until 4:30. I could have more time at that point, as I understand it.

Mrs. HUTCHISON. Yes, that is correct.

Mr. BYRD. I thank the Senator for her efforts to accommodate me.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

BOB SCHIEFFER'S TENTH ANNIVERSARY AT "FACE THE NATION"

Mr. BYRD. Mr. President, this evening, politicians, celebrities, and newscasters alike will gather to honor one of the most trusted reporters in Washington; namely, Bob Schieffer of CBS News. Bob Schieffer has gained a reputation as a man of integrity, an honest man, a man who holds fairness and the truth in the highest regard.

Nothing better can be said about a politician, and certainly nothing better can be said about a news reporter. I will say that again about Bob Schieffer. Mr. Schieffer has gained the reputation as a man of integrity, an honest man, a man who holds fairness and the truth in the highest regard. We will remember that Plato, while visiting with Hiero, was asked, "Why have you come here?" Plato said, "I am looking for an honest man." So we have one here—a man of integrity, an honest man, a man who holds fairness and the truth in the highest regard. Now that is saying something in today's world. That is saying something about a news man.

Bob Schieffer is a Texan who started in journalism as a reporter for the Fort Worth Star-Telegram. He moved on to a local television station and then to CBS. For 20 years, Bob was the network's Saturday evening news anchor. For the past decade, he has hosted "Face The Nation" on Sunday mornings. He has called Sunday mornings the smartest time period on television, saying, "It is the last place on television where people can lay out their ideas about things and discuss them at length."

Well, if Sunday morning is the smartest time period on television—that is what Bob Schieffer says it is—I say another reason for that would be that it is Bob Schieffer's time when he is reporting to the Nation. He decries—as do I—the 30-second sound bite that has replaced the true interaction between voters and public officials. One reason I decry it, of course, is I am not very good at it. A 30-second sound bite—it takes me about that long to say hello or good morning.

Sitting in the anchor chair at CBS is a high responsibility, a high responsibility, an important responsibility. It was the chair from which Roger Mudd and Walter Cronkite would report every night. It was the chair in which Edward R. Murrow—perhaps the grandfather of in-depth, thorough television reporting—hosted "CBS Reports" and "Person to Person" and "See It Now." Edward R. Murrow set the standard. Bob Schieffer excels at meeting that standard.

There is no obstacle that cannot be overcome by the vigorous mind determined to follow truth. That seems to be the philosophy that guides the work of Bob Schieffer. He follows the truth. He has a vigorous mind, and he follows the truth, he keeps after it. He does not invent the truth. There is a difference in following and pursuing the truth and attempting to invent it. Bob Schieffer does not invent the truth, he asks the questions. He asks the questions, but he does not assume the answers. He listens and, from the answers he receives, we all then learn.

Bob Schieffer once told an audience, "Your trust is the greatest honor I can receive." Now that says it all. I am not a news man, but if I were a news reporter, it would seem to me that that would be the pith, the crux, the milk in the coconut. "Your trust is the greatest honor I can receive." We know that, as a general rule, the people of America do not trust news people. They do not trust news reporters. They do not trust the news media. They do not trust politicians. So Bob Schieffer said it well when he said, "Your trust is the greatest honor I can receive." He can speak for me as a politician on that line also. The trust of the people, he says, is the greatest honor he can receive. That trust is well earned.

I congratulate Mr. Schieffer on his decade of service at "Face the Nation," and I look forward to watching him for many years to come. He is a man I trust.

Mr. President, I yield the floor. I, again, thank the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from West Virginia. I so appreciate the remarks he made about my friend, Bob Schieffer, and "Face the Nation." I, too, have known Bob Schieffer for a long time. He grew up in Fort Worth, TX. His brother and I served together in the Texas Legislature. I have known him and his family for a long time.

There is not a more principled, fair person in the entire news media than Bob Schieffer. I certainly appreciate the kind remarks made by the Senator from West Virginia. I know Bob Schieffer is very happy tonight, celebrating the anniversary of "Face the Nation." He has taken it to new heights just by being a person who is trusted and respected by the American people. Both Presidential candidates choosing Bob Schieffer to be the moderator of a debate shows he is well regarded by Republicans, Democrats, and Independents throughout our country.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

Mrs. HUTCHISON. Mr. President, I want to talk about the education bill that is so important to all of us. We are hopefully very close to agreement on bringing the bill before the Senate.

We are all a little frustrated because we have been waiting for the bill for about 10 days. There have been a lot of negotiations.

There are some very key issues that need to be discussed, and I hope they will be discussed in the open. I hope they will not be negotiated away. Reform is the key to success in education.

We are going to spend more money on education. In fact, President Bush has put forward a budget that provides an 11.4-percent increase in spending in education. That is warranted because we do need to add emphasis to certain areas of public education.

What is going to determine success or failure is whether we reform our system, whether we make it accountable, whether we give parents the ability to know what their children are doing and how they are doing. If a child comes home with A's or B's and is promoted to the next grade, and you, as a parent, find out 5 years later the child did not read at grade level, that is a failure in the system.

If a parent does not have the tools to find out if there is a weakness in the child's education, the parent is at a significant disadvantage, and the child is doomed forever.

We need to make sure parents have the knowledge of how a school is doing. A lot of people say we should not have tests. If we do not have tests, how will we have a benchmark? How will we know where the weaknesses are?

If we have tests, even if the test is not perfect, it will show a red flag and we will see the weakness. We can determine if the test is not right, if the failure is not real. At least we will check on it to make sure, but most of the time the failure is real.

If we catch the failure at third grade instead of eighth grade, we will save that child's future. We will save that child's productive life because we can make sure that every child can read at grade level in the third grade. If we do that, then every child will have the chance to absorb the rest of his or her educational experience. But that child will never be able to absorb the history, the geography, the math, and the science if that child cannot read at grade level in the third grade and have the chance to progress.

That is why we are trying to set a standard, not a mandate to every State about the test that is given but a mandate that there be some kind of accountability, some kind of test so parents know where the weaknesses are.

In addition, we want to take the schools that are doing well in the same socioeconomic area and give that information about what works to the school that is not doing well. That is the purpose of accountability: to find out what does work so we will have a chance to help those that are not performing up to speed by showing them what has worked in schools with the same weakness areas.

If it is reading that is a weakness, or math, or computer sciences, we will have some examples to show what does work because we do want to make sure no child is left behind.

We are talking about reforms that include accountability, some kind of testing to see where they are and where the weaknesses are. We are talking about creativity to make sure schools that have teacher shortages have a bigger pool from which to choose. If we do not have a teacher who can teach French and the students are not able to learn French in that school district, why not go the extra mile to certify a person who majored in French in college but does not happen to have a teacher's certificate? Why not expedite the teacher certification so the young people in that particular school district will be able to learn French?

That is what we are trying to do: give creativity incentives so there will be more teachers available to teach French, Russian, Japanese, or the Chinese language; more teachers who can teach math, science, and computer skills where there are teacher shortages.

We must be creative. We must leave no stone unturned to make sure every child will get the chance to succeed with a public education.

We are going to increase spending. We are going to triple the funding for children's reading programs to over $1 billion next year. We will have a 30-percent increase in funding for Hispanic-serving institutions and historically black colleges because these programs, which have been increased for the last few years at a very large rate, are doing a great service for our country. They are nurturing students in those schools to keep them in school to get those degrees to be eligible for the good jobs that a college education can give them.

We are adding an additional $1 billion for Pell grants next year. At colleges and universities where I have made commencement addresses, I have had so many students tell me it is Pell grants that are responsible for their ability to get an education because their parents never could have afforded to send them. The Pell grants are an added incentive for them to go to college. In fact, one of the creative parts of this bill is increasing Pell grants by $1,000 to any low-income student who will enter the math or science field in college.

That would be an exciting opportunity for our minority students, for our low-income students, for students who have not had a chance to have that extra Pell grant. If that extra Pell grant will give them an incentive to go into the field of math and science, then that student is going to have a bright future.

We are going to increase by $412 million teacher professional development, making sure teachers have the tools they need to teach, that the best techniques are given to the teachers teaching our young people.

We are going to have a $90 million increase in the National Science Foundation, the math and science partnerships program, so we can assure quality opportunities in math and science to nurture our potential inventors.

There is a $40 million increase in school construction funding for impact aid schools. An impact aid school is a school that is near a military base. These are school districts that do not have the same tax base because a military installation does not pay local taxes. Many of these schools have been starved over the years. We are going to give them a boost to try to upgrade the school construction in these heavily impacted school districts where there are large Federal institutions.

There is a lot of increased spending in this bill. But that is not all this bill is. If we just increase spending, we don't need to debate the issues of reform; we don't need to talk about accountability; we don't need to talk about vouchers or choice for parents or charter schools or trying to get more teachers to take up the teaching profession. Why would we do that if we just throw money at it and not do anything more? We could just pass an appropriations bill. That is what we have been doing. That is what hasn't worked.

What we are hoping to do is to now reform the system. We want to give individual attention to every child. We are trying to give the Federal money in block grants to the State and local governments with benchmarks—not mandates, not heavy books of regulations they have to thumb through before they can take a step. That is not what we are trying to do.

We are saying: Here is the standard we want you to meet. We want every child to read at grade level at the third grade. How you do it is your choice. We will give you extra money for teaching teachers how to teach reading for Pell grants, for the added emphasis on math and science classes, all of those things that would go toward making sure each individual student has the opportunity to reach his or her full potential with a public education. That is the point of this bill.

Increased accountability. Focus on what works. Look at the other schools to see what they do that works. Talk to people who have made it work.

I visited a school in my hometown of Dallas, TX, an elementary school. I have never seen so much creativity. The students have parents who are interested. The PTA is very active in the school. The principal welcomes the PTA. Stonewall Jackson Elementary School has a diverse student body. They are excited about learning. The teachers are pumped up; the principal is open and creative; the parents love working for the school. It works because everyone comes together to try to make sure every child has the most opportunity that child can have.

This particular school also has a number of deaf students. They are integrated into the elementary school. Deaf students and hearing students are in the same classes, so the hearing students know how to function with the deaf students; the deaf students know how to function with the hearing students. It is wonderful to see it work because of the interest of the parents, the teachers, the principal, the school superintendent, and school trustees. It is a teamwork effort. That is what we are trying to foster in every school in our country.

We want to reduce bureaucracy in Washington and increase flexibility. We want school districts to do what fits them best. Maybe they need a single-sex school in part of an urban area where they have problems with discipline. Why shouldn't they be able to offer an all-boys school or an all-girls school in a public school environment, if that is what the parents believe will focus their children on education. Why don't we open our horizons and look at what we can do to be more creative?

Most of all, we are trying to empower parents. We are trying to give parents the information they need to make the best decisions for their children. We are trying to make sure parents will be able to get their children out of a bad environment and into an environment where their child can learn and progress and do better. That is exactly what this bill is trying to do.

I am very pleased we have a President whose major priority is education.

I am very pleased we have a bill that will put some creativity into the schools. I am very pleased we will have some amendments that I hope will add to the creativity and the choices parents will have. The bottom line is, if parents know what their children are learning and if they have an interest in their schools, they are not going to let their children stay in a bad environment; they are not going to let their children stay in an environment that is not serving the needs of their children.

I hope we can start the amendment process on this bill because I think we have a chance to recreate public education in our country. It needs to be recreated. It has fallen down in the last 25 years. It is time we brought it back up. It is time we do not take no for an answer. It is time we do not allow someone to say that some children just can't learn. Every child can learn. We just must make sure we fit that child's individual needs and every child will learn. The key is catching the child early enough that we can give the child the full chance to have a quality public education. If we find out in the ninth grade that the child is reading at the third grade level, 6 years will have been lost for that child's development. That is not fair. We can do better. That is what I hope we will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to continue under the time on education, please.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. I suppose we are all hopeful the committee will soon come together with their proposal and have some agreement on the bill and bring it here.

As we think more and more about the education bill, and we begin to think what are the elements of a successful education for young people, of course we immediately begin to think, first of all, about families, about parents. That is the early responsibility. It is so interesting to watch in our communities, as we see the youngsters with parents who, when the children are very small, begin to help with reading, begin to give parental support. Then as they get to school, we can see their opportunities are much greater.

The other things, of course, that we talk about are the facilities, the teaching opportunities that are provided by the community. We begin to try to put all these things together. Then we begin to say what is the role of dollars? I think the average expenditure per child is maybe $500. There are substantial differences in the costs of education throughout the country. Then we begin to measure reading performance against the amount of dollars that are spent. We see as dollars go up, reading capacity does not necessarily go up. So we say what is it that has to be done besides dollars?

We begin to think of the role of the Federal Government versus the role of the school board and the State, in terms of decisions about school buildings, for example. Traditionally, the building of school facilities has been a responsibility of local governments. Local governments make the decisions. Then we find ourselves looking at things that need to be done in that area and we see we need Federal money. When Federal money comes, along with it comes regulation. People say: Wait a minute, get the Federal Government out of our lives.

It is not an easy issue. Do we want to have the best education we can? Of course, nobody argues with that. That is our goal and it should be. We start with preschool and go on to have the best kind of education we possibly can have for everyone. Not only is that good for everyone, the people themselves, but it is good for our society. We cannot really have successful democracy unless we have educated citizens.

That is what we are talking about. It sounds easy: We are going to support schools, we are going to do this, we are going to do that. Then we think it out and say: How do we best do this? How do we get accountability? Where should the money come from? How important is it as compared to teaching expertise, for example? What does that have to do with buildings, facilities, and these things?

It is an interesting topic. I hope we will get to it soon. The bill before us will cover almost all these things. It will have to do with accountability. It will have to do with financial capacity. It will have to do with choice. It will have to do with how the money is spent and who decides that. I look forward to that.

I think the arrangements have been for the Senator from West Virginia to begin now, so I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from West Virginia.

BUSH TAX CUT PROPOSAL AND THE PSEUDO-RECESSION OF 2001

Mr. BYRD. Mr. President, last Friday, the Commerce Department reported that the U.S. economy grew at a rate of 2 percent during the first 3 months of this year, January 2001 to March 2001. That is twice the rate that forecasters were projecting. It doubles the pace of late last year, October 2000 to December 2000.

Saturday's Washington Post quoted economist Jim Glassman of J.P. Morgan Securities saying:

> These are great numbers. They suggest that the economy is not nearly as weak as was feared and that we are not close to being in a recession.

This information stands in stark contrast to what the administration has been telling the American people in recent months. In presenting his budget and tax cut proposals to a joint session of Congress on February 28, President Bush declared:

> The long economic expansion that began almost 10 years ago is faltering.

As recently as March, White House aides warned that $1.6 trillion in tax cuts were needed to avert an impending recession.

Contrary to the administration's dire warnings, the economy has continued its unbroken 10-year expansion—the longest economic expansion in U.S. history. The Nation's unemployment rate is near historic lows at 4.3 percent. Consumer spending increased from a 2.8 percent rate in February to a 3.1 percent rate in March. Construction spending remains strong, business infrastructure investment is rising, manufacturing activity is inching up, and factory inventories are falling.

Even the stock markets—and we have learned that the stock market is not the economy—but even the stock markets are rebounding from their recent lows. The Dow Jones increased from 9,500 in early March to almost 10,900 yesterday—10,898.34—a 15 percent increase. The Nasdaq increased from 1,619 in March to 2,168 yesterday—a 34 percent increase.

In the midst of the Great Depression of 1932, which I lived through, President Franklin Roosevelt cautioned that the only thing we have to fear is fear itself. In the midst of the pseudo-recession of 2001, the only thing that the Bush administration has to fear is stirring up public doubt.

This administration has been walking a fine line between promoting the President's tax cut proposal on the one hand and alarming consumers and investors. The Bush administration has touted the President's tax cut plan as a possible "second wind for economic growth," so that bad economic news becomes good news for the tax cut.

That is the tune the administration plays.

The problem is that, in attacking an illusory problem through the bogus cure of massive tax cuts, this Administration creates two very real problems. It threatens our debt repayment efforts and cuts back on our ability to address a backlog of infrastructure needs.

Let's consider, for a moment, our national debt. The Congressional Budget Office projects that the national debt will increase from its current levels of $5.7 trillion to $6.7 trillion in FY 2011. The President's budget would set aside $2 trillion to retire the national debt over the next ten years, but that number is based on two highly unlikely assumptions: (1) that $5.6 trillion in budget surpluses will materialize in spite of CBO warnings that they might not, and (2) that discretionary spending should be limited to the unrealistically low numbers proposed by the President.

If the massive-permanent tax cuts are enacted, our debt retirement efforts may be compromised and that could significantly disrupt the financial markets, resulting in higher interest rates and slower economic growth.

An equally important concern is whether these tax cuts will allow us to adequately address this country's failing infrastructure. Roads, bridges, airport runways, mass transit systems, water and sewer systems, and energy delivery systems—we could go on and on—are vitally important to support thriving businesses. They enhance productivity. They provide jobs. They are basic to a strong economy.

Yet, according to the American Society of Civil Engineers, ASCE, one-third of the nation's major roads are in poor or mediocre condition, costing American drivers an estimated $5.8 billion a year.

The latest ASCE survey revealed that 29 percent of the nation's bridges are structurally deficient or functionally obsolete.

Airport capacity has increased only 1 percent in the past 10 years. No wonder airport congestion delayed nearly 50,000 flights in one month alone last year.

Due to aging, outdated facilities, and severe overcrowding, 75 percent of our nation's school buildings are inadequate to meet the needs of school children—to meet the needs of America's schoolchildren, tomorrow's citizens, and tomorrow's leaders.

The nation's 54,000 drinking water systems face an annual shortfall of $11 billion to comply with federal water regulations.

Some of the nation's 16,000 wastewater systems are 100 years old. More than one-third of U.S. surface waters do not meet water quality standards.

These statistics show the infrastructure needs of a third-world nation, not the world's last remaining super power.

Furthermore, these statistics only reflect the gap between federal funding and our nation's physical infrastructure needs. What about our human infrastructure needs?

The Senate voted last month to set aside $225 billion in tax cuts to finance investments in education.

The Senate also declared its intent to set aside $300 billion for a prescription drug benefit—twice the amount allotted in the President's budget.

Medicare is estimated to have 45 million beneficiaries in 2015 (11 million more than 2000), yet the program will not have the resources to finance benefits after 2016, 15 years from now.

Let me say that again. This should be of interest to everybody in this country.

Medicare is estimated to have 45 million beneficiaries in 2015; yet the program will not have the resources to finance benefits after 2016.

Likewise, the Social Security program provides a financial safety net for our Nation's seniors; yet it will not be able to rely on payroll tax revenues after 2016.

Let me say that again, talking about the Social Security program.

I can remember when we didn't have any Social Security program in this country. I can remember when Franklin Delano Roosevelt and a Democratic Congress provided the Social Security program in the country.

Before that time, when people became too old to work, they either stood at the gates of their children with their hats in their hands hoping that their children would take them in, or, otherwise it was over the hill to the poorhouse. I can remember that.

All through the years, the workpeople of America, the people who have labored and earned their bread by the sweat of their brow, paid into that Social Security program as did their employers, and looked forward to the time when they could retire in dignity, and not have to sit on the porch of the old county poor farm, and not have to call upon their children, who were already struggling, to take them in.

What do we see happening?

We see that the Social Security program provides the financial safety net for our Nation's seniors, yet it will not be able to rely on payroll tax revenues after 2016 just 15 years from now. Unless we plan now for this eventuality, where will the revenue come from to ensure that these retirement benefits are paid if the surpluses don't materialize?

Federal dollars also support high-technology research which, in turn, is transferred to the private sector to help domestic businesses compete more efficiently in the international market place.

Where will the money come from to finance these human infrastructure needs—if the kitty is blown—if the kitty is blown on tax cuts?

The reality of this year's budget process is that if the Senate decides to approve 10-year tax cuts as large as $1.6 trillion, or even $1.35 trillion or $1.2 trillion, it is likely to do so at the expense of everything else that we owe to the American people.

You, the people as I am looking right into your eyes through that electronic camera behind the Presiding Officer's chair. It is you. Yes, it is your money, but it is also your Social Security program, it is your Medicare program. Whether you are young or whether you are old, it is going to affect you, the American people.

The administration is fond of saying that these projected surpluses are the people's money. And they are. Yes, it is the people's money. But what the American people expect for their tax dollars— modern and safe roads—safe roads on which they can take their children to the childcare center, on which they can go to church, on which they can go to school, on which they can go to the bank, on which they can go to the grocery store, on which they can go to work—safe roads, modern roads, clean drinking water, adequate health care, reliable retirement benefits, access to higher education, and better public schools.

The President's budget does not even allow for what the Congressional Budget Office says is necessary to maintain current services in such key areas as transportation, agriculture, and energy—we have an energy problem in this country, don't we?—and certainly does not provide what is necessary to address the backlog of infrastructure needs in education, health care, and a whole host of other areas.

Consider the following: Highways, bridges and transit: The President proposes to divert—yes, you heard me exactly; divert—$430 million of TEA-21 funding in FY 2002 from highway construction to other transportation programs.

Schools: The President proposes to terminate the $1.2 billion school construction program. How about that?

Drinking Water/Wastewater: The President proposes to reduce funding for EPA clean and safe drinking water by $463 million and grant and loan levels for the rural water/wastewater by $100 million.

I traveled around the world in 1955, 46 years ago. In most of the countries where I traveled, we did not find clean drinking water. We were told not to turn on the faucet, not to drink the tap water: Don't drink it. Boil it in advance. Oh, I saw many of the beautiful sights of the world—the Taj Mahal, the pyramids of Egypt, Angkor Wat in Cambodia—but the most beautiful sight I saw, after that 66 days of traveling around the world, were the two little lights, the two little red lights in the top of the Washington Monument when I flew back into National Airport at the end of that journey. And what a joy it was just to be able to go to the spigot in the kitchen and turn on the water and get a glass of fresh, clean, safe drinking water.

There are millions of people in this country today who cannot go to the water faucet and turn it on and get safe drinking water—right in this country. One does not have to go to Kandahar, one does not have to go to Afghanistan or to Pakistan or to Vietnam or to Korea in order to experience what I am talking about. Just go to West Virginia. There are some places in West Virginia where the people do not have safe, clean drinking water.

What about dams and navigable waterways?

The President proposes to reduce funding for the Corps of Engineers from

$4.5 billion to $3.9 billion. The President proposes no new starts despite a backlog of $38 billion of authorized but unfunded projects.

Hazardous waste disposal, what about that? Despite a $13.6 billion backlog for cleaning up toxic sites on the national priority list, the administration proposes to freeze Superfund at the FY 2001 level. Freeze it. Do not increase it. Leave it at the 2001 level.

Instead of addressing the Nation's infrastructure needs, this administration chooses to devote its resources to a so-called fiscal stimulus, even though the economy seems to be correcting itself without one.

The President has said that the economic engine is beginning to sputter, and that tax cuts are needed to accelerate the economy. What good does it do to rev up the economic engine if the roads are in such a state of disrepair that they cannot be traveled? Even the fastest, most expensive, most shiny, glossy car in the world cannot travel over bridges that are dangerous, falling apart, and roads filled with potholes.

And one does not have to travel very far to see potholes. Just drive around in the Nation's Capital. Potholes—one sees on television the pictures of automobiles hitting those potholes and then having to go to the nearest garage to have the axle replaced. The tires are blown. Right here, in the city of potholes, Washington, DC. One does not have to go to Mud, WV, or to Duck, WV, or to Sophia, WV. Just go to Washington, DC. The potholes are there.

Most people expect to get something for the taxes they pay. They expect clean, safe water. The taxpayers expect to see, modern highways, and transportation systems. They expect to see food free of toxics, a sound education system, decent health care, and safe streets and neighborhoods. The frustration comes when the taxpayers don't see their tax dollars working for them. We tell them their tax dollars are collected to buy these things that will improve their lives.

When we don't deliver, we break faith with our promise and we undermine the trust of the taxpayers. I say the people don't want their money back, they want their money's worth. We hear this refrain being sung. I can hear it now wafting its way in the refreshing air of May from the White House at the other end of Pennsylvania Avenue: The people want their money back. No, I say; the people want their money's worth.

If I go to the grocery store with my wife Erma to buy food for the weekend, I don't want the grocery man to smile at me and say: I won't fill up your shopping cart but I will give you your money back. I don't want my money back; I want my money's worth.

When I hire a contractor to fix my roof if it is leaking, I don't want him to tell me he won't do the job but he will give me my money back. I want to be dry. I don't want the rain to come into my modest cottage. I don't want my money back; I want my money's worth.

If I take my old Chevrolet to a mechanic because it won't run, I don't want to be told that the car can't be fixed but I will get my money back. I don't want my money back. I want my money's worth. Fix my car. That is what the American people want. They want us to get the most from the taxes we collect. They want us to plan ahead and invest in our country. They want us to exercise stewardship in their best interest. They don't want us to creep up to them with our head down and with a long face and say to them: Here, you gave us this tax money. I hid it in a napkin. Here is your money back. No. That is like the unfaithful steward in the Biblical proverb.

The American people want to get the most from the taxes we collect. They want us to plan ahead and to invest in our country. They want us to do the basics that feed the economy, to allow for future growth and anticipate future change. We fail them if we don't do these things. We have failed them if we say: Here, just take your money back. The people can't repair highways. They can't build sewers and clean up water systems. They can't build new airports. They can't inspect the food supply. Government exists to take care of things that people cannot do on their own.

It also exists to make intelligent choices about future trends and to anticipate needs. How can we do that if we squander our ability to make investments for the future because of huge tax cuts, huge tax give-backs now, based on projections which may not be real?

The Associated Press is reporting today that President Bush has struck a deal with the Republican leadership on a so-called budget deal. Further, I understand that the House and Senate Budget Committee chairmen are rushing to file the budget resolution conference report this evening. This is another example, if it is true, of the President and the Republican leadership disregarding the President's promise to bring bipartisanship back to Washington.

The House and Senate took up the budget resolution without a detailed President's budget. For the first time in its history, the Senate Budget Committee did not mark up the budget resolution. And now we hear we will have a budget resolution conference report that was produced without the involvement of the ranking members of the House and Senate Budget Committees, also without any input by the ranking members of the Senate and House Appropriations Committees.

So what is in this conference report? We do not have the report, but according to the press reports, it contains $1.35 trillion for tax cuts over 11 years and it limits discretionary spending to a 5-percent increase for fiscal year 2002.

Where is the bipartisanship? I am not in on such a deal. I am the ranking member of the Appropriations Committee. Where is the bipartisanship? The administration puts on a big show, having invited everybody down to the White House. Where is the bipartisanship in this budget conference report, if what we are reading in the press is true?

I am also told that it contains budget process provisions, such as a defense firewall, that were in neither the House nor Senate resolutions.

What will be the effect of a 5-percent increase for discretionary programs? That is what I hear: Discretionary will be 5 percent.

At best, this level provides only enough of an increase for nondefense programs to maintain last year's funding levels, adjusted for inflation. This level will leave no resources for increases that we all know are necessary for education, for infrastructure, for research and development, and for promoting our energy independence. What about Social Security or Medicare?

The increases being debated on the floor for elementary and secondary education this week could not be funded, to say nothing of other education programs such as Pell grants. During debate on the budget resolution in the Senate over 20 amendments were adopted to add discretionary spending. Almost half of those amendments were offered by Republicans. Where are we going to get the money to pay for increases for veterans' medical care, the Wellstone and Bond amendment, or for fossil fuel programs, or for the National Science Foundation, the Bond and Mikulski amendment, for food safety, the Clinton amendment, for conservation funding, the Murkowski amendment, for energy research, the Reid amendment, or for law enforcement, the Leahy amendment? The President proposes to cut State and local law enforcement by over $1 billion. Where will the money come from to restore those cuts? Where will the money come from to add funds for health centers, the Bond amendment?

The PRESIDING OFFICER. The Senator has used his 30 minutes.

Mr. BYRD. I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And what about our Nation's infrastructure? Where will we get the money to restore the cuts proposed for clean water and safe drinking water, for the Corps of Engineers, and for school construction?

Very often in this country, there seems to be nothing on our radar screen except the immediate, the here and now. We think no further than next week, next year, or the next election. Where are we if our leaders fashion fiscal policy on such things, on such bases? Where are we as a nation if the most vision we can muster is a colossal tax cut for the wealthy that may jeopardize such basics as our ability to ensure a clean water supply to all of our citizens? It is a hollow vision. It is a vision that appeals to greed. It is a vision that fails to ask us to pull together as Americans for the good of the whole country. It is a vision that sets up a patchwork quilt of a nation, with areas of prosperity next to areas of poverty. It is a vision that makes a hollow joke out of the word "bipartisanship." It is a "fold your hands," "you do it" vision, based on an ideology and an experiment that failed in the 1980's. Most people in West Virginia won't benefit from this tax cut, but they will suffer from the continued lack of investment in the basics. They are not by themselves. West Virginians won't be suffering alone. There will be others like them in every State of the Union. They don't want their money back. I am talking about my constituents. They don't want their money back; they want their money's worth.

I implore this administration to take off the dark sunglasses and think about that word "bipartisanship" and lift its nose from the ideological bible of the tax cut religion. Let me say that again. I implore this administration to lift its nose from the ideological bible of the tax cut religion. There is much more to keeping faith with the American people than tax give-backs for the better off.

Building a strong nation does not just mean building another weapons system. Building a strong nation means giving our people the basics, the education, the health, the opportunity to compete in an increasingly global economy. It means providing the roads, transportation, water and sewer facilities which support a thriving economy and allow the people to follow their dreams.

This morning's newspapers reported that the Republican leadership had reached a tentative deal on the overall amount of tax cuts that can be passed by the Senate. I noted that no deal has yet been reached with regard to discretionary spending, although a consensus seems to be consolidating around a 5-percent figure. That is not bipartisanship. Where was I? Where were the ranking members? Where were the chairman and the ranking member of the Senate Appropriations Committee in this deal? Where is the ranking member of the Senate Budget Committee in this deal? Does the White House call this bipartisanship?

I hope the Senators will give due recognition to the real threats facing this country—the declining state of our infrastructure and our national debt—and not chase will-o'-the-wisp, pseudo-recessions, and money-back guarantees that cannot deliver the goods.

Mr. President, I yield the floor.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, we have had a lot of conversation on the floor in the last week about education, and given that education is the No. 1 issue before us and the one that, according to the polls, is the No. 1 issue on the minds of most Americans, I think that is appropriate. So I am going to join in that conversation and make some comments on education tonight. I trust I will have an opportunity to make some comments on education a little later on as the debate proceeds.

Members of this body have heard me before talk about my experience as far as education is concerned. It was the educational issue that got me back into public life. I was enjoying a career as a businessman at a relatively prosperous organization. I was the chief executive officer, so I got to make a lot of decisions. For example, I got to choose what kind of health care I had. None of the other employees got to do that, the way the health care system works in America, but I did because I was the chief executive.

I got a phone call from the chair of the Utah State Board of Education asking if I would serve as a member of the strategic planning commission for that body and I agreed. Then she called back a little later and said, "We want you to chair." I said, "Well, all right." So I became chairman of that planning commission and immersed myself in issues of education.

It was a wonderful experience. The most distressing part of it is that happened over 10 years ago, and as I sit here in this Chamber and listen to the debate on education, it hits me that nothing has changed. The issues that were prominent 10, 15 years ago are still the issues we are dealing with, and that is very depressing.

I go back to a comment that was made to me by one of the employees of the Utah State Board of Education when we were talking about changes that needed to be made. He said to me, "Bob, don't be so hard on us. We are changing. We are changing a little bit all the time. It is just that we are not changing as fast as you want us to change. Some of the things you are asking us to do, it will take us 15 years to do."

I stopped and pointed out to him that 15 years is longer than it takes a child entering school in kindergarten to graduate from high school. I said, "In other words, you are saying if we come to the conclusion that this is the right thing to do, no one currently in Utah schools will get the benefit of that. A whole 15-year cycle could go by and somebody could enter kindergarten and graduate from high school without getting the benefit of something we decide now has to be done."

The depressing thing is that conversation took place close to 15 years ago and we are still having the same debates around here.

I have put up a chart, which the Senator from Maine, SUSAN COLLINS, has used. I want to refer to it again because we need to reinforce a fundamental truth. The source for the chart is the National Center For Education Statistics, in the Digest of Education Statistics. The red line is expenditures on education in 1999 dollars. So these are constant dollars adjusted for inflation. Back in 1971, this is where they were, and now you see the line goes up. This is where they are today. It is roughly double the dollar amount. Here are the reading scores; it is absolutely flat. The yellow line is the fourth grade; it is absolutely flat. The eighth grade is also absolutely flat. The 12th grade is absolutely flat.

We keep spending more and more money on education and keep getting exactly the same results. The former Senator from New York, Mr. Moynihan, once made a comment while looking at a chart that was even more distressing than this, where the expenditures per pupil were going up and reading scores were going down, and with his sense of humor and sense of irony he said, "Maybe we can postulate that spending more money on education causes education to get worse, because that is the trend line. The more we spend, the worse things are."

Well, this chart indicates, at least, that the more we spend, the more things stay the same. If we are satisfied with what we are getting in education right now, then all we should do is leave things exactly as they are but spend more money on them. We will get exactly the same results we have been getting for the last 20 years. We will spend more money and we won't get anything any better.

Unfortunately, as I listen to speeches in this Chamber, particularly the speeches from those who are disappointed with President Bush's proposal, I discover that there is an interesting attitude in Washington: If a program is good, Washington says spend more money on it. If a program is bad, Washington says spend more money on it. They don't seem to differentiate between one situation and the other because they have a one-size-fits-all solution, which is to spend more money. It makes us feel good to spend more money. It makes us feel good to be able to go home to town meetings and say, as I have said—I fall into the same category when somebody starts attacking me on education—I have voted to increase the budget on education every time since I have been in the Senate. That kind of shuts them up. They can't attack Senator BENNETT for being anti-education if he promises to keep spending more money on education. They never ask me the fundamental question: What have you done to change the system so that it gets better?

What have you done to change the system so that the reading scores start to go up? Well, that is a little harder. It is much easier to say, well, I voted to spend more money, and send me to Washington and I will vote to spend more money.

President Bush wants to spend more money on education. A lot of people say, boy, that is unusual for a Republican. The Democrat reaction is, we want to spend even more money than President Bush wants to spend, and we are back in the same Washington trap, which is, if it is a good program, spend more money on it; if it is a bad program, fix it by spending more money on it.

We need to get away from that. We need to break out of that syndrome and say: Let's not spend more money; let's spend smarter money; let's begin to demand a return on our investment; let's begin to say this is not good enough and we are not going to give you more money until we can be convinced that the money we are spending is producing better results.

That brings me smack into the issue that has been discussed today, which is fully funding title I.

That is a great political hot button: we must fully fund title I. That is why it is not working. That is why we are not getting the effectiveness. We have only funded it to this level, and we should be funding it to that level.

That is a great way to put off this decision. That is a great way to continue doing what we have been doing without facing the fundamental question, which is, Why has title I not been effective? Is there a possibility there is a reason other than the fact that we have not been spending enough money on it?

Oh, that is very hard to discuss in Washington because, as I say, the all-purpose answer to everything is, fund it; spend more money on it.

Have we ever looked at title I to determine if there are other reasons why it is not as effective as it is supposed to be, other reasons besides money? The last comprehensive study of title I and how it works was made in 1994, 7 years ago. We have been flying blind for 7 years. For 7 years we have been going on faith.

I believe in faith. I will yield to no Member of this body in my faith in a religious concept to which I have made a very firm and solid commitment. But when it comes to things that are not of the spiritual world, I want some proof. I want something besides just blind faith. I think in 7 years we ought to be able to come up with some assessments and some understanding of how things are going that will cause us to spend our money smarter.

We now have a President who is saying, let's test the results school by school and monitor who is doing well and who is not. I come out of the business community. That is a little like saying, let's start to keep books on our sales. Instead of just saying, well, we have a sales force, let's spend money on sales, let's start to keep track of which salesman or saleswoman is performing better than which other one.

To a businessman and businesswoman, that is just obvious. You do not make an expenditure until you have an assessment of how things are going. You do not hire somebody or give somebody a raise or hand them a bonus until you have at least some understanding of how well he is doing. If you have somebody who is not doing very well, you do not give him a bonus. You try training him; you try motivating him; you transfer him to another position where he might be better suited; but you do not automatically say, Well, you are not doing it very well, but the way to solve your problem is to give you more money. That is the attitude in education: We do not really care whether you are doing well or not. All we know is we can feel good about spending money on education because we are all for education.

The core of the Bush proposal is assessment of results. The core of the Bush position on education is to find out where we are. The driving force behind everything he is pushing is understanding what is happening, and that is so threatening to people who are committed to life as it has been, the status quo, that they can all find reasons to complain about it.

One of the reasons to complain about it that I have heard is that it is going to cost money. Hey, we cannot spend money on assessments; we must spend money in the traditional way to get the traditional results.

Some say, All right, we will go along with the assessments as long as the Federal Government pays for it. We should not put that burden on the States. We should not insist the States measure where they are without paying them to measure where they are.

I ask the question, What responsible State superintendent is not anxious to conduct assessments right now? I can say that with some validity because in my home State of Utah, they are already doing the assessments. They are paying for it with State dollars.

Why? Because they have come to the same conclusion that President Bush has: If you are going to spend the money smarter, you have to understand what is going on. So it is intelligent stewardship on the part of the State board of education in Utah for them to take precious money in the State and spend it on assessing where people are, what is happening, what are the outcomes, how well are we doing.

One of the questions I will raise when the amendment comes up that says we have to have Federal funds to pay for the assessment is this one: What happens if the State is already paying for the assessment? Does it still get the Federal funds that it would otherwise get or are you going to penalize the States that are doing the right thing now by saying we will not give you the money and, thus, reward the States that are avoiding assessments by giving them the money?

These are issues that are very different from the standard Washington answer which is: Just give them the money; just spend the money.

No, we need to know where we are. One of the first places that we should start in assessments is appropriately title I. Yes, title I money and title I circumstances are very controversial. We have not had a complete analysis of how well that has been doing since 1994. Let's start to assess title I. Before we say the magic words "fully fund," let's ask the magic question: What are we funding? Are we funding failure? We do not know. Are we funding mediocrity? We do not know. We are funding a wonderful sounding goal, but are we funding results or are we funding failure?

Let's find out. Let's do the assessments. Let's spend the money to find out what is happening with title I kids, how it could be done better, how it could be done smarter, how it could be done quicker, and then I am perfectly willing to vote for the money. I am perfectly willing to spend the money if I know it is being spent on something that will get results.

My history as a businessman was that I was willing to take a risk with the shareholders' money. Some of the shareholders did not like it. They wanted business just as it was always done: Don't try anything new; don't launch any new product, that is risky; don't try to break into any new market, that is expensive. A business that takes that position is a business that dies over time.

When I was running our business I tried some new products and some of them failed badly. They were expensive. I tried to go into some new markets and it turned out to be really stupid—heavy investiture with little or no return. But some of the products revolutionized the company. Some of the new territories we entered turned into vast new opportunities and overall, by being willing to try and assess and, yes, spend more money, we grew the company from a few hundred thousand dollars a year to a $400 or $500 million business. You say schools are different; you are not trying to grow the school or trying to be entrepreneurial. I am not trying to grow the school, but I am trying to grow the trim lines and see that after 20 years of being flat, can't there be a wiser spending of money.

If you want to get the results you are getting, keep doing what you are doing. That is a fundamental truth they teach in business school. If you want to keep getting the results you are getting now, keep doing what you are doing now. If you want different results, you have to do something different. That, ultimately, is the challenge of the Bush proposal on education.

It has taken a little while for a lot of people to understand that, for a lot of people to come to grips with that. President Bush is proposing something different. How threatening that is. How unsettling. How disturbing. The President of the United States is saying we are not getting what we need to get; let's try something else. And he is willing to spend for it. The amount of money that the President has proposed as an increase in education spending is more than the Clinton administration ever proposed. So no one can say he is being cheap about this. No one is saying he is not willing to put his money where his mouth is, to use the language of the gambling community. He is willing to put up the money. But he is saying, I don't want to spend it in the same old ways; I want to try something new. I am willing to fund the experiment, but I want to find out if we can't do it better.

In order to find out if we can't do it better, we have to start making assessments and then we have to pay attention to what the assessments tell us. Boy, is that revolutionary. Is that scary. Track what is happening as we spend this money in different ways and then pay attention to what that tracking says.

No, the President's opponents say, it is all too threatening. It is all too different. Better fall back into the old political ruts we have been in forever in this town, which is, pick up the slogan, pick up the good-sounding title, and paste money on it. Then go home and brag to your constituents that you are pro-education. After 20 years of doing that, there has been no progress.

Maybe it is time we did something different. Not "maybe"—it is definitely time we did something different.

Let me ask this question rhetorically. Suppose the Bush program doesn't work. Suppose we spend all of this money that President Bush is trying to get us to spend in different ways and the reading scores stay flat. What have we lost? What has that cost been compared to business as usual?

Yes, President Bush can be faulted for spending that extra money on education and not getting any tangible results. But I suggest if we go the route many in this Chamber want to go, which is to say "don't change the system in any fundamental ways, but do raise the money," we will get exactly the same result. Everybody will feel good about it, except the kids.

That is where I want to end up because that is where the primary focus should be. That is the fundamental issue of education—the kids. We don't fund education in this country to make politicians feel good, or at least we shouldn't. We don't fund education because we want to maintain the sanctity of those buildings that we put up or because we want to provide employment for the teachers, the aides, the janitors, and the school lunch people. Boy, they would all be in the unemployment ranks if we did not keep funding education.

That is not why we fund education. We fund education for one purpose and one purpose only: to empower our children to function effectively in society. Put in place whatever subdefinition you want. We fund education to empower our children to become good citizens. We empower our children to become good wage earners. We empower our children so they can become good parents. Put whatever subset you want, but the fundamental reason we fund education, the only reason we fund education, is so that our children will be able to function effectively in society, in whatever role they have.

For far too long the focus of educational funding and educational reform and educational structure has been the system and not the children. I went through that when I was in my situation as chair of the strategic planning commission that I mentioned. Over and over again, everybody who came before me talked about "the system." This is how we tweak the system; this is how we change the structure; this is how we work on the organization.

I kept saying, Wait a minute. Wait a minute. Your focus is in the wrong place. Your focus should be on the children.

They would say, Sure, sure, sure, that's right. Now, let's go back. In order to fix things we have to change the structure, we have to change the organization, we have to change the reporting relationship.

No, no, no, I would say. Your focus isn't on the children.

Finally, I came up with this analogy. It is imperfect, but I hope it makes the point. I remember when the big three auto manufacturers had one common enemy, the one thing they were absolutely united on. That enemy was named Toyota. They were determined they would do everything they possibly could to see to it that Toyota did not enter the United States; that Toyota cars were stopped at the shore and not allowed to come in. Toyota was so threatening to them, they even came to the Congress and asked for legislation that would have effectively kept Toyota out.

Why was Toyota so threatening? There was a fundamental difference in focus. General Motors, Ford, and Chrysler were focused on the car. What does the car look like? How does the car drive? What is the engine in the car? What can we change in the car? The whole focus was on the car.

Toyota came to America with the focus on the driver. What does the driver want? Well, they did a little surveying and they discovered that the driver wanted, among other things, reliability in the car. They didn't want it to break down after 20,000 miles. The driver wasn't as interested in style as he was in stability. Toyota said, Find out what the driver wants and then design a car that fits it. By focusing on the driver, they made cars smaller so they could fit in parking lots. By focusing on the driver, they made cars cheaper to operate so you didn't buy as much gasoline. They found a ready market in the United States for their cars.

Fortunately, the American manufacturers were not successful in keeping Toyota out, and the pressure of the competition of Toyota made the American cars substantially better. The American manufacturers decided they had better focus on the driver, too, and each manufacturer picked a niche of drivers and began to produce products that would fit those drivers and they began to prosper and discovered that Toyota was not going to put them out of business. They had a shift in their focus: one group focusing on the car, the other group focusing on the driver. The group focusing on the driver was winning until the other group started focusing on the driver as well.

I use that analogy to say, You people are focusing on the car. You are focusing on the school building. Should it be painted blue or yellow? How many rooms should it have? What kind of air conditioning should we have in the school? What kind of landscaping should there be? What should be the structure of organization? Should the principal have one aide or two aides? You are focusing on the system. Who is focusing on the kids?

It is just possible that the kids are going through this school, this system you have built and created, and they are not being empowered to function effectively in society. What do the kids need to function effectively in society? As soon as you put your focus on that, you may discover a very different kind of school needs to be constructed around the needs of the children. That is what President Bush is talking about. Let's make some assessments of what is happening with the students and then see if, from those assessments, we can create a system that will meet those needs. If we can, we can start to see these test score lines on this chart begin to come up along with the expenditure line.

President Bush is not afraid to raise the top line, the expenditures. We Republicans are not afraid to do it with him. But we don't want to do it focusing on the system. We want to do it focusing on the child.

So when somebody says fully fund title I, my question is, How is title I helping the children? How is title I working?

Well, we don't know.

Why don't we know? Because the last study that has been done on the effectiveness of title I was done in 1994.

All right, I have gone around the argument. I do not want to repeat it one more time. But I do want to summarize it and make the point one more time. This is a fundamental crossroads for the Senate, the Congress, the Government as a whole. Are we going to keep doing what we have always done, which gives us a warm, personal, political feeling and political cover when we go home, by saying we spent more money on education, to prove how much we love education? Or are we willing to take the risk that President Bush is asking us to take, to say the time has come to think about doing it differently? The time has come to think about spending the money differently. The time has come to make assessments and evaluations that will help us direct the money more intelligently.

The time has come, instead of congratulating ourselves on the fact that we make the red line go up, to say, Let's hold ourselves accountable for the fact that the blue and the green and the yellow lines have not budged in 20 years.

That is the challenge President Bush has given us. I hope we are equal to it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I listened to your comments with enormous interest because I think you made some very good points. I wanted to bring some comments to the floor from a neighbor's perspective, a neighbor of the great State of Utah, what I have been hearing about education in Colorado.

Colorado has taken a very progressive approach to education with the new Governor of Colorado, Governor Owens, and the Colorado Legislature. They have decided to try to do something about education. In that regard, they are probably somewhat ahead of what we see happening in other States.

What they are attempting to do is very much the same type of program that the President is proposing to the Congress. As a Congress, we need to help the President give the States more control over the educational system—with accountability. I do think accountability is the key. I share the observations of my colleague from Utah that test scores are not getting better. I am looking at the test score trend, not recently but over several decades, as to how we compare with other countries in math scores, how we have been doing over time in math and English scores, and I am disturbed by the trend.

We need to do things that will improve the math skills of our students. We need to do things that will improve the English-proficiency skills of our students. Not only am I responding to what I am observing as to the scores, but when I go out and visit the employers of the State of Colorado, I hear the same message that I have observed as far as test scores; that is, students are not as well prepared for math or not as well prepared to deal with the English language in the workplace. I think that goes right down to the Senator's bottom line, that education is to prepare people to carry on with their daily activities in a democracy such as we have in the United States. I do think education is key to that.

I am here to praise President Bush for his commitment to education, making it his top legislative priority. I like his commitment to making sure that no child is left behind.

Over the last 35 years, the Federal Government has spent $120 billion on poor kids. They have shown no improvement in basic math and reading skills. The President's education blueprint demands accountability. He is asking the States to set higher standards. I think that is great. Then he holds the States and school districts and individual schools to those standards and allows some flexibility because not all States are the same, not all school districts' problems are the same, certainly not all community problems are the same. School districts and local agencies should have more flexibility to spend the Federal money.

In addition to that, he has suggested we need to come close to tripling the amount of money we provide for education, an increase as compared to the rest of the budget. In other words, the rest of the budget he proposed had a 4-percent increase. Education was somewhere around an 11-percent or 12-percent increase. With added flexibility must come more accountability. So he is saying to the States: OK, States, go ahead and design a test so you can measure performance, which is very important, grades 3–8.

Then you measure the progress within the State. That allows the students as well as the parents to measure what is happening as far as their educational effort in the various school districts. It allows the parents to take a greater role in the progress of the child's education. I think that is entirely appropriate.

I have talked with educators in the State of Colorado. I have members in my family who are educators. I have a great uncle who is president of the Teachers College. Obviously, education is important to our family. It is important to me.

We have to develop a "can do" attitude in education. We need to encourage the fact that we can do better than what we have been doing. We need to look at ways in which we can give local school districts the flexibility they need to do a better job in educating students and allowing parents to have a greater role in educating students. It is going to require a team effort with parents working within the school system to make sure that things get better.

I admit that in some cases we need to look at the disciplinary situation in classes. When I talked about education and improving education, I mentioned the fact that we needed to do something to improve discipline in the classroom. One of the problems I see with discipline in the classroom is the type of liability the school district and the teacher may incur trying to impose discipline on the classroom. I think that is a Federal problem as well as a State problem, and it is certainly something that perhaps as a Congress we ought to investigate at a later date. I think the State legislators themselves ought to look at the liability of the teacher and school districts in trying to apply discipline in the school districts or within the classrooms.

This is a good first step that the President is suggesting. I think what is coming to the floor of the Senate and that was reported out of the education committee is a good first step. It is moving us in the right direction.

I hope we can quickly get this piece of legislation moved out of the Senate without any further delay. It disturbs me when I see the delay in one piece of legislation after another. And the education bill we now have before the Senate went through some of that delay process. Then when we vote to move it on, we get a very substantial margin in moving forward with a particular piece of legislation.

It is important to the history of this country that we do something about education. It is important to the employer. It is important to the future of the child. We want to make sure that no child gets left behind.

The solution in the past was that we would have more money for education from Washington but with more mandates. We are seeing some of those issues that will probably come up as amendments on the floor as we debate the education bill. Some of these amendments are going to say we will take the flexibility from the school districts and put it in the buildings, or they will say we will have to put it in teachers. I think the proper and sensible approach is to give maximum flexibility for those dollars to the school district to decide where their needs are. It may be that they just built a new school building and they don't need more money for a school building. So they can't participate in the dollars that go towards a new school building. Their need is for teachers. So the school district, in that case, needs to have the flexibility to move that money into teaching. It may be that they have plenty of teachers and the school building is not in good shape. So they need to have the flexibility to take those dollars and put it in a building program so they can have a better environment for learning.

That is just one example. There are a number of other examples that most of us could point to as to what could be done in the way of adding more flexibility to the school districts so they can meet their various needs.

I travel throughout the State of Colorado, and I don't think we are any different than any other State. But there are a lot of differences in Colorado between the various school districts depending on where you are in the State.

We have a lot of different problems throughout the country because there are different types of school districts. I think to try to put forth a solution in Washington where you have a one-size-fits-all program is a mistake.

When the President says he wants to have more flexibility, I believe this is what he is talking about. That is why I think it is important that we give school districts the flexibility they need.

A teacher in Weld County recently told me that his school is using a janitor's closet as a classroom because of the lack of space available. If we can give him more dollars for flexibility, then that would give him an opportunity to change that classroom situation. If we pass amendments that say our extra dollars will go to hiring more teachers, it is not going to do that school any service in trying to create a good education for its students.

I am here to support the bill that we have on the floor. I think it is moving us in the right direction. I am here to support President Bush because I think he is moving in the right direction. I like his theme that we don't leave any child behind because it provides flexibility to States and school districts. It promotes accountability and it increases parental involvement.

My hope is that as we move forward with this debate, we don't linger, and that we get the bill passed quickly and be supportive of what the President is trying to do. He is bringing some new ideas to education.

I know there are individuals in this body that get real apprehensive when you start talking about new ideas for education. But we need to take some of those inherent risks. I think that the risk is minimal when you put the confidence in local school districts and you measure results. We do that with a flexible testing program that is established with the States.

I am one who is saying we ought to change education, and we need to move forward. We need to take a positive attitude in education. We can do better with math and we can do better with English. We need to measure those results.

I yield the time. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I am here also to add my voice to those who have already spoken on this bill. I would like to talk on two particular subjects. I am not going to elaborate on how important education is to America. We all know that. Nor the problems that our schools are having. We know those, too. But I would like to talk about two areas that I will be addressing as we move to debate this very important bill.

The first area is funding. Frankly, I have been—I couldn't use a better word—shocked at the low level of funding proposed by the administration. Initially, the administration proposed a $700 million increase. And this from the President who says he is the education President I find—to be kind—troubling.

We all know that throwing money at a problem does not always yield a solution. We also know that the starting salary for teachers is very low. We know that class size has dramatically increased. We know that the property tax which has funded education throughout America is such an unpopular tax that local school boards—any one of them you talk to—are totally strapped in terms of providing the new dollars that they need to lure teachers, to keep teachers, to expand their schools, to wire them.

My children attend public schools in New York City. I believe in the public school system. It was good to me; it is being very good to them. But go to any school and talk to the principal—it can be in a large city; it can be in a small rural town; it can be in a suburban area—and they will tell you that these days, with all the demands placed on education, they do not have the dollars, plain and simple. And their school boards tell them that the property tax taxpayers, justifiably and understandably, believe that the property taxes are so high they cannot raise them.

That may not be true in every school district that I visit, but it is true in the overwhelming majority throughout my State, and my State is so large it has school districts that mirror those in just about every other State. There are even many that resemble those in rural Colorado, such as in the Adirondack Mountains, I say to the Presiding Officer.

So money is a problem. We will debate during the consideration of this bill how to spend money, as we should. I tend to be supportive of the President's desire for accountability in testing. Testing isn't the only answer, but it is part of the answer. If you have too subjective a test, teachers, recognizing they will only be measured by how they grade their own students, will inflate the values. So you need some kind of objective testing. I agree with the President on that.

I do not want to lower the bar. I do not think a child should be promoted from the second grade to the third grade if they are reading at the first grade level. I do not think there should be teachers in our schools who do not know much about math who are teaching math. But keep the bar high, my colleagues. You have to provide the wherewithal to get people over that bar. The localities can no longer do it.

So if you believe that education is a national imperative—which I do—if you believe in this country, and want us to stay the leading economic power in the world, and you believe that education, No. 1, will keep us there or sink us, you have to then increase the Federal role.

The President campaigned on that. Thank God he said the days when many wanted to abolish the Department of Education are over. He understood there was a Federal need and a Federal role. In the way he campaigned, I was very enthusiastic about his role in education. If you had to sum it up, you would say: Do not lower the bar but provide some of the wherewithal to help the localities, the students, the teachers to get over that bar. I think that is a great way to do it.

I think there are many on our side who will meet the President on standards. But we wish he would be more forthcoming in meeting us on increasing the dollars that education needs because no matter how you slice it, every school board is pressed and cannot do the things it wants to do.

So when we propose that there be full funding of title I, when we propose, in relation to IDEA, that the Federal Government finally live up to its promise and fund 40 percent of what we mandate on localities in terms of special education, we are supported by just about every school board in the country, just about every teacher, and almost all who study education.

We need to do this to keep our country great. When I see that the President proposed $700 million, and then goes up to $1.7 billion, but proposes 5 times that increase in the military, and proposes 50 times that increase in tax cuts, I say, this is not the education President because, my colleagues, you cannot just talk the talk. You have to walk the walk. Part of the walk is standards and part of the walk is upgrading our schools, but part of the walk is more dollars.

So I will be offering an amendment, on which I will be working with the Senator from California, Mrs. BOXER, as well as our minority leader, that will say, No. 1, there ought to be a certain amount of money there but, No. 2, the teeth of this amendment says that if we do not appropriate the amount of money that we authorize, then parts of this legislation will not take effect.

If we emerge with a paltry increase in education funding, I believe that, first, the President will pay a price, and those who are against increased funding will pay a price but, far more importantly than that, America will pay a severe price.

We cannot continue to attract the best people into teaching if the salaries are going to be so low, particularly in areas such as math and science. We cannot educate our children very well if they do not have up-to-date technology in their classrooms. We cannot educate children in schools where the plaster is falling from the ceiling.

When my daughter attended kindergarten in PS 230, there were two kindergarten classes in one classroom because they did not have enough classroom space for the students. She does not get the extra curricular activity going to a New York City public school that she should. It is a price we are willing to put up with because of the other advantages that she has going to a public school. But that is just the frills. It is the sinew of education that is suffering. As costs go up—the energy, the salaries, and everything else—and education budgets fall flat, we fall further and further behind.

So if I could make one point to my colleagues it is this: All the verbiage and all the legislative language are not going to make much difference if we do not fund them. I urge my colleagues on the other side of the aisle just to look at our priorities as a whole and ask, Is the tax cut more important than adequately funding education? Is an increase in a new military program more important than funding education? Admittedly, all three are important. But the priorities in terms of the amount of money the Republican majority and the President have proposed in this bill are out of whack, not only out of whack with the priorities I might have but out of whack with their own rhetoric. It just does not add up. And that is not right.

The second area I would like to talk about is a related area, which is teacher quality and attracting teachers. Since I care a lot about education, I go around my State, as I mentioned earlier, and I talk to the superintendents of school districts, principals of schools, teachers, and parents.

When you ask them what their largest problem is, it is very rarely things we talk about. It is recruiting and retaining good teachers. I will talk more about this later because I have some amendments that I have been working on with some of my colleagues—many of them are bipartisan—to try to improve the quality of teachers.

In almost every corner of America, you cannot get new, good teachers in math and science because the starting salary for a teacher in those two areas is so outweighed by the amount that the private sector will pay you just cannot get good teachers. We had 40,000 new math and science teachers in America last year, and 3,000 majored or minored in math or science—3,000. The other 37,000 did not have the background. Some of them might be good teachers, but if this is such an important subject, don't we want someone with an adequate background?

In every corner of my State, people talk about this problem. In the past, we were lucky in America. We had captive cohorts of people who went into teaching. In the 1930s and 1940s, we had Depression babies, people who knew the pain of unemployment in their homes: They went out and got a civil service job. It might not have paid that much, but they had job security.

Then in the 1950s and 1960s, we had fabulous women go into teaching. In those days, so many other careers were not open and available to women, so they became teachers. Some became nurses. I am talking about teachers today, but for both fields the cause was the same. Because of the lifting of the barriers, half the medical school enrollees today are women and half the law school enrollees are also women. That is great. That is America living up to its potential. We no longer have a captive audience of teachers.

Then there was a third cohort. We often forget, but large numbers of young men in the late 1960s and early 1970s went into teaching because you would get draft deferment. And particularly during the Vietnam war, when millions of young men did not want to go fight that war for whatever reason, they became teachers. Many stayed.

At open school night for my daughter, who is in the 11th grade, I asked her six teachers in her six subjects how they became teachers. There were three women. They fit the category I mentioned. And there were three men, all three of whom started teaching in the late 1960s.

Those captive audiences of teachers are gone. In fact, the average age of a teacher in America is around 50. Half our teachers will retire in the next decade. If we don't do anything, the people we replace them with will not be close to as good or as dedicated, and our educational system, which has trouble now, will get worse.

Studies show that the most important things in how well a student does in school are the values and input from that student's family. We are not here changing that right now. We need prayer and internal workings and spirituality and a lot of other things to bring the family back up. I believe strongly in that, although I don't think it is a governmental matter. But the second largest thing that influences how well a student does is the quality of the teacher.

I have always supported reducing the number of kids in the classroom, but I don't think it is as important as improving the quality of the teacher. I would rather have a good teacher for 21 kids than a mediocre teacher for 18. If we can't replace all the good teachers for the 21 kids, we have real trouble. We can't even start talking about class size. Yet that is what is happening. We have to change that. If we could do one thing in the educational system, that is what we have to do.

Now, how do we do it? Well, certainly we want teachers to have more prestige. I am totally befuddled by those who would try to improve the educational system by bashing teachers. It makes no sense to me. Most teachers I meet are pretty good and pretty dedicated. There are some bad apples, as there are in every profession, but overall they are pretty good.

I just flew home last night. My young daughter, who is 12, was in her school concert. She plays the oboe. We have been hearing the oboe play "Watermelon Man" for the last 3 months in the house. Why the oboe? Because she is a nice kid, and her music teacher said: Alison, if you don't play the oboe, we will have no oboe in the Hudde Junior High School band. She said: OK.

Now she regrets it because she is more a trumpet-type girl than an oboe-type girl. But the music teacher was fabulous, a dedicated man; you could see him get up there. These kids who were in the sixth grade, who had only been playing their instruments for 6 months, were great. Last night, that person personified, to me, the dedication of so many teachers, to take these kids, sixth graders, 12-year-olds—they would rather be doing a lot of other things—and get them to play so well together.

We have to make teaching more prestigious, and we should praise our teachers when they do good. We have to give teachers more authority in the classroom. The rules and regulations that prevent a teacher from dealing with an unruly student go overboard. I would rather see those changed and give the teacher more authority and not see teachers worried that they will be sued for this or that if they try to exercise some authority. All those things are necessary. Most of them are up to the locals.

But we will not improve teachers unless we raise the salaries. The reality is, right now we ask people to make sacrifices. In New York City, we can't get certified teachers for all the reasons I mentioned. How about in our wealthy suburbs where a starting salary for a teacher is pretty good, $35,000, which in New York, Long Island, for instance, is not a lot. You can do a lot more with $35,000 in Mississippi than you can in Long Island, but it is still not bad. When do they all quit? Three years later when they have to buy a home.

Unless we do more for teachers' salaries, we won't solve the problem. Unless we do more to help give prestige to teachers, we won't solve the problem. Unless we give teachers some support in the classroom, we won't solve the problem. It takes money, and it takes standards, both. You can't have one; you can't have the other. You need both. Just money, low standards, forget it. It is wasted. Just standards, low money, you won't get the people who can meet the standards.

The second area I will be focusing on as we debate this bill in the weeks ahead is how to improve the quality of our teachers. It is key. I wouldn't want this choice, but I would rather have a school that is a little old and a little grimy with a teacher who really cared and did a great job than a brand spanking new school and a mediocre teacher. I would rather have almost nothing in the education world except for parents who watched their kids and taught them values and helped them with their homework. That is probably first. But second? Good teachers.

You get what you pay for, when the starting salary for a teacher now in America is $26,000 in what should be the exalted profession of the 21st century, particularly in math and science, but even some other areas, special ed, languages, computer skills.

I hope my colleagues will pay attention to this debate. It is crucial for America. I hope it will be a long and full debate. I hope that I will get the kind of bipartisan support that I think the measures I am talking about deserve.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. NICKLES. Mr. President, I ask unanimous consent that all time under rule XXII be yielded back and the motion to proceed to S. 1 be agreed to. I further ask consent that immediately following the reporting of the bill, the Senate then proceed to a period of morning business, with Senators to speak up to 10 minutes each. Finally, I ask consent that the Senate resume consideration of S. 1 at 9:30 a.m. on Thursday morning and Senator JEFFORDS be recognized at that time to offer an amendment to the so-called bipartisan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business.

OLDER AMERICANS MONTH

Mr. CRAIG. Mr. President, because of the traffic and the business in the Chamber yesterday, I was not able to speak on May as Older Americans Month, but I did submit a resolution as chairman of the Senate Aging Committee to recognize May as Older Americans Month, as we have for 38 years, saying that this is the official month during which we pay tribute to the contributions of 44 million older Americans.

It is during this month that we as a nation recognize older Americans for their service, hard work, and sacrifice that helped assure us the freedom and security we now enjoy.

There is a great deal more I could say, and through the month of May there will be a great deal said about the contribution that older Americans make to this great society of ours.

Of course, for those of us who still have parents or grandparents who are active and contributing to their communities, we know how valuable this group of citizens is in our culture.

The program we will be looking at when we reauthorize, as we did the Older Americans Act, is going to advance once again the surety of a good many of the programs that are available to them. We reauthorized it last year finally after 5 years. It is important we did that because so many of those programs drive results at the local community level that are extremely valuable to all of us.

With this authorization, Congress was able to add an important component to the act, and that was the program to authorize $125 million to establish a new National Family Caregivers Support Program to provide grants to States to provide information and services to family caregivers, another one of those broadening concepts on which we work with the senior community of our Nation.

I wanted to take time briefly this morning to recognize May as Older Americans Month and the resolution that was submitted yesterday by myself and others.

GET-WELL CARD

Mr. BURNS. Mr. President, as you know, I had a little round with the surgeon during our Easter break. I got a get-well card from a good friend who lives in Montana, something that would come out of sort of cowboy lore or out of a cowboy camp. I knew this man's father. We go way back in Montana and the ranching history.

It says:

> Friend CONRAD: Well, looks like you're done for. So I guess we might as well divide up your stuff. I'll take your saddle. Ray.

There is a kindness in that letter that probably only can be appreciated by those of us who have been in those cow camps and sat at these folks' fire. I thought I would share that with some folks. There is still some humility around and great comradery that comes from that.

A TRIBUTE TO CHIEF ROBERT LANGSTON

Mr. LOTT. Mr. President, today I rise before you to honor the service of recently retired Chief Robert E. Langston of the U.S. Park Police. Chief Langston has honorably served the Department of the Interior, the National Park Service, and U.S. Park Police for over 30 years.

Chief Langston has led America's oldest Federal uniformed law enforcement agency, formed by President George Washington to serve the public squares of the District of Columbia. Congress later gave the Park Police the same powers and duties as the D.C. Metropolitan Police, and the Park Police have become a primary partner in keeping the peace.

Countless numbers of the visiting public tour Washington's monuments at all hours of the day and night with a confidence that they can visit these national treasures safely. What a testament that is to the Park Police, and to the Park Police leadership. How many other places, in a major urban area, can so many have so much confidence on such a regular basis, at all hours of the night? In fact, the Park Police are so good at what they do, that it is sometimes all too easy to take their valiant services for granted.

So in honoring Chief Langston, today, we also honor the entire Park Police, a full service department with over 800 officers and investigators and over 100 civilian employees. Among its jurisdiction, the Park Police are assigned to National Park Service lands, parkways, monuments, and memorials in Washington, DC, New York City, and San Francisco, CA.

Members of the force are trained at the Federal Law Enforcement Training Center in Georgia, and provide a complete range of police services from foot and cruiser patrols to highly complex missions such as search and rescue, antinarcotics operations, and dignitary protection that includes protecting the President of the United States.

To support its operations, the force draws on resources that include award-winning air, water, and horseback units. The Park Police are so renowned for their attention to detail that they often are called upon by other law enforcement agencies to sites often far away from their permanent headquarters.

For over three decades, Chief Robert Langston has been an active and integral part of this esteemed and proud organization. Indeed, it is from a long tradition of police personnel who are of his high caliber that the Park Police have drawn their source of pride in their competence and their quality.

Chief Langston began his career with a bachelor of science degree in criminology from Florida State University. He started work as a Park Police patrolman covering foot, cruiser and motorcycle assignments. Even with the challenge of full-time police duty and a young family, he continued his education at the University of Virginia with master level courses in police administration, and at the FBI Academy in Quantico, VA. He was promoted to sergeant in 1971 with service in the training branch and later in the operations division as a patrol sergeant. In 1973, he was promoted to lieutenant and served as shift commander before accepting command of the communications section. He was promoted again, in 1975, to the rank of captain, and assigned as watch commander in the National Park Service's Southeast Region. Upon returning to Washington, he served as commander of the operations division's central district, and was promoted to major. His upward progress only continued, and he was selected as deputy chief in charge of the field offices division. In 1988, he became the assistant chief of police, and was named Chief of Police in 1991.

After nearly a decade of service as chief, Bob Langston still is the same gentleman of great enthusiasm and commitment that shows through in everything he does. His selfless dedication to duty has been thoroughly time-tested and consistently proven throughout each stage of his career. Even when resources were stretched and duty was intense, he calmly provided direction and oversight for the department. Through some of the most trying times literally in our Nation's history, Chief Langston always did much more than his duty.

Through it all, he stayed active in professional and civic organizations, such as the International Association of Chiefs of Police, the D.C. and Maryland Chiefs of Police Association, and the Federal Law Enforcement Training Commission, to name only a few. Here, too, he willingly accepted the call to leadership, and served as president of the FBI National Academy Associates, and a member of the Bethesda-Chevy Chase Rescue Squad for over 40 years, with 15 years as rescue squad president.

Chief Langston has gained much recognition for his service and exceptional efforts as part of the U.S. Park Police. He has been awarded the regional director's award for excellence as well as the Marshals Service award for outstanding service and the State Department's diplomatic service award for outstanding service.

For all his professional achievements, Chief Robert Langston is most admired and respected for simply being a kind, decent human being who never let rising through the ranks cloud his eyes from seeing things from the grassroots perspective as well as from the bird's eye view. His associates know him as a seasoned professional and his subordinates know him as a mentor; but, his neighbors know him simply as a trusted friend, and his wife Beverly, son Robert and daughter Kellie know him as a caring husband and faithful father. All who know Bob Langston know him as an upstanding Christian man of sterling integrity who is a role model in all that he does.

I know his colleagues, friends and family join me today when we say to Chief Robert Langston, thank you for staying the course and thank you for helping mold and maintain the Park Police into one of the truly great police forces of our Nation. In an unpredictable world, Chief Langston and the men and women of the Park Police do their duty with a diligence that is dependable, supporting us and keeping us safe to enjoy sacred symbols of freedom that the Department of the Interior, the National Park Service, and the U.S. Park Police both protect and in fact embody for the people of America and for the future of our Nation.

THE THIRTIETH ANNIVERSARY OF CONGRESS'S CREATION OF AMTRAK

Mr. CLELAND. Mr. President, Yesterday marked the thirtieth anniversary of Congress's creation of Amtrak. Congress acted then because we realized that along with cars and planes, passenger rail was a vital part of America's transportation future. Today the need for passenger rail is greater than ever. All across this great land, travelers are facing gridlock not only on our highways but we are quickly approaching it in our skies too.

I believe many Americans are growing tired of spending so many hours stuck in traffic, or hanging around airport terminals. They want an alternative, now.

Fortunately, there is an alternative to growing gridlock and "winglock." It is called high-speed passenger rail, and it is a way of traveling that is pleasant and easy, and allows travelers to make the most of their valuable time.

So far, high-speed rail exists only in the Northeast. But Amtrak's vision is to build a national passenger railroad system consisting of many regional high-speed corridors linked by long-distance service. This plan will bring another option to the American business traveler, commuter and tourist no matter where they live.

That is why I strongly support the High Speed Rail Investment Act of 2001. It will provide Amtrak with what our highways and airports already have: a source of long-term capital with which to build the high-speed rail corridors of the future.

With high-speed rail, we can give travelers the choices they deserve, and improve our over burdened transportation system. Passage of the High Speed Rail Act of 2001 isn't just in Amtrak's interest; it is in America's interest.

THE MUSCULAR DYSTROPHY CARE ACT

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senators from Minnesota and Maine, Mr. WELLSTONE and Ms. COLLINS, in the introduction of the Muscular Dystrophy Community Assistance, Research, and Education Act.

I have worked with them over the past several months to develop this legislation.

The Muscular Dystrophy CARE Act will help ensure that federal agencies are coordinating muscular dystrophy initiatives. The bill will create three Centers of Excellence under the National Institutes of Health. These centers will conduct basic and clinical research that will help move scientific discoveries from the laboratory to the bedside. The act also ensures that the Centers of Disease Control and Prevention will conduct basic epidemiological research and data analysis of the impact this disease has on our country.

The passage of this legislation will help improve the quality and length of life for tens of thousands who suffer from muscular dystrophy. I encourage all Senators to support this effort.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today I would like to detail a heinous crime that occurred June 1, 2000, in Baltimore, MD. Gary William Mick, 25, pleaded guilty to first-degree murder, attempted murder, and armed robbery after admitting that he murdered a gay man and tried to kill another because, he told police, he thought gay men were "evil." In the first attack, a New Jersey man was bludgeoned to death with a claw hammer at the Admiral Fell Inn in Fells Point. Mick met his second victim, a dentist, at a bar, had dinner with him and went home with him. He later attacked him with a knife. The men struggled and the victim escaped. The perpetrator told police that a childhood incident caused him to hate homosexuals.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 1, 2001, the Federal debt stood at $5,651,070,445,048.89, Five trillion, six hundred fifty-one billion, seventy million, four hundred forty-five thousand, forty-eight dollars and eighty-nine cents.

One year ago, May 1, 2000, the Federal debt stood at $5,660,726,000,000, Five trillion, six hundred sixty billion, seven hundred twenty-six million.

Five years ago, May 1, 1996, the Federal debt stood at $5,096,321,000,000, Five trillion, ninety-six billion, three hundred twenty-one million.

Ten years ago, May 1, 1991, the Federal debt stood at $3,438,851,000,000, Three trillion, four hundred thirty-eight billion, eight hundred fifty-one million.

Fifteen years ago, May 1, 1986, the Federal debt stood at $2,020,548,000,000, Two trillion, twenty billion, five hundred forty-eight million, which reflects a debt increase of more than $3.5 trillion, $3,630,522,445,048.89, Three trillion, six hundred thirty billion, five hundred twenty-two million, four hundred forty-five thousand, forty-eight dollars and eighty-nine cents during the past 15 years.

ADDITIONAL STATEMENTS

A PASSOVER MESSAGE FROM RABBI ISRAEL ZOBERMAN

• Mr. ALLEN. Mr. President, I ask that a "Passover Message from Rabbi Israel Zoberman" be printed in the RECORD.

The message is as follows:

The Biblical account of the Exodus from Egypt became the Leitmotif of Rabbinic theology, perceiving in the Israelites' redemption from a House of Bondage God's guidance and goodness. Thus the three Pilgrim Festivals of Pesach, Shavuot and Sukkot, revolving around the common theme of the Exodus, point at the divine gifts of both freedom and responsibility as essential requirements for fulfilling the human potential.

The awesome and complex journey-physically, spiritually and psychologically—from servitude to liberation of the people of Israel was to be a model for the entire human family, culminating the Messianic vision of a world redeemed in the prophetic promise. We have chosen to transform the bitter herbs of our exile into the sweet charoset of homecoming in all. It is the symbolic hovering presence at the Seder table of the prophet Elijah for whom we open the door and set aside a special cup of wine, which provides the eternal hope for universal shalom. It is the peace we have kept alive as a flickering light in the darkness of a trying and challenging history.

Our Passover joy is diminished though by the continued detention in China of the twenty-four-member crew of the U.S. Navy plane as we pray and call for their release, as well as the release of Dr. Gao Zhan, who has been separated for too long from her husband and child in Virginia. The festival's promise by a compassionately passionate heritage is ultimately rooted in its revolutionary view of the infinite worth of each of the Creator's children, recalling that God silenced the angels on high when jubilant at the drowning of the Pharaoh's troops. When we particularly preserve our adversary's humanity, difficult as it is, we maintain our own essential human stature.

We rejoice in the presence of our special guest, Adam Nguyen, who escaped from Vietnam in 1971 and is president of the Zen Buddhism Association of Hampton Roads and whose first Seder it is. As we share our celebration with him, we protest the destruction and desecration of the irreplaceable, precious and priceless two giant Buddha statues from the third and fifth centuries respectively, by the oppressive and repressive Taliban regime in Afghanistan. Pleas from the world at large, including Muslim countries along with its ally Pakistan, to desist from such an unwarranted act fell on deaf ears. An assault on one religion is an assault on all religions and on civilization itself. We congratulate neighboring Tajikistan for restoring another historic Buddha relic.

We suffer the ongoing lethal violence substituting for life-enhancing vision in our American society sacrificing its precious youth, tomorrow's promise, on the alien altars of the false gods of wanton conduct and perverted values. The plight of the three kidnapped Israeli soldiers and their agonizing families, including Benny Avraham from our sister city of Pardes Katz, remains of grave concern to us. We are in pain given the deadly deadlocked scenario in our beloved Land of Israel, ancient source of shalom's holy wellspring of blessings, still so tragically eluding it and the vastness of a wondrous universe designed to reflect the Divine's loving embrace.

Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, is President of the Hampton Roads Board of Rabbis and Chairman of the Community Relations Council of the United Jewish Federation of Tidewater. He was born in Kazakhstan in 1945 to Polish Holocaust Survivors.•

RETIREMENT OF LILLIE PETIT GALLAGHER

• Ms. LANDRIEU. Mr. President, I would like to take a moment out of this morning's business to commemorate a very special occasion in the life of a dear friend and a valued advisor, Lillie Petit Gallagher. This Friday, May 4, 2001, marks the last day of a long and distinguished career in public service for Lillie. As the Executive Director of St. Elizabeth Foundation in Baton Rouge, she has not only counseled hundreds of birth mothers but also helped in placing their children with loving families. In the thirteen years she has served as executive director of this fine organization, she has been a trusted friend, a surrogate mother, a guardian angel and a wise counsel to hundreds of parents and families.

The US Census Bureau estimates that in one year 500,000 teenagers will choose to parent their babies; 450,000 will have abortions. Because of people like Lillie, these young adults have the confidence and support they need to choose adoption for their child. To demonstrate for you the kind of impact Lillie has had in shaping St. Elizabeth's, let me read an excerpt from a letter from one of her birth mothers, "I was eighteen and fresh out of a bad relationship when I found out I was pregnant. I can remember not knowing what I was going to do. I guess in a lot of ways I just acted as if there was nothing wrong. For about three months no one knew of my pregnancy but me and a friend. Then we just really started talking about what to do one day and that's when it happened, just like a sign from God, a billboard sign saying: "Pregnant and alone call . . ." so we rode back to her house and called. A soft sweet voice answered the phone, "St. Elizabeth Foundation." That is how I started my friendship and love for the people at St. Elizabeth's." This is just one of many examples of the special interventions that bring strength, hope and comfort to hundreds of families.

A native of Cut Off, LA, Lillie's work on behalf of the children of Louisiana is not limited to her outstanding work at St. Elizabeth's. After graduating from St. Mary's Dominican College in New Orleans, she returned to LSU to obtain a graduate degree in child development and social services. She used those skills to teach early childhood at the college level, found a Montessori pre-school and served as the founding director of the statewide Gifted/Talented Program in the Louisiana State Department of Education. As if that is not enough, she also spent several years as host of a popular TV education program.

Anyone who meets Lillie knows they have met someone very special. Her loving heart and determined spirit make her a tenacious advocate for children and their families and Louisiana and the Nation have been the great beneficiary. Her 36 year marriage to her husband, George, serves as a loving example, not only to her four beautiful children and precious grandchild, but to the young people she serves. My best wishes to you, Lillie, your husband, George, and your beautiful family.●

TIMEOUT FOR THE UNINSURED

● Mr. SANTORUM. Mr. President, I ask consent that the following article be printed in the RECORD.

The article follows:

[From the Washington Post, May 2, 2001]

TIMEOUT FOR THE UNINSURED

House Conferees have been fighting with their Senate counterparts to reduce the spending levels in the congressional budget resolution. No doubt some cuts can be made in the Senate totals without the country's suffering harm. But at least one relatively minor Senate proposal deserves to remain.

Oregon Sens. Gordon Smith and Ron Wyden won inclusion in the budget of an additional $28 billion over three years to reduce the number of Americans without health insurance. The money would mainly be spent on lower-income people. Exactly how would be up to the authorizing committees, but an add-on of some kind to Medicaid and/or the children's health insurance program that Congress enacted several years ago seems most likely. The modest expansion would hardly solve the un-insurance problem, but it would push in the right direction.

About a seventh of the population remains uninsured. Most are poor or near poor. They lack insurance mainly because they can't afford it. The administration has proposed a tax credit to help those whose employers don't offer insurance. But the credit would cover only part of the cost of an average policy, and most uninsured families still would find such a policy beyond their means. Some people think the industry might respond by offering only partial policies, but it's not clear that would be a good result, either.

The administration proposal has some interesting features and would do limited good, but limited is the operative word. The spending programs for the lower-income uninsured have shown themselves to be efficient ways of increasing coverage. Whatever the fate of the tax credit, they should be expanded. Much attention has lately been paid to the health care problems of the already insured. The elderly lack a drug benefit; people enrolled in managed care complain that care is sometimes sacrificed to cost. But at least these people have insurance. More than 40 million don't. The budget argument this year has been mainly about how large a tax cut to give the better-off. What about a timeout to pay a little heed to those who can't afford to get sick?●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME

● Mr. GRAHAM. Mr. President, today I am delighted to recognize an outstanding group of men and women from Broward County. The dedication and compassion demonstrated by these 10 inspiring senior citizens who have been nominated to the Dr. Nan S. Hutchison Broward Senior Hall of Fame is truly exceptional. The selfless efforts of these nominees to address the needs of individuals in all walks of life serve as an example for others throughout our Nation to emulate.

This year's honorees are Ilo Cox, Sydney Dworkin, Flora Fasciani, Ena Henry, Edward Levy, Johnnie McCray, Elizabeth Phillips Scheuerman, Bert Soft, Lotte Stein, and Ralph Weinstein.

Ilo Cox has endeavored to improve the quality of life for Floridians by promoting such diverse initiatives as crime prevention, community development, advancement of the arts and funding research to find a cure for cystic fibrosis. In addition, she has held positions of leadership with the Fort Lauderdale Woman's Club.

Sydney Dworkin has given generously of his time to the Florida Lakes Alzheimer Care Center since its inception in 1993. At the center he brings warmth and light into the lives of all those whom he assists. He has recognized the importance of a friendship in the life of someone afflicted by a mentally debilitating disease.

Flora Fasciani has been a steadfast supporter of children's programs and charities, coordinating and supervising several fundraising Salvation Army balls in Broward. She also acts as a spokesperson for the University of Miami Organ Donor Program and organizes the biannual Red Cross blood drive.

Ena Henry has been an active member of her church community; volunteering her time in programs aimed at educating the youth and fostering a bond between the younger and older generations. In addition, she provides relief to disaster victims and aids indigent families of prisoners during the holiday season, supplying them with food and gifts.

Edward Levy uses his own experience as a wounded ex-soldier to aid fellow ex-servicemen. For the last 25 years he has generously volunteered countless hours assisting veterans, widows, and dependents. He also participates in the Broward Meals on Wheels program, delivering meals to homebound seniors.

Johnnie McCray is an invaluable asset to her community. She has acted as a key fundraiser for the executive board of the Sylvia Poitier T. Williams Senior Center. Moreover, she has been active in a multitude of area organizations, including the Negro Chamber of Commerce, the South Florida Association of Woman's Clubs and the Florida Association of Women's and Girl's Clubs.

Elizabeth Phillips Scheuerman has been a champion of literacy in the Broward area. Through the efforts of this former Florida State president of the American Association of University Women, the community was able to obtain its first bookmobile. In addition, she has been active in the Symphony Society, the Gold Circle of NOVA University, and the American Cancer Society.

Bert Soft is a woman of valor. Overcoming personal tragedy, she founded the Frank Soff Chapter of the Alzheimer's Family Center. Under her leadership, the chapter's membership has grown from 13 to 170 members. Her initiative and persistence have earned her acknowledgment as the Deborah "Woman of the Year" and the Florida Association of Non-Profit Organizations' "Woman of Valor."

Lottie Stein has been instrumental in implementing community improvement and awareness programs. She is actively involved with citizen crimewatch organizations and has been commended for her efforts in launching the GIVE program, which attempts to attract people to the volunteer experience.

Ralph Weinstein was a key actor in the foundation and incorporation of the first Alzheimer's Day Care Center in Broward County at the Northeast Focal Point Center. Through this organization he addresses the physical and emotional needs of children, adults, seniors, and Alzheimer's patients.

Florida and Broward County are fortunate to have these exceptional men and women who have given so much of themselves to the community. I congratulate them today and wish for them many more productive and healthy years.●

TRIBUTE TO JAMES SCHIBIG

● Mrs. CARNAHAN. Mr. President, I am delighted today to pay tribute to Mr. James Schibig, who is retiring as principal of Beasley Elementary School, in St. Louis, MO, after 34 years in education. During his long service to education, he has been a leader and role model for thousands of children.

James started out teaching fourth, fifth, and sixth grades before serving as Assistant Principal at Bernard and Trautwein Elementary. In 1986, he became Principal of Beasley Elementary School.

James' commitment to his work is overshadowed only by his dedication to serving his community. Instead of calling it quits at five o'clock, James devotes his time and energy to helping the community through his volunteer activities. He lends his skills to the Parish Council at St. Margaret Mary School, advising them on various education issues. He coaches baseball and soccer and serves as a Parent Teacher Organization officer.

I know that the teachers, parents, and students at Beasley Elementary will greatly miss James. I wish James and his wife Jeanne all the best in retirement, and I urge my colleagues to join me in saluting James Schibig.●

IN MEMORY OF BETTY TIMES

● Mrs. BOXER. Mr. President, it is with both pride and sadness that I ask the Senate to pause briefly so that I may share a little of the remarkable life of Betty Times, a long-serving Marin County civil servant, political activist and human rights advocate, who died last Thursday after an 8-year battle with cancer.

Betty Times was born 62 years ago in Louisiana, and moved at age 5 to Marin City where her father worked at the Marinship shipyard in Sausalito. Mrs. Times lived in and enriched the community of Marin City and the County of Marin for 56 years.

She leaves a lasting legacy of community service that includes 14 years as head of Marin County's Citizens Service Office, 18 years on the Sausalito School Board, one term on the Marin General Hospital district board, and countless years of leadership in Marin City, as a mother of five, a mentor, chairman of the board of the Community Development Corporation and as executive director of the Marin City Project.

I first got to know Betty more than 20 years ago when I served as a Marin County supervisor, and we were both founding members of the local chapter of the National Women's Political Caucus. She also served as vice president of the national NWPC.

Betty somehow also found the time to serve as an active member of the Democratic Party, and was a longtime member of the State and local Democratic Central Committees as well as a 1976 delegate to the Democratic National Convention. In 1991, she was elected to the Marin Women's Hall of Fame.

Just this February and as her health was failing, Betty was honored for her years of service by the Marin County Grass Roots Leadership Network. She is also the recipient of the Martin Luther King Humanitarian Award from the Marin County Human Rights Commission.

I think Betty's daughter, Ida, put it best when she said: "My mother was the strongest person I know. She instilled very strong values in all of us, even her grandchildren. She was my best friend, and we were all incredibly proud of her. Her impact in this county rippled throughout the State."

I am a better person for having known and worked with Betty Times. I extend my sincere condolences to Betty's husband John, her mother Alice Coleman, and to her large and loving family.●

TRIBUTE TO STATE OF HAWAII REPRESENTATIVE HELENE HALE

● Mr. INOUYE. Mr. President, I wish to honor Hawaii's tireless public servant, Helene Hale, who recently celebrated her 83rd birthday and is the oldest person ever elected to the State of Hawaii House of Representatives.

I ask that the following proclamation, signed by the Honorable Harry Kim, mayor of the county of Hawaii, be printed in the RECORD.

The Resolution follows:

Whereas, Helene H. Hale has served the people of Hawaii in various elective capacities for almost 50 years, and in at least one office in each of the past six decades: in the 50s and 60s as a County Supervisor, in the 60s as Chairman or Mayor of Hawaii County, in 1978 as a delegate to the State's Third Constitutional Convention, and in the 80s and 90s as the County Council; and

Whereas, at the age of 82 years young, in the year 2000, she was elected to the State House of Representatives on the slogan "Recycle Helene Hale," becoming the oldest freshman ever elected to the State House, and she has taken State government by storm; and

Whereas, far from being a career politician, she has combined government service with other vocations, including wife, mother, college lecturer, bookstore manager, coffee grower, realtor, U.N. supporter, and founder of the Merrie Monarch Festival, and she has brought to each of these the same intelligence, wit, energy and dedication which have marked her service in governments; and

Whereas, Helene Hale has claimed many "Firsts," including first female government official in Hawaii since Queen Liliuokalani, first African-American elected official in Hawaii, first resident of Hawaii on the cover of Ebony, first female chief executive of a county in Hawaii, and the first octogenarian in Hawaii to campaign for public office in a bathing suit; and

Whereas, Jeremy Harris, Mayor of the City and County of Honolulu, proclaimed March 23, 2001, as "Helene H. Hale Day" in the City and County of Honolulu; and

Whereas, Helene Hale is a resident of the County of Hawaii, and her political career has been here, not in Honolulu, and we cannot allow Honolulu to steal credit for our Helene;

Now, therefore, I, Harry Kim, Mayor of the County of Hawaii, do hereby proclaim (belatedly) March 23-29, 2001, as Helene H. Hale Week in the County of Hawaii, and extend belated best wishes for a Happy Birthday and many more in the future.

In witness whereof, I have hereunto set my hand and caused The Seal of the County of Hawaii to be affixed. Done this 10th day of April, 2001, in Hilo, Hawaii.●

NATIONAL CHILD CARE WORTHY WAGE DAY

● Mrs. CARNAHAN. Mr. President, I want to tell you about one of my constituents, Julianne Woodle. Julianne was raised in St. Louis and went to the University of Missouri-Columbia after high school. As she worked toward a bachelor's degree in children and group settings, she planned to take her degree and find a job in the classroom. She dreamed of working with preschoolers in a childcare center, helping them develop the social and mental skills necessary to start school.

When she graduated in 1998, she started looking for a job. There were many available, but none of them paid enough for her to live on. She looked for more than a month, but seven or eight dollars an hour was the most anyone could pay her. Julianne still dreamed of working with young children in a classroom setting, but she had to make a living. It was a hard choice, but Julianne decided to go back to school. She hopes that a master's degree will allow her to find a job where she can work with children and still earn a decent salary.

It is because of people like Julianne that I cosponsored S.R. 79, calling for the designation of May 1, 2001 as "National Child Care Worthy Wage Day." This resolution calls on the President to set aside the first day in May as "National Child Care Worthy Wage Day."

Study after study has shown that good quality infant and toddler care has positive long term effects on children, and that poor quality care can have devastating effects. Despite the extreme importance of their work, child care providers earn an average of only $7.42 an hour nationally. In Missouri the average is even lower, just $7.02 an hour. The average housekeeper and restaurant worker make more.

Child care providers are largely responsible for the social, emotional, and mental development of the children in their care, yet we do not pay enough to attract qualified individuals to the field. Instead young graduates like Julianne, who really want to nurture and teach young children, are forced to look elsewhere for jobs. It is a pressing national problem, and it deserves recognition and attention from our national leaders. The resolution is a symbolic action, but it is an important one. We must bring this issue to the forefront of public discussion.

We owe it to our children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE DISTRICT OF COLUMBIA COURTS FISCAL YEAR 2002 BUDGET SUBMISSION—MESSAGE FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts FY 2002 Budget Submission.

The District of Columbia Courts have submitted a FY 2002 budget request for $111.7 million for operating expenses, $41.4 million for capital improvements to courthouse facilities, and $39.7 million for Defender Services in the District of Columbia Courts. My FY 2002 budget includes recommended funding levels of $105.2 million for operations, $6.0 million for capital improvements, and $34.3 million for Defender Services. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2002 appropriations process.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 2, 2001.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986 to the Committees on Appropriations; Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 2, 2001.*

MESSAGE FROM THE HOUSE

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 182. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 309. An act to provide for the determination of withholding tax rates under the Guam incomes tax.

H.R. 601. An act to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 91. Concurrent resolution recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them.

H. Con. Res. 95. Concurrent resolution supporting a National Charter Schools Week.

H. Con. Res. 117. Concurrent resolution expressing sympathy to the family, friends, and co-workers of Veronica "Roni" Bowers and Charity Bowers.

The message further announced that pursuant to 15 U.S.C. 1024(a), the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. RYAN of Wisconsin, Mr. SMITH of Texas, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. PUTNAM of Florida, Mr. STARK of California, Mrs. MALONEY of New York, and Mr. WATT of North Carolina.

The message also announced that pursuant to 44 U.S.C. 2702, the minority leader reappoints the following individual to the Advisory Committee on the Records of Congress: Dr. Joseph Cooper of Baltimore, Maryland.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 182. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 309. An act to provide for the determination of withholding tax rates under the Guam income tax; to the Committee on Energy and Natural Resources.

H.R. 601. An act to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 91. Concurrent resolution recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 95. Concurrent resolution supporting a National Charter Schools Week; to the Committee on the Judiciary.

H. Con. Res. 117. Concurrent resolution expressing sympathy to the family, friends, and co-workers of Veronica "Roni" Bowers and Charity Bowers; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1701. A communication from the Acting Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy, transmitting, a report relative to updating the President's Budget Request; to the Committee on Armed Services.

EC–1702. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Oxygenated Gasoline Program" (FRL6973–7) received on April 27, 2001; to the Committee on Environment and Public Works.

EC–1703. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL6968–6) received on April 27, 2001; to the Committee on Environment and Public Works.

EC–1704. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina" (FRL6973–9) received on April 27, 2001; to the Committee on Environment and Public Works.

EC–1705. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Commonwealth of Pennsylvania; Reasonably Available Control Technology Requirement for Volatile Organic Compounds and Nitrogen Oxides" (FRL6973–4) received on April 27, 2001; to the Committee on Environment and Public Works.

EC–1706. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Allocation of Fiscal Year 2001 Youth and the Environment Training and Employment Program Funds'' received on May 1, 2001; to the Committee on Environment and Public Works.

EC–1707. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of the Redesignation of Shelby County; Tennessee, to Attainment'' (FRL6947-6) received on May 1, 2001; to the Committee on Environment and Public Works.

EC–1708. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Approval of Revisions to Volatile Organic Compounds Regulations and Miscellaneous Revisions'' (FRL6973-3) received on May 1, 2001; to the Committee on Environment and Public Works.

EC–1709. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Eligibility of Indoor Plumbing Under Alaska Sanitation Infrastructure Grant Program''; to the Committee on Environment and Public Works.

EC–1710. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''EPA Review of 2000 Section 303(d) Lists''; to the Committee on Environment and Public Works.

EC–1711. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Interim Data Quality Amendment to the EPCRA Section 313 Enforcement Response Policy (ERP)''; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–34. A concurrent resolution adopted by the House of the Legislature of the State of Arkansas relative to the Railroad Retirement and Survivors Improvement Act; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 1008

Whereas, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Arkansas delegation to Congress; and

Whereas, more than eighty United States Senators, including both Arkansas' Senator Tim Hutchinson and Senator Blanche Lincoln, signed letters of support for this legislation in 2000; and

Whereas, the bill now before the 107th Congress modernizes the railroad retirement system for its 748,000 beneficiaries nationwide, including over 10,000 in Arkansas; and

Whereas, railroad management, labor and retiree organizations have agreed to support this legislation; and

Whereas, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

Whereas, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, all changes will be paid for from within the railroad industry, including a full share by active employees: Now therefore, be it

Resolved by the House of Representatives of the eighty-third General Assembly of the State of Arkansas, the Senate concurring therein, That the General Assembly urges the United States Congress to support and enact the Railroad Retirement and Survivors Improvement Act in the 107th Congress. Be it further

Resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all members of the Arkansas Congressional Delegation.

POM–35. A concurrent resolution adopted by the House of the Legislature of the State of Arkansas relative to the availability of funds to prevent catastrophic damage from wildfires; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 1035

Whereas, the ice storms of December 13 and 25, 2000, ravaged thousands of acres of private and public forests in Arkansas, Oklahoma, and Texas; and

Whereas, President Clinton declared sixty-seven (67) Arkansas counties as federal disaster areas for the purposes of providing early financial assistance to cities and counties to help with their most urgent ice storm-caused health and safety problems; and

Whereas, these early funds do not provide for the critical treatment and restoration work needed to prevent catastrophic wildfires on the private and public forestlands of Arkansas; and

Whereas, if these lands go untreated, the ten-fold increase in fuel loadings may result in major conflagrations that destroy private and public property and threaten the health and safety of countless Arkansans; and

Whereas, supplemental appropriation requests detailing the need by program area and the work that would be accomplished were sent by agency field officers to their agency headquarters in Washington, D.C.: Now, therefore, be it

Resolved by the House of Representatives of the eighty-third General Assembly of the State of Arkansas, the Senate concurring therein, That the Arkansas General Assembly urges the President of the United States and the United States Congress to take all reasonable action necessary to provide adequate and timely funding to the federal agencies responsible for the treatment and restoration work on these lands. Be it further

Resolved, That upon adoption of this resolution, the Chief Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States, to the presiding officers of the United States Senate and the United States House of Representatives, and to each member of the Arkansas congressional delegation.

POM–36. A concurrent resolution adopted by the House of the Legislature of the State of Arkansas relative to prescription drugs; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 1027

Whereas, the price of prescription drugs in the United States has increased significantly in each of the past several years; and

Whereas, a large percentage of the people who cannot afford to buy drugs needed to maintain a reasonable quality of life are children and the elderly who have no means to improve their financial situation; and

Whereas, many people in this country must make a choice of buying food or buying the drugs they need; and

Whereas, the states have very limited ability to take the necessary action to assure that prescription drugs are available and affordable to those who need them and only the U.S. Congress has the authority to accomplish this goal, now, therefore, be it

Resolved by the House of Representatives of the eighty-third General Assembly of the State of Arkansas, the Senate concurring therein:

That the Arkansas General Assembly hereby urges the United States Congress to take all reasonable action to assure that prescription drugs are available and affordable to all citizens. Be it further

Revolved, That upon adoption of this resolution, the Chief Clerk of the House of Representatives shall transmit a copy hereof to the President of the United States, to the presiding officers of the United States Senate and the U.S. House of Representatives, and to each member of the Arkansas Congressional Delegation.

POM–37. A concurrent resolution adopted by the House of the State of Arkansas relative to Special Education; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 1044

Be it *resolved by the House of Representatives of the eighty-third General Assemble of the State of Arkansas, the Senate concurring therein:*

That the United States Congress is urged to review, with the goal of reducing, the paperwork created by federal laws and regulations related to special education.

Be it further *Resolved*, That upon adoption of this resolution, with the Senate concurring therein, the Chief Clerk of the Arkansas House of Representatives shall transmit copies to the presiding officer of the United States Senate and the United States House of Representatives, and to each member of the Arkansas congressional delegation.

POM–38. A resolution adopted by the Senate of the Legislature of the State of Massachusetts relative to benefits for all retired career military personnel; to the Committee on Veterans' Affairs.

Whereas, American servicemen and women have dedicated their lives and careers to protect the rights we all enjoy; and

Whereas, in serving our country, career military personnel endured hardships, deprivation and threats of death, disability and long separations from their families; and

Whereas, integral to the success of our military forces are those military personnel who have made careers of defending our great Nation during times of both war and peace from the revolutionary war to present day; and

Whereas, there exists a gross inequity in the Federal Statutes that denies equal rights to disabled career military who seek to receive Veterans Administration disability compensation concurrent with the receipt of earned military pay; and

Whereas, legislation has been introduced in the United States Congress to remedy this inequity applicable to career military personnel dating back to the nineteenth century; and

Whereas, the injustice concerns those who are retired, are denied concurrent receipt of hard earned military retirement pay and Veterans Administration awards for service-connected disabilities; and

Whereas, career military earn retirement benefits based on longevity for honorable and faithful service and rank at the time of retirement; and

Whereas, Veterans Administration compensations serve a different purpose from longevity retired pay and are intended to compensate for pain, suffering, disfigurement, chemicals, wound injuries and loss of earning ability, with a minimum requirement of 90 days active duty; and

Whereas, the prevailing idea that military retirement pay is free is false as there is a contribution to retirement pay which is calculated to reduce military base pay and retirement pay by 7 per cent when pay and allowances are computed and approved by Congress; and

Whereas, traditionally, a career military person receives a lower pay and retirement than his or her civilian counterpart and has invested a life of hardships and long hours without the benefit of overtime pay and with a lack of freedom of expression through the unions; and

Whereas, the Veterans Administration awards to disabled veterans with a 30 percent disability or more an allowance for each dependent and the allowance is increased with the amount of disability; and

Whereas, the Department of Defense deducts the entire amount of a dependent's allowance, essentially leaving a disabled military retiree without a dependent's allowance, thereby extending the discrimination to families of military longevity retirees; and

Whereas, it is unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar-for-dollar basis to the Department of Defense; and

Whereas, no such deduction applies to similarly situated federal civil service or congressional retirement benefits to receive Veterans Administration compensation; and

Whereas, a statutory change is necessary to correct this injustice and discrimination in order to insure that America's commitment to national and international goals will be matched by the same allegiance to those who sacrificed on behalf of those goals; now therefore be it

Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact legislation to provide parity of benefits to all retired career military personnel; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the Secretary of Defense, the Chairmen of the Armed Forces Committee and the Veterans Affairs Committee, the House and Senate Majority and Minority Leaders, the presiding officer of each branch of Congress and to the members thereof from the commonwealth.

POM–39. A resolution adopted by the Legislature of Guam relative to Federal funds for upgrades in education, water, and hospital; to the Committee on Appropriations.

Resolution No. 27

Whereas, Guam's tourism-based economy has been suffering over the last few years due to the Asian economic crisis, resulting in government budget shortfalls, an increased government deficit, layoffs of many private and public sector employees, and an unemployment rate that may be as high as twenty percent (20%); and

Whereas, such economic reversal and a high unemployment rate would be considered an economic disaster in most parts of the United States; and

Whereas, Guam's water and sewer infrastructure has deteriorated over the years to the point where it is no longer sufficient to support the Island's growing population; and where it is badly corroded and in disrepair in some areas, resulting in a costly waste of water, costly spot repairs, and low or no water pressure in some areas of the Island; and

Whereas, Guam's population has grown beyond the capacity of its school facilities, resulting in the overcrowding and deterioration of existing school facilities, a condition that is a detriment to the education of the Island's youth, and ultimately is detrimental to all aspects of the local community; and

Whereas, the Guam Memorial hospital, Guam's only hospital and emergency care facility, is also badly in need of upgrade and expansion, to the point where many patients must be sent to off-Guam facilities for emergency or specialized care at great expense to the government and local families, an expense that many families cannot afford; and

Whereas, Guam's tourism industry, which faces an uphill struggle to recovery after a prolonged slump, is in need of an economic boost and an upgrade in infrastructure and facilities; and

Whereas, the United States economy has seen a tremendous boom in the last decade, whilst the Federal Government has seen budget surpluses unprecedented in recent times, with the budget surplus for Fiscal Year 2000 expected to be One Hundred Seventy Billion Dollars ($170,000,000,000) and the surplus through 2010 predicted by President Clinton to be Seven Hundred Forty-six Billion Dollars ($746,000,000,000); and

Whereas, Guam has made its contribution to the political security and stability of the United States that has helped to nurture this vibrant economic growth by giving up a large portion of its small land mass to the U.S. Department of Defense for military installations, which were critical to American security for decades, now therefore, be it

Resolved, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that the United States Congress appropriate One Hundred Ninety-three Million Dollars ($193,000,000) to the government of Guam for the following purposes:

(1) Forty-eight Million Dollars ($48,000,000) to build eight (8) new elementary schools in the Villages of Dededo, Yigo, Tamuning, Mangilao, Barrigada, Yona, Sinajana, Agat and Mongmong-Toto-Maite;

(2) Twenty Million Dollars ($20,000,000) to build one (1) new middle school in Dededo, which is by far the most populated village on Guam;

(3) Thirty Million Dollars ($30,000,000) to build one (1) new high school in Northern Guam, which has deteriorating and dangerously crowded schools in Tamuning and Yigo that suffer from teen violence and other problems as a result of the lack of attention that comes from overcrowded schools;

(4) Seventy-five Million Dollars ($75,000,000) for the Guam Waterworks Authority to improve a badly corroded and leaking sewer and water infrastructure that results in low water pressure in many areas, wasting water resources daily and incurring large numbers of manpower hours fixing spot leaks that surface;

(5) Twenty Million Dollars ($20,000,000) for upgrading and expanding facilities at the Guam Memorial Hospital, which is insufficient, as Guam's only hospital and emergency care facility, to provide for vital health care services to people on Guam, who must seek prohibitively expensive care off-Guam, as well as providing health care to the people of Micronesia who have been granted access to Guam's medical infrastructure due to the compacts of free association entered into by the United States of America and these Pacific Nations; and be it further

Resolved, That the United States Congress and the President of the United States delegate the Officer In Charge of Construction ("OICC") of the U.S. Naval command on Guam, otherwise known as Commander Naval Forces Marianas, to oversee all aspects of infrastructure construction detailed herein, inclusive of contract management, procurement, etc.; and be it further

Resolved, That the United States Congress is requested to stipulate as a condition of this funding, in legislation, a detailed deficit reduction plan for Guam which the government of Guam shall adhere to for the purpose of eliminating the deficit in the General Fund of the government of Guam within seven (7) years; and be it further.

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States; to the Honorable Richard B. Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Robert A. Underwood, Member of the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrex, I Magalahen Guåhan.

POM–40. A resolution adopted by the Legislative of Guam relative to reparations for Guam victims of World War II; to the Committee on Energy and Natural Resources.

Resolution No. 26 (LS)

Whereas, the people of Guam who endured World War II, and their families, attempted in vain for years to obtain just war reparations for the wartime grievances suffered by the Chamorros, who are the native inhabitants of Guam; and

Whereas, while many other peoples received war reparations from Japan, such as the people of the Commonwealth of the Northern Marianas and the Republic of the Philippines, the people of Guam have yet to receive proper atonement and justice for the personal suffering, the widespread destruction of personal property, the obliteration of homes, businesses and farms, the loss of family members and loved ones, and the humiliation of occupation by an enemy military power; and

Whereas, the government of the United States of America has totally exonerated the government of Japan from making any war reparations to the people of Guam through a post-war agreement with Japan; and

Whereas, after years of suffering followed by years of waiting for just atonement, war reparations to the people of Guam are long overdue; now therefore, be it

Resolved, That I MináBente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that Guam's Delegate to the U.S. Congress reintroduce previous legislation to obtain proper war reparations for Guam victims of World War II; and be it further

Resolved, That I MináBente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that the Chairman of the United States House of Representatives Committee on Judiciary hold a hearing on the aforementioned war reparations legislation at the earliest possible date; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same by thereafter transmitted to the Honorable Richard B. Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; and to the Chairman of the United States House of Representatives Committee on Judiciary; to the Chairman of the Senate Energy and Natural Resources Committee; to the Honorable Robert A. Underwood, Member of the U.S. House of Representatives; to the Honorable Carl T.C. Gutierrez, I Magâlahen Guåhan.

POM-41. A resolution adopted by the Legislature of Guam relative to amending the 1950 Organic Act of Guam; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 22 (LS)

Whereas, some of the most vital services provided by the government of Guam are the public health services, including the services of Guam's public hospital, the Guam Memorial Hospital; and

Whereas, without an efficient and well-run hospital and public health service, the health and well-being of the people of Guam are in severe danger, and the lives of the people of Guam are in jeopardy; and

Whereas, without an efficient and well-run hospital and public health service, many people on Guam are faced with the grim prospect of looking to off-Guam health facilities to provide life-saving treatment; and

Whereas, the cost of travel to facilities that provide such life-saving treatment can be prohibitive, especially for many of our people without the means; and in addition, the health of people in severe cases may not withstand the travel; and

Whereas, the current language of the Organic Act of Guam in regards to the administration of the public health services is restrictive, preventing creative and sensible solutions to the management problems of the Guam Memorial Hospital and other public health services; and

Whereas, amending the Organic Act of Guam to allow the laws of Guam to govern the public health and hospital services, as the United States Congress did with the public education system on Guam, would be a more accountable and less restrictive solution; and

Whereas, such a solution has the potential to revitalize and streamline Guam's public health and hospital, and therefore has the potential to improve public health on Guam and save the lives of people who depend on such vital services; and

Whereas, the importance of such a life-saving and health-improving solution cannot be overstated, and action should not be delayed any further; now therefore, be it

Resolved, That I MináBente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request the Congress of the United States of America amend Paragraph (a) of §1421g of Title 48 of the United States Code (1950 Organic Act of Guam) to read as follows:

"(a) Public Health Services. Subject to the laws of Guam, the Government of Guam shall establish, maintain, operate or contract public health services on Guam, including hospitals, dispensaries and quarantine stations, at such places on Guam as may be necessary, and shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease."; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States; to the Honorable Richard B. Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Honorable Robert A. Underwood, Member of the U.S. House of Representative; and to the Honorable Carl T.C. Gutierrez, I Magálahen Guåhan.

POM-42. A resolution adopted by the Legislature of Guam relative to the change of the 1950 Organic Act of Guam to require a balanced budget; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 24 (LS)

Whereas, the government of Guam is in dire financial straits, due in part, to an economy which has suffered tremendously as a result of the Asian economic slump and the reduction of the U.S. military presence on Guam; and

Whereas, Guam's expenditures have, on most occasions, exceeded the availability of revenues; and

Whereas, as result, the government of Guam has built a large deficit in its General Fund; and

Whereas, such deficit is detrimental to the ability of the government of Guam to provide consistent and required service to the people of Guam, as well as make an adequate investment in developing infrastructure; and

Whereas, although we look forward to an increase in economic activity on Guam, resulting in higher revenues, the only true solution to Guam's perennial financial problems is to exercise restraint in spending; and

Whereas, although a requirement for a balanced budget exists in local legislation, no such requirement exists in the 1950 Organic Act of Guam; and

Whereas, until such time as the people of Guam adopt their own constitution, the 1950 Organic Act of Guam serves in its stead; and

Whereas, an amendment to the 1950 Organic Act of Guam requiring a balanced budget for the government of Guam will assist Guam in making changes essential to the long term financial health of our government, now therefore, be it

Resolved, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that the United States Congress amend the 1950 Organic Act of Guam to require a balanced budget for the government of Guam in each fiscal year; and be it further

Resolved, That exception to this requirement should be permissible only in the event of an official declaration by the President of the United States of Guam as a disaster area; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States; to the Honorable Richard B. Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives; to the Chairman of the House Committee on Natural Resources; to the Chairman of the Senate Committee on Energy and Natural Resources; to the Honorable Robert A. Underwood, Member of the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Maga'lahen Guåhan.

POM-43. A resolution adopted by the Legislature of Guam relative to a human rights issue; to the Committee on Foreign Relations.

RESOLUTION NO. 58 (LS)

Whereas, the most important principles and precepts in the founding and formation of our great American Nation and democracy are guarantees of protection of life, liberty and the pursuit of happiness for every man, woman and child, regardless of race, color, national origin or religious preference; and

Whereas, the fundamental right to freedom of religious belief and worship is severely restricted in the People's Republic of China; and

Whereas, Mr. Zhang Hongbao, fearful for his personal well-being because of his spiritual beliefs, fled China, seeking personal safety and asylum on Guam; and

Whereas, because Mr. Zhang Hongbao's arrival on Guam is classified as an "unauthorized entry," requiring the intervention of the U.S. Immigration and Naturalization Service ("INS"), he has been detained for over one (1) year; and

Whereas, Mr. Zhang Hongbao's confinement on Guam is inconsistent with the traditional Chamorro belief that freedom is fundamental to life itself, representing an embarrassment to the People of Guam since the injustice continues on our Island, the westernmost stanchion of American democracy and religious tolerance, which serves as the Pacific gateway for the great message of Lady Liberty: "Give me your tired, your poor, Your huddled masses yearning to breathe free, . . . I hold my lamp beside the golden door"; now therefore, be it

Resolved, That I Mina'Bente Sais Na Liheslaturan Guahan, in keeping with the precepts and principles which make America's belief in fundamental human rights, calls for the immediate and unconditional release of Mr. Zhang Hongbao from detention; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable George W. Bush, President of the United States; to the Honorable Colin Powell, Secretary of the U.S. Department of State; to the Honorable John Ashcroft, U.S. Attorney General; to the Honorable Richard Cheney, President of the United States Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Robert A. Underwood, Guam's Delegate to the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Maga'lahen Guåhan.

POM-44. A concurrent resolution adopted by the House of the Legislature of the State of Indiana relative to the Railroad Retirement and Survivors' Improvement Act; to the Committee on Finance.

HOUSES CONCURRENT RESOLUTION NO. 17

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 is designed to improve significantly both the financing and benefits of railroad retirement and to increase industry responsibility for the part of the program that is similar to a private pension plan;

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including nine of the ten members of the Indian congressional delegation;

Whereas, More than 80 United States Senators, including Indiana Senators Richard

Lugar and Evan Bayh, signed letters of support for the legislation in 2000;

Whereas, The bill, now before the 107th Congress, modernizes the railroad retirement system for 748,000 beneficiaries nationwide, including over 15,000 in Indiana;

Whereas, Railroad management, labor, and retiree organizations have agreed to support this legislation;

Whereas, This legislation provides tax relief to freight railroads, Amtrak, and commuter lines;

Whereas, This legislation provides benefit improvements for suviving spouses of rail workers who under current law suffer deep cuts in income when the rail retiree dies;

Whereas, No outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, All changes will be from within the railroad industry including a full share by active employees; Therefore, be it

Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concuring:

Section 1. That the Indiana General Assembly urges the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

Section 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all members of the Indiana congressional delegation.

POM–45. A concurrent resolution adopted by the House of the Legislature of the State of Indiana relative to honoring former Congressman Lee Hamilton; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 22

Whereas, Lee H. Hamilton was born in Daytona Beach, Florida, April 20, 1931;

Whereas, Congressman Hamilton was raised in Evansville, Indiana, but considers Nashville, Indiana, his hometown;

Whereas, Congressman Hamilton received his bachelor's degree from DePauw University in 1952 and his Doctor of Jurisprudence Degree from Indiana University in 1956;

Whereas, While attending college, Congressman Hamilton excelled not only in the classroom but also on the basketball court;

Whereas, Congressman Hamilton was first elected to Congress in 1964 from Indiana's 9th District;

Whereas, Congressman Hamilton served in the House of Representatives from 1965 until 1999;

Whereas, Congressman Hamilton faithfully represented the citizens of Indiana's 9th District for 34 years—17 Congressional terms;

Whereas, Once in office he walked a moderate line on social and economic issues, but was a strong advocate of U.S. international involvement;

Whereas, Congressman Hamilton also earned a reputation as one of the Democratic Party's most thoughtful leaders in the realm of foreign policy;

Whereas, Congressman Hamilton was chairman of the House Intelligence Committee, the House chairman of the Iran-Contra Committee from 1987 to 1988, and chairman of the House Foreign Affairs Committee from 1993 to 1996;

Whereas, When the Republicans became the majority in the House, Hamilton became the ranking Democrat on the House Foreign Affairs Committee;

Whereas, While serving in Congress, he received numerous public service awards, including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Philip C. Habib Award for Distinguished Public Service, the Indiana Humanities Council Lifetime Achievement Award, and the U.S. Association of Former Members of Congress Statesmanship Award;

Whereas, Although Congressman Hamilton has left Congress, he has not gone very far;

Whereas, Congressman Hamilton was named the director of the Woodrow Wilson International Center for Scholars in Washington, D.C., which is the federally supported institution on international affairs that "mixes the world of ideas with the world of policy";

Whereas, Congressman Hamilton will also serve as the director of the Center on Congress at Indiana University; and

Whereas, Accomplishments such as Congressman Hamilton's deserve special recognition: Therefore, be it

Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

Section 1. That the Indiana General Assembly urges Congress to rename the Federal Building in New Albany, Indiana, in honor of former Congressman Lee Hamilton.

Section 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to former Congressman Hamilton, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Indiana congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. CORZINE):

S. 814. A bill to establish the Child Care Provider Retention and Development Grant Program and the Child Care Provider Scholarship Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI:

S. 815. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 816. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 817. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. TORRICELLI, Mr. KYL, and Mr. MURKOWSKI):

S. 818. A bill to amend the Internal Revenue Code of 1986 to provide a long-term capital gains exclusion for individuals, and to reduce the holding period for long-term capital gain treatment to 6 months, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated.

By Mrs. MURRAY (for herself, Mr. BOND, Mr. MCCAIN, Ms. CANTWELL, Mr. WARNER, Mr. LEVIN, Mr. KENNEDY, Mrs. HUTCHISON, Mr. THURMOND, Mr. AKAKA, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. DURBIN, and Mr. DAYTON):

S. Res. 80. A resolution honoring the "Whidbey 24" for their professionalism, bravery, and courage; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. BAYH, Mr. LIEBERMAN, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. DURBIN, Mr. LEAHY, Mr. FITZGERALD, Mr. SPECTER, and Mrs. CLINTON):

S. Con. Res. 35. A concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Oregon (Mr. SMITH, of Oregon) were added as cosponsors of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 133

At the request of Mr. BAUCUS, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 152

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 170

At the request of Mr. REID, the name of the Senator from Minnesota (Mr.

WELLSTONE) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 174

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 190

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 190, a bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes.

S. 252

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 321

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 327

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 399

At the request of Mr. EDWARDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 399, a bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 409

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 449

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 449, a bill to ensure the timely payment of benefits to eligible persons under the Radiation Exposure Compensation Act (42 U.S.C. 2210).

S. 500

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 501

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 503

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 540

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 633

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 633, a bill to provide for the review and management of airport congestion, and for other purposes.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 662

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 669

At the request of Mr. CARPER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 669, a bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes.

S. 697

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. AKAKA), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 697, supra.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 741, a bill to amend the Internal Revenue Code of 1986 to provide tax credits with respect to nuclear facilities, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 778

At the request of Mr. HAGEL, the names of the Senator from New Mexico

(Mr. DOMENICI) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 803

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 803, a bill to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S.J. Res. 13 , a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation providing medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week".

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. CORZINE):

S. 814. A bill to establish the Child Care Provider Retention and Development Grant Program and the Child Care Provider Scholarship Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Focus on Committed and Underpaid Staff for Children's Sake Act. I am pleased that Senator CORZINE is joining me as a original cosponsor and that companion legislation is being introduced in the House today by Representatives MILLER and GILMAN.

The need for child care has become a daily fact of life for millions of parents nationwide. 65 percent of mothers with children under age six and 78 percent of mothers with children ages 6 to 13 are in the labor force. Each day, 13 million preschool children, including 6 million infants and toddlers, spend some part of their day in child care.

The quality of that care has a tremendous impact on the critical early years of children's development. And, the most powerful determinant of the quality of child care is the training, education, and pay of those who spend 8–10 hours a day caring for our children.

Yet, what we know about the child care field is alarming. Despite the fact that continuity of care is critical for the emotional development of children, staff turnover at child care centers averages 30 percent per year—four times greater than the turnover rate for elementary school teachers.

Despite the fact that we as a society say there is no more important task than helping to raise a child, according to the Bureau of Labor Statistics, we pay the average child care worker about $15,400 a year, barely above the poverty level for a family of three. Few child care providers have basic benefits like health coverage or paid leave. Only a small fraction of child care workers have graduated from college.

We pay people millions of dollars a year to throw baseballs, to shoot basketballs, and to swing golf clubs. What does that say about our priorities when at the same time we pay those who care for our most precious resource, our children, poverty-level wages?

A report released yesterday by the University of California, Berkeley and the Center for Child Care Workforce on child care providers' pay, training and education highlights the current crisis in the child care field. In a survey of child care centers in three California communities, the study found that three-quarters of all child care staff employed in 1996 were no longer on the job in 2000. Some centers reported 100 percent turnover. Additionally, nearly half of the child care providers who had left had a bachelor's degree, compared to only one-third of the new teachers. Some 49 percent, nearly half, of those who had left their job, left the child care field entirely.

It's clear that if we want to attract quality teachers to the child care field, the pay has to better reflect the value we place on their work. We can't attract them and we can't keep them if we don't pay them a living wage.

The legislation I am introducing today will provide states with funds to increase child care worker pay based on the level of education, the greater the level of education, the greater the increase in pay. In addition, the legislation will provide scholarships of up to $1,500 for child care workers who want to further their early childhood education training by getting a college degree, an Associate's degree, or a child development associate credential.

We will never make significant strides in improving the quality of child care in this nation if we fail to address one of the leading problems, attracting and retaining a quality child care workforce. It is time to invest in our children by investing in those who dedicate their lives to caring for our children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Focus On Committed and Underpaid Staff for Children's Sake Act" or as the "FOCUS Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Funds for child care provider retention and development grants and for child care provider scholarships.
Sec. 5. Application and plan.
Sec. 6. Allotments to States.
Sec. 7. Child Care Provider Retention and Development Grant Program.
Sec. 8. Child Care Provider Scholarship Program.
Sec. 9. Annual report.
Sec. 10. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Research on early brain development and early childhood demonstrates that the experiences children have and the attachments they form early in life have a decisive, long-lasting impact on their later development and learning.

(2) High-quality, developmentally appropriate child care beginning in early childhood and continuing through the years that children are in school improves the scholastic success and educational attainments of children that persist into adulthood.

(3) According to a growing body of research, the single most important determinant of child care quality is the presence of consistent, sensitive, well-trained, and well-compensated child care providers; however, child care programs nationwide experience high turnover in teaching staff, fueled by poor compensation and few opportunities for advancement.

(4) The Department of Labor reports that in 1999 the average wage for a child care provider was $7.42 per hour, or $15,430 annually. For a full-time, full-year work, the wages of a child care provider were not much above the 1999 poverty threshold of $13,423 for a single parent with two children. Family child care providers earned even less. The median wage of a family child care provider in 1999 was $264 weekly, or $13,728 annually.

(5) Despite the important role child care providers may play in early child development and learning, child care providers earn less than bus drivers ($26,460), barbers ($20,970), and janitors ($18,220).

(6) Employer-sponsored benefits are minimal for most child care staff. Even among child care centers, the availability of health care coverage for staff remains woefully inadequate.

(7) To offer compensation that would be sufficient to attract and retain qualified child care staff, child care programs would be required to charge fees that many parents could not afford. In programs that serve low-income children who qualify for Federal and State child care subsidies, the reimbursement rates set by the State strongly influence the level of compensation that staff receive. Current reimbursement rates for center-based child care services and family child care services are insufficient to recruit and retain qualified child care providers and to ensure high-quality services for children.

(8) Teachers leaving the profession are replaced by staff with less education and formal training in early child development.

(9) As a result of low wages and limited benefits, many child care providers do not stay long in the child care field. Approximately thirty percent of all teaching staff leave their child care centers each year.

(10) Child care providers, as well as the children, families, and businesses that depend upon them, suffer the consequences of inadequate compensation. This is true, with few exceptions, for providers in all types of programs: subsidized, nonsubsidized, for-profit, nonprofit, large, and small child care settings.

(11) Because of the severe shortage of qualified staff available for employment by child care programs nationwide, several States have recently initiated programs to improve the quality of child care by increasing the training and compensation of child care providers. Such programs encourage the training, education and increased retention of qualified child care providers by offering financial incentives, including scholarships and compensation increases, that range from $350 to $6,500 annually.

(b) PURPOSE.—It is the purpose of this Act to establish the Child Care Provider Retention and Development Grant Program and the Child Care Provider Scholarship Program, to help children receive the high quality child care and early education they need for positive cognitive and social development, by rewarding and promoting retention of committed, qualified child care providers and by providing financial assistance to improve the educational qualifications of child care providers.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD CARE PROVIDER.—The term "child care provider" means an individual who provides a service directly to a child on a person to person basis for compensation at—

(A) a center-based child care provider that is licensed or regulated under State law and that satisfies the State and local requirements applicable to the child care services provided,

(B) a licensed or regulated family child care provider that satisfies the State and local requirements applicable to the child care services provided, or

(C) an out-of-school time program that is licensed or regulated under State law and that satisfies the State and local requirements applicable to the child care services provided,

(2) FAMILY CHILD CARE PROVIDER.—The term "family child care provider" has the meaning given such term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(3) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e).

(4) IN-KIND CONTRIBUTION.—The term "in-kind contribution" means payment of the cost of participation of child care providers in health insurance programs or retirement programs.

(5) LEAD AGENCY.—The term "lead agency" means the agency designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(8) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act.

SEC. 4. FUNDS FOR CHILD CARE PROVIDER RETENTION AND DEVELOPMENT GRANTS AND FOR CHILD CARE PROVIDER SCHOLARSHIPS.

(a) IN GENERAL.—The Secretary may allot funds appropriated to carry out this Act to eligible States for distribution to pay the Federal share of the cost of making grants under this Act to eligible child care providers.

(b) ALLOTMENTS.—Funds allotted under section 6 shall be distributed by the Secretary, and expended by the States (directly, or at the option of the States, through units of general purpose local government), and by Indian tribes and tribal organizations, in accordance with this Act.

SEC. 5. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive a distribution of funds allotted under section 6, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require by rule and shall include in such application a State plan that satisfies the requirements of subsection (b).

(b) REQUIREMENTS OF PLAN.—

(1) LEAD AGENCY.—The State plan shall identify the lead agency to make grants under this Act.

(2) RECRUITMENT AND RETENTION OF CHILD CARE PROVIDERS.—The State plan shall describe how the lead agency will encourage both the recruitment of child care providers who are new to the child care field and the retention of child care providers who have a demonstrated commitment to the child care field.

(3) NOTIFICATION OF GRANT AVAILABILITY.—The State plan shall describe how the lead agency will identify and notify all eligible child care providers in the State of the availability of grants under this Act.

(4) DISTRIBUTION OF GRANTS.—The State plan shall describe how the lead agency will make grants under sections 7 and 8 to child care providers in selected geographical areas in the State in compliance with the following requirements:

(A) SELECTION OF GEOGRAPHICAL AREAS.—For the purpose of making such grants for a fiscal year, the State shall select a variety of geographical areas, determined by the State, that—

(i) includes urban areas, suburban areas, and rural areas, and

(ii) contains diversity of income levels,

but shall give special consideration to geographical areas selected under this subparagraph for the preceding fiscal year.

(B) SELECTION OF CHILD CARE PROVIDERS TO RECEIVE GRANTS.—The State may make grants under section 7 only to eligible child care providers in geographical areas selected under subparagraph (A), but—

(i) may give special consideration in such areas to eligible grant applicants who have attained a higher relevant educational credential, who provide a specific kind of child care services, who provide child care services to populations who meet specific economic characteristics, or who meet such other criteria as the State may establish, and

(ii) shall give special consideration to eligible grant applicants who received a grant under such section in the preceding fiscal year.

(C) LIMITATION.—The State shall describe how the State will ensure that grants made under section 7 to child care providers will not be used to offset reductions in the compensation of such providers.

(D) REPORTING REQUIREMENT.—With respect to each particular geographical area selected, the State shall agree for each fiscal year for which such State receives a grant under this section—

(i) to include in the report required by section 9, detailed information regarding—

(I) the continuity of employment of grant recipients as child care providers with the same employer,

(II) with respect to each employer that employed a grant recipient, whether such employer was accredited by a recognized State or national accrediting body during the period of employment, and

(III) to the extent practicable and available to the State, detailed information regarding the rate and frequency of employment turnover of qualified child care providers throughout such area,

during the 2-year period ending of the date of applications for grants under section 7, and

(ii) to provide a follow-up report, not later than 90 days after the end of the succeeding fiscal year that includes information regarding—

(I) the continuity of employment of grant recipients as child care providers with the same employer,

(II) with respect to each employer that employed a grant recipient, whether such employer was accredited by a recognized State or national accrediting body during the period of employment, and

(III) to the extent practicable and available to the State, detailed information regarding the rate and frequency of employment turnover of qualified child care providers throughout such area,

during the 1-year period beginning on the date grants are made by under section 7 to applicants.

(5) Child care provider retention and development grant program.—The State plan shall describe how the lead agency will determine the dollar amounts of grants made with funds available to carry out section 7 in accordance with the following requirements:

(A) The State shall demonstrate that the amounts of individual grants to be made under section 7 will be sufficient—

(i) to encourage child care providers to improve their qualifications, and

(ii) to retain qualified child care providers in the child care field.

(B) Such grants made to child care providers who have a child development associate credential and who are employed full-time to provide child care services shall be in an amount that is not less than $1,000 per year.

(C) The State shall make such grants in larger dollar amounts to child care providers who have higher levels of education than a credential such as a child development associate credential, according to the following requirements:

(i) A child care provider who has a baccalaureate degree in the area of child development or early child education shall receive a grant that is not less than twice the amount of the grant that is made to a child care provider who has an associate of the arts degree in the area of child development or early child education.

(ii) A child care provider who has an associate of the arts degree in the area of child development or early child education shall receive a grant that is not less than 150 percent of the amount of the grant that is made to a child care provider who has a child development associate credential.

(iii)(I) Except as provided in subclause (II), a child care provider who has a baccalaureate degree in a field other than child development or early child education shall receive a grant equal to the grant made to a child care provider who has an associate of the arts degree in the area of child development or early child education.

(II) If a child care provider who has such baccalaureate degree obtains additional educational training in the area of child development or early child education, as specified by the State, such provider shall receive a grant equal to the grant required under clause (i).

(D) The State shall make such grants in larger dollar amounts to child care providers who work full-time relative to the grant amount made to child care providers who work part-time, based on the State definitions of full-time and part-time work.

(E) The State shall provide grants in progressively larger dollar amounts to child care providers to reflect the number of years worked as a child care provider.

(6) Distribution of child care provider scholarships.—The State plan shall describe how the lead agency will make scholarship grants in compliance with section 8 and shall specify the types of educational and training programs for which scholarship grants made under such section may be used, including only programs that—

(A) are administered by institutions of higher education that are eligible to participate in student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and

(B) lead to a State or nationally recognized credential in the area of child development or early child education, an associate of the arts degree in the area of child development or early child education, or a baccalaureate degree in the area of child development or early child education.

(7) Employer contribution.—The State plan shall describe how the lead agency will encourage employers of child care providers to contribute to the attainment of education goals by child care providers who receive grants under section 8.

(8) Supplementation.—The State plan shall provide assurances that funds received by the State to carry out sections 7 and 8 will be used only to supplement, not to supplant, Federal, State, and local funds otherwise available to support existing services and activities that encourage child care providers to improve their qualifications and that promote the retention of qualified child care providers in the child care field.

SEC. 6. ALLOTMENTS TO STATES.

(a) Amounts Reserved.—

(1) Territories and possessions.—The Secretary shall reserve not more than ½ of 1 percent of the funds appropriated to carry out this Act for any fiscal year for distribution to Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(2) Indian tribes and tribal organizations.—The Secretary shall reserve not more than 3 percent of the funds appropriated to carry out this Act for any fiscal year for distribution to Indian tribes and tribal organizations with applications approved under subsection (c).

(b) Allotments to Remaining States.—

(1) General authority.—From the funds appropriated to carry out this Act for any fiscal year remaining after reserving funds under subsection (a), the Secretary shall allot to each State (excluding Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States, and —

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States. —

(2) Young child factor.—The term "young child factor" means the ratio of the number of children in the State under 5 years of age to the number of such children in all States as provided by the most recent annual estimates of population in the States by the Bureau of the Census.

(3) School lunch factor.—The term "school lunch factor" means the ratio of the number of children in the State who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) to the number of such children in all the States as determined annually by the Department of Agriculture.

(4) Allotment percentage.—

(A) In general.—The allotment percentage for a State is determined by dividing the per capita income of all individuals in the United States, by the per capita income of all individuals in the State.

(B) Limitations.—If an allotment percentage determined under subparagraph (A)—

(i) is more than 1.2 percent, then the allotment percentage of that State shall be considered to be 1.2 percent, and

(ii) is less than 0.8 percent, then the allotment percentage of the State shall be considered to be 0.8 percent. —

(C) Per capita income.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals,

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning on the date such determination is made, and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

(c) Allotments to Indian Tribes and Tribal Organizations.—

(1) Reservation of funds.—From amounts reserved under subsection (a)(2), the Secretary may make allotments to Indian tribes and tribal organizations that submit applications under this subsection, to plan and carry out programs and activities to encourage child care providers to improve their qualifications and to retain qualified child care providers in the child care field.

(2) Applications and requirements.—An application for an allotment to an Indian tribe or tribal organization under this section shall provide that—

(A) the applicant will coordinate, to the maximum extent practicable, with the lead agency in each State in which the applicant will carry out such programs and activities, and

(B) will make such reports on, and conduct such audits of, programs and activities under this Act as the Secretary may require.

(d) Data and Information.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(e) Reallotments.—

(1) In general.—Any portion of the allotment under subsection (b) to a State for a fiscal year that the Secretary determines will not be distributed to the State for such fiscal year shall be reallotted by the Secretary to other States proportionately based on allotments made under such subsection to such States for such fiscal year.

(2) Limitations.—

(A) Reduction.—The amount of any reallotment to which a State is entitled to under paragraph (1) shall be reduced to the extent that such amount exceeds the amount that the Secretary estimates will be distributed to the State to make grants under this Act.

(B) Reallotments.—The amount of such reduction shall be reallotted proportionately based on allotments made under subsection (b) to States with respect to which no reduction in an allotment, or in a reallotment, is required by this subsection.

(3) Amounts reallotted.—For purposes of this Act (other than this subsection and subsection (b)), any amount reallotted to a State under this subsection shall be considered to be part of the allotment made under subsection (b) to the State.

(f) Cost Sharing.—

(1) Federal share.—Allotted funds distributed by the Secretary to a State for a fiscal year to carry out sections 7 and 8 may be used by the State to pay—

(A) not more than 90 percent of the cost of each grant made under such sections, in the 1st fiscal year for which the State receives such funds,

(B) not more than 85 percent of the cost of each grant made under such sections, in the 2d fiscal year for which the State receives such funds,

(C) not more than 80 percent of the cost of each grant made under such sections, in the 3d fiscal year for which the State receives such funds, and

(D) not more than 75 percent of the cost of each grant made under such sections, in any subsequent fiscal year for which the State receives such funds.

(2) STATE SHARE.—The non-Federal share of the cost of making such grants shall be paid by the State in cash or in the form of an in-kind contribution, fairly evaluated by the Secretary.

(g) AVAILABILITY OF ALLOTTED FUNDS DISTRIBUTED TO STATES.—Of the allotted funds distributed under this Act to a State for a fiscal year—

(1) not less than 67.5 percent shall be available to the State for grants under section 7,

(2) not less than 22.5 percent shall be available to the State for grants under section 8, and

(3) not more than 10 percent shall be available to pay administrative costs incurred by the State to carry out this Act.

SEC. 7. CHILD CARE PROVIDER RETENTION AND DEVELOPMENT GRANT PROGRAM.

(a) IN GENERAL.—A State that receives funds allotted under section 6 and made available to carry out this section shall expend such funds to make grants to eligible child care providers in accordance with this section, to improve the qualifications and promote the retention of qualified child care providers.

(b) ELIGIBILITY TO RECEIVE GRANTS.—To be eligible to receive a grant under this section, a child care provider shall—

(1) have a child development associate credential or equivalent, an associate of the arts degree in the area of child development or early child education, a baccalaureate degree in the area of child development or early child education, or a baccalaureate degree in an unrelated field, and

(2) be employed as a child care provider for not less than 1 calendar year, or the program equivalent of 1 calendar year if then employed in a child care program that operates for less than a full calendar year, ending on the date of the application for such grant, except that not more than 3 months of education related to child development or to early child education obtained during a calendar year may be treated as employment that satisfies the requirements of this paragraph.

(c) PRESERVATION OF ELIGIBILITY.—The receipt of a grant under section 8 by a child care provider shall not be taken into consideration for purposes of selecting eligible applicants to receive a grant under this section.

SEC. 8. CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—A State that receives funds allotted under section 6 and made available to carry out this section shall expend such funds to make scholarship grants to eligible child care providers in accordance with this section to improve their educational qualifications to provide child care services.

(b) ELIGIBILITY REQUIREMENT FOR SCHOLARSHIP GRANTS.—As a condition of eligibility to receive a scholarship grant under this section, a child care provider shall be employed as a child care provider for not less than 1 calendar year, or the program equivalent of 1 calendar year if then employed in a child care program that operates for less than a full calendar year ending on the date of the application for such grant.

(c) SELECTION OF GRANTEES.—For purposes of selecting child care providers to receive scholarship grants under this section and determining the dollar amounts of such grants, a State may not—

(1) take into consideration whether a grant applicant is receiving, will receive, or has applied to receive any funds under any other provision of this Act, or under any other Federal or State law that provides funds for educational purposes, or

(2) consider as resources of such applicant any funds such applicant is receiving, may receive, or may be eligible to receive under any other provision of this Act, under any other Federal or State law that provides funds for educational purposes, or from a private entity.

(d) COST SHARING REQUIRED.—The dollar amount of a scholarship grant made under this section to a child care provider shall be less than the cost of the education for which such grant is made.

(e) ANNUAL MAXIMUM SCHOLARSHIP GRANT AMOUNT.—The maximum aggregate dollar amount of a scholarship grant made to an eligible child care provider under this section in a fiscal year may not exceed $1,500.

SEC. 9. ANNUAL REPORT.

A State that receives funds appropriated to carry out this Act for a fiscal year shall submit to the Secretary, not later than 90 days after the end of such fiscal year, a report—

(1) specifying the uses for which the State expended such funds, and the aggregate amount of funds (including State funds) expended for each of such uses,

(2) containing available data relating to grants made with such funds, including—

(A) the number of child care providers who received such grants,

(B) the dollar amounts of such grants,

(C) any other information that describes or evaluates the effectiveness of this Act,

(D) the particular geographical areas selected under section 5 for the purpose of making such grants,

(E) with respect to grants made under section 7—

(i) the number of years grant recipients have been employed as a child care provider,

(ii) the level of training and education of grant recipients,

(iii) the salaries and other compensation received by grant recipients to provide child care services,

(iv) the number of children who received child care services provided by grant recipients,

(v) information on family demographics of such children,

(vi) the types of settings described in subparagraphs (A), (B), and (C) of section 3(a)(1) in which grant recipients are employed, and

(vii) the ages of the children who received child care services provided by grant recipients,

(F) with respect to grants made under section 8—

(i) the number of years grant recipients have been employed as child care provider,

(ii) the types of settings described in subparagraphs (A), (B), and (C) of section 3(a)(1) in which grant recipients are employed, and

(iii) the level of training and education of grant recipients,

(iv) to the extent practicable and available to the State, detailed information regarding the salaries and other compensation received by grant recipients to provide child care services before, during, and after receiving such grant,

(vi) the ages of the children who received child care services provided by grant recipients,

(vi) the number of course credits or credentials obtained by grant recipients, and

(vii) the amount of time taken for completion of the education for which such grants were made, and

(G) such other information as the Secretary may require by rule.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $5,000,000,000 in the aggregate for fiscal years 2002 through 2006 to carry out this Act.

By Mr. MURKOWSKI:

S. 815. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to improve the operation of the Arctic Research and Policy Act. We have about 17 years of experience with this act, and the time has come to make some modifications to reflect the experience we have gained over that time.

The most important feature of this bill is contained in section 4. This section authorizes the Arctic Research Committee, a Presidential Commission, to make grants for scientific research. Currently, the Commission can make recommendations and set priorities, but it cannot make grants. Our experience with the act and the Commission has shown us that research needs that do not fit neatly in a single agency do not get funded, even if they are compelling priorities.

One example is a proposed Arctic contamination initiative that was developed a few years ago after we discovered that pollutants from the Former Soviet Union, including radionuclides, heavy metals and persistent organic pollutants, were working their way into the Arctic environment. It became clear that the job of monitoring and evaluating the threat was too big for any single agency. The Interior Department, given its vast land management responsibilities in Alaska, was interested. The Commerce Department, given its jurisdiction over fisheries issues, was interested. The Department of Health and Human Services, given its concern about the health of Alaska's indigenous peoples, was interested. The only agency that didn't seem interested in the problem, strangely enough, was the EPA, which at the time was in the process of dismantling its Arctic Contaminants program.

Unfortunately, because the job was too big for any single agency, it was difficult to get the level of interagency cooperation necessary for a coordinated program. Moreover, agencies were unwilling to make a significant budgetary commitment to a program that wasn't under their exclusive control. If the Arctic Research Commission, which recognized the need, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Arctic contaminants problem than we do today.

Another example is the compelling need to understand the Bering Sea ecosystem. Over the past 20 years we have seen significant shifts in some of the populations comprising this ecosystem. King crab populations have declined sharply. Pollock populations have increased sharply. Steller sea lion populations have declined as have many types of sea birds. Scientists cannot tell us whether these population shifts are due to abiotic factors such as climate change, biotic factors such as predator-prey relationships, or some combination of both. Because the nation depends on this area for a significant portion of all its seafood, this is not an issue without stakeholders. Despite the chorus of interests and federal agencies that have said research is needed, a coordinated effort has not yet occurred. If the Arctic Research Commission, which recognized this need early on, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Bering Sea ecosystem than we do today.

This bill also makes a number of other minor changes in the act:

Section 2 allows the chairperson of the Commission to receive compensation for up to 120 days per year rather than the 90 days per year currently allowed by the Act. The chairperson has a major role to play in interacting with the legislative and executive branches of the government, representing the Commission to non-governmental organizations, in interacting with the State of Alaska, and serving in international fora. In the past, chairpersons have been unable to fully discharge their responsibilities in the 90 day limit specified in the act.

Section 3 authorizes the Commission to award an annual award not to exceed $1,000 to recognize either outstanding research or outstanding efforts in support of research in the Arctic. The ability to give modest awards will bring recognition to outstanding efforts in Arctic Research which, in turn, will help to stimulate research in the Arctic region. This section also specifies that a current or former Commission member is not eligible to receive the award.

Section 5 authorizes official representation and reception activities. Because the Commission is not authorized to use funds for these kinds of activities, the Commission has experienced embarrassment when they were unable to reciprocate after their foreign counterparts hosted a reception or lunch on their behalf. Under this provision, the Commission may spend not more than two tenths of one percent of its budget for representation and reception activities in each fiscal year.

The Arctic Research and Policy Act and the Arctic Research Commission has worked well over the past 17 years. It can work even better with these modest changes. I look forward to working with my colleagues to enact this bill as soon as possible.

By Mr. BREAUX:

S. 816. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise today to introduce legislation allowing certain U.S. legal tender coins to be qualified investments for an individual retirement account, IRA.

Congress excluded "collectibles," such as antiques, gold and silver bullion, and legal tender coinage, as appropriate for contributions to IRAs in 1981. The primary reason was the concern that individuals would get a tax break when they bought collectibles for their personal use. For example, a taxpayer might deduct the purchase of an antique rug for his/her living room as an IRA investment. Congress was also concerned about how the many different types of collectibles are valued.

Over the years, however, certain coins and precious metals have been excluded from the definition of a collectible because they are independently valued investments that offer investors portfolio diversity and liquidity. For example, Congress excluded gold and silver U.S. American Eagles from the definition of collectibles in 1986, and the Taxpayer Relief Act of 1997 took the further step of excluding certain precious metals bullion.

My legislation would exclude from the definition of collectibles only those U.S. legal tender coins which meet the following three standards: certification by a nationally recognized grading service, traded on a nationally recognized network, and held by a qualified trustee as described in the Internal Revenue Code. In other words, only investment quality coins that are independently valued and not held for personal use may be included in IRAs.

There are several nationally recognized, independent certification or grading services. Full-time professional graders, numismatists, examine each coin for authenticity and grade them according to established standards. Upon certification, the coin is sonically-sealed, preserved, to ensure that it remains in the same condition as when it was graded.

Legal tender coins are then traded via two independent electronic networks—the Certified Coin Exchange and Certified Coin Net. These networks are independent of each other and have no financial interest in the legal tender coinage and precious metals markets. The networks function in precisely the same manner as the NASDAQ with a series of published "bid" and "ask" prices and last trades. The buys and sells are enforceable prices that must be honored as posted until updated.

The liquidity provided through a bona fide national trading network, combined with published prices, make legal tender coinage a practical investment that offers investors diversification and liquidity. Investment in these tangible assets has become a safe and prudent course of action for both the small and large investor and should given the same treatment under the law as other financial investments. I urge the Senate to enact this important legislation as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN COINS NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Subparagraph (A) of section 408(m)(3) of the Internal Revenue Code of 1986 (relating to exception for certain coins and bullion) is amended to read as follows:

"(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

"(i) which is or was at any time legal tender in the United States, or

"(ii) issued under the laws of any State, or".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 817. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I stand here before you today to introduce the designation of the Old Spanish Trail as a National Historic Trail. This legislation will amend the National Trails System Act and designate the Old Spanish Trail; which originates in Santa Fe, NM and continues to Los Angeles, CA as a National Historic Trail.

The United Stats of America has a rich history of which, as citizens, we are very proud. Particularly in the west, citizens from all walks of life have deep rooted cultural and historic ties to land throughout the west. The Old Spanish Trail dates back to 1829. The Old Spanish Trail had a variety of uses, from trade caravans to military expeditions. For twenty plus years the Old Spanish Trail was used as a main route of travel between New Mexico and California.

Today, more than one hundred and fifty years after the first caravan on the Old Spanish Trail, the historic character of the trail is tied to its routes in the natural environment and the existence of landscapes along the trail. The Old Spanish Trail remains relatively unchanged from the trail period. It has also been proven that numerous Indian pueblos were situated along the Old Spanish Trail serving as trading centers. The majority of these pueblos are occupied by descendants who contributed to the labor and goods that constituted commerce on the Old Spanish Trail.

The National Trails System was established by the National Trails System Act of 1968 "to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation." Designating the Old Spanish Trail as a National Historic Trail would allow for just what the act has intended, preservation, access, enjoyment and appreciation of the historic resources of our Nation.

By definition under the National Trails System Act of 1968, National Historic Trails are "extended trails which follow as closely as possible and practicable the original route or routes of travel of national historic significance." The main route of Old Spanish Trail travels more than 1,160 miles through the states of New Mexico, Colorado, Utah, Arizona, Nevada and California as well as 33 different counties throughout these states. More than 1,190 miles of Old Spanish Trail are currently managed by the Bureau of Land Management, more than 310 miles are managed by the USDA Forest Service with an additional approximate 120 miles controlled by the U.S. Fish and Wildlife Service. The relative lack of development facilitates public access as well as minimizing potential conflicts with private land uses.

The Old Spanish Trail has been significant in many respects to many different people. The rich history of this trail is something that should not be left out of our National Trails System. Designating Old Spanish Trail as a national Historic Trail will protect this historic route and its historic remnants and artifacts for public use and enjoyment.

By Mr. HATCH (for himself, Mr. TORRICELLI, Mr. KYL, and Mr. MURKOWSKI):

S. 818. A bill to amend the Internal Revenue Code of 1986 to provide a long-term capital gains exclusion for individuals, and to reduce the holding period for long-term capital gain treatment to 6 months, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, on behalf of myself and Senator TORRICELLI, I rise today to introduce the Capital Gains Relief and Simplification Act of 2001. We are joined by Senators KYLE and MURKOWSKI, each of whom contributed to the development of this bill. This is a strong, bipartisan capital gains tax cut package designed to help all investors, but is aimed directly at small investors first.

This bill takes a bottom-up approach to capital gains relief, but offers reduced capital gains rates to all taxpayers. But this is not all. The bill also offers a great deal of simplification for all taxpayers with capital gains to report on their tax returns. Both of these features are important because investment in capital assets has become such an important part of the lives of most Americans.

In looking at the issue of capital gains in 2001, Mr. President, three things are clear. First capital gains and losses are experienced by ordinary Americans and are not just the province of the wealthy. Second, the reporting of capital gains transactions on the tax return has grown very complex and burdensome, and third, capital gains tax rates are too high. These all add up to the need for capital gains relief, and this is what our bill is designed to address.

Long gone are the days when anyone can credibly say that capital assets are only, or even mostly, owned by the rich. A 1992 Treasury study showed that about three-quarters of all families in the U.S. owned capital assets, and this percentage has grown higher since then. That same study showed that 30 percent of the dollar value of all capital assets, excluding personal residences, was held by families with incomes of $50,000 or less in 1992.

More recent data confirm that more and more U.S. families own capital investments. A survey last year by the Federal Reserve showed that stock made up nearly 32 percent of U.S. household wealth in 1999, up from 28 percent the year before. Moreover, another Federal Reserve study showed that in 1998, almost 49 percent of all families directly or indirectly held stock. Among families with annual income of between $25,000 and $50,000, the level was almost 53 percent.

When looking at data on who pays capital gains taxes, we find that many lower- and middle-income Americans are reporting capital gains. In fact, IRS data from the year 1998, the latest available, show that over 25 million returns filed that year reported capital gains. This is about one in five tax returns filed in 1998. Over 40 percent of those reporting capital gains had income of less than $50,000, and 59 percent had income of less than $75,000. Moreover, when looking at the dollar amount of gains reported, we find that 56 percent of all capital gains in 1998 were claimed by taxpayers with incomes of under $75,000.

I believe it is very clear, that capital gains relief is not just for wealthy Americans. It is very much needed by the average American family. It is also clear that reporting capital gains is very complex for most taxpayers.

Millions of Americans hold investments in mutual funds. In fact, according to the Joint Economic Committee, 44 percent of all U.S. households owned mutual funds in 1998, up from just 6 percent in 1980. Most of these mutual funds annually distribute dividends and capital gains to their owners, which must be reported as income on Form 1040 each year. This can be a rather confusing process for many investors, for several reasons.

First, many mutual fund owners routinely reinvest the dividend and capital gains income back into the fund, rather than taking them in cash. Because they receive no cash, it comes as a surprise to some that they must pay tax on the gains at all. Many mutual fund investors were particularly dismayed this past tax filing season, because they had to report capital gains from funds that had decreased in value.

Second, when mutual fund owners sell their interest in a fund, computing the capital gain or loss on the sale can be daunting, particularly if the individual had been reinvesting the dividends and capital gains back to the fund.

Finally, after figuring out what capital gains have been received and how much should be reported, and any gain or loss from a sale of the fund, mutual fund owners, like other investors in capital assets, must then deal with the challenge of reporting capital gains on the complicated Schedule D of Form 1040. This form is confusing at best and exasperating at worst. It consists of 54 lines on two pages, and is accompanied by an 8-page set of instructions with two worksheets. The estimated time to complete this form, according to IRS estimates, is an astounding 6 hours and 48 minutes.

Finally, it is clear that capital gains tax rates are too high. In fact, a new report by Arthur Andersen LLP shows that the average middle-income individual investor faces a combined state and federal capital gains tax burden of 25 percent on long-term capital gains. I want to emphasize that this is the average rate across the U.S. In some states, including my home state of Utah where the rate is 27 percent, the burden is even higher.

These figures may surprise some of our colleagues. After all, many members of this body were present in 1997 when we reduced the maximum capital gains tax rate from 28 percent to 20 percent. The fact is, however, that most states tack a relatively high additional tax on the federal capital gains rate to produce this 25 percent average capital gains tax rate.

This is particularly important in light of the fact that the United States still taxes capital gains more heavily than do most other countries. In fact, a recent survey of 24 industrial and developing countries taken by the American Council for Capital Formation's Center for Policy Research showed an average capital gains rate of 14.5 percent. This is more than 10 percent above the combined average federal-state U.S. rate.

The Capital Gains Relief and Simplification Act we are introducing today is designed to address the problem of too high a tax rate as well as the complexity problem, in a way that is directed to all taxpayers, but especially those in the middle- and lower-income groups.

Let me briefly describe this bill. First, it provides a 100 percent exclusion for the first $1,000 in capital gains for every individual taxpayer. This would be $2,000 for a married couple filing a joint return. Individuals with capital gains below these thresholds would generally not even have to file the confusing Schedule D. Totally avoiding a complex tax form is the ultimate in simplification.

Second, for individual capital gains above the $1,000 (or $2,000) exclusion threshold, the bill provides a 50 percent deduction. The effect of this would be to lower an individual's top capital gains tax rate to exactly half the ordinary income rate. If for example, under current law an investor's marginal tax bracket is 31 percent, the top capital gains rate for that investor would be 15.5 percent.

This deduction approach offers both simplicity, and a greater reduction in rates for those in the lower tax brackets than for those in the highest brackets. For example, compared with current law, a taxpayer in the highest tax bracket of 39.6 percent would find his or her top capital gains tax rate cut from the current 20 percent to 19.8 percent under this bill. An investor in the 28 percent bracket, however, would see his or her top capital gains rate drop from the current 20 percent to 14 percent.

Moreover, under this bill investors would see further capital gains tax rate cuts as the ordinary income tax rates are reduced, as under President Bush's tax plan. For example, those in the proposed 25 percent rate bracket would enjoy a top capital gains rate of just 12.5 percent, while those in lower brackets would see even lower capital gains rates, to the extent their capital gains exceeded the 100 percent exclusion thresholds.

Furthermore, this 50 percent deduction approach also helps with the problem I mentioned before of high combined federal and state capital gains tax rates. Most states use the federal adjusted gross income, AGI, as a starting point for determining state income tax liability. Thus, under current law, all of an investor's capital gains are generally included in the state tax base. Under this bill's exclusion approach, only 50 percent of capital gains over the exclusion would be included in the federal AGI. This means most states would generally only tax a fraction of the investor's capital gains. Therefore, this bill would result in lower federal and state taxes on capital gains.

I would like to mention several other features of the bill. First, it would reduce the holding period of long-term capital gains from one year to six months. According to Bruce Bartlett, a well-known economist with the National Center for Policy Analysis, a holding period requirement for favorable capital gains treatment has several economic costs to investors, the consequences of which may reduce the level of investment. Among these economic costs are a reduction in liquidity and the creation of a lock-in effect that can cause the prices of stock to vary from its real value. Reducing the holding period will reduce these costs and may also increase revenue to the Treasury from capital gains.

Second, the bill increases the amount of capital loss an individual may deduct against ordinary income. Under current law, an individual's capital gains are taxed from the first dollar to the last dollar. However, if an individual suffers a capital loss, and has no capital gains to use to offset the loss, he or she is allowed to deduct only $3,000 of the loss against ordinary income. This is unfair and the amount is too low. Our legislation helps alleviate this problem by increasing the $3,000 figure to $10,000 and indexing it for future inflation.

Finally, the Capital Gains Relief and Simplification Act includes two provisions to help taxpayers who sell their homes and want to take advantage of the principal residence exclusion enacted in 1997. The first one addresses a problem that members of the U.S. uniformed services and Foreign Service sometimes suffer when called away from their homes for work-related purposes. In many cases, they return from these assignments and want or need to sell their principal residence. Because they do not meet the five-year ownership and use test, however, they are denied the full use of the present law exclusion. This bill corrects this inequity by suspending this test during such absences. The provision would also apply to individuals relocated outside the United States by their employers.

The second provision merely indexes for inflation the $250,000 and $500,000 thresholds for purposes of the principal residence exclusion. While these levels might have seemed adequate in 1997, and perhaps even in 2001, inflation will soon cause these thresholds to be worth far less than Congress intended when crafting this provision. We should adjust them now.

This bill represents a win for everybody. All investors win because it would significantly lower the capital gains tax rate and simplify their lives at tax time. Small investors especially win because all or much of their capital gains would escape taxation altogether and they would avoid much of the complexity they currently face with Schedule D. All Americans win because reducing capital gains would increase economic growth and job creation.

I urge my colleagues on both sides of the aisle to take a close look at this legislation and join us in lowering taxes on millions of Americans and striking an important blow for tax simplicity at the same time.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 80—HONORING THE "WHIDBEY 24" FOR THEIR PROFESSIONALISM, BRAVERY, AND COURAGE

Mrs. MURRAY (for herself, Mr. BOND, Mr. MCCAIN, Ms. CANTWELL, Mr. WARNER, Mr. LEVIN, Mr. KENNEDY, Mrs. HUTCHISON, Mr. THURMOND, Mr. AKAKA, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. DURBIN, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 80

Whereas the Electronic Countermeasures Squadron One (VQ-1) at Whidbey Island Naval Air Station performs an electronic reconnaissance mission for the defense of our Nation;

Whereas on April 1, 2001, a VQ-1 EP-3E Aries II electronic surveillance plane collided with a Chinese fighter jet and made an emergency landing at the Chinese military airfield on Hainan Island;

Whereas the 24 crew members on board the plane (referred to in this resolution as the "Whidbey 24") displayed exemplary bravery and courage and the highest standards of professionalism in responding to the collision and during the ensuing 11 days in detention in the People's Republic of China;

Whereas Navy Lieutenant, Shane J. Osborn, displayed courage and extraordinary skill by safely landing the badly damaged EP-3E; and

Whereas each member of the "Whidbey 24" embodies the selfless dedication it takes to defend our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses relief at the release and safe return of the "Whidbey 24" and shares in their families' joy;

(2) applauds the selfless devotion to duty of the "Whidbey 24" who risked their lives to defend our Nation;

(3) praises the "Whidbey 24" for their professionalism and bravery and expresses the admiration and gratitude of our Nation; and

(4) acknowledges the sacrifices made every day by the members of our Nation's Armed Forces as they defend and preserve our Nation.

Mrs. MURRAY. Mr. President, today I introduce a resolution honoring the Whidbey 24, the brave crewmembers of an EP–3 aircraft stationed at Whidbey Island Naval Air Station in my home State of Washington.

On April 1, 2001, a United States EP-3 surveillance aircraft on routine patrol in international airspace over the South China Sea collided with a Chinese fighter jet. The plane carried a crew of 22 Navy personnel, one Air Force officer, and one Marine. Following the accident, the U.S. aircraft and crew plunged as much as 8,000 feet before the crew regained control of the severely damaged aircraft. Navy Lieutenant Shane Osborne, the pilot, and his entire crew displayed extraordinary skill and courage as the aircraft made an emergency landing at the Chinese military airfield on Hainan Island. The 24 crew members were detained on Hainan Island in the People's Republic of China for 11 days as the United States and China negotiated a diplomatic resolution to the aircraft collision and the emergency landing.

When I first heard that an American plane was forced to make an emergency landing in China, like all Americans, I was very concerned. Then I learned that the crew was based on Whidbey Island, and I realized that these men and women were my neighbors—the people I see at the grocery store. The city of Oak Harbor, which is home to the Whidbey Island Naval Air Station, was immensely supportive of the airmen and their families during this incident. The community commenced a "Bring Back VQ–1" campaign to show their support and deep appreciation for the crewmembers and their families. Residents of the city wrapped trees and light poles with yellow ribbons. My Washington, D.C. office distributed yellow ribbons to visitors and other Senate offices in an effort to demonstrate our support in the halls of Congress.

On April 14, 2001, the crew returned safely to Washington State to an emotional "Welcome Home VQ–1" celebration at the Ault Field Hangar at Naval Air Station Whidbey Island. These brave men and women displayed uncommon courage, professionalism, and selfless dedication to duty in the service of our country, from the time of the collision and throughout their 11-day detention. While my resolution seeks to recognize the Whidbey 24, it is equally important to note that thousands of Americans serve just as honorably in service to our country each and every day.

I am so proud of the Whidbey Island community for it handled this incident with great compassion for the families and NAS Whidbey personnel. But we also know that all across America, military families and the American people were standing behind our military personnel. The Whidbey Island community stood tall, proud and patriotic on behalf of the families and the country.

I ask the Senate to join me in recognizing the bravery and determination of the Whidbey 24 throughout a delicate and dangerous ordeal. On behalf of all Americans, I proudly honor them and once again welcome them home.

SENATE CONCURRENT RESOLUTION 35—EXPRESSING THE SENSE OF CONGRESS THAT LEBANON, SYRIA, AND IRAN SHOULD ALLOW REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO VISIT THE FOUR ISRAELIS, ADI AVITAN, BINYAMIN AVRAHAM, OMAR SOUAD, AND ELCHANAN TANNENBAUM, PRESENTLY HELD BY HEZBOLLAH FORCES IN LEBANON

Mr. SCHUMER (for himself, Mr. BROWNBACK, Mr. BAYH, Mr. LIEBERMAN, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. DURBIN, Mr. LEAHY, Mr. FITZGERALD, Mr. SPECTER, and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 35

Whereas on October 7, 2000, Hezbollah units, in clear violation of international law, crossed Lebanon's international border and kidnapped three Israeli soldiers, Adi Avitan, Binyamin Avraham, and Omar Souad;

Whereas on October 15, 2000, Hezbollah announced that it had abducted a fourth Israeli, Elchanan Tannenbaum;

Whereas these captives are being held by Hezbollah in Lebanon;

Whereas the 2000 Department of State report on foreign terrorist organizations stated that Hezbollah receives substantial amounts of financial assistance, training, weapons, explosives, and political, diplomatic, and organizational assistance from Iran and Syria;

Whereas Syria, Lebanon, and Iran voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas the International Committee of the Red Cross has made numerous attempts to gain access to assess the condition of these prisoners; and

Whereas the International Committee of the Red Cross has been denied access to these prisoners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 357. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 357. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 521, between lines 18 and 19, insert the following:

SEC. 405. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) MANDATORY FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated in addition to amounts made available in the Consolidated Appropriations Act, 2001—

"(1) $12,103,000,000 for fiscal year 2002; and

"(2) not more than $18,165,000,000 or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2003 .".

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to receive testimony on the U.S. Department of Interior Fiscal Year 2002 Budget Justification for the National Park Service.

The hearing will take place on Thursday, May 10, 2001, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–354, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shane Perkins of the Committee staff at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, May 2, at 9:30 a.m., in order to receive testimony regarding the science of global climate change and issues related to reducing net greenhouse gas emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 2, 2001, at 10 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, May 2, 2001, at 2 p.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Oceans and Fisheries of the Committee on Commerce, Science, and Transportation be authorized to meet to conduct a hearing on Wednesday, May 2, 2001, at 9:30 a.m., on Individual fishing quotas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 2, 2001, at 2:30 p.m., on cloning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Diane Baker, a fellow in my office, be granted floor privileges during the consideration of S. 1, the Elementary and Secondary Education Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S.J. RES. 13

Mr. NICKLES. Mr. President, I ask unanimous consent S.J. Res. 13 be starprinted with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 3, 2001

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, May 3. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1, the education reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all of our colleagues, the Senate will begin full floor consideration of the education reform bill at 9:30 a.m. tomorrow. Amendments will be offered during tomorrow's session and therefore votes will occur. If the conference report to accompany the budget resolution is received from the House, the Senate will suspend consideration of the education bill to begin consideration of the conference report.

Under the rule, there will be up to 10 hours of debate with a vote on adoption of the budget following the use or yielding back of that time. It is hoped that the Senate can complete action on the conference report prior to adjourning this week.

ADJOURNMENT

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Thursday, May 3, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 2001:

DEPARTMENT OF ENERGY

ROBERT GORDON CARD, OF COLORADO, TO BE UNDER SECRETARY OF ENERGY, VICE ERNEST J. MONIZ, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROY V. BOUSQUET, 6194.

HOUSE OF REPRESENTATIVES—*Wednesday, May 2, 2001*

The House met at 9 a.m.

His Eminence Archbishop Michael J. Champion, Coadjutor to the Primate, Archbishop of Cleveland, Ukrainian Autocephalous Orthodox Church in the U.S.A., offered the following prayer:

O God, we acknowledge Your greatness and power over all things in the universe. We know that our lives, with their accomplishments and goals, their victories and advancements, are like grains of sand in the ocean compared to Your all-knowing and wonderful goodness. Help us to see any progress we make in this life to be truly a gift from You and a reflection of Your loving concern for all humanity.

Teach us to work for peace and justice and to remember that every good thing comes from You above, the God of light. Give us sincere compassion for those who need our help the most and make us always realize that preferential love for the poor and marginalized, whom we are destined to serve, for when we speak on behalf of those who have no voice and work for the betterment of those who otherwise could not help themselves, we are not only doing Your work, but ministering to You in the least of our brothers or sisters.

Guide these women and men, O God, to always work for the type of justice that reflects Your will and bless our Nation along the path of peace. Since You, O God, know the name and need of each person, even from their birth into this world, grant all people of our country the good things for which they ask, and lead us all with Your wisdom and mercy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this question will be postponed until later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire (Mr. SUNUNU) come forward and lead the House in the Pledge of Allegiance.

Mr. SUNUNU led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING HIS EMINENCE ARCHBISHOP MICHAEL J. CHAMPION, ARCHBISHOP OF CLEVELAND, COADJUTOR TO THE PRIMATE, UKRAINIAN AUTOCEPHALOUS ORTHODOX CHURCH IN THE U.S.A.

(Mr. SUNUNU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNUNU. Mr. Speaker, it is my pleasure to rise today and recognize our guest Chaplain, His Eminence Archbishop Michael of the Ukrainian Autocephalous Orthodox Church.

As the Archbishop of Cleveland, His Eminence helps to oversee administration of the Metropolia and is widely recognized in the Orthodox community, both here in the United States and abroad, for the rapid growth of his church. He is also one of the youngest Archbishops in the country, a reflection of His Eminence's vision, energy and leadership skills.

He is a gifted writer and works closely with His Beatitude, Metropolitan Stephan, on several health care initiatives for the indigent, both here and abroad.

At a time when the messages of religious tolerance and religious liberty are more important than ever, we are pleased to hear the words of a spiritual leader whose faith and church have overcome great adversity in the 20th Century to establish a foundation of strength today.

We welcome Archbishop Michael and wish him continued success.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, May 1, 2001, the House will stand in recess subject to the call of the Chair, to receive the former Members of Congress.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. I would like to take this opportunity to welcome everyone here this morning. On behalf of the House of Representatives, I am happy to welcome to this Chamber very good friends of this institution, former Members of Congress. You are not only friends of this institution, you are also friends of ours, and for many of us, and for many of you, we stand on your shoulders. The things that you have accomplished, the works that you have done, we are able to carry on. We are able to carry it on in the way that we have been able to because of your great works that have gone before us.

Every one of the Members here has spent precious years of their life in this chamber. Some of the best years of their lives were spent in this Chamber working to represent the needs and the concerns of the American people.

Your commitment to your Nation did not end when you left Congress. Many of you went on to do other things in public service. Many of you excelled in the private sector. Many of you have continued to serve our Nation in many other honorable ways.

Jack Kemp is one of those people. He is certainly an ideal and worthy choice to receive the Distinguished Service Award that this body, your group, is about to give. After 18 years in Congress, Jack Kemp had still more to do, including his service as Secretary of Housing and Urban Development; and we were all impressed, but not surprised, when Jack was nominated for Vice President in 1996. Today, he has continued to work to advance the kinds of policies he cares about that empower America. He is truly dedicated to the betterment of our Nation, and I say to you, congratulations, Jack.

Finally, I would like to take this opportunity to thank all of the former Members. Thank you for being here and for your continued effort, both home and abroad. Your outreach to college campuses throughout the country helps to strengthen the work of our government and encourage public service. Your support to parliaments

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

around the world is invaluable, and I want to thank you for those efforts.

At this time I would request that the gentleman from Idaho, Mr. LaRocco, Vice President of the Former Members Association, take the Chair.

Mr. LaROCCO (presiding). The Chair would recognize the gentleman from New York, Mr. McNULTY.

Mr. McNULTY. Thank you, Mr. Speaker. On behalf of Minority Leader DICK GEPHARDT and all of the Members of our side of the aisle, we want to welcome all of the former Members of Congress to this session today. It is a great opportunity for us to reminisce.

I personally try never to miss this particular event. I walked into the Chamber and one of the first people I saw was one of my former leaders on the Committee on Armed Services, Sonny Montgomery. Before I came into the Chamber, I had breakfast with my class president, Bill Sarpalius, of the class of 1988. George Sangmeister, another member of our class, is over here. I saw my old buddies, Denny Hertel and Larry LaRocco. Last night at the reception I had a chance to visit with Ambassador Lindy Boggs and thank her for her outstanding service to our country, especially in her latest assignment.

I see so many members of the New York family, Matt McHugh and Bobby Garcia and Norm Lent and Jerry Solomon and Dave Martin, and New York, I am happy to say, is very, very well represented here today.

So, on behalf of DICK and DAVE BONIOR and all of the members of the Democratic Party, I join with Speaker HASTERT and the Republican leadership in welcoming all of you to this session today, and to thank you for your outstanding service to our country, and for reminding us of our great history and our heritage.

Thank you very much.

Mr. LaROCCO. The Clerk will call the roll of the former Members of the House and the Senate who are present today.

The Clerk called the roll of the former Members of the Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 31ST ANNUAL SPRING MEETING, MAY 2, 2001

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

William V. (Bill) Alexander, Arkansas
Bill Barrett, Nebraska
J. Glenn Beall, Jr., Maryland
Tom Bevill, Alabama
Lindy Boggs, Louisiana
William Broomfield, Michigan
Glen Browder, Alabama
Clarence "Bud" Brown, Ohio
James Broyhill, North Carolina
John H. Buchanan, Jr., Alabama
Jack Buechner, Missouri
Beverly Byron, Maryland
Elford A. Cederberg, Michigan
Charles Chamberlain, Michigan
Norman E. D'Amours, New Hampshire
Joseph J. DioGuardi, New York
John N. Erlenborn, Illinois
Lou Frey, Jr., Florida
Robert Garcia, New York
John Paul Hammerschmidt, Arkansas
Robert W. Hanrahan, Illinois
Ralph R. Harding, Idaho
Dennis M. Hertel, Michigan
George Hochbrueckner, New York
Ken Holland, South Carolina
Marjorie Holt, Maryland
William J. Hughes, New Jersey
Robert Kastenmeier, Wisconsin
Jack Kemp, New York
David S. King, Utah
Herbert C. Klein, New Jersey
Ernest Konnyu, California
Steven T. Kuykendall, California
Peter N. Kyros, Maine
H. Martin Lancaster, North Carolina
Larry LaRocco, Idaho
Norman F. Lent, New York
Tom Lewis, Florida
Jim Lloyd, California
Catherine Long, Louisiana
Daniel E. Lungren, California
Connie Mack, Florida
David O'B. Martin, New York
Bob McEwen, Ohio
Matthew F. McHugh, New York
C. Thomas McMillan, Maryland
Lloyd Meeds, Washington
Robert H. Michel, Illinois
Clarence E. Miller, Ohio
G.V. "Sonny" Montgomery, Mississippi
John Myers, Indiana
Richard D. "Dick" Nichols, Kansas
Ed Pease, Indiana
Howard W. Pollock, Alaska,
Don Ritter, Pennsylvania
Carlos Romero-Barcelo, Puerto Rico
George E. Sangmeister, Illinois
Bill Sarpalius, Texas
Richard T. Schulze, Pennsylvania
Bud Shuster, Pennsylvania
Carlton R. Sickles, Maryland
Jerry Solomon, New York
Jim Symington, Missouri
Steve Symms, Idaho
Charles W. Whalen, Jr., Ohio
Harris Wofford, Pennsylvania
Howard A. Wolpe, Michigan
Joe Wyatt, Jr., Texas

□ 0915

Mr. LaROCCO. The Chair announces that 53 former Members of Congress have responded to their names.

The Chair recognizes the distinguished majority leader of the House, the gentleman from Texas (Mr. ARMEY), for the purpose of making some remarks to the association.

Mr. ARMEY. Well, good morning. I look around the room, I think I know most of you, and it is nice to see a lot of your faces back. Sonny, we will probably have a veterans bill on the floor later today by unanimous consent.

It is so nice to see all my good friends, Bob Michel, who is a bit of a mentor and a somewhat frustrated disciplinarian in my case for a lot of years. I see Jerry. And, oh, look here. Bill, how are you? A true mentor. I was thinking about this this morning as I was coming in here. Joe, how are you this morning? One of the things that has been a blessing in my life, and some of you remember when I came here. I was what was known as a bomb thrower. I still am, am I?

You know, you come to this body, I think, without any full appreciation of what this institution is. Then yesterday I happened to be downtown; and as we were driving back toward the Capitol, I looked up and I saw the dome, and I had two or three of my young staffers, and I began to comment that it is a big deal where we work and are we not privileged to be here. And I think that one of the things that we develop over here is a genuine love for this institution.

I am sure that some of you remember, frankly, my lack of understanding of that, appreciation for it and respect for it, and thought, as a young new Member, that this guy will never come to this point. Well, let me just say I believe I have come to the point that you have come to and that has brought you back today. We love this House of Representatives. I consider it the most unique institution of democracy in the world. There is nothing really quite like it. And for you and me, we have had, I think, an extraordinary privilege, a privilege that unfortunately we do not always fully respect during the time we are here.

Let me first thank you for coming back here as you have done to pay respect to this institution and to honor this institution; and let me ask you, as you visit with some of us that are still here, particularly some of us that are new here that you may know, that maybe replaced you, take the time, take a chance on us and give us a word of encouragement to come and know the love of this House. It is a special place. We have been so privileged to serve here together. We have learned a lot from one another, we have learned that we can filter through this love of the institution a respect for one another and our differences.

For me, of course, the unbelievable privilege of being the majority leader of the House, being trusted by my colleagues to schedule the House, this prompted a discussion with former Speaker Jim Wright. Some of you may recall that when Speaker Wright was here and we were in the minority he and I did not necessarily have the most cordial relationship. But Jim asked me, he said, "Dick, is there anything you have learned while being majority leader?" I said, "Yes, Jim, I learned I should have had more appreciation for you when you had the job."

So help us, if you will, to know what you now know, that has brought you back here today. This is a wonderful institution. We are privileged to be here. We ought to first manifest our love for this institution and through that perhaps gain some regard and respect, appreciation, patience, and good humor between ourselves even in the heat of our debates.

Thank you for coming back. Thank every one of you so much for what you did for me. I see so many people here that helped me, encouraged me along the way. Bob, if you think it is hopeless to try to discipline that ARMEY, you have a soul mate, my wife has the same feeling. So in the House or the house in Texas, I am still incorrigible. We will try to at least be good natured and well-mannered while being incorrigible.

Thank you for letting me be here.

Mr. LAROCCO. At this time the Chair would recognize the gentleman from Illinois, the Honorable John Erlenborn, president of our association.

Mr. ERLENBORN. Thank you, Mr. Speaker pro tempore. My colleagues, members of the Former Members Association, and others who are here today with us, first of all, let me say that right now represents for me a somewhat unique situation. After 20 years in Congress, this is the first time I have spoken from the Democratic podium, but I wanted to highlight our bipartisan nature today.

Mr. Speaker, thanks to you and to all of you who have come here today. We are especially grateful to the Speaker, DENNIS HASTERT, for taking time from his busy schedule to greet us, and for Representative MICHAEL MCNULTY for his warm welcome on behalf of the Democratic leadership.

It is always a privilege to return to this institution which we revere and where we shared so many memorable experiences. Service in the Congress is both a joy and a heavy responsibility. And whatever our party affiliation, we have great admiration for those who continue to serve the country in this place. We thank them all for once again giving us this opportunity to report on the activity of our association of former Members of Congress.

This is our 31st annual report to Congress, and I ask unanimous consent, Mr. Speaker, that all Members be permitted to revise and extend their remarks.

Mr. LAROCCO. Without objection, so ordered.

Mr. ERLENBORN. Our association is nonpartisan. It has been chartered, but not funded, by the Congress. We have a wide variety of domestic and international programs, which several other members and I will discuss briefly.

Our membership numbers approximately 600 former Members of the House and the Senate, and our purpose is to continue in some small measure the service to this country that we began during our terms in the Senate and the House of Representatives.

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Our most significant domestic activity is our Congress to Campus Program. This is an effort, on a bipartisan basis, to share with college students throughout the country our insights on the work of the Congress and the political process more generally. A team of former members, one Republican, one Democrat, spend 2½ days on college campuses throughout the United States, meeting formally and informally with students and members of the faculty and local communities. This is a great experience for our members.

I have made the trip five or six times myself. It has always been enjoyable. But our primary goal is to generate a deeper appreciation for our democratic form of government and the need to participate actively.

Since the program's inception in 1976, 120 former Members of Congress have reached more than 150,000 students through 273 visits to 186 campuses in 49 States and the District of Columbia. In recent years, we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to this program. The Stennis Center pays transportation costs, and the host institution provides room and board.

At this point, I yield to Dennis Hertel, the gentleman from Michigan, to discuss his participation in the Congress to Campus Program.

Mr. HERTEL. Thank you, John.

The Congress to Campus is the major program of our Association, in conjunction with the Stennis Center for Public Service, as was just stated. We send one Republican and one Democratic for 2½ days to various campuses. I have been fortunate enough to go to South Dakota, Mississippi, North Dakota and Oklahoma with Rod Chandler from Washington State, George Wortley from New York, and John Erlenborn, just 2 weeks ago, to Minnesota.

What we do is talk with the students about what our government does and how it works. We are not running from office or seeking anything. They realize that we are going to give them frank answers to their questions. We meet with assemblies, classrooms, small groups and have lunch and dinner with the students. My wife, Cindy, and I have three students in college now, one a first-year law student, and so you can see where our focus and finances are. Sometimes my children ask, where are you going now and why are you going there. They wonder if I have any knowledge to tell these other college students.

The truth is, I learn from the students every time. The things that they are talking about, the questions that they are debating, the questions that they ask us provoke us to reflect on what we have done and what Congress is doing today.

Mainly, we let them see us as people and tell them our history as to how we got involved and how we were elected to Congress and got involved in the political process. Our goal is to combat that cynicism out there and to give them an understanding what this Congress does, but mainly it is to let them know that there are people from the Democratic and Republican parties that care, and to let them know that it is their responsibility to get involved, whether in the community or State, or here in the Congress in the future. I am sure that we have talked to many future leaders, many future Congressmen and Congresswomen.

And I always emphasize that we are not up to 51 percent of the population in the Congress reflecting the Members, even though we have made great strides in terms of the number of women in the House and Senate. It is satisfying and electrifying when I talk to the students, and I thank all former Members who have participated.

Mr. ERLENBORN. One outgrowth of the Congress to Campus Program was an interest in producing a book that would take an inside look at the Congress from different viewpoints. There are many fine books written by individual Members of Congress, but to our knowledge there was no compendium that goes beyond or behind the scenes in a very personal way. So a past president of the association, Lou Frey, recruited 34 members, a congressional spouse, two former congressional staff members, and a former member of the Canadian parliament to write chapters for a book on Congress. Lou and the head of the Political Science Department at Colgate University, Professor Michael Hayes, co-edited the book, Inside the House: Former Members Reveal How Congress Really Works, which was published in March of this year. The book has been very well received and already is in its second printing. We hope that you and others will find it interesting and informative. Lou Frey will tell you more about the book a bit later.

Mr. Speaker, as you know, although many of our former Members live in the Washington area, there are quite a few who reside in other parts of the country. Therefore, in an effort to broaden participation in the Association, we have held some meetings outside of Washington. In recent years, we have held a regional meeting in California each fall. In October of last year, we switched the venue to Texas and held the meeting in Austin. Our former colleagues, Jake Pickle, Jack Hightower, Kent Hance, Joe Wyatt and Bill Patman planned an interesting schedule that included visits to the LBJ Library and ranch, tours of the State capitol building and the governor's mansion, and meetings with students at the University of Texas.

I would like to yield to Bill Sarpalius, the gentleman from Texas, to provide more details about the meeting.

Mr. SARPALIUS. Mr. Speaker, the trip that we had occurred from October 21 through October 25. As the chairman mentioned, the trip began with a trip to San Antonio, where we took a ride down the River Walk and toured one of the famous buildings of United States, which is the Alamo.

The next day we took a private tour of the State capitol, and I might add, the people from Texas made sure that everybody understood that that dome is a little bit taller than the one here in Washington. And we took a private tour of the governor's mansion. But being the last part of October, for some reason the governor of Texas was not there. He was out campaigning for something.

Probably the highlight of the entire meeting and trip that we had was all of us went to the LBJ Library and had lunch with students there, and then we broke up into different classes. Of course, Lady Bird Johnson was there and was a tremendous hostess to us.

To participate in those classes with those students and to see the brilliance of the future generations of these young people and their knowledge of politics, and not only politics in the United States, but politics around the world was extremely impressive.

After the classes, we then took a tour of the LBJ Library, which I personally found, and I have been through that library many, many times, but I recall walking with Jack Brooks and Jake Pickle and Graham Purcell, and we hit a particular spot in that museum where I was facing them, and all of a sudden their expressions changed. We were entering the part that was on the assassination of President Kennedy, and to hear them reminisce of when they were in the motorcade and what they remembered happened at that event was extremely educational to me personally.

The next day the delegation had a private tour of the Nimitz-Bush Pacific War Museum, and then toured the LBJ ranch, and then finished up with dinner in the Lieutenant Governor's Room at the State capitol.

I might add, in closing, that one of the things that I hope we all will recall is that the good Lord has given many, many people the breath of life, and he never created anybody identically the same; we were all created different. But there is one thing that all of us in this Chamber have in common, and that is we were Members of the most powerful governmental body in the world.

We were given that blessing by our constituents, and we were there to try to help the future, but we are cheating the future if we do not take those experiences that we gained and share it with future generations, like the opportunities that we had to participate in speaking to those classes at the LBJ Library in Austin, Texas. It was a wonderful trip.

Mr. ERLENBORN. On December 5, 2000, the Association once again sponsored a "Life After Congress" seminar, a program we have traditionally organized for the benefit of Members leaving Congress. During the seminar, former Members Larry LaRocco, Jack Buechner, Martin Lancaster, Henson Moore, Fred Grandy and I shared our experiences about the adjustments we had to make when we left Congress and how we managed to seek and pursue careers in a variety of fields.

Congressional spouse Leslie Hayes described how members of families of former Members cope with leaving Congress and beginning a new life. In addition, congressional support staff outlined the services available to former Members of Congress. As in the past, the seminar was followed by a reception sponsored by the Association's Auxiliary to afford more time for informal exchanges.

Mr. Speaker, beyond the events we organize here, the Association is very active in sponsoring programs that are international in scope. Over the years, we have gained considerable experience in fostering interactions between the leaders of other nations and the United States. We have arranged more than 424 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual members of Parliament and long-term visits for parliamentary staff, hosted 47 foreign policy seminars in nine countries involving 1,500 former and current parliamentarians, and conducted 18 study tours abroad for former Members of Congress.

The Association also serves as the secretariat for the Congressional Study Group on Germany, the largest and most active exchange program between the U.S. Congress and the parliament of another country. Founded in 1987 in the House and in 1988 in the Senate, it is a bipartisan group involving 170 Representatives and Senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation.

Ongoing study group activities include conducting a Distinguished Visitors Program at the U.S. Capitol for guests from Germany; sponsoring annual seminars involving Members of Congress and the Bundestag; providing information about participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress; and arranging for members of the Bundestag to visit congressional districts with Members of Congress.

New activities are being explored to enhance these opportunities. The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding to assist with administrative expenses has also been received this year from eight corporations: BASF, Celanese, DaimlerChrysler, Deutsche Telekom, J.P. Morgan Chase, S.A.P., Siemens, and Volkswagen, whose representatives now serve on a Business Advisory Council to the study group, which is chaired by our former colleague, former Member Tom Coleman, who served as the chairman of the study group in the House in 1989.

I now would like to yield to the gentleman from Missouri, Jack Buechner to report on the 18th Congress-Bundestag Seminar held in Germany from April 9 to 12 and other study group activities.

Mr. BUECHNER. I thank the gentleman from Illinois for yielding to me. It gives me great pleasure to report on the activities of the Congressional Study Group. This program remains the largest and most active parliamentary exchange between the U.S. Congress and the legislative branch of any other country.

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I would add that I do not think there are any similar programs anywhere in the world that would compare with this program. Currently 170 Members of Congress, 33 Senators, and 137 Members of the House, participate in the activities of the congressional study group. With the inauguration of the 107th Congress, the study group saw significant changes in its congressional leadership.

In the House, JOEL HEFLEY of Colorado assumed the post of chairman and NICK LAMPSON of Texas became the new vice chairman. On the Senate side, TIM JOHNSON of South Dakota remained the Democratic cochair while CHUCK HAGEL of Nebraska replaced Bill Roth as the Republican cochair.

I would hope everybody would join with me in thanking Bill Roth for the tremendous service and commitment that he gave to this program in his years in the Senate. Under the Study Group's new director, Peter Weichlein, the study group has significantly expanded the number and scope of its activities. However, the two main programs of the group remain its distinguished visitors program at our Capitol and its annual Congress-Bundestag seminar. The Distinguished Visitors Program has hosted numerous high ranking elected and appointed officials of the Federal Republic of Germany here on Capitol Hill.

In this congressional session alone, the study group brought together with Members of Congress Germany's Federal Minister of Economics, Werner Mueller, and just last week the chair of

Germany's CDU party, that is the Christian Democrats, Dr. Angela Merkel, who quite possibly could be elected Germany's next Chancellor in 2002.

I now have had the pleasure of attending several Congress-Bundestag seminars. The annual meeting arranged by the Congressional Study Group on Germany that brings together Members of Congress and their confreres from the Bundestag for in-depth dialogue. This is the 18th year the seminar was hosted by the study group and they just seem to be getting better each year, although I would add I think they get colder each year. As we were leaving Usedom, we looked out the window and we were greeted by some good Baltic Sea snow.

GIL GUTKNECHT of Minnesota led a delegation of current and former members first to Berlin and then to Usedom Island from April 7 to April 13. We arrived in Berlin on Sunday, were treated to a private tour of the Reichstag by a member of the Bundestag, Volkmar Schultz. The next morning, we had a working breakfast with Germany's foreign minister. It was over an hour. I would be hard pressed to think that our Secretary of State would have given the same greetings and in-depth discussion with Members of the Congress. We also went with the Vice Chancellor, Joschka Fischer, where we discussed global security issues including China and the Middle East. We then traveled to Usedom, which is a beautiful island in the northeastern part of Germany three kilometers from the Polish border.

As you can imagine, as I said before, the second week of April and Usedom in the Baltics, it was a bit cold but that did not deter anyone from having a joyful experience. There were four days of meetings with seven current Bundestag members ranging from the Greens to the Christian Democrats. Our discussion focused on domestic issues, especially East Germany 10 years after reunification and the United States under the Bush administration. We also had a dialogue on trade questions, such as the trade implications of EU expansion to the east. We discussed security policy issues, for example, NMD and NATO expansion.

The study group also organized several memorable excursions and activities. For example, we toured Peenemunde where Werner von Braun and his team developed rocket technology still in use today. We were flown by military helicopter to Eggesin Army Base where the German, Polish, and Danish troops form the tri-national corps. Here we were briefed on the Kosovo mission. We witnessed several troop exercises which are used to prepare the soldiers for their Balkan mission.

The activities of the Congressional Study Group on Germany as highlighted by the annual seminar are quite impressive and they serve an important purpose of providing current Members with the opportunity to communicate with legislators from one of our most important allies and trade partners. The Association of Former Members, through this program, provides a very unique and vital service to the current Members. I believe the Congressional Study Group on Germany is an excellent example of how the talents and efforts of former Members can be used to benefit current Members and to a larger extent the public. I thank you.

Mr. ERLENBORN. Our association also serves as the secretariat for the Congressional Study Group on Japan. Founded in 1993 in cooperation with the East-West Center in Hawaii, it is a bipartisan group of 86 Members of the House and the Senate with an additional 49 Members having asked to be kept informed of the study group activities. In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the study group arranges monthly briefings when the Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japan relationship. The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

In 1999, the association began a parliamentary exchange program with the People's Republic of China. In October of that year with funding from the U.S. Information Agency, the association hosted a delegation of nine members of the National People's Congress of China in Washington. This program marked the inauguration of the U.S.-China Interparliamentary Exchange Group whose members are appointed by the Speaker. The visit included in-depth discussions between Members of the two Congresses as well as meetings by members of the Chinese delegation with high level executive branch representatives, academics, and business representatives.

In 2000, the association received a grant from the Department of State to continue this exchange program by arranging a visit to China by members of the exchange group. The trip to China, which is scheduled to take place in August of this year, will include stops in Beijing for in-depth discussions with members of the National Peoples Congress of China and meetings with other government representatives and in Tibet to observe conditions there.

The association also has received funding from private sources to initiate a Congressional Study Group on China which will hold monthly meetings at the Capitol for current Members to discuss with American and Chinese experts topics of particular concern in this important relationship. We believe the current situation with China underscores the need for forthright and open dialogue between the leaders of the United States and China, and we are working with the leaders of the U.S.-China Inter-Parliamentary exchange group to encourage the continuation and expansion of this vital dialogue.

The U.S. Congress and the Congress of Mexico have been conducting annual seminars for 40 years under the auspices of the U.S.-Mexico Inter-Parliamentary Group. However, there is little interaction between legislators from these two countries during the rest of the year. The association hopes to initiate a Congressional Study Group on Mexico, with funding from the Tinker Foundation, so that Members of Congress can meet on a regular basis with visiting American dignitaries and other experts about various aspects of the U.S.-Mexico relationship.

These plans have been delayed by the advent of new administrations both in the United States and Mexico. However, knowing the importance placed on both new Presidents and the U.S.-Mexican relationship, it is anticipated that this program will get under way in the near future. In the aftermath of political changes in Europe, the association began a series of programs in 1989 to assist the emerging democracies of central and eastern Europe.

With funding from the U.S. Information Agency, the association sent bipartisan teams of former Members of Congress, accompanied by either a congressional or a country expert to the Czech Republic, Slovakia, Hungary and Poland for up to 2 weeks. They conducted workshops and provided instruction on legislative issues for new members of parliament, their staffs and other persons involved in the legislative process. They also made public appearances to discuss the American political process. In addition, the association brought delegations of members of parliament from these countries to the United States for 2-week visits.

With funding from the USIA, the association sent a technical advisor to the Hungarian parliament from 1991 to 1993. With financial support from the Pew Charitable Trust in 1994, the association assigned technical advisers to the Slovak and Ukrainian parliaments. This initial support was supplemented by other grants to enable the Congressional Fellows to extend their stays. From 1995 through 2000, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the association managed a highly successful program that placed Ukrainian students in internships with committees, legislative support offices, and leadership offices of the Parliament of Ukraine. This program met not only the Parliament's short-term need of having a well-educated, motivated, and professionally trained staff to conduct its current legislative work effectively, but also the longer term need to develop a cadre of trained professionals. Former Members of Congress visited Ukraine from time to time to assist with these efforts by meeting with the students involved in the program as well as with Ukrainian government leaders.

At the end of 2000, the association turned over the administration of this program to local Ukrainian management to ensure its long-term viability. Two independent Ukrainian groups, one academic, and the other the Association of Ukrainian Deputies, have committed themselves to maintaining the high professional standards in the nonpartisan selection process.

The Ukrainian program proved to be an excellent pilot that was well worth replicating in other emerging democracies, particularly in the Central/East European and NIS areas. In late 1999-early 2000, under a grant from the National Democratic Institute for International Affairs, with funding from the Agency for International Development, the association sent a congressional staff member to Macedonia for 6 months. He selected university students and recent graduates in that country and trained them to provide research and drafting services to the Members of Parliament who lacked such resources. A young Macedonian lawyer worked with our congressional fellow and assumed the management of the program upon his return to the United States. I was privileged to have traveled to Macedonia in January of 2000 to confer with Members of the Macedonian Parliament concerning the intern program that we had established for them.

I believe that one of the most important programs the association has undertaken is providing help to emerging democracies, especially their parliaments. The transition from the old ways to democratic governments is a basic test of the success of the newly emerging democracies. Similar problems are being faced by all of them with varying successes. I believe the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide the resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and in Congress. We cannot expect other countries to adopt our ways, but we can help them identify the basic elements of a free, representative government sensitive to the traditions of their country. I believe that each and every one of us, having served our country in the past, still has the urge to serve in some capacity. With our experience, we can help other countries move toward responsive democratic governments. It would be a shame to waste the resource that we represent. I hope that we can have more programs such as those in Ukraine and Macedonia. The association would be happy to respond to requests to assist other emerging democracies.

The association also has been interested in assisting with U.S.-Cuban relations. In December of 1996, we sent a delegation of current and former Members of Congress to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings which was widely disseminated through the media and was made available to Members of Congress as well as to personnel in the executive branch.

A follow-up to this initial study was conducted in January of 1999. Again, the delegation wrote a detailed report of its findings and shared it through media and briefings with congressional leaders and representatives of the executive branch. A final study mission to Cuba took place from May 29 to June 3 of 2000. A delegation led by John Brademas of Indiana and including Jack Buechner of Missouri, Larry LaRocco of Idaho, and Fred Grandy of Iowa met with representatives of the Cuban Government, dissidents and others to assess the present state of the U.S.-Cuba relations.

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This program with Cuba was funded by the Ford Foundation.

I would now like to yield to the gentleman from Idaho, Larry LaRocco, to share his observations from the most recent trip to Cuba; and I will replace the gentleman while he is in the well.

Mr. LaROCCO. Thank you, Mr. President.

I am pleased to report on the third fact-finding mission to Cuba by a bipartisan delegation from the Association of Former Members of Congress. Our trip was just about 1 year ago, from May 26 to June 3, 2000. Our purpose was to explore firsthand the current political, social and economic realities in Cuba and to consider what steps might be taken to improve relations between Cuba and the United States.

Before traveling, we were fully briefed by officials in the Department of State, key Members of Congress, leaders of nongovernmental organizations, and officials of the Cuban Interests Section in Washington, D.C.

Unlike the two previous delegations, we did not travel as a group officially invited by the Cuban Government. We had the appropriate documentation from the U.S. Government, however.

The Cuban Government did not extend an official invitation to the delegation. We were simply issued tourist visas. This unofficial character of the trip allowed us to control our own time, to have a variety of meetings, and to gain a much better idea of what a cross-section of the Cuban population thinks. Unencumbered by the protocol demands that normally accompany an officially approved trip, we were free to visit a wide range of independent organizations, art centers, church and church-sponsored groups, and research centers.

We were also able to attend church services, visit markets, travel into the countryside and talk freely to private citizens. On the ground in Cuba, we heard a remarkably diverse array of voices and observed a highly complex set of political and social circumstances.

The report we wrote upon our return from Cuba reflects the collective deliberations of the delegation, and lists six specific recommendations we all endorsed. We did not attempt to tackle every issue involved in the relations between our countries. In order to make concrete recommendations, we focused, however, on a core of matters that seemed particularly significant to us.

Our recommendations closely paralleled those of the previous two bipartisan delegations. To date, 15 former Members of Congress, eight Republicans and seven Democrats, have traveled to Cuba on these Ford Foundation-sponsored missions. The recommendations of all three delegations have been unanimous and are remarkably similar in terms of their implications for U.S. policy.

I would like to briefly summarize our recommendations: number one, Congress and the administration should begin a phased reduction of sanctions legislation as defined in the Cuban Democracy Act of 1992 (P.L. 102-484) and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, that was known as the Helms-Burton P.L. 104-114. At the time of our report, we supported the enactment of H.R. 3140 and S. 2382 to remove all restrictions on the sales or gifts of food and medicines.

Number two, serious consideration should be given to the establishment of a U.S. bank in Havana, if legislation to authorize the sale of food and medicine is approved by the Congress and the administration.

Number three, opportunities for people-to-people contact between citizens of the United States and Cuba should be expanded, particularly through the two-way exchanges in the fields of education and culture. More links between educational, cultural and nongovernmental institutions in our two countries should also be established.

Number four, the current ceilings on annual remittances from the United States to Cuba should be raised significantly, if not eliminated.

Number five, steps should be taken to facilitate direct flights between the United States and Cuba.

Finally, number six, steps should be taken to improve Internet communications between the citizens of both countries. Initiatives aimed at enabling Cuban citizens to gain greater access to the Internet should be encouraged and support should be given to individuals and entities involved in the creation of Web sites and other electronic platforms aimed at improving mutual understanding between the peoples of the United States and Cuba.

That, Mr. President, and members of the association, is our report. At this time there are no future missions to Cuba that are planned, but we look forward to playing a role in developing better relationships between Cuba and the United States.

Mr. Speaker, that concludes my report on our trip to Cuba.

Mr. ERLENBORN. I must confess that I arranged to have the gentleman from Idaho give this report. For the last 2 years, I was privileged to occupy the Speaker's chair during our report to the Congress. This year, of course, I am enjoying this role; but I hated to relinquish the Speaker's chair, so I made it possible I could occupy it for part of the time at least.

The association organizes study tours for its members and their spouses who at their own expense have participated in educational and cultural experiences in Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America.

In March 2000, 65 association and auxiliary members, spouses and friends, visited Italy where there were three former Members of Congress serving as ambassadors. Our ambassador to the Holy See, Lindy Boggs. Lindy, good to see you here today. George McGovern, who was then ambassador to the Food and Agricultural Organization; and Tom Foglietta, our ambassador to Italy.

In September of 2001, we are planning a study tour to Turkey which will include visits to Istanbul, Ankara, Izmir, and Ephesus, with an optional cruise along the southern coast at the end. The trip will include meetings with Turkish business representatives and government leaders, as well as opportunities to visit many of the historic sites in Turkey. I hope many of our association and auxiliary members will be able to participate in what should be an exceptional opportunity.

Mr. Speaker, as you can see, the association conducts a wide variety of programs and is continuing to expand them. All of this requires financial support. At present, our funding comes from three primary sources: program grants, membership dues, and an annual fund-raising dinner and auction.

On March 6 of this year, we held our fourth annual Statesmanship Award dinner at which our friend and colleague, Norm Mineta, was honored. We presented Norm with the Statesmanship Award in recognition of his service as a Member of Congress, as Secretary of Commerce, as the current Secretary of Transportation and for his many other outstanding achievements.

I would like to thank the gentleman from Florida, Lou Frey, who provided the leadership that helped make our first four dinners so successful, and to yield to him to report on this year's dinner, our plans for next year, and for any additional comments he would like to make about the association's book, "Inside the House," which was mentioned earlier.

Mr. FREY. Thank you, Mr. President. Before we start, I would like to thank you and Larry, Jack Buechner, Tom Downey, Matt McHugh, the executive committee, for the leadership you have given us and given us all an opportunity to put back and continue our public service in a small way.

The fourth annual Statesmanship Award dinner was held on March 6 at the Willard Hotel. It was a sellout with over 460 people attending. As a matter of fact, our honoree, Jack Kemp, called up at the last minute for tickets to go and our staff turned him down since it was a sellout. That was quickly corrected; but you better get your order in early, Mr. Secretary, for that.

As I said, Norm Mineta got the award. We are pleased to report that the revenues for the ticket sales were over $150,000 from it. We had two outstanding auctioneers, Jimmy Hayes and Larry LaRocco. We were joined by a rookie this year, who we gave him a chance to perform for us, TOM DELAY. He performed very well. As a matter of fact, we have asked him back he did such a good job. So we hope he will join our team next year.

We raised over $12,000 from the auction itself. And for those of you who wish, there is still an opportunity left if you see Jack Buechner to have a chance in a raffle that we are continuing.

I put in the RECORD the names of everybody who worked on this dinner for us, who we really appreciate. The next dinner will be March 5 of next year. I know there are people like Jim Lloyd who have been beating on me saying, When is the dinner? I want to go out and sell tickets again. Jim, I appreciate that offer of yours and everybody else's. So we need all of you who served to serve again. Frankly, some of you who have not joined in could really help us because this is really the key fund-raising event for our association. We really need the help.

We have the date for the dinner. It is going to be at the Willard Hotel. I had the opportunity with some of you here to have breakfast with the Vice President, I think a week or so ago, and used that opportunity and our old friendship to ask him if he would receive the award next year; and before his staff could intercede he said yes. I am just putting it on the record now so that we think we have him locked up for it, and he has agreed to come so we have it all set for next year. We just need your help to make it even more successful.

I also want to talk a little bit about the book, "Inside the House," which many of you out here wrote and which we have even got help from our good friend Barry Turner with a chapter which we would not have gotten done without your help, Barry; and we certainly appreciate that. For those of you who have not read it, it is really a good book. Sonny Montgomery called me the other day and he said, that is a pretty good book, and it really is. It is a human look at the Congress. It is a case study of the Congress. It is unique. There is nothing else, to my knowledge and to those of us who have been working on this, that exists.

It is not one person's look at the Congress, but it is 34 people and other people who are looking at it. It is really the human side of it. If you read this book, you will come away, I think, number one, with a feel of how all of us care about this place and what we are doing and how proud of it we are, and the different approaches to it.

I have a bunch of grandkids now, and I am in the reading mode again; and there is that Aesop's Fable, I think, of the seven blind men and the elephant who reach out and touch different parts and talk about it. That is sort of what this book is like. It comes from all different things, from the spouse's standpoint, from the academic standpoint, from Jim Symington talking about how he got into public service, going back to the time that one of his relatives was with Pickett and the other was on the other side of the fight in the same battle, and just different interesting looks at people, how they got there, how they feel and what they do.

Not really to our surprise but to our relief, we have seen some really good reviews from political scientists across the country. It has been covered on C-SPAN. It has been covered up here. We have had it sold out already, another printing coming back. It is being used at the War College out in California. Colgate University is using it.

One last thing I want to say, we really owe a great debt to Professor Michael Hayes. He is the chairman of the Political Science Department at Colgate University, and he really put a lot of work and effort into this. So for those of you who have not had a chance to read it or use it, please do it. It is a good book, and I guess there will be a sequel to it so you will be getting some phone calls in the future.

Mr. ERLENBORN. Would the gentleman from Florida please remain in the well.

I would like to now yield to the gentleman from Missouri, Mr. Symington.

Mr. SYMINGTON. Mr. Speaker, I thank the gentleman from Illinois, our esteemed president, Mr. Erlenborn, for this opportunity to present to the gentleman from Florida, our former president, Mr. Frey, on behalf of the Association of Former Members of Congress, this Moroccan leather-bound copy of "Inside the House," the collection of congressional memoirs, perceptions and insights which he conceived, inspired, doggedly pursued, co-authored and proofread.

Mr. FREY. Not perfectly.

Mr. SYMINGTON. For the edification of students and teachers of government, current and future legislators, and the American people. It is inscribed, "For the Honorable Lou Frey, Jr., with the admiration and esteem of his grateful colleagues."

☐ 1015

Mr. ERLENBORN. Mr. Speaker, in addition to financial support, the Association benefits enormously from the effort and leadership of many people. I want to thank the officers of the Association, Larry LaRocco, Vice President; Jack Buechner, Treasurer; Jim Slattery, Secretary; and Matt McHugh, the immediate past President, and the members of our board of directors and our counselors who are providing the excellent guidance and support necessary to oversee these activities.

In addition, we are assisted by the auxiliary of the Association, now led by Nancy Buechner. We are particularly grateful for their help with the "Life After Congress" seminars and our annual dinners.

Needless to say, our programs could not be so effectively run without the exceptional support provided by our staff, Linda Reed, Executive Director; Peter Weichlein, Program Director, with special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, Executive Assistant; and Jamie Pearson, Receptionist. Many thanks to all of you.

The Association also maintains close relations with the counterpart associations of former members of parliaments in other countries. I am pleased to recognize and welcome Barry Turner, the President of the Canadian Association of Former Parliamentarians, and Richard Balfe, Member of the European Parliament, who are here to find out some of the ways that our Association has functioned over the past and as part of an effort of beginning a new former Members of the European Parliament Association. I hope that you have found a lot of help here with some ideas for your new association.

Mr. Speaker, it is now my sad duty to inform the House of those persons who have served in Congress and have passed away since our report last year. The deceased Members of Congress are:

Homer E. Abele, Ohio;
William H. Ayres, Ohio;
Herbert H. Bateman, Virginia;
Marion T. Bennett, Missouri;
William T. Cahill, New Jersey;
Alan Cranston, California;
Paul D. Coverdell, Georgia;
Julian C. Dixon, California;
Henry B. Gonzalez, Texas;
Paul G. Hatfield, Montana;
Allan T. Howe, Utah;
Robert J. Huber, Michigan;
James M. Leath, Texas;
John V. Lindsay, New York;
Koln G. McKay, Utah;
James D. "Mike" McKevitt, Colorado;
Helen S. Meyner, New Jersey;
James H. Morrison, Louisiana;
John O. Pastore, Rhode Island;
L. Richardson Preyer, North Carolina;
William J. Randall, Missouri;
John G. Schmitz, California;
Timothy P. Sheehan, Illinois;
Norman Sisisky, Virginia;
Joe Skubitz, Kansas;
William G. Stratton, Illinois;
Bruce F. Vento, Minnesota;
E.S. Johnny Walker, New Mexico;
Sidney R. Yates, Illinois.

I respectfully ask all of you to rise for a moment of silence in their memory.

Thank you.

As you know, each year the Association presents a Distinguished Service Award to an outstanding public servant, and, Jack, I know you have been waiting, thinking we were bringing the program to a conclusion without remembering your part in this ceremony today.

The award normally rotates between the parties, as do our officers. Last year, we became totally nonpartisan and presented the award to former House Chaplain James David Ford. This year, we are pleased to be honoring an outstanding Republican, Jack Kemp.

Jack is a native of California. After graduation from Occidental College, he began his 13-year career as a professional football quarterback. After serving as captain of the San Diego Chargers, he moved east and became captain of the Buffalo Bills, whom he quarterbacked to the American Football League championship in 1964 and 1965, when he was named the league's Most Valuable Player. He cofounded the American Football League Players Association and was five times elected president of that association.

His public service began with 18 years of service from 1971 to 1989 in the House of Representatives, representing the Buffalo area and western New York, during which he served for 7 years in the Republican leadership as Chairman of the House Republican Committee. After leaving Congress, Jack served for 4 years as Secretary of Housing and Urban Development. In 1995, he served as Chairman of the National Commission on Economic Growth and Tax Reform. Jack received the Republican Party's nomination for Vice President in August of 1996, and since then has campaigned nationally for reform of taxation, Social Security and education.

Jack currently is codirector of Empower America, a public policy and advocacy organization that he founded in 1993 with William Bennett and Ambassador Jeane Kirkpatrick.

Jack, will you please come and join me in the well.

To the gentleman from New York, on behalf of the Association, I am delighted to present our Distinguished Service Award to you, Jack. The plaque is inscribed as follows.

Here, I will let you read along to see if I get it right.

Mr. KEMP. I trust you.

Mr. ERLENBORN. "Presented by the U.S. Association of Former Members of Congress to the Honorable Jack Kemp for your outstanding performance in the world of sports, public service and private life. As a star professional football player, a Member of Congress for 18 years and a member of the leadership of the Republican Party, you distinguished yourself. Your nomination for Vice President in 1996 and service as Secretary of Housing and Urban Development for 4 years added to an already impressive list of accomplishments. We know that you still are dedicated to public service, and we salute you. Washington, D.C., May 2, 2001."

Jack.

Mr. KEMP. Thank you.

Mr. ERLENBORN. Jack, I also am pleased to present you with a scrapbook of letters from your colleagues offering their congratulations, along with mine, for this well-deserved symbol of our respect, appreciation and affection.

We would be pleased to receive some comments from you.

Mr. KEMP. Well, first of all, thank you so very much. It is a great honor. John, thank you for your kind comments.

I just have a few remarks that I would like to make. I ask unanimous consent to revise and extend my remarks.

Mr. LaROCCO. So ordered.

Mr. KEMP. Thank you. Like my other speeches.

To be introduced as a former professional football quarterback and a former Member of the House of Representatives and a former Secretary of Housing and Urban Development and a former next Vice President of the United States for about 2½ months in 1996, my grandson in Seattle, Washington, introduced me to his Sunday school class in Seattle, Washington, one time as "a former very important public serpent."

I am thrilled today to be joined by my wife, Joanne, many of you know her, my granddaughter, Babbi, and daughter, Jennifer. My son, Jimmy was here with his two sons, our 12th and 13th grandchildren. We did not have any grandchildren when I came to Congress. We had four children. They subsequently all got married and have wonderful families.

I am very grateful to have served with you, many of you, in this body, to think and reflect upon the wonderful times through which we went, as well as the great challenges that we faced.

It is pretty well-known that I am known as the Hubert Humphrey of the Republican Party. He said one time that he did not think he spoke too long, because he enjoyed every minute of his speeches.

Having served for 18 years in this body, and to hear Members of the House on both sides of the aisle reflect upon this House of Representatives and how much it means to them, I wanted to thank the Association, thank Lou Frey, former President, and you, John, as the new President. Lindy, I too want to salute you as our Ambassador to the Vatican. And to think as I stand here that I served with Hale Boggs.

It is overwhelming to come back. I feel a little bit like I did when I went back to Buffalo for a reunion of my old championship team. They showed a film of my highlights. There were a couple of bubble gum cards and a photograph or two. But they played Gladys Knight and the Pips singing "Memories, the Way We Were."

I can remember watching a football spiral through the air in slow motion, and I realized that I would never throw a football again, maybe with my grandchildren, but not in professional ranks, and I really had a tear in my eye going back and thinking that I would never do that again. And to stand here today in front of you, so many of whom I served with, makes me realize that I will never do this again. I doubt if I will ever give a speech on the floor or from the well of the House.

To look at you and realize the friendships we made, I came during the Vietnam War, there was Watergate, the cul-de-sac of the economy into which we had burst in the late 1970s, inflation, unemployment, an energy crisis of unbelievable proportions. And, Bob Michel, to have served with you and Gerry Ford as my leaders, it really does flood my mind's eye with memories.

But I will not go into it except to say it was the greatest honor of my life, other than to get this award, to be recognized for a legislative career that spanned those 18 years. To see Bobby Garcia over here, with whom one day in the late 1970s when Governor Munoz Marin died and Bobby got up and memorialized him, and I was over on the Republican side, had read about him, never met him obviously, but when Bobby Garcia spoke and CHARLIE RANGEL spoke, I said, would you mind if a Republican helped memorialize the great career and leadership of Munoz Marin?

I got up and I said, he was the author of Operation Bootstrap in Puerto Rico, and I thought, would it not be wonderful, Bob, if we could do that for the South Bronx, and, CHARLIE RANGEL, if we can do it for Harlem, and Buffalo, and Watts, Los Angeles, and East L.A. and East St. Louis and all the areas of urban America that had been troubled by the problems of our deteriorating inner cities.

It was at that moment, having never met Bob and having never met CHARLIE RANGEL, I walked across that center aisle and shook hands, met them, became fast friends of both RANGEL and Garcia, and that became the Enterprise Zone, Operation Bootstrap, that I stole from Luis Munoz Marin.

Every idea I ever had in this body I stole from someone else. The Kemp-Roth bill was stolen from John F. Kennedy; privatization of housing was stolen from Abraham Lincoln's idea of homesteading. I guess my mother was right when she said, ideas, no one has a proprietary right over an idea. They are universal, and when you share them with each other, you do not lose anything. It is a win-win.

I like to think that some of us, and I know that many of you have, have had a huge impact upon this democratic system of ours. I want to thank my colleagues from the Democratic side of the aisle for all that they have meant to me. The Bible says he who wrestles with us strengthens us.

□ 1030

I think I have been strengthened by the debates in this Chamber. I know you have, too. That really means a lot to me.

I appreciate the civility. Yes, we used to go at it hammer and tongs, but there was great civility. I realize that you can disagree without being disagreeable. I must say, some of my best friends are not only on the Republican side of the aisle, but on the Democratic side of the aisle. I appreciate that. The best friends I made in football were the guys who used to beat me up on Sunday, and oh, did they beat me up. But I appreciate that and I am stronger for it.

Many of the ideas I had at HUD came from this body, things that I wanted to do when I got into that huge agency to help urban America.

So I just want to close with the thought that we all served, or many or most of us served, when democracy was in retreat. There was an evil empire. There was a Berlin Wall. There were walls of segregation and discrimination.

Many of them have come down. This hemisphere today, 97 percent of this hemisphere freely elect their leaders. When Buchanan, John Buchanan and I were here, I think it was something like 25 percent. I am reminded of the words of Benito Juarez, the great President of Mexico, who said, "Democracy is the ultimate destiny of all mankind."

I really believe that. I believe that freedom and democracy is the ultimate destiny of all mankind. There is a struggle. There is always a struggle. But we are on the side of history. This House is at the epicenter of a revolution taking place around the world.

So as I conclude my remarks, particularly with a member of the European Parliament here that we all welcome and a great Brit, may I say to all of you, stop and think in this year of our Lord 2001 that 225 years ago on this Earth, think back to July of 1776. There was a Holy Roman Empire. Venice was a Republic. France was ruled by a king, China by an emperor, Russia by an empress, Great Britain was a monarchy, Japan was ruled by Shogun.

All of those regimes and systems have passed into the pages of the history book. There is really only one that has lasted for 225 years with its basic, rudimentary, democratic form of government and Constitution. That is this little experiment in human freedom and democracy founded on the northeastern shores of North America by a group of men and women who founded a nation predicated upon the inalienable right of people to be free, the inalienable right of all of us to freedom and democratic rule, and the inalienable right to life, liberty, and the pursuit of happiness.

It is pretty amazing that those words of Jefferson 225 years ago are quoted from Wenceslaus Square in the Czech Republic in Prague to Tiananmen Square in Beijing. They are not dead, they are alive, and we are part of that history.

I get a chill standing here telling you how honored I am to have been your colleague, to have been your friend, to have wrestled and argued and debated and discussed and talked and talked and talked, I am sure you would think. But how else would people learn if I did not?

Thank you for this award. Thank you for the association. Thank you for your friendship. Thanks for honoring Jack and Joanne Kemp, because I could not have done it without my wonderful partner of 42 years and 13 grandchildren later. Like all of us, that was the greatest decision of my life. I love you.

Mr. ERLENBORN. Thank you again, Jack, for your friendship and service.

Mr. Speaker and members of the association, we are honored and proud to serve in the U.S. Congress. We are continuing our service to our Nation in other ways now, but hopefully ones that are equally as effective.

Again, thank you for letting us return today to this Chamber. This concludes our 31st Annual Report by the U.S. Association of Former Members of Congress. Thank you.

Mr. LAROCCO (presiding). The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the Reading Clerks for inclusion on the roll.

The Chair wishes to thank the other former Members of the House for their presence here today.

Good luck to all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 34 minutes a.m.), the House continued in recess.

□ 1045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 o'clock and 45 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

KEEP PUBLIC LANDS PUBLIC

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the new administration has certainly had its hands full reviewing hundreds of hastily conceived and poorly drafted regulations issued in the waning hours of the Clinton administration.

For example, the Clinton roadless initiative proposes to protect the environment by slamming the door and locking up 58 million acres of public land from public access. Certainly we need to protect our public lands and our sensitive lands, but this rule does not only prohibit the construction of new roads in these areas, it also closes thousands of existing roads used by Americans to enjoy firsthand the beauty of our public lands. Closing off public lands should be made only on a case-by-case basis and not by hurried and executive edicts.

Protecting our pristine environment does not justify banning Americans from accessing and enjoying these lands. We must revise any roadless initiative which would force Americans to experience the beauty of our lands by looking into a photograph instead of experiencing and appreciating nature's magnificence in a firsthand measure.

STRIKING THE GAG RULE

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise as a strong supporter of international family planning and in strong opposition to the antiwoman gag rule which is being debated before the Committee on International Relations right now.

First and foremost, this debate is not about abortion; it is about women dying to the tune of over 600,000 a year. That is the equivalent of a jumbo jet crashing each day. And it is about saving women's lives.

The fact remains that since 1973, no U.S. Federal funds can be used around the world for abortion. Let me be clear: the global gag rule is about restricting foreign nongovernmental organizations in the use of their own money. This language would be unconstitutional in our own country, and it is unconscionable that we are exporting it to some of the world's poorest countries where it affects some of the world's poorest women.

The gag rule is enough to make me gag. It exports the worst of American internal politics. I urge a "no" vote in committee and a "yes" vote for the amendment of the gentlewoman from California (Ms. LEE).

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the HOPWA program, or the Housing Opportunities for Persons with AIDS, is the only Federal program that helps the housing crisis facing people with AIDS.

Rental help, mortgage assistance, help with utility payments, and information on low-income housing opportunities are some of the ways in which HOPWA helps low-income persons with AIDS in securing stable living environments and in living longer and in more productive lives.

Unfortunately, there is an estimated 40,000 new AIDS cases reported every year, and the demands for housing that will provide for the safety and stability for these individuals to benefit from drug treatments greatly outweighs the resources currently available. President Bush, however, has proposed to allocate $277 million in his budget, an increase of $57 million from last year's budget, to address the housing crisis facing people with AIDS.

I urge my colleagues to consider funding HOPWA and alleviate the growing needs of individuals living with HIV and AIDS.

GLOBAL GAG RULE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, family planning saves lives. Whether we are talking about Sonoma County, California, or Somalia, women who have control over their reproductive health are better off, and so are their families. That is why we must repeal the global gag rule.

Denying women around the world access to a full range of reproductive choices not only limits their health care options, it leaves women trapped in abusive relationships; held back by a lack of education and financial stability, and unable to care for themselves and their families. That is not acceptable.

Today, the Committee on International Relations will take up the measure offered by the gentlewoman from California (Ms. LEE) to end the global gag rule. I urge my colleagues on the committee and throughout this House to vote "yes" on her legislation and vote "yes" for women's rights around the world.

Make no mistake, Mr. Speaker, the global gag rule will cost women around the world their lives. Women in the United States may enjoy reproductive freedom today, but our rights are only as safe as the rights of all women.

ESTABLISHMENT OF COMMISSION TO STUDY ASSISTANCE PROGRAMS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am today introducing legislation to establish a commission to take a comprehensive look at assistance programs and ways to reduce the disincentives that result when they are phased out.

Our task must be to help people move from subsidized jobs into self-sufficiency. Current welfare and tax policies put up tremendous roadblocks to that goal, as each time a low-income worker increases his or her income, the Government takes all or most of the increase away.

The miracle is that there are some who, perhaps out of pride, work their way out of this lower-income range. We must focus on this problem and look for solutions. The commission provided for in the legislation I am introducing today will help us do that, and I urge my colleagues to cosponsor this initiative.

THE SELL-OUT OF AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Great Lakes are now open. The first foreign ship to dock in Cleveland, Ohio, carried 10,000 tons of steel from Russia. While mills are closing in Cleveland, Youngstown, and Pittsburgh, steel mills are closing all over America. Ten thousand tons of illegally dumped steel just came in to America. Unbelievable.

Think about it. It is getting so bad the Army almost bought, without Congress' interference, black berets for the Army from China. Beam me up. If our trade program is so good, why does Europe not do it? Why does Japan not do it? Why does China not do it?

I think it is time to put things in order in America, my colleagues. Enough is enough. I yield back the sell-out of America, wholesale, to Communist dictators, and the loss of jobs to these socialist, communist countries.

TRIBUTE TO FORT BRAGG PERSONNEL

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise to congratulate the men and women at Fort Bragg, North Carolina, who once again have earned the Commander-in-Chief Award for the Army Communities of Excellence program.

For those who might not know, this is an award similar to the civilian Malcolm Baldridge Award for Quality. Today, Fort Bragg personnel, both military and civilian alike, will be recognized for a superior level of performance in meeting the needs of its soldiers, family members, and employees.

I have visited a number of military installations throughout the world, and nowhere have I seen better morale than at Fort Bragg. The Commander-in-Chief Award recognizes officially what many of us living in the 8th District of North Carolina already knew: Fort Bragg is the crown jewel of the Army, the epicenter of the universe.

Mr. Speaker, I ask my colleagues to join me in applauding the men and women who make Fort Bragg the finest facility in the Nation and in the world.

CINCO DE MAYO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, this week is the week of Cinco de Mayo, a time to celebrate the courage and bravery of Mexican Americans. Cinco de Mayo, the 5th of May, commemorates the defeat of the French Army, which outnumbered the Mexican Army in 1862.

Cinco de Mayo serves as a reminder that the foundation of this Nation was built by people from many nations and diverse cultures who are willing to fight and die for freedom. The celebration is a symbol of pride, tradition and cultural awareness, a day telling our Nation that we need to come together and learn to respect each other's cultures and traditions in order to understand one another.

I have introduced House Concurrent Resolution 85, which calls for a Presidential proclamation recognizing the struggle of the Mexican American people.

To raise awareness of Cinco de Mayo on Capitol Hill, I have invited the Inland Empire Mariachi Education Foundation of Southern California to perform at the U.S. Capitol. This organization is dedicated to inspiring young people to achieve leadership potential and teaching mariachi music to young people after school and instilling pride in their culture and tradition.

My daughter, Jennifer Baca, is one of the performers; and I am very proud of her. They have traveled from Southern California, and they will be performing here.

We will learn more about the cultures and traditions of the Mexicans on Cinco de Mayo as we all celebrate together.

PROPOSED CHANGE TO AMENDMENT VIII OF THE CONSTITUTION

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, yesterday, Law Day 2001, I introduced House Joint Resolution 46 to change the wording of constitutional amendment VIII.

Last week, the United States Supreme Court decided a case known as Atwater v. The City of Lago Vista. In doing so, they shocked the Nation and those everywhere who believe in rational and traditional limits on the power and reach of government to deal with the people. They concluded that police may arrest and jail people for offenses for which no incarceration may be imposed in upholding the arrest of a mother, in front of her children and her detention until she could arrange to post bail because she was not using her seatbelt.

We used to joke about being arrested for spitting on the sidewalk; now we have life imitating art. Why must common sense be so uncommon in seats of high authority? Why should common sense be so uncommon in the United States?

I do not author constitutional amendments lightly. Restraint is fundamental to the Constitution's survival. But drastic threats to freedom sometimes require drastic measures. This is the only way to overrule the incredibly bad judgment of the majority of Justices on the U.S. Supreme Court. The court's minority is to be commended. They are freedom-loving patriots.

Police States are not the United States. It is time to act. This is the language of the amendment, that says that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments," and I propose to add the language, "including incarceration, before or after trial, for minor offenses not punishable by incarceration," then ending with the word "inflicted."

I would respectfully ask my colleagues to draw together to support this vital change in the most basic law to better protect all who share our most precious values of freedom, better weaving that value into the fabric of our law.

□ 1100

SUPPORT BOYS AND GIRLS CLUBS IN BUDGET PRIORITIES

(Mr. BARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCIA. Mr. Speaker, I rise to speak on a subject that is very dear to my heart, the Boys and Girls Clubs of America. We all know that boys and girls who are involved in their local clubs are less likely to get into trouble and more likely to lead productive and successful lives. Simply put, the 2,850 Boys and Girls Club sites across the country, which are located in our Nation's most at-risk communities, help young people avoid many of the pitfalls into which so many of our youth fall. They provide a springboard for the young men and women to start the rest of their lives.

Mr. Speaker, that is why I was so disappointed to learn that President Bush has cut the funding for the Boys and Girls Clubs. With the well-publicized troubles that many families are experiencing as a result of parents working longer hours each day, and increased concerns regarding juvenile crime, I can think of no better investment that the Federal Government can make than to provide young people with a safe environment in the after-school hours, when they are most vulnerable, which is precisely what the Boys and Girls Clubs do.

Mr. Speaker, I strongly urge all of my colleagues to think about the Boys and Girls Clubs when they consider their budget priorities, and give them the funding that they deserve.

PROVIDING FOR CONSIDERATION OF H.R. 10, COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 127 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 10) to provide for pension reform, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means and the amendment recommended by the Committee on Education and the Workforce now printed in the bill, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill, as amended, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BASS). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and granted a modified closed rule for H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001. The rule provides for 90 minutes of general debate with 60 minutes equally divided and controlled by the chairman and the ranking member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce.

Additionally, the rule waives all points of order against consideration of the bill and against consideration of the amendment printed in the report.

The rule provides that in lieu of the amendments recommended by the Committee on Ways and Means and the Committee on Education and the Workforce, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered as adopted.

The rule also provides for consideration of the amendment in the nature of a substitute, printed in the Committee on Rules report, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided and controlled between a proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this is a fair rule for reform of our Nation's pension and retirement security laws. This is clearly a balanced, bipartisan measure and this rule provides for a minority substitute and comprehensive debate.

Mr. Speaker, in the Second Century, B.C., Cato the Elder, a Roman statesman, orator and writer, noted that "cessation of work is not accompanied by cessation of expenses."

In the next 15 years, some 76 million baby boomers will retire. But less than 40 percent of these retirees have invested enough to enjoy a comfortable, secure retirement.

While people are living longer and healthier lives, our retirement systems simply have not kept pace. According to the Department of Labor, nearly half of all private sector workers will have no pension coverage, and only one-fifth of small businesses with 25 or fewer employees offer a pension plan.

Individual Retirement Accounts provide a critically needed source of retirement savings for millions of workers currently lacking pension coverage, including the self-employed, part-time workers, and many small business employees. These are not the very wealthy, but instead, hard-working, middle-income Americans who would invest and save more money if only it was not for one significant barrier in their way, government regulations.

The $2,000 IRA contribution limit has not been changed since 1981, and a lot has happened in 20 years. The absence of growth in retirement coverage since 1980 is simply unacceptable.

Since 1990, pension coverage has declined from 40 to 33 percent among workers making less than $20,000; and despite record surpluses in the Federal Government, the personal savings rate has dropped every year since 1992 and is at its lowest point in 66 years.

Currently, these high costs and complicated requirements prevent many employers from offering retirement options to their employees. It is time that we simplify the regulatory barriers and update our retirement systems. Let us make it easier for employers to help their employees and easier for employees to help themselves.

The underlying bipartisan bill is critical to the financial and retirement security of countless Americans. H.R. 10 will strengthen Individual Retirement Accounts, 401(k) plans and small business retirement plans, finally bringing retirement savings to the 21st century.

The Comprehensive Retirement Security and Pension Reform Act increases the old IRA contribution limit from $2,000 to $5,000 over the next 3 years for both traditional and Roth IRAs.

One of the most important measures of H.R. 10 is that it includes a fairness provision to allow workers over 50 years of age to catch up in contributions for 401(k) plans by increasing the contribution level immediately.

This bipartisan measure will remove excessive, burdensome and unnecessary Federal regulations, providing relief to American businesses and workers by encouraging small businesses to offer pension plans. By removing these restrictions, Americans will be allowed the freedom to invest in their future as never before.

Mr. Speaker, H.R. 10 is a fair, balanced, and bipartisan plan that will help millions of Americans. I would like to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), and the ranking member, the gentleman from New York (Mr. RANGEL) for their hard work on this measure.

In addition, I would like to commend the gentleman from Ohio (Mr. PORTMAN), and the gentleman from Maryland (Mr. CARDIN), the sponsors of underlying legislation for their dedication to pension and retirement reform.

Mr. Speaker, I would like to remind this body that nearly an identical measure had overwhelming bipartisan support in the 106th Congress. I urge my colleagues to once again support this fair rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes.

Mr. Speaker, this is a modified closed rule. H.R. 10 deserves full and open debate, and an open rule would have ensured that no one would have been shut out of the process.

The gentlewoman from New York (Ms. VELÁZQUEZ) would have been able to offer her amendment to make the benefits of the underlying bill available to employees of small businesses; and the gentlewoman from Maryland (Mrs. MORELLA) would have been able to offer her amendment to make Federal employees eligible to participate in the benefits of the underlying bill.

Nevertheless, Mr. Speaker, I strongly support expanding opportunities for working Americans to save for their retirement, which are the underlying goals for H.R. 10. Congress must ensure that no segment of our workforce is excluded from the opportunity to financially improve their retirement years.

The pressure to save adequately for retirement affects all working Americans. H.R. 10 includes a number of provisions which improve current protections for workers and retirees. It encourages rollovers of pension plans when workers switch employment, and eliminates compensation caps that unfairly affect pension benefits of rank-and-file workers.

Specifically, H.R. 10 increases the annual IRA contributions from $2,000 to $5,000. It increases the amount that individuals can contribute to 401(k) plans from $10,000 up to $15,000. Also, it allows taxpayers age 50 and above to contribute an additional $5,000 to an IRA. The bill allows workers to become vested and eligible for employer-matching contributions in 3 years rather than 5.

Currently, more people are joining the workforce than are receiving pension coverage. Only half of the workforce is covered by a pension plan. And worse, there is reason to believe that it will not provide them with an adequate level of supplemental income in retirement.

Although there is insufficient data to measure contributions and benefits, data from the Federal Reserve shows pension plan contributions declining by 50 percent in recent years. The underlying bill could be strengthened to ensure opportunities for those low- and moderate-income workers with few or no opportunities to save. We must continue to work together to improve this aspect of the bill.

Statistics confirm that low-income workers are far less likely to participate in an employment-based retirement saving plan than workers with higher incomes, even when the plan is available to them. Only 29 percent of full-time workers with earnings below $20,000 annually are covered by pensions. On the other hand, 76 percent of those earning above $60,000 annually have coverage.

During consideration of the underlying bill, my colleagues, the gentleman from New York (Mr. RANGEL) and the gentleman from Massachusetts (Mr. NEAL) will offer a substitute which incorporates the text of H.R. 10, as well as provisions to encourage the participation of low-income workers.

Specifically, the substitute provides a refundable credit for low- and middle-income workers who save for their retirement; and it makes small business employees eligible to claim a tax credit for establishing a qualified pension plan. That is most important.

Mr. Speaker, I urge my colleagues to support these important improvements to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the resolution will be followed by a 5-minute vote on approving the Journal.

The vote was taken by electronic device, and there were—yeas 404, nays 24, not voting 3, as follows:

[Roll No. 92]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Conyers
DeFazio
Deutsch
Filner
Frank
Hastings (FL)
Hilliard
Hinchey
Lee
Matsui
McDermott
McGovern
Neal
Oberstar
Obey
Olver
Owens
Sabo
Sanders
Stark
Tierney
Visclosky
Waters
Watt (NC)

NOT VOTING—3

Johnson (CT)
Moakley
Tiahrt

☐ 1139

Messrs. McDERMOTT, HASTINGS of Florida, NEAL of Massachusetts, DEUTSCH, TIERNEY, OLVER, McGOVERN, and Ms. LEE changed their vote from "yea" to "nay."

Mr. LARSON of Connecticut changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval to the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 377, noes 47, answered "present" 1, not voting 6, as follows:

[Roll No. 93]

AYES—377

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—47

Aderholt
Borski
Brady (PA)
Capuano
Condit
Costello
Crane
English
Etheridge
Filner
Hastings (FL)
Hefley
Hilliard
Hinchey
Hooley
Hulshof
Kennedy (MN)
LoBiondo
Markey
McDermott
McNulty
Miller, George
Moore
Neal
Oberstar
Pallone
Pastor
Peterson (MN)
Ramstad
Rothman
Sabo
Schaffer
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—6

Hutchinson
Jefferson
Johnson (CT)
Meeks (NY)
Moakley
Tiahrt

☐ 1151

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today, I was unavoidably detained and missed rollcall votes Nos. 92 and 93. Rollcall vote No. 92 was on the rule for H.R. 10, "the Comprehensive Retirement Security and Pension Reform Act of 2001. Rollcall vote No. 93 was on approving the Speaker's approval of the Journal. Had I been present, I would have voted "yea" on both the rule on H.R. 10 and on approving the Journal.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 127, I call up the bill (H.R. 10) to provide for pension reform, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS). Pursuant to House Resolution 127, the bill is considered read for amendment.

The text of H.R. 10 is as follows:

H.R. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Simplify and update the minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Protection of investment of employee contributions to 401(k) plans.
Sec. 507. Periodic pension benefits statements.
Sec. 508. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to SAVER Act.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking “$2,000” and inserting “the deductible amount”.

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

“(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

“(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

“For taxable years beginning in:	The deductible amount is:
2001	$3,000
2002	$4,000
2003 and thereafter	$5,000.

“(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2001 or 2002 shall be $5,000.

“(C) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking “in excess of $2,000 on behalf of any individual” and inserting “on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)”.

(2) Section 408(b)(2)(B) is amended by striking “$2,000” and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(3) Section 408(b) is amended by striking “$2,000” in the matter following paragraph (4) and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(4) Section 408(j) is amended by striking “$2,000”.

(5) Section 408(p)(8) is amended by striking “$2,000” and inserting “the dollar amount in effect under section 219(b)(1)(A)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking “$90,000” and inserting “$160,000”.

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking “$90,000” each place it appears in the headings and the text and inserting “$160,000”.

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking “the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$90,000’ ” and inserting “one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$160,000’ ”.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 62” and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 65”.

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking “$90,000” in paragraph (1)(A) and inserting “$160,000”; and

(B) in paragraph (3)(A)—

(i) by striking “$90,000” in the heading and inserting “$160,000”; and

(ii) by striking “October 1, 1986” and inserting “July 1, 2000”.

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

"(B) INDIVIDUALS WHO SEPARATE FROM SERVICE BEFORE AGE 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 207. DEDUCTION LIMITS.

(a) STOCK BONUS AND PROFIT SHARING TRUSTS.—

(1) IN GENERAL.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(b) COMPENSATION.—

(1) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Plus Contributions.—For purposes of this section—

"(1) Designated plus contribution.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) Distributions within nonexclusion period.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) Distributions of excess deferrals and earnings.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) Aggregation rules.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Applicable retirement plan.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) Elective deferral.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) Excess Deferrals.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) Rollovers.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) Reporting Requirements.—

(1) W–2 information.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) Information.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Designated Plus Contributions.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) Conforming Amendments.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catch-up contributions for individuals age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(3) Treatment of contributions.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) Application of nondiscrimination rules.—

"(A) In general.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) Aggregation.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) Eligible participant.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(6) Other definitions and rules.—For purposes of this subsection—

"(A) Applicable employer plan.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) Elective deferral.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) Exception for section 457 plans.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust annually the $5,000 amount in paragraph (2)(A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(H) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) In general.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986; and

(B) modify such regulations to—

(i) reflect current life expectancy; and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) Fresh start.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) Date for regulations.—Not later than December 31, 2002, the Secretary shall issue final regulations described in paragraph (1) and such regulations shall apply without regard to whether an individual had previously begun receiving minimum distributions.

(b) Repeal of Rule Where Distributions Had Begun Before Death Occurs.—

(1) In general.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) Conforming changes.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "for other cases" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) Distributions to surviving spouse.—

(i) In general.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) Certain employees.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "governmental and church plans" and inserting "certain other plans".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 306. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) In General.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) Effective Date.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C). 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) APPLICATION OF SECTION 72.—

"(i) IN GENERAL.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Exception.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) Elimination of form of distribution.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Amendment of ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) Regulations.—

(1) Amendment of internal revenue code.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(2) Amendment of ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(3) Secretary directed.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) Modification of Same Desk Exception.—

(1) Section 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) In general.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) Section 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) Section 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) Effective Date.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) Plans.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 Plans.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) Effective Date.—The amendments made by this section shall apply to trustee-to-trustee transfers after the date of the enactment of this Act.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) Qualified Plans.—

(1) Amendment of internal revenue code.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) Special rule for rollover contributions.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) Amendment of erisa.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) Eligible Deferred Compensation Plans.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) Minimum Distribution Requirements.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) Minimum distribution requirements.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) Inclusion in Gross Income.—

(1) Year of inclusion.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) Year of inclusion in gross income.—

"(1) In general.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) Special rule for rollover amounts.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) Conforming amendments.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) Benefits of tax exempt organization plans not treated as made available by reason of certain elections, etc.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) Special rule for government plan.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) Effective Date.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) Amendment of Internal Revenue Code.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(b) Amendment of ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) In General.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) Special rule in case of certain plans.—

"(i) In general.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) Plans with less than 100 participants.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) Rule for determining number of participants.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) Plans maintained by professional service employers.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) Conforming Amendment.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) Exceptions.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus “(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

“(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

“SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

“(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

“(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term ‘noncompliance period’ means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

“(c) LIMITATIONS ON AMOUNT OF TAX.—

“(1) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

“(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

“(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

“(1) In the case of a plan other than a multiemployer plan, the employer.

“(2) In the case of a multiemployer plan, the plan.

“(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

“(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

“(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

“(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

“(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

“(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

“(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

“(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE INDIVIDUAL.—The term ‘applicable individual’ means, with respect to any plan amendment—

“(A) each participant in the plan, and

“(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

“(2) APPLICABLE PENSION PLAN.—The term ‘applicable pension plan’ means—

“(A) any defined benefit plan, or

“(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

“(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

“(g) NEW TECHNOLOGIES.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

“Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.”.

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

“(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

“(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

“(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

“(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

“(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

“(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

“(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

“(F) The Secretary of the Treasury may by regulations allow any notice under this paragraph to be provided by using new technologies.

“(4) For purposes of paragraph (3)—

“(A) The term ‘applicable individual’ means, with respect to any plan amendment—

“(i) each participant in the plan; and

“(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

“(B) The term ‘applicable pension plan’ means—

“(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h)(3) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special notice rule.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(d) Study.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—

(1) In general.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) Conforming amendment.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) Combining and Aggregation of Plans.—

(1) Combining of plans.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) Exception for multiemployer plans.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsections (b)(1)(A) and (c).".

(2) Conforming amendment for aggregation of plans.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 506. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) In General.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) Nonapplication to previously acquired property.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) Effective Date.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 507. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2)—

"(A) the administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request, and

"(B) the administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) Notwithstanding paragraph (1), the administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall only be required to furnish a pension benefit statement under paragraph (1) upon the written request of a participant or beneficiary of the plan.

"(3) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant, and

"(C) may be provided in written, electronic, telephonic, or other appropriate form.

"(4)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) Conforming Amendments.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 508. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) In General.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Prohibited Allocations of Securities in an S Corporation.—

"(1) In general.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) Failure to meet requirements.—

"(A) In general.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) Cross reference.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) Nonallocation year.—For purposes of this subsection—

"(A) In general.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) Attribution rules.—For purposes of subparagraph (A)—

"(i) In general.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) Deemed-owned shares.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

"(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (9) of section 412(c)(9) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)"; and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan; and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than

120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2003, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "GOVERNMENTAL PLANS".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "EXCEPTION FOR GOVERNMENTAL PLANS".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "GOVERNMENTAL PLANS.—" after "(G)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(2) AMENDMENT OF ERISA.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1)(A) and (2) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 623. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and";

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in subparagraph (B) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b); and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation; whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan shall—

(A) be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accruals will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), include a statement that the rate of future benefit accruals will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2004.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2006" for "2004".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

The SPEAKER pro tempore (Mr. THORNBERRY). In lieu of the amendment recommended by the Committee on Ways and Means and the amendment recommended by the Committee on Education and the Workforce printed in the bill, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is adopted.

The text of H.R. 10, as amended pursuant to House Resolution 127 is as follows:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.
Sec. 209. Availability of qualified plans to self-employed individuals who are exempt from the self-employment tax by reason of their religious beliefs.
Sec. 210. Certain nonresident aliens excluded in applying minimum coverage requirements.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Modifications to minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Provisions relating to hardship distributions.
Sec. 307. Waiver of tax on nondeductible contributions for domestic or similar workers.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Protection of investment of employee contributions to 401(k) plans.
Sec. 507. Periodic pension benefits statements.
Sec. 508. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to SAVER Act.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.
Sec. 708. Studies.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	**The deductible amount is:**
2002	$3,000
2003	$4,000
2004 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2002 or 2003 shall be $5,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62" and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2001".

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

"(B) INDIVIDUALS WHO SEPARATE FROM SERVICE BEFORE AGE 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2001".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2001"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A), (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 207. DEDUCTION LIMITS.

(a) STOCK BONUS AND PROFIT SHARING TRUSTS.—

(1) IN GENERAL.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(b) COMPENSATION.—

(1) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Plus Contributions.—For purposes of this section—

"(1) Designated plus contribution.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) Distributions within nonexclusion period.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) Distributions of excess deferrals and contributions and earnings thereon.—The term 'qualified distribution' shall not include any distribution of an excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) Treatment of distributions of certain excess deferrals.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated plus contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) Aggregation rules.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Applicable retirement plan.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) Elective deferral.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) Excess Deferrals.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(d)(1)) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) Rollovers.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) Reporting Requirements.—

(1) W-2 information.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) Information.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Designated Plus Contributions.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) Conforming Amendments.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 209. AVAILABILITY OF QUALIFIED PLANS TO SELF-EMPLOYED INDIVIDUALS WHO ARE EXEMPT FROM THE SELF-EMPLOYMENT TAX BY REASON OF THEIR RELIGIOUS BELIEFS.

(a) In General.—Subparagraph (A) of section 401(c)(2) (defining earned income) is amended by adding at the end thereof the following new sentence: "For purposes of this part only (other than sections 419 and 419A), this subparagraph shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(b) Simple Retirement Accounts.—Clause (ii) of section 408(p)(6)(A) (defining self-employed) is amended by adding at the end the following new sentence: "The preceding sentence shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 210. CERTAIN NONRESIDENT ALIENS EXCLUDED IN APPLYING MINIMUM COVERAGE REQUIREMENTS.

(a) In General.—Subparagraph (C) of section 410(b)(3) (relating to exclusion of certain employees) is amended by inserting ", determined without regard to the reference to subchapter D in the last sentence thereof" after "section 861(a)(3)".

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catch-up Contributions for Individuals Age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(3) Treatment of contributions.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) Application of nondiscrimination rules.—

"(A) In general.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) AGGREGATION.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(6) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2006, the Secretary shall adjust annually the $5,000 amount in paragraph (2)(A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2005, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 404(j) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MONEY PURCHASE PLANS.—For purposes of paragraph (1)(B), in the case of a defined contribution plan which is subject to the funding standards of section 412, section 415(c)(1)(B) shall be applied by substituting '25 percent' for '100 percent'.".

(D) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(E) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(F) Section 415(c) is amended by striking paragraph (4).

(G) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(H) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(I) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

“Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.”.

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking “A plan” and inserting “Except as provided in paragraph (4), a plan”, and

(2) by adding at the end the following:

“(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

“(A) by substituting ‘3 years’ for ‘5 years’ in subparagraph (A), and

“(B) by substituting the following table for the table contained in subparagraph (B):

“Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. MODIFICATIONS TO MINIMUM DISTRIBUTION RULES.

(a) LIFE EXPECTANCY TABLES.—The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking “FOR OTHER CASES” in the heading; and

(ii) by striking “the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)” and inserting “his entire interest has been distributed to him”.

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking “clause (ii)” and inserting “clause (i)”.

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking “clause (iii)(I)” and inserting “clause (ii)(I)”;

(ii) by striking “clause (iii)(III)” in subclause (I) and inserting “clause (ii)(III)”;

(iii) by striking “the date on which the employee would have attained age 70½,” in subclause (I) and inserting “April 1 of the calendar year following the calendar year in which the spouse attains 70½,”; and

(iv) by striking “the distributions to such spouse begin,” in subclause (II) and inserting “his entire interest has been distributed to him,”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking “50 percent” and inserting “10 percent”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting “or an eligible deferred compensation plan (within the meaning of section 457(b))” after “subsection (e))”; and

(2) in the heading, by striking “GOVERNMENTAL AND CHURCH PLANS” and inserting “CERTAIN OTHER PLANS”.

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking “and section 409(d)” and inserting “section 409(d), and section 457(d)”.

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

“(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 306. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

“(C) any distribution which is made upon hardship of the employee.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 307. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking “or” at the end of subparagraph (A), by striking the period and inserting “, and” at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

“(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer.”

(b) EXCLUSION OF CERTAIN CONTRIBUTIONS.—Section 4972(c)(6) is amended by adding at the end the following new sentence: “Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).”.

(c) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

“(16) ROLLOVER AMOUNTS.—

“(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

“(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

“(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and "(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed, then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

"(10) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) Special rule for rollovers to section 457 plans.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in section 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) Allowance of Rollovers From and to 403(b) Plans.—

(1) Rollovers from section 403(b) plans.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) Rollovers to section 403(b) plans.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) Expanded Explanation to Recipients of Rollover Distributions.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) Spousal Rollovers.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) Conforming Amendments.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Reasonable notice.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor rollover notice after the date of the enactment of this Act, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and

(h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following:

"The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) Application of section 72.—

"(i) In general.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) Applicable rules.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Exception.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) Elimination of form of distribution.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Amendment of ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) Regulations.—

(1) Amendment of internal revenue code.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(2) Amendment of erisa.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(3) Secretary directed.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) Modification of Same Desk Exception.—

(1) Section 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) In general.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "or disposition of assets or subsidiary" in the heading.

(2) Section 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "separation from service" and inserting "severance from employment".

(3) Section 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) Plans.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 Plans.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) Effective Date.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) Qualified Plans.—

(1) Amendment of internal revenue code.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) Special rule for rollover contributions.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) Amendment of erisa.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) Eligible Deferred Compensation Plans.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) Minimum Distribution Requirements.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) Minimum distribution requirements.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) Inclusion in Gross Income.—

(1) Year of inclusion.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) Year of Inclusion In Gross Income.—

"(1) In general.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) Special rule for rollover amounts.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) Conforming amendments.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) Benefits of tax exempt organization plans not treated as made available by reason of certain elections, etc.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) Special rule for government plan.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) Amendment of Internal Revenue Code.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(b) Amendment of ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c), as amended by section 207, is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

"(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) each participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

"(3) Early retirement.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) New Technologies.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.".

(2) Clerical amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(b) Amendment of ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(F) The Secretary of the Treasury may by regulations allow any notice under this paragraph to be provided by using new technologies.

"(4) For purposes of paragraph (3)—

"(A) The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan; and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) The term 'applicable pension plan' means—

"(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h)(3) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special notice rule.—

(A) In general.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) Reasonable notice.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before April 25, 2001, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

(d) Study.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—

(1) In general.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) Conforming amendment.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) Combining and Aggregation of Plans.—

(1) Combining of plans.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) Exception for multiemployer plans.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

"(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

"(B) with any other multiemployer plan for purposes of applying the limitations established in this section.".

(2) Conforming amendment for aggregation of plans.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 506. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(k) PLANS.

(a) In General.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) Nonapplication to previously acquired property.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) Effective Date.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 507. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"Sec. 105. (a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request.

"(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

“(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

“(ii) to a plan participant or plan beneficiary of the plan upon written request.

“(2) A pension benefit statement under paragraph (1)—

“(A) shall indicate, on the basis of the latest available information—

“(i) the total benefits accrued, and

“(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

“(B) shall be written in a manner calculated to be understood by the average plan participant, and

“(C) may be provided in written, electronic, or other appropriate form.

“(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

“(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

“(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.”.

(c) MODEL STATEMENTS.—The Secretary of Labor shall develop a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 508. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

“(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

“(2) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

“(B) CROSS REFERENCE.—

“For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

“(3) NONALLOCATION YEAR.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘nonallocation year’ means any plan year of an employee stock ownership plan if, at any time during such plan year—

“(i) such plan holds employer securities consisting of stock in an S corporation, and

“(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

“(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

“(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

“(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

“(II) paragraph (4) thereof shall not apply.

“(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

“(4) DISQUALIFIED PERSON.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘disqualified person’ means any person if—

“(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

“(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

“(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

“(C) DEEMED-OWNED SHARES.—

“(i) IN GENERAL.—The term ‘deemed-owned shares’ means, with respect to any person—

“(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

“(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

“(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

“(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term ‘member of the family’ means, with respect to any individual—

“(i) the spouse of the individual,

“(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

“(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

“(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

“(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

“(A) the treatment of any person as a disqualified person, or

“(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

“(6) DEFINITIONS.—For purposes of this subsection—

“(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term ‘employee stock ownership plan’ has the meaning given such term by section 4975(e)(7).

“(B) EMPLOYER SECURITIES.—The term ‘employer security’ has the meaning given such term by section 409(l).

“(C) SYNTHETIC EQUITY.—The term ‘synthetic equity’ means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.”.

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting “, section 409(p),” after “409(n)”.

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking “or” at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

“(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) Liability.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) Liability for Tax.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) Definitions.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Definitions.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) Special rules relating to tax imposed by reason of paragraph (3) or (4) of subsection (a).—

"(A) Prohibited allocations.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) Synthetic equity.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) Special rule during first nonallocation year.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) Statute of limitations.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) Exception for certain plans.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) Amendment of Internal Revenue Code.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) Annual valuation.—

"(A) In general.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) Valuation date.—

"(i) Current year.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) Election to use prior year valuation.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Adjustments.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) Amendment of ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)"; and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan; and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Standards for Disallowance.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting "avoidance or" before "evasion".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) Qualified Retirement Planning Services Defined.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Qualified Retirement Planning Services.—

"(1) In general.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) Nondiscrimination rule.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) Qualified employer plan.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury and the Secretary of Labor shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Employees.—In the case of plan years beginning after December 31, 2002, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

(c) Effective Date.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2003, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "Governmental plans.—".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "Exception for governmental plans.—".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "Governmental plans.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) Amendment of internal revenue code.—

(A) In general.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(2) Amendment of erisa.—

(A) In general.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to the extent that they relate to sections 203(e) and 205 of such Act to substitute "180 days" for "90 days" each place it appears.

(3) Effective date.—The amendments made by paragraph (1)(A) and (2)(A) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 and under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 613. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council or any other appropriate, qualified entity.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)—

(A) by striking "There shall be not more than 200 additional participants." in subparagraph (A) and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in subparagraph (A)(i) and inserting "not more than 100 participants shall be appointed under this clause by the President,";

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in subparagraph (A)(ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress";

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) PRESIDENTIAL AUTHORITY FOR ADDITIONAL APPOINTMENTS.—The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this subparagraph additional participants to the National Summit. The number of such additional participants appointed under this subparagraph may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(C) (as redesignated), by striking "January 31, 1998" and inserting "May 1, 2001, May 1, 2005, and May 1, 2009,"for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment";

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report" the first place it appears;

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) CONFORMING AMENDMENTS.—Section 206(f) of such Act (29 U.S.C. 1056(f)) is amended—

(1) by striking "title IV" and inserting "section 4050"; and

(2) by striking "the plan shall provide that,".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended by inserting after "fiduciary or other person" the following: "(or from any other person on behalf of any such fiduciary or other person)".

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraphs:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of the enactment of this Act.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under subparagraph (B) of section 203(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation in connection with any suspension of benefits described in such subparagraph—

(1) in the case of an employee who returns to service under the plan after commencement of payment of benefits under the plan—

(A) shall be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accrual will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), shall include a statement that the rate of future benefit accrual will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

SEC. 708. STUDIES.

(a) MODEL SMALL EMPLOYER GROUP PLANS STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall conduct a study to determine—

(1) the most appropriate form or forms of—

(A) employee pension benefit plans which would—

(i) be simple in form and easily maintained by multiple small employers, and

(ii) provide for ready portability of benefits for all participants and beneficiaries,

(B) alternative arrangements providing comparable benefits which may be established by employee or employer associations, and

(C) alternative arrangements providing comparable benefits to which employees may contribute in a manner independent of employer sponsorship, and

(2) appropriate methods and strategies for making pension plan coverage described in paragraph (1) more widely available to American workers.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary of Labor shall consider the adequacy and availability of existing employee pension benefit plans and the extent to which existing models may be modified to be more accessible to both employees and employers.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study under subsection (a), together with the Secretary's recommendations, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Such recommendations shall include one or more model plans described in subsection (a)(1)(A) and model alternative arrangements described in subsections (a)(1)(B) and (a)(1)(C) which may serve as the basis for appropriate administrative or legislative action.

(d) STUDY ON EFFECT OF LEGISLATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the effect of the provisions of this Act on pension plan coverage, including any change in—

(1) the extent of pension plan coverage for low and middle-income workers,

(2) the levels of pension plan benefits generally,

(3) the quality of pension plan coverage generally,

(4) workers' access to and participation in pension plans, and

(5) retirement security.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2004.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2006" for "2004".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

The SPEAKER pro tempore. After 90 minutes of debate on the bill as amended, it shall be in order to consider the further amendment printed in House Report 107-53, which may be offered only by a Member designated in the report, shall be considered read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill, and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 15 minutes of debate on the bill.

The Chair understands that the representatives of the Committee on Education and the Workforce will manage their time at the outset of the debate.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 10. Improving retirement security is a top priority of this Congress as we work to secure America's future.

Mr. Speaker, improving retirement security is not just about fixing Social Security. It is also about expanding access to private pension plans and making innovations that will maximize every American's opportunity for a safe and secure retirement. We are committed to strengthening the retirement security of workers and their families by expanding pension coverage and protecting their pensions and their retirement savings.

Today, we take up a bill that will directly improve the retirement security of American workers. The Comprehensive Retirement Security and Pension Reform Act of 2001 makes retirement security more available to millions of workers by, one, expanding small business retirement plans, which cover 75 percent of the workforce; two, allowing workers to save more; three, addressing the needs of an increasingly mobile workforce through greater portability; four, making pensions more secure; and five, cutting the red tape that has hamstrung employers who want to establish pension plans for their employees.

This legislation, introduced by my two colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), is truly bipartisan. They have done a great job for this House on this issue over 3 years now, and our committee, the Committee on Education and the Workforce, reported H.R. 10 by a bipartisan voice vote. In July 2000, the House passed a virtually identical bill, H.R. 1102, by a vote of 401 to 25.

The committee has made every effort to maintain this bipartisan approach. Both this Congress and last, we have kept our Democrat counterparts and the administration fully informed as to procedural and substantive issues related to the bill. We have solicited their input and sought to accommodate their concerns. In addition, we have worked closely with our colleagues on the Committee on Ways and Means, and I want to thank the gentleman from California (Chairman THOMAS) and his staff for their help and leadership in moving this bill to the floor.

Rarely has such an ambitious piece of legislation earned such broad support. Today, about 175 Republicans and 130 Democrats are cosponsors of the bill. More than 100 groups have endorsed the bill, both businesses and unions, from AFSCME, the Teamsters, the Laborers International, and the NEA to the U.S. Chamber, the National Federation of Independent Business, the National Association of Manufacturers, the American Benefits Council, and the American Council of Life Insurers.

The bill contains 22 amendments to the Employee Retirement Income Security Act of 1974. The important changes within our committee's jurisdiction include granting relief from excessive PBGC premiums for new small business plans; accelerating the vesting of workers' accounts; repealing and modifying a wide range of unnecessary and outdated rules and regulations; providing more frequent benefit statements to workers; requiring enhanced disclosure and other protections when future pension benefits are reduced, as in the case of conversion to cash balance accounts; and repealing the so-called full funding limit that arbitrarily limits defined benefit plan funding to a less than actuarially sound level.

Pension reform is a critical issue for our Nation's increasingly mobile workforce, and it spans the generation gap. It concerns both younger workers, whose retirement security is most in doubt today, and older workers, the 76 million baby boomers who are now approaching retirement age.

Whether you are an older worker, a member of Generation X or someone who falls in between, we all have a stake in this issue. Through passage of this bill, we can all take credit for making a real difference in the lives of our constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation. I congratulate our friends, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Maryland (Mr. CARDIN), and on behalf of our ranking member, the gentleman from California (Mr. GEORGE MILLER), we extend our appreciation to the gentleman from Ohio (Chairman BOEHNER), and the subcommittee chairman, the gentleman from Texas (Mr. SAM JOHNSON), for their courtesy and cooperation in this bipartisan effort.

I concur with the remarks the chairman just made that this bill will make a positive difference in a lot of people's lives. It will make a difference when people are determining how much they can afford to put into their 401(k) or IRA. It will positively affect that decision, because they will be able to put more in.

It will positively affect people's lives when a small business person sits down at the end of the year and decides what to do with the excess earnings that he or she has generated during the year. Because of so-called overfunding provisions in the present law, we actually have a law that makes it illegal for small business owners to put substantial amounts of money into a pension fund. We agree that the opposite ought to be the case, that we should encourage people to put as much as possible for as many people as possible into their funds, and that is an achievement of this legislation.

□ 1200

It will make a difference when many Americans who have left the workforce for a while want to catch up for the years that they have missed. Whether it was for raising children or for pursuing an education, for various reasons, people leave the workforce. Their income either declines or disappears altogether. They are unable to put money away during those years. When they return to the workforce and wish to catch up for those lost years, there are artificial limitations on what Americans can save.

This legislation removes those artificial limitations and will help many people, especially women, catch up for those missed years in the workforce.

We are particularly pleased that this legislation corrects an unfair and anomalous situation referred to as the section 415 problem. There are many Americans across the country who for years have driven a truck or worked on construction sites or worked for a public employer who have earned substantial pensions, but when they go to collect those pensions when they retire, they find that they cannot collect all that they are entitled to because of an anomaly that exists under section 415 of the Internal Revenue Code.

This bill corrects that problem. It says to those individuals that they will be able to draw down the income that their plan promised them and that they thought they had earned during those years. This is by no means an attribute or asset for people at the very top of the income scale, it is for people that have driven trucks and built buildings and worked in public hospitals and for governments and schools.

It is one of the reasons why this legislation enjoys the support of AFCSME, the National Education Association, and many, many other labor organizations across the country.

We understand, and later there will be an amendment offered that speaks to this point, that there are many Americans left out of the private pension system altogether, about 70 million of them. We believe that our amendment, offered by the gentleman from Massachusetts (Mr. NEAL), cosponsored by myself and others, will help address that problem. But it is clear that the underlying bill achieves a number of positive things for people across the spectrum.

For this reason, I am pleased to join both Republican and Democratic colleagues in support.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I thank our Democratic colleagues for supporting us on this. It is with great pleasure that I rise today, because I think this is the most significant overhaul of retirement law in 25 years.

Twenty-five years ago, it was common for someone to work an entire lifetime in one job and retire with a pension. A generation later, America has a mobile workforce, and it is not uncommon for employees to spend just a few years at one job and then move to another. As a result, it is harder and harder for people to add to their nest egg with employer support.

It is not that employers do not want to help out. It is just that rules and regulations make it difficult. To these Americans, both employers and employees who want to sock away something for retirement, help is on the way. This Comprehensive Retirement Security and Pension Reform Act of 2001 is going to do just that.

As chair of the Subcommittee on Employer-Employee Relations as well as a member of the Committee on Ways and Means, one of my objectives has been to find ways to expand retirement coverage, and I have had a lot of help from my Democrat colleagues and by small businesses, as well as to search for ways to make retirement plans more friendly.

It is no secret that the cooling economy has bothered people, and people have watched their retirement accounts, their balances, fall. Of course, this makes them uneasy. They are saving for their golden years, retirement; and their nest egg is getting smaller and smaller.

It is time to act now. This Congress is going to do that. To better prepare for the day when they no longer show up for work every morning, the best way to give these people peace of mind is to enact H.R. 10. If we want to secure America's future, people have to feel confident about their retirement; and by passing this bill, we have taken a long step toward making them feel that way.

I think this step down the road to strengthening our private employer-based pension system for all Americans, especially for all of the 70 million baby boomers who are nearing retirement age, is very important. We have to continue down this bipartisan path to ensure that our American workers can enjoy their golden years comfortably and securely. Let us pass this bill to protect our seniors.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to our friend, the gentleman from Massachusetts (Mr. TIERNEY), a strong supporter of retiree rights, particularly those in the telecommunications industry, and the author of important legislation in that area.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman not only for the time, but for the tremendous effort he has made in trying to make this decent bill even better.

Mr. Speaker, I am what we might term a conditional supporter of H.R. 10. While I believe that this legislation is in fact a step in the right direction toward ensuring retirement security for Americans, I do not think that this legislation really goes far enough in achieving this goal for everyone.

As it stands, this bill is certainly not as comprehensive as it could be, and is not as comprehensive as it should be, a fact that I think is clearly recognized by those of us who join the gentleman from Massachusetts (Mr. NEAL) in support of his amendment that will be offered in a little while.

Today, despite the best intentions of others, the underlying legislation does not quite live up to its billing. Even more important, it does not quite live up enough to the ideal of this representative body attending to the needs of all the Nation's people.

The Portman-Cardin bill does not have something for everyone, but it certainly has a lot for a few. In fact, the Center on Budget and Policy Priorities has most recently published a paper on this bill based on a rather extensive study.

It finds that while the pension provisions will increase savings for some, it does little or nothing to increase savings for the people who are most in need of our help, low- and middle-income workers that comprise the majority of our workforce.

Specifically, the Institute for Taxation and Economic Policy has found that 76.9 percent of the pension and IRA tax reductions that will result in this bill would go to people making $67,000 or more. So if you earn less than $66,000, you will not be able to expect as much as you should if the bill becomes law in its current form.

That same institute has also found that less than 1 percent of the pension and IRA tax provisions of this bill would go to persons making 25 percent or less. That is 40 percent of our Nation's working population. I want to repeat that for those who might not have heard what I just said. Forty percent of the members of our workforce will receive only 1 percent of the benefits yielded as a result of this bill.

Fortunately, we have a way to make this bill actually work better for all people. We can do that. The way to do it is to adopt a substitute that will be offered a little while later.

As we have heard and we will hear again, that substitute would leave intact the base bill and add a few provisions that, by their addition, actually make this a bill that we can be proud of and a bill that would truly make a difference.

As we know, the version of this legislation being considered in the Senate includes measures that would address the needs of those low- and moderate-income savers who contribute to retirement plans. This amendment seeks to bring H.R. 10 more in line with that version.

Specifically, what this amendment would do is simply expand the existing pension coverage for those who currently contribute to pension plans, but also extend it to those who, for whatever reason, do not and cannot.

The fact is that when weighed against paying medical bills, planning for a child's college education, and making mortgage payments, retirement planning remains a low priority for many families and working people.

Mr. Speaker, this is a legitimate concern that I do not believe H.R. 10 alone takes any significant steps to address.

One final point, Mr. Speaker. If the argument is ever raised that the provisions of this bill are too expensive, let us remember that it is only a fraction of the cost of the base bill, and we have started in this body to have the majority try to give away billions of dollars to the wealthiest 2 percent through estate tax provisions.

We can do better. We should do better with this bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the gentleman from Texas (Mr. SAM JOHNSON) will control the time of the gentleman from Ohio (Mr. BOEHNER).

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to comment that this bill has helped small businesses, those with less than 50 employees, right on down to one. So in order to help those guys who have not in the past been able to fund retirement plans, they now can, if this bill passes.

Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as an original cosponsor of this bill, I rise in strong support of it. I want to associate my comments and observations about the merits of the bill with what the gentleman from Ohio (Chairman BOEHNER) and our colleague, the gentleman from Texas (Mr. JOHNSON), have said.

I also want to say that the legislation is overdue, as has already been pointed out, but that it is particularly appropriate at this time because it has strong support from both employers and employees and is the kind of tax reform that will help Americans save and invest in the future. It complements the tax bill that we are soon to have enacted into law.

I guess I just want to say that I am very confident that President Bush will be signing this legislation in the near future. When it was passed last year it had overwhelming support, bipartisan support; and I fully expect that this will be a supplement to tax reform this year.

This legislation has vast bipartisan support including over 300 cosponsors. Last year, the same legislation passed by a vote of 401 to 25.

Mr. Speaker, this legislation is vitally needed. Only half of all private sector workers have any kind of pension and only 20 percent of small businesses offer retirement plans.

H.R. 10 allows workers to save more money in their IRAs and 401(k) plans. Congress has not raised the contribution limits on IRAs and pensions since the early 1980s. This legislation is timely because it addresses a very real and growing concern for millions of Americans trying to figure out how best to save for their retirement. With this bill, we can change the retirement outlook for millions of Americans.

The provisions in this bill are the most significant expansion of pension law in recent history. Both employers and employees are encouraged to create and participate in pension plans.

Specifically, the current $2,000 IRA contribution limit for both traditional and Roth IRAs are increased to $5,000 by 2003 and indexed for inflation thereafter.

Second, the bill provides increased contribution limits on pre-tax salary contribution to pension plans. For example, the limit on salary reduction contributions to 401(k)-type plans will be raised to $15,000 by 2005.

Third, the legislation includes additional "catch-up" provisions that allow workers aged 50 and older to save even more for their retirement needs.

Fourth, the bill includes a portability provision which allows workers to "roll over" their pension savings between plans when they change jobs.

Finally, the vesting requirements for employer matching contributions would be reduced to three years from five.

I believe that this bill is a significant step forward in encouraging American workers to save and invest in America. This is an important element of tax reform that this House will overwhelmingly endorse. I am confident that there will be significant pension and IRA reform in the final tax bill that President Bush will sign into law.

I strongly urge my colleagues to support the important legislation.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), who has spoken very strongly for small business throughout his tenure.

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from New Jersey, for yielding me this time, and I commend his leadership and the leadership on the committee for putting together a bipartisan package that is going to be very important to American workers throughout the country and to their retirement security.

According to the Social Security Administration, many retirees receive 19 percent of their income from employer-provided pensions. However, half of private sector workers have no pension coverage at all. In addition, only 29 percent of small businesses with 25 or fewer employees offer pension plans to their employees.

H.R. 10 expands pension coverage and will help to provide retirement plans for those workers who are currently without such a plan. It increases the amount an individual can contribute to retirement accounts, and it allows individuals 50 years and older to make catch-up contributions to their 401(k) plans beginning in 2002, and in 2005 it will be indexed for inflation.

This measure will also require faster vesting of pensions, increase pension portability, and reduce fees for smaller business pension plans.

In the next 15 years, Mr. Speaker, 76 million baby boomers will retire. It is time that we pass legislation that helps encourage retirement and pension savings for all workers.

With the Social Security trust fund currently expected to be exhausted by 2037, we must act now to ensure the financial security of future generations. I believe H.R. 10 is a step in that direction.

I also want to commend my friend, the gentleman from Massachusetts (Mr. TIERNEY), for working hard to include language in this bill that would require the Department of Labor to conduct a study on the impact of H.R. 10 on low- and moderate-income workers. I believe we need to be fair in providing incentives to these low- and moderate-income workers, as well as for those in the upper income brackets, to participate in their retirement plans.

Mr. Speaker, I urge my colleagues today to support this bipartisan bill. Retirement benefits are critical to ensuring that our aging population has the income to live out their golden years.

Again, I commend the leadership, the chairman, and the ranking member on the committee for the fine work they have done with this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. McKEON), a subcommittee chairman.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today as a proud cosponsor of this legislation.

First, I would like to thank the committee chairman, the gentleman from Ohio (Mr. BOEHNER), of the Committee on Education and the Workforce, and the subcommittee chairman, the gentleman from Texas (Mr. JOHNSON), for their work in bringing this bill to the floor.

I would also like to thank the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their tireless efforts in seeking pension reform.

Mr. Speaker, this bill provides $52 billion in tax relief to help hard-working Americans save for their retirement and their own security. Furthermore, H.R. 10 encourages small businesses to propose pension plans for its workers.

As a former small businessman, I recognize the need to encourage small businesses to offer pension plans. H.R. 10 does just that. This bill streamlines pension laws and repeals and modifies a wide range of unnecessary and outdated rules and regulations.

Specifically, it treats business owners like other pension plan participants by allowing them to take out loans from their retirement plans. This will go a long way in encouraging small businesses to establish benefit plans. For those companies that offer plans already, it will allow them to include a loan feature which will help persuade lower-income individuals to contribute to the plan.

Additionally, several studies show that one of the many reasons small business employers do not establish pension plans is the administrative costs associated with maintaining the plans. H.R. 10 would modify this problem by lowering the Pension Benefit Guaranty Corporation premiums for the new small business defined benefit plans.

Mr. Speaker, the small business education communities believe this reform is vital to encourage greater income security for all Americans. Therefore, I urge all my colleagues to support H.R. 10.

□ 1215

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. McCARTHY), one of the strongest voices for fixing the 415 problem that I spoke to earlier.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of H.R. 10 and its impact on American workers across this country. The United States savings rate is at a level that has not been seen since the Great Depression. This is unfortunate because it forces more people to work later in life to supplement their retirement.

Retirees can no longer live solely on Social Security. Furthermore, not everyone employed is offered a pension or some form of retirement plan. That is why individual retirement accounts initially gained so much support when created in the 1970s. However, the contribution limit was never adjusted for inflation. The current cap of $2,000 does not provide much of an incentive to save as it used to. People are making more money and should be able to save more.

As we have witnessed in the last few months, the stock market is bound to constrict, and those who solely rely upon their stocks as a pension plan will feel the strain the most. That is why it is important to increase the IRA contribution limit to $5,000 and increase the amount contributed to 401(k) plans. H.R. 10 does this and more. It also takes into consideration those on the verge of retirement with catch-up contributions, which will help those people we refer to as the baby boomers, myself included.

We need to provide hard working Americans the option of saving more and relying less on Social Security when they retire. The Portman-Cardin bill allows this to occur.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would announce the gentleman from Texas (Mr. SAM JOHNSON) has 4½ minutes remaining and the gentleman from New Jersey (Mr. ANDREWS) has 4½ minutes remaining.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas for yielding me the time to speak on this important legislation that will modernize pension laws and provide regulatory relief to encourage more small businesses to offer retirement plans.

Mr. Speaker, while Social Security has been one of our greatest success stories, longer life expectancies, accompanied by a wave of baby boomers that will soon begin to reach retirement age, pose new and difficult challenges to our Social Security system. However, Social Security was never intended to be the sole source of income for retirees. Unfortunately, it has become the primary source of income rather than a safety net for many elderly individuals.

In order to alleviate this problem, I urge my colleagues to support H.R. 10, the Comprehensive Retirement Security and Pension Reform Act. This bill is important because it will encourage individual savings, such as IRAs as well as 401(k) plans and other employer-supported retirement plans. By knocking down barriers to savings, by raising limits and allowing workers to set more aside tax free for their retirement, retirees will have the option of saving more for their later years.

I am proud to support this bill because it contains a provision that permits older workers who are returning to the workforce to put even more aside for their pension. Under this bill, workers over 50 can contribute up to $5,000 in catch-up contributions for 401(k)-type plans.

H.R. 10 also responds to the needs of the increasingly mobile workforce we have in this country by allowing people to vest faster in their pension plans and by allowing portability so Americans can move their pension plans from job to job. Workers should be comfortable to change jobs without the worry of managing separate pension plans.

This bill will also modernize and streamline pension laws to encourage small business to offer pension plans. As we all know, employers are not required to offer these plans and many do not do so due to fiscal constraints. However, H.R. 10 repeals and modifies a wide range of unnecessary and outdated rules and regulations. Specifically, H.R. 10 provides incentives to small businesses to offer pension plans to their workers by lowering Pension Benefit Guaranty Corporation premiums for new small business defined benefit plans and eliminates the business user fee for new retirement plans established by small businesses.

I would like to thank the sponsors of this legislation, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN); along with the chairman of the subcommittee, the gentleman from Ohio (Mr. BOEHNER); and the gentleman from California (Mr. THOMAS), chairman of the Ways and Means Committee, for their efforts in supporting this bill.

I urge my colleagues to support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), one of the Members who represents the heart of the financial center of the world.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue and in so many other areas.

Despite the current question about the direction of our economy, there is no doubt that our Nation has been transformed in recent years by the technology sector and the incredible American entrepreneurial spirit that has led small start-up companies to become the most successful businesses in history. I strongly endorse the Portman-Cardin legislation, in part because I believe it helps bring retirement savings programs up to speed with the new economy.

While much of our manufacturing sector has struggled over the last decade, the U.S. has created millions of good-paying new technology jobs, many in my district. This change in our workforce and the transformation of the American workplace has had a major impact on government, on financial services, and on savings. One of the major changes in worker attitudes is that technology workers expect to change jobs several times over their careers. Given the constant change in the technology sector, workers demand pension portability and retirement plans that will travel with them from job to job.

By passing this legislation, we are taking a critical step in allowing an important government saving stimulus to catch up with the reality of today's employment market. Importantly, this legislation also encourages saving by including substantial increases in the IRA limit to $5,000, and 401(k), 403(b) and 457 plan limits to $15,000.

While this legislation benefits younger workers over the long haul, it also provides important catch-up contributions for workers who are 50 or older, so that people who have been out of the workforce for a number of years can build their own nest eggs. Often these older workers are women who, without this provision, would be punished for having taken off time to raise their families. I strongly support this bill.

Mr. ANDREWS. Mr. Speaker, I yield myself the balance of my time and will simply close out for our side reiterating again my appreciation of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their outstanding work on this legislation. I think we can see from the breadth of speakers that there is strong support across the spectrum for this bill.

One of the blessings of this life is that we can reasonably anticipate our children, perhaps some of us, will live to be 100 years old. One of the problems is that we have an income retirement system set up for 75 years' worth of life. I believe that the very wise steps that we are about to take today, and I hope through conference and final passage, will help alleviate that problem. We are very pleased to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me salute the authors of this bill, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN), who really have spent a great deal of time over the last 3 years building support and fine-tuning this legislation. They really have done very good work.

I also want to thank my colleagues on my committee, both the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations; and most notably the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New Jersey (Mr. ANDREWS), who we have worked closely together with over the last 3 years as well.

As the gentleman from New Jersey (Mr. ANDREWS) just pointed out, this is a very good bill that will help American workers. We do believe it will help employers who do not currently offer pensions; give them the ability and the flexibility and encouragement to offer pensions to their employees. Our goal ought to be to see that all American workers have access to high-quality pension and profit sharing plans. This bill is a major step in that direction.

Let me also add to something the gentleman from New Jersey pointed out, and that is that the baby boomers are beginning to retire. Most do not have the kind of resources they need to get them through their retirement years. I think that the bill we are about to pass will, in fact, help baby boomers and younger workers begin to set aside more of their income so that when they get into their golden years, they will actually be able to have a happy and successful and productive retirement with the kind of financial security that they need in order to enjoy their retirement years.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for the Committee on Education and the Workforce has expired.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) are now each recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I also would thank the Committee on Education and the Workforce for the cooperative effort on the product that we have in front of us, H.R. 10, but also just as importantly on the inter-committee relationship where committees share jurisdiction on a particular piece of legislation. The quality of the product will be seen, as was said earlier, on the basis of the number of speakers on both sides of the aisle supporting the document that is in front of us; but it would not have been possible without the willingness of the committees to work together in a bipartisan way.

In turning to the Committee on Ways and Means, I clearly want to give enormous credit to the co-sponsors of this bill, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). It is extraordinarily easy to take an issue like this and produce a really good looking $200 billion bill. It is also relatively easy to produce an okay $100 billion bill. It took extraordinary effort to focus on what needed to be changed, overdue adjustments on amounts contributed, and produce this evenhanded excellent piece of work for $51.5 billion over 10 years.

Why do I say that? Because it is exceedingly easy to double the cost of this bill because we want to do as much as we can for as many people as we can. Of course, that is a positive motivating effort; but what I would hope most Members do is focus on the particulars in this bill. Frankly, some of the adjustments are overdue. If it were based upon an indexing on inflation from the time that these numbers were first created, at the time we were talking about creating super IRAs as the Bentsen-Roth-Pickle-Thomas bill did, $2,000 seemed like a major achievement. Today, in this bill, moving it to $5,000 is a significant advancement, but all of us would like to say we would like to do more.

I find it interesting that those who might oppose this bill want to increase the amount that we are going to spend and provide support for people slightly different than the fundamental underlying intention of this bill. The fundamental underlying intention of this bill is to assist people, without punishing them, in putting their own money away to assist in retirement. In that aspect, the Tax Code should reward people who do this; should create incentives and support for people who do that.

The question of assisting people who do not have the wherewithal to do it themselves is a question worthy of consideration, but not at the time that we are considering this particular bill; shaped the way it has been shaped, to make it easier for employers to offer, to allow those who want these various programs to put more of their own money away under the fundamental structure, adjusted to make it timely today. So I just want to underscore to my colleagues that there are a number of issues that we could debate; but they ought to be debated at a different time, under a different forum, if in fact we want to do something fundamentally different than what we are doing in this bill.

This bill is excellent as it has been crafted. The evidence of that is the list, which I am sure is growing, of the more than 100 supporters of H.R. 10, ranging alphabetically from the Airline Pilots Association, the American Bankers Association, all the way down to the United Brotherhood of Carpenters, the U.S. Chamber of Commerce, and virtually every labor and business and corporate group in between.

This bill is frankly overdue. It is time to move it. It is modest and appropriate. And from the chairman of the committee's point of view, it was a real pleasure to work on a measure that passes the committee 35 to six and will be discussed on the floor in the way we would prefer, all of us would prefer, more bills being discussed, and that is, we would like to do more. But this is an excellent work product, the authors are to be complimented, and we ought to support it.

Mr. Speaker, I reserve the balance of my time.

And, Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. PORTMAN) and ask unanimous consent that he be allowed to control the balance of the time.

□ 1230

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for his kind comments; but I really want to thank the gentleman for the manner in which he has led our committee in consideration of the pension legislation. The gentleman from California has allowed us to work in a constructive environment so we could reach the point of having a bill that enjoys broad support on both sides of the aisle. That is indicative of the gentleman's leadership.

Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for his extraordinary work. The gentleman from Ohio has worked in a bipartisan way so we could reach this point of having a major, comprehensive pension reform bill that enjoys strong bipartisan support, and support not only in this body, but in the other body. We are going to pass this legislation with a strong vote, and we hope that it will pass the other body and be enacted into law this year.

Mr. Speaker, this bill provides individual tax relief. It will provide billions of dollars of tax relief to individual taxpayers by allowing them to defer their tax liability by putting more of their own resources and their company's resources into retirement plans. That is very important for our country. It is very important for individuals. It is the building block, and we will hear a lot today about other problems that we have in our society. We need to reform the Social Security system. We agree on that. We need to get lower-wage workers to put more money away; and the government should maybe offer some incentives to do that. Congress needs to fix Social Security and offer retirement accounts for individuals.

Fixing our current retirement system is the first building block in accomplishing those results. I think that my colleagues agree that the legislation before us should pass, and should pass quickly. I am not going to go into great deal of detail. We have heard why this bill is important. It allows small businesses the opportunity to provide pension plans for their employees. That will help workers today who do not have an employer-sponsored plan. Lower-wage workers need their company to offer incentives so they can participate in a pension plan. It raises all of the limits on defined contribution and defined benefit plans.

Mr. Speaker, in raising the limits, we are trying to make up for what inflation has done in reducing the limits by allowing people to make up and be as secure as they used to be in putting money away for their own retirements.

The portability issue, many people change jobs regularly. This bill allows for the combination of those different plans to manage your own retirement. We also shorten the vesting rules which is a very important point.

The bottom line is in the last decade when we started talking about changing our pension laws, we knew that the savings ratios in the United States was too low. Yes, we have had some very impressive economic growth over the last decade. But in one staring example, we are not doing well, and that is the amount of money that we put away as a Nation in savings. Eight years ago, that was about 9 percent of our earnings. Today it is negative. We have actually spent more as a Nation than we earn. We need to do something about increasing savings. This legislation will move us in that direction. I am proud to be associated with this legislation. I know that it will enjoy broad support in this body.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this afternoon we are here on the floor of the House to talk about a very serious problem which faces our country, which is a retirement savings problem. It affects millions of Americans; but importantly, we are also talking about a bipartisan and very constructive solution which addresses the problem directly.

I want to thank Members on both sides of the aisle, many of whom have already spoken, for their hard work on this issue. The gentleman from Maryland (Mr. CARDIN) has been my partner on this effort for the last 3 or 4 or 5 years. We have been to the floor of the House on this very bill, and he has been instrumental in making this a better bill.

I thank the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, who is responsible for getting this bill to the floor. He has been a leader on this issue over the year. We all know about the Roth IRA. Here on the House side, we call it the Thomas IRA because he was the House author of that new IRA provision, and for years the gentleman from California has taken a leadership role on expanding retirement security through IRA contributions.

I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce who spoke earlier. His committee looked at the ERISA provisions and improved them through the process. They are an important component of expanding retirement savings. The gentleman went into that in some detail.

The gentleman from Texas (Mr. SAM JOHNSON), the subcommittee chairman who is also on the Committee on Ways and Means, and has taken a leadership role this year; and I thank the gentleman from New Jersey (Mr. ANDREWS), the ranking member, who has taken a courageous stand on some tough issues on the ERISA side, and taken the correct stand because he has focused on the goal here which is expanding the ability for everybody to save more for their retirement.

Mr. Speaker, this legislation does a number of things, but it can be probably summarized three ways. One, it lets everybody save more for retirement. We move IRA contributions from $2,000 to $5,000 a year. It is just adjusting it for inflation.

We also allow people in 401(k)s to go from $10,500 a year to $15,000 a year, really just restoring these limits to where they were in the 1980s. On 401(k)s, after adjusting for inflation, a taxpayer could save more in the 1980s than they can under our bill. We were constrained by some fiscal concerns that the gentleman from California (Mr. THOMAS) talked about. This is a dramatic increase in what our constituents, millions of Americans, will be able to save for their own retirement.

Second, we help to address the concerns that people have about an increasingly mobile workforce. We increase the vesting time from 5 years down to 3 years so people who are moving from job to job can get into a pension sooner.

We also allow portability between defined contribution plans. The gentleman from North Dakota (Mr. POMEROY) will talk about this, but his legislation is incorporated as part of this legislation to let people as they move from job to job keep their pension in one account. That is very important as more and more people are moving from job to job more and more quickly.

Very importantly, we want to make sure that companies that want to offer pensions can do so without a lot of red tape. This is very important. I would underscore what someone already talked about, it is really a small business problem. An American who works for a large business probably has a pension, and it is probably a pretty decent one. An American who works for a small business probably does not. There is a 1 in 4 chance. Twenty-five or fewer employees, there is only a 19 percent chance that there is a pension at all, even a simple plan.

This Congress passed the Portman-Cardin legislation a few years ago, a SEP plan, for the most basic 401(k). This is where the problem is. This is where most of the low- and moderate-income workers work. This is the focus of this legislation, to give those employers more encouragement and more incentive to offer plans to cover more people so everybody has more retirement security.

The gentleman from California (Mr. THOMAS) and others have talked about what Congress has done over the years. Over the last 20 or 30 years, Congress has done the wrong things in terms of pension coverage. That is why pension coverage is totally flat. That is why 70 million Americas, half the workforce, have nothing at all today. No pension at all. Social Security is not enough. It is hard to live on $900 a month. People need to have increased private savings; and that is what we need to do as a Congress, start making it easier, not more difficult.

Mr. Speaker, we have lowered limits. We have added to the rules and regulations. From 1982 to 1994, the number of traditional defined benefit plans, the good plans, decreased from 114,000 to 45,000. The gentleman from North Dakota (Mr. POMEROY) talked earlier today about how 40 percent fewer people are in these defined benefit plans today. The data is unbelievable.

We need to do more to ensure that low- and moderate-income workers have access to pension plans, and that is why this legislation is so important.

Mr. Speaker, it is a comprehensive approach. It is the most sweeping change in our pension laws since the 1970s. It is something that is going to help everybody, and it is something that every American worker has the ability to benefit from. Seventy-seven percent of the people who are involved in pensions today make less than $50,000 a year. You are going to hear some discussion today how we should target this more towards low- and moderate-income folks. These are the people that are going to get help under this legislation.

Finally, I thank all Members of Congress who have supported this effort over the year. We have over 300 cosponsors of the legislation as of today. We have, on the outside, over 100 groups who have supported this, from the National Federation of Independent Businesses and other groups supporting small businesses, and the Chamber of Commerce, to the Building and Trades Construction Department of the AFL-CIO. It is a broad cross-section. It is a bipartisan product. It is the product of several years of working carefully together to ensure that we have the best possible way in order to help people save for their own retirement.

Mr. Speaker, the bill is good for our future, our families. It is good for small businesses. It is great for workers, and I hope that we can pass it with a resounding vote in the House of Representatives to give it the momentum that it needs to get through the Senate and end up on the President's desk to be signed into law, and help Americans have more peace of mind and security in their retirement years.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, let me give accolades to the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN), because I do not believe that this bill would have come to the floor with such bipartisanship if they had not allowed Members to add in and talk about issues which were important.

I think this is a very good bill. I think we could do better with the Democratic substitute, which we will talk about later. But what I would like to discuss is how this bill will help working women.

Mr. Speaker, we talk about families, but women in this bill are going to be helped because the bill contains several provisions to help women, especially those who return to the workforce after their children are grown. Let me give you some ideas.

The catch-up provision would allow women who have taken time out to raise a family to make additional contributions of up to $5,000 per year. In addition, the provision that accelerates vesting of employer-matching contributions will disproportionately help women.

In IRA language, H.R. 10 accelerates the deductible contribution to $5,000 in 2002, and increases the contribution by $5,000 beginning in 2005 for people over the age of 50. This bill includes comparable language for 401(k) and other deferred compensation plans.

Mr. Speaker, in 1997, a GAO study found that women have significantly different work patterns than men. Women are much more likely to leave the workforce and three times as likely to work part-time to accommodate care-giving responsibilities. Women spend roughly 11½ years out of the workforce, caring for children and their families. They also are three times as likely to accommodate care-giving responsibilities, this often during their most lucrative earning years when they could be building their retirement portfolio.

This bill addresses another problem associated with women moving in and out of the workforce: vesting. Women over 25 tend to stay in jobs an average of 4.7 years, often not long enough to obtain the right to the employee's share of the contribution. H.R. 10

makes it easier for workers to keep the employee's share of pension contributions. The result, working women will have a larger retirement nest egg.

When they are working, women's savings priorities are often focused on their children's education and not retirement. Once the children are grown, women need this extra assistance to take care of their own needs.

In addition, women continue to earn less, an average of 26 percent less, than men. Based on this alone, it stands to reason that women would have much less to invest for their retirement.

□ 1245

When they do return to the workforce, they deserve a chance to save more for retirement.

We all know that Social Security is particularly important to women. For most elderly unmarried women, 51 percent of their income is from Social Security. For 25 percent of unmarried women, Social Security is their only source of income. Anything that Congress can do to encourage women to save more for retirement reduces their dependency on Social Security.

Finally, women tend to move to other jobs more frequently than men. The portability provisions of H.R. 10 will let them concentrate their separate retirement accounts for a better rate of return.

As I said, we are going to see a Democratic substitute. I just want to mention a few things in there that I think are critically important to women:

The retirement security account tax credit would be up to a 50 percent refundable credit for low- and middle-income workers who contribute up to $2,000 annually to an employer-sponsored plan or a deductible individual retirement account, better known as an IRA.

The tax credit for small employers' pension plan start-up costs. Small employers, less than 100 employees, would be eligible for a tax credit in an amount equal to 50 percent for the costs that would be incurred as a result of establishing these new qualified pension plans.

Last would be the small employers would be eligible for a tax credit equal to 50 percent of certain employer contributions made to a pension plan on behalf of its non-highly compensated employees.

Mr. Speaker, all these provisions in H.R. 10 and if we include the Democratic substitute I think are a historic opportunity for this House.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), my colleague on the Committee on Ways and Means, who has been the leader on including very important provisions in this bill that help ESOP companies.

Mr. RAMSTAD. Mr. Speaker, I thank my colleague for yielding me this time. I rise in strong support of this landmark bipartisan package of pension reforms that will vastly improve the retirement security of American workers. I want to thank the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), two colleagues and friends on the Committee on Ways and Means, because without their tireless efforts and their leadership on this important pension reform package, we would not be here today.

The need, Mr. Speaker, is clear. Americans are living longer but often they lack the savings needed for a secure retirement. The typical 45-year-old has only 40 percent of the savings needed to avoid a decline in standard of living during retirement. Half of all private sector workers, in fact, still have no pension coverage at all. Worse yet, only 20 percent of job-creating small businesses even offer a pension plan because of the expense and the difficulty of administering such plans.

This legislation, H.R. 10, will help reverse this dire situation. I want to highlight, Mr. Speaker, one of the over 50 provisions in this package which will give American workers a meaningful opportunity to save for their retirement. The provision I am referring to would preserve employee stock ownership plans, or as they are called, ESOPs, for the workers of S corporations, many of which are small businesses. ESOPs give workers an opportunity to own a piece of their business, a piece of the rock, which boosts productivity, morale and retirement savings. This proposal is based on a bill that I introduced last year which was cosponsored by 30 members of the Committee on Ways and Means. It would remove a cloud that was left by the previous administration by preserving this highly effective retirement savings program for broad-based S corporation ESOPs.

Mr. Speaker, H.R. 10 is a win-win for America. That is why it is supported by such a diverse group of small and large businesses, labor organizations and members of both parties. Most importantly, it is strongly supported by the working people of America. I urge my colleagues to pass this important legislation for a secure future for America's workers.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY), my colleague on the Committee on Ways and Means, part of whose bill is included in ours dealing with the portability and vesting.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time and specifically commend the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN). Their work has been exemplary bipartisanship in advancing a substantive response on one of the most troubling issues facing the country and, that is, the insufficiency of retirement savings. As in every instance when there is exemplary congressional performance, there are some outstanding staff performances backing it up. I want to cite particularly David Koshgarian backing up the gentleman from Maryland (Mr. CARDIN) and Barbara Pate backing up the gentleman from Ohio (Mr. PORTMAN). Their work has contributed immeasurably to this legislation.

I think there are three things about this bill we should cite in particular. First of all, it makes a direct effort at revitalizing defined benefit pensions in the marketplace today. As the gentleman from Ohio (Mr. PORTMAN) noted, the number of workers covered by the reliable, traditional pension program has fallen 40 percent during the 20-year period between 1975 and 1995; and I believe it has fallen, no doubt, significantly further even today. By raising the limits, you bring the employers, you bring the decisionmakers within a company back into the qualified plan and, I believe, enhance the prospects that the worker on the line, on the shop floor keeps the pension in its traditional form.

Secondly, the bill advances portability by incorporating the retirement account portability legislation I have introduced in the last three Congresses. We have a hodgepodge in the Tax Code of retirement savings provisions, different ones for for-profit, different ones for nonprofit, different ones for State and local government.

You can have, for example, a worker through their career, let us say they come out of college and go into nursing for a nonprofit hospital. They would have a 403(b) defined contribution plan. Let us say after that they go to State government and work in the health department. They would have a 457 plan. Ultimately they end up in a private for-profit clinic where they would have a 401(k) plan. Each of these is incompatible with the other under existing law and you could not combine your accounts. The result is people have their accounts distributed. We know that in over half the cases where they take the lump sum distribution, they do not reinvest them in retirement savings.

This is a case where the Tax Code, rather than trying to incent Americans to save, actually discourages savings. It is 100 percent the wrong way to go. That is why the portability feature is so important. Finally, vesting. We know that on average workers are staying with an employer in the workforce about 4½ years. It takes 5 years before the employer's share is vested in a retirement savings account where the employer has that provision. Under Federal law, they are allowed to have vesting be a 5-year period. This brings that down to 3 years, recognizing that there is very substantial mobility in the workforce today and that after 3 years in the workforce for one employer, the employer's share should accrue at that point to the employee. They will be vested. They will have that to take with them as they move on in the workforce.

All in all, the bill will enhance retirement savings efforts of American workers. It is extremely important. Again I commend the sponsors and ask for broad bipartisan support on the House floor today.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), my friend and colleague on the Committee on Ways and Means, who has been one of the leaders on this, focusing on the importance of this bill to savings and to our economy.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Ohio and my colleague from Maryland for once again bringing to the floor of this House landmark legislation. We have been involved and engaged in cheerful persistence, for this marks the sixth time we have brought this legislation to the floor. And each time, Mr. Speaker, we reaffirm the essential common sense of the measure we prepare to pass yet again.

Mr. Speaker, I would ask you to think back to your own experience in terms of saving or preparing for your retirement. Not once on a financial form in planning for my family's future, for my retirement, have I ever been asked to list a political registration. The banks, financial institutions, employers, do not ask whether you are Republican, Democrat, Libertarian, vegetarian, they simply ask you to think about your future.

Now, to return to the political parlance for a second, because I think since this is the people's House and we stand at the bar of public opinion every 2 years, we know in political parlance that we regard a landslide election as procuring 60 percent of the popular vote. Mr. Speaker, I regret to inform this House that the American people are currently on the wrong side of a landslide. Only 40 percent of Americans as baby boomers are taking advantage of retirement savings to avoid a decline in their standard of living once they decide to retire. In other words, 60 percent of the people are not taking advantage of these provisions. With this legislation today, we are asking Americans to choose to save. That is what we do with this legislation.

Mr. Speaker, what we are doing is saying to the American people, here is an enhanced choice for you. We ask you to choose to save. Portability of the accounts; raising the limits, especially for those who will encounter retirement decisions first, for those age 50 and above, no phase-in, immediately raising that limit to $5,000; phasing that in for traditional and Roth IRAs, increasing that through the years; and indexing this for inflation, so that the inflation monster cannot touch retirement savings, taking those realities into account.

And as mentioned by my colleague from North Dakota, the notion of portability. As we have many different freedoms, many different options, as we see people make changes in jobs and in our mobile society and in our fast-changing economy, to have the ability to move this money from job to job and keep it in the same account, portability is key, too.

Choose to save. Vote yes on this legislation.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL), my colleague on the Committee on Ways and Means who has been very active on the pension issues.

Mr. NEAL of Massachusetts. Mr. Speaker, I cannot agree more with the authors of this legislation that our common goal here today is to provide meaningful retirement benefits for all working men and women of this country. Expanded pension coverage and an increased rate of participation in employment-based plans are more important now than ever, given our current savings rate and the imminent retirement of the baby boom generation.

Our current system is built upon the assumption that the minimal level of income provided under Social Security would indeed in the end be supplemented by other sources of income such as an employer-based pension plan as well as personal savings. Thus, it is very important to make sure that the pension reform legislation today includes incentives for all Americans to increase retirement savings.

There are many provisions in this bill that are desirable by increasing benefits and contribution limits for those currently saving the maximum in their current pension plans or for those currently saving in individual retirement accounts. I would remind both sides here today that, with the gentleman from California (Mr. THOMAS), we were responsible for the Roth IRA here in the House of Representatives. But my primary concern with this legislation today is that it does not provide the same opportunity for all Americans to save who are not currently in a retirement system. It could be fixed through the amendment process.

H.R. 10 contains many provisions designed to enhance and expand the portability of pension benefits. The current level of mobility among workers requires a modified approach to our retirement system. The lack of portability can result in workers being shortchanged in pension benefits merely because they change jobs. This bill responds to the need by giving workers greater flexibility to transfer their pension benefits between employer plans or to an IRA. These provisions have been in many bills over the last two sessions of the Congress. They were strongly backed by myself and members of the Clinton administration.

There are also provisions in this legislation that would enhance benefits for women and we acknowledge that. However, while this bill contains many provisions such as those I have mentioned that are designed to achieve worthy goals, on the whole, the bill is not balanced. Under the bill, high-income workers would receive very generous benefits with no corresponding meaningful direct incentives to expand and increase retirement savings for low- and moderate-income workers.

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One analysis of this bill showed that workers earning less than $41,000, the bottom 60 percent of the American workforce, would receive, listen to this, 4.3 percent of the benefits; and the top 5 percent of American workers with incomes of more than $134,000 would receive, and listen to this number, 42.4 percent of the benefits.

I do not oppose increasing retirement savings for workers at the top of the income scale, but I am concerned that the workers who are most in need of our assistance today in saving for retirement are being excluded from our efforts here.

In its current form, the legislation would fail to provide a secure and adequate retirement for all Americans. The retirement savings account proposal that will be offered later today as an addition to this bill would provide the balance that is necessary for a successful accomplishment of our shared goal, which is a secure retirement for all workers.

The RSA proposal builds on our current system by providing an incentive for low- and middle-income workers to participate in an employment-based retirement system. Under the proposal, the worker would receive an annual credit of up to $1,000 for contributions made to an individual retirement account or an employer-based pension plan.

In addition, this bill must do more to provide direct incentives for small businesses to establish and administer pension plans.

In a recent Small Employer Retirement survey conducted by the Employee Benefit Research Institute, 65 percent of small employers stated that tax credits for starting a pension plan would be a major contributing factor for them to establish a pension plan for their employees. This factor was second only to an increase in business profits.

With this compelling evidence, I would like to encourage my colleagues here today to seriously consider another amendment that will be offered later on as well that would include two tax credits as an incentive for small employers to offer pension plans to their employees and to make contributions to those plans on behalf of their employees.

The gentleman from Ohio (Mr. PORTMAN) has been more than kind and more than receptive to that notion. Why we cannot do it today, I do not understand it. This bill could pass this House today 435 to 0 if those incentives were simply offered, which I have been assured they are going to be offered when the Senate brings back its version. I hope at that time we will have an opportunity for this bill to pass almost or nearly unanimously.

I would be remiss if I did not mention the additional controversies with provisions underlying this bill. Last year, the Department of Treasury and outside groups argued strongly that some of the provisions of this bill could actually lead to a shrinking of pension coverage for low- and moderate-income workers. They cited most often changes in top heavy rules and nondiscrimination rules which are designed to protect non-key employees by making sure that they get a minimum amount of the benefit from an employer's pension plan.

Now I know the authors of this bill believe the opposite; but a blend of my tax credit proposal, along with the efforts that they have made here today, could secure truly one of the great feats of this Congress; and I expect when it comes back from the Senate that provision will be included and we will have an opportunity, as I indicated earlier, to nearly unanimously pass this very important legislation with some technical corrections.

Mr. PORTMAN. Mr. Speaker, I yield myself 30 seconds just for a quick response to my friend and colleague, the gentleman from Massachusetts (Mr. NEAL). He, in a good faith effort, is trying to expand the opportunities for low- and middle-income workers, and I commend him for that. I also appreciate the kind words he says about the underlying bill, but I cannot let one thing stand and I am disappointed that he has raised it and I just want to get this out because we are going to hear a lot more about it in the Democrat substitute, it sounds like. He uses an outside group that opposes not only this bill but all tax relief that we have tried to do, that people that are making $41,000 or less are only going to get 4.3 percent of the benefits. There is no way, no way, that he could know that; and I am just disappointed that we are getting into that because this is going to help all Americans, including those making less than $41,000.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. ENGLISH); and I appreciate his help on this legislation, particularly on some provisions that help with regard to labor union members.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for yielding me this time.

Mr. Speaker, in the last 40 years, Americans have gone from saving 6.2 percent of their disposable personal income to saving less than .1 percent. In fact, Americans lag behind Canada, Germany, and Japan by as much as 4 percent when it comes to our national savings rate.

The rate of decline in national savings is greater in the United States than in most of the industrialized world. Today, as a result, we import capital into our country to finance our improving standard of living. In my view, addressing this problem is as important to our national economic future as addressing our reliance on foreign oil. We need to end our dependence on imported capital, and this landmark legislation will address that problem by allowing families to increase their retirement savings.

H.R. 10 will increase the national savings rate, increase our national prosperity, and provide for a stable retirement for millions of working families through better access to pension plans and expanded IRAs. The Comprehensive Retirement Security and Pension Reform Act provides individuals with a variety of retirement savings incentives, such as lifting limits to IRA and 401(k) plans. These limits are currently stuck at 1980 levels. Baby boomers who are discovering that their retirement is severely underfunded because they stopped working to raise a family can catch up under this plan through higher contribution limits.

In addition, I am particularly pleased to see that this bill addresses the unintended consequences of section 415. Currently, section 415 seriously hampers the ability of America's workers, not the wealthy but rank and file workers, to collect their full pension amounts which they have earned. Reducing the pensions of workers who retire before normal Social Security retirement age has caused enormous financial hardship for many workers in places like western Pennsylvania. Thousands of retiring workers have carefully saved and planned for their retirement, and they are relying on their private pension funds. This legislation will allow them to have the full benefit of the pension that they themselves worked so hard to build.

I urge my colleagues to support this landmark legislation.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to clarify a point on the Democratic substitute. I am pleased that it adds to the underlying bill. It accepts the fact that the underlying bill is very important and tries to improve upon it. I just want to make it clear that nothing in the Democratic substitute would distract or take away from the underlying Portman-Cardin legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a distinguished member of the Committee on Ways and Means and one of those individuals who has also been involved in helping us formulate the underlying legislation.

Mr. KLECZKA. Mr. Speaker, over the next 40 years, the percentage of the U.S. population over 65 will almost double. Unfortunately, at a time when more and more people should be putting money away for their retirement, personal savings are at historically low levels. Twenty years ago, Americans saved at a rate of about 10 percent, but by last year that rate had plummeted to one-tenth of 1 percent. Americans must become more proactive in saving and planning for their retirement, and the bill before us today provides the incentives to do so.

Retirement security has often been described as being like a three-legged stool because people depend on three means of savings for their retirement: one is Social Security; one is personal savings; and another one, a very important one, is employer-provided pensions.

H.R. 10 makes great strides in strengthening the footing for the last two of those legs.

One of the most important adjustments this bill makes will be to increase the current limit on annual individual retirement account contributions from $2,000 to $5,000 per year. IRAs are one of the principal instruments used for savings, and this increase will make them a much more valuable tool in retirement planning.

It has been almost 20 years since the retirement cap was raised, so an adjustment today is long overdue. To make sure that the benefits of IRAs continue to keep pace with the times, this bill will adjust the cap annually to reflect the effects of inflation.

Regarding employer-provided pensions, the bill allows for faster investing so that workers will become eligible for employer-matching contributions to their pension plans in 3 years rather than the current 5. It also breaks down the barriers between private sector 401(k) plans, nonprofit employer 403(b) plans, and local government 457 plans, allowing workers to roll over funds in their pension plans when they move from one job to another.

The bill includes catch-up provisions that allow workers 50 years of age and older to save even more for their retirement needs by allowing them to increase by $5,000 the limits on all employee pension contributions. H.R. 10 also streamlines rules and regulations to make it easier for businesses, particularly small businesses, to offer pension plans by eliminating the user fees imposed by the IRS on businesses when they set up a pension plan.

It would also ensure that these higher contributions to the pension plans may be deducted by employers.

Mr. Speaker, this legislation will help provide the peace of mind that Americans deserve in their retirement years. I urge my colleagues to support this measure.

In closing, let me applaud the efforts of the gentleman from Maryland (Mr. CARDIN) and also the gentleman from Ohio (Mr. PORTMAN) and thank them for including the changes in section 415, which increases the pension benefits for working men and women. Again, I urge my colleagues to support this bill.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), my friend on the Committee on Ways and Means, who has been a leader on the 415 provisions in this bill and also in focusing on the savings incentives in the legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for yielding me this time.

Mr. Speaker, I would like to right now just thank the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) for putting this excellent piece of legislation together. Specifically, I want to thank them for including that section 415 provision. This affects thousands of building trades workers in southern Wisconsin who because of this law are going to have a better pension system that they deserve, that they paid into. So I want to thank them for including this very valuable provision.

There is another important part of this, and that is times have changed. When our pension laws were written a generation ago, it was a different kind of an economy. People had the same job for 30 or 40 years of their working lives. They did not move from jobs, but that is not the case today. People change jobs all of the time, but the problem is our economy and our pension laws have not caught up with those times.

This important piece of legislation catches up with the times and allows pensions to become portable so as people change jobs they can bring their pensions with them without an adverse consequence on the Tax Code; and most importantly, this thing does great things in two great ways for our society. It allows people to save for their retirement, improve the savings rate, so they can maintain the kind of standard of living they enjoyed during their working years in their retirement years. Again, by saving, by putting more money aside, we are putting more money into the economy. We are improving the liquidity of capital for small businesses, for job creation, for entrepreneurial activity.

So when we increase our savings rate, not only do we help the actual person who is saving in their retirement, we are helping the ability to create jobs in this country. We are sparking economic growth in job creation. So this bill not only fixes many problems that are facing building tradesmen, people who are just nearing retirement, women in the labor force, it is updating our pension laws so they respond to the types of jobs we have in today's economy. It is improving people's standard of living, and it is helping grow the economy and produce jobs in the economy.

This bill is clearly a win/win for America. That is why it received such bipartisan support. I urge my colleagues to vote yes on this bill.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act, introduced by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). I want to thank both gentlemen for all their hard work in getting this bill to the floor today.

This legislation provides portability between the employer-sponsored plans, a key component of any provision security reform, as we are in an era where Americans are no longer expected to work for one company until retirement but, rather, many employers and many corporations over a period of a lifetime.

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This bill also provides incentives to retirement savings by increasing the IRA contribution limit from the present $2,000 to $5,000, and expanding eligibility for deductible IRAs.

Most importantly in this ever-changing workforce, this bill contains vital catch-up provisions to encourage both older workers and women workers to increase their retirement savings to make up for missed contribution opportunities. This is key for women, as many of them have previously left the workforce for the time being, quite often to raise a family, and now will no longer be blocked from providing for herself or her family's retirement security.

This is solid legislation that will help all Americans who plan ahead for their retirement, and I urge all of my colleagues to support this critical, critical piece of legislation.

Once again, I wanted to thank both gentlemen for getting this bill to the floor today.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN) a member of the Committee on Ways and Committee, who has taken a leadership role in assuring there is a catch-up contribution, both on the pension side and on the IRA contributions.

Ms. DUNN. Mr. Speaker, I rise today in support of H.R. 10. I think this is a fabulous bill, and I commend the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) for the great work they did in bringing us together and consulting with us and allowing us to make our opinions heard.

I think it does some very, very fine things, but I am particularly enthusiastic about the very explicit focus that this bill has taken on the sometimes unique needs of the American working woman.

This bill will enable women to devote more money to retirement savings, accumulate assets more quickly, and it will enable them to keep their benefits in one retirement plan when they change jobs. So it is going to let women have a much better sense of peace of mind as they move toward retirement, and I think it will make them feel also that they are more fully participating in planning for that time, to make it a very happy time and a secure time.

As we have heard from many previous speakers, women choose to leave the workforce for many reasons, including to raise a family or to take care of their loved ones. I left the workforce for 8 years to raise my little children. I was a lucky person. When I came back in, I would have appreciated the opportunity that this bill provides to catch up with the losses sustained during those years to my IRA.

Women are often unable to take full advantage, for that reason, of employer-sponsored pension plans as well. H.R. 10 helps women make catch-up contributions to their pension plans.

Right now, for example, you are able to contribute $2,000 each year to an IRA. This bill says that if you are over 50 years old, a man or a woman, but specifically interesting more, I think, to women, you can begin to contribute up to $5,000. That is $3,000 additional dollars each year you can put away in your IRA. Also when it comes to the employee pension plan, a 401(k) or a thrift savings plan, women like me can begin, as soon as this bill is signed, to contribute $5,000 more every single year into their pension plan.

Current law also makes it very difficult to consolidate retirement funds from different plans into one plan. Removing these restrictions is very important, considering the fluid employment situation in America today. This is especially true for working women who change jobs more frequently than men do. The portability provisions in H.R. 10 will ensure that retirement benefits follow the employee as the employee changes jobs.

H.R. 10, Mr. Speaker, is a very well-crafted bill. It has strong bipartisan support, and I am among the many who urge my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, thanks and congratulations, first, to the two major sponsors of this bill, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN). I think the quality of this bill and the amount of support that it enjoys today really speaks to the eloquence of their work.

We come to the floor every day to cast votes. Sometimes we hold our noses over what we have to vote for; other times we say, if I had designed this, it would be so much better.

This is a very, very good bill, it is a sound bill, and I cannot help but think of FDR's quote that "True individual freedom cannot exist without economic security and independence." I think that those are the two things that this bill provides for millions of workers in our country by making retirement security more available to them.

Our savings rate in our country is at an historically low level, and this is a critically important piece of legislation to advance people's being able to save and encouraging them to.

It also addresses the needs of an increasingly mobile workforce. The average worker today will hold nine jobs by the age of 32, and workers typically do not stay in any job for more than 5 years until they are 40 years old. So portability and being able to accumulate benefits and then move it from job to job, I think is essential.

So, Mr. Speaker, I am proud to support this legislation. I think it is not only good for my constituents, I think it is good for all of the people of this country; and I think the Congress will take a very important step by establishing better pension funds for employees, helping employers to do that, and by the IRA contribution being raised.

So I ask my colleagues to join me and many others in the House on a bipartisan basis to support this bill, pass it, and help it become law. It is going to make our country better and stronger.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means, who has played a leadership role on the catch-up contributions and the 415 provisions.

Mr. WELLER. Mr. Speaker, this is a great day. We are doing something, and the question to ask as we work on this legislation is, is it not about time?

If you think about it, I think this is the third or the fourth time we have passed this legislation out of the House, and we finally have a President now that will sign it into law. It has been a bipartisan effort over the last several years. My friends, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have done a great job working with the committee and showing leadership in assembling a great package that will help millions of middle-class Americans and families save for their retirement.

I think it is a tremendous achievement, recognizing that when individual retirement accounts were created way back in the early 1980s, that the limit was set at $2,000. If you factor in inflation, it should be well over $5,000 today. We accomplish that goal by phasing in an increase in the contribution level for IRAs to $5,000.

There are two other provisions that I want to highlight, and I really want to commend the leadership on our committee for including these two provisions in this package. Those are provisions that deal with catch-up provisions, which will help working moms and empty-nesters, as well as the 415 provisions, which will help 10 million building tradesmen and women across America.

Let me point out, the catch-up provisions, why are they important? I always use my sister Pat as an example. She is now teaching school, but when her children, when she and Rich decided to have kids, she took some time out of the workforce to be home with the children; and then once the kids were in school, she went back into the workforce. During that period of time, my sister Pat and my brother-in-law Rich, they were not able to make contributions to their IRAs because their income was essentially cut in half and their expenses were up because they had children.

Under this legislation, once they turn 50 they can make an extra contribution, which they are, they can make an extra contribution to their 401(k) of $5,000, and we immediately allow, once this legislation is signed into law, someone age 50 or older to contribute up to $5,000, recognizing the $5,000 increase is phased in over 3 years. So if you are age 50, you benefit immediately, allowing you the opportunity to make up.

The 415 provision, people like Larry Correl, a laborer from La Salle County, will now see his full pension as a result of this legislation.

Mr. CARDIN. Mr. Speaker, I am now pleased to yield 1½ minutes to the gentleman from Texas (Mr. BENTSEN), the sponsor of many of the provisions in the bill that deal with small business.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in strong support of the bill, H.R. 10. I want to commend the gentleman from Ohio and the gentleman from Maryland for bringing up this bill.

This bill may not be the most politically salable of all the tax bills we are considering this year, but it is, in my opinion, probably the most economically correct bill, because it deals more with savings than consumption. I think this bill arguably will have the broadest long-term impact on our general economy by increasing the savings rates, as well as putting more money into investment in the economy.

A lot has been said about the underlying bill. I want to thank both the gentlemen for including provisions from H.R. 738, which the gentleman from Missouri (Mr. BLUNT) and I introduced, that would ease the restrictions on small employers, employers of 100 or fewer employees, who, statistics show, are the least likely to have a pension program or retirement program. This bill would go a long way toward making that better.

I also want to commend my colleagues for the amendment that will be offered by the gentleman from Massachusetts (Mr. NEAL) and others that would provide a tax credit for small employers who want to set up a pension program for their employees. I would encourage the House to adopt that, and to adopt the idea of providing credits to low-income individuals so that they can save as well.

We should not leave out any sector in society that we want to save. As the gentleman from Illinois who just spoke said, we do have situations where working families do not have the disposable income to set aside in these programs. If we pass the Neal amendment, we can make this good bill an even better bill.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I am glad to follow my colleague from Texas. With a Texan in the chair, I hope we are not overdoing it today on this bill.

Mr. Speaker, I rise in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act, and congratulate our sponsors for their persistence in this effort, not only this year, but last year.

Mr. Speaker, the private pension plans are crucial to the retirement security of millions of Americans, and yet only half of our private sector employees have any kind of pension, and only 20 percent of the small businesses offer their employees retirement benefits.

Currently, Americans save only 4 percent of our income, the smallest amount among industrial nations. If this trend continues, young Americans will be ill-prepared for their retirement years. That is why it is important that our current system not only does not reward enough to encourage savings; it is in dire need of reform.

The legislation we are considering today makes a number of important changes and encourages individuals to save for their retirement. We all know that saving $2,000 a year for your IRA is not enough. It raises it to $5,000. It raises the 401(k) limit to $15,000.

It also addresses the needs of older workers, allowing people 50 years or older to make that annual catch-up, $5,000, for years that they could not do it. It helps, particularly the provision for women who have left the workforce and then come back, to be able to catch up on their retirement effort. There are a number of important components.

Of course, the bill is not perfect and there are things we could do, particularly for lower-wage workers, and I know there is an amendment, the Rangel-Neal substitute, that will add that. I encourage folks not only to vote for that substitute, but ultimately, the bill, Mr. Speaker.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), for the purpose of entering into a colloquy.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding. I am proud to be a cosponsor of this bill.

I just wanted to make sure that the revenue estimate of this bill assumes that the Federal Employees Thrift Savings Plan will permit catch-up contributions. By that that I mean, any revenue loss associated with such contributions would be accounted for and is in the cost of this bill.

Mr. PORTMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, first I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her help in putting this bill together and being sure that Federal employees are covered.

Yes, the answer is, the catch-up contributions in this bill lists types of plans to which the provision applies. Included on that list is a trust described in the code under section 401(a). Under an existing section of that code, section 7701(j), the Thrift Savings Plan fund is created as a trust described in that code section 401(a). Therefore, the catch-up contributions do apply to the Thrift Savings Plan in the same manner as it would apply to a 401(k) plan.

Mrs. MORELLA. Mr. Speaker, reclaiming my time, I thank the gentleman from Ohio for the assurance that he has just given us.

I also want to congratulate him and his coauthor, the gentleman from Maryland (Mr. CARDIN), for putting this great bill together.

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Mr. PORTMAN. Mr. Speaker, I yield 45 seconds to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise for the purpose of entering into a colloquy with my friend, the gentleman from Ohio.

I am grateful for the hard work my colleagues on the Committee on Ways and Means have done in putting together a strong package of tax relief to ensure the retirement security for working Americans. Unfortunately, I have been contacted by my constituents who are concerned about potential interpretations of sections 405, 501, and 801 of H.R. 10. They fear they could negatively affect pension benefits.

I would like to get assurances that these sections I have mentioned are not intended to harm participants. It is my understanding that these sections are not intended to reduce pension benefits, eliminate early retirement benefits, retirement-type subsidies, or optional forms of benefits, or discourage companies from increasing pension benefits.

Mr. PORTMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Ohio.

Mr. PORTMAN. I would say to my friend, the gentlewoman from New York, Mr. Speaker, she is absolutely right. Her understanding is correct.

In fact, just the opposite of the concerns she expressed are intended. We have, in fact, made several adjustments in the language to ensure that these provisions will achieve their intended effect, which is, of course, to expand pension coverage and protections for American workers.

I thank the gentlewoman for her help on this bill and for helping us to refine it.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of our time.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Maryland (Mr. CARDIN) is recognized for 1½ minutes.

Mr. CARDIN. Mr. Speaker, as the general debate has indicated, there is strong support for this legislation. I thank my colleagues who have come to the floor to express their views on this legislation. It is clear that it will help American workers, it will help people save for their own retirement.

Let me just point out the Congressional Research Service on November 6 pointed out that if employers offer plans, workers at all income levels participate and benefit. Eighty-five percent of the workers earning less than $40,000 will participate in the plans, and 68 percent of the workers earning less than $20,000.

This bill will make it easier for companies to provide pension plans, and more workers at all levels will participate.

I again want to thank the gentleman from Ohio (Mr. PORTMAN) for his work. On my side of the aisle, I want to thank the gentleman from New Jersey (Mr. ANDREWS), the gentleman from North Dakota (Mr. POMEROY), and the gentleman from Texas (Mr. BENTSEN) for their contributions to the legislation that is before us.

Lastly, let me thank my staff person, David Koshgarian, for all the work that he put in.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. CRANE), senior Republican on the committee, who was very helpful in putting on this legislation.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. CRANE) is recognized for 1¾ minutes.

Mr. CRANE. Mr. Speaker, I thank my friend for yielding time to me, and I rise in support of the Comprehensive Retirement Security and Pension Reform Act of 2001.

In a voluntary, employer-sponsored pension system, businesses must be given incentives to start, maintain, and expand their plans. H.R. 10 dramatically increases contribution and benefit levels available under these private plans. However, to take advantage of these increased levels, key decisionmakers will have to establish a qualified retirement plan or make benefit improvements in their existing plan.

Likewise, we should not create disincentives that might bar an employer from establishing a pension plan. Toward this end, the Committee on Ways and Means in this legislation has called for further study into the issue of whether our tax laws create disincentives for pension plan funding by employers who are experiencing economic hardships.

Specifically, H.R. 10 would require the General Accounting Office to consider whether pension funding would be enhanced if section 172(f) of the Internal Revenue Code were modified to list payments to defined benefit plans as an item for which 10-year specified liability loss carrybacks may be available.

The committee's call for this study arose out of a concern that restrictions under section 172(f) imposed by Congress in 1998 may have inadvertently undercut the goal of secure pension funding.

Following the 1998 change, I am concerned that taxpayers experiencing financial losses are not able to carry back pension contributions under section 172(f). As a result, such taxpayers are subject to a higher after-tax cost of maintaining pension funding levels. This could jeopardize the employer's ability to meet future funding obligations, and act as a disincentive to making contributions beyond the minimum requirements.

I look forward to the GAO report. Ultimately, I am hopeful we will consider enactment of legislation restoring pension contributions as an item eligible for a 10-year carryback under section 172(f). The GAO's findings will help us to weigh the merits of such legislation.

I congratulate my colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), on this outstanding bill and look forward to seeing it signed into law.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001. This legislation will help millions of working Americans plan for a secure retirement by giving them the ability and incentive to save during their working years. It will also allow many small businesses the opportunity to provide pension coverage for their employees.

A main component of H.R. 10 will raise the contribution limit for both traditional and Roth Individual Retirement Accounts (IRA's) from $2,000 to $5,000. This even includes a "catch-up" provision allowing workers age 50 and older to make an immediate contribution of up to $5,000 to their IRA's. This provision is helpful to Older Americans who may not have had the opportunity to contribute to a retirement savings plan in their earlier working years and especially critical to women who enter the workforce later in life.

Second, this bill provides portability for individuals with 401k-type plans. As you know, in today's changing economy, statistics show that an average worker does not stay in one job for more than five years. To accommodate the needs of a growing mobile workforce, H.R. 10 will allow workers to change jobs without fear of losing their accumulated retirement savings. In addition, workers will also be able to become vested in a pension plan in 3 years instead of the current 5.

Finally, this legislation removes many of the burdensome regulations and administrative costs, such as an IRS "user fee," which in many cases prevent small businesses from offering employer pension plans. This freedom and flexibility will not only allow small businesses to provide a pension plan, but just as important, gives an incentive for employees to stay in the workforce and make important contributions to company growth and productivity.

Mr. Speaker, today's vote is important because it reaffirms our bipartisan commitment to providing a safe and secure retirement for generations of Americans. We have already stopped the "raid" on Social Security and locked away the $2.6 trillion Social Security surplus from other government spending. Now, we are helping American families and individuals, especially the seventy million Americans who do not have a retirement savings plan or pension, with incentives to take that extra step in making critical, short-term investments in retirement savings. People will now be able to fulfill and enjoy their long-term hopes and dreams during their retirement years.

Mr. BLUMENAUER. Mr. Speaker, I rise today to support both H.R. 10 and the substitute amendment. I am gratified to see this bipartisan legislation improving pension and retirement savings vehicles has been brought before the House of Representatives for consideration.

I am especially pleased with one provision that I have been working to change since coming to Congress: Section 415. The current statutes establish arbitrary and punitive levels on working people by not allowing those who are covered by pension programs to collect the full benefits they have accrued. This is wrong and H.R. 10 will fix this inequity and allow all hard working citizens to collect their full pension.

Both H.R. 10 and the substitute deal with the 100 percent of compensation problem, which speaks to the disparity lower-paid employees face when they do not get the pension they should because programs are based on years of service, rather than salary amounts.

Those who retire early due to the difficult and often physical nature of their work currently are not allowed to withdraw the full amount of their pension. This legislation would address that problem.

These are important issues and the legislation is long overdue.

Mr. GRAVES. Mr. Speaker, I rise today in strong support of the Comprehensive Retirement Security and Pension Reform Act. Seventy million Americans do not have a 401(k)-type plan or any kind of pension—roughly half the workforce. In fact, the problem is worse among small businesses—less than 20 percent of small businesses with 25 or fewer employees offer any kind of pension coverage today. Mr. Speaker, it is time we make retirement security a reality for more Americans.

The Comprehensive Retirement Security and Pension Reform Act modernizes pension laws, provides regulatory relief to encourage more small businesses to offer retirement plans and allows Americans to set more aside in an IRA or 401(k)-type plan. In addition, this plan expands opportunities for women to place retirement savings in IRAs when they take time away from the work place, opens the door for women to make catch-up contributions to IRAs later in life when they are likely to earn more money, and increases the overall amount they can contribute to their retirement savings.

I am pleased to vote today to pass this fair, balanced and bipartisan plan to strengthen the economy, increase savings and investment, and provide a more secure retirement for all Americans.

Mr. UDALL of Colorado. Mr. Speaker, Mr. Speaker, I rise in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001.

H.R. 10 increases the maximum amount that can be contributed annually to both traditional Individual Retirement Accounts and Roth IRAs from the current $2,000 to $5,000 over the next three years. In addition, the bill increases the limits on annual contributions to 401(k) and other defined contribution plans from the current $10,000 to $15,000 over five years. Workers who are 50 or older the bill would allow additional annual contributions of up to $5,000 to both IRAs and 401(k) plans. This provision is particularly important for women who may have entered and left the workforce during their careers to respond to the needs of their families.

This bill does more than just raise contribution limits. H.R. 10 accelerates vesting of employer matching contributions to defined contribution plans from five years to three years, and increases the portability of account balances in pension plans when workers change jobs.

While H.R. 10 is a good step forward, it is important to note that only half of our workforce is covered by any type of pension plan. Of those workers who are covered by a pension plan, only about one-quarter of low- and moderate-income workers actually participate in them.

As a member of the House Small Business Committee, I am committed to helping small businesses provide pension plans that help lower- and moderate-income workers save for retirement. That is why I support the Rangel-Neal-Andrews-Tierney amendment to add three small business tax credits to H.R. 10.

The first provision in the Rangel-Neal-Andrews-Tierney amendment is a refundable tax credit of up to 50 percent of an employee's contribution to a traditional IRA or employer-sponsored plan up to a maximum credit of $1,000 per year. This credit would be available for people earning at least $5,000 and would phase-out as income increases from $25,000 to $75,000 for married couples and $12,500 to $37,500 for single people. The second tax credit is to encourage employers that do not currently have pension plans to start one. Employers of fewer than 100 people could receive a tax credit of 50 percent of contributions up to 3 percent of payroll for the first three years they have a plan. The final tax credit in the Rangel-Neal-Andrews-Tierney amendment will be available for three years to help small employers with the initial administrative costs for setting up a plan.

Mr. COYNE. Mr. Speaker, I rise in support of H.R. 10. but, at the same time, I rise to emphasize that important work still needs to be done, that this is only the beginning, to improve the retirement opportunities of those citizens for whom this bill will have limited benefit at best.

For many years, we have attempted to address the issue of pension reform. In doing so, we have learned that this is, in reality, not a simple, single issue, but a set of issues as complex as they are broad. The challenge for us is to determine what aspects of the pension system are most in need of legislative remedy, then to direct our energies toward creating the best solutions. Often we have found that our efforts can lead to competing, contradictory results.

I believe that this bill is a worthwhile beginning to addressing the many gaps and shortfalls in pension coverage. I especially commend the section 415 changes, which will alleviate the restrictive rules for our many citizens who are covered by multiemployer plans.

However, I think that incentives beyond the expansion of contribution limits are needed to help employees to fund their retirement accounts and to assist small business owners to start pension plans for themselves and their employees.

We have an obligation to all Americans to craft legislation that reaches down to everyone in its support of pension income enhancement. The two amendments offered by the Democrats do just that.

The first amendment would help those with little or no retirement savings, who cannot begin to contemplate making contributions in the amounts addressed in this bill. It would provide a refundable tax credit on contributions made to traditional savings plans and IRA's. I support such a program.

The second amendment would assist those small business owners wishing to offer pension coverage, and their employees who desperately need it. It would provide a tax credit for pension plan start-up costs and contributions. Recent data shows only 42 percent of full-time employees in businesses with fewer than 100 employees participated in an employer-sponsored pension or retirement savings plans. Small businesses are a vital part of our economy; they deserve our help.

When the Committee on Ways and Means next takes up the pension issue, and we need to do so this year, we must address the following important areas: (1) the expansion of pension coverage to workers without pensions; (2) the expansion of coverage for low-wage workers; (3) the expansion of coverage for part-time workers; (4) the improvement of pension coverage for women; (5) the improvement of vesting and portability for workers who change jobs; and (6) the improvement of available information about retirement planning and pension choices.

Research has shown that part-time and lower-income workers are much less likely than full-time and more highly paid workers to be participants in pension or retirement savings plans. We must direct our focus to those workers who toil at the margins of pension coverage.

The lack of pension coverage is a particular problem for women, whose circumstances are often made worse by years spent out of the workforce tending to family responsibilities. No pension legislation can be considered complete without a targeted effort to help women secure the pension benefits which all manner of their contributions have earned for them.

And, we must assure that all workers are offered the information needed to understand their pension and retirement savings plans, and the choices inherent in those plans.

Mr. Speaker, this bill, which I support today, is a starting point to improve the pension system that we already have. I now would urge my colleagues to work together to develop the pension system that we need, one that will provide a dignified retirement for all workers, regardless of their income or career paths.

Mr. STARK. Mr. Speaker, half of the American workforce lacks pension coverage. The majority of those who lack pension coverage are low- to moderate-income workers and employees in small businesses. Therefore, pension reform should be aimed at providing coverage for those who currently lack it. Any pension reform package should be judged primarily in terms of how much additional coverage for moderate and low-income workers the legislation provides and at what cost in terms of lost revenue. The biggest problem with the overall bill is that the bulk of it is spent to help relatively few workers who already have pensions and save for retirement. The biggest potential problem with the bill is that it could actually provide a disincentive for small business owners to provide any pension coverage at all.

Increasing the IRA contribution limits to $5,000 is likely to hurt some low and mid-income workers by inducing small businesses not to offer an employer-sponsored pension plan. Under H.R. 10, the small business owner will be able to contribute $10,000 to an IRA combined for himself and his spouse. This additional contribution may be sufficient enough for the owner's retirement savings that he may not perceive a need, nor want to incur the cost, to set-up an employer-sponsored pension plan.

Over three-fourths of the pension and IRA tax benefits in H.R. 10 would accrue to the 20 percent of Americans with the highest incomes. In addition to increasing IRA contribution limits, this bill helps executives and those employees who already earn the most lucrative salaries and already contribute to some type of tax-preferred retirement plan. The bill increases the $135,000 annual benefit limit for defined benefit plans to $160,000. Clearly this only helps those who currently earn the maximum defined benefit plan limit of $135,000. The rank and file workers don't earn pension benefits in excess of $135,000 so they don't need an increase on the annual limit on defined benefit plans. This is exclusively designed for those at the top.

Currently, there is an employee limit of $10,500 on deposits to 401(k)s, and the combined employer-employee contribution may not exceed the lesser of $30,000 or 25 percent of pay. The bill before us raises the maximum combined contribution to $40,000 and eliminates the requirement that it not exceed 25 percent of pay. This is yet another example of a provision that is purely intended for high-income workers who already contribute greatly to their pensions.

Under current law, tax-preferred pension plans must not discriminate in favor of highly compensated employees. For example, employers must not discriminate between executives and the rank-and-file workers in the formulas used to calculate employer contributions. This ensures that tax preferences for pension plans serve the public purpose of boosting pensions among a wide array of workers. Instead of strengthening these rules, the pension reform bill loosens the non-discrimination rules.

The bill also seeks to relax the "top heavy" protections that serve a similar purpose in ensuring that the pension wealth is not concentrated amongst the top tier income-earners. These safeguards apply to plans in which 60 percent or more of the pension contributions or benefits accrue to company officers and owners ("key" employees). The protections require firms to take additional steps to protect the rank-and-file workers through accelerated vesting and certain minimum contributions or benefits than would otherwise be required under the general rules. H.R. 10 relaxes these safeguards to the detriment of employees working for these firms.

There are a few relatively miniscule provisions that would actually be good policy changes for a broad range of workers if they were pulled out from the bill and addressed in separate legislation.

The legislation would allow rollovers across defined contribution plan types so that, for example, 401(k) assets could be rolled over into 403(b) accounts. This will allow employees to move from public, private and non-profit jobs with fewer pension constraints. This amounts to .004 percent of the bill's total cost. The legislation also allows for faster vesting under employer-matching contribution plans. The bill accelerates the schedule for cliff vesting from 5 years to 3 years, and from 7 years to 6 years under graded vesting, reflecting the shorter commitments employees make to any one employer. This provision has a negligible revenue effect.

Section 415(b), Multi-Employer Pensions limits are increased allowing those in the construction industry to earn the pensions negotiated for in their contracts. Although this provision may only effect a small group of workers, it accounts for just one percent of the overall bill. It is unfortunate that a little over 1 percent of today's bill actually provides for sound policy changes to help those who really need it.

This bill does nothing to induce those who currently don't save for retirement to do so, and it gives those who do save more ways to shift funds. The Washington Post Editorial Department recognizes this fact, and I would like to submit the following Op-Ed for the RECORD.

I urge my colleagues to vote no on H.R. 10.

[From the Washington Post, Apr. 29, 2001]

A MISERABLE PENSION BILL

The House Ways and Means Committee has approved still another tax cut bill, the third this year. Unlike the first two, this one is relatively small, was not proposed by President Bush and has strong bipartisan support. The House is expected to pass it overwhelmingly this week. But that's unfortunate, because the bill would not produce the healthy result its sponsors suggest.

The bill, whose principal sponsors are Reps. Rob Portman and Benjamin Cardin, is presented as a way of increasing the retirement savings of the middle class. But in fact the tax savings, an estimated $52 billion over 10 years—would go mainly to people whose incomes already permit them to save a great deal. The committee rightly observes that too many workers approach retirement with insufficient savings; half of all private-sector workers lack pension coverage. But most of them will continue to lack it if this bill is passed. Those who already have the most coverage will be eligible for more; that will be the main effect.

The bill would significantly increase the amounts of money that can be set aside each year in tax-favored individual retirement and 401(k) accounts. An estimated three-fourths of the benefit of the bill would go to taxpayers in the highest income quintile, and two-fifths would go to the highest income 5 percent. Democratic efforts to broaden the bill to benefit lower-income taxpayers failed. This bill also contains provisions that critics think would induce small employers to reduce pension coverage rather than expand it, as the sponsors suggest.

This one won't break the bank, but neither is it likely to increase savings that much. For the most part, it will confer in the name of savings a tidy tax break on people who were going to save anyway. It ought not to pass.

Mr. CANTOR. Mr. Speaker, I rise today in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act and commend Messrs. PORTMAN and CARDIN for introducing this important legislation.

Financial security in retirement is the cornerstone of the American dream and a critical component of ensuring the health and well-being of our society for generations to come. Long-term financial planning provides vast benefits to our national economy, and all hard-working Americans deserve to retire in comfort without worrying about whether they will become a burden to their families or reliant upon the Federal Government for health care and daily subsistence.

H.R. 10 would allow Americans to make a greater investment in their own retirement plans through expanded individual retirement accounts and 401(k)s. This provision alone would permit Americans to accumulate more wealth as they work toward retirement and would have an immediate beneficial impact upon our slowing economy. In addition, this bill contains a special catch-up contribution for those age 50 and older who perhaps were unable to save for retirement to the maximum extent possible early in their careers.

Another important aspect of this measure is that it would greatly enhance pension portability, so that workers who change jobs can take their pension benefits with them. This common sense provision is long overdue and enjoys overwhelming support among working men and women across the United States. Finally, the bill includes provisions that would make it easier for our Nation's small businesses to start retirement plans, helping bring new pension coverage to millions of small business workers.

Mr. Speaker, the time has come to enact this bipartisan legislation into law. No longer can we discuss Social Security and Medicare reform, the rising costs of health care for our senior citizens, and their inability to meet daily living expenses on a fixed income without enabling them to adequately plan and save for their retirement.

I join the overwhelming majority of my colleagues in the House in support of H.R. 10 and urge the immediate adoption of this important legislation.

Ms. HARMAN. Mr. Speaker, I rise today to support H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001, which will improve the ability of all Americans to save for retirement.

Since 1981, the IRA contribution limit has not been adjusted for inflation. This legislation increases the contribution limit over the next 3 years to $5,000. Additionally, those who are over 50 are given the opportunity to "catch up" through an increased contribution limit of $5,000 beginning in 2002. This legislation also addresses the needs of the increasingly mobile workforce through provisions which provide quicker vesting for employer matching funds, a simpler pension system to encourage small businesses to provide pension plans and a faster vesting of employer matching contributions. These provisions will allow the younger generation of workers to better plan and adequately prepare for retirement.

Mr. Speaker, I was not here the last time this legislation was considered on the House floor, but had I been, this legislation would have had my full support.

I urge my colleagues to support H.R. 10.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 10, the Comprehensive Retirement Security Pension Reform Act of 2001, of which this Member is an original cosponsor. In fact, this Member also cosponsored similar legislation (H.R. 1102) in the prior 106th Congress. Therefore, this Member would like to thank both of the main sponsors of H.R. 10—the distinguished gentleman from Ohio, ROB PORTMAN and the distinguished gentleman from Maryland, BEN CARDIN—and the chairman of the House Ways and Means Committee, the distinguished gentleman from California, Mr. BILL THOMAS, for their instrumental role in bringing H.R. 10 to the House floor.

The pension reform provisions as provided in H.R. 10 are all too necessary as half of the people in the American workforce, 70 million workers, lack access to any sort of pension. Less than 20 percent of small businesses, businesses with 25 or fewer employees, offer any kind of pension coverage today. And, there has been almost no growth in pension coverage over the past 20 years.

Between 1982 and 1994, Congress repeatedly reduced the limits on traditional defined benefit pension plans, and costly new regulatory restrictions were added. As a result, the number of these plans dropped from 114,000 to 45,000 between 1987 and 1997. And, contribution limits on pensions and individual retirement accounts (IRAs) are stuck at 1980s levels. You could set more aside in a 401(k) plan in 1986 than you can today. Unfortunately, these cutbacks hurt the workers who need the most help in saving for retirement—those at lower and middle income levels. Since 1990, pension coverage has dropped from 40 to 33 percent among workers who make less than $20,000 per year.

To address these concerns H.R. 10 will provide $52 million in tax relief to help Americans save for retirement by making it easier for small businesses to offer retirement plans, allowing workers to save more, addressing the needs of an increasingly mobile workforce through portability, making pensions more secure, and cutting the bureaucracy of red tape that has thwarted employers in establishing employee pension plans. The bill will increase the IRA contribution limit from $2,000 to $5,000 over 3 years; subsequently, it will be indexed to inflation in $500 increments. It would increase the maximum annual contribution employees can make to their employer-sponsored 401(k) accounts from $10,500 to $15,000 over 5 years; subsequently, the annual contribution limit will be indexed to inflation in $500 increments. And, it would allow taxpayers age 50 and over to contribute $5,000 immediately beginning in 2001 as "catch up" contributions for those people who may have left the workforce for a time period—this is especially important for women as they often have brief or intermittent work histories.

This is a fair, balanced, bipartisan plan that will help millions of American workers, including school teachers, union workers, the financial services industry, State officials, and educational institutions. It includes provisions that will make it easier for small businesses to start retirement plans, helping to bring new pension coverage to millions of small business workers. And, H.R. 10 will greatly enhance pension portability, so that workers who change jobs can take their pension benefits with them.

Mr. Speaker, for all of these important reasons for comprehensive pension reform and coverage, this Member strongly urges his colleagues to vote for H.R. 10.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of H.R. 10. As a proud cosponsor of this bill I am pleased that we are moving forward with this legislation at the outset of the 107th Congress. Last year this bill received overwhelming support in the House and Senate. We now have a President, George W. Bush, who indicated his support of the bill and his willingness to sign it into law.

It is critical that we do all that we can to help Americans better prepare for their retirement. H.R. 10 makes it easier for small businesses to offer retirement plans, allows workers to save more of their income for retirement. It makes it easier for an increasingly mobile workforce to carry their retirement benefits from one job to another, makes pensions more secure, and cuts the red tape that has hamstrung employers who want to establish pension plans for their employees.

With regard to individual retirement accounts (IRAs), the bill increases that annual contribution limit from $2,000 to $3,000 in 2002, $4,000 in 2003 and $5,000 by 2004. Thereafter, the contribution limit is indexed for inflation. The current $2,000 limit has not been increased since 1981. Additionally, taxpayers that are over 50 years of age are allowed to contribute up to $5,000 a year beginning immediately in 2002, allowing these older Americans to make "catch up" contributions for retirement.

This bill includes over 50 provisions to improve the retirement security of American workers. I am pleased that this bill enjoys broad bipartisan support, and I look forward to its passage.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act, a bill I consider to be one of the most important pieces of legislation we will consider during this Congress.

Americans want to be self-sufficient. That desire is at the core of the vast majority of legislation we consider here in Congress, be it tax-related, healthcare-related, pension-related, or education-related. Americans want the resources available in their old age that will allow them to live in dignity, without dependency on the government or the charity of others, and without becoming a burden to their children. This is a simple request, but in order to make it possible, years of careful planning and savings are required. How can we as Members of Congress help in this process, Mr. Speaker? We have social security, but we all realize this is a program in need of comprehensive reform in order to remain viable. Many are skeptical that the money they pay into social security will be there to help them when they retire. Whatever is done—or not done with respect to social security, we all realize that depending heavily on social security to provide a secure retirement is a bad idea. In fact, it was never intended to be more than one leg, of a three-legged stool, the other legs of which were personal savings and pension plans. Unfortunately, with the level of personal savings in this country at its lowest level since 1933, this three-legged stool is becoming more of a pogo stick.

Therefore, it is paramount that we in Congress give Americans tools to save more of their personal income for retirement. IRAs and 401(k)s have been excellent instruments to accomplish this goal, but allowable contributions need to be raised to more realistic levels. H.R. 10 raises the limit for IRA contributions to $5000 and the 401(k) limit to $15,000, then indexes them for inflation. It gives individuals over 50 years old the opportunity to "catch up" by making contributions of up to $5000 immediately. H.R. 10 also makes it easier for workers to move their pension savings when they change jobs, and eliminates regulatory barriers that discourage small businesses from setting up pension programs.

There are other important provisions in H.R. 10, but I would like to summarize by saying that Messrs. PORTMAN and CARDIN have done an outstanding job crafting a comprehensive bill that will help Americans prepare for retirement. I commend them on their outstanding work, and I urge my colleagues to support this bill.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in strong support of pension provisions in H.R. 10 and the Rangel-Neal substitute. This legislation will make life better for the 10 million hard working Americans, retirees and their families who depend on multi-employer plans for retirement, health and other benefits.

I support this legislation for one simple reason. It restores fairness to the tax code. Many working Americans, especially union members in the building trades work their whole lives and pay into pension funds. They expect to get back what they put in.

Instead, Section 415 of the IRS code treats union multi-employer pension plans the same way it treats wealthy tax dodgers. Section 415 limits were designed to prevent high income individuals from using pension plans to shelter excessive benefits.

But these limits are being applied to multi-employer plans, whose beneficiaries are typical working men and women. Multi-employer plan retirees need relief and they need it now.

H.R. 10 and the substitute allow working people to receive more of their retirement benefits that they have worked for and earned.

Mr. Speaker, I want to thank my friends BEN CARDIN and ROB PORTMAN for working so hard to bring this much needed relief to working Americans. I urge my colleagues to support this bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 10, the Portman-Cardin pension reform bill. I am proud to be an original cosponsor of this legislation.

According to the Social Security Administration, the average retiree gets only 40 percent of her income from Social Security. Another 19 percent comes from employer-provided pensions, 18 percent from personal savings and 20 percent from earnings. Unfortunately, half of all private sector workers have no pension coverage. In businesses with less than 25 workers, only 20 percent have pension plans. Workers in such positions need incentives to save for their retirement.

H.R. 10 is designed to encourage retirement and pension savings.

First, the bill increases the amount an individual can contribute to an Individual Retirement Account (IRA) and $2,000 per year to $5,000 per year by 2004. Beginning in 2005, the amount would be indexed for inflation in $500 increments. The contribution limit is increased for both traditional IRAs (contributions are tax deductible and not taxed until withdrawn) and Roth IRAs (contributions are not deductible but withdrawals are not taxed).

Second, the bill increases the amount an individual can contribute to a 401(k) plan, a tax-sheltered annuity or a salary-reduction Simplified Employee Pension (SEP) plan is increased from $10,500 to $15,000 by 2006.

Third, the bill increases the amount that may be contributed to a small business SIMPLE plan from $6,500 to $10,000 by 2006.

Fourth, the amount that an individual employee of a state or local government or a non-profit organization can contribute to a Section 457 plan is increased from $8,500 to $15,000 by 2006. In addition, the amount of contributions can be doubled during the last three years before retirement.

Together, these provisions provide workers with increased opportunities to save for retirement.

Next, the bill increases the portability of pensions. This is increasingly important to the modern workforce, with its high degree of mobility. Under the provision, workers will be able to roll-over pension savings from one type of plan to another as they move from job to job.

The bill also contains an extremely important provision relating to vesting of pension rights. Under current law, a worker can lose their employer's pension benefits if they do not work for the employer for five years. The bill changes the vesting rule so that a worker's rights to pension benefits vests with three years of employment.

I would like to see greater protections for workers whose employers are converting their pension plans to so-called cash balance plans. Employers often do not disclose to older workers that a conversion to a cash balance plan may contain a "wear-away" provision under which a worker may not earn any additional pension benefits for several years. Employees also do not receive adequate explanation of the effect that a conversion has on pension benefits because employers are not required to provide an explanation.

On balance, however, the bill is a step in the right direction of assisting Americans to increasing their savings toward their retirement and I urge its passage.

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. NEAL of Massachusetts:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Retirement Security and Pension Reform Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.*

TITLE I—INDIVIDUAL RETIREMENT ACCOUNT PROVISIONS

Sec. 101. Modification of IRA contribution limits.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.
Sec. 209. Availability of qualified plans to self-employed individuals who are exempt from the self-employment tax by reason of their religious beliefs.
Sec. 210. Certain nonresident aliens excluded in applying minimum coverage requirements.
Sec. 211. Refundable credit to certain individuals for elective deferrals and IRA contributions.
Sec. 212. Credit for pension plan startup costs of small employers.
Sec. 213. Credit for qualified pension plan contributions of small employers.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Modifications to minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Provisions relating to hardship distributions.
Sec. 307. Waiver of tax on nondeductible contributions for domestic or similar workers.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 501. Repeal of percent of current liability funding limit.

Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 505. Treatment of multiemployer plans under section 415.
Sec. 506. Protection of investment of employee contributions to 401(k) plans.
Sec. 507. Periodic pension benefits statements.
Sec. 508. Prohibited allocations of stock in S corporation ESOP.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to SAVER Act.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.
Sec. 708. Studies.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2002	$3,000
2003	$4,000
2004 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2002 or 2003 shall be $5,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' " and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000' ".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62" and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2001".

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

"(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.

"(B) INDIVIDUALS WHO SEPARATE FROM SERVICE BEFORE AGE 60.—If a participant described in subparagraph (A) separates from service before age 60, the rules of paragraph (2)(C) shall apply.".

(C) Section 415(b)(10)(C)(i) is amended by striking "applied without regard to paragraph (2)(F)".

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2001".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2001"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000

2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.".

(2) Cost-of-living adjustment.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) Cost-of-living adjustment.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) Conforming amendments.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) Applicable dollar amount; cost-of-living adjustment.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) Applicable dollar amount.—

"(A) In general.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

"(B) Cost-of-living adjustments.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) Simple Retirement Accounts.—

(1) Limitation.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) Applicable dollar amount.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) Applicable dollar amount; cost-of-living adjustment.—

"(i) In general.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

"(ii) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) Conforming amendments.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) Rounding Rule Relating to Defined Benefit Plans and Defined Contribution Plans.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) Rounding.—

"(A) $160,000 amount.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 amount.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) Amendment of Internal Revenue Code.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) Loan exception.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) Amendment of ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) Simplification of Definition of Key Employee.—

(1) In general.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) Conforming amendment.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) Matching Contributions Taken Into Account for Minimum Contribution Requirements.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) Distributions During Last Year Before Determination Date Taken Into Account.—

(1) In general.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) Distributions during last year before determination date taken into account.—

"(A) In general.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-year period in case of in-service distribution.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) Benefits not taken into account.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) Definition of Top-Heavy Plans.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) Cash or deferred arrangements using alternative methods of meeting nondiscrimination requirements.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) Frozen Plan Exempt From Minimum Benefit Requirement.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) Exception for frozen plan.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(f) Elimination of Family Attribution.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) Family attribution disregarded.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) In General.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Deduction Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the later of—

(A) the fifth plan year the pension benefit plan is in existence; or

(B) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) Pension Benefit Plan.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) Eligible Employer.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) Determination of Average Fees Charged.—For purposes of any determination of average fees charged, any request to which subsection (a) applies shall not be taken into account.

(e) Effective Date.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

SEC. 207. DEDUCTION LIMITS.

(a) Stock Bonus and Profit Sharing Trusts.—

(1) In general.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) Conforming amendment.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(b) Compensation.—

(1) In general.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) Definition of compensation.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) Conforming amendments.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) General Rule.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) Qualified Plus Contribution Program.—For purposes of this section—

"(1) In general.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) Separate accounting required.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) Definitions and Rules Relating to Designated Plus Contributions.—For purposes of this section—

"(1) Designated plus contribution.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) Rollover contributions.—

"(A) In general.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) Coordination with limit.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) Distribution Rules.—For purposes of this title—

"(1) Exclusion.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) Distributions within nonexclusion period.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) Distributions of excess deferrals and contributions and earnings thereon.—

The term 'qualified distribution' shall not include any distribution of an excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated plus contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(d)(1)) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W-2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 209. AVAILABILITY OF QUALIFIED PLANS TO SELF-EMPLOYED INDIVIDUALS WHO ARE EXEMPT FROM THE SELF-EMPLOYMENT TAX BY REASON OF THEIR RELIGIOUS BELIEFS.

(a) IN GENERAL.—Subparagraph (A) of section 401(c)(2) (defining earned income) is amended by adding at the end thereof the following new sentence: "For purposes of this part only (other than sections 419 and 419A), this subparagraph shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(b) SIMPLE RETIREMENT ACCOUNTS.—Clause (ii) of section 408(p)(6)(A) (defining self-employed) is amended by adding at the end the following new sentence: "The preceding sentence shall be applied as if the term 'trade or business' for purposes of section 1402 included service described in section 1402(c)(6).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 210. CERTAIN NONRESIDENT ALIENS EXCLUDED IN APPLYING MINIMUM COVERAGE REQUIREMENTS.

(a) IN GENERAL.—Subparagraph (C) of section 410(b)(3) (relating to exclusion of certain employees) is amended by inserting ", determined without regard to the reference to subchapter D in the last sentence thereof" after "section 861(a)(3)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 211. REFUNDABLE CREDIT TO CERTAIN INDIVIDUALS FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed $2,000.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is the percentage determined in accordance with the following table:

Adjusted Gross Income						
Joint return		Head of a household		All other cases		Applicable percentage
Over	Not over	Over	Not over	Over	Not over	
$0	$25,000	$0	$18,750	$0	$12,500	50
25,000	35,000	18,750	26,250	12,500	17,500	45
35,000	45,000	26,250	33,750	17,500	22,500	35
45,000	55,000	33,750	41,250	22,500	27,500	25
55,000	75,000	41,250	56,250	27,500	37,500	15
75,000	....	56,250	....	37,500	....	0

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if—

"(A) such individual has attained the age of 18 as of the close of the taxable year, and

"(B) the compensation (as defined in section 219(f)(1)) includible in the gross income of the individual (or, in the case of a joint return, of the taxpayer) for such taxable year is at least $5,000.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 151(c)(4)).

"(3) INDIVIDUALS RECEIVING CERTAIN RETIREMENT DISTRIBUTIONS NOT ELIGIBLE.—

"(A) IN GENERAL.—The term 'eligible individual' shall not include, with respect to a taxable year, any individual who received during the testing period—

"(i) any distribution from a qualified retirement plan (as defined in section 4974(c)), or from an eligible deferred compensation plan (as defined in section 457(b)), which is includible in gross income, or

"(ii) any distribution from a Roth IRA which is not a qualified rollover contribution (as defined in section 408A(e)) to a Roth IRA.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the preceding taxable year, and

"(iii) the period after such taxable year and before the due date (without extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4),

"(ii) any distribution to which section 408A(d)(3) applies, and

"(iii) any distribution before January 1, 2002.

“(D) Treatment of distributions received by spouse of individual.—For purposes of determining whether an individual is an eligible individual for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

“(d) Qualified Retirement Savings Contributions.—For purposes of this section, the term 'qualified retirement savings contributions' means the sum of—

“(1) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

“(2) the amount of—

“(A) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

“(B) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(3) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

“(e) Adjusted Gross Income.—For purposes of this section, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(f) Investment in the Contract.—Notwithstanding any other provision of law, a qualified retirement savings contribution shall not fail to be included in determining the investment in the contract for purposes of section 72 by reason of the credit under this section.

“(g) Transitional Rules.—In the case of taxable years beginning before January 1, 2008—

“(1) Contribution limit.—Subsection (a) shall be applied by substituting for '$2,000'—

“(A) $600 in the case of taxable years beginning in 2002, 2003, or 2004, and

“(B) $1,000 in the case of taxable years beginning in 2005, 2006, or 2007.

“(2) Applicable percentage.—The applicable percentage shall be determined under the following table (in lieu of the table in subsection (b)):

Adjusted Gross Income						Applicable percentage
Joint return		Head of a household		All other cases		
Over	Not over	Over	Not over	Over	Not over	
$0	$20,000	$0	$15,000	$0	$10,000	50
20,000	25,000	15,000	18,750	10,000	12,500	45
25,000	30,000	18,750	22,500	12,500	15,000	35
30,000	35,000	22,500	26,250	15,000	17,500	25
35,000	40,000	26,250	30,000	17,500	20,000	15
40,000	....	30,000	....	20,000	....	0.”

(b) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 35 of such Code”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 35. Elective deferrals and IRA contributions by certain individuals.

“Sec. 36. Overpayments of tax.”

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 212. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

“SEC. 45E. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

“(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

“(b) Dollar Limitation.—The amount of the credit determined under this section for any taxable year shall not exceed—

“(1) $1,000 for the first credit year,

“(2) $500 for each of the 2 taxable years immediately following the first credit year, and

“(3) zero for any other taxable year.

“(c) Eligible Employer.—For purposes of this section—

“(1) In general.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

“(2) Employers maintaining qualified plans during 1998 not eligible.—Such term shall not include an employer if such employer (or any predecessor employer) maintained a qualified plan (as defined in section 408(p)(2)(D)(ii)) with respect to which contributions were made, or benefits were accrued, for service in 1998. If only individuals other than employees described in subparagraph (A) or (B) of section 410(b)(3) are eligible to participate in the qualified employer plan referred to in subsection (d)(1), then the preceding sentence shall be applied without regard to any qualified plan in which only employees so described are eligible to participate.

“(d) Other Definitions.—For purposes of this section—

“(1) Qualified startup costs.—

“(A) In general.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

“(i) the establishment or administration of an eligible employer plan, or

“(ii) the retirement-related education of employees with respect to such plan.

“(B) Plan must have at least 2 participants.—Such term shall not include any expense in connection with a plan that does not have at least 2 individuals who are eligible to participate.

“(C) Plan must be established before January 1, 2010.—Such term shall not include any expense in connection with a plan established after December 31, 2009.

“(2) Eligible employer plan.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d), or a qualified payroll deduction arrangement within the meaning of section 408(q)(1) (whether or not an election is made under section 408(q)(2)). A qualified payroll deduction arrangement shall be treated as an eligible employer plan only if all employees of the employer who—

“(A) have been employed for 90 days, and

“(B) are not described in subparagraph (A) or (C) of section 410(b)(3),

are eligible to make the election under section 408(q)(1)(A).

“(3) First credit year.—The term 'first credit year' means—

“(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

“(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

“(e) Special Rules.—For purposes of this section—

“(1) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

“(2) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

“(3) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.”

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) of such Code (defining current year business credit) is amended by striking “plus” at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting “, plus”, and by adding at the end the following new paragraph:

“(14) in the case of an eligible employer (as defined in section 45E(c)), the small employer pension plan startup cost credit determined under section 45E(a).”

(c) Conforming Amendments.—

(1) Section 39(d) of such Code is amended by adding at the end the following new paragraph:

“(10) No carryback of small employer pension plan startup cost credit before January 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45E may be carried back to a taxable year beginning before January 1, 2002.”

(2) Subsection (c) of section 196 of such Code is amended by striking “and” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “, and”, and by adding at the end the following new paragraph:

“(10) the small employer pension plan startup cost credit determined under section 45E(a).”

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45E. Small employer pension plan startup costs."

(d) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001.

SEC. 213. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45F. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

"(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any nonhighly compensated employee.

"(b) Credit Limited to 3 Years.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the taxable year in which the qualified retirement plan becomes effective.

"(c) Qualified Employer Contribution.—For purposes of this section—

"(1) Defined contribution plans.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any nonhighly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

"(2) Defined benefit plans.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any nonhighly compensated employee to the extent that the accrued benefit of such employee derived from such contributions for the year do not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

"(d) Qualified Retirement Plan.—

"(1) In general.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

"(A) the contribution requirements of paragraph (2),

"(B) the vesting requirements of paragraph (3), and

"(C) the distributions requirements of paragraph (4).

"(2) Contribution requirements.—

"(A) In general.—The requirements of this paragraph are met if, under the plan—

"(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each nonhighly compensated employee who is eligible to participate in the plan, and

"(ii) except in the case of a defined benefit plan, allocations of nonelective employer contributions are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

"(B) Compensation limitation.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

"(3) Vesting requirements.—The requirements of this paragraph are met if the plan satisfies the requirements of subparagraph (A) or (B).

"(A) 3-year vesting.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5-year graded vesting.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	**The nonforfeitable percentage is:**
1	20
2	40
3	60
4	80
5	100.

"(4) Distribution requirements.—

"(A) In general.—Except as provided in subparagraph (B), the requirements of this paragraph are met if, under the plan—

"(i) in the case of a profit-sharing or stock bonus plan, amounts are distributable only as provided in section 401(k)(2)(B), and

"(ii) in the case of a pension plan, amounts are distributable subject to the limitations applicable to other distributions from the plan.

"(B) Distributions within 5 years after separation, etc.—In no event shall a plan meet the requirements of this paragraph unless, under the plan, amounts distributed—

"(i) after separation from service or severance from employment, and

"(ii) within 5 years after the date of the earliest employer contribution to the plan,

may be distributed only in a direct trustee-to-trustee transfer to a plan having the same distribution restrictions as the distributing plan.

"(e) Other Definitions.—For purposes of this section—

"(1) Eligible employer.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) Nonhighly compensated employees.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

"(f) Special Rules.—

"(1) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(2) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(g) Recapture of Credit on Forfeited Contributions.—If any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

"(h) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section through the use of multiple plans.

"(i) Termination.—This section shall not apply to any plan established after December 31, 2009."

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) of such Code (defining current year business credit) is amended by striking "plus" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", plus", and by adding at the end the following new paragraph:

"(15) in the case of an eligible employer (as defined in section 45F(e)), the small employer pension plan contribution credit determined under section 45F(a)."

(c) Conforming Amendments.—

(1) Section 39(d) of such Code is amended by adding at the end the following new paragraph:

"(11) No carryback of small employer pension plan contribution credit before January 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan contribution credit determined under section 45F may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196 of such Code is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", and", and by adding at the end the following new paragraph:

"(11) the small employer pension plan contribution credit determined under section 45F(a)."

(3) The table of sections for subpart D of part IV of subchapter A, of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45F. Small employer pension plan contributions."

(d) Effective Date.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catch-up Contributions for Individuals Age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(3) Treatment of contributions.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"(4) APPLICATION OF NONDISCRIMINATION RULES.—

"(A) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet the nondiscrimination requirements under section 401(a)(4) with respect to benefits, rights, and features if the plan allows all eligible participants to make the same election with respect to the additional elective deferrals under this subsection.

"(B) AGGREGATION.—For purposes of subparagraph (A), all plans maintained by employers who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 plan.

"(5) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(6) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2006, the Secretary shall adjust annually the $5.000 amount in paragraph (2)(A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period taken into account shall be the calendar quarter beginning July 1, 2005, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 404(j) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MONEY PURCHASE PLANS.—For purposes of paragraph (1)(B), in the case of a defined contribution plan which is subject to the funding standards of section 412, section 415(c)(1)(B) shall be applied by substituting '25 percent' for '100 percent'.".

(D) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(E) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(F) Section 415(c) is amended by striking paragraph (4).

(G) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).'".

(H) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Comprehensive Retirement Security and Pension Reform Act of 2001)".

(I) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2) in the matter preceding subparagraph (A), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) Faster vesting for matching contributions.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(b) Amendment of ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) Collective bargaining agreements.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) Service required.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. MODIFICATIONS TO MINIMUM DISTRIBUTION RULES.

(a) Life Expectancy Tables.—The Secretary of the Treasury shall modify the life expectancy tables under the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code to reflect current life expectancy.

(b) Repeal of Rule Where Distributions Had Begun Before Death Occurs.—

(1) In general.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) Conforming changes.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "for other cases" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—

(A) In general.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) Distributions to surviving spouse.—

(i) In general.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) Certain employees.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31; 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "governmental and church plans" and inserting "certain other plans".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2001.

SEC. 306. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) Safe Harbor Relief.—

(1) In general.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) Effective date.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) Hardship Distributions Not Treated as Eligible Rollover Distributions.—

(1) Modification of definition of eligible rollover.—Subparagraph (C) of section 402(c)(4) (relating to eligible rollover distribution) is amended to read as follows:

"(C) any distribution which is made upon hardship of the employee.".

(2) Effective date.—The amendment made by this subsection shall apply to distributions made after December 31, 2001.

SEC. 307. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) In General.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting ", and" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer."

(b) Exclusion of Certain Contributions.—Section 4972(c)(6) is amended by adding at the end the following new sentence: "Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).".

(c) No Inference.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(10) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in section 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) REASONABLE NOTICE.—No penalty shall be imposed on a plan for the failure to provide the information required by the amendment made by subsection (c) with respect to any distribution made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor rollover notice after the date of the enactment of this Act, if the administrator of such plan makes a reasonable attempt to comply with such requirement.

(3) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following:

"The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) APPLICATION OF SECTION 72.—

"(i) IN GENERAL.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) PLAN TRANSFERS.—

"(i) IN GENERAL.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

"(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) EXCEPTION.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

"(4)(A) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

"(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

"(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

"(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

"(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(5) Except to the extent provided in regulations promulgated by the Secretary of the Treasury, a defined contribution plan shall not be treated as failing to meet the requirements of this subsection merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

"(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) Regulations.—

(1) Amendment of internal revenue code.—Paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by inserting after the second sentence the following new sentence: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(2) Amendment of ERISA.—Section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended by inserting before the last sentence the following new sentence: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants and does not adversely affect the rights of any participant in a more than de minimis manner.".

(3) Secretary directed.—Not later than December 31, 2003, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2003, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) Modification of Same Desk Exception.—

(1) Section 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) In general.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) Section 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) Section 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) Plans.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 Plans.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) Effective Date.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) Qualified Plans.—

(1) Amendment of internal revenue code.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) Special rule for rollover contributions.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) Amendment of ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) Eligible Deferred Compensation Plans.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) Minimum Distribution Requirements.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) Minimum distribution requirements.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) Inclusion in Gross Income.—

(1) Year of inclusion.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) Year of inclusion in gross income.—

"(1) In general.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) Special rule for rollover amounts.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) Conforming amendments.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) Benefits of tax exempt organization plans not treated as made available by reason of certain elections, etc.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) Special rule for government plan.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 501. REPEAL OF PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) Amendment of Internal Revenue Code.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2002	165
2003	170.".

(b) Amendment of ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2002	165
2003	170.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) In General.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) Special rule in case of certain plans.—

"(i) In general.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) Plans with less than 100 participants.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) Rule for determining number of participants.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) Plans maintained by professional service employers.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) Conforming Amendment.—Paragraph (6) of section 4972(c), as amended by section 207, is amended to read as follows:

"(6) Exceptions.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) Amendment of Internal Revenue Code.—

(1) In general.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) Limitations on Amount of Tax.—

"(1) Tax not to apply where failure not discovered and reasonable diligence exercised.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) Tax not to apply to failures corrected within 30 days.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) Overall limitation for unintentional failures.—

"(A) In general.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) Taxable years in the case of certain controlled groups.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment. The Secretary may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(A) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(B) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) each participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.

"(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) NEW TECHNOLOGIES.—The Secretary may by regulations allow any notice under subsection (e) to be provided by using new technologies.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) An applicable pension plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B) to each applicable individual (and to each employee organization representing applicable individuals).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow applicable individuals to understand the effect of the plan amendment. The Secretary of the Treasury may provide a simplified form of notice for, or exempt from any notice requirement, a plan—

"(i) which has fewer than 100 participants who have accrued a benefit under the plan, or

"(ii) which offers participants the option to choose between the new benefit formula and the old benefit formula.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) Any notice under subparagraph (A) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(E) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(F) The Secretary of the Treasury may by regulations allow any notice under this paragraph to be provided by using new technologies.

"(4) For purposes of paragraph (3)—

"(A) The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan; and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) The term 'applicable pension plan' means—

"(i) any defined benefit plan; or

"(ii) an individual account plan which is subject to the funding standards of section 412 of the Internal Revenue Code of 1986.

"(C) A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986, and section 204(h)(3) of the Employee Retirement Income Security Act of 1974, as added by the amendments made by this section, a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULE.—

(A) IN GENERAL.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(B) REASONABLE NOTICE.—The amendments made by this section shall not apply to any plan amendment taking effect on or after the date of the enactment of this Act if, before April 25, 2001, notice was provided to participants and beneficiaries adversely affected by the plan amendment (or their representatives) which was reasonably expected to notify them of the nature and effective date of the plan amendment.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated—

"(A) with any other plan which is not a multiemployer plan for purposes of applying subsection (b)(1)(B) to such other plan, or

"(B) with any other multiemployer plan for purposes of applying the limitations established in this section.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 506. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(k) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) Effective Date.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 507. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2)—

"(A) the administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request, and

"(B) the administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) Notwithstanding paragraph (1), the administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall only be required to furnish a pension benefit statement under paragraph (1) upon the written request of a participant or beneficiary of the plan.

"(3) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant, and

"(C) may be provided in written, electronic, telephonic, or other appropriate form.

"(4)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) Conforming Amendments.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 508. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) In General.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Prohibited Allocations of Securities in an S Corporation.—

"(1) In general.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) Failure to meet requirements.—

"(A) In general.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) Cross reference.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) Nonallocation year.—For purposes of this subsection—

"(A) In general.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) Attribution rules.—For purposes of subparagraph (A)—

"(i) In general.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) Deemed-owned shares.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) Disqualified person.—For purposes of this subsection—

"(A) In general.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) Treatment of family members.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) Deemed-owned shares.—

"(i) In general.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) Person's share of unallocated stock.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) Member of family.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) Treatment of synthetic equity.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) Definitions.—For purposes of this subsection—

"(A) Employee stock ownership plan.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) Employer securities.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) Synthetic equity.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) Coordination With Section 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) Excise Tax.—

(1) Application of tax.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) Liability.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) Liability for Tax.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) Definitions.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Definitions.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) Special rules relating to tax imposed by reason of paragraph (3) or (4) of subsection (a).—

"(A) Prohibited allocations.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) Synthetic equity.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) Special rule during first nonallocation year.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) Statute of limitations.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(2) Exception for certain plans.—In the case of any—

(A) employee stock ownership plan established after March 14, 2001, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after March 14, 2001.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) Amendment of Internal Revenue Code.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) Annual valuation.—

"(A) In general.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) Valuation date.—

"(i) Current year.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) Election to use prior year valuation.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Adjustments.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) Amendment of ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)"; and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan; and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Standards for Disallowance.—Section 404(k)(5)(A) (relating to disallowance of deduction) is amended by inserting "avoidance or" before "evasion".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) Qualified Retirement Planning Services Defined.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Qualified Retirement Planning Services.—

"(1) In general.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) Nondiscrimination rule.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) Qualified employer plan.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury and the Secretary of Labor shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Employees.—In the case of plan years beginning after December 31, 2002, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

(c) Effective Date.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years begimning after December 31, 2003.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2003, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "Governmental plans.—".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "Exception for governmental plans.—".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "Governmental plans.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) Amendment of internal revenue code.—

(A) In general.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(2) Amendment of ERISA.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(3) Effective date.—The amendments made by paragraph (1)(A) and (2) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue

Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: "The requirement to furnish information under the previous sentence shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 613. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and";

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in subparagraph (B) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

“(ii)(I) For purposes of this paragraph, the term ‘small employer’ means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

“(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.”.

(c) Effective Date.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) New Plans.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

“(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term ‘applicable percentage’ means—

“(I) 0 percent, for the first plan year.

“(II) 20 percent, for the second plan year.

“(III) 40 percent, for the third plan year.

“(IV) 60 percent, for the fourth plan year.

“(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.”.

(b) Small Plans.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking “The” in subparagraph (E)(i) and inserting “Except as provided in subparagraph (G), the”, and

(2) by inserting after subparagraph (F) the following new subparagraph:

“(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

“(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.”.

(c) Effective Dates.—

(1) Subsection (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) In General.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking “(b)” and inserting “(b)(1)”, and

(2) by inserting at the end the following new paragraph:

“(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) Modification of Phase-In of Guarantee.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

“(5)(A) For purposes of this paragraph, the term ‘majority owner’ means an individual who, at any time during the 60-month period ending on the date the determination is being made—

“(i) owns the entire interest in an unincorporated trade or business,

“(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

“(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

“(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

“(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

“(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.”.

(b) Modification of Allocation of Assets.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking “section 4022(b)(5)” and inserting “section 4022(b)(5)(B)”.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking “(5)” in paragraph (2) and inserting “(4), (5),”, and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

“(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.”.

(c) Conforming Amendments.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking “as defined in section 4022(b)(6)”, and

(B) by adding at the end the following new subsection:

“(d) For purposes of subsection (b)(9), the term ‘substantial owner’ means an individual who, at any time during the 60-month period ending on the date the determination is being made—

“(1) owns the entire interest in an unincorporated trade or business,

“(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

“(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).”.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking “section 4022(b)(6)” and inserting “section 4021(d)”.

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) Conforming amendments.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) Imposition and Amount of Penalty Made Discretionary.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking “shall” and inserting “may”, and

(2) by striking “equal to” and inserting “not greater than”.

(b) Applicable Recovery Amount.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

“(2) For purposes of paragraph (1), the term ‘applicable recovery amount’ means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.”.

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan shall—

(A) be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accruals will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), include a statement that the rate of future benefit accruals will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

SEC. 708. STUDIES.

(a) MODEL SMALL EMPLOYER GROUP PLANS STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall conduct a study to determine—

(1) the most appropriate form or forms of—

(A) employee pension benefit plans which would—

(i) be simple in form and easily maintained by multiple small employers, and

(ii) provide for ready portability of benefits for all participants and beneficiaries,

(B) alternative arrangements providing comparable benefits which may be established by employee or employer associations, and

(C) alternative arrangements providing comparable benefits to which employees may contribute in a manner independent of employer sponsorship, and

(2) appropriate methods and strategies for making pension plan coverage described in paragraph (1) more widely available to American workers.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary of Labor shall consider the adequacy and availability of existing employee pension benefit plans and the extent to which existing models may be modified to be more accessible to both employees and employers.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study under subsection (a), together with the Secretary's recommendations, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Such recommendations shall include one or more model plans described in subsection (a)(1)(A) and model alternative arrangements described in subsections (a)(1)(B) and (a)(1)(C) which may serve as the basis for appropriate administrative or legislative action.

(d) STUDY ON EFFECT OF LEGISLATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the effect of the provisions of this Act on pension plan coverage, including any change in—

(1) the extent of pension plan coverage for low and middle-income workers,

(2) the levels of pension plan benefits generally,

(3) the quality of pension plan coverage generally,

(4) workers' access to and participation in pension plans, and

(5) retirement security.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act; and

(B) on or before the last day of the first plan year beginning on or after January 1, 2004.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2006" for "2004".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

The SPEAKER pro tempore. Pursuant to House Resolution 127, the gentleman from Massachusetts (Mr. NEAL) and a Member opposed each will control 30 minutes.

Does the gentleman from Ohio (Mr. PORTMAN) seek to control the time in opposition to the amendment?

Mr. PORTMAN. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) will be recognized.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 30 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by pointing out that this amendment is being offered by myself, the gentleman from New York (Mr. RANGEL), the gentleman from New Jersey (Mr. ANDREWS), and the gentleman from Massachusetts (Mr. TIERNEY).

The amendment is comprised of three parts, and is the same as the amendment I offered in the Committee on Ways and Means last week.

In the last hour, we have really gone through a very helpful debate. I think it demonstrates that we are not as far apart on this legislation as some might think.

Even though our differences may not be that large, they remain substantial for low- and moderate-income workers. As I said earlier, if we do not deal with the issue of providing direct incentives for small businesses to offer pension plans and direct incentives for workers to participate, then we are going to be right back here again in the near future arguing over these same issues.

While 70.8 percent of workers with adjusted gross incomes between $75,000 and $100,000 participate in an employer pension plan, only 17.9 percent of those workers whose gross adjusted income is between $10,000 and $15,000 participate.

The current system clearly fails these workers with little or no disposable income. I do not believe that H.R. 10 in its current form will achieve much success with these workers, as well. This amendment deals with these issues by establishing a refundable retirement savings credit for low- and moderate-income workers. The purpose is to encourage those who have little if any disposable income to make the effort to save, or if they can, to save even more. The credit would be up to 50 percent of annual contributions to a traditional individual retirement account or to a qualified pension plan like a 401(k), 403(b), or a 457 plan.

It is important to understand that this amendment does not establish a new savings vehicle. It only establishes an incentive to use current pension vehicles. The eligible contribution would not exceed $2,000, thus resulting in a maximum credit of $1,000 when the proposal is fully phased in. The credit amount phases down as income increases, phasing out at $75,000 for a married couple.

The two other credits that would be added to the bill would reward small businesses for establishing new pension plans. Many small employers would like to establish qualified pension plans for their employees but they need some help in getting there.

We are all aware of how small employers struggle to attract and retain quality employees, particularly today. They can be successful in this effort only if they can compete with large businesses and the benefits they offer to their employees. Moreover, the 38 million employees who work in small businesses deserve the same secured retirement as employees in large businesses. Yet, pension coverage of this group of workers continues to lag behind the coverage available for employees of large companies.

In a recent survey conducted by the Employee Benefit Research Institute, 65 percent of small employers stated that the availability of tax credits was a significant factor in their decision on whether to offer a pension plan to their employees, second only to an increase in business profits.

Sixty-five percent is a most substantial number. Clearly the two small business credits in the amendment would go a long way to increasing the number of small business pension plans. The gentleman from Ohio (Mr. PORTMAN) acknowledged this in the committee debate.

The first small business credit would provide a tax credit for expenses incurred by small businesses, employers with 100 or fewer employees, for costs associated with starting up new pension plans. Under this credit, small employers would be eligible to claim a 3-year tax credit for an amount equal to 50 percent of administrative and retirement education expenses incurred as a result of offering a new qualified pension plan.

Eligible expenses for the credit would be capped at $2,000 for the first year and $1,000 for the second and third years.

The second small business credit would allow these same employers to be eligible for a tax credit for employer contributions to a pension plan. This credit would be equal to 50 percent of the employer contributions to a qualified retirement plan made on behalf of their non-highly-compensated employees. Qualifying contributions would be both non-elected employer contributions and employer matching contributions, up to a total of 3 percent of compensation for non-highly-compensated employees.

This is important to hear, Mr. Speaker. The additional cost of this amendment is $46 billion over 10 years. When coupled with the cost of H.R. 10, the total cost remains under $100 billion. We have managed to fit that into our $900 billion tax cut proposal on the Democratic side. Surely the other side would not be asking too much if they could put that into the $1.6 trillion tax cut that they have offered. It is simply today a matter of political will.

I would predict when the legislation comes back from the Senate, it will involve at least one and perhaps two of these amendments.

In conclusion, let me say what I have said repeatedly, I think the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) did a good job with this legislation. I have supported expanding IRA limits since the day I arrived in the House 13 years ago, and along with the gentleman from California (Mr. THOMAS), carried the ROTH IRA in the House.

There are many good provisions in this bill. But at the same time, we have a remarkable opportunity today. With just a couple of small changes on the edges, which the gentleman from Ohio (Mr. PORTMAN) has at least grudgingly acknowledged in committee were worthwhile, we could pass this bill today almost unanimously here.

If we do not accept this challenge today, we are going to be back here next year and the year after and the year after.

I do not know what is so difficult today about addressing a couple of small issues that would allow low- and moderate-income Americans who go to work every day to participate in a good and predictable retirement savings plan. I know in his heart that the gentleman from Ohio (Mr. PORTMAN) would really like to do that today. He has that opportunity with simply a nod to move on his side, and I hope that as this debate proceeds for the next few minutes we will have a chance to say, look, there are many portions of this bill that are indeed desirable, but there are also two small portions of this bill on which we could improve upon today.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I applaud my friend, the gentleman from Massachusetts, for his concern about expanding pension coverage to low- and moderate-income Americans. That is, as he knows, precisely what we are trying to do in this underlying legislation.

The small changes around the edges that he was just talking about happen to just about double the cost of the bill. The underlying bill is about $52 billion over 10 years, which we hope to be able to fit into the reduced tax bill number. The amendments the gentleman is offering through the substitute add another $45 billion, taking it up to $97 billion over 10 years, so it is doubling the cost. These are not small changes.

In terms of the changes, I do like the start-up credit, which is $177 million over the 10-year period. The other two, the employer credit, which is $5.4 billion, and the individual credit, $35.5 billion, I have problems with.

The gentleman mentioned that the Senate is likely to add these. I think the Senate is likely to do something in terms of the small business start-up, which is, again, a relatively small part. It is tinkering around the edges, I believe, in terms of the costs and impact it will have, but it is important for small business.

But I do not think they are going to do the employer credit or the individual credit. I say that because legislation that was introduced on a bipartisan basis in the Senate by the Chair and ranking members of the Finance Committee did not include a refundable tax credit. It was a nonrefundable credit at a much lower cost, as a result.

Second, on the merits of this, having a refundable tax credit does create a new entitlement program. At a time when we are struggling to try to make the earned income tax credit work in terms of the compliance costs, and the Treasury Department under the Clinton administration told us there was a mispayment of about 25 percent under that program, I think it would be ill advised for us to start a new entitlement program until we have at least tried some of these other things that we are talking about under this proposal.

What we are talking about in this proposal is primarily expanding pension coverage to small- and mid-sized businesses where there is very little coverage today.

Again, I commend the gentleman for focusing on that, but that is what we do in our underlying legislation. This is where most of the low- and moderate-income workers are working today, where the folks are working who do not have pension coverage. We are trying to do this through the increased limits in this legislation, through the complexity provisions, which are very important to get at the costs and burdens. We know from the surveys that have been done they will help to expand coverage.

Also, though in terms of the portability provisions, there will be faster vesting. All of this is going to help precisely the people that the gentleman's refundable tax credit is aimed at, and without all of the complexity and all of the compliance problems that are inherent in that kind of a problem.

Finally, on the business tax credit, which is the third piece of the gentleman's proposal today, I have some concerns about how that would work. It does not cover the plans that many small businesses use, the SIMPLE plan, the SEP plan, in any way. It also does not cover some of the other plans, the 403(b)s, 457s, and so on. It also would be very difficult for businesses to administer the way in which this credit is put together.

The Clinton administration Treasury Department had some of these changes they wanted to see to our underlying legislation. We thought they were ill-advised because they went the wrong way, adding more complexity, more regulation and regulations.

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So I do not think this is the way to do it.

Instead, let us stick to the underlying bill, of which I appreciate the gentleman's support. It is focused exactly on these workers, focused on trying to expand the coverage to the small companies. Remember, only 19 percent of companies with 25 or fewer employees offer any kind of pension today. Those are the people we are trying to help. Those are the people we are trying to encourage and incentivize to offer a plan.

So I hope we can stick to that today, rather than doubling the cost of the bill with something that is not tested, something that is going to create a lot more complexity.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself 30 seconds.

That is precisely the point. We can fit $100 billion into a $900 billion tax cut proposal on the Democratic side, and the gentleman from Ohio (Mr. PORTMAN) has acknowledged they find difficulty in including it in a $1.6 trillion tax cut, even though, as he has pointed out, and again I think in a very sincere form, that there is at least part of this he believes at the end of the day is desirable.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I wanted to join the debate because it is an important debate. Pension reform and expansion are clearly necessary. There are some very strong provisions in this bill, and I think we all appreciate the work of the chief sponsors of this.

I do, though, want to very much rise in support of the amendment of the gentleman from Massachusetts (Mr. NEAL) and address the underlying reasons for it and to respond to some of the criticisms.

We all agree the savings rate needs to be increased, and I hope we all agree that we want more and more people into this effort. Two-thirds of the cost of this bill are the IRA expansion. Two-thirds. I asked the Joint Tax Committee to put together an analysis of the impact of this, and they did not have it before; but they have now provided it. Essentially what they show is that two-thirds, two-thirds, of the benefit would go to families making $75,000 or more.

So, essentially, we have a bill two-thirds of it IRAs and two-thirds of the benefit going to families with incomes of $75,000 and more. Almost half would go to families with incomes of $100,000 or more. And those are not all rich people. Many of these families, $75,000 or $100,000, they are hard working. In most cases both husband and wife are working, and they are earning their income. They are not just clipping coupons.

But, look, that is the fact; that most of the benefit of most of the cost of this would go to families making $75,000 and more. And, essentially, I think this undercuts the notion that this is a bill aimed at mainly low- and middle-income families. Surely not low-income families and surely not most middle-income families.

What the gentleman from Massachusetts (Mr. NEAL) is suggesting is that we expand this bill so that we try to bring everybody into the system, and that is a very good idea. And to suggest that a tax credit is a bad idea because of the error rate, we have argued this endlessly within Ways and Means. The EITC error rate has been going down. It is not clear it is much higher than a lot of other error rates.

And there is the argument that tax credits are suspect. The majority leader here has proposed a refundable health insurance tax credit. If it is good enough for health insurance, I would think it is good enough for a pension program.

So I would hope we would take this seriously and that we would pass it. At the least, if the majority here is not going to vote for it, is going to march in lockstep against it, I hope there will be adequate numbers of people voting for this so we send a message to the Senate that they should try to do better. We can do better than this.

The strong provisions in this bill can be enhanced by spreading the net of pension reform and pension participation to millions of other workers and millions of other families in the United States of America. That is good public policy. So I would hope we would pass this amendment as part of this bill which will certainly pass the House.

Mr. PORTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means, chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I think it is important to point out that there is great bipartisan support for the underlying bill in this Chamber. And although it does have broad bipartisan support, we have heard a few of our colleagues say that the proposed reforms in this bill are a giveaway to those who are already wealthy; that this bill will make it less likely rather than more likely that companies will sponsor plans.

For the last 20 years, we have heard that cutbacks in benefits and contribution limits and so-called top-heavy and other provisions were necessary to increase plan coverage and benefits for the most vulnerable employees. So what has happened? Approximately 50 million Americans now lack private pension coverage, while senior executives have made increasing use of nonqualified plans.

Since 1985, the number of defined benefit pension plans has dropped from 114,000 to 45,000. In 1993, the year after Congress reduced the compensation limit for calculating pension benefits from $235,425 to $150,000, the number of companies in nonqualified plans tripled from 20 to 67 percent.

Only 20 percent of small businesses with 25 or fewer workers now offer a retirement plan. Our savings rate is one-half of 1 percent, which is the lowest level since the Great Depression. Seventy-six million baby boomers will retire within the next 10 years. But studies show older baby boomers have less than 40 percent of the savings needed to avoid a decline in their standard of living after they retire.

Social Security was never designed to be the sole source of retirement income. It was intended to be one leg of a three-legged stool that included employer-sponsored retirement plans and individual savings. This bill will restore the incentive for qualified plans and increase savings, which will benefit all American workers.

The bill restores the contribution and benefit amounts to what they would have been had they not been repeatedly cut back. In order for highly paid employees to take advantage of the higher limits and still pass the nondiscrimination test, companies will have to provide greater benefits to all other workers. The bill's simplifications of the top-heavy and nondiscriminatory rules do not weaken the protection afforded to our workers.

My colleagues also give little attention to the large number of measures in the bill that are specifically designed to promote the retirement security of rank-and-file workers. The bill reduces the vesting period for employer-matching contributions from 5 to 3 years, ensuring that amounts are not forfeited when workers change jobs or leave the workforce for care of their children.

Workers 50 years and older can make additional catch-up contributions to their retirement plan. The security of the private employer-sponsored retirement system will be strengthened when all workers, regardless of income level, share a significant stake in their same retirement plan. This bill provides positive incentives for employers to do exactly that.

And I would hope that the gentleman from Massachusetts would review his speech and review this particular bill when we bring out individual retirement accounts for American workers as part of Social Security. It is the key to saving Social Security, and I think the refundable tax credit going into individual retirement accounts is something I look forward to the gentleman supporting.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself 30 seconds.

There was no one on this side who said that this was a giveaway to the rich in the 2 hours of debate that we have been pursuing here. I think, instead, we suggested it was not a balanced proposal, in the sense that the very people that the gentleman from Florida (Mr. SHAW) has referenced here, people that make under $30,000 a year, they are the ones that depend upon Social Security.

We are never going to have a healthy discussion about Social Security and its future in this country as long as we leave those people out of defined pension benefit plans.

Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), one of the experts in the House on retirement savings plans, a friend and a member of the Committee on Ways and Means, and a very competent individual.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks. I believe he has made a significant contribution to the debate today by offering the substitute, which I intend to support.

As I said when we considered this last Congress, the problem with Portman-Cardin is not what is in the bill, the problem is what is left out. And what is left out is a more meaningful incentive to those who are having the most difficult time saving, moderate-earning households, that simply do not have adequate discretionary income. For that reason we have structured the substitute as an additive proposal. It takes all of Portman-Cardin and adds this to it.

After all, the last two Congresses have passed a variety of new incentives for saving for retirement, but have done virtually nothing for the $50,000 and below household who already had the tax deductible IRA. I think we ought to look at what is actually happening out there.

In a recent study commissioned by the Consumer Federation of America, and conducted by Ohio State economist Catherine Montalto, indicates exactly the problem. Only 44 percent of households in this country are saving at a rate that will provide them an adequate retirement income. Not surprisingly, that is differentiated exactly along earnings lines. Twenty-three percent of those earning between $10,000 and $25,000 have adequate savings; one out of four, one out of four of those earning below $25,000. Fifty-four percent of those $50,000 to a $100,000 households have adequate savings; 69 percent of those over $100,000.

Now that tells us that right across the board we have a lot of work to do, but nowhere do we have more work to do in this than in the plight of moderate- to middle-earning households. For me, the situation for this Congress is to basically pay now or pay later. Either we enhance the ability of these families to accumulate some of their own assets in retirement savings, help them accumulate assets to pay for their own retirement income security, or we are going to have to provide government programs in the future for destitute elderly that were unable to acquire savings.

Ten percent of those presently eligible are saving in IRAs. Ten percent. So for us to say, well, now you can save $5,000 as opposed to $2,000 really may fall short of what they need. If they cannot save $2,000, let me tell my colleagues, they are not going to save $5,000. We need to help them save. I believe conceptually the simplest way to do it on a universal basis is by taking that tax deduction and making a tax credit.

I would frankly structure it slightly differently than the substitute puts this provision forward, but I think the substitute offers a way for us to examine the legitimacy of strengthening savings incentives for modest-earning households. It is basically market principles. They need more incentive to save. Let us help them save, as the substitute does.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who, as chair of the Subcommittee on Oversight, was one of the people who helped draft this legislation, and continues to be very important to focusing this legislation on defined benefit plans and on small businesses.

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Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the underlying bill and in equally strong opposition to the amendment before us. First of all, the amendment does not take into account the remarkable effect this bill is going to have on the availability of pensions to employees across America. It particularly does not seem to notice that by making pension plans far simpler to offer to your employees, stripping out a lot of the regulation, stripping out the cost, many, many employers are going to be able to offer their employees a defined benefit pension plan.

We have seen a sharp decline in the number of defined benefit pension plans offered by employers in America in recent years because of the heavy regulation. They often require no contribution by the employee, and they guarantee you a benefit when you retire, as opposed to the defined contribution plans which only guarantee you what benefit your contribution was able to create.

Why are we helping low-income people by offering them a defined contribution plan when by expanding the number of defined benefit plans, which often do not require any contribution, we are going to create a far better option for them?

Furthermore, many defined benefit plans also do allow you to contribute. The very people that they are concerned about, the amendment is concerned about, the low-income worker who works for a small business, the person earning $10,000 to $15,000, they are the people who get the biggest bang from the tax cut. That is why our tax bill that gives those low-income workers the biggest tax break between the drop to a 10 percent bracket, the marriage penalty relief, the child relief, and the bracket drops, these are the very people who are going to get more dollars and can put those dollars into savings vehicles.

But if they put them into savings vehicles like a defined benefit plan, they will get the expander effect of the employer contribution. So this bill is dynamite for low-income workers and small businesses.

In a country where past pension policy has forced employers to drop their pensions because the regulations have been so heavy and so complicated, and the court costs so great, for a country that now has 50 percent of its working people working for employers who do not provide any pension plan at all for their employees, this bill is an imperative to pass now in the full form of its underlying legislation.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), who is the ranking member on the Subcommittee on Employer-Employee Relations.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this amendment of which I am pleased to be a cosponsor. I am a strong supporter of the underlying bill, but I believe this amendment complements the underlying bill in a very positive way. Seventy-nine percent of working Americans who work for an employer with 25 or fewer employees do not have a pension.

I think that some of those Americans will be helped by the underlying bill, but I think those who work in narrow-margin industries, that is, companies with small profit margins and particularly those people who work at the entry level, will not be largely helped by the underlying bill. They will be helped by the substitute by the gentleman from Massachusetts (Mr. NEAL).

This amendment is about the people who wait on tables and work in the child care centers and work in the retail stores. They are at the bottom of the pay grade. They are in industries where margins are very thin, and I believe we can put any amount of tax incentives for an employer in the bill, and those employees cannot because they cannot afford to reach pension coverage. A plan that says the government will match part of the contributions for these employees is one that will work.

I agree with the gentleman from North Dakota (Mr. POMEROY). We are either going to pay now or pay later. People are going to live longer, their resources are going to be stretched further. If they do not have private pension coverage, the Treasury will be called upon to meet those needs in future years. This is a wise amendment that complements the underlying bill. I urge its adoption.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means, who has taken an active role on this legislation.

Mr. BRADY of Texas. Mr. Speaker, I join others in congratulating the bipartisan authors of this bill, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), because we make saving so difficult in this country. Every one of us knows that to have a good, safe retirement, we have to have a three-legged stool: Social Security that you can count on, personal savings in the bank, and a retirement plan at work.

President Bush has signaled today that he is dead serious about preserving Social Security once and for all. The timing of this bill could not be better because we are trying to address the other two legs of that stool: personal savings and retirement plans at work.

Some people call this tax relief. I disagree. I do not know why we tax people at all for savings. I think we ought to encourage them to save for their retirement, for education, for college, for health care. This is merely Washington getting out of the way and allowing people to put money aside.

I think the original bill is much stronger for small businesses and for low- and moderate-income savers because of a simple approach. Under the amendment that is proposed right now, we basically say to small businesses, if you are eligible under plan A and institute plans B, C and D, and file under E and F, you may be eligible for a partial tax credit. In other words, we will pay you to file more paperwork to endure all of this paperwork.

The Portman plan does the opposite. It says regulation complicates and frustrates savings.

We are going to remove the regulation. We are going to encourage small businesses to set up plans for their employees. We know it works because in 1984 when we started regulating these plans, the number of savings plans went from 114,000 to 45,000. We drove proven savers out of the market, and it is time to put those saving plans back into place. Low- and moderate-income people normally do not have the ability to save on their own. They save at work.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN) for the underlying bill. I am on record supporting the underlying bill, but I rise in support of the Democratic substitute because I think it addresses an area that is not addressed by the underlying bill.

Since I came to Congress, a lot of people say, what are you going to be remembered for when you leave Congress. One of the things that I want to be remembered for is helping my constituents and people across the country develop economic wealth, because I believe economic empowerment is the tool that is the equalizer for all people in this country.

If we can give them economic sufficiency, then they can live in wonderful homes where they can raise their families. If we can give them economic sufficiency, they can afford to pay the taxes to support their school systems and feel good about themselves and make a decent wage and take a vacation once in awhile.

One of the keys to economic wealth development is the ability to purchase a home. The home becomes the wealth that one generation passes to the next in a low- or moderate-income family. Another way is a savings account, and one of the ways that we begin to look at or deal with low-income families who have attempted to begin the process of saving is through IDAs, where we match the income, that match the dollars that they save through saving programs. In Ohio right now, we have a wonderful program called Cleveland Saves that is being funded by the Ford Foundation to encourage low- and moderate-income families to save.

The third way is a retirement plan. It is my belief that the retirement plan under H.R. 10 does not focus in on the low- and moderate-income worker, and that the tax cut that is being proposed or is on the table does not truly benefit the low- and moderate-income worker. The only way we can assist them in creating their own retirement plan is through the adoption of the substitute bill that is being offered by my colleague, the gentleman from Massachusetts (Mr. NEAL).

It is very, very important that we start now to benefit families in low- and moderate-income areas to build retirement plans so they understand, as time goes along, they will have something in addition to Social Security to support their families.

Mr. Speaker, again I say to my colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN), thank you for offering this legislation, but step a little bit to the left or a little bit to the right, whichever way you choose to express it, and adopt the Democratic substitute on top of this underlying bill, and then all Americans in this country will be able to benefit from your proposal.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time; and it is especially unusual for the gentleman from Ohio (Mr. PORTMAN) to yield to me because I rise in the uncomfortable position of opposing both the bill and the substitute, and I would like to explain why.

I am not an expert on pension policy, but I did serve on the pension commission in the State of Minnesota, and I think I know a little bit about pension policy.

Mr. Speaker, virtually everything in this bill is a good provision. Frankly, I think what the gentleman from Massachusetts (Mr. NEAL) is talking about is something that deserves serious consideration as we talk about the future of Social Security. The fatal flaw of this bill is, it fails to deal with one of the most important issues, and that is a definition of the term "vested."

A few minutes ago, the gentlewoman from Connecticut (Mrs. JOHNSON) said that she hoped this would mean more companies would be offering defined benefit programs. I hope that is true. The problem is, even if they offer those programs, the companies will have the chance to change those after the plan has started. This has happened to literally thousands of employees here in the United States.

It happened to many of the people in my district who worked for a great company, IBM. After they had been vested, IBM changed their pension plan from a defined benefit plan to a new, convoluted program that they call a cash balance plan. None of those employees were given a choice to stay with the plan that they were vested in.

The dictionary defines "vested" very clearly. It is law. It is settled. It is fixed. It is absolute, being without contingency, a vested right. If we asked every Member of Congress and every American if that is how they define "vested," that is how we would define it. But that is not how the law defines it.

That is a fundamental flaw of this legislation. It is a glaring mistake that this Congress has failed to address. And my colleagues, I promise, as sure as this is spring back in Minnesota, this is going to come raining down on this Congress or future Congresses. If we do not deal with this issue, sooner or later, America is going to have hundreds of thousands of employees who thought their programs were vested, and they are going to find out that they were not.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS) whose pitched battle with IBM is on the cutting edge of what the gentleman from Minnesota (Mr. GUTKNECHT) just pointed out.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to echo the remarks of the gentleman from Mr. Minnesota (Mr. GUTKNECHT).

Mr. Speaker, I think there is a lot to be said for the underlying bill. I think the Democratic amendment makes the bill stronger, but I am going to vote against the Republican bill and the Democratic alternative because in my State and throughout this country, there are huge numbers of workers who were promised benefits when they signed up for the job, and then those benefits were taken away from them in the dead of night when the defined benefits that they had signed on for were converted into cash balance payments.

I personally regard it as an immoral outrage that IBM, among many other companies, which has a CEO that has received $175 million in compensation in a 2-year period, has $500 million in unexercised stock options, felt it necessary when they had a pension surplus to cut back on the pension promises made to tens of thousands of their workers, not to mention the health care promises made to their retirees.

Mr. Speaker, it is my intention to offer a motion to recommit, which is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), among others, which basically says that when a company makes an agreement with a worker and promises defined benefit, that they cannot simply in the middle of the night change their minds and convert that to a cash balance payment which could cost those workers up to 50 percent of the benefits that they were promised.

All over this country there is what I call pension anxiety, and that is workers who are 50–55 years of age who are wondering whether or not they will receive the benefits, the retirement benefits, they were promised. I think they should, and I think it is unfortunate that the underlying bill and the amendment do not address this important issue.

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Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute just to respond briefly to the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Vermont (Mr. SANDERS). I think we will have this on a motion to recommit as well, but the point ought to be made and made very clearly that the underlying legislation actually addresses this issue. It actually moves the ball forward. It provides disclosure. It provides notification in the case of cash balance conversions. It also, as compared to last year, actually deals with the issue of early retirement, so it not only is an improvement from current law, it is an improvement from last year's bill, partly because of the comments that were made to me by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Vermont (Mr. SANDERS), and others. So we do address the issue, and we do it in a responsible way.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I want to begin by thanking the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for their effective effort to get this bill to the House floor. Let me just say that it was only a few generations ago that pensions were almost exclusive to a privileged few in this country. For too many, the golden years were marked by financial insecurity. Today, the majority of American workers and their families have the opportunity to spend their retirement years in relative comfort.

Our private pension system has played a crucial role to accomplish this turnaround. Clearly, Social Security alone is not enough. The private pension system is an indispensable part of the retirement security of American workers. I believe this bill encourages American workers to start saving for tomorrow today. I think the pension reforms we are considering will help individuals prepare for a better future. I also believe that the potential for fraud and abuse with regard to the substitute proposal is significant. I think it would certainly be very difficult to administer.

I support the underlying pension reform bill. And I think with that bill, we are raising the limit on IRA contributions, we have increased pension portability to allow workers to roll over their pension savings between plans when they change jobs, we have basically streamlined rules and regulations to make it easier for small businesses to offer pensions; and the underlying bill increases protection for workers by increasing notification and disclosure in the area of cash balance conversion compared to existing law. I think if all these changes are enacted, they will provide millions of American workers with much better tools to prepare for retirement.

Let us help Americans with their retirement security. I am pleased to be a cosponsor of this legislation. I urge my colleagues to pass H.R. 10 and oppose the substitute.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I think, as has been said many times today, this bill is long overdue and it is a tremendous benefit for the American people. Essentially what it does and if you ask any American, I know if you ask anybody back home in Staten Island or Brooklyn, if they are given the opportunity to set a little more money aside for their retirement, will they take advantage of it? This bill does that. This bill for the first time in years says to that hardworking individual or two, you can take a little more money and save it for your golden years. Is that not what we should be trying to do? Should we not be empowering Americans to say that they should have the freedom to spend a little more money for their own retirement as they see fit?

We all know that different families have different needs, young, old. But we also should have a fundamental agreement that when Americans, when individuals are given the freedom to invest and to save on their own, we are doing not only them a service but we are doing the entire Nation a service. On Staten Island, for example, we have a lot of police officers, firefighters, sanitation workers, a lot of civil servants, city workers. Right now, if they decide to change careers, which is their right, they cannot roll over their contributions into another retirement plan, a 401(k) or an IRA. This bill solves that problem, giving them more freedom and more flexibility. For the carpenter, the tradesman, right now he is limited upon retirement with his benefits. This bill allows him more money. It raises that cap. Is that not what we should be trying to do?

In short, I credit the gentleman from Ohio and all Members of this body who support this legislation, because at its core it says to the American people, we trust you. We want to give you more incentives, more opportunities and more freedom to set aside your hard-earned money as you see fit for your retirement. Then you can go off and buy that second home, invest in your grandchildren's education, buy that second car but it is up to you.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I thank the gentleman for yielding time.

Mr. Speaker, a moment ago the gentleman from Ohio (Mr. PORTMAN) indicated that his legislation deals with the fact that millions of workers have seen reductions in the pensions promised to them by companies converting from defined benefits to cash balance payments. I wonder if the gentleman from Ohio can be specific and tell those millions of workers who were double-crossed by large companies like IBM how his legislation is going to improve their situation.

Mr. PORTMAN. Mr. Speaker, I yield myself 30 seconds to respond to the question from the gentleman since he asked for a question on our time. What I said is accurate which is that this bill does address the question of cash balance conversions. It does so in three very important ways: number one, it addresses the issue of disclosure. It says the disclosure has to be in plain English which is also in their motion to recommit, I understand. It also addresses the issue of notification. It makes sure that not only do we have disclosure but it is notification in advance of what current law requires. It also says, as compared to last year's legislation, that changes to early retirement benefits would also have to be disclosed, which is not current legislation, not even the last year's law. My only point is that in a responsible way we have tried to address this issue, and we have done it in a bipartisan manner.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a new Member of the Congress who has spent a lot of time looking at these retirement issues.

Mr. KIRK. Mr. Speaker, I rise in support of the majority bill here. H.R. 10 has a particular provision in it which I strongly support, and, that is, the catch-up provision for individuals age 50 and above. This is particularly important for working women. The provision allows women entering the workforce, presumably after raising children, to make an additional contribution of up to $5,000 to their IRA or their 401(k) plan.

Within the next 15 years, more than 76 million baby boomers will retire. Studies have shown that older baby boomers have less than 40 percent of the savings they will need to maintain their standard of living in retirement.

For women who have chosen to raise children at home and work intermittently, their situation is even more dire. The Department of Labor estimates that less than one in every three women are covered by a retirement pension plan. These plans are proven to pay out greater benefits than Social Security, yet they are not readily available to most women and employees of small businesses. H.R. 10 will allow women approaching retirement age to save the extra money they need, or to catch up on their retirement savings lost because of time off from work. H.R. 10 truly enhances retirement pension fairness for women, an important fact that is often overlooked in discussions about this legislation.

H.R. 10 will improve the quality of life for millions of Americans during their retirement. I urge my colleagues to support these important modernizations and to oppose the substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a valued member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time. Let me begin by complimenting the principal authors of this legislation. I know that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have been working for many years to get us to this point. I want to applaud their efforts to try to improve the retirement system we have which will allow pensions to be a more fruitful vehicle for people in this country who work to have a chance to really live out their retirement in comfort.

I believe that we have reached a new age, though. This is an age where chances are a teenager has secured a credit card before he or she has secured a driver's license. With that being said, it seems to me that we have to do everything we can to make it possible for all Americans to save and not just to save but to save for their retirement.

It is time for us to make it possible for all workers in this country to engage in pension investments. Unfortunately, we are not there yet. While H.R. 10, I believe, does a tremendous job of improving those opportunities for workers who currently have access to pensions, I believe we have to go that extra mile now and talk about a lot of America's workers, principally low- and moderate-income working Americans who have not yet had the opportunity to invest in pensions. It is time for us to do that, because if we do not, we will pay the price once they retire.

Let us remember that H.R. 10 gives incentives principally through increases in opportunities to invest, to put more money in, whether it is your IRA or your 401(k). But if you do not have the money left over at the end of the year to invest, you cannot take advantage of those vehicles. It is time for us to give the incentives for lower-income workers to do exactly that, to say, I am going to save, I am going to pinch a little bit more because if I do, I am going to get a tax credit for having done so.

For that small businessman or woman who would love to be able to offer his or her workers those pension opportunities, if we give them a credit, the incentive, it is going to cost you a little bit of money but we are going to give you some of that back because we are going to give you a tax credit for having participated, what we in essence have done is said to all Americans, all workers in this country, we want you to also participate in these savings.

H.R. 10 does a tremendous job of making retirement savings even more important to the average American who wants to prepare for retirement. What we do not do through H.R. 10 is go the extra mile and talk to low- and moderate-income working Americans and say we want you to participate as well. We need to bring them into the fold. If we do not, we will pay the price in the end of the game. I think what the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) have done is a tremendous effort. I think if we pass the Neal substitute, we make this an even better bill and we do it for all Americans. I urge everyone to vote for the Neal substitute.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start by thanking the gentleman from California (Mr. BECERRA) for his comments about the underlying bill and the way in which he and other members of our committee on the other side of the aisle have worked with us on this legislation. As I said at the outset, this has been a 4- or 5-year process, bipartisan from the start.

We have refined it through that process. We believe that this legislation, the underlying bill, addresses the problem that confronts us, which is again that half the American workforce does not have that critical third leg of the retirement savings stool which is employer-sponsored plans. We also help with regard to personal savings, the critical second leg of that stool, by expanding IRAs. Finally, as someone has said earlier today, the President today has indicated his strong interest in moving forward on that third important leg, Social Security.

All three are important. What we can do today is make tremendous progress focusing on where the most potential for gain is, and that is among our small business employers.

I have talked a little about the substitute today and some of the concerns I have with it. First is the cost. It almost doubles the size of the legislation before us. We are trying to keep this a fiscally conservative bill so that it can be part of any final tax relief package that goes to the President's desk. Second on the merits, the refundable tax credit has a number of problems in terms of its implementation, administerability and this is something that has happened over the years with the earned income tax credit.

We know from the Treasury Department in the Clinton years that the mispayment rate is about 25 percent. We do not believe getting into that kind of a program is necessary, and we think it has a lot of hazards to it particularly in the area of trying to administer it with the small business tax credits. I also have some concerns about the way in which it is drafted. It does not cover some of the plans that most small businesses use. And finally it adds some new restrictions to small businesses that we do not think are important, in fact go the wrong way in terms of loosening up the requirements and letting small business offer more of these plans to their workers.

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Finally, I will say that the legislation, the underlying legislation, targets precisely those people that the gentleman from Massachusetts (Mr. NEAL), in a good faith effort, is attempting to target in this substitute.

Let me be more specific. Again, in the area of small business, we only have 19 percent of companies with 25 or fewer employees offering any kind of pension at all today. Those are the very people who we are targeting by, yes, lessening the restrictions, the costs, the burdens, the liabilities in these plans, by directly giving the people who make the decisions in these plans more incentives to offer the plans by increased contributions. This is the whole focus of the legislation.

Let me give some very interesting statistics. I have heard here today how low-income workers are not going to participate and so on. If an employer offers a plan, people will participate. If they build it, they will come. Among people who make $20,000 to $39,000 a year, 85 percent participate when an employer offers a plan, even a SIMPLE plan, a SEP plan, the most simple of plans. A 401(k), it is even more than that. Among people who make less than $20,000 a year, 68 percent, Mr. Speaker, over two-thirds of those people participate when an employer offers a plan.

These statistics are from the Congressional Research Service, by the way. This is not from even the Committee on Ways and Means, much less the Republican side. This is unbiased information that shows that the great potential here is to get these small business employers in plans. That is what we do. We do it through a number of different ways that I have talked about, but we also help with regard to vesting, taking it from 5 years to 3 years because these very workers tend to move jobs more quickly, more often. We do it by dramatically improving the idea that someone ought to offer a defined benefit plan. This is where the employee makes no contribution. So the low-income employees who are in companies that are now going to offer defined benefit plans, thanks to this legislation, are going to benefit directly.

We do it by a very interesting change in the law that says there should no longer be an arbitrary limit, that 25 percent of your compensation is all that can be put into a pension. Who does that hurt? That hurts the low- and moderate-income worker; well-meaning restriction put in place by this Congress. It does not make any sense because it actually erodes the ability of the low-income worker and the moderate-income worker to put what they want to put aside for their retirement. We eliminate the 25 percent of comp rule altogether.

We also have increased portability, as I said earlier, which will extremely focus on the folks who are moving around a lot, folks who now cash out their plan because when they move from job to job, say from a schoolteacher to a job in the private sector, they end up with two plans and most of those people actually cash out. We are now saying those plans can come together in a seamless way.

The point, Mr. Speaker, is this: the underlying legislation addresses the problem in the substitute. It addresses it in a conservative way in terms of the fiscal impact. It addresses it in a way that directly relates to the existing problem, what we know about it, and it has been, as I said, over the last 4 or 5 years an entirely bipartisan effort, a comprehensive look at our problems and the best ways to address them.

I urge my colleagues to vote, therefore, against the substitute and support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would close on our side. I want to thank the gentleman from Ohio (Mr. PORTMAN) for the quality of the debate that has taken place here today and also to thank the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. THOMAS) because the debate in committee I thought was good as well. I also appreciate the fact that the gentleman from Ohio (Mr. PORTMAN) said just a few moments ago that he had honest information that came from the Congressional Research Bureau, that the information did not come from the Republican side or it did not come from the Committee on Ways and Means. So we do appreciate that statement that the gentleman was able to offer for us.

This has been a good debate, and it has been legitimate. There is a sincere difference of opinion here on how to proceed. I have acknowledged time and again that I believe that the underlying support for this bill is indicative of the fact that it does address many of the problems that we have spoken to in committee during the last few years.

The key question that we face today, Mr. Speaker, is essentially this: How do we get low- and moderate-income workers to be full participants in the private retirement system of this country? We must help those who are not covered by a pension plan or who are covered by a pension plan but do not participate, or those who simply cannot put enough money away in their retirement plan, although they are trying very hard to make modest contributions.

I submit that H.R. 10 as currently constructed really does not address those issues, although it does solve a number of other problems in our pension system. I believe the issue of low- and moderate-income workers needs to be faced this year, or surely we are going to be back here very soon attempting to do something. Why not do it today?

I do not think the cost is very great given the size of the tax bills both Democrats and Republicans are talking about, and I do not believe that there will be a great deal of administrative complexity surrounding the retirement saving account proposals. Workers know how much they put into their pension plans, and there is a paper trail that everybody can easily check, just like every other line on our income tax forms. Pension contributions are a document that on a taxpayer's W–2 form right now, contributions under my RSA proposal, would receive the same scrutiny and treatment.

H.R. 10 increases contribution limits on individual retirement accounts and on qualified pension plans in hopes that business owners will bring other employees along as they take advantage of these new provisions. The gentleman from California (Mr. THOMAS) and I pursued this last year, the Roth IRA. I do not object to that at all, but the underlying tone of this debate today is, maybe so but maybe not so as well. Either way, it simply makes sense to give small business owners a direct incentive to offer pension plans to their employees.

Tax credits to cover the part of administrative costs of opening up a new pension plan and tax credits to help employers with the cost of making contributions on behalf of their employees in the early years simply makes very good sense.

In fact, it makes so much sense that these issues are going to be in the conference report one way or another.

I would urge us today to do it right now in the next half hour to 45 minutes. I hope my colleagues will support the substitute. It is anything but partisan. It speaks to a legitimate interest that we all have, and that is how do we get low- and moderate-income workers into a bona fide retirement plan? The proposal before us is a sound one. With this substitute, we can improve upon the work of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). I would ask a favorable consideration at the right time.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I would like to commend the gentleman from Massachusetts (Mr. NEAL) for a good debate here on the floor, and I yield the remainder of our time to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader. There is no Member of Congress in leadership or otherwise, Mr. Speaker, who is more committed to passage of this legislation and has been more helpful to it than the gentleman from Texas (Mr. ARMEY).

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas (Mr. ARMEY), the majority leader, is recognized for 3 minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN) for yielding me this time, and I thank the gentleman from Massachusetts (Mr. NEAL) for his comments.

Mr. Speaker, I would have and had planned to be here to speak in the general debate on the underlying bill but was called to the White House to discuss the overall budget circumstances, the overall tax bill. So if I may just take a moment to apologize to the gentleman from Massachusetts (Mr. NEAL) for speaking about the underlying bill during time on his substitute.

At the White House, of course, we are very excited and enthusiastic about the possibility of completing the budget, which we may expect to see on the floor tomorrow, and then subsequently to move forward and talk about the reduction in taxes that we have available for the American people within that some $1.3 trillion over the next 10 years.

As I approached that discussion, I looked at all the things that we are trying to accomplish in tax reduction, and the fact of the matter is we have so much to do and so little room within $1.3 trillion to accomplish it all. Certainly we want to set some things right, end the marriage penalty and the death taxes; reduce rates across the board on all taxpayers who are overtaxed.

I was acutely aware that one of my personal objectives, my second highest priority for what I would expect to be in that package, is this exact bill. I wanted to thank the gentleman from Ohio (Mr. PORTMAN) for bringing this bill forward, as he has remained faithful to it.

Why do I feel so strongly about this? Because like the other things we try to do, it speaks to the heart and the objectives and the hopes and the dreams of the American family. The American working man and woman get a bum rap every now and then from the pundits, the commentators. All too often I hear that America is a Nation of people that are poor savers. That is not fair. That is not right. We are a Nation of people that understand our hopes and dreams for a lifetime, and we understand that in our younger working years a very big part of what we may do then and now is to care for what we will be able to have as resources in our older years and, therefore, saving is important to us, but we struggle. We struggle in all those younger years when we have our young children to raise and all the expenses and all the things we would like to accomplish, in the building of a home, sometimes the building of a business, for some opportunity to save, against the fact that all too often we are asked to save after-tax dollars. What this bill is doing to some extent is saying, let us get the Government out of the way. Remove the Government from between a person and their dream by giving them an enhanced opportunity to save tax-exempt dollars in the current time period and catch up with that later but now to get that money forward.

So the first reason I like this bill is it enhances our opportunity for saving, first by expanding the opportunity to take tax-exempt dollars to our savings accounts. It also enhances our opportunity by removing government red tape and giving more institutions, more small businesses in particular, more opportunity to offer savings as an option at the world of work for these men and women.

Yes, it increases the dollars. It expands the opportunity by dealing with those spouses in America, most of whom are women, who choose to make their living for their family at home, where they specialize in what I like to call the things one does for love and their pay is not there in the form of a paycheck, who are today, under today's laws, foreclosed from equal access to savings opportunity with women who choose to work outside the home.

It should be only fair that we give everybody an equal opportunity of this chance to save for their retirement years, irrespective of how they make their living for their family, outside the house doing, of course, important things, or back home and doing at least what we would have to recognize as the more heartwarming things, if not indeed the more important things.

Then the final thing that I like about this, especially in today's world of work, where we have so much mobility, is the opportunity for one to feel free to move from this job to a better job, from this employer to a better employer, to a new opportunity and take their pension with them. This portability feature is important. So this is a good bill.

There are a couple of problems I have with the substitute. I will just mention them: one, as soon as one moves from a tax exemption to a tax credit, one deals the Government back in. What we are trying to do is get the Government of the United States out from between the American citizen and their savings hopes. As soon as the Government is back in, the Government will reintroduce its red tape; and we will be back to where we were with a complicated system of government regulations.

The other is the cost. I am committed, with my highest sense of priority, to not only passing this bill today but to seeing this bill included in the reconciliation package that will result in real tax enacted in law signed by the President in the next few weeks. It is going to be tough enough for me to say to everybody with all their other priorities, move over and let Portman-Cardin have their place in here. It is just, unfortunately, not something we could do if it was carrying that larger price tag.

So let us recognize we have a good effort here, an effort that is doable and when it is doable for us to accomplish the right thing to do for the good and true working men and women of this country, to help them on their own terms with their own resources fulfill their own dreams. We ought to do it. So I would ask my colleagues, please, vote against the substitute. Vote for the bill, and let us get about the business of making more savings opportunities more richly available for more working men and women in this country.

Mr. HEFLEY. Mr. Speaker, I am opposed to the Substitute Amendment. Americans should be allowed to prepare for their own retirement and should be encouraged to do so. The national savings rate is at an all time low. We must improve our retirement plans so that Americans may take full advantage of the opportunities that they provide.

H.R. 10 expands and strengthens our nation's private retirement savings system, making it easier for Americans to save. The Substitute only creates a costly new entitlement program, The Substitute Amendment adds three new tax credits to H.R. 10, which only complicate the Tax Code. A new refundable tax credit for savers, as proposed in the Substitute, would be difficult to monitor. Also, the Substitute includes new Small Business Tax Credits. Employers could only claim these credits for three years, reducing their value as incentives to start and maintain plans. H.R. 10 already helps small businesses by reducing administrative burdens.

H.R. 10 simplifies the administrative rules that apply to retirement plans. The Substitute Amendment only complicates the rules. H.R. 10 encourages individual retirement savings by providing greater pension simplification and increased savings opportunities. For these reasons and more, I encourage my colleagues to support H.R. 10 and oppose this Amendment.

☐ 1445

The SPEAKER pro tempore (Mr. Quinn). Pursuant to House Resolution 127, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. Neal).

The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. Neal).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NEAL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 207, nays 223, not voting 1, as follows:

[Roll No. 94]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—1

Moakley

☐ 1506

Messrs. FOLEY, FRELINGHUYSEN, KING, TOM DAVIS of Virginia, TIBERI, GREENWOOD, and SAXTON changed their vote from "yea" to "nay."

Mr. MOORE and Ms. HARMAN changed their vote from "nay" to "yea".

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Quinn). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

MOTION TO RECOMMIT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SANDERS. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sanders of Vermont moves to recommit the bill (H.R. 10) to the Committee on Education and the Workforce and the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike section 504 and insert the following new section:

SEC. 504. TREATMENT OF PLAN AMENDMENTS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) Notice Requirements for Defined Benefit Plans of 100 or More Participants.—

(1) Plan requirement.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

"(35) Notice requirements for defined benefit plans of 100 or more participants significantly reducing future benefit accruals.—

"(A) In general.—If a large defined benefit plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, a trust which is part of such plan shall not constitute a qualified trust under this section unless, after adoption of such amendment and not less than 45 days before its effective date, the plan administrator provides—

"(i) a written statement of benefit change described in subparagraph (B) to each applicable individual, and

"(ii) a written notice setting forth the plan amendment and its effective date to each employee organization representing participants in the plan.

Any such notice may be provided to a person designated, in writing, by the person to which it would otherwise be provided. The plan administrator shall not be treated as failing to meet the requirements of this subparagraph merely because the statement or notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(B) STATEMENT OF BENEFIT CHANGE.—A statement of benefit change described in this subparagraph shall—

"(i) be written in a manner calculated to be understood by the average plan participant, and

"(ii) include the information described in subparagraph (C).

"(C) INFORMATION CONTAINED IN STATEMENT OF BENEFIT CHANGE.—The information described in this subparagraph includes the following:

"(i) Notice setting forth the plan amendment and its effective date.

"(ii) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

"(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

"(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

"(iii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 and the regulations thereunder.

Benefits described in clause (ii) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A).

"(D) LARGE DEFINED BENEFIT PLAN; APPLICABLE INDIVIDUAL.—For purposes of this paragraph—

"(i) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(ii) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

"(I) each participant in the plan, and

"(II) each beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)).

"(E) ACCRUED BENEFIT; PROJECTED RETIREMENT BENEFIT.—For purposes of this paragraph—

"(i) PRESENT VALUE OF ACCRUED BENEFIT.—The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(ii) PROJECTED ACCRUED BENEFIT.—

"(I) IN GENERAL.—The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(II) COMPENSATION AND OTHER ASSUMPTIONS.—Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

"(III) BENEFIT FACTORS.—For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 411(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

"(iii) NORMAL RETIREMENT AGE.—The term 'normal retirement age' means the later of—

"(I) the date determined under section 411(a)(8), or

"(II) the date a plan participant attains age 62.".

(2) AMENDMENTS TO ERISA.—

(A) BENEFIT STATEMENT REQUIREMENT.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) If paragraph (1) applies to the adoption of a plan amendment by a large defined benefit plan, the plan administrator shall, after adoption of such amendment and not less than 45 days before its effective date, provide with the notice under paragraph (1) a written statement of benefit change described in subparagraph (B) to each applicable individual.

"(B) A statement of benefit change described in this subparagraph shall—

"(i) be written in a manner calculated to be understood by the average plan participant, and

"(ii) include the information described in subparagraph (C).

"(C) The information described in this subparagraph includes the following:

"(i) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

"(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

"(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

"(ii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 of the Internal Revenue Code of 1986 and the regulations thereunder.

Benefits described in clause (i) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A) of such Code.

"(D) For purposes of this paragraph—

"(i) The term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(ii) The term 'applicable individual' means an individual described in subparagraph (A) or (B) of paragraph (1).

"(E) For purposes of this paragraph—

"(i) The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(ii)(I) The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(II) Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

"(III) For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 204(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

"(iii) The term 'normal retirement age' means the later of—

"(I) the date determined under section 3(24), or

"(II) the date a plan participant attains age 62.

"(4) A plan administrator shall not be treated as failing to meet the requirements of this subsection merely because the notice or statement is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.".

(B) CONFORMING AMENDMENT.—Section 204(h)(1) of such Act (29 U.S.C. 1054(h)(1)) is amended by inserting "(including any written statement of benefit change if required by paragraph (3))" after "written notice".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to plan amendments taking effect in plan years beginning after December 31, 1998.

(B) SPECIAL RULE.—The period for providing any notice required by the amendments made by this subsection shall not end before the date which is 3 months after the date of the enactment of this Act.

(b) AGE-BASED REDUCTIONS IN THE RATE AT WHICH BENEFITS ACCRUE UNDER A CASH BALANCE PLAN VIOLATE AGE DISCRIMINATION RULE.—

(1) DIRECTIVE.—The Secretary of the Treasury shall apply section 411(b)(1)(H) of the Internal Revenue Code of 1986 without regard to the portion of the preamble to Treasury Decision 8360 (56 Fed. Reg. 47524–47603, September 19, 1991) which relates to the allocation of interest adjustments through normal retirement age under a cash balance plan, as such preamble is and has been since its adoption without the force of law.

(2) SAFE HARBOR IF NOTICE AND ELECTION TO CONTINUE BENEFIT ACCRUALS UNDER FORMER DEFINED BENEFIT PLAN INSTEAD OF UNDER CASH BALANCE PLAN.—

(A) AMENDMENT TO INTERNAL REVENUE CODE.—Paragraph (1) of section 411(b) of the Internal Revenue Code of 1986 (relating to defined benefit plans) is amended by adding at the end the following new subparagraph:

"(I) ELECTION TO CONTINUE BENEFIT ACCRUALS UNDER FORMER DEFINED BENEFIT PLAN INSTEAD OF UNDER CASH BALANCE PLAN.—

"(i) IN GENERAL.—A large defined benefit plan that adopts an amendment which results in such plan becoming a cash balance plan shall be treated as not meeting the requirements of this paragraph unless such plan provides each participant with—

"(I) notice and a written statement of benefit change which meets the requirements of section 401(a)(35), and

"(II) an election to continue to accrue benefits under such plan, determined under the terms of such plan as in effect immediately before the effective date of such plan amendment.

"(ii) PROTECTED ACCRUED BENEFIT.—For purposes of clause (i), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subsection (d)(6)(B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

"(iii) TIMING OF ELECTION.—Except as provided in regulations, the election required by clause (i)(II) shall be provided within a reasonable time before the effective date of the amendment resulting in the plan becoming a cash balance plan.

"(iv) CASH BALANCE PLAN.—For purposes of this paragraph, the term 'cash balance plan' means a defined benefit plan under which the rate of benefit accrual of any 1 participant for a year of service is reduced as the years of service of such participant increase.".

(B) AMENDMENT TO ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

"(4)(A) For purposes of paragraph (1), in the case of a plan amendment adopted by a large defined benefit plan (as defined in subsection (h)(3)) which results in such plan becoming a cash balance plan, such defined benefit plan shall be treated as not satisfying the requirements of this section unless such plan provides each participant with—

"(i) notice and a written statement of benefit change which meets the requirements of subsection (h)(3), and

"(ii) an election to continue to accrue benefits under such plan, determined under the terms of such plan as in effect immediately before the effective date of such plan amendment.

"(B) For purposes of subparagraph (A), an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

"(C) Except as provided in regulations, the election required by subparagraph (A)(ii) shall be provided within a reasonable time before the effective date of the amendment resulting in the plan becoming a cash balance plan.

"(D) For purposes of this paragraph, the term 'cash balance plan' means a defined benefit plan under which the rate of benefit accrual of any 1 participant for a year of service is reduced as the years of service of such participant increase.".

(3) EXCISE TAX ON FAILURE TO OFFER ELECTION.—

(A) IN GENERAL.—Chapter 43 of subtitle D of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE TO OFFER ELECTION TO CONTINUE BENEFIT ACCRUALS UNDER FORMER DEFINED BENEFIT PLAN IN EVENT OF SIGNIFICANT REDUCTIONS IN FUTURE BENEFIT ACCRUALS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (d).

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be 50 percent of the amount of the excess pension assets in such plan, determined as of the effective date of the amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants.

"(2) EXCESS PENSION ASSETS.—For purposes of paragraph (1), the term 'excess pension assets' has the meaning given to such term by section 420(e)(2).

"(c) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(d) ELECTION TO CONTINUE BENEFIT ACCRUALS UNDER FORMER DEFINED BENEFIT PLAN IN EVENT OF SIGNIFICANT REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—In the case that an applicable pension plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, the requirements of this subsection are met if the plan administrator provides each participant who has a nonforfeitable right to 100 percent of his accrued benefits with—

"(1) notice and a written statement of benefit change which meets the requirements of section 401(a)(35), and

"(2) an election to continue to accrue benefits under such plan, determined under the terms of such plan as in effect immediately before the effective date of such plan amendment.

"(e) TIMING OF ELECTION.—Except as provided in regulations, the election required by subsection (d) shall be provided within a reasonable time before the effective date of such amendment.

"(f) PROTECTED ACCRUED BENEFIT.—For purposes of this section, an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.

"(g) APPLICABLE PENSION PLAN.—For purposes of this section, the term 'applicable pension plan' means a defined benefit plan that is subject to the notice requirements of section 401(a)(35).".

(B) CLERICAL AMENDMENT.—The table of sections for chapter 43 of subtitle D of such Code is amended by adding at the end the following new item:

"Sec. 4980F. Failure to offer election to continue benefit accruals under former defined benefit plan in event of significant reductions in future benefit accruals.".

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to plans and plan amendments taking effect after December 31, 1998.

(B) SPECIAL RULE.—The period for providing any notice required by the amendments made by this subsection shall not end before the date which is 3 months after the date of the enactment of this Act.

(c) PREVENTION OF WEARING AWAY OF EMPLOYEE'S ACCRUED BENEFIT.—

(1) AMENDMENT TO INTERNAL REVENUE CODE.—Section 411(d)(6) of the Internal Revenue Code of 1986 (relating to accrued benefit may not be decreased by amendment) is amended by adding at the end the following new subparagraph:

"(D) TREATMENT OF PLAN AMENDMENTS WEARING AWAY ACCRUED BENEFIT.—

"(i) IN GENERAL.—For purposes of subparagraph (A), a plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

"(I) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

"(II) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

"(ii) LARGE DEFINED BENEFIT PLAN.—For purposes of this subparagraph, the term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(iii) PROTECTED ACCRUED BENEFIT.—For purposes of this subparagraph, an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of subparagraph (B)(i)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.".

(2) AMENDMENT OF ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

"(5)(A) For purposes of paragraph (1), a plan amendment adopted by a large defined benefit plan shall be treated as reducing accrued benefits of a participant if, under the terms of the plan after the adoption of the amendment, the accrued benefit of the participant may at any time be less than the sum of—

"(i) the participant's accrued benefit for years of service before the effective date of the amendment, determined under the terms of the plan as in effect immediately before the effective date, plus

"(ii) the participant's accrued benefit determined under the formula applicable to benefit accruals under the current plan as applied to years of service after such effective date.

"(B) For purposes of this paragraph, the term 'large defined benefit plan' means any defined benefit plan which had 100 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(C) For purposes of this paragraph, an accrued benefit shall include any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (2)(A)), but only with respect to a participant who satisfies (either before or after the effective date of the amendment) the conditions for the benefit or subsidy under the terms of the plan as in effect immediately before such date.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan amendments taking effect after December 31, 1998.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes in support of his motion to recommit.

Mr. SANDERS. Mr. Speaker, this issue affects the lives and well-being of millions of American workers, and I hope the Members would pay attention to this debate.

This motion to recommit is cosponsored by the gentleman from New York (Mr. HINCHEY), the gentleman from Ohio (Mr. KUCINICH), and the gentleman from Minnesota (Mr. GUTKNECHT), so it has a tripartisan element.

Mr. Speaker, in the last several years, major corporation after major corporation has cut back the pension benefits that they promised their workers. IBM, for example, which has a huge pension surplus, which pays its CEO $175 million over a 2-year period, said to its workers last year, yes, we made a promise to you, but we are going to renege on that promise and, in some cases, cut back the benefits that you expected by 30 or 40 or 50 percent.

That is wrong, and we have to deal with it. Unfortunately, the underlying legislation here does not in any meaningful way deal with this issue. The proponents of the bill say, we do deal with it, we do deal with it. But what we are really talking about is that we deal with it through disclosure.

I guess it is a good thing to know in advance if you are going to get the death penalty. It helps. But more importantly, it would help if this legislation did, as my amendment does, give workers a choice. If a company is going to convert from defined benefits to cash balance, workers should have a choice, should not be forced to accept major cutbacks in pensions that were promised to them.

If Members are concerned about what happened at IBM, what happened at other major corporations in America, let us stand up for those workers and say, we support your right to have a choice.

Support the motion to recommit.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I know that we all have a lot of other issues going on and a lot of people are not paying attention, but this is a very important point, because last year, about a year and a half ago, an awful lot of employees that worked for a great company that has been a great employer by the name of IBM, they woke up one morning and all of a sudden their pension benefits were cut by as much as 50 percent. The gentleman from Vermont (Mr. SANDERS) is exactly right.

This is a good bill. The underlying bill, the benefits, everything we do here is good, with one glaring exception: we do not define what the term "vested" means. I want Members to all think about that, what does "vested" mean? It means it is ours, it cannot be taken away. That is not what the law in the United States says today. Those pension benefits can be taken away.

We have an opportunity in this bill to resolve that issue. If we do not do it today, then shame on us. What happened to the IBMers we may not be able to change, but remember this, Mr. Speaker, if it could happen to good people working at IBM a year ago, it can happen to an awful lot of people working in our districts tomorrow.

□ 1515

The time is now to make this change. Give those people that choice. Let us vote for the motion to recommit.

Mr. SANDERS. Mr. Speaker, I yield to the gentleman from New York State (Mr. HINCHEY), who has been active on this issue.

Mr. HINCHEY. Mr. Speaker, I thank my friend, the gentleman from Vermont, for yielding to me.

Colleagues, this is a very important issue. It is important because it affects our constituents; it affects their retirement and their security and that of their families. Across this country some companies have changed their pension program from a defined benefit plan to a cash balance plan, thereby robbing their pension systems of enormous amounts of money, billions of dollars, and reducing the pensions programs of virtually every employee. It particularly adversely affects those employees who are getting near retirement age. My colleagues' constituents are affected by this.

We are not going to deal with this issue outside of this bill. We are not going to return to the issue of pensions anytime during this Congress. If we do not do it now, it is not going to get done; and the problem that exists will continue to exist and people will continue to get hurt.

Please join us in this simple motion to recommit. Let us just correct this one single deficiency in this bill, improve it, and make it affect our constituents in a positive way. Vote for the motion to recommit.

Mr. SANDERS. Mr. Speaker, let me conclude by saying that the proponents of this bill will tell us that they have dealt with this issue. They have not dealt with this issue. Disclosure is fine, but disclosure will not help millions of workers who have already seen their pensions cut and many more who will see their pensions cut. Please vote "yes" on recommit.

The SPEAKER pro tempore (Mr. QUINN). The gentleman's time has expired. Is the gentleman from California (Mr. THOMAS) opposed to the motion to recommit?

Mr. THOMAS. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the authors of the underlying bill said that they addressed the issue, not that they had dealt with it. This motion to recommit is 22 pages of very specific directed information that I will address in a moment.

We have had an excellent discussion about needful changes in the area of pensions and IRAs. I would hope it is enough for my colleagues to know that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) are in opposition to this motion to recommit. This is not the way to deal with pension legislation.

Twenty-two specific pages. For example, in the materials explaining the bill it says, "The fact that cash balance plan conversions violate current pension age discrimination laws is clear." If it is clear, why on page 12, beginning on line 6, does it say, "Directive. The Secretary of the Treasury shall apply section 411 without regard to the portion of the preamble. Such preamble is and has been since its adoption without the force of law." If it is clear, why do my colleagues direct the Treasury to a particular conclusion about that section?

It also involves the ERISA area, which is the jurisdiction of the committee of the gentleman from Ohio.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, the motion to recommit deals with the issue of cash balance pension plans, which are a form of defined benefit pension plans that most of my colleagues on the Democrat side want. We have had this huge decline in defined benefit plans and a move toward defined contribution plans. And as a way to save defined benefit plans, they came up with this idea of a cash balance conversion.

These are very, very good for younger workers. And I might also add that over 500 of these conversions have taken place. In almost every instance, the employer has in fact made all employees whole in the process. There were some mistakes early on, but they have been corrected. The gentleman from New Jersey (Mr. ANDREWS) and I, during the last administration, worked with the Secretary of Labor, worked with the White House, and came to an agreement on this disclosure model contained in this bill.

We should be very careful about the specific language in this motion to recommit that allows for choice, so that in the case of a cash balance conversion an employee could choose one or the other. This would require an employer to offer two separate plans. And they will do this: they will have no plan, or there will be no conversion and then no defined benefit plan.

It is a very bad and dangerous idea, and we should reject this.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 30 seconds to the gentleman from North Dakota (Mr. POMEROY) in opposition to the motion to recommit.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding to me.

Colleagues, the bill contains language on disclosure for cash balance conversions advanced by the White House in consultation with Congress last year. The motion should be defeated, because although it talks about mandating choice between defined benefit and cash balance, it says nothing about changing the pension plan all together for a defined contribution plan or, worse, scrapping it all together. Those are much more serious options than moving from traditional defined balance to cash balance.

Therefore, although well intended, this motion does not work. It should be defeated.

Mr. THOMAS. Mr. Speaker, I thank the gentleman.

It is also true that members of the Committee on Ways and Means are very concerned about this, including the gentleman from Massachusetts (Mr. NEAL), who indicated that it is not the appropriate way to deal with this issue, through a motion to recommit; but that we would be pleased to look at it in committee.

As we continue through the 22 pages of this bill in terms of the specific directives, my colleagues might also be interested to know that if they vote in favor of the motion to recommit, on page 16 they would be in favor of the imposition of a tax. The tax is an excise tax. The amount of the tax imposed, and I am quoting, by subsection A, shall be 50 percent of the amount of the excess pension assets in such plan.

Now, we are more than willing to talk about reasonable adjustments where we find fault, but that is a bit Draconian. And I would only ask my colleagues to look on page 22 of this motion to recommit and look at the effective date: "The amendments made by this subsection shall apply to plan amendments taking effect after December 31, 1998."

I would ask my colleagues, as this bill was constructed in a bipartisan way, let us reject this motion to recommit in a bipartisan way.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—yeas 153, nays 276, not voting 2, as follows:

[Roll No. 95]

YEAS—153

Abercrombie
Ackerman
Allen
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NAYS—276

Aderholt
Akin
Andrews
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry

Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—2

Moakley
Royce

☐ 1546

Mr. GILMAN changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. QUINN). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 24, not voting 1, as follows:

[Roll No. 96]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Conyers
Filner
Frank
Gutknecht
Hinchey
Jackson (IL)
Kucinich
LaFalce
Lee
Matsui
McDermott
Neal
Oberstar
Obey
Olver
Owens
Payne
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Stark
Waters

NOT VOTING—1

Moakley

☐ 1602

Mrs. MEEK of Florida changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 10, the bill just passed.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H.R. 129) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 129

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Resources: Mr. Miller of California to rank immediately after Mr. Rahall of West Virginia;

Committee on Science: Mr. Honda of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 39

Mr. REYES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 39.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FISCAL YEAR 2002 BUDGET SUBMISSION ON DISTRICT OF COLUMBIA COURTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-63)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts FY 2002 Budget Submission.

The District of Columbia Courts have submitted a FY 2002 budget request for $111.7 million for operating expenses, $41.4 million for capital improvements to courthouse facilities, and $39.7 million for Defender Services in the District of Columbia Courts. My FY 2002 budget includes recommended funding levels of $105.2 million for operations, $6.0 million for capital improvements, and $34.3 million for Defender Services. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2002 appropriations process.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 2, 2001.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 39

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 39.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO LIEUTENANT GENERAL DANIEL WILLIAM CHRISTMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I rise today to recognize the outstanding service of Lieutenant General Daniel William Christman. General Christman will retire on June 30, 2001, after an outstanding career of more than 36 years of service in peace and in war to the Army and to our Nation.

General Christman is currently serving out his final 2 months as superintendent of the United States Military Academy. In this capacity, General Christman charted the course for officer education into the new century. Under his guidance, the academy crafted a new mission statement, strategic vision, and new public-funding structure needed to enable the institution to compete and excel in an era of transformation.

His assessment of current needs and insight of future possibilities has resulted in a revised academic curriculum and increased focus on the profession of officership. General Christman leaves a notably improved academy in terms of leadership facilities and morale.

Prior to undertaking this role, General Christman has distinguished himself in numerous command and staff positions with U.S. forces stationed both overseas and in the continental United States.

In Europe, his assignments included serving as the 19th U.S. representative to NATO Military Committee, Brussels, Belgium, and Commander of the 54th Engineer Battalion in Wildflecken, Germany.

In 1969, he commanded a company of the 101st Airborne Division in combat in Southeast Asia. General Christman occupied senior executive positions in Washington, D.C., requiring creative leadership and strategic vision. He served as a staff assistant with National Security Council in the Ford White House. Prior to his West Point assignment, he served as an assistant to the chairman of the Joint Chiefs of Staff, advising the Secretary of State on a broad range of military and national security issues such as arms control with the Russian Federation and the Middle East peace negotiations between Israel and Syria.

In June 1996, General Christman became the 55th superintendent of the U.S. Military Academy. Through his tenure, he demonstrated an exceptional combination of intelligence, character, and positive personality notable even in this highly selective environment. From the outset, he sought the comments and insight of graduates, the academy, and even the neighboring community to give them a closer identification with and support for the institution and decisions that were ultimately made.

Development of a more cooperative and positive environment has been the hallmark of his superintendency.

General Christman arrived at West Point at a time of significant financial constraints. Severe cutbacks to the Army budget had seriously affected both programs and infrastructure at the academy. He undertook strenuous efforts to obtain the critical funding support for an institution that was behind not only other colleges but also many Army posts. Through his efforts and the support of the Army staff, he gained pledges for the funding necessary to restore the institution to a competitive sustainment level necessary to encourage officers and soldiers to serve at West Point and to attract high-quality young cadets to embark upon a career of service to the Army.

At the same time, he tirelessly dealt with the Department of Defense and Members of Congress to make the case for critical funding for West Point. The successful completion of Arvin Gym will be of great credit to Dan Christman.

In concert with his desire to prepare the institution for the next century, he revised the institution's formal mission statement to a more comprehensive expression of its foundation and objectives. His leadership was also instrumental in establishment of the William E. Simon Center. The center will promote the study of the professional military ethic in the Army and nationally. This project is but one example of General Christman's efforts to enlist the skills, talents, and character of the West Point community for a broader national purpose.

He leaves a notably improved academy in terms of leadership, facilities, and morale. The military, academic, physical and moral/ethical development of programs at the academy have never been stronger and never been more connected to the Army. With his actions, General Christman has set the course for officer education into the first half of the new century.

A consummate professional, General Christman's performance of duty during his long illustrious career exemplifies the finest traits of duty, honor, and country. His service reflects a deep commitment to West Point, the Army, and to our Nation.

Mr. Speaker, I ask my colleagues to join me in thanking General Daniel Christman for his honorable service to the citizens of the United States of America. I wish him, his lovely and intelligent wife, Susan, and their children continued success and happiness in all of their future endeavors.

Mr. SPENCE. Mr. Speaker, I rise today to recognize an exceptional United States Army officer, Lieutenant General Daniel W. Christman. Next, month, General Christman completes a highly successful five year assignment as the Superintendent of the United States Military Academy, West Point, New York. It is a pleasure for me to recognize a few of his many outstanding achievements.

A native of Hudson, Ohio, General Christman graduated first in his class from the United States Military Academy in 1965. He holds master's degrees in civil engineering and public affairs from Princeton University and a law degree from George Washington University. He is also a graduate of the Army Command and General Staff College and the National War College. He is a member of the Pennsylvania and Washington, D.C. Bars and he is also a member of the Council on Foreign Relations.

General Christman's major command assignments include serving as the nineteenth United States Representative to the North Atlantic Treaty Organization (NATO) Military Committee, Brussels, Belgium (1993–94); Commanding General, United States Army Engineer Center and Fort Leonard Wood, and Commandant, United States Army Engineer School, Fort Leonard Wood, Missouri (1991–93); Commander of the Savannah District, United States Army Corps of Engineers in Savannah, Georgia (1984–86); Commander of the 54 Engineer Battalion in Wildflecken, Germany (1980–82); Company Commander in the 326th Engineer Battalion, Hue, Vietnam (1969–70); and Company Commander, 2nd Engineer Battalion, Changpo-Ri, Korea (1966).

His major staff assignments involved service as a Staff Officer in the Office of the Deputy Chief of Staff for Operations, Department of the Army, Washington, D.C. (1976–78) and as a Staff Assistant with the National Security Council, The White House (1975–76). In both of these assignments, General Christman was responsible for advising the Army Chief of Staff and senior staff on the Strategic Arms Limitation Talks (SALT). Further, he was called upon to testify before the House Select Committee on Intelligence regarding Soviet compliance with earlier arms control agreements.

General Christman served for 21 months as Assistant to the Chairman of the Joint Chiefs of Staff, General John M. Shalikashvili (1994–96). In this capacity, he supported Secretary of State Warren Christopher as a member of the Middle East Peace Negotiating Team and in arms control negotiations with the Russian Federation. Additionally, General Christman served for a year and a half as Army adviser to the Chairman of the Joint Chiefs of Staff, Admiral William J. Crowe, and then as Assistant to the Attorney General of the United States for National Security Affairs.

General Christman also served as Director of Strategy, Plans and Policy in the Department of the Army Headquarters, Washington, D.C. His duties in this assignment focused on negotiations relating to the Conventional Forces in Europe (CFE) arms control talks between the NATO and the Warsaw Pact. In the course of supporting these negotiations on behalf of the Chief of Staff of the Army and the Chairman of the Joint Chiefs of Staff, General Christman briefed former President Bush and traveled to Europe to brief allied heads of state and the NATO Secretary General. He has also been called upon to testify before the Congress on CFE initiatives, as well as on other topics relating to our NATO commitments and Army force structure.

On June 24, 1996, Lieutenant General Daniel W. Christman arrived for duty as the 55th Superintendent of the United States Military Academy at West Point. In this capacity, he was charged with educating, training, and inspiring the Corps of Cadets, so that each graduate is a commissioned leader of character committed to the values of duty, honor, and Country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to our Nation.

Among his military decorations are the Defense Distinguished Service Medal (two awards), Distinguished Service Medal (two awards), Defense Superior Service Medal, Legion of Merit (two awards), Bronze Star Medal (two awards), Meritorious Service Medal (two awards), and the Air Medal (three awards).

Mr. Speaker, Dan Christman has come to epitomize those qualities that we as a Nation have come to expect from our Army—absolutely impeccable integrity and character, as well as professionalism. He has served our Country with distinction for the past 36 years, and he has demonstrated a dedication to duty that is in keeping with the highest standards and proud traditions of the Armed Forces of our Nation. As he moves into new endeavors, I call upon my colleagues from both sides of the aisle to wish him and his lovely wife, Susan, much continued success.

COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the elected representative of North Carolina's Third Congressional District, I have the privilege of representing several fine military bases. As such, I am honored to represent the men and women in uniform at these installations who give their all to make the United States military the greatest fighting force in the world.

They carry out their duties daily knowing that at any moment they might be asked to put their lives on the line to defend our freedoms.

While I feel this same dedication to all of the military personnel in my district and around the world, I am here today to pay special tribute to two of the bases in my district, Seymour Johnson Air Force Base and Marine Corps Base Camp Lejeune.

On March 23, the Pentagon announced the winners of the Commander in Chief's Award for Installation Excellence. Camp Lejeune was named best of the Marine Corps and Seymour Johnson was honored as being the best of all military bases across the services.

Each year, U.S. military installations around the world compete within their branch of service for this award. Five awards are given out to the best of the best of all of the bases. It is quite a distinction. The criterion for qualifying is daunting. So I cannot truly express the pride that I felt to learn that two of the five best bases in the world are in the Third District of North Carolina.

These awards are a tribute to commitment to excellence of the men and women who serve at these bases. They are also tributes to the fine leadership at each installations: General Norman Seip at Seymour Johnson Air Force Base and General Ron Richard at Camp Lejeune.

I commend all of them for not just the dedication that it takes to win these pivotal awards but to their great service to our Nation.

Mr. Speaker, this Friday the five bases that received the Commander in Chief's Award for Installation Excellence will be honored during a ceremony at the Pentagon.

□ 1615

While schedule conflicts will unfortunately prevent me from attending the ceremony, I wanted the men and women who serve at Seymour Johnson Air Force Base and the Marine Corps' Camp Lejeune to know I am truly humbled and honored to be their representative in the United States Congress.

So I offer my most heartfelt congratulations to Marine Corps Base Camp Lejeune and the people of Jacksonville, North Carolina, and to Seymour Johnson Air Force Base and the people of Goldsboro, North Carolina, on being recognized for what we in North Carolina have known all along, that they are indeed the best in the world.

ECONOMIC DISASTER IN KLAMATH BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, we are in the midst of an economic disaster in the Klamath Basin of Oregon that demands the attention of Congress and this country.

The good people of this Basin were lured there by a promise made by the Federal Government nearly a century ago: "Come settle the West, and we will provide you with land and water; produce food for our Nation, secure our western expansion, and we will reward you."

Moreover, the government gave first priority to the men and women who fought for our Nation's freedom in World War I and World War II. Yes, our veterans who risked life and limb were rewarded, indeed enticed, to help the government reclaim the land and feed the country.

In 1905, the newly created Bureau of Reclamation started construction of the Klamath Reclamation Project on the land surrounding Upper and Lower Klamath Lakes in Oregon. It is on the Oregon-California border. The project, using dams, canals and ditches, brought water to the arid land.

Three years later, President Theodore Roosevelt designated our country's first national wildlife refuge in the Klamath Basin. Roosevelt understood and supported the need for irrigated agriculture and the interrelationship the project had with the refuge.

For years, farming and wildlife coexisted beneficially. Water from the project fed into the refuge, and farmers grew crops that in part were available for the birds. A resurgence of bald eagles occurred.

Today, of all this is threatened; the quality of the refuge, the livelihood of the farmers. Why? Because over time the government has passed new laws that reallocate the water in more ways than there is water. And on April 6, the Bureau of Reclamation announced for the first time in this country's history, there would be no water for farmers. None. Zip. Zilch. Nada. The headgates would remain closed. The canals would remain dry. The farmers were on their own.

Suckers, that is right, sucker fish, in Upper Klamath Lake now had to be saved at all costs. Higher lake levels were set. Meanwhile, other biologists said more water must flow down the Klamath River to help threatened salmon runs. More water in the lake. More water in the river. But no water for farmers.

The Endangered Species Act is supposed to have a reasonable and prudent test, so I ask you, is it reasonable and prudent to bankrupt nearly 2,000 farm families? Is it reasonable and prudent to bring economic disaster to an entire basin? Is it a reasonable and prudent operations plan for the project to not operate the project? Monday, a Federal Court basically said yes.

Well, I could not disagree more, and these new requirements are anything but reasonable and prudent for the farming families and the communities in the Klamath Basin.

So today we are facing a disaster, and today we must decide as a Nation if we are going to pass laws for the "benefit" of the whole country; then, if those laws bring about the demise of a few, the whole Nation needs to compensate the few for their loss.

So I am proceeding with aggressive efforts to get disaster relief to the farmers and others in the Basin who are living this hardship every day. I am also working closely with the Bush administration to step up efforts to add to the water storage in the Basin, so that fish and farmers will have adequate supplies in the years ahead.

If the government is going to allocate more water than it has, then it darn well better figure out how to keep its commitment by adding to the storage.

I commend the gentleman from Utah (Chairman HANSEN) for appointing a bipartisan task force to look into the Endangered Species Act and how it is affecting people and communities. Today I have asked him to use the situation in the Klamath Basin specifically as a perfect example of the problem we face.

Too often in the past, the Federal Government has set the standards and then gotten in the way of our ability to achieve them. Today, I met with Federal officials and urged them to let Oregonians have more say in how we meet Federal laws. What we need most right now is for the Federal Government to work with us, not against us; to stand up for balance, not disaster.

This administration has tried in vain to find a way to provide water to farmers this year, but they were boxed in by the unworkable requirements of the Endangered Species Act. They have inherited a mess, but at least they are working with us to bring a change.

From the dust bowl and disaster that will result this summer perhaps will rise the change that is so needed and so overdue. We should never have ended up in this place.

Perhaps the recognition will come that people and communities must be part of any successful effort to improve our environment and not simply double-crossed and run off the land.

PROTECTING ROADLESS AREAS IMPORTANT TO COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I come to the well today to alert the House to a decision that the administration will make this Friday, May 4, extremely important to the future of our forests in this Nation, because this Friday, this administration will either come to the aid, to the preservation of our roadless areas and our Forest Service land, or it will take a dive and refuse, in fact, to defend the law of the United States that is designed to protect these roadless areas in a lawsuit in Idaho. I am here to urge this administration to follow the law, to follow the will of the American people to protect these last remaining roadless areas in our forest lands.

Let me tell you why I feel strongly about that. A couple months ago the President came to this Chamber and gave a speech that was well received. One of the things he said, he quoted Yogi Berra, which I liked, he quoted Yogi Berra in the famous quote, "When you come to a fork in the road, take it." But unfortunately, recently this President has taken the fork and he stuck it in every environmental policy that has come before him on his plate.

May 4, this Friday, is an opportunity for this President to change that pattern of failure for our environment by, in fact, defending the roadless area policy that needs defending in a lawsuit in Idaho.

Let me tell you why, clearly, the administration ought to take these steps. Number one, the American people want it. In one of the most exhaustive processes in adopting the roadless area policy, we have come to a very clear consensus that in fact the American people want this roadless policy. They want their wilderness areas protected. They want their old growth protected from the incursions of roads for clearcutting, for oil drilling, for mining.

How do I know that? I know that because the Forest Service conducted over 600 meetings over the last couple of years in every corner of this country. In my State of Washington they had scores of meetings, in towns like Morton and Okanagan, not just Seattle, but little areas, 600 meetings, where over 1.6 million Americans told their Federal Government what they thought about the roadless policy.

The results were amazing. In Washington State there were tens of thousands of people who contacted their government. You know what they told their Federal Government? Ninety-six percent of the people who responded in the State of Washington told their Federal Government to protect these roadless areas. As a consequence, the last administration issued a rule that did exactly that, that followed 96 percent of the people in the State of Washington, who responded to this issue, to protect these roadless areas.

So it seems to me, when 96 percent of the people tell their Federal Government what they want, the Federal Government ought to respond, ought to listen to those wishes. But, unfortunately, following a long series of listening to the special interests, we are very concerned that the Bush administration will in fact take a dive in this lawsuit of folks who are seeking to overturn this rule.

The reason I say that is a recent Washington Post article that revealed that the administration had asked the Attorney General for ways to get out from underneath this rule, to in fact take a dive. We had testimony in my Committee on Resources a couple of weeks ago where a Department of Agriculture official revealed, in fact, they had been asked about how to do exactly that in this rule. That would be wrong. What would be right would be to listen to the will of the American people and let this roadless policy stand.

I will tell you why Americans feel so strongly about it. It is my second point here today. This roadless area policy is required to respond to certain American values of taking care of your natural world, to preserve it for your heritage and your kids and grandkids and great-grandkids.

In fact, what we found the testimony in these 600 meetings revealed is, people do not want to see their salmon habitats destroyed by clear-cutting, because what we found in the State of Washington is, when you do this clear-cutting in these roadless areas, you get erosion off the hills and that silts up the salmon streams and that destroys the salmon and that creates an endangered species, and that ends salmon fishing in the Northwest, a heritage that we have enjoyed throughout the generations.

This roadless area is designed to prevent the end of salmon in the Pacific Northwest and other places. We need this administration to listen to the people who said we want to preserve our salmon.

So, Mr. Speaker, in conclusion, I just want to say it is not the time to start drilling in our National Forests. We ought to stick with this roadless policy. It certainly would be wrong to drill in our National Forests at the same time we do not increase the average mileage for our vehicles.

GOVERNMENT BANKRUPTING KLAMATH BASIN AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, a government-caused disaster is bankrupting an entire farming community in the Klamath Basin of Northern California. Families are being told simply that there is zero water for farming this year. It is an unspeakable tragedy and an appalling example of the power of the Endangered Species Act.

This is a poster child for the need to reform this misguided law and for all that is wrong, unjust and unbalanced with extreme environmental policies. It is a heartbreaking example of how people, families and, indeed, entire communities, can be sacrificed at the stroke of a biologist's pen, and based on nothing more than incomplete data, speculation and guesswork.

There is little consideration given to the human species under the Endangered Species Act. Once an animal or fish species is listed, its needs must come first, before the rights and livelihoods of the American people. This is not reasonable, it is not balanced, it is not prudent.

Farmers should be irrigating right now, but the normally bustling towns of the Klamath Basin in Northern California and Southern Oregon are quiet. Without water for the crops that drive this economy, farmers cannot work in their fields; the fertilizer companies, the maintenance shops, all agricultural-related businesses are closing. Delivery trucks and processing plants sit idle. Unemployment will rise.

More than 12 years ago the government decided that a species of fish was in decline and had to be protected under the Endangered Species Act, despite the fact that nobody really knows how many fish there are, how many there have been historically, and how many there should be. But because the ESA requires protection at any cost and all costs, the water has been shut off completely and there will be no farming this year. The Federal Government has reneged on its promise and has left these farmers wondering how this could happen.

But, Mr. Speaker, this need not happen. Three decades ago this country put men on the moon. With technology and know-how, the impossible became possible, and I know that we can do this in the Klamath Basin and throughout the country.

Protecting the environment and maintaining our local economies need not be mutually exclusive. In fact, we have studies that tell us, as surprising as this may seem, that more water does not necessarily equal more fish.

□ 1630

The issue is one of water quality, and we can do some things to improve that for the fish without simply taking water from our farmers. But the extreme environmentalists want this to be an either/or proposition.

Many of us have been working for years to fundamentally change the ESA, knowing that it allows for just this kind of tragic result. We have simply asked for reasonableness, for common sense, for balance between the needs of people and the needs of fish.

We have seen lives lost because of the Endangered Species Act, preventing us from fixing levees. We have seen the rights of property owners trampled. Now we are seeing people lose all they have or worked for. The loss of life, the loss of livelihoods, the trouncing of fundamental rights to freedom and the pursuit of the American dream, all of this is occurring under the extremes of the Endangered Species Act.

I would venture to guess that this is not what the American people truly want, and that this is not what Congress envisioned when it crafted this legislation more than 30 years ago.

I am committed to making sure the entire Nation knows that this is happening, and to working with this Congress and with the administration in making sure that it does not happen ever again. We need a fundamental change in this law so that we can prevent our local economies and the environment from being pitted against one another. If we put a man on the moon, I know that we can do this.

IMMIGRATION RELIEF FOR THE SUPPORT STAFF OF FERDINAND MARCOS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today I rise to re-introduce a bill that provides immigration relief for the support staff of Ferdinand Marcos. This bill is similar to H.R. 4370, which I introduced in the 106th Congress.

In 1986, President Marcos of the Philippines was granted political asylum in the United States to avert civil conflagration because of a popular uprising against his regime. The civil unrest arose following a controversial election in which President Marcos claimed to have defeated Corazon Aquino but was widely accused of election fraud. Growing street demonstrations in support of Mrs. Aquino raised fears of violence against what many viewed as a fraudulent election result. President Marcos left the Philippines on February 25, 1986 at U.S. urging and went into exile in Hawaii.

President Marcos, his wife Imelda and 88 members of his staff and their families were advised that they were being allowed into the United States with "parole" status for the convenience of the U.S. Government. This status is a legal fiction in which the individual is physically present in the United States but had never been "admitted" to the United States. The Immigration and Naturalization Service (INS) can terminate parole status at any time. The individual can be treated as if he or she had entered the United States illegally and had no right to be here. In this case, it is extremely unfair.

INS has instituted proceedings to expel some of these individuals and their families but not all of them. The only pattern which seems to exist is that only individuals living in Hawaii are targeted for removal or exclusion proceedings. Based on reports I have received, no member of the Marcos entourage who moved to the mainland had been the target of any exclusion, deportation or removal proceeding.

These immigrants were invited to the United States to help care for President Marcos who was already ailing and died in 1989. They were told that they could bring their families with them. They have been in the United States for fourteen years and are fully integrated into our society. These people should not be deported. They came to the U.S. for an important reason. Because that reason is now past should not cause us to turn against them.

To rectify this unfair treatment, the bill grants the individuals and their families the right to remain in the United States. These honest, hardworking people came to the United States at the invitation of our government. Their presence was known and they have done nothing to violate our immigration laws. To uproot them would be an injustice to them and their families that we should not allow.

The exile Marcos government in Hawaii was instigated by the U.S. to save the Philippines from political turmoil and rebellion. Those who came to implement this policy to end civil unrest in the Philippines should have the protection of this government.

I urge my colleagues to support this bill.

IN SUPPORT OF A MISSILE DEFENSE SHIELD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, the President of the United States has stated to the world that he is going to embark on a program to defend the American people from incoming ballistic missiles.

This position, this statement, has started the machinery of dissent throughout the United States, and indeed, in some of the forums of government in adversarial states and in some of our allied states, with some of our friends around the world.

Mr. Speaker, today it is against the law for the United States of America to defend itself from incoming ballistic missiles. It is against the treaty known as the ABM treaty. That treaty has the force of law in this country.

That means that if Russia, for example, should launch a ballistic missile to the United States, we have agreed, we have promised in a treaty, not to try to destroy that missile but to let it land in the United States and destroy millions of Americans, presumably, if it hits in a major city, or if it hits in a military installation, destroy thousands of American uniformed service personnel.

Now, we made this agreement with Russia, which seems like a stupid agreement, I think, to most people looking at it intuitively for the first time, we made this agreement with Russia when they had an extremely large nuclear arsenal and we had an extremely large nuclear arsenal. We thought that the best way to prevent a war from starting was to say that neither one of us would protect ourselves. So if they threw the first the first rock, we could not stop that rock, but we could respond with an overwhelming fusillade of rocks ourselves, that is, nuclear weapons, and both nations would be totally destroyed by these nuclear explosions.

This doctrine was called the doctrine of MAD, mutually assured destruction. Because of that, we adhered to our treaty not to ever build a defense against an incoming nuclear weapon.

Now, President Reagan did not like that. He said the best way to defend this country is to truly defend it, not simply to wreak vengeance on someone who throws that first nuclear weapon. The way to be most humane and not to destroy cities and not to kill millions of people is to have a shield, to have a shield or a protection against that incoming ballistic missile.

That was some 17 years ago, Mr. Speaker. Today President Bush renewed that idea and that philosophy, and said it will soon be manifested in an American missile defense program.

Now, even for those people who thought that MAD, mutually assured destruction, was a good treaty to have between the United States and Russia, then the Soviet Union, it does not apply anymore. The reason it does not apply anymore is because there are now lots of countries that never signed any treaty with the United States who now are developing missiles with the capability of carrying nuclear, biological, or chemical warheads into the United States.

For example, China never signed that treaty. They are building ballistic missiles right now and aiming them at American cities and telling us, it is your obligation not to defend yourselves. North Korea now has recently tested a missile which, if we extrapolated its flight, would have enough stretch, enough distance to get to the United States, or at least parts of the United States.

Iraq and Iran are now testing missiles with increasing capabilities. They never signed any ABM treaty or agreement not to defend themselves, or for the United States not to defend itself against incoming missiles. They never signed the ABM treaty. North Korea did not sign the treaty. China did not sign the treaty.

As time goes on, we are going to see that this is the age of missiles. More and more nations are building those missiles. To some degree, we are like this country was in the 1920s when General Billy Mitchell came back to the Coolidge administration and said, "You know something, we live in an age of air power. We had better start building airplanes, because lots of other people, including potential adversaries, are building airplanes. If we do not build airplanes, if we do not get into the aerospace age, we are going to lose a lot of Americans dead on the battlefield of the next war."

We did not pay too much attention to Billy Mitchell. In fact, we court-martialed him for saying the Nation was unready for war. In fact, we were moving into the aerospace age. Although we lagged with our industrial base, we were able to catch up. It was because of American aerospace dominance in World War II that we were able to prevail in that war. Ever since then, our country has dominated the skies with respect to aircraft.

By the same token, Mr. Speaker, we live today in an age of missiles. In fact, it was in the Desert Storm operation that we saw for the first time Americans killed by ballistic missiles; slow missiles, but ballistic missiles.

For that reason, President Bush, in conclusion, Mr. Speaker, is absolutely right on to launch this program that will defend uniformed American servicemen and our citizens against incoming ballistic missiles. The American people should get behind it.

THE MILITARY SURVIVORS EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I would bring my colleagues down to Earth after the last speaker.

I rise today to speak about a bill to restore equity, equity, Mr. Speaker, to the survivors of our Nation's veterans. I call that bill the Military Survivors Equity Act, H.R. 1232.

It is hard to believe that we continue to condone a system that penalizes the aging survivors, mostly widows, of the veterans of our Nation. But that is exactly what the Military Survivors Benefit Plan does. When a member of the military retires, he or she may join the Survivors Benefit Plan, known as SBP. After paying a premium for many, many years, the retiree expects that his or her spouse will receive, as is claimed in the literature, 55 percent of the retired military pay when that veteran dies.

But it turns out, in a very painful realization, that this is not the case. Most of the survivors who receive SBP benefits are military widows. We may not realize it, but when these widows who are receiving SBP benefits turn 62, what is called a Social Security offset causes their benefits to be reduced from the 55 percent they thought they were getting to 35 percent of their husband's military retired pay. That is quite a shock for widows.

This occurs even when the Social Security comes from the wife's employment. That is, they were entitled to the Social Security, the premium was paid for for their retirement, and yet, they offset one another.

Let me tell Members what this means to a military widow. I have received a lot of letters on this topic from my constituents and from around the country. Here is what one of them says:

> My husband, who served in the Army for 20 years, was on Social Security disability because of heart problems and could no longer work. He died when I was 61. I received Social Security income plus my SBP. With those two incomes I was doing fine, paying my monthly bills and having enough left for groceries. But when I turned 62, I was notified that my SBP was reduced from $476 to $302. What a shock. That was my grocery money that they took away from me.

Another letter said:

> While my husband was alive, we worked out a budget for me in case he died. I felt secure in the knowledge that he had provided for me by joining the Survivors Benefit Plan. I could not believe it when I learned I was not going to get the amount we were promised. I cannot believe that our government would do this to the widow of a veteran.

Mr. Speaker, it is past time to change this misleading and unfair law. We must provide some equity to the survivor spouses of our military retirees. My bill would fix this problem by eliminating the callous and absurd reduction of benefits and give what is expected and what is deserved, 55 percent of the military retired pay. To put it simply: no offset; a simple solution to a difficult problem, but an equitable solution to a mean-spirited practice.

Mr. Speaker, I hope my colleagues will join me in cosponsoring H.R. 1232, the Military Survivors Equity Act. Let us do this for our veterans and for their widows, their surviving spouses. We are causing them great pain and anguish.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 2, 2001.*

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am going to talk about Social Security, a little bit about the problems, a little bit about the commission that was appointed today by the President of the United States, George Bush, to try to come to a conclusion that is going to keep Social Security solvent.

We have been looking and acknowledging for almost 6 years now the serious problem of Social Security solvency. It has been a problem because when we developed Social Security in 1934, it was set up as a pay-as-you go program, where current workers pay in their Social Security tax and it is immediately sent out to current retirees.

What we have been experiencing over the last 65 years is a dwindling number in the birth rate and an increasing lifespan of seniors. So, for example, in 1942, we had almost 40 people working paying in their Social Security tax for every one retiree. Today, yes, Mr. Speaker, there are three people working paying a much higher Social Security tax to accommodate every one retiree.

The guess is that within 20 years, it is going to be two workers paying their tax for one retiree, so the challenge is increasing the return on that money that is being paid in by employees and employers in the United States.

Right now, the average employee is going to get a 1.7 percent return on the money they have paid in to Social Security in Social Security taxes. Today the President appointed a commission. It was my recommendation that we do not use a commission to further delay the implementation of a solution for this, because the fact is that the longer we put off this decision, the more drastic the changes are going to have to be.

There are only two ways to solve the Social Security dilemma: We either increase the revenues, or we decrease the benefits and the amount of money going out.

□ 1645

And what some of us have been suggesting for several years is that we increase revenue by getting a better real return on some of that money rather than simply lending it to the Government.

We have heard a lot of bragging that we are paying down the public debt. Actually, we are borrowing the money from Social Security and writing an IOU and then using that money to pay down the so-called debt held by the public, or I call it the Wall Street debt.

I urge the President to urge this commission to move quickly. I urge the commission to look at the legislation that many of us have been introducing over the last 6 or 7 years to make sure we keep Social Security solvent.

I think it is very important for the American people to know, Mr. Speaker, that we should not accept any recommendation from the White House that does not keep Social Security solvent for at least the next 75 years. It is too easy to say let us put Social Security first and then do nothing except add rhetoric and maybe pay down the debt a little bit. But what we have done with the so-called lockbox, with the so-called paying down the debt held by the public, does not help solve the long-term Social Security problem.

So I appreciate this time, Mr. Speaker; and I urge the commission to act as quickly as possible. I do see members of that commission that are going to be on the bottom end of the learning curve. That means that if they are going to understand the complexity and seriousness of the Social Security problem, that they need to do a lot of burning of the midnight oil.

PATIENT PROTECTION AND PRESCRIPTION DRUG COVERAGE LEGISLATION

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, just a heads up, I will probably only take about half of this time, so that if any Members on the other side are going to give a Special Order, they should realize that I will not take the full hour.

Mr. Speaker, I want to talk a little bit about two health care issues that are very important: patient protection legislation and prescription drug coverage. Just last night, Mr. Speaker, I was at an event here in Washington, and a gentleman who is a CEO of one of the world's largest corporations received an award. This gentleman had had, when he was a child, a bilateral cleft lip repaired, and he spoke beautifully. He has risen to the pinnacle of the business world. He had the advantage of having the appropriate care when he was a baby. And yet if we look at what has happened, my colleagues, around the country, with the advent of managed care, we will see cases like this.

Before coming to Congress, I was a plastic and reconstructive surgeon. I took care of lots of babies that were born with birth defects like this, a cleft lip and a cleft palate. And in the last several years, at least 50 percent of the surgeons who take care of children with birth defects like this have had operations on their patients denied because they were not "medically necessary." Not medically necessary.

Let me give a few other examples. In 1996, Musette Batas was 6 months pregnant when she had an inflammatory bowel disease flare-up. Her insurance company authored a 1-day hospitalization. Her primary care physician asked for a longer stay, but her HMO concurrent review nurse looked at Mrs. Batas' chart and said it was not "medically necessary."

Now, the nurse never consulted with the physician; she never saw the patient. Musette Batas went to the emergency department 10 days later with fever and pain. A physician sought approval for exploratory surgery. Three days later, the doctor still had not heard from the HMO and her intestine burst. Four days after emergency surgery, in which part of her colon was removed, the HMO nurse told her physician she had to be discharged. The physician refused. The nurse reviewed her chart, she consulted Millimen and Robertson's care guidelines, and based on that, the nurse said the HMO would not pay for any more time in the hospital because it was not "medically necessary." So she left the hospital because she could not afford to pay for it herself.

How about down in Texas in the last few years? There is a gentleman named Plocica. Mr. Plocica. He was suicidal. He was in the hospital. His psychiatrist said he needed to stay in the hospital. His HMO said no, we do not think he does. It is not medically necessary. So we are not going to pay for any more hospitalization. And when an HMO does not pay for a hospitalization, most people cannot stay in the hospital because they cannot afford the care.

They could not afford to pay for it out of pocket, so Mr. Plocica went home. His family reluctantly took him home, and that night he drank half a gallon of antifreeze and he committed suicide.

How about Nancy T. Vogel? She had a total abdominal hysterectomy to remove two tumors that weighed more than 3½ pounds. Her doctor said she needed at least 96 hours in the hospital to recover. As a physician, I would say that is the minimum. An HMO nurse looked at Millimen and Robertson's guidelines, guidelines that are used by HMOs, and determined that only 48 hours was medically necessary. So she left after 48 hours.

I would argue that those definitions of "medical necessity" are a medical judgment under those HMO contracts. I think a licensed physician should be the one making those medical judgments, not the HMO. And certainly not based on guidelines like Millimen and Robertson's. In fact, Millimen and Robertson's itself admits that its guidelines are not based on prevailing medical opinion but are "goals" that predict what should happen in the best cases with patients free of any complications.

How about this case? Another medical judgment case by an HMO. A little baby, James, who was about 6 months old when this picture was taken. One night he has a temperature of about 104, 105. He is really sick. It is 2 or 3 in the morning. His mother phones the 1-800-HMO number, explains that her baby is really sick and needs to go to the emergency room, and from some disembodied voice thousands of miles away she gets instructions: I want you to go to this particular hospital, and that is the only hospital I will authorize you to go to, because that is the only one we have a contract with. And the mother says, well, where is it? And the reviewer says, well, I do not know, find a map.

So they start looking for this hospital. It is 70 miles away, clear on the other side of Atlanta, Georgia. But mom and dad, they are not medical professionals, they do not know exactly how sick little James is. They do know that if they go to an unauthorized hospital they will be stuck with the bill, and they are not rich people.

So they bundle Jimmy up, they start on their trip, and halfway through the trip they pass three emergency rooms that they could have stopped at but for which they did not have an authorization. They were not told by the reviewer that their baby was really sick, take him to the nearest emergency room. Oh no, we will only authorize care at this very distant hospital. And before they get to the hospital, little James has a cardiac arrest.

So imagine this. You are dad, driving like crazy, and mom trying to keep this little baby alive, after the HMO makes a medical judgment over a telephone never having seen the baby. Well, they come screeching into the emergency room. Mom leaps out of the car screaming, "Save my baby. Save my baby." Nurses come running out, and they manage to get an IV started. They manage to get the baby's heart going, and they save his life. The wonders of modern medicine. But they were not able to save all of Jimmy, because Jimmy ended up with gangrene in both hands and both feet. Because of that HMO's medical judgment, both of his hands and both of his feet had to be amputated.

My colleagues will be happy to know that under a Federal law that was passed by Congress 25 years ago, that HMO is liable for nothing for that negligent medical decision other than the cost of care needed, i.e., his amputations. Is that justice?

We had testimony 4 years ago in front of my committee from an HMO medical reviewer who testified that she had made decisions that had cost people their lives. She had denied them proper care, and she could hide behind what she called the smart bomb of HMO cost containment: denials on medical necessity.

In fact, under contracts that HMOs can write, they can define medical necessity in any way they want to under the Federal law ERISA. They can write a contract with an employer that says we define medical necessity as the cheapest, least expensive care. A person who does not have enough blood supply going to his legs, where a physician could save the legs by vascular reconstruction, that HMO could justify an amputation. Because, after all, under their own definition, that is the cheapest, least expensive care.

We have to do something to fix this. This is a travesty. We have been having this debate on patient protection for 5 years now, and yet the forces of the HMO industry have spent hundreds of millions of dollars to try to defeat us. Eighty-five percent of the people in this country want to have Congress fix that Federal law. They think Congress should do something to prevent a travesty like this from happening.

□ 1700

Our bill would do that. The Ganske-Dingell bill in the House, the McCain-Edwards bill in the Senate, we set up a system to prevent this type of thing from happening, Mr. Plocica from being sent home prematurely from the hospital and then committing suicide.

We set up a review process because if there is a disparity based on standard of care, ultimately you can go to an independent review panel. Even on an expedited basis, you can get an independent panel to make a medical judgment, a panel that does not have a conflict of interest, that is not paid for by the HMO, so that you would know that they would be independent and be giving you the truthful answer.

We believe our bill would prevent the types of lawsuits that resulted from the care that Nancy Vogel received. But more importantly, we think that if our bill were law, we could help prevent a little boy from losing both hands and both feet, Mr. Plocica from committing suicide, Nancy Vogel from being sent home prematurely after having 3.5 pounds of tumor removed from her belly.

I ask my colleagues to talk to their constituents back home about this issue. I guarantee that a very large percentage of them will not have been treated fairly by their employer's health plan, or they know somebody at work who has not been treated fairly, or they have a family member who has not been treated fairly. Let us pray to God that they have not had somebody who has lost their life, because that has happened also, as has been outlined in cover stories in Time magazine.

It is time for this Congress to do something on the Patients' Bill of Rights, something real, not an HMO protection bill, but something that helps people.

I urge this Congress to move forward expeditiously. I urge the Senate to bring this bill up as soon as possible, and I think that we will do that on the House side also. I ask my colleagues not to listen to the HMOs.

Whose side are you going to be on? Are you going to be on the side of your constituents and your patients, or are you going to be on the side of the HMOs? Can you justify a Federal law that gives legal immunity to health plans that are making life-and-death decisions millions of times a day, when just a year ago we held hearings in this House on Bridgestone and Firestone, on tires that blew up. Is there any other industry in this country that has legal immunity other than foreign diplomats?

It was a perversion of the law 25 years ago, that was passed to be a consumer protection law for pensions, that became an avenue for HMOs to avoid their responsibility, a way for them to cut corners regardless of whether it hurt people. This Congress has a moral obligation to come back and fix that Federal law. We should do it soon.

Now let me talk a little bit about another health care issue that is really important. That is the issue of the high cost of prescription drugs.

Mr. Speaker, this is a photo of Bill Newton. He is 74 years old from Altoona, Iowa, my district. His savings vanished when his late wife, Juanita, whose picture he is holding, needed prescription drugs which cost as much as $600 per month. He said, "She had to have them. There was no choice. It is a very serious situation and it is not getting any better because drugs keep going up and up."

Mr. Speaker, I have constituents that write me letters, some of them go down to Texas for vacation and they go across the border to Mexico and they find that their prescription drug costs are half of what they are in the United States. Look at the difference in drug costs between the United States and Europe.

Premarin: U.S. price, $14.98; European price, $4.25. Coumadin: 25 pills, 10 milligrams, $30 in the United States, $2.85 in Europe.

How about Claritin, for 20 10-milligram pills, it costs $44 in the United States and it costs $8.75 in Europe.

We need to do something about this. We need to do something about the high cost of prescription drugs, not just for senior citizens, but for everyone. Because, Mr. Speaker, the main reason why health insurance premiums have gone up so fast in the last couple of years has been to cover the 20–25 percent annual increase in the cost of prescription drugs.

Now, last year, we had a Republican bill and a Democratic bill. Both of them were voluntary. Both of them were set up essentially so that a person had to have about $1,000 out-of-pocket expense before they would get a benefit for the increased premiums that they would pay. And both of those bills' premiums were premised on the fact that 85 percent of seniors would sign up for the program.

Mr. Speaker, look at this data from 1999: 14 percent of senior citizens had no drug expenditures a couple of years ago; 36 percent had less than $500; another 19 percent had less than $1,000. That meant that 50 percent of the Medicare population had drug expenses that were less than what the cost of their premiums would have been under either the Republican or the Democratic plan last year. Under a voluntary plan, that becomes very questionable whether people will sign up for a benefit if it is going to cost them more than the benefit is worth.

Last year, when I talked about this on the floor, we had some predictions in terms of what those costs would be.

I remember back in 1988, I was not in Congress then, but I remember when Congress passed a catastrophic bill with a prescription drug benefit, passed it one year and repealed it the next because the senior citizens did not like the premium increases. I remember within 6 months the Congressional Budget Office had doubled their estimates for what the cost would be.

I think it is informative to look at what the estimates today are for what last year's House Republican and the Democratic bills were. Last year, the House Republicans estimated that the bill would cost $150 billion. The new estimate in about a 6-month period of time is now, and if that bill were law, it would cost $320 billion. So in a 6-month period, the estimate for the cost of the Republican bill, that passed this House, more than doubled.

How about the Democratic bill from last year, the Daschle bill? It was estimated last year that it would cost $300 billion. This year the estimate, if that were law, it would cost $550–$600 billion.

Now, here are some figures that are mind-boggling. The CBO, the Congressional Budget Office, estimate for how much prescription drugs would cost senior citizens for the years 2002 to 2011 is $1.456 trillion. Now, last year, we thought that the Federal Government would cover about, roughly speaking, 35 percent of that cost. That means that the estimate from last year, which was $150 billion, would be today $510 billion.

Last year, we estimated the cost at providing full coverage for low-income seniors to be something in the range of $80 billion. Well, if we look at the new figures, if we are talking about covering prescription drugs for people who are below the poverty line, for 100 percent of people below the poverty line, we are now looking at an estimate of $255 billion. If we move it up to 135 percent, it would be $425 billion. If we move it up to 175 percent, it would be $600 billion.

Some of those costs are already being covered by Medicaid, so probably $120 billion could be deducted from this, which means that if we are talking about covering low-income seniors, let us say from 135 percent of poverty to 175 percent of poverty, we are probably looking at needing at least $300 billion just to do that.

Now, Mr. Speaker, I want my colleagues to listen to this. Under the current budget resolution which will probably come to the House in the next few days, we have only budgeted $300 billion for a prescription drug benefit. That means that we would essentially cover low-income seniors and no one else. But I would bet that 6 months from now those estimates will be readjusted higher than they are now. That is just typically the way that it has been when we have tried to estimate prescription drug costs.

That is why I have a bill before Congress which I encourage my colleagues to sign onto that I think is realistic. It addresses the difference in cost between prescription drugs made in the U.S., but sold overseas, and helps fix the reimportation loopholes. It does that.

But for Medicare, it will help the low-income senior citizen who is not so poor that he or she is already on Medicaid, getting a drug benefit from Medicaid, but allow senior citizens up to 135 percent of poverty and then phased out to 175 percent of poverty to utilize the State Medicaid drug programs and pay for it from the Federal side. We are not requiring a match from the State legislatures or the State governors because a lot of them are finding that they are under budgetary constraints.

No cost share; we provide for this on the Federal side, but we utilize the State programs that are already in place. We do not have to duplicate the wheel. Those State programs have already negotiated discounts with the pharmaceuticals, and that benefit, I think, would fit within what we are talking about for a budget. And it is an important first step on this.

Mr. Speaker, it would help the senior citizen, the elderly widow who today is trying to pay her energy bills, her food, her housing, and her prescription drugs off of a Social Security check. She needs that help; and we can do that.

But I want to tell my colleagues what the really scary statistic is. That is that these 10-year projections for what the costs are going to be for prescription drug coverage, whether we are talking at the 35 percent level or a 50 percent level, they all go up, and this is really important, I hope my colleagues are listening to this, these estimates are all from 2002 to 2011.

□ 1715

I want to ask my colleagues something. What happens in the year 2012? I will tell my colleagues what happens. The baby boomers start to retire in 2012. That age wave, my demographic group, the baby boomers, start to retire. We will double the number of Medicare senior citizens in about 20 years, but we start that in the year 2012. If my colleagues think that this prescription drug program is expensive now, wait till 2012 when the baby boomers start to retire and we will not just see $1.4 or $1.5 trillion, we will see multiple trillions of dollars. And then we are going to have to ask ourselves, how do we find those funds? How do we keep the other aspects of Medicare such as hospital care going?

We cannot just think, Mr. Speaker, about a 10-year window. We have to take into account that in 2012, 1 year past this 10-year window, the baby boomers start to retire; and we are going to see astronomical increases in Medicare costs. I beg my colleagues, when we are looking at doing a benefit on prescription drugs, and next year when the elections start to roll closer and the pressures get heavy to get something done on prescription drugs, which I think we ought to, and I think we ought to help senior citizens who need it the most, let us look at a way to do this program that helps those that need it the most and then see where we are going to be past that 10-year window. Maybe Medicare reform will help on that. But I think we ought to see the proof in the pudding before we start committing ourselves, not just to $1.5 trillion but to multiple, multiple trillions of dollars on a prescription drug benefit.

On that cheery news, Mr. Speaker, I remain eternally optimistic that we are going to muddle our way through, that we will pass a real patients' bill of rights through a lot of hard work and contention, and I am sincerely hopeful that we will be able to look at a prescription drug benefit and do the right thing for this.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Madam Speaker, I would like to talk about a subject this evening that has been ignored, I think, for the entire Congress that we have been in since the first of the year, an issue that many of us feel very strongly about, an issue that many of us campaigned on on both sides of the aisle, an issue that I think must be dealt with if we are going to have a budget that is honest and realistic, and that is dealing honestly with the problem of providing prescription drug coverage for our senior citizens.

Tomorrow, this House will vote on a budget that emerges from a conference committee. The details of that budget at this hour, at this late hour, are still very murky, but one thing is clear: a promise that we all made to our senior citizens this past fall, a promise of affordable prescription drugs, is being shoe-horned into this budget as an afterthought. There are many of us who believe very strongly that prescription drug coverage under Medicare for our senior citizens should be our highest priority.

I am pleased to be joined today in this special order hour by several members of the Blue Dog Democrat Coalition. The Blue Dog Democrats have worked hard to advocate the inclusion of a meaningful and an honest prescription drug benefit for our seniors under Medicare. We all understand the skyrocketing prices that we are paying at our pharmacies. We understand that as a very stark reality. And instead when this House passed its budget, it included prescription drugs as a mere contingency item in a contingency fund that is far overloaded with items that need to be funded.

So we are here this evening to urge this Congress and this President to include a real prescription drug benefit under Medicare in the budget this Congress will pass tomorrow. When we have so many constituents out here who are having to choose every day between filling their prescription and paying their rent or buying their groceries, we cannot afford to ignore this problem. I have received many letters in the last few weeks from senior citizens who said, I heard a whole lot last Congress about solving this problem of prescription drugs. Some of them even write they saw television ads run by candidates for Congress, some of whom are reelected and are here in this Congress talking about taking care of our seniors. They ask, "Why haven't y'all done anything about it?"

The answer is very simple. This Congress has not placed a proper priority on providing prescription drug coverage for our seniors under Medicare. The budget that we will vote on tomorrow is created entirely around a tax cut that leaves very little room for anything else. The Blue Dogs presented a budget to this House. We lost by a handful of votes. Our budget included a meaningful prescription drug benefit under Medicare.

Now, we all favor significant tax relief. I do not find anybody in this Congress that does not understand that tax relief is an important priority for all the American people. But we have to balance that interest and that priority with the other priorities of government. One of those should be providing prescription drug coverage for our seniors. Everybody is quick to talk about this $5.6 trillion surplus, but when we break it all down, we understand that much of that surplus has already been committed.

This Congress uniformly agrees that Medicare and Social Security trust funds should not be spent. That means almost half of that surplus cannot be spent by this Congress in either tax cuts, new spending programs, or anything else. The Blue Dogs have advocated giving a substantial portion of that surplus toward paying down our national debt, and we believe very strongly in that. But in addition to those priorities, we must have a prescription drug plan that will work that makes common sense for our senior citizens.

Adding a prescription drug benefit under Medicare would require only about 6 percent of this $5.6 trillion 10-year surplus that everybody hopes will show up around here over the next decade. It is small enough to fit within a responsible budget. It deserves more than being listed as a possibility under the 10-year budget that the Congress will pass tomorrow.

It just makes plain common sense. We must have a budget that balances our priorities, and our budget that we will vote on tomorrow does not do that. It neglects a promise that many of us made to our constituents, a promise that we would try to bring the high price of prescription drugs down and that we would provide a benefit for all seniors under Medicare.

Medicare is the roof that protects our senior citizens. It is 30 years old but it has dangerous leaks. Thirty-five years ago when Medicare was created, it did not include any coverage for prescription drugs because prescription drugs were not a big part of our health care costs. Since that time, we have had amazing advances, amazing discoveries, new prescription drugs that cure our ills.

We think it is very important to be sure that all of those remedies are available to all of the American people. The least we can do with this surplus that we are so proud of is to ensure that our senior citizens have a prescription drug benefit under Medicare. Many doctors and nurses from hospitals in my district have told me stories about the massive hospital bills that could have been prevented if the patient had merely taken the necessary prescription drugs. There is no question that providing prescription drug coverage is the right thing to do for our citizens. The only question is whether this Congress is going to stand up and face the problem or continue to put it aside and ignore it and try to deal with it at a later date.

There are some in this Congress who have hidden behind the issue of Medicare reform. They have said we are going to provide a prescription drug benefit in a Medicare reform package. Nobody, to my knowledge, knows clearly how this Medicare reform package is going to be put together nor what it is going to look like. We cannot wait for Medicare reform to deal with the problem of prescription drug coverage for our seniors.

All of us who believe in honoring our commitment to our senior citizens to providing the assistance that they need for a meaningful prescription drug plan want to do it now, not tomorrow. We have advocated a universal prescription drug benefit under Medicare that will allow any senior citizen to walk in their local pharmacy and get the prescriptions that their doctor prescribes for their ailments and to do it at a reasonable cost under a reasonable plan.

Now, it is not a plan that is without some cost to the senior citizen. It has been estimated that it may cost $25 to $30 a month in a premium for a senior citizen to have this coverage because the government, frankly, cannot afford to pay for the entire plan. But we believe that a plan that would require $25 or $30 a month from our seniors, that would take care of the first $4 or $5,000 of their prescription coverage cost, at least pay half of that and then over the $4 or $5,000 pay all of it, is a plan that makes sense for our seniors.

We can afford to do that if we are willing to commit $300 billion of this surplus over the next 10 years to doing that. They had a vote in the Senate just a few days ago when they were debating this budget. An amendment was offered that would provide $300 billion for a real prescription drug plan for seniors under Medicare. When the votes were counted, it was 50 for and 50 against with the Vice President casting the deciding no vote. Later an amendment was offered that said that we will have a prescription drug plan and set aside $300 billion of the contingency fund in this budget if we reform Medicare first, and that was adopted by one vote, the Vice President again casting the tie vote.

Those of us who know the reality of this problem for our seniors say that is not good enough, that surely in a country as generous and as compassionate as we like to claim we are, surely we can provide a basic, meaningful prescription drug benefit for our seniors under Medicare.

Now, we are not forcing this plan on anybody. It is an option under Medicare, just as your current part B Medicare is an option for your doctor coverage. So if you have got a plan that you like and you do not want to change, you do not need the coverage, do not sign up. But this plan should be available for the hundreds of thousands of seniors all across this country who are struggling today to pay for their prescription drugs.

We are fortunate to have on the floor with us tonight a Member of Congress, a fellow Blue Dog, the gentleman from Arkansas (Mr. ROSS), who is a pharmacist, who understands this problem all too well. It gives me a great deal of pleasure to yield to the gentleman from Arkansas to share his perspective on this very, very important issue.

Mr. ROSS. Madam Speaker, I might clarify one thing. I am not a pharmacist. I never was smart enough to be one. My wife is one. Together we do own a family pharmacy. I come from a small town in rural south Arkansas. It is a town called Prescott, a town of about 3,500 people. It is a town I love very much. For those Members who were raised in small towns or perhaps still live in small towns like I do, they know what I am talking about when I say that in small towns, there are always one or two gathering places.

□ 1730

My wife and I are very fortunate that in our hometown of Prescott, the family pharmacy that we own is such a gathering place. It is a place where people come to share recent photographs of their children and grandchildren, to celebrate the good times together and, yes, to be there for one another during the difficult times.

I must say, I see way too many difficult times. Prior to being elected to the United States Congress last year, I worked in that pharmacy. This is an issue I do not just talk about. I worked with it. I saw seniors that were literally forced to choose between buying their medicine, paying their natural gas bill and buying their groceries.

Living in a small town, I would learn a week later where a senior would end up in the hospital running up a $10,000 or $20,000 Medicare bill or where a diabetic would lose a leg or spend in excess of half a million dollars of Medicare money receiving kidney dialysis before eventually dying, simply because they could not afford their medicine or could not afford to take it properly.

I do not just talk about this. I worked with it. I saw it. I can put names to the faces.

This is America, and I believe we can do better than that by our seniors. That is why I will continue to fight to modernize Medicare to include a voluntary, but guaranteed, prescription drug benefit.

Now what do I mean by that? When I say voluntary, that means if one has a plan, if they are fortunate enough to be one of the few seniors on Medicare in America who have medicine coverage from a previous employer, and they like it, they ought to be able to keep it. So it should be voluntary.

Just recently, during the spring district work period, I had a townhall meeting in conjunction with the National Committee to Preserve Social Security and Medicare in one of the more affluent counties in my 26-county district, Garland County. More than 100 seniors showed up for that townhall meeting on Social Security and Medicare, and I asked those who had medicine coverage of any kind to raise their hand. Less than 10 hands in the room went up. Then when I asked them to keep their hand up if they were confident they would be able to keep that coverage for the rest of their life, nearly every single hand in the room went down.

I come from a very rural and poor district. The average household income in my district is only $19,000 a year. It is where very few seniors have any prescription drug coverage. So it should be voluntary, but it should be guaranteed. Just like under Medicare one can go to the doctor and they can go to the hospital. This is very important to our seniors. This is an issue that I ran for the Congress on, an issue that I will not stop fighting for until we finally do truly modernize Medicare to include a prescription drug benefit that is voluntary but guaranteed just like going to the doctor, just like going to the hospital.

One of the problems we have in this country, I think, is created by the big drug manufacturers. I have bottles of medicine on the shelf of my pharmacy that cost more than I paid for a new car in 1979, and yet that same bottle is being sold in Canada and Mexico for ten cents on the dollar. We are talking about drugs that are being invented in America, oftentimes with government subsidized research. They are being made in America, and they are being shipped from America and sold for a fraction of the cost to these other countries.

So what does that mean? That means all of us in America are subsidizing the cost of health care for these other countries. I think it is time we stood up to the big drug manufacturers and said enough is enough. It is time we demanded the kind of rebates to help pay for a Medicare drug program from them that they are now dishing out left and right to the big HMOs and to our States' Medicaid programs. Now I know the debate so far in Congress has been about the budget and tax cuts, and I hope we can now move from that very important subject of the budget and tax cuts into spending some quality time making something happen that will truly modernize Medicare to include medicine for every single senior citizen in America who needs it and wants it.

Now we are hearing a lot of talk about this projected surplus, some $5 trillion. Well, it is a projection over 10 years, and it is being projected by the same bureaucrats that missed it by the tune of hundreds of billions of dollars last year. Seventy-five percent of that surplus does not even get here until 2006 through 2011, based on their projections, if they are right. Nearly half that surplus is Social Security and Medicare Trust Fund money.

When we talk about the highway trust fund we do not dare talk about counting it in the surplus. I am not advocating that we do. The highway trust fund money ought to go to improve our roads. What I am advocating is that we stop talking about Medicare and Social Security when we talk about this Nation's surplus. That is why the first bill I filed as a Member of the United States Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund, to keep their hands off the Medicare Trust Fund.

I urge my colleagues to work together. Let us put progress over partisanship, and let us give our seniors a Medicare prescription drug benefit that means something, one that they can count on.

Mr. TURNER. Mr. Speaker, I thank my colleague, the gentleman from Arkansas (Mr. ROSS), for his remarks; and I beg his forgiveness for mentioning that he was a pharmacist. I did recall that his wife is a pharmacist, but she makes the gentleman work in the pharmacy whenever he is at home. We are glad the gentleman has the perspective that he does to share with us because it is only by being there. I had the opportunity in my district to be in several pharmacies to talk about this issue, and just as I was there talking about the issue people would come in trying to fill their prescriptions. One lady came to the gathering that was just in a local grocery store, not too far from the pharmacy counter, and she said I am glad to hear what you are saying. I did not know you were going to be here, but I was just in here yesterday and left my prescription; and I was just back at the window to pick it up, and when the pharmacist told me how much it was, I told him he would have to just keep it.

Those are the kinds of problems that seniors are having today. They are very real. They are very serious and ones we must tend to in this Congress.

Mr. Speaker, I am pleased now to yield to a fellow colleague, the gentleman from Texas (Mr. SANDLIN), another Blue Dog who has worked hard to try to provide a meaningful prescription drug benefit for our seniors.

Mr. SANDLIN. Mr. Speaker, we need to ask ourselves, who built this country? Who built this country? It was built by people that got up every morning and made a sandwich and threw it in the pail, went to work, built a product, sent their kids to school, and lived the American dream. It was built by men and women, our veterans, who traveled the world in the cause of freedom, who took the red, white and blue, the symbol of freedom, brilliant with color, signifying the American way of life. It is now time for us to honor our senior citizens. It is time to honor our veterans. It is time to keep our promise and make sure that prescription drugs are available, accessible and affordable to the American public and particularly to our senior citizens.

The cost of prescription drugs continues to escalate. I am pleased, as are many of my colleagues, to see that the White House has recognized that this is a very, very serious problem in the United States and we must do something about it. However, we need to move toward a real prescription drug benefit.

Unspecified benefits that have been sent over by the White House are not adequate, and I think we need to tell the administration that placing the Medicare surplus in jeopardy to pay for these benefits is a complete nonstarter. In this time of alleged surpluses, certainly we can address issues that are important to our senior citizens, some of our most vulnerable citizens in this country. If indeed we have a surplus, then certainly we can share that surplus with those that built this country. If, in fact, we will continue to develop some of the finest pharmaceuticals that the world has ever seen, those pharmaceuticals have to be available to American citizens.

Pharmaceutical companies have done an excellent job in developing drugs that have increased our life span, have given us a better quality of life, have allowed us to be with our families for a longer period of time. Most drugs have been developed on the backs of the American taxpayers. Research and development dollars are deductible, as they should be. It has been shown that as research and development dollars increase, the development of beneficial drugs increase and our public benefits.

There are also Federal grants for the development of drugs. That is as it should be, and we all share in the benefits. Mr. Speaker, if these drugs are developed with American taxpayer dollars, as they are, then these drugs have to be available to American taxpayers, particularly to our senior citizens. They should not be just available to our friends in Canada. They should not be just available to our friends in Mexico. They should not be available to everyone except for the American taxpayer who helps develop these drugs.

All of us, as we travel our districts across the country, hear stories from our constituents about the availability, accessibility, and affordability of prescription drugs.

Gilmer, Texas, is a small city in my district. I was approached recently by a man who had some heart medication. He showed me the medication, made in the United States, packaged in the United States, FDA approved. That drug can be manufactured in the United States, package it, ship it to Mexico and sell it and make a profit, both for the seller and for the pharmaceutical company for ½ of what that same drug cost in Gilmer, Texas. He could get a prescription for this heart medication for 30 days for the same cost as he could get the medication for 360 days in Mexico. Now something is just not right about that.

We also did a study in my district recently that showed on average senior citizens paying 101 percent more for prescription drugs than the preferred purchaser, such as HMOs, the insurance companies. Now that is not the result only of bulk purchasing. That is the result of a systematic and targeted effort by the pharmaceutical companies to raise prices to those people who need these drugs and those people who can least afford the increase. So senior citizens in my district, and I would assume it is the same across the country, are paying twice what the HMOs pay for the same drugs, twice plus a little bit more; and that is just not fair.

One estimate shows that more than one in eight of older Americans have been forced to choose between buying food and buying medicine. That is outrageous. We have the greatest, most powerful and richest country that the world has ever seen; and to have our senior citizens choosing between rent and food and pharmaceuticals and clothing is just not right. We cannot put up with it in this country. We cannot stand idly by while senior citizens take one prescription and not the other, while they cut their pills in half, while we have spouses sharing medication and say I will take one pill one day, you take a pill the next day, or say we are going to have to live on macaroni and cheese this week because we have to get the medication.

Some are having, for example, three to four to five prescriptions; and they take two to three and not the others. That is just not right. We cannot do this in this country. We cannot ask our senior citizens who sacrificed their lives, who built this country up, who gave up opportunities to fight in wars, we cannot now ask them to suffer and allow citizens in other countries to reap the benefits of the research in this country.

Our seniors deserve better. As I said, we appreciate the fact that it has now been recognized as a serious problem by the administration, but let us keep our promises that we have already made. Let us keep Social Security inviolate and keep it off budget. Let us make sure that we keep that Medicare surplus where it is to answer the needs of Medicare. While we have a surplus, we can use the surplus money to address the needs of senior citizens for prescription drugs. We can do no less in this country. We have a moral and a legal obligation to do that.

As I have talked to my friends across the country from other districts, I have seen that this same problem exists district by district, State by State, all across this great country that we call America. It is our obligation to answer that call and to do something now, to do something immediately, to do something definitive that covers all Americans, especially all senior Americans; not targeted groups of Americans, not just Americans that are below the poverty level, not just those involved in some kind of catastrophic illness, but we should all share.

□ 1745

If the stock market is going to continue to have records, everyone should share. If we are going to continue to say we have a budget surplus in this country, everyone should share in those efforts, everyone should share in the benefits of that surplus.

So, as we move forward, we are asking for a definitive program, not just a notation in a budget, not just an indication that there is a problem, not just a statement that, well, we think that probably more than likely, under most circumstances, it looks possible that we may be able to address prescription drugs with some contingency in the budget.

We need to identify what we can do, how much it is going to cost, put it in the budget. And we need to do it. We need to answer it. We need to be definitive. Nothing else is adequate. Nothing from the White House, nothing from the Congress, nothing else is adequate, but to say, here is a need and here is how we are going to address it.

We can do it. We have 435 people in here working hard. We have 100 people in the Senate. We have knowledge about these issues. We know what the issue is, we know what the need is. Let us not play around. Let us not do smoke and mirrors. Let us not say we can do this tax cut or that tax cut or give away this money or that money before we meet our commitments to the people that made this country great.

Mr. TURNER. Mr. Speaker, I thank my colleague from Texas. I have no doubt that what this group that is on the floor tonight is seeking is a definite commitment in the budget to a prescription drug plan for seniors.

Another fellow Member of the Blue Dog Democrat Coalition here on the floor with us tonight is our friend, the gentleman from Mississippi (Mr. SHOWS.) He also shares our deep commitment to dealing with this very serious problem for our seniors. I am honored to yield to the gentleman.

Mr. SHOWS. Mr. Speaker, it is a pleasure to be here. We appreciate the opportunity to speak.

Mr. Speaker, when I was campaigning in 1998, I had traveled around the State of Mississippi a good bit. I was a highway commissioner and State senator, and the highway commissioners in Mississippi travel thousands of miles across the district. I really was not involved in national legislation at that point in time, except for Federal funds.

But when I decided to run for Congress, I really did not know what the issues were going to be out there when we were approaching this level of politics. So, as I started out, I told the people in my campaign, I said, we are going to find out what this thing is all about.

Well, after about a week and a half out there, going door-to-door, driving around every community and talking to all the people, I came back to my office and the campaign staff and I said, you know what it is about; it is medicine and health care. That is what this campaign is going to be about. It was that way in 1998, it was that way in 1999, and it was the same topic in the last election we just won.

I think what happens is, when you think about your traveling across your district and the scenario does not change, we are still having people, these grandmothers and grandfathers, our parents, aunts and uncles, that cannot afford their medicine. It was an issue then and it is an issue now, and it does not really make sense.

We all hear the stories, and the gentleman that spoke before me talked about, our office will get calls, "We have to make the decision between paying our electric bill or buying food or buying medicine.". Those stories, they have got to get to you. They get to us, and I know it gets to my staff, and it really breaks your heart.

I will tell you the other people it gets to. You go to the little pharmacists in little towns in rural Mississippi and rural America, and you have to listen to them. Some of them actually give them to some of them to help them out.

Well, when we came to Washington we said we wanted to make a difference, and we did want to make a difference, and we did cosponsor the bill last year that the gentleman from Maine (Mr. ALLEN) introduced and cosponsored the bill he has now.

But you start comparing, why in the world should American citizens or the American people pay the highest prices in the world for their medicine? Certainly some of these medicines that are being discovered by the pharmaceutical companies are getting research dollars from the Federal Government, a certain percentage of them, heart medicines and some of the major medicines we need.

Yet the American citizens, for the rewarding of offering a free country, and these older folks that have a generation that helped make this country free, all of a sudden are put at a real big disadvantage, because they do not live in Mexico or Canada or Europe where they pay half-price for it.

But let us look at the price for what they are having to pay. In Mississippi, we did the survey, we surveyed 10 drugstores in my Congressional District, over the 15 counties, and I think everybody has got these same figures. Even the people who do not support our bill or our move to try to do something about prescription medicine have these same figures.

But in Mississippi, you pay $110 for Zocor; in Canada, you pay $46. Prilosec is $117, which is for ulcers, which I take, in Mississippi; it is $55 in Canada. Procardia, a heart medicine, in Mississippi, $138; in Canada, $74. Despite all the rhetoric and talk last year, we still have not got anything for the drug benefit program.

Let us think about the people that made this country free, the World War II veterans and these same parents and grandparents that went through the Depression, went through World War II and fought other major battles to make this country free, are now fighting for their own survival, their own war, and that is to buy their medicine.

I am proud of the drug companies and American pharmaceutical companies that have made this technology so available to our parents for medicine. But still what good does it do them to have the medicine if they cannot afford to buy it?

I have joined my colleagues in reintroducing the Prescription Drug Fairness for Seniors Act. It is a little different this time in the structure. They said they could not afford the other one, it would not work. So they are taking the average foreign price of our medicines from Canada, France, Germany, Italy, Japan and the United Kingdom, and we are going to average our prices by what they are selling to them for.

Let us look at one thing. If they are making a profit in the United States, and we know they are making a tremendous profit, what kind of profit are they making in these other countries and getting half-price for what we are paying for in the United States? So let us take the average foreign price. If we do this, we could save those seniors 40 percent on their medicine. It is just like cutting taxes. That is a real tax cut. It may be survival for those folks that really need it. Let us quit price discrimination on our seniors.

They say, if you do this—and this is always the argument, they say, if you do this, we will not have the money for research. Well, you know, last year when I looked these numbers up, they spent $17 billion on research, and I am glad they do, but they spent $11 billion on entertainment. They say, this is why we cannot do it. Well, if you have got to raise prices, raise prices in Mexico or raise prices in Canada.

We must also have a prescription plan under Medicare, because this could be done separately.

We must guarantee our parents, the people and grandparents who made this country free, the availability of prescription medicine. It is our duty and our obligation. I think not to let that happen would be a crime and an injustice.

Mr. TURNER. Mr. Speaker, I appreciate the gentleman joining with us this evening and advocating a meaningful, universal prescription drug benefit under Medicare. I know that the gentleman has studied this issue a long time and sees it firsthand in his Mississippi district.

I do think it is hard for the American people to understand why they are paying so much higher prices for prescription medicines than any other people around the world. The answer to that is really quite simple, because every other country around the world has some kind of restriction on the price of prescription medicine. So, compared to what they pay, we are footing the entire bill.

A lot of the drug manufacturers have weighed in on this issue of prescription drug coverage under Medicare because they fear that what may result is the American people might end up paying the same lower prices as the people all around the world are paying. Of course, that would significantly cut into their profits. But the American people deserve to know why it is that when you walk into your local pharmacy, you have to pay over twice as much for prescription drugs as you do any other place in the world.

There was a group of seniors down in Texas several months ago, and a lot of folks in Texas, a lot of them go across the border into Mexico and fill their prescriptions. We are not talking about prescription drugs that are second class. They go down there and buy the same medicine by the same manufacturer and in the same bottle they can buy it in their local pharmacy. They just get it a whole lot cheaper.

So all these seniors in Houston decided to lease a bus, and they all got in this Greyhound bus and went down to Mexico and they filled their prescriptions. When they came back, they got to calculating how much they had saved, and they figured that they could save $10,000 on a year's worth of prescriptions just by making that trip to Mexico to fill their prescriptions.

I talked to a fellow not too many months back who had a friend, who had a little single-engine plane, and he had some expensive heart medication, and his friend flew him down into interior Mexico to fill his heart medication. He saved literally thousands of dollars by making this trip, and he said if you go into the interior of Mexico, you can get an even better deal than you can at some of these pharmacies along the border.

So it is really time to do something about this problem and to be sure that our seniors get some prescription drug coverage under the Medicare program, and to be sure that all Americans are treated fairly on their prescription drug costs.

Mr. SHOWS. Well, think about the communities that have been impacted by NAFTA. They have lost jobs. The community I live in, Jeff Davis County, unemployment is 11 percent.

Now, you look at the parts of this country that are doing well, and financially these people may be making it all right; but you take these poorer communities and rural districts that have been devastated by loss of jobs, and how much revenue is lost out of these areas and how much harder it is for these people to be able to buy this expensive medicine.

And there is just something wrong with a country that has a budget surplus, and the tax cuts are fine, and some we like better than others, but what could be a truer, better tax cut, because we know the families, the children, the wage earners, are having to supplement their parents and grandparents or aunts and uncles, so it is taking money away from them.

So it is just really compounding itself when you have a married couple, or a couple that has their parents or grandparent living in the same county, and they were to get in on the job so they could help their parents or grandparents with their expenses of medicine, and now they are hurting because their job is gone. Now what is going to happen to those people?

There are so many people in this country today who, without the family's support, would absolutely die without it, would absolutely not survive. Then, to be compounded even worse, the loss of jobs in my area that have gone to other parts of the country, to Mexico, it is kind of like our berets are going to China, and now our jobs have gone to Mexico, and now the loss of revenue; and it is just hard for these people to supplement their parents now.

Mr. TURNER. I like what you said there about a prescription drug benefit for our seniors and fair pricing for all of us would be as good as a tax cut. It is not unusual for us to run into people who are paying $400 and $500 or more a month just to fill all their prescription drugs, and when you know that we are paying twice as much as anybody else in the world for our medicines, if you had fairness in pricing, they would save $200 or $250 a month.

Goodness, I do not know any of these tax proposals that everybody is talking about that are going to give an average family $2,400 a year. So if we could provide fairness in drug pricing and a prescription drug benefit for our seniors, we would help many of them many times over what they can expect under any of our tax-cut proposals.

I am pleased that we have tonight another member of the Blue Dog Coalition with us, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY is trained as a pharmacist. He understands this problem full well, and he cochairs the Blue Dog Democrat's Task Force on Health Care. I am very pleased to have him join us on the floor tonight and to yield to him.

□ 1800

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague, the gentleman from Texas, for yielding to me.

I also want to thank him for his leadership in this matter, and for his continued effort to see that not only the senior citizens in this country but also the American people are treated fairly when they go to the drugstore to buy their medicine that they have to have to stay healthy and stay alive and have a decent life.

It is an amazing thing to me that here we are, the richest, most powerful nation in the history of the world, and yet our senior citizens do not have the medicine that they need to stay healthy and stay alive, and those that are able to buy it are thrown into abject poverty many times, and forced to make a decision between food and medicine.

How many times have we come to this floor in the last 4 years, I say to my colleague from Texas, how many times have we come to this floor to talk about this?

In the last election, Republicans and Democrats, every candidate we saw, said, "Boy, we are for it. We are going to take care of it. We are going to do everything. We are going to provide you with your medicine, and everything is going to be wonderful."

Merle Haggard, the great country and western singer, has this wonderful song he sings called Rainbow Stew. He says, "When a man is elected and goes through the White House doors and does what he says he will do, we will all be drinking that free bubble-up and eating that rainbow stew." I think it is rainbow stew time.

In Arkansas, in our folklore there, we have something called a buckeye. It looks like a nut. As far as I know, it is not good to eat and nobody eats it, and animals do not eat it.

According to the folklore, if you get a buckeye and put it in your pocket, it will ward off evil spirits and give good luck, and keep rheumatism from attacking you. I have been carrying a buckeye, but I have been giving them away, because that is the only prescription drug plan it looks like we are going to get from the Bush administration. I am giving it to as many of my senior friends as I can, and I am out of buckeyes now. I wish I had one to show it to the Members. It looks like that is going to be the prescription drug plan.

The President has already said he does not want to do anything about price. It is all right for the American people to get robbed day after day after day. Whether one is a senior or not, one is getting robbed.

Here we are, we are going to be asked tomorrow to vote for a budget that nobody has seen. The most we are going to know about it is what speculation we can get and what little bit of information we can get from the committee staff in some way or other. I do not even think some of them have seen much of it.

We are going to be asked to vote for a lot of things, particularly for some major tax cuts. Like my colleague, the gentleman from Mississippi, said a while ago, I am in favor of some of those tax cuts. But what could be a better tax cut than to see that our senior citizens are not thrown into abject poverty, or create a situation where their family has to lend great support to them to see them stay healthy, stay alive, and have what they need to have a decent life?

These are the very people that built this country into the great nation it is today. They worked hard, played by the rules. Now we are telling them, "Well, we just really do not think we can afford to take care of you. We do not know you anymore. We gave you Medicare in 1965."

A health care plan for seniors today without a prescription drug benefit is the equivalent of not having Medicare in 1965. It does not make any sense. It certainly does not seem like the right thing to do.

I think it is absolutely irresponsible to bring a budget to the floor tomorrow that does not provide a good, honest, straightforward prescription drug benefit for our senior citizens, and the mechanism where Americans do not have to pay twice as much or three times as much for their medicine as any other country in the world.

I would urge the majority party to think about these things before they bring that budget to the floor. Think about the commitments they made in the last election. How can they go home and face their constituents and tell them, "Well, we are going to take care of that next year," or, "We are going to figure out some way to make people think we are going to take care of it," knowing that these seniors created this country we have today, and yet they are being ignored by their own government.

Not only are we not providing prescription drug benefits for these seniors, we are allowing the prescription drug manufacturers of this country to rob them at the same time. It is not right, it is not fair, and every Member of this Congress should be working day and night to try to do something about it.

We should not allow this to go past Memorial Day and not do something about the fact that the American people are being terribly mistreated by the prescription drug manufacturers.

Again, I cannot begin to thank my colleague, the gentleman from Texas, for the leadership he has provided on this matter. I think we are very fortunate to have such leaders, and I consider myself privileged to work with the gentleman from Texas (Mr. TURNER), not only in the Blue Dogs, not only on prescription drug and health care matters, but also as we work through this budget, through the other issues that are going to determine whether or not we are going to have these kinds of benefits for our seniors.

Mr. Speaker, our majority leader ever since 1995 has mentioned on the floor I believe that we should let Medicare wither on the vine. This is precisely the direction we are headed in if we do not do something about not only a prescription drug benefit for Medicare, but making sure that we have adequate funding in that program to see that our seniors will have Medicare and a prescription drug benefit in years to come.

The budget we are going to be asked to vote on tomorrow will actually make that situation worse, not better. We all know that. There is expected to be a provision in there that basically robs the Medicare trust fund, takes away our ability to provide even the services that we are providing now to our seniors. I think that is absolutely irresponsible.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Arkansas. I found it very interesting, his comments about the last election. That was so true. Every candidate that was running for office last November was talking about trying to provide a prescription drug benefit for our senior citizens.

I am sure there are many seniors out there tonight that wonder what happened; how could all of these Members of Congress be campaigning for office, talking about how committed they were to helping our seniors afford prescription drugs, and now nothing has happened. Very seldom do we hear any discussion of the issue, and those of us who bring it to the floor, as we are tonight, are doing so in a special order hour, not with the opportunity to bring it before a committee that would have the opportunity to actually take some action, or bring it to this floor on a regular calendar, where we could actually vote on a program, but we are relegated to this special order evening hour, which is set aside for discussion of issues that we choose to talk about to begin to discuss once again the problem of prescription drug coverage for seniors.

I do not know if the gentleman saw any of the ads that were run during the last campaign, but I watched them carefully. It was very interesting to me to see them. I think it is important perhaps for us to talk a little bit tonight about why it is so difficult to pass a meaningful prescription drug benefit plan in this Congress when all of the Members of the Congress profess to say they are for it.

I think it is important for us to discuss a little bit what the roadblocks really are, because when it comes right down to it, there are powerful forces at work opposing our efforts to provide a prescription drug benefit under Medicare for our seniors.

The foremost opposition that we have faced comes from the pharmaceutical industry itself. I think there are a lot of our seniors out there and across America who do not understand why it is we cannot do something about this problem, but the truth is, the pharmaceutical industry has consistently opposed a prescription drug benefit under Medicare.

Some folks may say, why in the world would they do that? The gentleman knows and I know and many others in this House certainly know that the pharmaceutical industry is afraid that if we have a prescription drug benefit under Medicare, that the government will no longer pay them those exorbitantly high prices that they are currently able to charge our seniors for prescription drugs.

Is that not really about what it comes down to?

Mr. BERRY. Absolutely. Mr. Speaker, if the gentleman will yield, one of the interesting things is that analysts have looked at the situation and they indicate that our people would use a lot more medicine if they could afford it, and that it actually would not damage the pharmaceutical companies' profits at all, that they would continue to be very successful.

And we want them to be successful, but it all comes down to money. I think it is such an irresponsible thing to expect our seniors and to expect other Americans that have to take medicine to continue to pay two and three times as much for their medicine as anybody else in the world.

I happened to be in Cuba about this time last year. We were there to meet with the ministers of the Cuban government to talk about them buying food from us, and also talk about buying our medicine.

As we were beginning to conclude these talks, we said to them, "You have said you want to buy our food, and we are pleased about that. We certainly want to sell it to you. Our farmers need the business. Our markets are in bad shape and we need your help, and you need our food. But you had not talked about medicine. Do you not want to buy our medicine?"

And they laughed a very cynical laugh and looked across the table at our delegation. They said, "We can buy your medicine anyplace in the world cheaper than we can go buy it from you. We can buy it in Canada, Mexico, Panama, Great Britain, Argentina; just pick a place, we can buy it for one-third of what you are paying for it."

Then they looked me right in the eye and they said, "Why do you do that to your own people?" I do not believe I have ever felt more inadequate than I did at that moment. I did not have an answer for them. The best answer that I could give them is, "We are trying to change it."

We are going to keep trying until we get it done, because it is just a matter of basic fairness.

Mr. TURNER. I certainly agree with the gentleman. I am sometimes discouraged when I try to talk to seniors in my district about this issue, because they know they are paying more for medicine than their counterparts in Mexico or Canada or anywhere else in the world, and they do not know why it is that we cannot do something about it here in the Congress, why we cannot provide a benefit under Medicare.

What I try to point out to them is what I mentioned a moment ago, and that is that the pharmaceutical manufacturers have opposed our efforts, and try to explain to them how many dollars are actually at stake for these big pharmaceutical manufacturers.

I suspect that what the gentleman just said is the truth, that if we could have prescription drugs at affordable prices, they would sell more of them and they will still make profits. But to date, they do not seem to be convinced.

In fact, in the last campaign cycle, they spent over $2 million in direct campaign contributions to try to influence this Congress not to have a prescription drug benefit under Medicare.

In fact, they spent $75 million over the last session of the Congress just lobbying the Congress, trying to be sure that no bill moved through the House or Senate to provide a prescription drug benefit under Medicare.

That tells us, Mr. Speaker, that those pharmaceutical manufacturers really feel threatened by this proposal to provide a prescription drug benefit under Medicare. I guess they are kind of the last segment of health care that is not covered under the Medicare program.

I think that there is a way for reasonable people to sit down and to work out a piece of legislation that will give our seniors access to prescription drugs under Medicare, and do it in a way that our pharmaceutical manufacturers will understand that in the long term, they are going to be better off working with us than working against us.

Last year in this country nine out of the top ten drug manufacturers spent more money marketing than they spent on research and development. A lot of times these big pharmaceutical manufacturers say, "Oh, if you make us have our drugs purchased by the government or available to our seniors under a Medicare program, we are not going to make as much money. We will not be able to do all this research and development that allows us to come up with all these miracle cures."

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Well, that gets your attention because the pharmaceutical manufacturers have done an excellent job coming up with new medicines for our ailments, and we want to be sure they continue to do that. But the truth is, when they spend more money on marketing than they do for research and development, that argument sort of rings hollow with me. After all, we are all familiar with the TV ads that are running all the time now telling us to go down and ask our doctor for some prescription medicine. And I am sure there are a lot of people that see those ads that go down and get the medicines. That is why they are running the ads. And that is great they now know about them, and they will go take the medicines. But the truth is, they are spending millions of dollars peddling their products to the American people at exorbitantly high prices when compared to the rest of the world.

So I think it is time to get a prescription drug benefit under Medicare. It is a voluntary plan. Everybody that wants to sign up for it can sign up for it. If they do not want to sign up for it, they do not have to sign up for it. It is going to cost not only the seniors in a monthly premium, but there is a cost that we are going to have to pay here at the Federal Government so that we can keep the premium within reach of the average senior, and that cost has been estimated to be something in the neighborhood of $300 billion. That is a lot of money. But that is only about 5 or 6 percent of this budget surplus that we are so proud of.

My colleagues would think that if we have a $5.6 trillion surplus that is going to show up here in Washington over the next 10 years, we could not only cut our taxes but we could take care of the most vulnerable segment of our society, our senior citizens, that consume the majority of the prescription drugs in this country. It seems that surely we could be compassionate enough to take care of those who are most vulnerable.

I know, as the gentleman from Arkansas knows, that the fight is not an easy one, and our fight has been long. Our fight has been hard. We have both talked about this subject since we first came to Congress over 4 years ago, and I suppose we are going to have to keep talking about it before we will ever see it happen. I know and the gentleman knows that we can do something about it and we can put a prescription drug benefit under Medicare. I think it is really a disgrace to have a budget coming before this Congress tomorrow, the conference committee report, without having in it a clear set-aside of the money necessary to provide a meaningful prescription drug benefit for our seniors. It is going to be an empty promise in that budget; there is no doubt in my mind about that.

The Senate debated it. They had a vote on putting $300 billion or more in the budget. That vote was 50 for and 50 against, with the Vice President voting no and defeating the amendment. But we are coming close. We are getting closer, and we are going to get there; and I am just very hopeful that at some point in this session of the Congress the President and the leadership of this Congress will step forward and do the right thing, provide a meaningful press drug benefit under Medicare.

There are some here who advocate it, but they say we are going to do it after we reform Medicare. Now, I am a little unclear about reforming Medicare. I think Medicare has worked very well for our seniors. Most of the seniors that I talk to got upset when we started seeing this Congress a few years ago, before the gentleman and I arrived, change Medicare so that seniors could go through an HMO and get their Medicare coverage. They were enticing seniors to sign up with all kind of add-ons, like a little prescription drug benefit; and the first thing you know, all those HMOs decided to cancel their coverage and left literally thousands of seniors all across this country without any prescription drug coverage, which was the very reason they had signed up with an HMO in the first place.

So I do not know what Medicare reform is. Does the gentleman have a feel for what that means? I do not know. And I know the gentleman has worked on this issue, as I have. Everybody says, well, we will provide prescription drug coverage when we reform Medicare. Has anybody told the gentleman what reforming Medicare really is going to be?

Mr. BERRY. Well, if the gentleman will yield, I am afraid it is going to be that buckeye in that rainbow stew I referred to earlier.

As best I am able to determine what the plan by the party across the aisle and by the administration currently is, it is to force our seniors into a managed care plan. And the only way they will be able to get a prescription drug benefit is to accept this managed care plan as a substitute for Medicare. It will have the same result that the gentleman just referred to; it will be an insurance company effort that the insurance companies will pull out of, ask continuously for more money, and we will be spending our Federal dollars for insurance companies rather than for health care for our seniors.

Mr. TURNER. That is what I was afraid of. Our time has expired; but, Madam Speaker, I thank the gentleman from Arkansas for joining me.

DEFENSE OF AMERICA'S HOMELAND

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON of Pennsylvania) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I rise tonight to focus on an issue that is dominating the front page of every newspaper in America today and that is the defense of America's homeland. President Bush gave a major speech yesterday where he outlined a commitment to pursuit of a national missile defense and provide a protection for this Nation from the bully pulpit leadership that he can provide, which has not been there for the past 8 years.

Tonight I will talk about that issue in depth. I will talk about the objections that are being raised by some; why we need this kind of capability; what the current system capability is that we are developing. And I am going to respond to criticisms that this will start a new arms race.

But let me also start by saying that we have had some absolutely overwhelming success, Madam Speaker, in a program that actually you helped us put forward this year to provide support for our domestic defenders in America, our Nation's fire and EMS personnel. For the last 220-some years in America we have not done anything in Washington to support those brave men and women in 32,000 departments across this country, 1.2 million men and women, 85 percent of whom are volunteers, who protect our towns and cities.

As Madam Speaker knows, last year the defense authorization bill, and she lobbied for this as a candidate in West Virginia, and I appreciate that leadership, we in fact were able to successfully put in place a program that provides grants for these individual emergency response departments nationwide on a competitive basis. The time period for applying for the grants was 30 days, and it ended today.

Now, some said there would not be much in the way of requests because there is not much need. The preliminary results at FEMA are in. Madam Speaker, over 20,000 grant application requests were received in 30 days, and the requests will total in excess of $2 billion. There is a significant need out there for America to respond to help for our first responders, especially as it relates to homeland defense. We only have $100 million to allocate this year, but it is my hope that with the support of Members on both sides of the aisle we can continue to increase that funding availability.

Madam Speaker, my real topic tonight is to focus on the missile defense speech that President Bush presented yesterday at the National Defense University. He said that we need to change the basic parameters which we live under and deal with in our relations with Russia and other countries relative to the ABM Treaty. The ABM Treaty, which was negotiated in 1972, allows both the United States and the former Soviet Union to rely on deterrence so that neither country would attack the other for fear of retaliation.

In addition, that treaty says that each country can have one missile defense system, one ABM system. The Russians chose to deploy such a system around Moscow, which protects about 75 percent of their population. America chose not to pursue any system, because it was politically impossible in America to choose one city over another and leave the rest of America vulnerable.

Today, Madam Speaker, America is totally vulnerable. If an accidental launch occurred of one missile from Russia, from North Korea, which we know now has the long-range capability, or from China, we have no capability to respond.

Now, is that such a far-fetched idea or notion? Well, Madam Speaker, let me document for our colleagues what occurred in January of 1995. As we know, the Russians have hundreds of missile launchers, all of which can reach any city in America within 25 minutes, and all of which have nuclear warheads on top of them.

Now, there is a very sophisticated command and control system on those missiles, as there are on our missiles; but a significant number of Russia's missiles are on mobile launchers. They are called SS–25s. If my colleagues saw a photograph of one, it would look like it is on the back of a tractor-trailer truck. But that missile, even though it can be transported any place over an open road area, can travel the necessary distance to hit any city in America and devastate that city. Each of those SS–25s are controlled locally, even though they have to have the command authorization of the central Russian Government.

Let us look at what happened in January of 1995. Norway was going to launch a rocket into the atmosphere to sample weather conditions. So Norway contacted Russia and told the Russian Government not to worry when we launch this three-stage rocket; it is simply for us to gather more information about weather conditions affecting our country. Now, because Russia's military has been in a state of disarray, they have not been able to invest and reinvest in improving their conventional alert systems and their intelligence collection systems. So that when Norway launched that three-stage rocket, the Russian intelligence agencies misread it as an attack from an American nuclear submarine.

Boris Yeltsin acknowledged the week after that incident that Russia had, in fact, for one of only three times that we know of, put their entire offensive ICBM system on alert, which meant, Madam Speaker, that Russia was within 15 minutes of launching an ICBM with a nuclear warhead against an American city. With 7 minutes left, Boris Yeltsin overruled the other two holders of what we call the black boxes, or the chegets, in the Russian command and control structure, the general in charge of their command staff and the defense minister, Paval Grachev and General Kolesnikov. With 7 minutes, left Boris Yeltsin overruled them and called off the response against an American city.

Now, Madam Speaker, for just one moment let us imagine that one of those missiles is accidentally launched, which are preprogrammed to hit a certain spot in America, and all of their missiles are preprogrammed, as ours are preprogrammed. What if that occurred and what if President Putin then realized Russia had made a grave mistake; that they accidentally allowed, either because of a lack of control of a command unit, who may have gotten the launch codes, or because of some other glitch, Russia accidentally launched one missile against America? What would the phone conversation be like between President Putin and President Bush?

Well, it might go something like this: "President Bush, I am sorry to tell you we have made a tragic mistake. We have accidentally launched a missile against one of your cities. We did not mean to do it, but our command and control system failed." What would be President Bush's response? Would he then call a national press conference and tell the people of that target city that they have 25 minutes to move? Because, Madam Speaker, we have no defense today against a ballistic missile launch against America. We have no defense system in place.

For the past 6 years, Madam Speaker, I have chaired the research and development committee for national security. I have been on the security committee for 15 years. So I work these issues. The possibility of an accidental launch is not very high, but it does exist.

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And the fact is that today America has no defense against such a launch. There is no system we can put into space, there is no plane we can send up that can shoot down an incoming ICBM at the speed it would be traveling.

The same thing occurred in 1991 when in Desert Storm Saddam Hussein decided that he wanted to harm American soldiers. He could have put a bomb on a truck, and he could have had it driven into Saudi Arabia where our troops were headquartered. But he did not do that. Saddam Hussein chose the weapon of choice, a low-complexity Scud missile with a conventional bomb on top of it and fired that missile into an American barracks in Saudi Arabia. We could not defend against that missile, much like we cannot defend against a missile that would be launched against an American city.

As a result of the launch of that Scud missile by Saddam Hussein, 28 Americans came home in body bags because we let them down. America had no system in place to defend against that kind of a missile attack, even in a small area the distance between Iraq and Saudi Arabia.

The sad part, Madam Speaker, is that 9, 10 years later we still do not have a highly effective system for missile defense to protect our troops and allies and our Nation. Part of the reason is because President Clinton and Vice President Gore consistently opposed missile defense, and consistently found ways to avoid America moving forward in developing successful and reliable systems.

So the first reason we need missile defense is to protect us against an accidental or deliberate launch. The CIA has now documented that North Korea, an unstable nation, in August of 1998 test-launched a three-stage Taepo Dong II rocket that traversed into the atmosphere. It did not complete its line of flight, but the CIA estimated if it had, it would have been able to reach American soil, the West Coast of California, parts of Alaska and parts of Hawaii.

That allowed the CIA to say publicly that North Korea has the ability to launch from its soil a long-range, three-stage missile that could deliver a light payload against an American city. That missile might not be very accurate, they might aim for Los Angeles and hit San Francisco, but if you are a resident of San Francisco, it does not matter where they aimed.

The point is, North Korea has a capability that they never had. Unlike when the ABM Treaty was developed, you only had two major countries with this kind of ability, the Soviet Union and the United States, and we could respectfully agree that neither would attempt to attack the other for fear of retaliation. Also, when the Soviet Union was in fact a coherent country prior to 1992 before the breakup, the Soviet military was well-paid and well-fed. They had discipline. They were well-respected in Russia. Today, there are severe internal problems and stability problems within the Russian military.

Therefore, because of those problems, there is a greater likelihood of a problem potentially occurring, as there is with the possibility of North Korea or China threatening a launch against the United States.

Madam Speaker, it is not just whether or not they would launch a missile against us, because the opponents of missile defense will say, wait a minute. Does anybody really believe that North Korea is going to fire a missile against the United States? We would wipe them out. We would wipe China out. That is not the issue, Madam Speaker.

The problem is that we now know North Korea has the capability. We also know that North Korea is developing a nuclear weapon, if they do not already have one, which could be placed on a missile.

Let us take a scenario for a moment. Let us suppose that North Korea would invade South Korea, which they have talked about off and on for years. The United States would, because of our relationship, probably come to the aid of South Korea. And what if North Korea's leadership then, and they have certainly indicated unstable decision-making processes in the past, suppose they said to America, If you do not pull your troops out of South Korea, we are going to launch our long-range missile at one of your cities.

Now, unlike in the past, we know North Korea has that kind of very rudimentary capability. Do we then attack North Korea preemptively? Do we wipe out any capability they might have? Do we bomb their cities?

Madam Speaker, we cannot allow a rogue state to have the potential for causing problems in the decision-making process of our President and command officers because of the potential for a launch, illogical launch as it might be, against our sovereign Nation or our allies.

The idea of a missile defense system under George Bush is not what Ronald Reagan proposed, and there will be some in this country who say, there goes George Bush trying to restart the Cold War, trying to bring back Star Wars, or the Strategic Defense Initiative.

That is not what President Bush was talking about yesterday. No one is proposing that we attempt to build a shield over America that could stop Russia if they wanted to attack us with all of their missiles. That is not the idea being discussed. And most experts agree that would be technically and financially impossible to achieve. We are only talking about a limited capability, a system that would give us the ability to defend against a small number of missiles, an accidental launch or a deliberate launch of perhaps 1 to 10 missiles, that we could defend against. This does not destabilize our relationship with Russia because Russia knows full well that they could launch hundreds of missiles at America and very easily overcome the kind of system that President Bush is talking about.

For these reasons, Madam Speaker, it is important that America provide a defense for our people.

The interesting thing is that some of the opponents of missile defense have consistently opposed all research in this area. And I would say to our colleagues, as I did several years ago when we voted on H.R. 4, my missile defense bill in the House, and we pulled more Democrats with us than President Clinton did, 103 Democrats voted in favor of H.R. 4, 102 Democrats voted against it and all but two Republicans voted in favor of that bill, giving us a veto-proof margin. Our goal is to give us the capability that every nation in the world is now pursuing.

Israel is one of our key allies. Israel needs missile defense to protect her people from the missile technology that Iran, Iraq, Syria and Libya now possess. We are working with Israel helping to fund the Arrow program and the theater high-energy laser program, giving Israel a capability they did not have in Desert Storm.

The Patriot program was not designed to shoot down missiles in Desert Storm. It was a system developed by our Department of Defense to shoot down airplanes. But when we knew that Desert Storm was going to take place, and we knew that Saddam Hussein had missiles, we had to help Israel defend herself, and so we gave her a system designed to shoot down airplanes, and we asked the contractor in this country to provide a more robust engine to make that missile move more quickly.

It was not the answer, and it was not successful. Only 40 percent of the attempted launches or the successful launches of the Scud missiles by Saddam Hussein were stopped by the Patriot systems. We need to do better, and that is why for the past 10 years we have used our tax dollars in cooperation with Israel to help her build missile defense systems.

We have also helped the Europeans. We are working on a program called MEADS, the Medium Extended Air Defense System, which is a cooperative program between the United States, between Italy and Germany. The program is designed to give those countries a missile defense capability in all of Europe. We do want to cooperate with our allies. This is not just about protecting America.

In fact, we proposed the same kind of assistance to our friends in the Far East, and we have also proposed to cooperate in the same way with our Arab friends in the Middle East. The goal that President Bush laid out for the world is that we need to change the dimension. It should no longer be a policy of mutually assured destruction.

Now, to me as a teacher, it is outrageous that we would base our foreign policy with Russia on mutually assured destruction. You attack us, we will annihilate you. We attack you, you will annihilate us. That is a crazy way to have a world order, especially when you have other nations that are not in any way, shape or form anywhere near as reliable as the Soviet Union was during the Cold War, and we did not have the instability that we now have inside of Russia with the problems, internal with their military and the command and control and alerting problems that they have in reading what is happening in terms of rocket launches around the world.

So for all of these reasons, President Bush has proposed a new dynamic. I call it asymmetric deterrence, and that means that we continue to negotiate with our allies and friends and countries like Russia, and we continue to rely on deterrence as the ultimate threat to an attack on our homeland, but we now begin to allow missile defense systems.

Now, the question is, why would America pursue missile defense, it is only going to back Russia into a corner. That is not true. The fact is that Russia believes in missile defense, as does America. They believe in deterrence, as does America. The Soviet Union developed the only operational ABM system around Moscow. That system has been upgraded four times, and it still exists today.

When I have been in negotiations with my Russia friends, and I have gone to Russia 23 teams, I speak the language, I formed and I chair the Interparliamentary Commission with the Russia Duma and the Federation Council. When I travel to Moscow and meet with my Russian friends and we talk about missile defense, I candidly ask them, If you really believe in deterrence alone, take down your ABM system. Be as vulnerable as America is, and have no system and rely on deterrence.

They look at me and smile and laugh and say, You know we will never do that.

The point is that the Russians believe in missile defense. They have aggressive and very capable theater missile defense systems. They have the SA-10, the SA-12, the S-300, the S-400. They have now been trying to sell a system to both Greece and Israel called the Anti-2500 system. It is a very capable, mobile system that can be used by any Nation to defend against missile attack.

In fact, Russia's systems are comparable to systems that we are building. So it is not a case of America pursuing missile defense and embarrassing Russia because they do not have any systems; they have some of the best systems in the world available today.

Why then, Madam Speaker, would Russia not trust us? Why then would the Russian leader publicly express his concerns about the President's speech? Why would Russian leaders and European leaders express concern about moving forward with missile defense?

Let me say this, Madam Speaker. If I were a Russian today and if I had witnessed what the Clinton administration did in terms of cooperation with Russia, I would not trust America in the area of missile defense either.

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Let me give you the reasons why I say that, Madam Speaker. We have sent mixed signals to Russia for the past 10 years. The first one came in 1993. In 1992, Boris Yeltsin challenged George Bush, Sr. to work together on missile defense, to have Russian scientists and American scientists cooperate and explore ways that we could work together. George Bush, Sr. accepted that challenge. The two Presidents of the two countries involved the Ministry of Foreign Affairs in Russia with the State Department in the U.S.

Two high ranking officials were empowered by our two governments to negotiate and look at ways that we could cooperate together in missile defense in 1992. Those meetings, entitled the Ross-Mamedov talks took place on an ongoing basis. In 1993, when Bill Clinton and Al Gore came into office, they had opposed missile defense. Without consulting with the Russian government, they abruptly canceled the Ross-Mamedov talks. We sent the first signal to the Russians that we do not want to cooperate with you on missile defense. We do not want to be your partner in looking at ways to change the dynamic of our relationship.

The second signal was sent to the Russians in 1996 and 1997. We had in fact funded one joint program between our Defense Department and the Russian defense department in the missile defense area called Ramos. Ramos was designed to build two satellites, one controlled by Russia, one controlled by the U.S., identical in operation, so that each country would get the same identical information when a rocket was launched someplace on the surface of the Earth, so we would have the same alert mechanism. It also was designed to build trust between our countries in the area of missile defense. The program was supported aggressively by the Congress. In fact, as the chairman of the Research Committee, I put Ramos in as a line item in the defense budget. In 1996 and 1997 with no advance notice to the Russians nor to the Congress, the Clinton administration decided to cancel the Ramos program. When the Russians found out about this, they were livid. I got three phone calls and faxes and e-mails at my office from senior Russian leaders.

They said, "Congressman WELDON, what is going on? We thought America wanted to work with us in finding ways to cooperate." I said, "Well, that was our thought and that was our idea." I then called Deputy Secretary of Defense John Hamre and I called Leon Fuerth, Vice President Gore's defense adviser. I said, "What is going on here? What you are doing by canceling this program is you are undermining confidence in Russia that we are trying to build." I then went over to the Senate and enlisted the support of Democrat Senator Carl LEVIN who agreed with me as the top Democrat on the Armed Services Committee in the Senate. He and I worked vigilantly with our colleagues, and we overturned the administration's decision. The program is still funded today. But the damage was done. Because for the second time, the Clinton administration told the Russians, "We do not want to cooperate with you."

The third time occurred in 1997. At a time when most people in the world and in this country were acknowledging that the ABM treaty had outlived its usefulness because we were no longer in a bipolar world with two countries, the Soviet Union and America. We now had other countries with long-range missile capability, China and North Korea and Iran moving in that direction. At a time when most in this country were saying, let us provide some flexibility in the way this treaty is being interpreted, what did the Clinton administration do? They sent our U.S. negotiators to Geneva where we were in ongoing discussions with the Russians over the ABM treaty.

Instead of trying to find ways to make the ABM treaty more flexible, the Clinton administration was negotiating a tightening up of the ABM treaty, contrary to the thought of almost everyone in this country. I for the life of me could not understand what the Clinton administration was doing. When I read about these discussions with the Russians, I heard about this plan to multilateralize the treaty, bring other countries in, even though they did not have long range missiles, and I heard about this artificial demarcation, differentiating between theater and national missile defense, Madam Speaker, I did something that no other Member of Congress did.

I went to Geneva. I got the approval of our State Department, and we set up a negotiating session. The chief U.S. negotiator was on my side, Stanley Rivales and the chief Russian negotiator was sitting across from me, General Koltunov. We talked for 2½ hours about the administration's negotiations for these two ideas of tightening up the ABM treaty. So I inquired of General Koltunov, "General, why do you in Russia want to bring more countries in as signatories to the ABM treaty?" Only two nations were the original signatories, the Soviet Union and the U.S. Why did you pick three former Soviet states, Kazakhstan, Belarus and Ukraine, to become equal partners to the U.S. and Russia? That will make it more difficult to amend the treaty. And none of those three countries have long range missiles. They have all been returned to Russia after the breakup of the Soviet Union.

General Koltunov looked at me and he said, "Congressman WELDON, you are asking that question of the wrong person. We didn't propose to multilateralize the treaty. The person sitting next to you did." Meaning that our government was trying to push the Russian government into expanding the treaty to include three former Soviet states. Why would you do that especially when none of those three countries had long range missiles, unless your purpose was to make the ABM treaty more difficult to modify?

The second question dealt with demarcation. I could not understand how we could negotiate with the Russians an artificial differentiation between a theater missile defense system for a given area and a national missile defense with longer range. So I said to the chief Russian negotiator, General Koltunov, "General, explain to me, how did you arrive at these numbers of interceptor speed and range?" If I am in a small country like Israel, a theater program like THAAD is a national program to Israel because it can cover their entire territory. In America, a program like THAAD would not be a national missile defense because it could not cover all of our territory. "How did you determine the difference?"

General Koltunov told me, after thinking for a few moments, "Well, Congressman, there were serious negotiations between our scientists and your scientists, and they arrived at these numbers." But he did not give me any justification. Well, I was not satisfied. I came back to the United States. We concluded those negotiations in Geneva. President Clinton sent the signal to Russia that America was supportive of tightening up the ABM treaty. So the Russians again for the third time took us at our word. But the Clinton administration knew, Madam Speaker, they could not get either of those two changes to the treaty through the U.S. Senate, even though the U.S. Constitution requires any substantive change to any treaty to be submitted to the Senate for advice and consent.

For 3 years, from 1997 to the year 2000, actually to the year 2001 because that is today, until the end of the Clinton administration, the administration failed to submit either of those two changes to the ABM treaty to the Senate as required by our Constitution so the Senate could debate them. I am convinced the reason the administration did not do that was because they knew that neither one of them would pass the Senate. They could not even get a majority of Democrats in the Senate to support those two changes. They were not in America's best interests. So for 3 years, the Russians had been convinced by Clinton that we were supportive of tightening up the ABM treaty, even though the administration knew the Senate and the American people would not support those changes.

Last May, when the Russian Duma was considering ratification of the START II treaty, a treaty which our Senate had already passed years ago, the Clinton administration, I am convinced, convinced the Russian leadership to have the Duma add those two changes to the ABM treaty onto the back of the START II treaty. Why would they do that? Because they knew the START II treaty had already been ratified by the Senate and because they knew they could not get those two ABM changes through the Senate, so they said if the Russians add them on, then the Senate will have to accept them when the treaty comes back to us for re-ratification. So when the state Duma in Russia ratified the START II treaty last spring, they added those two Geneva protocols on the START II treaty, it then came back to the U.S., and what did our Senate say? "No way are we going to pass the START II treaty."

So the Russians for the third time saw America going back on what they thought was our word. Three times in 8 years we sent mixed signals to Russia about missile defense. It is no wonder that the Russians do not understand what America's real intentions are in terms of missile defense. Now, they understand my intentions, because I have a good solid relationship with them. They know that I want us to be involved with Russia. The Russians know that we want to be partners with them. We want to find common ground.

In fact, the weekend before our vote on H.R. 4 which this House passed overwhelmingly, I invited Don Rumsfeld, our current defense secretary, who was chairman of the Rumsfeld Commission; Jim Woolsey, who was Bill Clinton's CIA director; and Bill Schneider, a Deputy Secretary of State, to travel with me to Moscow. I took several Members of Congress from both parties along. We went to Moscow before the vote here so that we could reassure the Russians that our intent in moving forward in missile defense was not to back the Russians into a corner. We did not see Russia as the enemy. We were not doing this to try to create an advantage over Russia. And that we wanted to work together with Russia.

Madam Speaker, I am convinced through my contact with Russian leaders that they can and will understand that America's intent on missile defense is not to create an arms race. The Russians believe in missile defense because they know the threats are real. We believe in missile defense because the threats are real. For those who say the threats are not real, I say, tell that to the families of those 28 young Americans who were buried in this country because we could not defend against that missile attack in 1991 in Saudi Arabia.

Madam Speaker, with the Russian leaders that I work with, people like Dr. Yevghenie Velakof who heads up the Kurchatov Institute understand what we are trying to accomplish. In fact Dr. Velakof and I coauthored an op-ed 3 years ago that was entitled "From Mutually Assured Destruction to Mutually Assured Protection." Dr. Velakof understands what George Bush is trying to do. When Russians understand that we are serious and want them involved and that we are not playing games, they will cooperate with us.

But, Madam Speaker, I have to tell you, there is one other group in this country who is causing the feeling of instability in Russia. There is one other group in this country who will be vigorously against missile defense, who are actually causing more unrest among the Russian people than the missile defense idea itself. Who are those people, Madam Speaker? They are some of the very arms control organizations in this city that claim to be for peace, that claim to be for stable relations.

Why do I say that, Madam Speaker? Let me tell you what Yevghenie Velakof told me 2 years ago. At the height of our bill being passed by the House and the Senate, Yevghenie Velakof came in for one of his regular meetings at my office. He brought with him a Time magazine edition, I believe it was February 25, I believe it was in 1998.

There was a two-page feature in Time magazine on missile defense. It was written about the new plan being pushed by the Congress to give America the protection that George Bush outlined yesterday. They called the plan Star Wars II, or sequel to what Reagan had done, which is a misnomer. But the idea was to lay out for the American people the idea of what we are talking about with a limited missile defense system. In one corner of that article, taking up almost one-half of one page was the chart I am going to present that I have had blown up. In a story about missile defense and how America was trying to pursue protection for our people was this chart. Let me read the top and the bottom opening sentences.

"Destroying Russia. Arms control advocates map the Pentagon's top secret plan for waging war. 1200 warheads hit 800 targets." This is a map of Russia. They have got locations where we supposedly have a top secret plan to destroy Russia. Across the bottom is the following statement. "Killing zones. The vast spread of radiation will wipe out more than 20 million people in Russia." Dr. Velakof said to me, "CURT, I know what your intention is with missile defense. It is to protect your people. But this is what the Russian people will see." They will see an article in Time magazine with a chart produced by the Natural Resources Defense Council, an arms control group, that is trying to say that our real intent is to kill 20 million Russian people.

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That is why the Russians are concerned about missile defense. It is not because of the system. It is because of an inconsistent, incoherent, roller coaster foreign policy where three times in 8 years we sent mixed signals to Moscow on missile defense. It is because of the arms control crowd that tries to scare the Russian people into thinking that somehow our real intent is to wipe them out and dominate them. That has to be dealt with in this debate that began yesterday.

We have to put the facts on the table. Our goal is not to wipe out Russia. Our goal is not to kill 20 million Russian people. In fact, our goal is to work with Russia; it is to work NATO; it is to work with Ukraine; it is to work with Canada; with the European countries to develop something we have not had before, an ability to shoot down offensive missiles.

Mr. Speaker, over 70 nations today in the world have missiles that they control. Countries like Iran, Iraq, Syria, Libya, India, Pakistan, North Korea and a whole host of other countries all have missiles. Some have conventional weapons on them. Some have the potential to put a chemical or a biological agent on them, but they all have missiles and they all have launchers.

Mr. Speaker, today in the world over 22 nations can build missiles and are building them, and they are selling them to other nations. Missiles are out of control. We did not expect this threat to come from unstable nations for another 15 to 20 years, but over the past 10 years we have lost control of proliferation. Because of Russia's instability and because of China's lack of compliance, Russia and China have allowed technology to flow to unstable nations which then have given those nations abilities in missile technology that we did not think they would have for at least 15 years.

Let me talk about that for a moment, Mr. Speaker, because that has a direct bearing on why President Bush yesterday said we have to have missile defense now, because the threats are here today. Iran now has a Shahab III system they are working on. The Shahab IV and Shahab V, which are medium-range missile systems, can kill tons of people all throughout Europe and can hit Israel directly. We know Iraq has missiles. We know all these countries have missiles.

How did they get this technology, Mr. Speaker? Unfortunately, because of America's lack of enforcement of arms control agreements.

Two years ago, I asked the Congressional Research Service, an independent, bipartisan research arm of the Library of Congress, it is not partisan, all of our colleagues use it, I asked them to do a study for me of how many instances of arms control violations had occurred in the 1990s. I put that report in the CONGRESSIONAL RECORD last year.

The answer is that up until 1998, we had evidence that Russia and China had illegally transferred technology, much of it missile technology, to unstable nations in violation of arms control agreements 38 times; 20 times by the Chinese, 18 times by the Russians. The arms control agreements are supposed to have sanctions applied when we catch other countries in violation. Much like if we catch an American company illegally selling technology to a foreign nation that they should noting selling to, we arrest their officers. We fine them and, if necessary, we put them in jail. Thirty-eight times we caught the Russians and Chinese illegally giving technology to our enemies. Only two times out of 38 did we impose the required sanctions when we caught the Chinese transferring M-11 missiles to Pakistan, when we caught the Chinese transferring ring magnets for their nuclear program to Pakistan. The other 36 times we turned our head.

Let me give a real example, Mr. Speaker, for our colleagues to remember. I was in Moscow in January of 1996. The Washington Post had just reported in December a front page story, above the fold: "U.S. Catches Russia Transferring Guidance Systems to Iraq." That was the headline. I was in Moscow, so I went to our embassy and I met with Ambassador Pickering, who most recently was the number three person in the State Department under Bill Clinton.

I said, Mr. Ambassador, what was the Russian response when you asked the Russians about the illegal transfer of technology to Iraq?

He said, Congressman WELDON, I have not asked them yet.

I said, why would you not ask them? That is a violation of the missile technology control regime, an arms control agreement between us and them and other countries.

He said that has to come from Washington. It has to come from the White House or the Secretary of State.

So I came back to America, and I wrote President Clinton a letter, a 3-page letter, asking him to respond to the allegation. In March of that year, President Clinton sent me a letter, which I still have; and in the letter he said, Congressman WELDON, I share your concern about the allegation that Russia may have transferred guidance systems to Iraq that would improve their missile systems; and I can say if it occurred and we can prove it, we will take aggressive action. But, Congressman WELDON, we do not have any evidence. Yes, we have allegations, but we cannot prove that Russia transferred guidance systems to Iraq.

So, Mr. Speaker, I brought the proof today. For the past year, Mr. Speaker, I have taken these devices around the country with me. This is an accelerometer, a very high-priced device that controls the speed of a missile. This is a gyroscope. This system locks into a satellite GPS mechanism to control the accuracy of where the missile is going. When one puts these two devices in a missile, they make that missile very accurate.

Iraq cannot build these devices. They are too sophisticated. Only the U.S., Russia and China, because they got the technology from us over the past 5 years, can build these devices. It is illegal to give these devices to unstable nations.

These devices have Soviet markings on them. These devices were clipped off of SSN-19 long-range Soviet missiles. These devices used to be in missiles in Russian submarines aimed at U.S. cities, but because of treaties, when Russia discarded these old missiles they were supposed to destroy these, but they did not do it. We caught the Russians three times transferring not one set of these devices, but over 100 set of these devices to Iraq.

What would Iraq want with them? Iraq would want them to put in their missiles like the one they sent into Desert Storm that killed 28 young Americans to make their missile more accurate. We allowed the technology to flow, and we did nothing about it.

Here is the evidence, Mr. Speaker. I cannot say where I got them, but I can say agencies of our Government have over 100 sets of these devices. And let me say, my guess is there are probably thousands of these devices that were illegally sent from Russian entities to Iraq and Iran.

Now, do I blame the Russian Government? Not necessarily. It is caused by instability in Russia, but we in America had an obligation to enforce arms control agreements. Now, why would President Clinton not want to enforce an arms control agreement? We caught them red handed. We have the evidence.

The answer, Mr. Speaker, lies in the fact that the Clinton foreign policy for 8 years was a personal friendship between Bill Clinton and Boris Yeltsin. As long as those two people were friendly and in power, President Clinton assumed that our relationship with Russia would be stable.

Now, Mr. Speaker, I wanted Yeltsin to succeed as much as President Clinton; but our goal in Russia should not have been to support a man. It should have been to support institutions: the institution of the presidency, whoever that might be; the institution of a free parliament and Duma, whoever they might elect; the institution of a legal system, of an economic framework.

We should have been supporting institutions of democracy as opposed to a personality, because as Boris Yeltsin lost the vigor that he first brought to his job, he began to surround himself with corrupt individuals. In fact, he named the oligarchs that ended up running Russia's banks. These Russian oligarchs, many of whom were crooks and thieves, were ending up taking billions of dollars of foreign money, IMF and World Bank money, that was supposed to help the Russians rebuild their economy, rebuild their schools, their roads and their communities. But instead, the friends of Boris who controlled the economic institutions in Russia diverted that money to illegal operations, to Swiss bank accounts, to U.S. real estate investments. In fact, our Justice Department issued indictments against five Bank of New York officials just 2 years ago.

The allegation is that they were involved in corruption with Boris Yeltsin's friends in diverting up to $5 billion of money that was supposed to help the Russian people.

What did we do? We went like this and like this. Just as we did with the arms control violations, we pretended we did not see them. We pretended we did not have evidence. We knew 5 years ago that there were corrupt Russians working with corrupt Americans, stealing money to benefit the Russian people. Do we wonder why now the Russian people do not trust our intentions?

When Yeltsin was about to leave office, his popularity in Moscow was 2 percent. Ninety-eight percent of the Russian people felt he was corrupt and had become a drunk, but there we were still supporting Boris Yeltsin. We wonder why the Russian people do not trust our intentions. If I were a Russian then, I would not trust our intentions either. We blew it to some extent, Mr. Speaker.

The visual image Americans had in 1992 was Boris Yeltsin standing on a tank outside the Russian White House, openly defying Communism, 20,000 people around him. As he stood on the tank and said Communism is dead, the Soviet Union is over, we are in a new strategic alliance, Russia and America together, that was 1992. 1999, what was the visual picture on CNN in the fall of 1999? Ten thousand, 15,000 young Russians outside the Embassy of the United States in Moscow, clogging the street, throwing paint at our embassy, firing handguns at our embassy and burning the American flag, because we had been supporting corrupt institutions and people in Russia. We had been denying reality, and the Russian people lost faith and confidence in what America was really all about.

In fact, it was about that time I had a Russian Duma member over here. He did a national press conference and this is what he said to the American people on national TV. He said, you know, the Soviet Communist Party spent tens of billions of dollars over 70 years to convince the Russian people that America was evil and Americans were evil, and they failed. Your government has managed to do in a few short years and months what the Russian Soviet Communist Party could not achieve in 70 years.

The last formal request of Boris Yeltsin, before he left office for his hand-picked successor, was a commitment he received from President Putin to pardon him and his family. The first official action of President Putin, when he took office, was to pardon Boris Yeltsin and his family, including his daughter Tatyana, from crimes committed against the Russian people, that America knew about and pretended we did not see. That is why the Russians do not trust our intentions.

The biggest challenge for President Bush is rebuilding the trust of the Russian people and its leadership that America wants to be a stable trading partner with Russia. We will not tolerate proliferation. We will not tolerate giving foreign unstable nations illegal technology, but we want Russia to succeed. We want to help them create a mortgage program for their people, which is my number one priority. We want to help their defense industry get back on its feet and produce other products. We want to engage their military with our military. We want to help them solve the problem of nuclear contamination in the Arctic, a big issue for the Russians. We want to help Russia succeed and become a trading partner of the U.S.

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Missile defense is not the reason that Russia is concerned, it is the lack of trust and confidence in what America really wants that has the Russian leadership and the Russian people concerned.

Mr. Speaker, we need to move forward with missile defense in cooperation with the Russians and the rest of the peace-loving people in the world. I cannot, for the life of me, as a teacher, understand how those in this country still want to rely on offensive weapons to kill each other, as opposed to defensive weapons to protect our people. That does not make sense to me.

We can achieve what President Bush wants.

Now, it is a tough task, because you are talking about hitting a bullet with a bullet, stopping a projectile in the atmosphere that is moving very quickly, and stopping it with another bullet. And you cannot hit that projectile when it is on the way down or it will rain terror on the people in that country, in this case our people.

That happened in Israel when those Scud missiles kept landing. Even though the Patriot system may have hit it, the debris kept coming down on the Israeli people. We need technology, as President Bush rightly outlined, to hit the missile in the ascent phase, as it is on the way up. It is called boost-phase intercept. The reason why that is important is, you knock that missile out on the way up, and the only people harmed are the people who launched the missile against someone else.

What President Bush is saying is, we need to develop a new capability, using technology with our allies, to give us that kind of protection; and he has proposed for the first time in the last 10 years that he will use the bully pulpit to move the technology forward.

Are we prepared today? No. There still is additional testing. Have we had success? Absolutely. Out of 31 attempts, we have been successful in over half of them. Our THAAD program has had intercepts, successful ones. Our PAC-3 program has had five successful intercepts. Our National Missile Defense program has had one successful intercept. We know the technology is achievable. It is an engineering problem to integrate the systems, and that is the challenge that we have to help the President overcome.

I am convinced, Mr. Speaker, that those of our colleagues in this body and the other body who supported missile defense last year and the year before will again come back and support President Bush. This is not a partisan issue. The battle for missile defense in America was not a Republican battle; it was won by a bipartisan effort with Democrats and Republicans coming together, understanding that threats were emerging quicker than we thought they would emerge.

We need to work together to give the President the kind of support he has outlined in his vision for a new world order, one where we focus cooperative efforts together. The Europeans can cooperate with us, as they are already doing. In fact, I am hoping right now to establish a meeting, an unofficial meeting, in one of the Arab countries, where I will plan to invite the Israelis and the Russians to sit down and have a conversation about how we can jointly pursue missile defense cooperation in the Middle East, with Jews and allies working together, with Americans and Russians.

On Friday of this week, Mr. Speaker, I will travel to New York City, where I will give a major foreign policy speech at the World Russian Forum, and I will tell the leaders of Russia, I will tell the business leaders in Russia, that we want to work together, George Bush wants Russia to be our friend and partner. There is no reason why we cannot achieve that.

I will then come back to Washington and next week will sponsor with the Free Congress Foundation, with Paul Weyrich, a bipartisan conference on the Hill with Russian leaders. The chairman of the International Affairs Committee for the Russian Duma, Dmitrii Rogozin, will be here, and he and I and others will come together and talk about cooperation. We will then travel to Moscow and we will have a conference in Moscow on missile defense cooperation. We will work together to find common ground, to build confidence among both countries to move forward together.

We need to put away the arguments and the petty wars of the Cold War era. Relying on mutually assured destruction is not the answer. Working together for peaceful protection of our friends, our allies and our neighbors, is the solution of the 21st century. That is what George Bush outlined for us yesterday. He is on the right track. He did not say we have all the answers, because we do not, but he did say, together, there is nothing we cannot accomplish.

I was a young kid in school when John Kennedy made a very famous speech in 1960. He said "I challenge America to land a man on the moon within this decade." I can tell you, people laughed at him. They thought, this guy is crazy. Here is President Kennedy saying we are going to land on the moon? We cannot even get our planes to fly totally safe in the atmosphere. How are we going to land on the moon? He challenged America to land on the moon, to explore outer space technology.

You know what happened, Mr. Speaker. Nine years later, in July of 1969, we landed the first human being on the moon. It was an historic event that showed that America can accomplish anything.

There are those who will say, there are a few of them, who will say this is not technologically possible. Mr. Speaker, that is hogwash. In fact, to counter those, we have put together a task force of professors. None of the professors we have on this ad hoc committee are working for any contractor. They are all professors.

I am going to be inviting all of my colleagues in Congress to ask those professors, one at a time or as a group, to come into your offices. They are not doing any contract work with defense contractors. They are not on the Pentagon's payroll. They are from universities, like Texas A&M, like some of our major engineering schools, who understand the physics is achievable.

They will be available as we begin this debate to counter those who will simply try to use their doctorate titles to convince us that somehow we cannot accomplish this.

I asked the head of the Boeing program in a hearing last year, a fellow by the name of Dr. Teller, how difficult it was to achieve the result of missile defense for America and its people. He said, "Congressman WELDON, I have been assigned to this all my life." He said managing the Space Station was a tougher challenge than building missile defense.

Together, Republicans and Democrats, allies and our own people, we can create a new world, a safe world, where all of our people can be protected from what happened to those 28 Americans in 1991.

PAKISTAN: DEMOCRACY AND POLITICAL RIGHTS, A STATE OF SHAME

The SPEAKER pro tempore (Mr. CARTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, Mr. Speaker, I come to the House floor today to denounce the Pakistan Ruling Army's dictatorial and wholly unacceptable treatment of nonviolent political activists as they assembled yesterday to demand a return to democracy.

May 1, International Labor Day, has historically been a day when rights of those unrepresented and under-represented have been fought for around the world. The political workers and activists of Pakistan had announced May 1 as their day of peaceful assemblage, asking for return to civilian government. General Musharraf, the chief executive of the country, has completely clamped down on the very basic civilian right of the people to assemble. In his own words, "Once we have said there will be no political activity, there will be no political activity."

General Musharraf has called these protestors and democracy fighters "useless politicians." This reign of terror by the army has to be stopped, Mr. Speaker, and we must denounce it in no uncertain terms.

Mr. Speaker, Pakistan is taking a wrong path. Since the October 1999 coup d'etat in Pakistan, the army government has flagrantly violated basic civil rights of the people. The state of the press is severely threatened. Journalists are routinely harassed and their offices ransacked regularly. The constitution has been abolished.

The erstwhile political parties of Pakistan have been demanding a return to democracy ever since the October 1999 coup d'etat by the military. The Musharraf government has outlawed public rallies of any kind ever since President Clinton's visit to the region in March of 2000. In addition, this government has become increasingly hostile and has created a security threat to the United States and the South Asia region by supporting the Taliban and the Osama Bin Laden network logistically, figuratively, financially and otherwise.

In the most recent U.S. State Department's annual report on global terrorism, which was released Monday, Secretary of State Colin Powell stated that Pakistan's military government, headed by General Pervez Musharraf, has continued previous Pakistani government support for several groups responsible for attacks on civilians in Kashmir. The report also states that the Harkat ul-Mujahideen, the HUM, a designated foreign terrorist organization, continues to be active in Pakistan without discouragement by the Government of Pakistan.

Mr. Speaker, this Congress and its members, as proponents of democracy, have an overarching moral obligation to show solidarity with each struggle for democracy around the world. Expressing shock, the Pakistan People's Party senior representative Khohru said, "They," the army, "have totally clamped down. We are trying to march but obviously every place is a jail. The whole city is under siege."

Mr. Speaker, if I could say, we must not let political repression go by unnoticed. We must go on record publicly expressing the strong opposition of the United States Congress to the military coup in Pakistan and call for a civilian democratically elected government to be returned to power in Pakistan.

FIGHTING THE HIV-AID PANDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 60 minutes.

Mrs. CLAYTON. Mr. Speaker, I join with my colleagues today to talk about an issue that is causing great human devastation internationally and that continues to be a major health and quality-of-life problem domestically.

The HIV-AIDS pandemic that now we refer to has deeply impacted the African continent, particularly sub-Saharan Africa. Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. In 16 countries, all in sub-Saharan Africa, more than one in ten adults is infected with the HIV virus, affecting some 25 million people.

According to the joint United Nations program on HIV and AIDS, three-fourths of all deaths caused by AIDS are in sub-Saharan Africa since the beginning of the epidemic. It is estimated that one-half or more of all 15-year-old children may eventually die of AIDS in some of the worst affected countries, such as Zambia, South Africa and Botswana, unless, unless, the risk of contracting the disease is sharply reduced.

Of the 34 million HIV-AIDS cases in the world, 24 million, or 70 percent, are in Africa. In Zambia, 20 percent of the adult population is infected with HIV-AIDS. As a result of HIV-AIDS virus, 650,000 children may have been orphaned, and 99,000 Zambians died in 1999.

Zambia is centrally located among the sub-Saharan Africa nations, bordered by eight different countries. There is a growing effort to develop international disease-prevention intervention in Zambia because of its location and its diverse African culture and language group. I am encouraged that Duke University Medical School, along with other pioneers, including the University of Alabama, are developing an HIV-AIDS intervention program in Zambia.

Not only in Africa, but around the world, including Russia, China and India, the HIV pandemic continues to grow. There were 5.3 million new HIV infections worldwide during the year 2000, and 3 million people died as a result of AIDS, more annual deaths than ever before.

I recently visited Botswana to see up close the destruction this disease has caused. Approximately 35 percent of Botswana's adult population is infected with HIV. AIDS has cut the life expectancy in Botswana by nearly 30 years. It has resulted in the death of so many people who otherwise would be in the prime of their life.

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The visit strengthened my conviction to do my part in bringing awareness to this institution, and to work with my colleagues in Congress, the national government, States, the local government, health and human rights activists around the world, to do more for the people who have the virus and to do more to prevent the spread of the disease.

We need to establish a partnership. We have heard of the African saying, "It takes a village to raise a child." It will take a global village to adequately address the AIDS pandemic.

While sub-Saharan Africa is disproportionately affected by the virus, it is by no means limited to Africa. As stated earlier, this truly is a global epidemic that has moved to be a pandemic.

I was encouraged by the government of Botswana's response to the crisis in that country. This is truly an issue that remains a top priority with the President of that country. The government of Botswana has formed partnerships in an effort to help its citizens with the treatment and prevention of HIV-AIDS.

The government is in partnership with the Bill and Melinda Gates Foundation to help set up youth centers that offer youth counseling services, and with the Ted Turner Foundation to provide programs and services to urban youth.

They are also in the planning stage of partnering with the Gates Foundation and Merck to also bring about needed resources and medical care to fight the crisis. There still, however, is a great need to establish the health care infrastructure with trained health care providers to administer the medication or vaccine if this partnership is to have great impact.

Soon after I returned from Botswana, I sponsored an HIV/AIDS round table discussion in my district that consisted of public health officials, community activists, HIV-AIDS case management, community health providers, and individuals suffering from HIV/AIDS. This round table was sponsored because my district in eastern North Carolina has an increased incidence of HIV. Eastern North Carolina accounts for 30 percent of the State HIV disease reported recently, while only accounting for 12 percent of the North Carolina population. In my district, there are far more female HIV/AIDS cases as compared to the State average, and African Americans make up 87 percent of the new disease reported in my district. Clearly, this is an issue that is affecting us both domestically and internationally.

I will stop now and yield to my colleague, the gentleman from Illinois (Mr. RUSH), who also had an opportunity to visit Africa. He has been very active on the issue of AIDS. I am glad he is joining me in this special order.

Mr. RUSH. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, first of all, I want to commend my colleague, the gentlewoman from North Carolina, for this special order. It certainly shows her sensitivity, her commitment, and it shows that she is indeed the type of person who, throughout her tenure in the Congress and since I have known her, has taken the lead on issues that affect not only the citizens of this Nation but citizens all across the world. I commend her for this special order.

Mr. Speaker, it is with great pride that I stand before this Chamber today to congratulate the South African people on their victory to obtain access to anti-AIDS drugs and other medicines at lower costs. AIDS activists, the South African government, and international organizations deserve a round of applause for their efforts.

Also, I want to thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African law and government.

However, before we celebrate this victory in the war against HIV-AIDS, we must pause and take stock of how far we still have to go. HIV-AIDS is truly a ruthless enemy of humanity. More than 25 million Africans are now living with HIV, and last year alone, 2.4 million Africans died from the HIV/AIDS disease.

HIV/AIDS shows no sign of relenting. It is estimated that each day 16,000 more people become infected. Mr. Speaker, to put this tragedy into context, many companies in South Africa are forced to hire two employees for every single available position because mortality rates are so high.

Even with the substantial discounts in the drug prices that the South African law garners, antiretroviral drugs will still cost around $300 per year. Also, many regions of Africa do not have the resources necessary to distribute or administer these complicated medications.

Rather, it must be made clear that these drugs, while desperately needed, treat HIV/AIDS and do not halt the spread of the disease. We must make prevention a priority if we are to win the war against HIV/AIDS. This includes seeking a vaccine, distributing drugs that prevent transmission of AIDS from mother to child, and intensive educational efforts on how HIV/AIDS is contracted.

Most importantly, more must be done to empower and assist women in poor countries. Women in poor countries now are the fastest-growing HIV-positive population.

I want to commend the administration for its focus on the international fight against HIV/AIDS. The collaboration between Secretary of State Colin Powell and Health and Human Services Secretary Tommy Thompson to create a Marshall Plan to cope with the international HIV/AIDS crisis is, indeed, commendable.

However, just like any other infectious disease outbreak, HIV/AIDS knows no border or countries. While we must focus on the international spread of HIV/AIDS, as my colleague indicated earlier, we cannot forsake efforts domestically.

The President's budget takes a step backwards in the fight against HIV/AIDS domestically by freezing the Ryan White AIDS program funding. If we are to win the war against HIV/AIDS, we must expand our efforts, both domestically and abroad. Only then can we have a victory against this awesome enemy.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from Illinois for his thoughtful statement. He is right to commend the government of South Africa, as well as the pharmaceutical companies, in their withdrawing and the successful conclusion of the case that was against South Africa, because indeed, South Africa did not need that suit, and the people could not afford that.

I also think it is a victory for the pharmaceutical companies that they saw the value of withdrawing the suit and trying to find ways of reducing the cost of their drugs, and understood the plight, that people were trying to import affordable drugs because they did not have the money. But even as they reduce it, there will be millions of people who just do not have enough money.

So the gentleman is absolutely right in that. I want to applaud the gentleman for saying that we must make prevention, prevention, the key in our fight against AIDS. There is no cure for AIDS, but there is prevention from getting HIV. We can prevent that. There are ways to do that. We need to find ways to do it.

I also agree with the gentleman, we cannot go backwards domestically in our fight. The budget that the administration, the Bush administration, has put forward certainly does not support his commitment to be very strong on AIDS. I applaud him, too, in terms of making AIDS an issue internationally, but also the budget needs to reflect and be supportive of that.

Again, I thank the gentleman for his leadership.

Mr. RUSH. I just want to say to my colleague, she is an inspiration in terms of the type of leadership she provides on this issue. As the gentlewoman knows, I also had the privilege of visiting Africa over this last month and was able to see firsthand the situation.

Mrs. CLAYTON. What are some of the countries the gentleman went to?

Mr. RUSH. We went to South Africa, Kenya, Nigeria, and North Africa; a North African country, Tunisia. But in South Africa, it was driven home most graphically the effects of this problem of HIV/AIDS and how it affects the children. A lot of folk do not realize that in South Africa, one of every three public school teachers is affected with AIDS. That means that the future of South Africa is definitely threatened by this dreaded disease.

Mrs. CLAYTON. That is an interesting observation. I was reading something on the United Nations report. Poverty and HIV are related. AIDS is not a disease of poverty, but they become intertwined and connected because having AIDS moves one to the point where poverty will be the case.

In fact, they said in this report that actually the more mobile, the more intelligent, and more educated person, those who had great access to move around and resources to facilitate that, they were the ones getting the AIDS. So the teachers comment would be right in line with that statement. That is the future of that continent.

Mr. RUSH. Really, one of the most salient examples is right here in this Nation. When HIV/AIDS first became known, it was not poor people who had it, it was educated people who were ignorant of not only the disease, but how to prevent the disease.

Therefore, I agree, it is not a disease that strikes just those who are poor, it is those who are ignorant in terms of how the disease is contracted and those who have very little means to combat the disease, and also those who are unaware how to prevent the disease. It is a disease of ignorance more so than a disease of poverty.

Part of what we have to do in our community, for the gentlewoman's recommendations, comments, and statements, we have to educate people about how to prevent the disease of HIV/AIDS, and how to conduct themselves in a manner that will not allow them to fall victim to the disease.

Mrs. CLAYTON. I do not know in the gentleman's area, but I am looking at health statistics and I am seeing an increase in sexually-transmitted diseases domestically. We see syphilis, other transmissible disease, things we thought were long cured or no longer existing. This is emerging again. Again, there is just a lack of vigilance in health standards or in protected hygiene, and in protected sex of adults, as well.

Now, we are seeing not necessarily that one causes the other, but the vulnerability that one puts oneself in and one's body when they have a sexually-transmitted disease, it breaks down the immunity so the likelihood that one would be susceptible to HIV/AIDS is increased greatly.

So we are having to almost educate people we thought knew these things and remind them that that is here. Certainly we have an education and prevention challenge, also, internationally.

The gentleman is absolutely right, I think prevention is indeed the answer. That is why it makes it so troubling that the Ryan White funds are being reduced or flattened, because that is the outreach. We can prevent, we cannot cure. I think we ought to invest in research, and I commend that, but we do not have to do it either/or, we can do both. Why spend so much money in trying to treat a disease that we cannot cure when we have also the option to prevent the disease?

So we need to take care of those who are affected, but we certainly need to be wise and prudent in investing in prevention. I thank the gentleman for emphasizing that part.

Mr. RUSH. I just want to add that in my district and in my State, sexually-transmitted diseases are also on the rise. I certainly share the gentlewoman's comments. Syphilis, gonorrhea, all those diseases that we thought had been abolished, eliminated, they are on the rise, and primarily because information is not getting out to the people. Information is not getting out to them in the way that they communicate. There is no popular ad campaign dealing with this issue.

We can see advertisements all across the television and the radio about every other thing except how to prevent HIV/AIDS. This is a real serious epidemic, pandemic, as the gentlewoman indicated, across the world, but it is an epidemic, and almost a pandemic in certain communities here in this Nation.

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And the awareness is not there. The commitment is not there.

I believe that the President needs to be reminded that he is sending two different types of messages here. They are contradictory. If the Secretary of HHS and the Secretary of State are developing a Marshall Plan for AIDS internationally, and at the same time he is withdrawing resources, vitally needed resources, dollars from the Ryan White program here in America, well, then, that sends a contradictory message. And he has to be clear. We need one voice, one approach to dealing not only with AIDS internationally but also to deal with the epidemic of AIDS right here at home.

Again, I want to thank my colleague for her outstanding leadership on this particular issue.

Mrs. CLAYTON. Well, I want to thank the gentleman for his leadership, because I know he has been very active in his community. I know a wonderful AIDS initiative the gentleman has in Chicago, the coordinated effort with all the medical schools working. I think it is probably one of the finest there is in the country in terms of that effort. So I thank the gentleman for his leadership.

We have been joined, Mr. Speaker, by the gentlewoman from California (Ms. MILLENDER-MCDONALD), who is very, very much engaged in this and has been engaged in it for a number of years. Her particular emphasis recently has also been with respect to women, but I know she is interested in all of it. I thank her for joining us.

Ms. MILLENDER-MCDONALD. I thank the gentlewoman from North Carolina, especially for her leadership on this. I can say unequivocally, though, that every member of the Congressional Black Caucus has made this a centerpiece, a priority, in this Congress as well as Congresses before and Congresses to come, because this is a very critical issue. And it is so timely today given that just last Saturday I had my fifth annual Minority Women and Children's AIDS Walk.

Mrs. CLAYTON. We did not give the gentlewoman any peanuts this year. I usually give her peanuts every year to make sure they have energy when they make this great march.

Ms. MILLENDER-MCDONALD. Yes, the gentlewoman did give me peanuts. I had them from North Carolina. They were there, and we had them in the stuffed bags along with those from Alabama and Georgia.

But the one thing that we are happy to say is that that has now presented us proceeds of over $600,000 that we are giving to different health facilities to treat persons, especially women and children, with this very deadly disease.

It was years ago that someone told me about this disease; and I thought, well, I am in the State legislature, trying to pass laws, and I really do not have time for this. But it was not until that next year or so that someone brought me the facts, brought me the data; and that is when I said, no, that is not their problem, it is our problem and, more importantly, it is my problem to look at.

We know that HIV/AIDS continues to devastate women throughout the world, and nowhere is it more overwhelming than on the African continent. As news reports tell us daily, AIDS in Africa has reached crisis proportions. In fact, it is a pandemic. Two-thirds of the world's 33 million AIDS-infected victims live on the African continent. Tragically, the epicenter of this disease is among African women, with profound effects on their children. More than nine-tenths of 8 million children were orphaned by AIDS last year, and those kids were in Africa.

So when we ask ourselves, what can we do? Simply go around and have an outreach program, an education program on this devastation. No one needs to wait for groups like mine, the AIDS walk, or anyone else. Simply just go to your churches and your organizations and your schools encouraging folks to remain abstinent, because we cannot continue to see the devastation that is affecting our children and this deadly disease that is permeating communities of color.

I have a bill that is called the Mother-to-Child Transmission bill which speaks of the drug therapy Nevirapine. Because if that drug is given to the mother, the child will not come out of the womb of the mother with this deadly disease. And programs like that new and inexpensive drug treatment that help prevent mother-to-child transmission need to be employed in Africa. This is what I am concentrating on at this point, trying to see whether we can get pharmaceutical companies to invest in Nevirapine on the continent of Africa. And not only that but in India, China, Eastern Europe and Central America. All of those areas we have found now have a very alarming percentage of women and children who have been affected and contracted this deadly disease.

Governments, corporations, nongovernmental organizations must coordinate their strengths and their projects in addressing major problem areas, including the critical absence of adequate infrastructure throughout the continent. I heard the gentlewoman from North Carolina (Mrs. CLAYTON) speak about that just a moment ago, because there has to be the infrastructure to deal and to help those who have been afflicted with this deadly disease. Ofttimes those who are in villages and tribes and other places do not have the adequate infrastructure. It is very important that we have and we look for funding to expand and to bring about the infrastructure that is needed, especially in Africa and in India.

Local capacity must be developed through education of the masses, the search for a vaccine must be accelerated, and access to medicine must be expanded as well. I again call on this administration to include $150 million in its fiscal year 2002 budget for the World Bank AIDS Trust Fund.

I was told just a month ago, and now in looking at the budget, that the Ryan White Act program has been cut. We can ill afford to do that. We must try to find some methodology by which we can include funds for this dreadful deadly disease. The President has spoken in very sensitive and very caring terms about persons afflicted with HIV/AIDS. We are asking now that we have that so that we can expand the outreach, expand the medicine, the therapy, and expand the education for this deadly disease.

The landmark public-private partnership that was authored under the Global AIDS and Tuberculosis Relief Act of 2000 is designed to leverage contributions with additional resources from the international donor community as well as from the private sector. We all know that money alone, though, Mr. Speaker, will not solve this problem; but it is a vital part of the solution. These funds are necessary to implement HIV/AIDS best practices in countries hardest hit by HIV/AIDS.

While the HIV/AIDS disease continues to devastate humanity and the human element, and finding a cure seems far into the future, we cannot afford to give up. I will continue to fight and devote my time and energy to finding solutions to the myriad difficulties surrounding the treatment and fight against AIDS. I call on all of my colleagues to support local and international efforts to fight this deadly disease at home and abroad.

Again, my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON), I thank so much for her tenacity, for her leadership and for her ongoing support of all of the efforts we have put on this floor through legislation to try to find a cure for this.

Mrs. CLAYTON. Well, I thank the gentlewoman for her leadership and for her statement; and I also thank her for bringing us up to date on her successful tradition and raising funds to combat and bring awareness to the whole issue of HIV/AIDS. And the gentlewoman is right to bring the attention to women and how it disproportionately affects women, not only in this country but in Africa.

I think the gentlewoman is also right to bring the attention that we need to have more funds in order to do the work. We have been very fortunate in this country in the sense that it has not spread as fast, but because we have had efforts like those of the gentlewoman and others across the country, and because this Congress has been committed to it too. So we certainly do not want to go back. We are moving in the right direction to try to find both the appropriate care and medication, but we also want to try to provide prevention in all the communities. And to the extent that we pull that out, we will lose so much in that battle.

Ms. MILLENDER-MCDONALD. And may I please add that women now over 50 we are finding by data, mostly African American women, are contracting this HIV/AIDS. And it is so devastating because they are fearful of disclosure, because their ministers will find out and family members. And it is a very hard thing when we talk with the women who are over 50 who have now contracted this. So it is not just the young women, the young men; it is the older women as well.

So we do have quite a battle, but I know with the help of the gentlewoman from North Carolina, and the help of this Congress, which the gentlewoman is right, there is not a Member who has not been sensitive to this issue, we will continue to do both.

Mrs. CLAYTON. We are simply trying to raise their sensitivity with this. I just think people of good conscience cannot look at the epidemic and turn away. If you do, it says just volumes about where you are not, not where you are.

Ms. MILLENDER-MCDONALD. Like you said, I tried to put my head in the sand, but that head was lifted rather quickly when I saw the data that was presented to me. So I do not think anyone can really shy away from it.

Mrs. CLAYTON. Again, I want to thank the gentlewoman for her contribution.

Mr. Speaker, given the loss of lives AIDS has caused internationally, the destruction of entire communities, and the long-term impact of economic growth, we should strengthen our commitment and effort to fight the devastating disease. With children dying at the age of 15 or younger, with the life expectancy of only 45 years for children born in many countries now in the latter part of the 1900s and 2000 in Africa, clearly this is a human tragedy, an epidemic unknown to mankind and current civilization. To ignore the problem is to our peril. To know the impact of AIDS and to ignore it is indeed to our shame.

Secretary Colin Powell has stated that HIV/AIDS is a national-international security issue that the Bush administration plans to address, and I applaud them for that effort. I also applaud the pharmaceutical industry for dropping its lawsuit. We heard one of our colleagues talking about that earlier, the gentleman from Illinois (Mr. RUSH), and to prevent the South African Government from importing cheaper anti-AIDS drugs and other medicines to respond to those who have the virus. Now we must increase the effort to provide affordable, and the emphasis is on affordable for Africa and affordable for those living in developing countries, affordable anti-AIDS drugs to all who need them.

I challenge the pharmaceutical industry, countries worldwide, and the United States to engage in a collective effort to make available affordable necessary drugs to people affected by HIV and AIDS. It is important to form these partnerships, because even if cheaper drugs are purchased by countries, they still are out of reach for far too many. According to a recent Washington Post article entitled "A War Chest to Fight AIDS," dramatic reductions in price for anti-retroviral drugs are key to treatment; but the cost would be now $400 or $500 per person, some 10,000, which is a great reduction, but there are many people, many people that do not make $400 per year and could not afford that.

The United States must respond to this need by allocating more dollars than proposed by the Bush administration in their current budget. So I want to challenge them to really put more monies in there.

I am greatly encouraged about the recent news that the world's richest countries are close to committing billions of dollars a year to fight against AIDS and other infectious diseases in parts of Africa, Asia, and the Caribbean where they have reached pandemic proportions. The World Bank and the United Nations would be involved in setting up a global trust fund to help countries suffering from the HIV and AIDS pandemic. Again, the United States must be a vital part of this effort and the trust fund.

□ 2000

A global trust fund, coupled with efforts introduced by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), that would provide debt relief for these countries suffering greatest from

HIV-AIDS, this indeed would help relieve that burden. More than 6,000 people die every day in African nations from AIDS, yet their governments lack sufficient financial resources to help them or to relieve the suffering.

In addition to the burden of repaying the debt often incurred by unaccountable government officials, these countries also must pay user fees and interest for these medications. These conditions require action by this Congress. The legislation introduced by my colleagues and myself is extremely important and has bipartisan support. It means economic relief for those countries.

There needs to be a comprehensive partnership waging a global campaign to prevent HIV and care for AIDS-affected patients. We are reminded of the complicated world surrounding global AIDS.

In developing countries like Africa, AIDS is one of several burdens or conditions that must be endured. In Africa, often AIDS is in the midst of severe poverty, inadequate food, severe poverty, and lack of housing; therefore, the effect of AIDS has been and continues to make these problems worse. It has posed the greatest threat to the very generation of young people who are the most productive and are poised to take Africa into a brighter future economically.

Those countries most affected by AIDS are oftentimes the same ones suffering from hunger and food insecurity. Nutrition and HIV operate in tandem at the level of both the individual and the community. For many individuals, nutrition deficiency probably makes people more susceptible to disease and infection. At the social level, food insecurity is a major cause for vulnerability to HIV.

Reduced agriculture production is also one of the impacts of HIV. Therefore, the legislation, H.Con.Res. 102, Hunger to Harvest Resolution, A Decade of Concern for Africa, which has been introduced in the House by the gentleman from Iowa (Mr. LEACH) and the gentleman from New Jersey (Mr. PAYNE), I am also a cosponsor, should be supported. This legislation will combat AIDS, provide education for all children, strengthen farming and small business, promote peace and good government. This legislation has a proposed commitment of $1 billion.

The President and Congress must keep this as a top priority. The pharmaceutical companies must be urged to provide needed drugs to Africa at substantially reduced prices and may want to consider making that as a donation. Drugs should be made available not only to populations that can afford it, but also the populations who desperately need it. This is a declaration that no country has to fight this battle alone, and no nation should stand by without offering help.

I am pleased to be joined by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) who has been a strong fighter and provides valuable leadership.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was pleased to join the gentlewoman from North Carolina (Mrs. CLAYTON) in our recent trip to Botswana. Your leadership was evident there as we both listened to the briefings and visited sites where the persons who had full-blown AIDS were being cared for. We noted that they were in great need of hospital personnel, certainly more beds, but the individuals that were working were certainly working with a spirit that they were willing to fight the good fight.

I think that is the spirit under which we come to the floor today, because I am sure as we debate and speak to this issue on the floor of the House, maybe Americans who may be much more informed about HIV-AIDS and HIV the infection, and then full-blown AIDS, might think that we are speaking too frequently and too often and all is well; and they know this is a disease, but it will not happen to them.

I believe that it is important that the administration realize that the momentum that had been created, not in a partisan manner but in a bipartisan manner under the leadership of the past President, President Clinton, and Sandy Thurman whom we all worked with at the White House office. Her task was not easy, working with Members of Congress who had different perspectives, and then Congress working with several perspectives, but we finally came to the point of being able to focus, I think, about a year or two ago, $100 million on the AIDS issue. And then, of course, we came forward with a bill by the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) which had to do with the Marshall Plan. We joined the gentlewoman from California (Ms. WATERS) on debt relief, and now we are moving forward with legislation that both of us are cosponsoring.

We have been on an journey. Even as we discuss the African Growth and Opportunity Act, some two sessions ago, or maybe the beginning of the 106th Congress, there were several amendments to that trade bill. We had indicated that we would not let that trade bill move through the Congress without acknowledging if multinationals benefited from doing trade with Africa, that they needed to also engage in the issues of survival, and that was to put money aside. One of our pharmaceuticals did just that, put money aside to provide assistance.

But I think there are some key elements that we need to focus on, and I would like to share with you these elements even though we may have already had this come to our attention. This is a plague. It is a pandemic. I note my comments on my remarks say "biblical proportions" because we think of the flood and we understand what that means. It has claimed 17 million lives in recent decades, and unlike the Black Plague in the 14th century in Europe, the means to control AIDS are known. We know prevention, and so we understand that.

We are gratified that there has been some compromise on the lawsuit in South Africa, and we hope as South Africa begins to work steadily in its effort to fight the devastation in South Africa, we all accept that poverty is not good to help people get better. We do know that HIV is a virus that infects you and that it can result in full-blown AIDS.

On the other side of full-blown AIDS there is the question of survival, how long and what kind of medication is available to you.

So I think the focus should be to encourage the administration to say it will not work and we will not be successful if we start and stop. If we undermine the funding and the efforts that have been made to provide sub-Saharan Africa and other parts of Africa with the infrastructure that they need, the prescription drugs that they need, the medical personnel, support system that they need, then we are going to regress.

I would like to speak to the fact that it is not just giving money to the continent, it is also looking at their problems. Botswana is a good example. They are a small country and they are trying to work against this tide. They have about a 39 percent infected population, yet the president is very sensitive to it. He speaks about it. He takes this to the national bully pulpit, and his constituencies are working very hard. His medical director or health director is working very hard. His physicians, his nurses are working very hard.

What they said to me when I went to one of their sites, infrastructure is important. In order to get the drugs from the airport, they need good roads. In order to be able to monitor those who need to take the drugs, they need medical personnel.

So our appropriations process should look at how we can constructively collaborate, the World Health Organization, USAID, United Nations, and how we get the right kind of funding and we do not want to see the funding undermined and diminished. In particular, we will see all of the progress that we have made clearly go back to point zero.

As I spoke to an infected person who had been infected for 5 or 6 years, living with AIDS, he said it was a great leap from when he was infected to now. Now his whole family knows of his condition. They are accepting and educated about it, and they are preventing it from spreading. This is the kind of information that can be enhanced by the resources that we need.

I indicated this was a pandemic. Since the beginning of this, over 80 percent of all AIDS deaths have occurred in sub-Saharan Africa. By the end of 2000, there were an estimated 25.3 million people in sub-Saharan Africa living with HIV-AIDS, 70 percent of the total number of adults and 80 percent of the total number of children infected, worldwide.

I do not want this to be seen as a condemnation of the continent. It is a wonderful continent. It is a continent that is seeking after technology. It is seeking after education and building schools. I believe the gentlewoman from North Carolina was excited about the opportunities for rural America in collaborating in agriculture. It is a continent that is alive.

Frankly, I think we should view this as the potential dynamic of the world. As I traveled to India with the President, I believe last session, there was talk of its moving to India. There is talk of its moving to China. Those are huge population centers.

Mr. Speaker, I rise to join my democratic colleague Representative EVA CLAYTON from North Carolina in expressing our concerns about the ravages of HIV/AIDS both abroad and in our own country. The African continent has been particularly hard hit by this deadly disease. For this reason I am in favor of any effort by this body to increase access to HIV/AIDS treatment and education throughout the world, but especially on the continent of Africa.

HIV/AIDS has been declared the world's deadliest disease by the World Health Organization. HIV/AIDS has become a plague on the Continent of Africa of biblical proportions by claiming over 17 million lives in recent decades. Unlike the Black Plague in 14th century Europe, which took half as many lives, the means to control AIDS are known. I, too, rejoice in the good news that the pharmaceutical companies have withdrawn their lawsuit in South Africa so that the South African government can provide affordable HIV/AIDS drugs to those in need. However, most African and other foreign governments make no more than a modest level of effort to address the spread of the disease. For these reasons, I have and will continue to support additional funding for medication to be made available to the millions of poor around the world to fight the growing death toll attributed to HIV/AIDS.

This crisis is having a direct impact on the future viability of many sub-Saharan African communities. I recently witnessed the effects of HIV/AIDS while I was traveling with Congresswoman CLAYTON and other congressional members in Botswana. This disease deprives nations of parents, workers, and teachers, destabilizing the social and economic framework of the nation.

The impact of the HIV/AIDS epidemic on sub-Saharan Africa has been especially severe. Since the beginning of the epidemic, over 80 percent of all AIDS deaths have occurred in sub-Saharan Africa. By the end of 2000, there were an estimated 25.3 million people in sub-Saharan Africa living with HIV/AIDS—70 percent of the total number of adults and 80 percent of the total number of children infected worldwide. 3.8 million people were newly infected in this region in 2000 alone. There, over five thousand AIDS-related funerals occur per day.

According to the UNAIDS Update report on HIV/AIDS infection rates, in many countries up to 35 percent of all adults are infected with the disease. Nearly 4.2 million of South Africa's 45 million people are infected with the virus, more than in any other country. The report also estimates that half of today's teenage population in parts of Africa will perish from HIV/AIDS. The most vulnerable group being affected by HIV/AIDS are the women of Africa; their infection rate is far greater than males. In sub-Saharan Africa, 55 percent of all adults living with HIV are women, and this rate is expected to continue to rise in countries where poverty, poor health systems and limited resources for prevention and care are present. What fuels the spread of this disease? Ignorance, misinformation, unsafe cultural practices, apathetic leadership and neglect by nations who have the resources to fight the disease.

At least by the early 1990s, the world knew the size of the coming catastrophe in Africa and had the means available to slow its progression. Estimates from the World Health Organization in 1990 and 1991 projected a caseload, and eventual death toll, in the tens of millions by 2000.

Less than 20 years after doctors first described its symptoms, HIV has infected 57.9 million people. So far, nearly 22 million have died; this is roughly the population along the Amtrak route from New York to Washington, DC.

Pharmaceutical corporation Bristol-Myers has pledged $115 million towards fighting this epidemic in sub-Saharan Africa. However, this effort will only benefit just a few of the millions of victims of HIV/AIDS in Africa. We must do more.

I offer that the drug manufacturers and the Congressional Black Caucus should be on the same side in this effort. It is only a matter of funding, and this Administration can take the lead in gathering from the global community of wealthier nations. Congress and drug manufacturers should make leading this effort a top priority. We could see an end to unnecessary deaths and suffering by the close of this year if we make the commitment to do so today.

The cost of HIV/AIDS treatment for those living in the third world is estimated to be about $10,000 a year. It is estimated that even if treatment costs were reduced to only $1,000 a year it would still be far too expensive for Third World countries.

Drug therapies that have significantly extended the lives of people living with HIV/AIDS in the United States and other developed countries could cost between $4,000 and $20,000 per person per year in sub-Saharan Africa.

In the United States, where the treatment has become standard, the AIDS-related mortality rate fell 75 percent in three years.

The therapies, which use various combinations of antiviral drugs that emerged in Western countries five years ago have transformed the health and future of AIDS patients who took them.

Since that time the gap in medical care between rich and poor countries has grown tremendously—our nation along with others should be ashamed at this condition.

I would like to commend Congresswoman CLAYTON for her efforts to offer a clear perspective on the HIV/AIDS epidemic both internationally and domestically.

Now, more than ever, the leadership of the United States is needed in order to avert a tragedy on the Continent of Africa. Therefore, I implore my fellow colleagues of the House to commit the desperately needed funds for this critical area.

Many people have asked why this is important to the United States. Aside from the humanitarian perspective, HIV/AIDS has become a threat to our national security. HIV/AIDS undermines democracy and progress in many African nations and the developing world. Left to its own course HIV/AIDS will lead to political instability and may result in civil wars, which may affect the global balance of power as well as economic viability of many African nations. In many of these instances, our military service personnel may be pressed into service in order to defend American interest in any attempt to bring stability to those nations that decline into civil strife because of the ravages of HIV/AIDS. HIV/AIDS, like any epidemic, cannot be contained in any specific geographical area. It does not discriminate between rich and poor nations. Unfortunately, when this dreaded disease came to our shores, many believed that it was a calamity only for homosexuals and drug users. But AIDS knows no boundaries. With globalization, we also must be conscious of the potential for AIDS and other infectious diseases to be carried across borders.

The World Health Organization estimates that 36.1 million children and adults worldwide are living with HIV and/or AIDS. We must work to bring this tragic situation under control using all means at our disposal as a nation, which includes acting in a leadership capacity to encourage other nations to join in an effort to address this mammoth health crisis.

I would ask my colleagues not to continue to bury their minds under useless words, but to apply our collective resources to find solutions to the problem of HIV/AIDS in Africa.

Mrs. CLAYTON. Mr. Speaker, the gentlewoman is absolutely right. It is in Russia, China and India, as you indicated, so it is worldwide. In fact, there are 33 million people who have died of it, 33 million; 24 million of them were in Africa. But HIV-AIDS is in Russia, China, India and other parts of Asia. This is something, if we fail to contain it where it is most severe, you are right, we will regret that later.

Ms. JACKSON-LEE of Texas. That is why your special order this evening and this discussion is very important. I am hoping that people will not get tired of listening to how they can protect themselves and how they can help by indicating to their Members of Congress and indicating to the administration that this is a health problem of such proportion that any slow-up would be devastating.

I do want to acknowledge that we have had some success with our corporations. I know that Bristol-Myers had put aside $115 million towards fighting the epidemic, but we need more of that along with the public complement, if you will, the public dollars. You can maximize them or match with private dollars, but they also send a signal about the fact that we are committed to the war.

We did some of that when we went to the United Nations when, in actuality, the U.N. Security Council declared HIV-AIDS as a security risk for all of those very prominent world countries that are sitting around the U.N. Security Council. They were convinced that as their military personnel travels from place to place, if there is infection, the potential of the military becoming infected there and bringing it back home was enormous.

I think if we can think along those lines, we begin not to be isolated about this issue. I know that when we were in Botswana, one of the doctors said if the number of people that were dying in sub-Saharan Africa were moved, it would be comparable to the United States, it would be almost like 13,000 persons a day dying in America.

So the challenge that we have is to not frighten people into inaction. The challenge that we have to the President, although he has mandated a 4 percent across-the-board cut, which I think is going to be very difficult, and that is why there is a lot of debate about this $1.5 million tax cut, I hear $1.2 trillion, it is certainly something that troubles me, because I believe in giving the people back a return on their investment certainly.

□ 2015

I for one was for a straight out $60 billion tax cut this year, give it to people and infuse the economy, but I am really uncertain about whether we do have a $5 trillion surplus, and what is going to happen in this war against HIV/AIDS. I just want to steer back to personal experience and that is in my congressional district. I do not know if we have spoken about our own personal experiences, but I think we should.

Mrs. CLAYTON. I did mention a little bit about the incidence increasing in my district. I live in a rural district, as the gentlewoman knows. She has been to my district. Sometimes in a rural area, we do not think what happens to cities happens to a rural area, like crime. We get crime, too. But surprisingly for a number of reasons, it has not been reported or people were not reporting themselves and all of a sudden the incidence is going up.

In fact, we represent, in eastern North Carolina, a little more than my district, though, I represent about 30 percent of all the new HIV reported. We represent only 12 percent of the population in my district. So the disproportion of the increase has been that people are lax, they do not have the information, they are not taking the precaution, and also there is not this kind of sophisticated infrastructure both in community and education and medical to bring the awareness.

We are now forming this partnership in the community to bring to the attention that in our local area, we do not have a pandemic, I am not trying to scare, as you say, people to things that are not there, but we are alarming them of what things are there and the potential. And people are coming forward to say what their conditions are, how they are struggling, either they do not have homes or once they know they have AIDS sometimes their family puts them out. There are all kinds of human tragedies and stories we hear.

We have a cultural issue to look on, we have an education issue and an awareness issue. The gentlewoman is absolutely right. We have to focus on our local area as well.

Ms. JACKSON-LEE of Texas. I think it is important that we have this discussion as it relates to our local areas. I was about to mention the fact that I had the United States Surgeon General in my district the entire day this past Monday, April 30. We started about 7:30 in the morning and went straight through to different health areas, different health facilities and different issues until about 5 o'clock.

A part of our day was spent in focusing on the question of HIV/AIDS in Houston. In the 18th Congressional District, in particular my district, showed that 53 percent of the new AIDS cases were African Americans; and I have the highest number of those. This is not a condemnation. I hope we will step away from condemning because there are a variety of sources of contacting this disease, but the one thing that we knew was important, we focused on, and I know that might be what you are focusing on, is education and prevention and getting people tested.

I was very delighted that one of my constituents, a Mr. Ernie Jackson, put forward a very, very powerful presentation on how we were collaborating with various community groups and various concerts, if you will, rallies to encourage people to come and be tested. We were up into the thousands. We are going to continue. I might compliment one of our famous gospel singers, Yolanda Adams, did a gospel concert. The tickets were given away free, and the persons were to be tested. But really what it shows is that we will have to be creative.

Some of this we can do with just elbow grease, some of this we can do with private sector contributions or collaboration. The church or faith-based community, we are trying to get them involved and engaged, but we cannot afford to do this without Ryan White treatment dollars for the whole population here in the United States, now I am over into the United States, that will continue treating problems, without the public hospital system where many of these people go because they are uninsured or underinsured.

Nor can we do this without the support of the funds that have been helping our various health agencies, in counseling money, prevention money and education money. And then let me just say and complement as I close, that we certainly cannot do this if we do not keep the Foreign Ops or the funding either under HHS or Foreign Ops that in particular goes to helping fight the pandemic internationally. It is crucial.

I hope that we are not sounding like, forgive me for saying this, a broken record. I hope that this is not taken as "we have heard this before." I really do. Because I think both of us saw this firsthand. We heard those numbers. We were startled; were we not?

Mrs. CLAYTON. We were very startled.

Ms. JACKSON-LEE of Texas. They clearly are not because people are not trying to overcome.

Mrs. CLAYTON. I think we are all sensitive when we raise a flag and say this is a problem, that people will want to reject us because indeed we are repeating. But we have to do what we have to do to get them to know. I am confident that when people understand the seriousness of it, they will respond appropriately. I am hopeful that the education and prevention will get people aware enough to take some things in their own hands.

I have also been startled by the increase of sexually transferred disease, which we thought had been abolished almost. That has been increasing. Again that is something people can take responsibility for and control. Education is a key in that. We need to get our churches involved. As you said, the condemnation needs to be put in perspective of educating people to take responsibility now that they know they need to do these things.

You and I both are interested in the whole issue of teenage pregnancy, this is related. If indeed we do not involve our young people very early in the whole issue of abstinence and telling them about a far more productive life and giving them some opportunities to expand their life beyond being in an environment that is conducive to destructive behavior. In addition to that, we also have to be honest about the whole sexual education and protecting young people and giving them information that empowers them to know the consequences of their behavior. When they do that, again I have confidence, people will take information and use it for their advantage and become empowered because of it.

Information is power. We ought to spread the good news that there are things you can do. You can prevent it. Prevention is a key. In fact, the United Nations report says that as bad as the statistics are, this is someone addressing the United Nations, all the African heads, we are encouraged because there are practices we know that will work. They cited Brazil. They cited Uganda. They cited some other areas where they are beginning to be part of a fabric of showing that you can cut down the incidence of HIV. No cure for AIDS but you can cut down the incidence of HIV.

Those are the kinds of things we want to bring awareness to. The partnership, the gentlewoman and I were struck, I know I was impressed by the partnership that had been formed in Botswana with the President of Botswana taking the lead and serving as the chair of that program. Yet although those resources were on the table, you are correct. We need the infrastructure. That is what we are working toward.

Ms. JACKSON-LEE of Texas. I am not sure whether or not the word is getting out of the great work that is being done in Botswana. Certainly Uganda should be cited. I just briefly want to add that we need to include in our discussion malaria and tuberculosis. I was very gratified in the meeting I had in my district. A number of us have signed a list, if you will, to organize, to see how more resources can get into these American districts, these urban districts to help these communities. I think we should not step away from the resources that are needed nationally.

Mrs. CLAYTON. I am glad the gentlewoman mentioned malaria as well as the tuberculosis, because there is data that shows that if a person has HIV and also contracts tuberculosis, that pulls the immunity down further and the likelihood of dying is increased. So you increase the chance of the person not living long with HIV but in fact causing the death. Malaria is another of those infectious diseases. There are treatments for malaria and there is prevention for tuberculosis. That, we can prevent. It does not cost a lot of money. There are vaccines and things we can do. We are hopeful that our colleagues and others who we know care about this issue will help. I am also encouraged by the present administration. Colin Powell has reaffirmed that this is a national security issue and that AIDS is going to be on their radar. We just want to make sure that the money will be there to support it.

GENERAL LEAVE

Ms. CLAYTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. CANTOR). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I want to thank my good friend and colleague Congresswoman EVA CLAYTON for arranging this special order on AIDS in Africa. We are becoming more and more aware that—as CNN reported, the African AIDS epidemic is "the worst health calamity since the Middle Ages and one likely to be the worse ever."

Statistics of the economic, social and personal devastation of the disease in sub-Saharan Africa are staggering.

23.3 million of the 33.6 million people with AIDS worldwide reside in Africa.

3.8 million of the 5.6 million new HIV infections in 2000 occurred in Africa.

African residents accounted for 85 percent of all AIDS-related deaths in 2000.

10 million of the 1.3 million children orphaned by AIDS live in Africa.

Life expectancy in Africa is expected to plummet from 59 years to 45 years between 2005 and 2010.

Many experts attribute the spread of the virus to a number of factors, including poverty, ignorance, costly treatments, lack of sex education and unsafe sexual practices. Some blame the transient nature of the workforce. Many men, needing to leave their families to drive trucks, work in mines or on construction projects, engage in sex with commercial sex workers of whom an estimated 90 percent are HIV positive. In addition many men go untested and unknowingly spread the virus.

Many of those infected cannot afford the potent combination of HIV treatment available in Western countries. In some countries only 40 percent of the hospitals in some capital cities have access to basic drugs.

While efforts are continuing to find an AIDS vaccine, many experts fear that some African countries hardest hit by the epidemic lack the basic infrastructure to deliver the vaccine to those most in need.

More than 25 percent of working-aged adults are estimated to carry the virus. Counties have lost 10 to 20 years of life expectancy due to this disease.

80 percent of those dying from AIDS were between ages 20 and 50, the bulk of the African workforce.

40 million children will be orphaned by the disease by 2010. Many of these children will be forced to drop out of school to care for a dying parent or take care of younger children.

Children themselves are being infected with the disease many through maternal-fetal transmission. While drugs like AZT have been proven effective in reducing the risk of an HIV positive mother infecting her newborn child, those drugs are too costly for most nations.

However, today unprecedented opportunities exist to improve health around the world. The private sector, led by the Gates foundation, has provided additional resources for health programs in developing countries.

Last weekend, members of the World Bank, the International Monetary Fund and the Group of Seven met in Washington and articulated the fact that HIV/AIDS is no longer just a health problem but a global health development problem, threatening to reverse many of the development gains made over the past half-century. What came out of these meetings was an agreement that what is needed is a war chest and a war strategy against HIV/AIDS.

Money alone will not solve the problem—but it is a critical part of the solution. Total global support for HIV/AIDS in developing countries last year was under $1 billion, less than a third of the estimated need in Africa alone. For FY 2001 Congress provided $315 million to USAID for global HIV/AIDS, a $115 million increase over the previous year. USAID was instructed to provide $10 million for the International AIDS Vaccine Initiative; $15 million for research on microbicides and up to $20 million for the International AIDS Trust Fund at the World Bank. However, our forward progress must continue. The creation of new drugs and vaccines cannot stand alone and we must also continue to invest in the development of public health infrastructure. It is estimated that it will take as much as $6 billion to address the pandemic.

The United States is uniquely positioned to lead the world in the prevention and eradication of HIV/AIDS. Some believe that the year 2000 was a turning point in the international response to the epidemic. We can be encouraged by this trend; however, we must not become complacent. We must continue to provide the drugs, and the care to lessen the pain and the suffering of millions of men, women and children throughout the world who are infected with HIV.

The Global Health Act of 2001 which I strongly support will provide an additional $275 million or HIV/AIDS, an additional $225 million for child survival, an additional $200 million for infectious diseases, an additional $200 million for international family planning services and an additional $100 million for maternal health.

Mr. Speaker, the Global Health Act in conjunction with a global AIDS trust fund must be our goal. Confronting AIDS in Africa as well as the rest of the world is one of the most important international humanitarian battles we face today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 38 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair, which will be approximately 7 a.m.

Accordingly (at 11 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair, at approximately 7 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1680. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael J. Byron, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1681. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2000, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

1682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled, "Patterns of Global Terrorism: 2000," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

1683. A letter from the Acting Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of General Schedule (GS) locality-based comparability payments to non-GS categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

1684. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's Final Annual Performance Plan for FY 2002; to the Committee on Government Reform.

1685. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2000, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1686. A letter from the President, The Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 2000, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

1687. A letter from the Chairman, U.S. Naval Sea Cadet Corps, transmitting the annual and financial reports for the year 2000, pursuant to Public Law 87–655; to the Committee on the Judiciary.

1688. A letter from the Chairman, Amtrak Reform Council, transmitting the Second Annual Report entitled, "Intercity Rail Passenger Service In America: Status, Problems, And Options For Reform," pursuant to Public Law 105–134 section 203(h) (111 Stat. 2581); to the Committee on Transportation and Infrastructure.

1689. A letter from the Acting Vice President, Communications, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2000, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

1690. A letter from the Attorney General, transmitting the 2000 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; to the Committee on Intelligence (Permanent Select).

1691. A letter from the General Counsel, General Accounting Office, transmitting a report entitled, "Elections: The Scope of Congressional Authority in Election Administration"; jointly to the Committees on House Administration and the Judiciary.

1692. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "HCFA Claims Processing User Fee Act of 2001"; jointly to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

41. The SPEAKER presented a memorial of the House of Representatives of the State of Arkansas, relative to House Concurrent Resolution memorializing the United States Congress to take all reasonable action necessary to provide adequate and timely funding to the federal agencies responsible for the treatment and restoration work on damaged forestlands in Arkansas; to the Committee on Agriculture.

42. Also, a memorial of the House of Representatives of the State of Arkansas, relative to House Concurrent Resolution memorializing the United States Congress to review, with the goal of reducing, the paperwork created by federal laws and regulations related to special education; to the Committee on Education and the Workforce.

43. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the United States Congress to strengthen efforts to ensure that women are paid fairly for their work; to the Committee on Education and the Workforce.

44. Also, a memorial of the House of Representatives of the State of Arkansas, relative to House Concurrent Resolution memorializing the United States Congress to take all reasonable action to assure that prescription drugs are available and affordable to all citizens; to the Committee on Energy and Commerce.

45. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution 1845 memorializing the United States Congress regarding the availability of prescription drugs to individual consumers and the need for assistance and relief from this circumstance; to the Committee on Energy and Commerce.

46. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8006 memorializing the U.S. Fish and Wildlife Service to apply for sufficient funding to construct the fish passage modifications necessary at the Leavenworth National Fish Hatchery, and that Congress shall see fit to appropriate the necessary funds; to the Committee on Resources.

47. Also, a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution 1611 memorializing the United States Congress to oppose any legislation which would nullify the legal rights of the State of Kansas preserved by the Indian Gaming Regulatory Act and the interpretation of such act by the decision of the Tenth Circuit Court of Appeals; to the Committee on Resources.

48. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 193 memorializing the United States Congress to enact legislation reclassifying water well drilling vehicles and equipment as agricultural equipment under the federal commercial driver's license laws; to the Committee on Transportation and Infrastructure.

49. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial 4002 memorializing the United States Congress to take action necessary to amend the 1946 Rescission Act and honor our country's moral obligation to restore the Filipino veterans full United States veterans status with the military benefits that they deserve; to the Committee on Veterans' Affairs.

50. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution 8 memorializing the United States Congress to take all actions that are necessary to stop the dumping of foreign steel in the United States, including the amendment of existing foreign trade laws or the enactment of new foreign trade law to address the crisis in the steel industry; to the Committee on Ways and Means.

51. Also, a memorial of the Senate of the State of Mississippi, relative to Senate Resolution 15 memorializing the United States Congress to repeal the Federal Unified Gift and Estate Tax effective immediately; to the Committee on Ways and Means.

52. Also, a memorial of the House of Representatives of the State of Arkansas, relative to House Concurrent Resolution memorializing the United States Congress to support and enact the Railroad Retirement and Survivors Improvement Act in the 107th Congress; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 120 petitioning the United States Congress to enact legislation entitled the Federal Election Modernization Act of 2001 to provide funding for the replacement of Rockland County's voting machines with electronic voting machines; to the Committee on House Administration.

10. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 77 petitioning the United States Congress to enact legislation requiring states to give full faith and credit to warrants issued by state civil courts against alleged violators of state civil court child support orders and further authorizing and requiring state law enforcement and other appropriate state officials to execute such warrants and extradite such alleged violators to the issuing jurisdictions; to the Committee on the Judiciary.

11. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 76 petitioning the United States Congress to enact legislation permitting state courts to require violators of child support orders due to private individuals where no Temporary Assistance to Needy Families (TANF) is involved in the case to participate in work programs or other rehabilitative programs funded by the federal government for TANF cases; to the Committee on Ways and Means.

12. Also, a petition of a Citizen of Cody, Wyoming, relative to petitioning the United States Congress to redress the grievances of abuses of the Social Security Administration in concert with the Internal Revenue Service; to the Committee on Ways and Means.

13. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 118 petitioning the United States Congress and the New York State Legislature to enact legislation requiring health insurance companies to cover the purchase of hearing aids and providing similar coverage to government employees and to participants of the medicare programs; jointly to the Committees on Energy and Commerce, Government Reform, and Ways and Means.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 57 minutes a.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–54) on the resolution (H. Res. 130) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Rules Committee, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. UDALL of Colorado, for 5 minutes, today.

Ms. SANCHEZ, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mrs. EMERSON, for 5 minutes, May 3.

Mr. SMITH of Michigan, for 5 minutes, today and May 3.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on May 2, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 256. To extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes a.m.), the House adjourned until today, Thursday, May 3, 2001, at 10 a.m.

May 3 (legislative day of May 2), 2001

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 130. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. JONES of Ohio (for herself, Mrs. CHRISTENSEN, Mr. JEFFERSON, Ms. LEE, Mr. MEEKS of New York, Mr. RUSH, Mr. SCOTT, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. PAYNE, Ms. MCKINNEY, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. OWENS, Mr. WYNN, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Ms. NORTON, Ms. WOOLSEY, Mr. FRANK, Mr. BROWN of Ohio, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Mr. FILNER, Mr. HASTINGS of Florida, Mr. DINGELL, Mr. CUMMINGS, Mr. WEXLER, Mr. THOMPSON of Mississippi, Mr. CAPUANO, Mrs. MEEK of Florida, Mr. FROST, and Mr. GONZALEZ):

H.R. 1672. A bill to provide for an increase in funding for research on uterine fibroids through the National Institutes of Health, and to provide for a program to provide information and education to the public on such fibroids; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. SMITH of New Jersey, and Mr. MORAN of Kansas):

H.R. 1673. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in medical research conducted through the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mrs. ROUKEMA, Mr. ABERCROMBIE, Mr. LANGEVIN, Mr. STARK, Mr. HOEFFEL, Mr. BLUMENAUER, Mrs. THURMAN, Mr. FARR of California, Mr. MCDERMOTT, Mr. SERRANO, Mr. LEVIN, Mr. WYNN, Mrs. MINK of Hawaii, Mr. DEFAZIO, Mrs. EMERSON, Mrs. NAPOLITANO, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. MCHUGH, Ms. BALDWIN, Ms. HOOLEY of Oregon, Mr. DELAHUNT, Mr. COYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BENTSEN, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. RIVERS, Mr. SPENCE, Mr. BAKER, and Mr. RUSH):

H.R. 1674. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 1675. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mrs. THURMAN, Mr. ALLEN, Mr. BACA, Mr. BALDACCI, Mr. BENTSEN, Mr. CLEMENT, Mr. DAVIS of Florida, Mr. DOOLEY of California, Mr. EDWARDS, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HINCHEY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. TURNER, Mr. LAFALCE, Mr. LAMPSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOORE, Mr. NADLER, Mr. OLVER, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Ms. SANCHEZ, Mr. SANDLIN, Mr. ORTIZ, Mr. STENHOLM, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1676. A bill to amend the Internal Revenue Code of 1986 to avoid duplicate reporting of information on political activities of certain State and local political organizations, and for other purposes; to the Committee on Ways and Means.

By Ms. DUNN:

H.R. 1677. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for incremental hydropower for additional generating capacity and increased efficiency at existing dams licensed by the Federal Energy Regulatory Commission; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1678. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Resources.

By Mr. GRAHAM (for himself, Mr. STENHOLM, Mr. BURR of North Carolina, Mr. HASTINGS of Washington, Mr. WAMP, Mr. SIMPSON, Mr. NORWOOD, and Mrs. WILSON):

H.R. 1679. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. Barcia, Mr. Ehlers, Mr. Camp, Mr. Upton, Mr. Smith of Michigan, Mr. Rogers of Michigan, Mr. Stupak, Mr. McHugh, Mr. English, Mr. Walsh, Mr. Kucinich, and Ms. Slaughter):

H.R. 1680. A bill to require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. Schaffer, and Mr. Cantor):

H.R. 1681. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions for scholarships to attend elementary and secondary schools, for upgrading elementary and secondary school facilities, and for expenses related to technology for elementary and secondary schools; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 1682. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mrs. Morella, Mr. Pascrell, Mrs. Kelly, Mr. Frost, Mr. Rangel, Ms. Pelosi, Mr. Langevin, Mrs. Thurman, Mr. McNulty, Ms. Jackson-Lee of Texas, and Mr. Tierney):

H.R. 1683. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 1684. A bill for the relief of the Philippine citizens collectively referred to as the "Marcos Entourage"; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 1685. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.R. 1686. A bill to amend title 49, United States Code, to limit the Federal Aviation Administration's authority to establish examination requirements for pilots, other than pilots involved in commercial operations; to the Committee on Transportation and Infrastructure.

By Mr. PETRI (for himself, Mr. McHugh, Mr. Horn, and Mr. Smith of Texas):

H.R. 1687. A bill to establish a commission to study and make recommendations on marginal tax rates for the working poor; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. DeLay, Mr. Duncan, Mr., McHugh, Mr. Schaffer, Mr. Rohrabacher, Mr. Pitts, and Mr. Paul):

H.R. 1688. A bill to direct the Secretary of the Treasury to instruct the United States Executive Director at the International Monetary Fund to oppose any new loan by the International Monetary Fund to any country that is acting to restrict oil production to the detriment of the United States economy, except in emergency circumstances; to the Committee on Financial Services.

By Mr. SCHAFFER (for himself, Mr. Thompson of California, Mr. Deal of Georgia, Mr. Clement, Mr. McInnis, Mr. Sessions, Mr. Dooley of California, Ms. DeGette, Mr. Udall of Colorado, Mr. Shows, Mr. Hilliard, Mr. Thompson of Mississippi, Mr. Boucher, Mr. Simpson, Mr. Otter, and Mr. Wicker):

H.R. 1689. A bill to amend the Food Security Act of 1985, to establish a grassland reserve program to assist owners in restoring and conserving grassland; to the Committee on Agriculture.

By Ms. WATERS (for herself and Mr. Sanders):

H.R. 1690. A bill to amend the Export-Import Bank Act of 1945 to prohibit the Export-Import Bank of the United States from assisting the export of any good or service to or by any company that is challenging an intellectual property law or government policy of a developing country, which regulates and promotes access to an HIV/AIDS pharmaceutical or medical technology; to the Committee on Financial Services.

By Mr. WELDON of Florida:

H.R. 1691. A bill to amend the Service Contract Act of 1965 to provide for the responsibility in certain cases of a parent corporation of a Federal contractor to provide health care benefits to retired employees of the contractor if the contractor fails to provide such benefits; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself, Mr. Hansen, Mr. Rahall, Mr. George Miller of California, Mr. Houghton, Mr. Rangel, Mr. Foley, Mr. Kildee, Mr. McInnis, Mr. Kennedy of Rhode Island, Mr. Camp, Mr. Abercrombie, Mr. Hayworth, Mrs. Bono, Mr. Frost, Mr. Stupak, Mr. Faleomavaega, Mr. Udall of Colorado, and Mr. Pallone):

H.R. 1692. A bill to amend the Internal Revenue Code of 1986 to simplify and make more equitable the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Ways and Means.

By Mr. FRANK (for himself and Mr. Hoekstra):

H.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for twenty years; to the Committee on the Judiciary.

By Mr. NUSSLE:

H. Con. Res. 122. Concurrent resolution encouraging a combination of State legislative efforts and strong health education programs and activities to discourage smoking in children and adolescents; to the Committee on Energy and Commerce.

By Mr. FROST:

H. Res. 129. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. Kolbe.

H.R. 123: Mrs. Cubin.

H.R. 168: Mr. Isakson.

H.R. 199: Mr. Jones of North Carolina and Mr. Fossella.

H.R. 220: Mr. Wamp.

H.R. 267: Mr. Fletcher, Mr. Cooksey, Mr. Collins, and Mr. Rahall.

H.R. 270: Mr. Berman.

H.R. 280: Mr. Callahan and Mr. Wicker.

H.R. 303: Ms. Jackson-Lee of Texas and Ms. Eddie Bernice Johnson of Texas.

H.R. 326: Mr. Moakley, Mr. Delahunt, Mr. Olver, Mr. Neal of Massachusetts, and Mr. Markey.

H.R. 336: Mr. Hefley and Mr. Tanner.

H.R. 357: Mr. Cummings and Mr. Payne.

H.R. 371: Ms. McKinney.

H.R. 396: Mr. Goodlatte.

H.R. 415: Ms. Kilpatrick.

H.R. 436: Mr. Rahall.

H.R. 448: Mr. Hansen and Mr. Hefley.

H.R. 499: Mr. Stark and Mr. Hastings of Florida.

H.R. 504: Ms. Velázquez, Mr. Farr of California, and Mr. Strickland.

H.R. 512: Mr. Traficant, Mr. Stupak, and Mr. Coyne.

H.R. 513: Mr. Traficant, Mr. Stupak, and Mr. Coyne.

H.R. 525: Mr. Baker and Ms. Hart.

H.R. 634: Mr. McHugh.

H.R. 635: Mr. Murtha, Mr. English, and Ms. Hart.

H.R. 638: Mr. Brown of Ohio.

H.R. 641: Mr. Cannon and Mr. Saxton.

H.R. 664: Mr. Spence, Mr. Pastor, Mr. Bereuter, Mr. Mollohan, Mr. Clay, Ms. Norton, Mr. Snyder, Mr. Dicks, Mrs. Davis of California, and Mr. Tiberi.

H.R. 669: Mr. Langevin.

H.R. 670: Mr. Langevin and Mr. Meehan.

H.R. 699: Mr. Scarborough and Mr. Spence.

H.R. 716: Mr. Gonzalez, Mr. Gillmor, Mr. Pastor, Mr. Goodlatte, Mr. Berman, Mr. Manzullo, Mr. DeFazio, Mr. Smith of New Jersey, Mr. McInnis, and Mr. Scarborough.

H.R. 738: Mr. Ballenger, Mr. Baird, and Mr. DeFazio.

H.R. 778: Mr. Condit and Mr. Doolittle.

H.R. 781: Mr. Langevin and Mr. Wexler.

H.R. 782: Mr. Green of Wisconsin and Mr. McGovern.

H.R. 786: Ms. DeLauro.

H.R. 818: Ms. Sanchez.

H.R. 839: Mr. Ballenger.

H.R. 933: Mr. McGovern and Mr. Clement.

H.R. 950: Mr. Bonilla.

H.R. 953: Mr. McDermott, Mr. Strickland, Mr. Ganske, Mr. Deal of Georgia, and Mr. Whitfield.

H.R. 1028: Mr. McDermott.

H.R. 1074: Mr. Kucinich and Mrs. Mink of Hawaii.

H.R. 1078: Ms. Slaughter.

H.R. 1082: Mr. Udall of New Mexico.

H.R. 1101: Mr. English, Mr. Ganske, and Mr. Latham.

H.R. 1155: Mr. Ramstad, Mr. Hastings of Florida, Mr. Dooley of California, Ms. DeLauro, and Mr. Oberstar.

H.R. 1178: Mr. Sanders, Mr. Sessions, Mr. Stupak, and Mr. Frost.

H.R. 1180: Mr. Bonior and Ms. Sanchez.

H.R. 1184: Mrs. Morella, Ms. Sanchez, and Mr. Rush.

H.R. 1185: Mr. Wynn, Mr. Clyburn, and Mr. Conyers.

H.R. 1202: Mr. Coyne, Mr. Gordon, Mr. Isakson, Mr. Upton, Mr. Boehlert, Mr. Jefferson, Mr. Filner, Mrs. Mink of Hawaii, Mr. Waxman, Ms. Dunn, Mr. Frank, Mr. Baldacci, Mr. Latham, Mr. LaTourette, Mr. Frost, and Ms. Slaughter.

Mrs. Morella, Mr. Etheridge, Mr. Baca, Mr. Tanner, Mr. Hoeffel, Mr. Rangel, Mr. Lantos, Mr. Walsh, Mr. McInnis, Mr. Weller, Mr. Evans, Mr. Camp, Mr. Duncan, Mr. Rush, and Mr. Clement.

H.R. 1226: Ms. Solis, Mr. Bonior, and Mr. Holt.

H.R. 1234: Mr. Bonior.

H.R. 1266: Mr. Kildee and Mr. Lipinski.

H.R. 1287: Mr. Watkins and Ms. DeLauro.

H.R. 1313: Mr. LaFalce.

H.R. 1316: Mr. LaTourette and Mr. Green of Wisconsin.

H.R. 1319: Mr. Visclosky, Mr. Hoyer, Ms. Sanchez, and Mr. McHugh.

H.R. 1323: Mr. Payne.

H.R. 1331: Mr. Sessions, Mr. LaTourette, Mr. Hastings of Washington, Mr. Putnam, and Mr. Dreier.

H.R. 1340: Mr. Pascrell.

H.R. 1350: Mr. Sabo, Mrs. Clayton, Ms. Eddie Bernice Johnson of Texas, Mr. Levin, and Ms. McCarthy of Missouri.

H.R. 1364: Mr. Largent.

H.R. 1366: Mr. Dooley of California, Mr. Cunningham, Ms. Waters, and Mr. Dreier.

H.R. 1412: Mr. English, Mr. Smith of Texas, Mr. Peterson of Pennsylvania, Mr. Pombo, and Mrs. Kelly.

H.R. 1436: Mr. Murtha, Mrs. Jones of Ohio, Mr. Pallone, Ms. Harman, Mr. Kildee, Mr. Payne, Mr. LaFalce, and Mrs. Maloney of New York.

H.R. 1452: Mrs. Maloney of New York and Mr. LaFalce.

H.R. 1459: Mr. Herger, Mr. Foley, Mr. Smith of Texas, and Mr. Tanner.

H.R. 1487: Mr. Inslee, Mr. Filner, and Mrs. Morella.

H.R. 1506: Mr. Shows, Mr. Barton of Texas, Mr. Ney, Mr. Barcia, Mr. Hilliard, Mr. Sessions, and Mr. Oberstar.

H.R. 1509: Mr. Wicker, Mrs. Roukema, Mr. Filner, Mrs. Meek of Florida, and Mr. Pascrell.

H.R. 1510: Mr. Green of Wisconsin, Mr. McGovern, and Mr. Hobson.

H.R. 1524: Mr. Culberson, Mr. Calvert, and Mr. Gary G. Miller of California.

H.R. 1535: Mr. Scott.

H.R. 1541: Ms. Waters, Mr. Lipinski, and Mr. Rahall.

H.R. 1542: Mr. Gallegly, Mr. Bachus, Mr. Foley, Ms. Granger, Mr. Crowley, Mr. Levin, Mr. Rangel, and Mr. Visclosky.

H.R. 1565: Mr. LaTourette, Mr. Houghton, Mr. Wolf, Mr. Costello, Mr. Quinn, Mrs. Napolitano, Mr. Rush, Mr. Kerns, Mr. Nadler, Mr. Jackson of Illinois, Mr. Moakley, Mr. Traficant, Mr. Lipinski, Mr. Shimkus, Mr. Bonior, Mr. Phelps, Mr. Leach, Mr. Castle, Mr. Bass, Mr. Ose, Mr. Hobson, Mr. Camp, Mr. Upton, and Mr. Evans.

H.R. 1567: Mrs. Jones of Ohio.

H.R. 1599: Mr. Goode and Mr. Jones of North Carolina.

H.R. 1609: Mr. Watkins, Mr. Ross, Mr. Bishop, Mr. McHugh, and Mr. Rahall.

H.R. 1624: Mr. Watkins, Mr. Goode, Mr. Thompson of California, Mr. Strickland, Mr. LoBiondo, Mr. Frank, Mr. Frost, Mr. Green of Texas, and Mr. Baldacci.

H.R. 1644: Mr. Armey.

H.R. 1667: Mr. Payne and Mr. Frank.

H.J. Res. 38: Mr. Moran of Kansas and Mr. Cantor.

H. Con. Res. 20: Mr. Menendez.

H. Con. Res. 23: Mr. Otter.

H. Con. Res. 29: Mr. Hoyer and Mr. Gonzalez.

H. Con. Res. 36: Mr. Thompson of Mississippi, Ms. Millender-McDonald, and Mr. Wamp.

H. Con. Res. 48: Mr. Wamp.

H. Con. Res. 56: Mr. Traficant, Mrs. Mink of Hawaii, Mr. Gibbons, Mrs. Thurman, Mrs. Tauscher, Mrs. Meek of Florida, and Mr. Filner.

H. Con. Res. 60: Mr. Wu, Mr. Crowley, Ms. Jackson-Lee of Texas, Mr. Hinchey, Ms. Brown of Florida, Mrs. Meek of Florida, Ms. Hooley of Oregon, Mr. Blumenauer, and Mr. Rodriguez.

H. Con. Res. 68: Mr. Rodriguez.

H. Con. Res. 109: Mr. Horn and Mr. Lipinski.

H. Res. 72: Mr. McGovern.

H. Res. 115: Mr. Toomey, Mr. Bonior, Ms. Baldwin, Mr. Isakson, Mr. Langevin, Mr. Largent, and Mrs. Morella.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 39: Mr. Reyes and Mr. LaTourette.

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN POWERS ON THE OCCASION OF HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating John M. Powers on the occasion of his retirement as the City Attorney for thirty years for the city of Vallejo, California.

John was born July 7, 1938, in Oakland, California. He attended grammar school in Oakland, and graduated from St. Mary's High School in Berkeley in 1956. Four years later he graduated from St. Mary's College in Moraga, California, majoring in economics, with a minor in political science. He obtained his Bachelor of Law degree from the University of California School of Law, Boalt Hall, in Berkeley, California, in June 1963. He passed the State Bar Examination in San Francisco in August 1963. Prior to engaging in the practice of law full-time, John served with the Army on active duty from December 1963 to June 1964. He then became a reservist with the California Army National Guard.

In July 1964, John came to Solano County as a Deputy County Counsel under County Counsel Jim Shumway and remained in that position until April 1967, when he was named assistant to County Counsel Milton G. Goldinger. Among other duties, John attended meetings of the Board of Supervisors, represented the Vallejo Sanitation and Flood Control District and various school districts, along with the Sheriff, Assessor, Tax Collector, and Judges. He also once represented the Solano County Community College District.

John Powers was appointed Vallejo's first full-time, in-house City Attorney in March, 1971. Some of his accomplishments include actively participating in the numerous transactions relative to the conversion and reuse of the former Mare Island Naval Shipyard; representing the City of Vallejo in litigation challenging the relocation of Marine World/Africa USA (now Six Flags Marine World) from Redwood City to Vallejo that resulted in a stipulated settlement after the Court denied petitioners' application for injunctive relief, and preparing the contract between the City of Vallejo and the Vallejo City Unified School District providing for the financing arrangements for the renovation of Corbus Field at Vallejo Senior High School. He also provided legal services including review of articles of incorporation and by-laws, and assistance with organization of the board of directors for the formation of VALCORE (Vallejo Community Organizations Recycling) in 1981, and the Mare Island Historic Park Foundation. John has represented the City of Vallejo and its various officers and employees in personal injury and civil rights litigation and lawsuits involving the assistance or denial of land use, zoning and other planning approvals and entitlements. He has also drafted or reviewed and approved many ordinances, resolutions, legal opinions, contracts and other documents essential to the operation of the City of Vallejo municipal government.

Over the years, several of John's deputies have gone on to become well-established attorneys for other cities, including William Galstan to Antioch, Chuck Lamoree to Vacaville (via a stint as Solano County Counsel), and Michael Rousch to Pleasanton.

John has performed many forms of volunteer work during his tenure as City Attorney. One of the most notable was the many hours he worked with the committee that renovated Corbus Field at Vallejo Senior High School. His efforts with the fundraising project to replace the field lighting led to a fund with his name, "The Powers Lighting Fund".

John spent many active years as a volunteer with the Silverado Area Council of the Boy Scouts of America, serving as Council President for two terms as a member of the Executive Board. John currently is a member of the California State Bar and the Solano County Bar Association. He is also a member of the Native Sons of the Golden West, the Executive Lions of Vallejo (where he was a charter member and past president), and the Order of the Sons of Italy in America.

John has been, and continues to be, very well respected in the City of Vallejo and Solano County, both in his role as a government official and as a member of the community. John's expertise, knowledge and sense of dedication will be deeply missed.

John lives in Vallejo with his wife of 37 years, Sharon. They have three adult children: Rhonda, Lisa, and Michael; and two grandchildren, Jack and Joe.

I know I speak for all the members when I wish John M. Powers a very happy and healthy retirement, and when I thank him for the many contributions he has made to our community.

IN RECOGNITION OF NORTH AMERICAN SAFE BOATING WEEK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize North American Safe Boating Week which will be celebrated throughout the United States on May 19th through May 25th, 2001.

In particular, I would like to recognize one organization that has continually promoted safe boating in California. This organization is the Lake County Coast Guard Auxiliary Flotilla 38 which is in the First Congressional District. The all-volunteer Flotilla was charted on May 3, 1969.

By patrolling Lake County with up to six vessels at once, this volunteer group operates at its own expense to provide a valuable service to the community. The organization, which is part of the Lake County Disaster Preparedness Committee, also teaches numerous public education classes on boating including Advanced Coastal Navigation. In 1995, during the high water situation in Lake County, the Flotilla cleared 150 tons of floating debris. Since 1974, they have provided invaluable service by patrolling the annual Fourth of July boat parade and fireworks.

The Flotilla has won the prestigious Flotilla Meritorious Achievement Award three times. This award recognizes that the Flotilla is the most outstanding Flotilla in a two and a half state region. In addition, the Flotilla has received numerous other distinctions over its thirty plus years of service.

Mr. Speaker, it is appropriate at this time that we recognize the Lake County Flotilla for its unwavering commitment to making our waterways safe for boating, and further encouraging all boat owners and operators to follow safe boating practices at all times.

IN MEMORY OF AL HIBBLER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. RANGEL. Mr. Speaker, today is a bittersweet day. It is with both great sadness and immense pride that I rise today in honor and celebration of the life of a music legend, Mr. Al Hibbler.

Albert George Hibbler was born on August 16, 1915 in Tyro, Mississippi. At the age of twelve he moved to Arkansas and entered school for the first time when he was fourteen years old. Blind since birth, Al Hibbler studied voice at the Conservatory for the Blind in Little Rock and sang in the choir as a soprano. Four years later his voice deepened to his signature eloquent baritone. Hibbler became the first blind artist to achieve significant popularity as an entertainer.

After leaving the Conservatory, Mr. Hibbler started singing the blues in roadhouses, but shortly thereafter realized his first love was soft smooth ballads. He sang with local bands throughout Arkansas and Texas until 1942 when he landed a major break with Jay McShann's band in the 1940's. Eighteen months later Hibbler's dream of becoming a big band singer came to fruition when he auditioned and was hired as lead singer for the Duke Ellington Orchestra. He remained with the Duke Ellington Orchestra for eight years until he went out on his own achieving enormous success.

During his musical career, Hibbler had a number of hit songs including, "Do Nothing Until You Hear From Me", "Unchained Melody," "He", "11th Hour Melody", "After the Lights Go Down Low", "Honeysuckle Rose", "All or Nothing at All", "Don't Get Around Anymore", and "The Very Thought of You".

As a man of great consciousness, in the late fifties he turned his attention to the civil rights movement and was arrested twice during protest marches. These acts of courage scared away major record labels, but with the assistance of Frank Sinatra he was able to sign a contract with the Reprise Record label in the early sixties.

Although, with the introduction of rock and roll his career as a jazz recording artist slowed, he performed through the Nineties.

Mr. Speaker, I ask that all my colleagues join me in celebrating the life and the music of Al Hibbler, a jazz legend that gained success against all odds.

TRIBUTE TO VALERIE KNAPP, RACHEL KENNEDY AND AMANDA HANDRICH

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. LAHOOD. Mr. Speaker, today I would like to salute three outstanding young women who have been honored with the Girl Scout Gold Award by Girl Scouts-Kickapoo Council in Peoria, Illinois. They are Valerie Knapp, Rachel Kennedy, and Amanda Handrich. They are being honored on May 6, 2001 for earning the highest achievement in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girls and an adult Girl Scout volunteer.

Valerie Knapp began working toward the Girl Scout Gold Award in 1999. She completed her project by planning and implementing a campout for 5th and 6th grade girls.

Rachel Kennedy began working toward the Girl Scout Gold Award in 2000. She completed her project by helping her youth group plan and implement a Vacation Bible School for children in Houston, Texas.

Amanda Handrich began working toward the Girl Scout Gold Award in 1997. She completed her project by providing clothing and toys for Christmas for less fortunate children.

Mr. Speaker, I believe these three young women should be given the public recognition due them for their significant service to their communities and their country.

ALTRUSA INTERNATIONAL

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. ALLEN. Mr. Speaker, on April 23, 2001, Altrusa International, Inc. of Greater Biddeford-Saco, Maine, USA, celebrated its 25th anniversary of service to its communities. This service group consists of professional women and men from the congressional district who have generously volunteered their energies and expertise in a wide variety of worthy activities.

Many of their projects have emphasized literacy, including "A Mile of Books," which literally offered a mile of books for children in Head Start to take home and keep. They also provide financial assistance to "Literacy Volunteers" and work with families through "First Teachers," a program designed to improve the literacy skills of entire families. In addition, the group has helped innumerable people in the community through its hospice volunteers, knitters group, meal program for the homeless, and financial support for the area's battered women's shelter and YMCA.

This incomplete list of the many projects of Altrusa International, Inc. of Greater Biddeford-Saco illustrates the depth and breadth of its members' involvement in the community. At a time when few Americans seem to find the time or interest to share the joys and burdens of their fellow citizens, this selfless engagement is most heartening. These volunteers have learned firsthand that giving of themselves is the greatest gift of all.

TRIBUTE TO COMMANDER DAVID BOLTON, SR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay a special tribute to the outstanding military career of Commander David Bolton, Sr. I am proud to recognize Commander Bolton for his exceptional military service to our country and for his humanitarian achievements.

During his career Commander Bolton was known as hard working, conscientious in his profession, highly intelligent, keenly alert, progressive, firm in his convictions, and congenial. He was truly a credit to the military and to our country.

Commander Bolton retired from the Department of Navy with an honorable discharge on September 1, 1964 after serving 22 years. During his career he received numerous decorations including the World War II Victory Medal, and American Theater Ribbon, and National Defense Service Medal. Upon his retirement from military service Commander Bolton received an Individual Citation for outstanding performance of legal duties while in the Navy from the Secretary.

Commander Bolton was an attorney throughout his career and served as Judge Advocate for war crime trials. He prosecuted Japanese war criminals, investigated war crimes cases and conducted extensive research in international law. He also served as Division Legal Officer for the Third Marine Division on Okinawa and in Japan; Acting Director of the Appellate Defense Division in Washington; Command Legal Officer, Staff Legal Officer in Senior Commands; and Acting Legal Officer of the Sixth Naval District.

In addition to his distinguished legal career, Commander Bolton was a great humanitarian. During his stay in Japan, he became very active in the plight of the children at the Cushin Gakuen Orphanage. After visiting the orphanage, he found the children and the facility in great need. He worked hard to raise the funds needed for clothing and medical supplies for the orphans and to repair the facility housing the children. Through this experience, Commander Bolton became an advocate for the children of the Cushin Gakuen Orphanage and helped to improve their social development through commitment of his time during nonduty hours. Commander Bolton was cited by the Japanese government for efforts on behalf of Japanese children.

Mr. Speaker, Commander Bolton is now 90 years old and his distinguished career has been an inspiration to countless individuals and his humanitarian efforts touched the lives of so many. Our nation thanks him for his service.

A TRIBUTE TO RICHARD M. TYNDALL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Richard Melvin Tyndall of Roseboro, North Carolina for his distinguished service and courageous leadership on behalf of the citizens of this great nation.

As a World War II veteran, Richard Tyndall is an excellent example of all the men and women in uniform that have sacrificed to defend the values this nation holds dear. With over two years on the front line in England, Tunisia, and Germany, he received seven Battle Stars from the United States Army and the Le Croux De Gout Honor by the French Army for his integrity and courage.

Richard Tyndall's valiant actions and his outstanding service to this nation serve to remind us of the gratitude we all feel toward this brave individual, along with all other servicemen and women who have served as guardians of this great country.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Richard Tyndall can truthfully answer each of these questions in the affirmative. He is indeed a man of courage, judgment, integrity, and dedication. May the actions of this brave individual live on in our hearts, and may God's strength and peace always be those who have fought for this great nation.

HONORING NATIONAL NURSES WEEK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the 2.7 million registered nurses in the United States. I encourage our nation to join me in celebrating their dedication and commitment to the health care needs of America during National Nurses Week. This year it begins on May 6 and ends on May 12, which is Florence Nightingale's birthday.

Professional nurses are an indispensable component in the safety and quality of care of hospitalized patients. The depth and breadth of the nursing profession consistently meet the different and emerging health care needs of the American population in a wide range of settings. These settings include hospitals, home care, clinics, offices, extended care centers, schools, military service, corporations, and hospice among others. Indeed, our nurses touch all of our lives in a positive way.

National Nurses Week was first celebrated in 1954 on the 100th anniversary of Florence Nightingale's mission to Crimea. Nurses have continually been recognized for their outstanding contributions to the American health care system ever since. Nurses today represent women and men from all walks of life, and reflect the people who live in the communities that they serve. Employment among nurses will grow faster than the average for all occupations through 2006, and nurses will become increasingly important as the demographics of our country change dramatically in coming years.

The theme of this year's week is "Nurses are the True Spirit of Caring." The theme could not be more appropriate. These individuals blend a scientific mind, technological know-how, compassionate heart, and helping hands in their day-to-day caring of patients.

Mr. Speaker, it is appropriate at this time that we recognize and celebrate National Nurses Week with America's 2.7 million nurses. These special individuals truly do embody the spirit of caring.

RESPECT FOR ILO CORE LABOR STANDARDS IN THE GLOBAL ECONOMY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of efforts of the International Labor Organization (ILO) to ensure that the core labor standards are applied and enforced in every workplace around the world. The international community has defined these four core labor standards: (1) freedom of association and collective bargaining; (2) prohibition of forced labor; (3) prohibition of child labor; and (4) prohibition of workplace discrimination.

These labor standards are the most basic and fundamental rights of workers everywhere, and almost every government in the world has pledged to uphold them. Yet many governments, including our own, too often turn a blind eye when these fundamental rights are violated.

Too many workers around the world face illegal firings, death threats and even assassination when they try to utilize their freedom of association by joining a union. Last year alone, more than 100 union leaders in Colombia were murdered, and the Colombian government has granted the perpetrators of these assassinations virtual impunity. Closer to home, every year an estimated 10,000 American workers are fired just for exercising their right to join a union.

Long after the abolition of slavery, forced labor has now resurfaced in the global economy. Too many women and men are tricked into debt schemes and then forced into indentured servitude, as we continue to see happening under the American Flag in places like the Northern Marina Islands and most recently in American Samoa. And let us be clear: these kinds of abuses, deceptive labor practices, often involving foreign nationals seeking to improve their lives by migrating to the United States, are not uncommon on the U.S. mainland, either.

Too many children still spend their days in front of a sewing machine instead of in front of a desk in a school. And too many completely qualified individuals are still fired simply because of their race, sex, age, religion or sexual orientation.

Our challenge is to actually enforce the fundamental, rights that have been agreed to by all of the member nations of the ILO. And the first step in enforcement is ensuring that workers, employers and communities across the globe are aware of the fundamental labor rights. That is why I rise today in favor of the ILO's global campaign to hang this poster, which simply lists the four core labor standards, in every workplace in every country of the world.

This poster alone is not a substitute for trade agreements that enforce the core labor standards, but it is an important start. Those multinational corporations that subject their employees to poverty wages and dangerous working conditions are only going to change those practices when all of their employees know about these rights and have the ability to demand them within the legal process.

REMARKS DELIVERED BY THE REV. GEORGE F. LUNDY, S.J., ON HIS INAUGURATION AS PRESIDENT OF WHEELING JESUIT UNIVERSITY

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. MOLLOHAN. Mr. Speaker, I recently joined the Wheeling Jesuit University community in celebrating the inauguration of the Rev. George F. Lundy, S.J., as the university's sixth president. It was a pleasure to help welcome this thoughtful, highly regarded educator to the Wheeling Jesuit campus.

Father Lundy's leadership of Wheeling Jesuit University follows successful assignments at the University of Detroit Mercy, where he was academic vice president and provost, and at Loyola University of New Orleans, where his tenure included service as acting president.

He brings to the Wheeling campus the benefits of his experience at these institutions, as well as personal qualities which include a high level of enthusiasm, a commitment to the enrichment of young minds, and a passion for service to the greater community.

These qualities were evidenced in the remarks that Father Lundy delivered March 16 at his inauguration ceremony. His words were a source of insight into the challenges that face modern educational institutions, and the commitments that they must meet if they are to succeed in today's world.

Therefore, I submit Father Lundy's inaugural speech to be included in the CONGRESSIONAL RECORD.

The remarks follow:

> First, I'd like to thank all of you for taking so much time out of your busy schedules to join this great celebration today. Certainly, it's a personal celebration for me, but even more so, I think it's a celebration for the entire Wheeling Jesuit University community, the city of Wheeling, and the Diocese of Wheeling-Charleston.
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> It's very humbling, too, to think of all of the hoopla that is paid when we inaugurate new presidents. I was reminded of Jimmy Carter's idea when he was running for President, that the teachers ought to get more pay than the principals because they do the work that is so much more important, and I certainly feel that way about our fine faculty here at WJU. So, this is for all of us.
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> It is a time when we collectively renew a number of commitments that are very much a part of the fabric and the genius of our history. First, we renew our commitment to all of our students, to provide you with a great education in the Catholic and Jesuit traditions. We challenge you to read real books, to your own deep understanding of our world, its past and its present, so that you can help shape it in the future. We challenge you to deepen your values of justice and compassion, your abilities to choose wisely, and your skills to communicate with clarity and passion.
>
> We will continue to care deeply for each of you as a unique human being and encourage

you to see in every person a child of God with dignity, hopes and dreams. We pray that you will develop a passion for what we Jesuits call a preferential option for the poor, so that you will graduate with a commitment and the skills to help the least advantaged among us realize their hopes and dreams.

And, of course, it is not enough to renew that commitment without sharing a few things with our visitors that you are already doing. We recognize the students who went down to Moorhead, Kentucky, over break to build houses, and the students who live in the Mother Jones house downtown and work extensively in the community, student teaching in the social services centers, the soup kitchen and much more. Just a few examples of the ways that our students are engaged, and we believe that this kind of integral education is the kind that represents our best hope for future leadership.

Every time I talk about the high idealism of Jesuit education, I am reminded of what one former Provincial said at the big Jesuit higher ed gathering at Georgetown a number of years ago. He said, "you know, all this lofty stuff about high idealism is great, but what you have to remember is that the reason Jesuit schools got started was because there was this tremendous need for somebody to take care of unruly boys."

Of course, now it's boys and girls and for the most part, not unruly at all, but very impressive young men and women.

Today, we are proud also to renew our commitment to the Diocese of Wheeling-Charleston and the Diocese of Steubenville, Ohio, which includes all of the area just to our west. We are committed to partner with Catholic communities all across the region to help as creatively and effectively as we can, in the ministries of Catholic education and leadership development. I am so proud of the many, many ways that so many of our faculty and staff are already involved faculty and staff are already involved by serving on the boards of many service activities, and as leaders in their parishes, Catholic and non-Catholic. But the focus of this commitment needs to be renewed.

Bishop Schmitt, just last year, completed a very successful synod planning process that focused the goals of the Diocese very clearly, and we're very proud to be involved with the follow-up to that process to help make sure that this renewed vision actually happens.

Today, we also renew our commitment to our local and regional communities, to be a good institutional citizen and to participate in the activities of our area. I am continually amazed and edified when I hear from so many of you how appreciative you are of the many ways that the members of this Wheeling Jesuit community participate in service to your organizations in so many different ways. We are proud to join with Mayor Sparachane in contributing to the city's economic development efforts. We are proud to join hands with our fellow religious congregations of every denomination and tradition in the Hopeful City coalition. We are equally proud to be involved in the community renewal efforts of the Chamber of Commerce, the Ohio Valley Industrial and Business Development Corporation, and through our membership in Project Best, which assures that collective bargaining is involved in all of our construction projects.

Today we renew our commitment to our public partners at the federal, state and local levels. New technologies reflect much human creativity, and we have the opportunity to help translate that creativity into new visions for a better life and a stronger economy in our post-industrial, increasingly knowledge-based economy. In the coming months and years we will translate these opportunities into new economic vitality here in our own region.

We shall also do our part to continue improving education by developing new curricula for students in our K–12 schools, and by helping teachers use technology more effectively to help students learn. Congressman Mollohan made the remark that there are probably no other universities this size in America that have been entrusted with so much responsibility in terms of fulfilling the public purpose.

I get questions about what goes on in those shiny glass and brick buildings on campus. I think it is worth it for all of us to reflect on a couple of the big points regarding those federal projects. The story goes that when Lyndon Johnson was president, he turned one day to an aide and said, "Son, all of this money that we are spending on research, how much of it ever benefits the taxpayers in economic development?" And the answer was, "Well, none of it Mr. President because all federally funded research is in the public domain. It can't be privately owned and therefore it doesn't have any commercial value."

And so, several successive presidents worked on that problem and in 1980, laws were passed that enable the benefits of federally funded research to go back to the taxpayers in the form of commercially developable intellectual property. So this research can be copyrighted, it can be patented, it can be, therefore, used in business development.

And that is the main thing that happens in that big building you see that says "Robert C. Byrd National Technology Transfer Center." That is their big job—getting that research back out to people that can use it for business development.

The other center that we have, the Erma Ora Byrd Center for Educational Technologies, produces educational software for use in teaching mostly math and science to students in the K–12 schools. They have several award-winning products and they also do on-campus training of teachers in the whole area of what they call problem-based learning.

Problem-based learning places learners in a specific situation and requires them to draw on everything they know from many disciplines to solve a problem. The CET also works closely with our Challenger Learning Center. You may have noticed that we always have a few buses on this campus. We have school groups coming in to fly the Challenger missions. Those are space mission simulations. Some of the kids are in the control room and some of the kids are up in the cockpit of the rocket and they encounter certain kinds of problems with the flights and they analyze certain kinds of satellite data about what they see on the Earth.

There again, in that sort of simulated environment, they have to solve a whole bunch of problems that draw upon their knowledge of math and science and other disciplines. It's a great way of learning and our studies have shown that the learning outcomes are just fabulous if you can teach in these kinds of simulated environments. So, we are moving that whole product into distance delivery. They are going to do 180 of those this year over the Internet and we believe that we are refining something that could be a very forceful new national model in improving education for our younger students.

So as I have told Senator BYRD and Congressman MOLLOHAN on previous occasions, the opportunities represented by these technology centers for economic development and the improvement of American education, were part of the reason that I was grateful to accept the Board's invitation to come here as your new president. I have thoroughly enjoyed the faculty, the staff, and the students. This is a very friendly, a very caring, community and I am proud to be among your number.

TRIBUTE TO BRIGEN WINTERS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. THOMAS. Mr. Speaker, I would like to recognize the outstanding work of a member of my staff. Brigen Winters, tax counsel to the Committee on Ways and Means, has worked long and hard on this pension reform legislation. His knowledge, his diligence, and his judgment have been of tremendous assistance to me and the other Members of the Committee.

Brigen could not be with us today. He is presently at the hospital with his wife, Jennifer, and his newborn son, John Brigen "Jake" Wiinters. Jake was born early yesterday morning. Both Jennifer and Jake are doing well. I congratulate Brigen and his growing family. Brigen has not only helped us improve retirement security for working Americans, but also provided us with future funding for the Social Security trust fund.

HONORING CORINE YBARRA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a pioneer and a patriot, Corine Ybarra, whose work was part of the massive effort on the part of the United States Government to thwart the problems we anticipated with conversions in our national computer systems at the dawn of the year 2000.

I ask my colleagues to join me in commending the work of Corine Ybarra, who was the recipient of a Small Business Administration (SBA) medal crafted to honor efforts associated with Y2K, the President's Council on Year 2000 Conversion.

Mrs. Ybarra has consistently exhibited the qualities of a professional throughout the course of her career in computer technology. She began as an intern 30 years ago in Houston with the United States Small Business Administration. She was then transferred to Dallas and eventually relocated for the final time back to Harlingen.

As a result of consistently pursuing her education, Mrs. Ybarra's responsibilities, as well as her position gradually expanded. She met the challenges associated with her responsibilities with the tenacity and professionalism we are celebrating today.

Eventually, Mrs. Ybarra realized the goal of her professional pursuit—she became a computer specialist. She sought such a position because she knew it was central to our economy and our government . . . it was eventually central to the efforts of SBA's preparation for Y2K. She overcame the challenge of Y2K with grace, poise and success.

Mrs. Corine C. Ybarra is not only a pioneer for the field of computer technology but a model citizen for us all. Through her efforts she creates a pleasant and productive working environment.

I ask the House of Representatives to join me today in commending Corine Ybarra for her outstanding contribution to the stability of our business community.

REINTRODUCTION OF THE OSTEOPOROSIS EARLY DETECTION AND PREVENTION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mrs. MALONEY. Mr. Speaker, I would like to address an important health care concern that effects nearly 30 million Americans. It is especially appropriate that I rise today because May is Osteoporosis Prevention Month. Osteoporosis is a disease characterized by low bone mass or brittle bones. The statistics are startling. For instance, 71 percent of women with osteoporosis are not diagnosed, leaving them at increased risk for fractures. Osteoporosis causes 300,000 new hip fractures each year. Less than one-third of patients fully recover from a hip fracture and only one in five persons who suffer a hip fracture will survive more than a year. The costs associated with this disease are in excess of $13.8 billion annually. With an aging population, costs and disability are only expected to escalate. It is time that we did something about it.

Today, joined by Congresswoman MORELLA, I have re-introduced, with strong Congressional support, the "Osteoporosis Early Detection and Prevention Act of 2001." Senators TORRICELLI and SNOWE re-introduced the companion bill in the Senate. This bill would amend the Public Health Service Act and Employee Retirement Income Security Act of 1974, requiring private insurers to reimburse for bone mass measurement.

My bill requires private health insurance plans to cover a bone mass measurement test for qualified men and women who are at risk for developing osteoporosis. Bone mass measurement is a non-invasive, painless and reliable way to diagnose osteoporosis before costly fractures occur. The average cost to treat one hip fracture is $32,000, while a simple bone density test costs an average of $250. Bone density is the most efficient and predictive method for determining whether an individual is at risk for future fracture.

Building strong bones can be the best defense against developing osteoporosis later in life. Women and men are encouraged to eat a balanced diet rich in calcium and vitamin D, to exercise and lead a healthy lifestyle. However, because many Americans are unaware that they are at risk for contracting this debilitating disease, early detection is even more critical and can be a matter of life or death. If we can identify those at risk, we can reduce pain, suffering, and billions of dollars in health care expenditures. According to the National Osteoporosis Foundation, a recent study of 1,162 women age 55 years and older who had broken their wrists found that fewer than one-fourth of them had received a bone density diagnostic test or a medication approved for osteoporosis treatment after the fracture. More women and men must be tested.

The Osteoporosis Early Detection and Prevention Act of 2001 is needed because by the time men and women, but especially women, come of age to enter the Medicare program, it is often too late. Medicare covers bone density testings, but many private health insurance plans do not. It is extremely important that we target individuals at the age of menopause, before they begin excessive bone loss. We do not want to continue to lose hundreds of thousands of individuals to this disease.

Currently, many private insurance companies do not reimburse for bone mineral density exams. Others severely limit access to the technology by requiring physicians to refer their patients out to large imaging centers. These insurance companies are preventing those at risk from being screened. We need to require insurers to provide access to the technology so we can identify those at risk. The number of individuals who will benefit from this technology is significant. In the U.S. today, eight million women and two million men have osteoporosis and 18 million more have low bone mass, placing them at risk for this disease. The primary care physician should have the means to adequately screen for this disease. The technology is there.

So to mark Osteoporosis Prevention Month and to save thousands upon thousands of Americans from suffering, I urge my fellow Members to join me in my support of this bill. Let's do what we can to put an end to this disease.

UNBORN VICTIMS OF VIOLENCE ACT OF 2001

SPEECH OF

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 26, 2001

Mr. HOSTETTLER. Mr. Speaker, I rise in strong support of H.R. 503, the Unborn Victims of Violence Act and oppose the Lofgren one-victim substitute.

This bill is really a simple one. It states that if a criminal, in his attack on a pregnant women, injures the child also, than that criminal should be held responsible for his attack on both individuals.

As a father myself, I have witnessed people's reaction to my wife's pregnancy. They do not ask if we hope that our product of conception will continue in pregnancy without interruption. No, they ask questions like "Is it a boy or a girl?"; "Have you picked out a name for your baby yet?" "Are your other children looking forward to their new brother or sister?"

You see, Mr. Speaker, they recognize what should be obvious to all. They recognize what our Founding Fathers thought obvious. In fact, they called it "self evident" that our Creator has endowed everyone with this unalienable right.

Its inconsistent and hypocritical that federal law fails to recognize crimes against the preborn as just that . . . crimes. I see no valid legal or moral difference between committing a crime against an individual one day prior to birth and one day after. We hear stories like that of Ms. Pace, who was assaulted one day before her due date. Her boyfriend had paid hit-men $400 for the express purpose of killing the child, not her. Did he hire them to kill a "product of conception"? No, he hired them to kill a baby for whom he did not want to be responsible.

Rightfully, we find ourselves outraged at stories of child abuse and neglect . . . Stories of babies being beaten and abandoned by their parents. Yet those on the other side would have us believe that an assailant should face no penalty for the willful killing of the same child before birth.

If an assailant, while in the commission of a federal crime, harms a baby then he should be responsible for the harm caused to that baby. Its really that simple. For most Americans it's common sense. Unfortunately, what would otherwise make perfect sense gets lost here in Washington.

Mr. Speaker I urge my colleagues to support the underlying bill and reject the Lofgren amendment.

CONSTITUTIONAL CHALLENGES TO STATE UNBORN VICTIMS LAWS

(All challenges were unsuccessful. All challenges were based on Roe v. Wade and/or denial of equal protection, unless otherwise noted.)

California: People v. Davis, 872 P.2d 591 (Cal. 1994).

Georgia: Smith v. Newsome, 815 F.2d 1386 (11th Cir. 1987). Related state supreme court decision: Brinkley v. State, 322 S.E.2d 49 (Ga. 1984) (vagueness/due process challenge).

Illinois: U.S. ex rel. Ford v. Ahitow, 888 F.Supp. 909 (C.D.Ill. 1995), and lower court decision, People v. Ford, 581 N.E.2d 1189 (Ill.App. 4 Dist. 1991). People v. Campos, 592 N.E.2d 85 (Ill.App. 1 Dist. 1992). Subsequent history: appealed denied, 602 N.E.2d 460 (Ill. 1992), habeas corpus denied, 827 F.Supp. 1359 (N.D.Ill. 1993), affirmed, 37 F.3d 1501 (7th Cir. 1994), certiorari denied, 514 U.S. 1024 (1995).

Louisiana: Re double jeopardy—State v. Smith, 676 So.2d 1068 (La. 1996), rehearing denied, 679 So.2d 380 (La. 1996).

Minnesota: State v. Merrill, 450 N.W.2d 318 (Minn. 1990), cert. denied, 496 U.S. 931 (1990). Re establishment clause—State v. Bauer, 471 N.W.2d 363 (Minn. App. 1991).

Missouri: State v. Holcomb, 956 S.W.2d 286 (Mo. App. W.D. 1997).

Ohio: State v. Coleman, 705 N.E.2d 419 (Ohio Ct. App. 1997).

Wisconsin: Re due process—State v. Black, 526 N.W.2d 132 (Wis. 1994) (upholding earlier statute).

STATEMENT OF MICHAEL LENZ BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION HEARING ON H.R. 2436; THE UNBORN VICTIMS OF VIOLENCE ACT OF 1999, JULY 21, 1999

Committee members, I would like to give you some background on myself and my late wife Carrie Lenz.

We met in the spring of 1986. I had recently moved from the City of Tulsa to Oklahoma City. Carrie was a high school senior at Moore, OK. We began dating, she graduated high school and went on to College, and I took a job back in Tulsa and then in Ponca City. All the while, we maintained our relationship. I eventually took a job that required extensive travel around the country, and although it was difficult at times, our long distance relationship worked because we were both committed to the same ideas and goals. (Our plan) First, she would graduate from college. I would get promoted over the State of Oklahoma. Then we would get married, and when we thought we were mentally and financially prepared, we would have children.

While Carrie was attending college, she took a part time position with the Alcohol, Tobacco and Firearms under the Stay in School program. As the Oklahoma City ATF office grew, their need for a full time position grew as well. Carrie then transferred to a position with the U.S. Secret Service Administration under the same program until she graduated from college. After graduation, she accepted a position with the Drug Enforcement Administration through EBON, a company contracted with the Department of Justice to assist in the Asset Forfeiture program. Since her first job with Federal Law Enforcement, Carrie and I were always extremely proud to be a part, albeit a small part, of our government.

Our plans all came together in the fall of 1991 (September 14) when we were finally married. Married * * * Yes. Financially ready to raise a family? Not yet. That didn't come until 1993. Seven years after we first met, we believed we were finally ready to start our family.

I'm telling you all of this to give you some background on our relationship and our goals, and maybe to give you some insight on what it might be like to have a seven-year plan blown up in your face.

We began trying to have children 1993. After several months with no success, we sought assistance from a fertility doctor who put Carrie on some medication, and we continued our efforts at beginning a family. With no success, in early 1994 the doctor recommended exploratory surgery, which she underwent. A few months later, she informed me that she was pregnant. We were so thrilled, but our excitement would not last long. With weekly monitoring, the doctor discovered Carrie had an ectopic pregnancy and that the fetus had died. In November of that same year, Carrie again informed me that she was pregnant, and we both prayed that this would prove a better pregnancy than the first. The doctor confirmed our hope by telling us everything appeared to be healthy and normal at our first ultrasound.

In the months that followed, we prepared our home for the new baby. We purchased a changing table and baby bed, and Carrie was trying to get the nursery ready when we decided it would be easier if we knew the sex of our child. We didn't have a set name if the child was girl, but if we were having a boy, we had both agreed his name would be Michael James Lenz III. So on the afternoon of April 18, 1995, we met at the hospital for an additional ultrasound to determine the sex of our baby. Carrie was so nervous. As I held her hand, the pictures on the monitor came into view. The heart beat, a little hand and arm, and then your could see the face of our child. Finally the baby moved a little, and the nurse said "Congratulations! You're having a boy!" We looked at each other and said simultamenously, "Michael James Lenz III." He had his name. Then, with a kiss and "I Love You," I left the room. We were so happy we even paid for extra ultrasound pictures to show off. When we arrived home that evening, we called all our friends and relatives to tell them the news. We didn't know it at the time, but that would be the last time Carrie spoke to the people she loved most.

The next morning Carrie, who was usually 15 to 20 minutes late to work, left the house early to show everyone at work the pictures of our son, Michael. I left for work at about 8:30 that morning, a happy, expectant father of my first child . . . my son . . . Michael. At 9:02 a.m. on April 19, 1995, it all shattered, when the Alfred P. Murrah Federal Building was blown up. A seven-year plan, gone. Just blown up. At 9:03 a.m. that morning I was no longer an expecting father or husband. At 28 years old, I was a widower.

I don't care to go into the details of what happened to me in the months following the bombing, but please ask yourself, "Would having a part of your loved one in the form of a child make your grieving easier?" I think it would. Therefore, the loss of that potential life is worth an immeasurable amount to me. Let's say for the sake of argument that Carrie was not killed by that act of violence, but that shrapnel entered the womb and killed Michael. Is it safe to assume that would have an ill effect on her child bearing capacity, not only physically, but emotionally, for the rest of her life? I am no doctor, but I would have to think it would. In this scenario, a seven-year plan is still gone and possibly any future plans. Should we as people allow that act of violence to remain a victimless crime? No Michael the 3rd ever mentioned? I don't think that would be right. In any case, I lost the two people I loved most that day, and the official death toll for the Murrah Bombing remains at 168. In addition to Carrie, there were two other expecting mothers in the building that day that died. Three babies.

Passing this bill won't bring my wife and son back to me, but it would go a long way toward at least recognizing Michael's life and the loss of seven years of responsible actions to gain that life. Violent criminal acts that result in the death of a potential life is worth prosecution on its own merits, regardless of the other counts against the defendant. As the only survivor of a family of three, in my case, it would only be right. Regardless of your vote on this, in my mind 171 people lost their lives that day, and three "Daddies to be" became widowers.

Thank You for your time.

Michael James Lenz, Jr.

TRIBUTE TO REV. LEON SULLIVAN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, we are here today to pay tribute to a great American, Rev. Leon Sullivan who passed away on April 24th. Reverend Sullivan was a businessman, an activist, and an educator who was responsible for leading international efforts to promote nonviolent social and economic change.

Dr. Sullivan is best known as the author of the Sullivan Principles, a set of guidelines for American businesses operating in South Africa under the apartheid regime. Although later largely superseded by the divestment movement, these principals laid an ethical foundation for businesses practices in the international arena.

The success of the Sullivan Principles abroad were matched by the success of Reverend Sullivan's activities at home. In 1964, Sullivan founded a job training program called Opportunities Industrialization Center (OIC). Today, more than 80 OIC's exist across the country. The programs have trained more than 2 million people.

Reverend Sullivan was a pragmatic activist who never forget the individual hopes and dreams of real people. The nation has suffered a great loss.

EDWARD LENNON, IRISHMAN OF THE YEAR, FRIENDLY SONS OF SHILLELAGH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. PALLONE. Mr. Speaker, this Saturday the Order of the Friendly Sons of the Shillelagh of the Jersey Shore will be honoring Edward H. Lennon as "Irishman of the Year, 2001."

The Friendly Sons of the Shillelagh is an Irish-American social and charitable organization dedicated to promoting and enhancing the fraternity and good fellowship of its membership of Irish-Americans.

It is most appropriate that Ed Lennon should receive this honor from the Friendly Sons, as his accomplishments embody the spirit and the wonderful traditions and accomplishments of the Irish in America.

As President of the New Jersey State Police Fraternal Association, Ed has reached a pinnacle of success in a profession served so well by Irish Americans, both today and throughout the course of this century.

In fact, Ed comes from a long line of law enforcement officers starting with his grandfather, William Carroll, who was a detective with the Bayonne Police Department. His uncle, Jim Carroll, served with the Hudson County Police Department and another uncle, Frank Conte, served with the Port Authority Police. Three cousins are also police officers: Bill Lennon, Ed Smith and Bill Opel.

As president of the State Police Fraternal Association, Ed has most ably represented the interests and concerns of his membership as they seek to deal with the every-more complicated issues facing law enforcement in this day and age.

Ed enlisted in the New Jersey State Police in 1977 and has served with great distinction since then throughout New Jersey in many capacities.

Because of his prominence and expertise, he has been appointed to many commissions and advisory boards including commissioner on the Governor's Commission to Deter Criminal Activity, trustee in NJ SEED (Society for Environmental and Economic Development); board of directors of the National Troopers

Coalition, and Occupational Safety and Health Advisory Board of the Department of Labor.

In honoring Edward Lennon, the Friendly Sons are honoring all law enforcement officers in New Jersey—individuals who on a daily basis put their lives on the line to protect the rest of us. Congratulations Ed, we appreciate you greatly and thank you heartily.

ALBANIANS IN MACEDONIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. TRAFICANT. Mr. Speaker, having monitored the egregious human rights violations against Albanians in Macedonia under the former communist regime of Kiro Gligorov, I am pleased to support the current coalition government of Arben Xhaferi, Chairman of the Democratic Party of Albanians in Macedonia, and Boris Trajkovski, Chairman of the ethic Macedonian party VMRO. In this regard, I submit for the CONGRESSIONAL RECORD a report entitled "Resolving the Crisis in Macedonia", by Shirley Cloyes DioGuardi, Balkan Affairs Advisor to the Albanian-American Civic League. This analysis is the finest analysis dealing with the subject matter at hand. Shirley Cloyes DioGuardi is truly an expert on these matters. In addition, the Albanian-American Civic League represents the policies and positions that are in the best interests of both America and Macedonia, and also for hope for a lasting peace in the Balkans.

RESOLVING THE CRISIS IN MACEDONIA

(By Shirley Cloyes DioGuardi)

The Albanian American Civic League has been working extensively with the Bush administration, the U.S. Congress, and the Albanian American community since our delegation returned from Macedonia, Kosova, and Presheva at the beginning of March. Our goal is to ensure that the crisis in Macedonia is resolved through diplomacy, not weapons, and that a commitment is made to eradicating the roots of the conflict—namely, the racism, repression, and institutionalized discrimination that Albanians have been subjected to for close to a century.

The international community has long described Macedonia as a multiethnic democracy. But, as Democratic Party chairman Arben Zhaferi observed in an interview with the New York Times on March 27, while the reality of Macedonia is multiethnic, "the concept of the state is ethnocentric." "Which do we change?" he asked. "We can only change the reality by ethnic cleansing, and so we must change the concept of the state."

RECOMMENDATIONS

In order to bring genuine democracy and peace to Macedonia, it is necessary to:

Change the concept of the state by changing the Constitution to give equal status to Albanians and ethnic Macedonians.

Change the citizenship law, or rather its application, so that all people born in Macedonia or who have longstanding residency are counted as citizens.

Since the 1994 census, more than 120,000 ethnic Albanians, whose families in many cases have been living in Macedonia for centuries have been classified as "illegal immigrants," because the head of the household is working abroad to ensure the family's survival. Those whose work abroad has prevented them from living in Macedonia for fifteen years without interruption, as the current law requires, have lost the citizenship rights they had before Macedonia declared its independence from the former Yugoslavia in 1991.

A huge part of the problem here is that the OSCE, of which Macedonia is a member, has established international norms for determining citizenship that do not account for a situation in which high unemployment has forced large numbers of adults to work abroad in order to support their families. Therefore, OSCE standards must be modified to accommodate the Macedonian reality.

In the villages bordering Kosova, such as Tanusha, disenfranchisement has taken another form. After NATO, entered Kosova in June 1999, Macedonian border guards began to try to push the Macedonia border back into Kosova. When ethnic Albanian farmers in Tanusha and other border towns would cross the border into Vitina, Kosova (only eight Kilometers away to buy supplies, rather than make the journey to Skhup (25 kilometers away), they were blocked from returning to Macedonia, where their families have been farming for hundreds of years on the same land. It is no accident that the NLA established a stronghold here.

Ensure that the new census is conducted according to international standards and monitored by recognized nongovernmental institutions and officials from several countries.

Macedonia and the international community must finally have an accurate count of ethnic Macedonians, Albanians, and other nationalities in Macedonia. Xhevdet Nasufi, an ethnic Albanian who is Minister of Justice in Macedonia, has been put in charge of the census. It is essential that a large number of the census takers are ethnic Albanians, while other ethnic groups in Macedonia, such as Roma, Vlachs, Bulgarians, and Serbs, should also be included in the census personnel. If the government is anxious about increasing the number of minority representatives conducting the census, then they can ask that international monitors accompany all census takers, regardless of their ethnicity. The spring 2001 census should be postponed until the immediate crisis subsides and international assistance is provided.

Make Albanian a second official language.

Transform the voting system in the parliament so that ethnic Macedonian members, who are in the majority, do not overrule every initiative made by Albanian MPs and those of other ethnic groups.

Increase the number of Albanians in the police force and other state institutions, consistent with their numbers in the population.

Decentralize the government and give municipalities a greater share of the power and tax revenues in order to implement decisions at the local level. (The Macedonian parliament has been in the process of considering a revision of legislation that would strengthen local government.)

End police brutality by reforming the old Communist structure of the police and military through professional training by Western experts that includes human rights education.

Investigate abuses by the Macedonian police against Albanians and Roma, as

Resolve once and for all Albanians' lack of access to higher education in Macedonia by constructing the new Albanian language university.

Other problems related to this university, including expanding the number of faculties, integrating the previous University of Tetova, ensuring enough placements for qualified applicants, etc., must be resolved by the Albanian community in dialogue with the funders from the European Union and the United States.

Begin an anti-racism campaign by ending ethnic stereotyping in the media.

STRATEGY

Achieving the important objectives outlined above will ensure that Albanians have equal rights with ethnic Macedonians and that they have effective participation in the political process. These objectives cannot be accomplished by force of arms. They can only be accomplished by bringing all political parties from all ethnic groups to the negotiating table with international mediators as soon as possible. In addition, the international community, and especially the United States, the most important friend that Albanians have, will not support the use of gun—either by the State or the NLA fighter—as a tool of change in Macedonia. Because the crisis in Macedonia can only be resolved through negotiation and not military might, this has implications for both ethnic Macedonians and Albanians:

What ethnic Macedonians should consider and do to end the crisis

Peace cannot come to Macedonia as long as the Macedonian military offensive continues. It must cease, and the Serb, Bulgarian, Russian, and Greek military and paramilitary forces that are aiding the Macdeonian army in fighting the National Liberation Army must leave the country. Reparations for property damage and personal injury should be made as soon as possible to civilians living in the villages where the NLA has been based. The resort to arms, initially against a few hundred armed guerrilla forces, was a mistake. Military action has only served to swell the ranks of the NLA and their support from the Albanian diaspora and to radicalize the population on both ethnic Albanian and Macedonian sides. The failure to stop the military offensive, the destruction of civilian property, and the arrest of innocent civilians has exacerbated the conflict.

Up till now, the ethnic Macedonian leadership has been adept at saying all of the right things to the international community but not at moving on the changes that are needed to bring peace and stability to the country. The fear is that granting equal rights to all citizens and the integration of all nationalities will lead to the nation's disintegration. In fact, the opposite is true. As long as human rights are denied in Macedonia, the state is under threat of violence. In its current ethnocentric form. Macedonia also will fail to gain admittance to the Council of Europe, the European Union, and NATO, which is critical to its economic and political growth. Exclusion from European institutions would be especially unfortunate because the VMRO-DPME coalition brought to power Prime Minister Lujco Georgievski and President Boris Trajkovski, who are unquestionably more progressive in their outlook and actions than the previous Slavophile government of Kiro Gligorov.

Contrary to initial statements by the ethnic Macedonian leadership, Kosovar Albanians did not export violence to Macedonia. The National Liberation Army is homegrown and its emergency is a wake-up call. Ethnic

Macedonian leaders need to make a sincere commitment to dialogue with the Albanian parties and to make the necessary constitutional and legal changes to end discrimination. But also, as the International Crisis Group stated in its April 2001 report, "The Macedonian Question: Reform or Rebellion," "the Slavic majority must be ready to challenge the notion that Macedonian state identity is synonymous with the Slavic population." If it does this, Macedonia has a chance to become a truly multiethnic, consensual democracy that serves as a model for the rest of the world in the 21st century.

What ethnic Albanians should consider and do to end the crisis

The National Liberation Army has succeeded in focusing international attention on the legitimate grievances that Albanians have in Macedonia about anti-Albanian racism and institutionalized discrimination. However, the timing and nature of the NLA's response has endangered human life and compromised the Albanians national cause. There is no support for armed rebellion in Macedonia by the international community, because the situation is not the same as it was in Kosova, where Albanians were routinely imprisoned, tortured, and killed throughout ten years of occupation, culminating in Slobodan Milosevic's campaign of mass extermination and forced deportation in 1998–1999. The NLA picked up the gun—which should be the last resort after all nonviolent means have been exhausted—without first engaging in the political process underway in Macedonia by Arben Xhaferi and other Albanian leaders, who were close to making significant changes in the legal, economic, education, and political status of Albanians.

The NLA picked up the gun without first articulating to the world the plight of Albanians who live in Tanusha and other Macedonian villages on the border of Kosova, with the result that a new round of anti-Albanian press has ensued to the detriment of Albanians throughout the world. Instead of securing rights and freedom for the Albanians who are disenfranchised in Macedonia, it has helphed NATO justify its premature and ill-considered released of the Serbian military into the buffer zone. Picking up the gun at the wrong time has also undermined the resolution of Kosova's status and put the lives of Albanians in Mitrovic and Presheva at considerably greater risk.

At this critical juncture, when the pursuit of war will lead only to a bloodier and more devastating conflict on all sides, the Albanian community must come to grips with the fact that the National Liberation Army was created not by the majority of Albanians in Macedonia and in the rest of the Balkans, but by members of LPK, a small revolutionary Marxist party. Although some of LPK's leaders, including Ali Ahmeti (head of the NLA), can be credited with helping to form the Kosova Liberation Army in Switzerland in the early 1990s, the KLA ultimately emerged as a democratic force. It is time to demand that LPK cease all military activities and become accountable to the political process. In this connection, it is time for the Albanian community also to acknowledge that the current crisis in Macedonia is as much the result of a power struggle inside the Albanian community as it is the result of years of discrimination and repression by ethnic Macedonians. This internal struggle has been compounded by efforts to exploit the current situation for political advantage, such as the recent vitriolic attack against Arben Xhaferi, replete with falsehoods, by Bardyl Mahmuti.

While the DPA is not without its faults, and should undergo careful self-examination and change in this period, it is also the case that DPA leader Arben Xhaferi and his colleagues should receive credit and support for their numerous accomplishments in improving the present and future prospects for Albanians in Macedonia. Arben Xhaferi should also receive praise for his superb performance as a statesman on behalf of the Albanian people throughout this crisis. Meanwhile, politicians and parties who feel that they have a better program to offer Albanians in Macedonia should not spend their time attacking other Albanians, but in vigorously offering their programs to the electorate in preparation for the October 2002 national elections, while presenting a unified voice with all Albanian factors when it comes to the legal and institutional changes that must be made in Macedonia. Every Albanian, but especially Albanian politicians, intellectuals, and activists, should be working to make full equality for Albanians in Macedonia a reality.

What the international community should consider and do to end the crisis

While the steps taken by Macedonia's coalition government in the next few weeks will be critical to the outcome of the crisis in Macedonia, the steps taken by the international community will be equally decisive. The international community should cease sending ambiguous signals about its commitment to a diplomatic solution to the crisis. To date, much lip service has been given to a peaceful, diplomatic solution, while the major thrust has been swift condemnation of the NLA's actions and support for the Macedonian military offensive. The West has promised to uphold Macedonia as a democratic, multiethnic state, but it has endorsed the actions of ethnic Macedonian leaders without showing enough regard for the position of the Democratic Party of Albanians in Macedonia, which made the VMRO–DPME coalition government possible in the first place.

Identifying and implementing genuine political solutions to the problems in Macedonia and other parts of Southeast Europe is the only way to avoid more bloodshed and to avert a fifth Balkan war. And as much as the Bush administration would prefer to give Europe the lion's share of responsibility, it has to come to grips with the fact that a negotiated settlement will not happen without active involvement by the United States. Albanians, in particular, view the United States as their only protector and as the only country that can shift the countries of the Former Yugoslavia from the previous Communist model to Western, participatory democracy.

The international community laments corruption in Macedonia and other countries in Southeast Europe, and yet it has failed to make good on its promises to help Macedonia economically in return for the pivotal role that Macedonia played during the war in Kosova, when it gave refuge to hundreds of thousands of Kosovar Albanians. This breach of trust, which fuels the prevailing anti-Western mood among ethnic Macedonians, must be addressed.

Finally, there is no question that uncertainty about the future status of Kosova has fueled the current crisis in Macedonia. National elections should be held in Kosova as soon as possible and a process mapped out for final status negotiations. Contrary to the opinion of some European countries, Kosova's independence will contribute the strengthening, not to the demise, of the Macedonian state.

CONGRATULATIONS TO HERITAGE CHRISTIAN HIGH SCHOOL'S "WE THE PEOPLE" TEAM

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. KLECZKA. Mr. Speaker, today, I would like to take the opportunity to recognize an exceptional group of students from Heritage Christian High School, of West Allis, Wisconsin: Jon Carpenter, Steve Cerny, Cassie Daubner, Caitlin Flood, Brad Jacobi, Brian Krueger, Beth MacKay, Anneka McCallum, Lindsey Mueller, Steve Poelzer, Megan Rudebeck, Jessie Sajdowitz, Libby Smith, and Anni Vosswinkel.

After months of study and rigorous competition against other high school teams in Wisconsin, the Heritage Christian group was awarded the honor of representing the state at the national competition of the "We the People . . . the Citizen and the Constitution" competition in Washington, D.C.

The "We the people . . . the Citizen and the Constitution" program was developed specifically to educate young people about the Constitution and the Bill of Rights, Winners from the respective states travel to Washington to take part in a competition modeled on United States Congress hearings. The hearings consist of oral presentations before a panel of judges, followed by a period of questioning by the simulated congressional committee, in which the students demonstrate their understanding and constitutional knowledge.

These students are a credit to their high school and to the state of Wisconsin. I would also like to recognize the group's teacher, Tim Moore, who no doubt played a significant role in the success of this class.

Mr. Speaker, I am proud to have the opportunity to commend these students and their teacher on their hard work, enthusiasm, and accomplishment in making it to the nationals I wish them much success in their future studies, and congratulations on their achievement.

CONDEMNING THE PRACTICE OF RACIAL PROFILING

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. JOHNSON. Mr. Speaker, I rise to commend the thousands of police officers keeping the streets of America safe, but to bring attention the un-American practice of racial profiling.

The 4th and 14th Amendments are intended to protect our citizens from our government by requiring searches and seizures to be reasonable. In the United States, a search or seizure is unreasonable and, therefore, unconstitutional if it is motivated by race, religion, or ethnicity. Congress must concern itself with those who choose to ignore the basic rights of all Americans—rights that exist regardless of the color of your skin.

While serving my last term in the Illinois legislature, I voted for a statewide study to determine the extent and the effects of racial profiling. Recently in my home state, the City of Highland Park established landmark initiatives to curb this intolerable practice. These initiatives are the first of their kind in this country.

Now in Congress, I intend to review Highland Park's broad plan and work towards ending racial profiling so that justice for all exists throughout the United States, not only in one city in Illinois. I hope that my colleagues on both sides of the aisle work with me on this issue.

THE NEED TO ACT AGAINST BULLYING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. FRANK. Mr. Speaker, in our national effort to find policies which to put an end to the terrible tragedies of school children shooting each other to death, one very promising development has been the increasing attention to the problem of bullying. We have for far too long made the mistake of indulging bullying, and in ignoring the anguish of those who are victimized by it. A 30-year-old adult who is being severely taunted and physically harassed by others can receive legal help. But a 15-year-old is often told that it is his or her responsibility to deal with this without any outside intervention, and that is both cruel and can lead to a dangerous results. This has been a particular problem with students who are—or are thought to be by their school mates—gay, lesbian, bisexual or transgendered. And especially in this latter class of cases, students who learn that bullying and physical violence abuse are OK in high school sometimes extrapolate from that the message that violent assault and even murder are OK a few years after the high school.

In the April 26 edition of the newspaper Bay Windows, an extremely responsible journal published weekly in Boston, with a particular focus on matters relevant to the gay, lesbian, bisexual and transgendered community, editor Jeff Epperly wrote a first rate editorial on this subject. Mr. Epperly's points are very important ones for those formulating public policy to understand, and I submit this extremely well reasoned and eloquent piece to be printed here.

[From Bay Windows, Apr. 26, 2001]

BULLYING IS NOT A "NORMAL" PART OF CHILDHOOD

(By Jeff Epperly)

"Sticks and stones may break my bones, but names will never hurt me," was the dismissive reply that came from a school administrator with whom I was discussing the often brutal treatment heaped upon openly gay—or perceived-to-be-gay—students in schools. That was shortly after I started at this paper nearly 15 years ago. In the intervening years that children's schoolyard chant has been, in the context of how gays should deal with verbal abuse, thrown in my face by everyone from police officers to mainstream newspaper columnists.

For too many years, the attitude of many school administrators and teachers toward student-on-student harassment has been that it's a "normal" part of growing up. Gay students, like kids who are overweight or have speech problems, should learn to lighten up, ignore the taunts or fight back in the face of abuse. But as anyone who's followed this issue knows, anti-gay harassment rarely stops at name-calling. Openly gay or lesbian students can attest, along with girls who are a little too masculine, or boys who are a little too feminine, that sticks and stones are just some of the items used to pummel and ostracize those who dare to be different.

But even if we were to assume for the sake of argument that anti-gay harassment in schools rarely escalates beyond verbal taunts, the unrelenting nature of anti-gay verbal harassment, along with the sense of isolation that accompanies it, makes for an uneven playing field for gay and lesbian students who are supposed to be guaranteed the equal opportunity to learn. Speak at length with adult victims of systematic anti-gay verbal attacks committed by hateful neighbors, and you understand how ongoing harassment can make simply living in one's home unbearable. Imagine what it must be like for targeted students in the captive environment of a school. The effort and desire to learn lag far behind the simple act of trying to preserve one's dignity while keeping one eye out for the bullies behind you. That so many of these students suffer academically is not surprising.

(There is also increasing evidence that schoolyard bullying, now the subject of intense study by (There is also increasing evidence that schoolyard bullying, now the subject of intense study by American, Japanese and European academics, has long-term adverse consequences for all of those involved—the bulled, the bullies and bystandes who live in fear that it may be they who are next in line for abuse if they do not conform to the whims of the mob.)

Students and parents in many districts have begged administrators to stop such harassment—even after it has escalated to physical violence, and even though some teachers and administrators themselves have taken part in the harassment. Many times, as Wisconsin student Jamie Nabozny could attest, the student being harassed is made to feel as if he or she is the culprit for having the temerity to simply be who they are.

It was in 1997 that Nabozny caused a stir in school board meetings across the country after he got fed up and sued the school district that failed to see how its inaction was affecting his rights to equal educational opportunities. He won in a landmark ruling in federal court. In a heartening after-effect, more students and their parents, emboldened by the Nabozny decision have stepped forward and are filing similar suits against their school districts for similar reasons.

Some pundits are already saying that these cases are just one more example of how destructively litigious American society has become. But these cases cannot be compared to lawsuit-obsessed citizens trying to wring money from slip-and-fall accidents or restaurants who dare to serve hot coffee which is then spilled on some klutz's lap. These cases are legitimate examples of citizens seeking redress from the judicial branch of government when the executive and legislative branches are unable or unwilling to offer equal protection to its citizens.

But court action alone will hardly solve the problem. And it's not just gay kids who are being tormented. Nor is it only gay kids who are bringing guns and knives to school to gain revenge on their tormenters. So it's heartening to hear that the Gay, Lesbian and Straight Education Network is working with other education organizations to make sure that school administrators and other government officials continue to work toward programs and solutions for a problem that ought not ever again be covered up or dismissed.

INTRODUCTION OF A BILL TO SIMPLIFY AND MAKE MORE EQUITABLE THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to simplify and make more equitable the tax treatment of settlement trusts established pursuant to the Alaska Native Claims Settlement Act (ANCSA).

This bill is the product of a unique bipartisan effort over the past two Congresses. Joining me as a cosponsors of the bill are—the Chairman of the Committee on Resources, Congressman JAMES HANSEN, the Ranking Minority Member of the Committee, Congressman NICK RAHALL, and the former Ranking Minority Member of that Committee who cosponsored this legislation in the last Congress, Congressman GEORGE MILLER.

Additionally, I am honored to join with a number of other members of Congress in urging the enactment of this bill. The cosponsors include Ways and Means Committee Members, Subcommittee Chairman AMO HOUGHTON, Ways and Means Committee, Ranking Minority Member CHARLES RANGEL, Representative DAVE CAMP, Representative J.D. HAYWORTH, Representative SCOTT MCINNIS, and Representative MARK FOLEY.

Colleagues from the Native American Caucus who are cosponsoring this bill are: the Cochair of the Caucus along with Mr. HAYWORTH, Representative DALE KILDEE, Representative NEIL ABERCROMBIE, Representative ENI FALEOMAVAEGA, Representative MARK UDALL, Representative FRANK PALLONE, and Representative PATRICK KENNEDY.

This bill would remedy several key deficiencies in the current settlement trust provision enacted in a 1987 amendment to ANSCA. That provision authorized Alaska Native Corporations organized pursuant to ANCSA to establish, from their own resources, settlement trust funds to "promote the health, education, and welfare . . . and preserve the heritage and culture of Natives." Unfortunately, the Settlement Trust tax provision in existing law poses several significant impediments to the establishment and long-term maintenance of Settlement Trusts, and therefore, to the fulfillment of their purposes under ANCSA.

A version of this bill was included by the Ways and Means Committee in legislation last Congress that was vetoed and a version of it passed the Senate as well. This current version of the bill we are introducing today has been vetoed over the past several years with the tax writing committees of Congress in the House and Senate, the Joint Committee on Taxation and the Department of Treasury. It addresses the key deficiencies in the current law. I urge that it be included in tax-related legislation considered by the House in this session of the 107th Congress and that our colleagues join the co-sponsors of this bill in supporting this meritorious legislatiion.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Tuesday, May 1, 2001, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 90, the resolution recognizing the important of increasing awareness of the autism spectrum disorder, I would have voted "yea."

For rollcall vote No. 91, the resolution supporting a National Charter Schools Week, I would have voted "yea."

HONORING MIKE THIESSEN

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. CONDIT. Mr. Speaker, I rise to honor an outstanding young man from my district in California's great Central Valley—Mike Thiessen. I am proud to report he lead the Air Force Academy football team to a 9–3 season including a 41–27 win over Army and 27–13 over Navy to capture the prestigious Commander In Chief's trophy.

The list of accomplishments by this fine young man is impressive.

He was named the Air Force Academy's Player of the Year, the Mountain West Conferences' Offensive Player of the Year, and takes his place among the great option quarterbacks in Air Force Acadmey history. He was named Colorado's Male Athlete of the Year and was selected for the 2000 Gridiron Classic.

Mike ranked second in the MWC in total offense (218.2 average) and led the MWC in quarterback efficiency (147.0 rating) He led the team in rushing with 713 yards and 10 touchdowns and hit 112–195 passes for 1,687 yards and 13 touchdowns. He ranked 10th nationally in quarterback efficiency.

Prior to the Air Force Academy, Mike led his Johansen High School football team to the Sac-Joaquin Section semi-finals capping a stellar high school career that culminated when he was selected as one of 30 players to represent California in its annual all-star game against Texas' all-stars. Unfortunately, Mike did not get to play in that game because he was already committed to the Air Force Acadmey and had begun training.

In addition to being the senior class vice president, he was selected to the All-State football team, named the Outstanding Player of the Central California Conference and was named Most Valuable Player of the Stainslaus County All District football team. The Sportsmen of Stainslaus named him their Outstanding Athlete.

It is pleasure to represent this fine young man and his parents Steven and Barbara Thiessen. I ask my colleagues to rise and join me in honoring Mike Thiessen.

PRICE CONTROL PROGRAMS GOVERNING MEDICINE IN MEXICO AND CANADA

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. DUNCAN. Mr. Speaker, today I have introduced a bill that calls for the United States Trade Representative to investigate whether any price control program governing medication in Mexico or Canada violates, or is inconsistent with, any trade agreement, denies benefits to the United States, or discriminates against or restricts United States commerce.

As I travel around the Second Congressional District of Tennessee, one concern I hear about over and over again is the high cost of medications. Many seniors, in particular, often face a choice between things like medicine, food and heat. However, this problem is not isolated only to the elderly. All Americans face these steep prices. For example, single mothers and poor working families also have to buy medications. As a father, I cannot imagine anything worse than not being able to afford medicine for a sick child.

As has been discussed many times, there are a lot of complex reasons that prices are so high, and it goes far beyond greedy manufacturers as some have suggested. Some new drugs can cost more than a billion dollars to bring to market. In exchange, these drugs have a profound impact on the health of Americans and hundreds of millions of people worldwide. Fundamentally, we need to find ways to reduce these development costs, as it is these costs that are passed on to consumers.

Another great inequity in the pricing of these medications is that many countries, such as Canada and Mexico, have outrageous cost control laws. While these reduced costs may be sufficient to pay the price to physically produce a pill or medicine, they rarely take into account the phenomenal expenses that went into the development of the drug. These development costs are then shifted elsewhere to other consumers who end up paying outrageously high prices for the same medications. If manufacturers and researchers were ever completely stripped of the ability to recover these costs, the flow of new drugs would slow dramatically, if not end completely.

Nevertheless, it is wrong that Americans are so often asked to pay the price for drugs that benefit all mankind. It is particularly frustrating to consumers when they see our neighbors to the North and South paying much lower prices for exactly the same drug.

I believe that this situation needs to be examined and addressed and this bill helps begin the necessary steps. The United States can no longer afford to be burdened with research and development costs of drugs that are going into other countries.

I urge my colleagues to support this bill and improve healthcare for all American consumers.

IN HONOR OF GENERAL IGNACIO ZARAGOZA SEGUIN, THE HERO OF PUEBLA, AND THE GOLIAD ZARAGOZA SOCIETY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. HINOJOSA. Mr. Speaker, I rise today to honor a true hero who gave his life to free his country from foreign oppression. Ignacio Zaragoza Seguin was born in 1829 at Bahia Del Espiritu Santo, Mexico near what is now Goliad, Texas in my Congressional District. He was the son of a soldier, but was educated as a priest. When the United States invaded Mexico, he tried to enlist but was rejected because of his youth. He was a businessman for a short time, but his passionate support of Mexico's struggle to create a fledgling democracy, made him a soldier. During the years of the War of the Reform in 1857 to 1860, he joined with Benito Juárez and fought in numerous battles including the battle of Calpulalpan, which ended the war.

In April 1861, General Zaragoza was appointed Minister of War and the Navy. When Mexican President Juárez was forced to declare a moratorium on Mexico's European debt in order to salvage the bankrupt economy, Spain sent a fleet and forced the surrender of Veracruz. France and England joined Spain in the invasion of Mexico. General Zaragoza resigned from the ministry to lead the Army of the East. Although the English and Spanish reached an agreement with President Juárez and withdrew, the French landed troops and marched toward Mexico City. They met the Mexican forces at the City of Puebla in a battle that lasted the entire day of May 5, 1862. Under General Zaragoza's leadership that vastly outnumbered Mexican army and Puebla townspeople forced the withdrawal of Napoleon III's Army, the premier army in the world. Napoleon's army suffered heavy losses, but Mexican casualties were few. Although the French ultimately captured Mexico City the next year and put Napoleon's nephew on the throne, the costly delay in Puebla and the subsequent guerrilla war waged by Benito Juárez shortened the French intervention. It also helped preserve the American Union, as it kept the French too occupied to directly aid the Confederacy with troops in the U.S. Civil War, which was being waged at the time.

General Zaragoza received a hero's welcome in Mexico City. While visiting his sick troops, he contracted typhoid and died on September 8, 1862 at the age of 33. He received a state funeral and on September 11, 1862, President Juárez declared May 5, Cinco de Mayo, a national holiday.

Today Cinco de Mayo is celebrated throughout Mexico and around the world. This weekend I will be joining in the festivities being sponsored by the Goliad Zaragoza Society at the birthplace of this great man.

The Goliad Zaragoza Society was founded in 1944 by a group of Mexican Americans to pay tribute to the legacy of General Zaragoza by showing respect and pride for their culture. Today the Society's primary mission is providing scholarships to help students pursue their education.

THE INTRODUCTION OF THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation guaranteeing one of the most fundamental of patients' rights—the right of access to needed emergency medical care.

In the 104th, 105th, and 106th Congresses, I introduced the Access to Emergency Medical Services Act. This bill would establish the "prudent layperson" definition of emergency as the standard for insurance coverage for emergency services under group health plans, health insurers, and the Medicare and Medicaid programs. Health plans would be required to cover and pay for emergency care based upon the patient's symptoms rather than the final diagnosis. This coverage is tied to the federal law called EMTALA, which requires hospitals to provide screening and any stabilization services that are necessary. In addition, the legislation would prohibit health plans from requiring that patients obtain prior authorization before seeking emergency care. The bill would also help promote quality, cost-effective care by requiring that health plans and emergency physicians work together to coordinate any necessary follow-up care.

The prudent layperson definition requires a health plan to pay for treatment rendered when a patient experiences:

> A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

In the Balanced Budget Act of 1997, Congress did indeed guarantee this right to Medicare and Medicaid patients enrolled in managed care plans. Then in February 1998, the President's Executive Order extended this right to all persons in federal health programs, including FEHBP, veterans and military enrollees. So as subscribers in FEHBP plans, all Members of Congress have been guaranteed this important patient protection. Thirty-two states and the District of Columbia have also passed laws establishing this standard. But to protect residents of the eighteen states that have not passed a prudent layperson standard, and for the approximately 50 million persons who are enrolled in ERISA self-insured plans, Congress must act.

But I want to caution my colleagues—simply inserting the words "prudent layperson" into a bill does not ensure access to appropriate emergency care. During the House debate on The Patient Protection Act (H.R. 4250) in the 105th Congress, some Members insisted that it contained the same emergency care standard that was provided for in the Balanced Budget Act. In October 1998, thirty Members who had voted for H.R. 4250 recognized that the language was not the language was not the same and wrote the Speaker asking that the true prudent layperson standard—reflecting the BBA provisions and consistent with EMTALA—be included in any patients' rights legislation that moved forward.

Regrettably, the 105th Congress adjourned without additional action on HMO reform. Millions of Americans enrolled in managed care plans were frustrated by our inability to send a bill to the President's desk, but remained hopeful that Congress would produce effective patients rights legislation when it convened this year.

In the 106th Congress, this body passed by an overwhelming margin comprehensive managed care reform legislation that got the emergency services language right. But the other body's bill did not. And in the conference that failed to produce a compromise bill, some conferees fought against the language approved by the House, language that is consistent with Medicare and Medicaid law, language that is strongly supported by doctors, hospitals, consumer groups, and one of the oldest and largest health maintenance organizations in the United States, Kaiser Health Plans.

And so, joined by my colleague from New Jersey, Mrs. ROUKEMA, today I am reintroducing the Access to Emergency Medical Services Act in the 107th Congress. I encourage all members of Congress to study this issue carefully, listen to their constituents, and support passage of this fundamental legislation. The American consumers deserve to be protected by an authentic prudent layperson standard that ensures them access to the full range of services their acute emergency conditions require, and Congress should give them this right without further delay.

AMTRAK'S THIRTIETH BIRTHDAY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. CLEMENT. Mr. Speaker, Congress created Amtrak thirty years ago because we realized that along with cars and planes, passenger rail was a vital part of America's transportation future. Today, as we celebrate Amtrak's 30th birthday, the need for passenger rail is greater than ever. All across this great land, travelers are growing sick and tired of spending so many hours stuck in traffic, or hanging around airport terminals. They want an alternative.

In my home state of Tennessee, there is strong support for passenger rail service. And in my role as Ranking Member of the Railroads Subcommittee, I am working to restore Amtrak service to Tennessee, because passenger rail service will continue to grow in popularity and importance.

Fortunately, there is an alternative to congestion on our highways and in our airways. It's called High-Speed Passenger Rail, and it's a way of traveling that's pleasant and easy, and allows travelers to make the most of their valuable time.

So far, high-speed rail exists only in the Northeast. But Amtrak's vision is to build a national passenger railroad system consisting of many regional high-speed corridors linked by long-distance service.

That's why I strongly support the High Speed Rail Investment Act of 2001. It will provide Amtrak with what our highways and airports already have: A source of long-term capital with which to build the high-speed rail corridors of the future.

With high-speed rail, we can unclog America's transportation arteries, give travelers the choices they deserve, and fix our broken transportation system. Passage of the High Speed Rail Act of 2001 isn't just in Amtrak's interest; it's in America's interest.

So as we congratulate Amtrak on thirty years of service to America, let us resolve to pass the High Speed Rail Investment Act of 2001—and finally get America moving again!

TRIBUTE TO THE FRIENDS OF LAKEWOOD PROGRAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. SESSIONS. Mr. Speaker, I would like to recognize an outstanding example of parental and community involvement in education in my district. The Friends of Lakewood program is a community effort dedicated to enhancing the learning experience of students at Lakewood Elementary School in Dallas. One of their most successful initiatives has been the "Math Maniacs" program. With more than one-third of students participating, the fruits of this program are evident in the school's continued success at the Dallas ISD Math Olympiad.

As we all know, the participation of parents and the community is crucial to educational success. When children see that parents care about education, it motivates them to aim higher and become better students.

The Friends of Lakewood program is a model for community leadership and involvement in education—I commend the parents, students, and community of Lakewood for their success.

ACCESS TO EMERGENCY MEDICAL SERVICES ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Access to Emergency Medical

Services Act with my colleague, Mr. CARDIN of Maryland. I would first like to thank Mr. CARDIN for taking the initiative on this issue and continually bringing this bill to Congress's attention.

This important legislation is an effort to allow medical professionals to make decisions in the emergency room, not the insurance company bureaucrats.

Insurance companies reportedly have refused to pay emergency room bills when patients did not obtain prior authorization for emergency treatment. It is inappropriate and dangerous for insurance companies to require pre-authorization for emergency services. Indeed, emergency conditions are by definition problems that require immediate medical attention without delay.

Patients are also being financially punished for taking precautionary action and admitting themselves to the emergency room for a critical situation. We should not attach a high personal risk to seeking out emergency care. I have heard many stories of individuals who go to the emergency room with symptoms that indicate a serious illness, perhaps a heart attack. They undergo a battery of tests and find out that the heart attack was something else, perhaps a bad case of heartburn. That should be good news. However, weeks later they find out that those tests cost hundreds, maybe thousands of dollars, and their insurance companies refuse to pay.

This legislation will put an end to bottom-line medicine and keep insurance companies out of the emergency room. Decisions on the medical treatment of the ill and injured should be placed back in the hands trained to save lives, not dollars. The Access to Emergency Medical Services Act of 2001 would require insurers to pay for emergency room visits based on a "prudent layperson" definition of an emergency and a patient's symptoms, rather than the final diagnosis. An individual seeking medical attention for what they "prudently" determine to be a medical emergency should not be penalized for that decision. This bill would also prohibit insurance companies' pre-authorization requirements for emergency care. Finally, the bill requires that health care plans and emergency physicians work jointly to coordinate follow-up care.

This bill does not replace the need for comprehensive health insurance reform. The initiatives proposed by Congressmen GANSKE and DINGELL are essential for a broad reform of our health insurance system. That being said, this is a necessary bill to pass to protect citizens from physical injury caused by paperwork delays from their insurance carriers.

I strongly urge my colleagues to support this important legislation which ensures that an insurance company's response will not make the difference between life and death in the emergency room.

IN RECOGNITION OF MR. ED WILLIS AND HIS SERVICE TO R.B. WRIGHT ELEMENTARY SCHOOL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to Mr. Ed Willis who is retiring as principal of R.B. Wright Elementary School.

The warm and caring manner in which Ed led the school let every student know that they were special and loved. Ed is the consummate educator because he lets his teachers teach and supports them in their efforts. His students always achieve the maximum of their ability.

Ed is the epitome of the caring, professional administrator. His goal has always been to develop the total child: academically, socially, physically, and culturally. He commands excellence from himself and his staff, and his rewards come in seeing his students succeed.

Ed's life is an example of Christian living. He has been a teacher, coach, father, principal, husband, son, and devoted friend. He has given of himself to this community, making it a better place to live, by loving young children who have attended his school. His calm pleasant demeanor and enthusiasm for his job were often conveyed to his faculty and students. He recognized them for their large as well as their small accomplishments in a genuine effort to encourage them to grow as citizens, not only while at R.B. Wright, but in the community-at-large.

Ed has lived according to John Wesley's rule:

Do all the good you can
To all the people you can
In all the ways you can
At all the times you can
To all the people you can
As long as you ever can

Ed exemplifies strong character, leadership and compassion. Through his leadership he is shaping children's ideas about themselves, the country, and the world. He has nourished their appetite for learning. They are developing habits and values that will last them a lifetime.

Ed always shows that he believes intellect and character go hand-in-hand. His optimism and excitement is shared with all those associated with R.B. Wright Elementary School. Ed is a fine diplomat. He is understanding and patient. He sets high standards for the young people who have attended R.B. Wright Elementary School. He is an excellent teacher and administrator, as well as a fine Christian family man.

He is a spectacular example for children, calling every child by name and always greeting them with a smile. Ed is a thoughtful, encouraging, and compassionate principal who is very successful and loved. He is an effective leader, friend, and excellent role model. He ran a tight ship at R.B. Wright Elementary School and will be greatly missed.

INTRODUCTION OF THE ASTHMA ACT IN CONJUNCTION WITH ASTHMA AWARENESS DAY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mrs. LOWEY. Mr. Speaker, I am delighted to introduce this legislation on the day of the fourth annual Capitol Hill Asthma Awareness Day, and I particularly want to recognize Nancy Sander and the other hard-working members of the Allergy and Asthma Network/Mothers of Asthmatics, whose dedication to fighting asthma is limitless.

Last year, I visited a school in my district in Queens and met an extraordinary young person named Paige Eastwood. At 11 years old, Paige struggles daily to manage her asthma. Yet, as we all know, Paige is not alone. Approximately 15 to 17 million Americans have asthma, over 5 million of whom, like Paige, are children. The burden of asthma on our nation is nothing short of a crisis.

Though many Americans may think of asthma as merely an inconvenience or impediment, it is a serious condition that should not be underestimated. In New York, for example, asthma is the single largest cause of absenteeism in schools, and it accounts for 10 million missed school days annually across the nation. Each year, asthma results in more than 450,000 hospitalizations, in fact while hospitalization rates for other diseases are diminishing, they are climbing for asthma. Asthma also kills with unexpected swiftness. Often, the time from first symptom to final breath can be as little as 30 minutes. And this is happening to children in increasing numbers—since 1980, death rates for children due to asthma have climbed 133 percent.

There is no cure for asthma, and for reasons that we don't fully understand, asthma rates have risen dramatically over the last 20 years. That's why we must give researchers the tools they need to study this debilitating condition. We must give public health officials and community organizations the resources they need to spread the word about how it can be prevented and controlled. And with an epidemic like this, we must also engage schools in helping children with asthma more effectively manage their condition. Our schools not only need support to train teachers and students in how to effectively respond to asthma, but they also desperately need funding to purchase medical equipment and improve indoor air quality.

That's why I reintroduced a bipartisan, comprehensive bill to address the asthma epidemic in our country. My bill will encourage states to establish pediatric asthma action plans, create a National Asthma Coordinating Committee to improve our nationwide response, and bolster public awareness and education efforts through the CDC. It will also provide $4 million per year directly to low-income schools hardest hit by asthma to implement asthma programs.

Asthma is an indiscriminate disease that strikes Americans of all ages, races, and places. And Congress can and should do more to alleviate the burden of asthma. So today, as we begin Asthma Awareness Month, I urge my colleagues in Congress to join me in helping our country cope with this serious condition. When children are well enough to go to school, when parents learn how to ward off attacks, when scientists better understand asthma's causes, we can all breathe easier.

SUPPORTING A NATIONAL CHARTER SCHOOLS WEEK

SPEECH OF

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. DEMINT. Mr. Speaker, Americans are united around a common goal to help every child in America to receive a world class education. It is a goal that should unite this legislative body around successful education policies—ideas that respond to parents, empower teachers, and educate children.

As we work to improve America's education, let's not lose focus on what is working—such as the tremendous growth and proven success of America's charter schools.

Charter schools prosper because they bind parents, teachers, community and state leaders together to tailor an education program that fits the needs of local students. They prosper because they unleash the intelligence and innovation of our students.

Earlier this year, in partnership with the South Carolina Department of Education, I hosted a Public Charter School Summit in Greenville, South Caroline. The summit's purpose was simple: educate and excite local leaders about the potential of charter schools in South Carolina.

We told them that charter schools are public schools that are free from many state and local requirements. In exchange for this freedom and flexibility to try new approaches in education, the school must deliver results in student achievement. It is a contract with the governing board—flexibility in exchange for proven academic results.

By drawing upon the ideas and energy of local and state leaders, South Carolina and other states can turn the education corner. That is how strongly I believe in the transforming ability of charter schools.

We owe our best effort to improve the schools of our state. I am proud of the charter schools which have opened in South Carolina. They have banded together to form the South Carolina Charter School Association, an organization that has helped charter schools not only survive, but flourish in South Carolina. I commend our state's efforts to lift hurdles in the current charter school law and move to make South Carolina a charter-friendly state.

The education of our children is a public trust which we must not take highly. Like many other aspects of our culture and society, there are principles that stand the test of time. But we need to boldly explore creative solutions that allow our nation's institutions to fit the needs and demands of modern times. Our students deserve a top-notch, cutting-edge education system.

Charter schools are supported by leaders of both parties and of all political learnings. It is hard to dispute the results when competition, education flexibility, and community partnerships are offered to America's schools.

Mr. Speaker, in the midst of all our debates over ways to improve America's schools, I ask that we pause and give special attention and recognition to the work of charter schools all across the nation. Thousands of parents, teachers, community leaders, and students are providing each day that schools will succeed when education dollars and decisions are kept close to the community.

TRIBUTE TO THE KANSAS CITY RAILWAY AND THE GATEWAY & WESTERN RAILWAY COMPANY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to pay tribute to both the Kansas City Southern Railway and the Gateway & Western Railway Company. These two rail companies are the recipients of the 2001 E.H. Harriman Gold Award, the highest award for railroad employee safety in the rail industry.

At the core of both of these companies is an unwavering commitment to safety, so it is fitting that they were chosen as recipients of the E.H. Harriman Gold Award. The late Mrs. Mary W. Harriman in memory of her husband, Edward H. Harriman, a pioneer in American railroading, founded these annual rail employee safety awards in 1913. Chosen by a committee of transportation professionals, the awards are granted to railroads on the basis of the lowest casualty rate per 200,000 employee hours worked. This formula takes into account the volume of work performed, as well as the number of fatalities, injuries and occupational illnesses confirmed by the Federal Railroad Administration.

The Kansas City Southern Railway Company is a Class I rail system, which operates over 2,728 track miles in 11 central and southeastern states. It was founded in 1887 with the vision of providing the most direct salt water access from the Midwest. Today Kansas City Southern has the shortest route between Kansas City and the Gulf of Mexico, serving the ports of Port Arthur, Texas, New Orleans and West Lake Charles, Louisiana, and Gulfport, Mississippi. Their commitment to safety, along with innovative business practices, makes Kansas City Southern a leader in the rail industry. Their vision of safety encompasses the wellbeing of every employee.

Thriving on the vision and principles of its parent company, Kansas City Southern, Gateway Western Rail is also a formidable force in the rail industry. As one of only four rail gateways along the Mississippi River system in St. Louis, Gateway serves as a major interchange point between eastern and western railroads. It interchanges traffic with every major rail carrier in the United States and has access to the Mississippi River via two barge terminals. Since its inception in 1990, Gateway Western has enjoyed a steady increase in business volume and an outstanding record of safety.

Kansas City Southern Railway and Gateway & Western believe in the necessity of safe worker conditions in saving lives. They cultivate an environment where employees look out for one another and actively participate in improving the safety of all workers, and an environment where employees are jointly responsible for the safety process. Kansas City Southern Railway and Gateway & Western Railway Companies are dedicated to uncompromising safety in meeting the needs of their customers, their employees, and the communities they serve.

Mr. Speaker, I ask you to join me in congratulating Kansas City Southern and Gateway & Western Railway Companies on receiving the Harriman Gold Award. Their commitment to putting safety first in the railroad industry serves as a national model.

EDWARD J. SANTOS MEMORIAL DEDICATION

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. MEEHAN. Mr. Speaker, I am humbled today to honor an inspiring American. Edward J. Santos, a native of Lowell, Massachusetts will be honored Sunday, May 6, 2001, at a Memorial Dedication, in his hometown at Hosford Square.

Edward Santos was a true American hero. He served his nation and cared for his loved ones as a war veteran, dedicated public servant, an active member of his community and family patriarch.

As a Sergeant in the United States Army, Ed served from July 7, 1942, to December 2, 1945. During his wartime service Ed earned the Combat Infantryman, Badge, Bronze Star Medal, Good Conduct Medal, European African Middle Eastern Theater Campaign Medal, Defense Meritorious Service Medal and the Army Occupational of Germany Medal.

Ed was a very active member of his community, playing a major roll in Lowell politics for more than 40 years. He was a Past Commander of VFW Post 662, a member of the Portuguese American Veterans, Lowell Lodge of Elks, Lowell Veterans Council, Portuguese American Civic League, Portuguese American Center, Holy Ghost Society, National Association of Letter Carriers, Lowell License Commission and a Trustee of the Lowell Memorial Auditorium. He was beloved by the membership of St. Anthony's parish where he was a member of the Holy Name Society.

Since his passing, Ed has been deeply missed by his friends and family including sons Ron, Edward Jr., James and Thomas. Ed and his lovely wife Pauline were the proud grandparents of thirteen wonderful grandchildren.

I am proud to call Edward J. Santos my friend as are the hundreds of lives he touched throughout his exceptional life.

ON THE RETIREMENT OF LINDA M. JOHNSON

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. HORN. Mr. Speaker, all of us here know and appreciate the important role that a strong and capable staff plays in accomplishing the work of the House. Obviously, the same is true throughout government and the private sector and that point will be well illustrated next week with a ceremony in Long Beach, California, to honor a person who has long been a quiet but crucial part of our community.

Linda M. Johnson will retire on May 11, after more than 35 years as assistant to the Executive Director of the Port of Long Beach. Across more than three decades of service, Linda has seen the Port grow from a modest operation next to the U.S. Navy base into one of the largest port complexes in the world. Today, the Port of Long Beach is the busiest port in North America with thousands of ships dropping off or picking up merchandise worth hundreds of billions of dollars. To meet the surge in global trade, the Port of Long Beach has been forced to adapt and expand, taking over the Navy shipyard and station and investing heavily in new docks, cranes, railyards and other infrastructure.

Throughout this period of enormous growth, Linda Johnson served as the strong right arm of the port director, managing the endless flow of correspondence, reports, meetings, telephone calls and everything else that goes with a thriving business that must operate under great pressure to meet the demands of global trade. Her quiet efficiency made her a vital partner in the port's management and her unfailing courtesy to coworkers and visitors made her a friend to one and all.

When Linda started at the port in 1965, she planned to work for a year and then go on to college. Instead, she ended up staying for a long, distinguished and rewarding career that has paid great dividends for the Port of Long Beach and our entire community. She will be missed but she will not be forgotten by all of those friends and colleagues who will gather on May 9 to wish her and her husband Bill the very best for a long, active and healthy retirement.

DOUBLING FUNDING FOR THE NIH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. GEKAS. Mr. Speaker, I am pleased to report that the Congressional Biomedical Research Caucus, which we initiated in 1990 to increase awareness and support for basic biomedical research, has commenced its twelfth year of briefings. With my co-chairs, Representatives Sonny Callahan, Nancy Pelosi, and Ken Bentsen, and over 100 other Members, this bipartisan Caucus has provided nearly 100 briefings where Members and staff have interacted directly with the researchers who lead the world in important scientific discoveries.

This year, we are strongly supporting the fourth step in doubling the budget of the National Institutes of Health over five years. We commend President George W. Bush for including a $2.8 billion increase for the NIH in his FY2002 budget proposal. However, it is our hope that Congress can provide an increase of $3.4 billion in order that the doubling commitment can be achieved within five years.

Why is this so important? What scientific evidence exists that such funding for the NIH will indeed result in better health, improved quality of life and reduction in national health care expenditures?

To answer these questions, in February we invited two distinguished biomedical research scientists to our Caucus to discuss "The Promise of Biomedical Research." First, Dr. Maxine Singer, President of the Carnegie Institution, clearly explained the need to support biomedical research infrastructure—instrumentation, facilities, information technology and strengthening science and mathematics education in primary schools.

Dr. Marc Kirschner, Chairman of the Department of Cell Biology at Harvard Medical School, was the second speaker and his comments follow this statement. We recall that in the magazine "Science" (1993), he, along with Drs. J. Michael Bishop and Harold Varmus, recommended that the NIH budget should be increased by 15% per year which would double the budget in five years. These scientists placed their reputations on the line, and I believe we can rely on them. These scientists were also part of a small group who helped us organize and conduct the Biomedical Research Caucus.

The attempt to double NIH funding actually began in 1997, with the initiative of Senators Arlen Specter and Tom Harkin along with Representative John Porter. We in the Caucus have continued to support these efforts since that time.

I believe that the clear and compelling remarks presented to the Congressional Biomedical Research Caucus by Dr. Singer and Dr. Kirschner will be helpful in our deliberations concerning this year's budget priorities.

Transcript of Remarks by Marc Kirschner, Ph.D., Before the Congressional Biomedical Research Caucus, February 28, 2001

Thank you for coming today. It is my hope and Dr. Singer's hope that all of you can become as knowledgeable as possible about medicine and science at the beginning of the 21st century. Science affects us in the present and in the future—our personal lives, our economic well-being and even our national defense against some fiendish new enemies. Medical issues often lurk beneath the surface and then explode like the AIDS epidemic, mad cow disease or hoof-and-mouth disease in Europe; new issues reach prominence in the news and confuse many of the public like genetic engineering of crops and stem cell biology. The chronic issues of cancer and heart disease and depression also remind us of our need for a better defense against disease. Planning in science often seems intuitively clear to scientists, and yet even for us the path is very convoluted. In my own experience, many years ago we discovered one of the major proteins that goes awry in Alzheimer's disease—but we weren't working on Alzheimer's disease at the time; we were working on cell division and cancer. So I can understand that it is often difficult to understand what to do and what priorities to set. Science is complex. Every time I try to explain what I do to my wife and my mother, I have to start all over each time. But there is hope. My kids seem to understand much better. Yet despite these difficulties, progress in medicine is astonishing and it is very clear to all of us that our expectations for tomorrow should be considerable.

I will try to briefly review where we are and what we need and what you can do to help. Scientists in general have faith in rationality. We feel that if you understand the issues—the problems, the accomplishments, the needs and the true state-of-affairs in science that you and the American people will make the right decisions. It is for that reason that the goal of the Caucus has always been education. From that policies should naturally flow.

WHERE ARE WE?

February 12 was the announcement of the human genome sequence by an international consortium led by the United States and by private efforts built heavily on exploiting the openness and accessibility of that public investment. We now have a list of parts. Some people think that 30,000 is a small number, but this is completely misleading. We are really a gigantic Lego set with 30,000 different pieces, but the number of pieces is a million, billion, billion—so we are pretty complicated—and the design of even the simplest organism is beyond our present understanding. We know some of our problems lie in faulty pieces—cystic fibrosis, sickle cell anemia, muscular dystrophy. Perhaps there are simple signals for adult onset diabetes and schizophrenia, but they are not likely to be single faulty pieces, maybe instead two or more pieces when they come together reinforce their weaknesses—we hope to learn that soon. Some are diseases of systems, such as rheumatoid arthritis and cancer. Some are foreign enemies—viruses and bacteria—AIDS and tuberculosis. Some things may be easy to figure out, some will turn out much harder than we think.

A few years ago, Alzheimer's disease seemed hopeless. There were no animal models. There was no convincing epidemiology—no smoking gun as we had in polio. It was a sporadic disease of late and variable onset. Today we have an exquisite idea of the cause and we have many promising targeted pharmaceutical interventions.

In some ways it now seems like it could be a relatively easy disease to treat. It can be diagnosed much earlier by MRI. Also, if it takes seventy years to appear—all we have to do is slow it down to 50% so the age of onset is 140. There are not many things where a two-fold change is a complete cure.

Well, I know that this is a Congress where the usual situation is to bring you problems that no one can solve. You have to work on those, too. But medical science is something that you can work on and have a big effect. You have an opportunity today that is more significant in many ways, but akin to the Eisenhower Interstate Highway Program of the 1950s. Like that program, the country can survive without it. But like that program, the effects are likely to be profound, with many long-term and unintended benefits. Whatever the state of the finances, today, the circumstances of science tells us that this is the time to invest. The progress in biomedical science will affect every person equally in this country and on our planet (if we take care to distribute its largesse fairly). But it will take a long-term infusion of funds. The plans to double the NIH budget will have to be followed by a long-term plan of increased funding that will allow us to realize the value of investment that you have already paid for and which will allow dividends to be paid to all of our children, and their children. I know a long-term view is difficult for a Congress that is elected every two years and has annual budgets. We all realize that things may intervene. But progress is best achieved with a long-term budgetary plan. Now, let me return to education, starting with some of today's important buzzwords.

THE GENOME

What did we learn from the genome—not much—yet. What we will learn is unimaginable. Genomics is the most revolutionary technology in biology today. It will produce hundreds of new targets for intervention in disease, new understanding of disease itself, new methods for diagnosis, and also in a very profound way a new appreciation of life. It is not and should not be the beginning of human engineering. We study biology to appreciate life, to preserve it and to value it. Despite all the hype about gene technology, scientists are happy working around the margin to protect what we have, not to restructure it. Also, about the 30,000 genes, most of which are the same in frogs—that is not the main point of the genome. The genome contains the instructions on how to put these genes together, how much to make, when to make things, and where to make things. With enough diligence we eventually might have found most of the 30,000 genes by other means; only the genome sequence tells us about the instructions.

CLONING

Cloning is the most common word in a biomedical scientist's vocabulary and the most misunderstood by the average citizen. In scientific discourse it never means cloning people. Usually it means isolating pieces of DNA for study. Sometimes it means isolating a line of cells that are genetically identical from animals, human beings, or often tumors. Sometimes it means making genetically identical animals which will serve as a model for disease. None of these uses raises ethical problems.

STEM CELLS

Stem cells are the great promise of regeneration. Most stem cell biology carries with it no ethical problems. There are skin stem cells, bone marrow stem cells, stem cells for muscle. But we don't really have what we need—we need brain stem cells for spinal cord and brain injury; we can't get heart muscle to regenerate—we cannot get kidneys to regenerate as we can liver.

The hot button issue is around stem cells derived from discarded human eggs or from human fetuses. For some people this is an ethical issue and if they truly understand the issues and still feel opposed we have to respect that, but not necessarily accept their judgment. The desire to work with embryonic stem cells is that they, in principle, can regenerate all tissues and we can learn from them how to develop applications that may in the future allow us to use other sources of material. From the study of human stem cell biology could come treatments for Parkinson's disease and for type I diabetes. The hope for lifting these terrible burdens on our loved ones has to be weighed against the ethical objections of some. The decision is not simple but at least we can try to understand the issues in concrete terms.

ANIMAL EXPERIMENTATION

Today we are learning more and more from fruit flies, worms and cultures cells—even from computers without doing a wet experiment but none of this will benefit human beings without animal experiments, mostly in rodents, less often in primates. The vast majority of these experiments cause no discomfort, but some do. It is hard to study regeneration from stroke without inflicting damage and yet most of us who have seen the devastating effect of stroke on our loved ones are willing to sacrifice animals. Scientists will do everything to avoid the cost, difficulty and discomfort of animal experimentation. But we all have to accept the fact that our ability to contribute to biomedical science will be in proportion to the amount of animal use. Anyone who thinks otherwise is not realistic. They may wish it were not otherwise—I may wish it were otherwise—but the simple fact is that we will not benefit from our discoveries, we will not cure cancer or heart disease, or manic depression, by making animal experimentation too difficult or too expensive.

What are the big targets for the NIH? Here are seven examples of them:

1. Using the genome to find targets to attack diseases like cancer.

2. Immunology everything from type I diabetes to autoimmune diseases to cancer therapy to allergy.

3. Regeneration—finding the signals to stimulate our bodies to repair itself—I include stem cell biology here.

4. Mental illness, mental retardation as organic diseases, and how to treat them much more specifically.

5. Obesity and type II diabetes—going beyond failed attempts at self-discipline.

6. Alzheimer's disease and aging—finding not a cure but a way to slow things down.

7. Infectious diseases—here the genomes of all the pathogens have increased our targets by 100-fold but we must always be diligent.

This is just a sampling.

HOW MUCH SHOULD MEDICAL RESEARCH COST?

We should pay no more money than can be used wisely. The NIH is not perfect; you need to keep our oversight of NIH intramural and extramural spending. But this does not mean a failed experiment is wasted money. The biggest failure is not doing an experiment that could make a difference. The biggest enemy in science is timidity, not overspending.

We should spend as much as we can to speed up the application of science to health. Yet to work on application before we understand the processes can be very inefficient.

Would we be better off today if we had spent our money on better iron lungs, rather than on a vaccine against the polio virus?

Is this science cost-effective? Maybe this is not the right question, but we can try to answer it anyways.

If we are truly successful, things should be cost-effective. It took years to make a Hemophilus influenza type-B vaccine—but this major cause of meningitis, with its concomitant death and hearing loss in young people is now completely preventable.

Surgery for gastric ulcers was an expensive and risky business. Today we control the disease with a cheap antibiotic. Yes, there were major costs in the discoveries, but the savings accrue forever. If one takes a long-term view, all of this should make sense financially.

Four years ago before budget surpluses—the long view was developed with strong bipartisan support—in Congress, to double the NIH budget. The expectations of science are even higher today than there were four years ago. I hope you can complete that effort and after that, renew the investment.

Pardon me for my pitch for joining the Caucus. I do appreciate the support of Representative Gekas and all the members of the Caucus for being passionate advocates over the past years and for serving to educate the Members and their staff. I am not sure it gained them votes—but it was the right thing to do. It has meant a lot to scientists, particularly the young scientists who have come here from all over the U.S. They recognize the deep and thoughtful support that you have given. That means a lot. We all realize that you deliberate over many problems—it is just that much more reassuring that you have taken the time to understand these complex issues.

One last thing, together we have built the greatest scientific establishment in the world. Today, as I travel the country, I find first-class research done all over. Important discoveries are coming from laboratories in all of our states. Mao Tse-Tung said "let a thousand flowers bloom"—ignoring his politics for a moment we would have to say that it was a good slogan for science. There is no guaranteed path to discovery—but the opportunity to take chances—the path to discovery that you have supported—is the best strategy to guarantee that we employ every tool and use all our ingenuity to improve the health of the world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 3, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine opportunities and assessments for better pharmaceuticals for children.

SD–430

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine the mission of the Office of Federal Housing Enterprise Oversight, and the financial safety and soundness of Fannie Mae and Freddie Mac.

SD–538

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold an oversight hearing on the activities of the Nuclear Regulatory Commission.

SD–628

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Department of the Interior.

SD–366

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine election reform issues, focusing on the reliability of current and future voting technologies.

SR–253

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to genetics and biotechnology.

SD–226

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.

SD–124

10:30 a.m.

Foreign Relations

To hold hearings to examine the administration policy and reform priorities of the International Monetary Fund and World Bank.

SD–419

1:30 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

2:30 p.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Forest Service, Department of Agriculture.

SD–366

MAY 9

9:30 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine the listing and de-listing processes of the Endangered Species Act.

SD–628

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the state of the Rail Industry, including it's current financial condition, infrastructure capacity, and long term capital funding needs.

SR–253

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.

SD–138

Governmental Affairs

To hold oversight hearings to examine federal election practices and procedures.

SD–342

Judiciary

To hold hearings on pending Department of Justice nominations.

SD–226

1:30 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

MAY 10

9:30 a.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Department of Energy.

SD–366

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

Health, Education, Labor, and Pensions

To hold hearings to examine certain issues involving medical innovation.

SD–430

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.

SD–138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.

SD–608

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine government and industry wide efforts to address air traffic control delays.

SR–253

1:30 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings, in closed session, to examine United States Federal Government capabilities with respect to terrorism.

SH–219

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the Department of the Interior's proposed budget request for the National Park Service.

SD–366

4:45 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

MAY 15

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to business methods and the internet.

SD–226

Governmental Affairs

To hold hearings to examine the financial outlook of the United States postal service.

SD–342

MAY 16

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.

SD–138

MAY 17

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine certain issues surrounding the nursing staffing shortage.

SD–430

MAY 22

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine certain issues surrounding retiree health insurance.

SD–430

MAY 23

9:30 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine issues surrounding human subject protection.

SD–430

MAY 24

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine issues surrounding patient safety.

SD–430

JUNE 6

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.

SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

SENATE—*Thursday, May 3, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today is the National Day of Prayer. The prayer I am going to pray has been written by Rev. Billy Graham to be read across the Nation throughout the day.

Let us pray.

"On this National Day of Prayer, our Father and our God, we praise You for Your goodness to our Nation, giving us blessings far beyond what we deserve.

"Yet, we know all is not right with America. We deeply need a moral and spiritual renewal to help us meet the many problems we face.

"Convict us of sin. Help us to turn to You in repentance and faith. Set our feet on the path of Your righteousness and peace.

"We pray today for our Nation's leaders. Give them the wisdom to know what is right, and the courage to do it.

"You have said, 'Blessed is the Nation whose God is the Lord.' May this be a new era for America, as we humble ourselves and acknowledge You alone as our Saviour and Lord. This we pray in Your holy name. Amen."

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND):

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 1, the education bill. The bipartisan substitute amendment will be offered shortly, and debate on the amendment is expected to take most of this morning's session.

The budget conference report is expected to be completed in the House this afternoon. Therefore, the Senate will suspend consideration of the education bill to take up the budget conference report when it is received.

Votes will occur during today's session on amendments to the education bill, and possibly on adoption of the budget conference report. Senators will be notified as votes are scheduled.

I thank my colleagues for their attention.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1 which the clerk will report by title.

The bill clerk read as follows:

> A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Lo and behold, I believe we are actually ready to go to an education bill after talking about it for months and working actively on it for days. We are ready to proceed. I am pleased with that. I commend all those Members involved in trying to make it work.

I ask unanimous consent that following the reporting of the substitute amendment, the time between now until 12 noon be equally divided for debate between the chairman and the ranking member.

I also ask consent that prior to 12 noon and with the consent of both managers, Senator COLLINS may be recognized to offer an amendment regarding reading, and following that debate, the amendment be laid aside with a vote to occur at 4 p.m. today.

I further ask consent that Senator KENNEDY or his designee—and I understand that may be Senator HARKIN—be recognized immediately following the reporting of the Collins amendment to offer a first-degree amendment; further, that the votes on or in relation to the amendments occur in a stacked sequence at 4 p.m. Also, I ask that no amendments referenced in this agreement be subject to second-degree amendments, and, further, all debate time prior to the 4 o'clock vote be equally divided in the usual form.

I further ask consent that at 12 noon, notwithstanding receipt of the conference report, the Senate begin debate on the conference report accompanying H. Con. Res. 83, and the time under the provisions of the Budget Act begin accordingly. Finally, I ask consent if time remains under the Budget Act following the 4 p.m. vote, the Senate resume consideration of the conference report to accompany the budget resolution.

Mr. REID. Reserving the right to object, I ask that the distinguished majority leader delete the last paragraph. We understand the intent of the leader. We are in agreement with the intent of the leader. We simply don't have the report yet. A couple members want to look at it. There will be no problem in doing that at a subsequent time.

I also say to the leader, in consultation with Senator KENNEDY, we would like also at an appropriate time to lock in the next two amendments so we can move this legislation. We are very anxious to move forward with this legislation. We would ask that we, in fact, do that, lock in the amendment that will be offered by the distinguished manager of the bill, the Senator from Vermont, and that on our side, the next amendment will be that offered by Senator DODD and Senator COLLINS.

Mr. LOTT. Are you asking that we make that change at this point?

Mr. REID. Yes.

Mr. LOTT. Mr. President, several suggestions were made. I will respond and accept most of the suggestions.

First of all, I had hoped to go ahead and get started on the budget conference report. It is very important, very urgent. We need to get that completed. I understand Senators need to actually see the report. It should be available within the hour. We are trying to get that to you, as we speak. I hope we can come back then and get an agreement later to go ahead and go to the conference report. However, following your suggestion, I modify my unanimous consent to delete the last paragraph.

Now, I do think it is also important to note that this agreement does not lock in a vote on the Jeffords substitute. We have it. Senators will have the next couple of hours to go through it. I hope we can enter an agreement in a reasonable period of time so we have the vote on the Jeffords-Kennedy substitute at 4 p.m., also. We are not including that in the request.

In view of that, I don't think we should go ahead and lock in the next two amendments at this time. Let's go ahead and get started on the agreement we have, get the debate on the Collins amendment and the Kennedy amendment, or his designee, and then in the next sequence we can get an agreement on the budget conference report, the vote on the substitute, and line up the next two amendments. I need to check with some of our people to make sure these are the next two amendments we want to consider. This is a step forward to get the process started.

I renew my unanimous consent request to include the first three paragraphs as read and delete the last one.

Mr. KENNEDY. Reserving the right to object—and I will not object—as far as our side goes, we know it will be the Dodd amendment. Could we leave the discretion to your side as to what amendment you offer, but could we at least have it in the consent agreement that the next amendment from our side would be the Dodd amendment?

Mr. LOTT. Mr. President, it is up to that side as to what would be the next amendment. I don't want to lock it in at this point because we need to lock in both amendments. I think we are getting started here, everybody is trying to be cooperative, but we need to get the vote on the substitute, then lock in the next two amendments and get an agreement on the conference report. I would rather not lock them in.

As far as that goes, if they are prepared, the next amendment would be the Dodd amendment. We don't dictate that at all.

Mr. REID. We would accept that. If I could ask the Senator from Massachusetts to yield, that would be fine with us. We do want the Dodd amendment to be our next amendment, in keeping with the agreement earlier in the day. It would be our second amendment. Whatever you want could be your second amendment.

Mr. DODD. The Dodd-Collins.

Mr. LOTT. We will check on that, and hopefully well before noon we can go ahead and lock in this next series of votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 358

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS] offers an amendment numbered 358.

Mr. JEFFORDS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, this morning the Senate begins in earnest the consideration of S. 1, the Better Education for Students and Teachers Act.

I think it is fair to say that this is the most dramatic reform of Federal elementary and secondary education law since the enactment of the Elementary and Secondary Education Act in 1965.

The only reason we are on the threshold of such change is that a remarkable consensus has developed over the past few years with regard to Federal education policy. Senators from both parties and across the entire spectrum of political views have come to the realization that if we want to achieve real progress in our schools, we have to measure the progress.

This is easier said than done, of course. Schools are not producing uniform widgets, but educating children. Children come into the public education system with very different backgrounds and experiences. This results in students performing at different achievement levels. However, as the leading States have found, after a lot of time and hard work, you can assess students and use the results to constantly improve the education that you provide them.

At the same time, if we are going to place high demands on our schools and teachers and students, we must give them the tools they need to do the best job possible. That means extra help for schools that are struggling, high quality professional development for teachers, and choices for students in schools that persistently fail.

In early March, the HELP Committee reported the BEST Act by a unanimous 20-0 vote. The bill before us reflects the work of every member of the committee. Each one has contributed in significant ways to improving this bill and education in our country.

Since the bill emerged from the committee, we and our staffs have been meeting with Senators on and off the committee to reach agreements on further improvement to the legislation.

The substitute I am offering this morning reflects the results of our discussions over the past few weeks, incorporating the suggestions of a dozen Senators and contributions by the White House throughout the process.

For the benefit of my colleagues, let me touch on a few of the changes we are making in the substitute:

The first is accountability. At the heart of accountability is adequate yearly progress. Adequate yearly progress ensures that all students of each subgroup will make adequate yearly progress towards proficiency in reading and math over the next 10 years. The other key component of accountability, is providing mechanisms for schools to improve. S. 1, as amended, lays out a series of increasingly strong corrective actions that impact schools, local educational agencies and States that fail to meet the goals for adequate yearly progress.

I look forward to the debate and I especially look forward to passing a bill that will enable every child in this nation to have a first rate education.

Let me go to some other aspects of it.

The next one is supplemental services, a term you will hear over and over again. This is a new option for parents of children in persistently failing schools. Supplemental services are educational services offered by public or private organizations outside the regular school day that are directed at providing such children with the knowledge and skills they need to meet the State standards.

Another term you will hear is Straight A's. Up to 7 States and 25 local educational agencies will be allowed to enter into performance agreements with the Secretary of Education that will trade increased flexibility for strong accountability.

Regarding bilingual education, the amendment before us establishes a trigger for converting the Bilingual Education Act from a set of federally run programs into a single, State grant program focused on helping all limited English proficient students attain fluency in English and master the academic content.

For testing, S. 1, as amended, authorizes $400 million a year over the life of the bill to pay for the cost of developing and implementing the new assessments required by the bill.

I look forward to this debate and passing a bill that will give every child a first-rate education.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I welcome the fact that we can finally turn to our work on reauthorizing the Elementary and Secondary Education Act, and during the course of the morning will begin debating two very important amendments. The first concerns the reading provisions of this legislation, which I think are such a commendable part of our whole effort, and the second, on which Senator HARKIN and Senator HAGEL have worked very closely to craft, regarding the challenges for our special needs children and local communities. The Harkin-Hagel amendment aims to strengthen the Individuals with Disabilities Act, particularly in providing additional relief in funding. In many respects the reading and IDEA amendments address a common concern, since many children with special needs are also eligible for the reading programs and title I assistance.

Now I will take just a few moments just to review some of the provisions that I think should give heart to many parents when this legislation is actually implemented, and that is the supplementary services under title I, which increase the help available to children in troubled schools.

Students in schools that have failed for at least 3 consecutive years will have the opportunity to receive the supplementary tutoring services during non-school hours. Students in failing schools get extra academic help after school while schools implement new reforms during the day.

Under the supplementary service provisions, parents of children in persistently failing schools—those in corrective action or reconstitution—will have the option to enroll their children in before-school, after-school, weekend, or summer tutoring programs.

The compromise extends learning time for students most in need of additional help. And the students in failing schools participate in a revamped, full regular school program during the day and receive additional help outside the school day.

The public funds remain in the control of the public schools. The supplementary services provision does not provide vouchers for private school tuition.

In contracting services, the school district pays State-approved providers for tutoring services. So any of the agencies that are going to be permitted to provide those services are effectively going to have to have a certification in terms of their educational competence. That is enormously important and basic.

Parents then choose a provider for their children from a State-approved list of providers. The parents then will be able to make the judgment about which provider they want to choose in order to get the supplementary services for their children. And with the information that is available—with report cards and other information—it is the hope and the expectation that the parents will be able to choose wisely. It will give them an additional kind of involvement in their children's educational development. It is a small part of this legislation, but as we have been talking about parental involvement in these general discussions, this is the kind of effort that we were talking about.

There is a cap on Federal funds available for supplemental services. Districts can use no more than 15 percent of the title I funds, and are not required to spend more than an equal amount to 15 percent of their title I allocation.

In addition, in order to provide tutoring services, the district cannot reduce the amount a failing school receives under title I by more than 15 percent. They can draw down so they can use their own money, or they can use the supplementary services money that is available at the State, or they can use funds under the Title V(4) program for which they will be eligible. That is our clear intention, that those funds will be available. We will make that clear as we move through the debate as well as in the legislative history.

Currently, many title I school districts contract with outside tutoring providers. The supplementary service provision differs from current law in that it requires failing schools to make after-school tutoring programs available. That is a requirement, not an option. It is a requirement. I think that gives additional kinds of protections to the parents.

The tutoring programs must be research-based and of demonstrated effectiveness. Only tutoring providers who are pre-screened for quality by States are eligible to receive the Federal funds.

Providers that fail to maintain a high quality of services and meet their annual performance goals will be removed from the State list of eligible supplemental tutoring providers. And tutoring services must be focused on academics and tied to the State standards and assessments.

The tutoring program ensures strong parental involvement. The parents and districts jointly develop specific performance goals for participating children and come to agreement on how individual student progress will be measured. So parents and districts jointly determine how parents will be informed of their child's progress. There will be information given to the parents and the schools so that they can monitor where these children have additional needs.

Providers must give the parents the comparative information about the quality of the tutoring programs available.

I want to give just a brief summation on what we call the Straight A's compromise.

The performance agreements pilot provides seven States and 25 districts additional flexibility in how communities use funds to implement public school reform. Funds can only be used for activities authorized under the programs that are eligible to be consolidated. Funds must be focused on public school reform. No funds may be used to support private school vouchers. States and districts are required to ensure the equitable participation of low-income students in private schools according to the requirements of the underlying bill. The performance agreements pilot continues the national focus on students with special needs. Migrant, homeless, immigrant, Indian education, and neglected or delinquent programs addressing students with special needs cannot be consolidated under the Performance Agreements Pilot Program.

In addition, the new Reading First Program cannot be consolidated.

The performance agreements pilot maintains targeting of Federal funds to the neediest students.

I hope our Members will pay attention to this. The title I funds continue to be targeted by poverty to the school level, maintaining the allocation formula in the underlying law. If a State wants to use an alternative formula, the formula must result in a greater percentage of the funds going to districts with the highest concentration of low-income children than under the current title I formula. It is a strong commitment that the funds go to the neediest children.

Other nontitle I funds allocated under the performance agreements pilot might be targeted to the district based on the same proportion of poverty as the underlying law requires. If the State uses an alternative formula, districts with the highest concentrations of low-income children must receive more funds than they would have received without consolidation.

So our pilot program assures that the funds, rather than being scattered across a particular State or a jurisdiction, will effectively be focused on the children with the greatest needs. That is not all.

The States and districts must comply with the title I provisions that require the development and implementation of standards and assessments: accountability for failing schools, disaggregation of assessment data, parent involvement, and the release of report cards at the State, local, and school level. So what we are giving is the assurance that there will be very strong and important accountability for these programs as well which effectively had not been in existence in the past. I think that is an improvement.

States may not consolidate title I funds set aside for failing schools.

States must ensure that failing schools get the extra help they need to turn around by improving student achievement.

States and districts must also meet all the accountability provisions relating to teacher quality and improving achievement for limited English proficiency in title II and title III of the underlying bill.

States and districts must abide by title I provisions that require adequate yearly progress, school improvement, and corrective action. If achievement does not improve any performance agreement will be terminated. So there will be a termination of these agreements if we find out there are not positive results with very strong accountability. I think that is enormously reassuring.

The States may only retain 1 percent of all consolidated funds for administration. They may retain up to 5 percent of title I funds and up to 10 percent of nontitle I funds for State activities. All other funds must flow directly to the local school districts.

Applications by the States and districts are subject to peer review. The Secretary may only approve an application if it shows substantial promise for exceeding the State's AYP goals.

So you are going to have a peer review of the State's applications and findings. It will not be just at the discretion of the Secretary. I think that is an enormous improvement.

The proposal requires a study of the effectiveness of the agreements, how funds were used, and how funds were targeted under alternative formulas. We will gain a great deal of information.

Mr. President, since the Senate is poised to begin debate on the budget in the very near future, I want to take just a few moments to discuss the funding that will be needed to make the policies in this bill realities for America's children.

If you don't have a well-trained teacher in a classroom, whatever we do is compromised. Teachers need, and students deserve, the resources to teach. That is fundamental.

Republicans announced yesterday that they reached a deal among themselves on the budget, and the result appears to leave education out in the cold. They know the Nation overwhelmingly supports real increases for education, yet they boldly chose tax cuts over educating the Nation's children.

Senators will recall that there were two points to the vote on the education amendment offered by Senator HARKIN. The first was to reduce the size of the tax cut much closer to $1.2 trillion than $1.6 trillion, and the conference has respected this decision, choosing the smaller number. But the Harkin amendment had a second and equally important objective. It recognized that additional investments were urgently needed in our schools. All available evidence confirms this.

Only half of the eligible children have access to Head Start and its promise of school readiness for 3- and 4-year-olds. Only a third of the students in disadvantaged school districts are assisted with the broad range of quality enhancements that I have discussed under title I. The Federal Government is meeting well under half of its funding commitment to disabled students under IDEA, nearly 1 in 5 children are in oversized classes of 25 or more, and thousands of school buildings remain in such disrepair that they are unsafe or unfit for learning.

The basic improvements we're debating in this bill today will be impossible without additional investments in low-income school districts, teacher quality, early learning, smaller class sizes, special education, school construction, and accountability.

Yet the conference report on the budget appears as if it will ignore the will of the Senate on the core issue of education. In place of the major increases passed by the Senate, the budget proposes to freeze education funding at current levels. Because it abandons American school children and their parents, it does not deserve our support. I urge every one of my colleagues who recognizes the value of improved education for the long-term future of the Nation to denounce the budget that the conferees have produced, and ask them to try again.

Our current budget surplus means for once we have the resources needed to make major education advances in the coming years. We only lack the commitment to put our money where our mouths are. Will we step up to the plate on this issue, or will we just have more talk?

Republican budget negotiators found room for $1.35 trillion in tax cuts over 11 years, yet they decline to guarantee that $0.008 trillion (or $8 billion) will be available next year to fund the education increases that passed the Senate last month in Senator HARKIN's amendment. Their priorities are clear, and education is not among them, no matter what they say about education here on the floor.

The Nation can afford both tax cuts for everyone and real education improvements. But we can't afford education reform and the massive tax cuts for the wealthy that Republicans seek. The tax cut that budget negotiators appear set to adopt would allocate over $400 billion of the current budget surplus to the wealthiest 1% of Americans—those with average incomes of $1.1 million per year—yet it provides only about 21 billion dollars to improve education over the next 10 years.

Last month, Senator HARKIN won a Senate vote to shift $250 billion from tax cuts to education investments, still leaving over a trillion dollars on the table for tax cuts. Senator HARKIN's effort put the Senate firmly on record in support of education investments over the most extravagant of the tax cuts.

Republicans shut Democrats out of the conference on the budget, and then apparently disregarded the Harkin education amendment. They increased the size of the tax cut over the Senate level, and they vastly decreased education spending below the Senate level. The unfortunate result that Republicans now call a "compromise" is a compromise only in the sense that it compromises the futures of America's school children.

The Republican decision to ignore the Harkin amendment will have very real and immediate consequences for America's school children and their parents:

350,000 fewer students in disadvantaged school districts aided under title I;

115,000 fewer safe, educational after-school opportunities for youth;

100,000 fewer teachers improved through access to training and mentoring;

50,000 fewer children in Head Start;

16,000 fewer teachers to reduce class sizes in the critical earlier school years;

100 fewer crumbling and unsafe schools repaired; and

continued delinquency on the Federal Government's promise to help children with disabilities access a quality education under IDEA.

These are just the consequences for the next school year. Over the next decade, the consequences of ignoring the vote on Senator HARKIN's education amendment will guarantee that we will fall further and further behind on the work before us, including:

19,000,000 fewer title I-aided classroom slots that dramatically improve the quality of education available to students in disadvantaged districts;

7,000,000 fewer safe and educational after-school opportunities for youth;

2,750,000 fewer children in Head Start;

2,000,000 fewer opportunities for teachers to build skills by training and mentioning;

50,000 fewer teachers every year reducing class sizes in the critical early grades; and

2,000 fewer crumbling and unsafe schools repaired.

Many of us on the Democratic side of the aisle point out that if we can't or won't do the work before us in one year, we must at least make a commitment to finish the work in a specific number of years. The key example is our goal of full funding for title I within the next 4 years.

The Republican response on this point is noteworthy. They say it's impossible to commit to funding levels for specific education programs in any year except next year. But that's clearly not their position on taxes. They're proud to say just how much they'll cut inheritance taxes for the wealthiest 1% every year, all the way to 2011.

The policy changes that we enact during this ESEA reauthorization debate will make no practical difference for children if massive tax cuts leave nothing but crumbs for education.

The bottom line for the budget now nearing completion is that it squanders an historic opportunity to improve America's education system in favor of tax breaks that only the wealthy will ever notice. It is a disgrace, and it reduces all of the education speeches we've heard from our Republican friends to empty platitudes. I will vote against this anti-education budget and I urge my colleagues to reject it as well.

If the budget we will be debating in just a few hours had not eliminated the Harkin amendment, the children of the country would have received a major boost. You cannot educate children on the cheap. You can't do it with a tin cup budget. We know what works and what doesn't.

The education proposal we are endorsing today is a framework, but without resources, it will not be successful. If you just have resources without reform, you jeopardize success. But if you have reform, given the current unmet needs, you guarantee failure. What we are challenging this President and this administration to do is to provide the necessary resources.

This Senate went on record in a bipartisan way to say: These are the types of resources we believe are necessary for the children of this country over the next 10 years. The Budget Committee eliminated those. It was wrong. We want the President to speak up. We want him to say, at least in the area of Elementary and Secondary Education, and in particular in title I, we want to have the funding that is necessary to support the policies that we both agreed to place in this legislation, so that the benefit of the supplementary services and other protections will be available to these children. Otherwise, the words about reaching every child in this country within 10 years is a cliche. It is a shibboleth.

That will be the crux of the debate over the next 2 weeks in the Senate. We will be debating issues of policy, but make no mistake about it, we will be debating the issue of need, of investment, of the type of future we are going to have in this country. That is what this is all about. Our children are the future. We know the results. If you have children who don't learn algebra by the eighth grade, they're much less likely to go to college. That is a fact. Any educator will tell us that.

When 80 percent of eighth graders lack trained math teachers, we can see what is compromised in terms of the children of this country. At a time when we need their talents, their involvement, and their help in leading the United States in the world community, we fail to provide them the resources they need to build a strong educational foundation. That is what this debate over funding is about. It is about our future.

We know what is out there. Twenty percent of the children in the United States live in poverty; 10 million children are eligible for title I services. We are only reaching a third of them. So if we are going to give life and meaning to "leave no child behind," we ought to be out front finding ways to reach all of them, not skimping on the 10 million children who are eligible under this legislation, and who look to us for help.

We on this side of the aisle, without exception, believe we ought to fund the title I program fully and reach all 10 million children. We challenge our fellow Senators on the other side of the aisle to join with us and ensure that the promise and the pledge of this legislation will be a reality, not empty words. The only way this is going to happen is through a serious commitment to funding.

Nothing concerns me more than the reported absence of the Harkin amendment from the final budget agreement. I don't know where it went. I can remember—maybe others can speak to it—when we were briefed by our Democratic budgeteers about how the budget conference came together. They were not allowed to take part in any of the decisionmaking process. I asked them: Whatever happened to the Harkin amendment? They said: You have to look through the numbers and try to find it, but Republicans haven't released the numbers yet. We went over and talked to the staff.

Whatever happened to the Harkin amendment? We still want to know. When Senators are explaining the budget this afternoon, I hope they will tell us what happened to it because you can't find it. It is not there. It is not here; it is not there. It has just disappeared.

The need has not disappeared. The need for those Head Start Programs has not disappeared. The need for the supplementary services on title I has not disappeared. The need to do something about better trained teachers and assisting professional development remains today as it existed on the day the Senate passed the Harkin amendment. Those schools that are crumbling; they haven't disappeared. The vote on Senator HARKIN's amendment, and the significance of the vote, after a very full and complete debate, has not disappeared. It is still there in the history books.

What has disappeared somewhere is the commitment of the Congress to take action and reflect our Nation's priorities in the budget. We're fortunate to have the resources to say, "All right, we are going to have a tax cut, but we are not going to do it at the expense of the children of this country." But that is what evidently has happened. That is the regrettable choice made by the GOP.

I yield the floor.

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KENNEDY. Mr. President, will the Senator withhold.

Mr. JEFFORDS. I certainly withhold.

Mr. KENNEDY. Mr. President, we generally try to follow a format here, where the Members file their amendments, and then those who were the principal sponsors speak to them, and those others who are in support or in opposition get an opportunity to address it. I welcome the opportunity to do so.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I understand a number of colleagues are on their way to the floor to lay down amendments. However, I thought this might be a chance to speak for a short period of time about the substitute amendment that was laid down by Senator JEFFORDS but is the result of negotiations among a number of Members of this body and the administration that is presently under consideration.

As we consider the substitute, first of all, I give credit where credit is due. First, I will give credit where it is due to my colleagues from both parties and then raise questions about the result of these negotiations that we will consider in this substitute.

I say to Senator KENNEDY, in particular, how aware I am of the yeoman's work that he and his staff have done to modify some of the most troubling aspects of the issues that were under consideration, especially the block-grant proposal that has been known as Straight A's. And, I know that Senator JEFFORDS and his staff have worked hard over the last few weeks as well. Other Senators have been part of those tough negotiations as well and, in particular, I commend those Senators who worked to remove some of the most troubling aspects of the parts of this amendment that were up for discussion.

This morning I just want to discuss two parts of the substitute amendment: the so-called Straight A's proposal and the proposal to allow some Title I dollars to be used for supplemental services such as tutoring.

Straight A's is going in the direction of block-granted education money to up to seven states and 25 districts. I do recognize that a number of important programs, for example, the migrant program, homeless, immigrant, Indian education, neglected or delinquent children programs, the programs focused on students with special needs, will not be consolidated. This is important and I thank my colleagues for their yeoman's work in protecting these crucial programs from consolidation. This is important because we made a national commitment that those students coming from families and communities which are most vulnerable—take, for example, homeless children or the migrant farmer worker population. We said we would not all of a sudden leave to State and local communities whether or not they make a commitment in these areas. So, again, I thank my colleagues for the work they have done to make sure that we continue with these commitments. I also appreciate that, while title I is consolidated in those states and local districts that are granted these performance agreements, tough negotiations have assured that these programs will remain targeted to the poorest children.

On the other hand, there are other additional programs, including afterschool programs and teacher quality that are block-granted here. My own view is we are going down a dangerous path. We have moved away from an important commitment. The commitment we have made is we are a national community, we are one Nation, and there are certain decisive priorities we have. Two of these are additional help for kids for afterschool programs and a national commitment to teacher training. I think this is a slippery slope. It is a huge mistake to move away from a national commitment to these priorities. I come to the floor to say this part of the agreement is not a step forward. I have some deep concerns about this move.

I know people negotiated in good faith and, as I have said, this part of the agreement is much better than any Straight A's proposal that we've seen in the past. One thing I appreciate is that if local school districts can make the case vis-a-vis a statewide education agency that has been named a block grant recipient that, as a local district, they do not want to be part of the block grant, and if they want to continue to receive money for these important national programs, they can do so. However, I also understand that the State agency will ultimately be an important player in the decision about whether a local district can opt out.

As a former community organizer, when I think of grassroots politics in any State in the country, I don't think the grassroots level stops at the Governor's level. I don't think the grassroots is the Governors, I don't think the grassroots are Senators and Representatives, I don't think they are statewide education agencies. The grassroots are at the local level.

There are decisive priorities for our Nation, no matter where a child goes to school, no matter where a teacher teaches. However, I far prefer that the designing and implementation and creativity is done at the local level. So, this Straight A's concept fails both in recognizing the national commitments and fails in encouraging truly grassroots efforts in creative implementation. The state level is not the place for the decisions about these issues to be made. So, this block-grant proposal is my first concern with the agreement.

My second concern is that in consistently failing schools, up to 15 percent of the title I program dollars may be given to the parents of children in those schools for supplemental services such as tutoring. Now, this basic concept of providing parents with funds to pay for supplemental services is not one that I fundamentally object to. Because it promotes those students finding success in public schools, it is significantly different from a vouchers plan in which we promote students leaving public schools. And, once again, I recognize that my Democratic colleagues and their staffs involved in the negotiations did good work to build in a number of safeguards into this program. However, despite my basic support for the concept, I do have problems with this particular scheme for providing supplemental services.

My main point is that I don't really understand why we are going to take some money out of the title I program, which is already severely underfunded at the 30 percent level, to provide additional help for kids in other settings, vis-a-vis tutoring done somewhere else, even outside the public school system.

This perhaps is where I register my strongest dissent from the direction we are going at the moment. We don't yet have a final agreement on whether or not there is going to be a real investment of resources to back this bill up. As a result, we now find ourselves getting into a situation where we are actually going to be taking money away from the title I program, which is the program that is there for disadvantaged children. That doesn't make a whole lot of sense to me. There are other more specific concerns that I have with this proposal as well, but it is the taking funds out of disadvantaged schools when we should be focused investing more in these schools that is my fundamental problem here.

Finally, there are some important civil rights issues and questions that have been raised with the supplemental services program and with the afterschool program as it has been revised in this agreement. They both allow public funds to ultimately go to religious providers of these services. I am someone who has supported that basic idea that religious groups can play a key role in helping to solve social ills. And, I have seen the ways in which the religious communities can make a lot of very good things happen. But if we are going to put money in this direction, we ought to have some guarantee, some language, that says clearly that there can't be proselytizing in any of these programs funded by tax dollars. It is my understanding that such language is not in this agreement.

In addition, I certainly would not want any public dollars going to any religious organization without some type of guarantee that there would not be any kind of discrimination against any group of citizens in their hiring practices.

I actually think the religious community in many ways has done superb work. That is my view. That is what I voted for in the welfare bill. But I would raise these questions about protecting children against being proselytized to and about being sure that public dollars do not fund discrimination.

So I thought, as long as we are just at the beginning, that I would thank my colleagues for the negotiation. I thank my colleague Senator KENNEDY in particular for really being so strong and making sure we make migrant education and education for homeless children and others a national priority. That makes the block-granting portion of this agreement much stronger. I argue about some of the other programs that potentially could be block-granted. In general this is not what I think we should be doing. I think we are moving away from an important national commitment. And, as I mentioned, I think in some ways it is not decentralized enough. I think the statewide agencies will have too much control, versus the school districts, in the implementation of these programs.

Those are my comments on the substitute. Of course, I have other concerns about the base bill that really were not part of these negotiations. I will have an amendment that says we can go forward with this testing if in fact it is done the right way. So, I will ask you a number of amendments there. In addition to making sure we do testing the right way, certainly we should have a trigger amendment in this bill that says, when it comes to title I money, we must live up to our commitment so we make sure all these kids can do well before the actual implementation of testing takes place. The outcome of the vote on that amendment will be extremely important to me.

I think what we have in this compromise is an example of where we can go amiss if we are not careful. Taking money out of title I to give additional funds to kids outside the title I program doesn't make much sense when you have such a severely underfunded program.

So, these are words of dissent based upon respect for what my colleagues have tried to do. Later on, as we get into this amendment and into other amendments, I know any number of us, including Senator HARKIN who will have an important amendment on the IDEA program, will have a lot of amendments. I look forward to really being in the thick of this debate. I am hoping—maybe I will even use the word "praying"—that some of the amendments I have that I believe will prevent the abuse of testing, will prevent teachers having to teach to a standardized test, will actually encourage teachers to go into education as opposed to discouraging teachers from going into education, especially amendments that say we trigger this when we make an amendment to title I, will be accepted. I hope that we do the testing in the right way and that we make sure these children and these schools and these teachers have the resources to do well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have been discouraged at times about our Nation's willingness to deal with our fundamental educational problems.

The PRESIDING OFFICER. Excuse me, Senator.

Who yields time?

Mr. KENNEDY. I am glad to yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. I have 5 minutes?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

Mr. KENNEDY. Parliamentary inquiry: Is this the time divided earlier until noon? Is that correct?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Of that time, I only have 5 minutes?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield that time.

Mr. TORRICELLI. I thank the Senator for yielding.

Will the Senator from Vermont yield 5 minutes?

Mr. JEFFORDS. We are waiting right now for the first amendment which is in order, so I cannot yield this time.

Mrs. MURRAY. Mr. President, I do not have any objection to waiting for the Senator from New Jersey as long as I still have adequate time to offer my amendment.

Mr. JEFFORDS. All right, the Senator will have that time, and I do yield to the Senator an additional 5 minutes.

Mr. TORRICELLI. I thank the Senator from Maine, the Senator from Massachusetts, and the Senator from Vermont—indeed, the entire New England delegation—for helping me to make these remarks.

Mr. President, I have been discouraged at times about, not simply the issue of education in America but about the willingness in public policy to deal with these fundamental problems. The fact that so many Senators have given so much time, commitment, and energy to dealing with this problem is one of the most encouraging things I have seen in years. Perhaps the Nation is getting ready, in a fundamental way, to deal with our educational problems.

It is none too soon, perhaps, because we all recognize the same thing: America's educational problems point like a dagger at the heart of our national prosperity—indeed, one day even our national security. America cannot long endure with this standard of living without dealing in a major way, on a grand scale, with our persistent, almost endemic problems of education.

Indeed, there are a plethora of problems. Who would believe, under these economic and budgetary circumstances, that a great nation would allow its future leaders, the engines of its future economy, to attend classes in trailers, hallways, or gymnasiums? Mr. President, 2,400 schools need to be built in the next 2 years to relieve overcrowding and accommodate rising enrollments—2,400. In some communities with the property tax base, they may get built. In others where there is not, they will not get built. Every lost school, every child who will not meet his or her potential, is a social, economic, and even a political problem.

Our teachers, no matter how dedicated they might be, wage a battle with old textbooks and a dearth of modern technology. While we have made the Internet available to the smallest business and every government agency, only 27 percent of public school classrooms can even take advantage of this new asset of technology for learning even if they have a teacher who knows how to use it.

After years of study, we all understand that the problem of children unattended, without supervision in the afternoons is a principal reason for poor grades, dropouts from school, alcohol and drug use, and lives of crime. Indeed, violent juvenile crime triples in the hours after school.

Rising enrollments, inadequate school construction, inadequate technology, these are things that we have known and understood not for a year, not for a few years, but for a generation. Yet today we meet again to discuss these issues, recognizing that this afternoon 15 million children will arrive to empty homes or spend their afternoons on the streets when, indeed, they could have had supervision and used the time productively.

The question is not whether or not we are making insufficient progress. I believe the question is whether we are making any progress at all. The National Assessment of Educational Progress showed no improvement from 1992 to 2000 in fourth grade reading ability. Less than a third of the country's fourth graders read at a grade level that is appropriate, and the gap in reading skills between the highest performance level and that of our lowest performing students is widening.

I will recognize that during this debate, Senators will come with ideas from the left or the right. They will have radical solutions or modest solutions.

This much I believe about this debate. I hope that no Senator will come to this floor believing that anyone has a monopoly on good ideas, and that no one will come to this floor and defend the status quo because the status quo does not deserve defense.

The Bush administration enters into this debate and understandably wants to plant their own mark on educational reform. They have a right to do so. And, indeed, the administration's view is that accountability and improvement of standards in testing is part of educational reform, and that is correct.

All the money in the world will not improve American education and accountability. Reform of almost every aspect of American education is required. But as certainly as money is not the entire answer, it is certainly part of the answer.

Nine thousand schools nationwide have been identified as needing improvement. The number of low-performing schools is rising each year. Accountability of those schools will matter. It will shoulder the other problems that I mentioned. Accountability will not solve leaking roofs. Accountability alone will not bring technology to classrooms. Accountability alone will not retain good teachers.

There is a marriage of ideas of the left and the right, Democrats and Republicans.

Other aspects of the administration's plan should be supported. I have fought for years for educational savings accounts for K–12. It is time to enact them. It makes sense to bring private resources in to help with this growing national problem.

Charter schools are a tested and sometimes workable addition to the problems of public education. And they should be supported.

But as I reach across the aisle and commend the Bush administration on its ideas, I hope this much will be granted: There is no alternative to a large-scale, immediate national program of building new schools for America. One-third of America's public schools need major repairs or total replacement. There is a $322 billion backlog to build and modernize America's schools. This requires Federal resources. Local communities should not face a choice of ruinous property taxes or declining opportunities for their own children. We are the difference.

In New Jersey today we are beginning the Nation's largest school construction program with $8.6 billion for school construction. I am proud of it. It is needed. It is a good bipartisan plan, and it is impressive, unless you consider the scale of the problem. We are spending $8.6 billion. But New Jersey alone has a $22 billion need for school construction.

This year, my State saw the largest increase in enrollment in 20 years. Our fastest growing school districts need a new school constructed every 3 to 5 years.

That is why I am supporting the Harkin amendment to fund new school construction. As much as we need the Harkin amendment, we need to continue with our program of adding 100,000 new teachers.

I believe in time that the Clinton administration's greatest achievement, at least for my State of New Jersey and I believe for the country, may be the reducing of class size. Every study that has ever been conducted and every review that we have ever chartered has made clear that the greatest variable in the performance of a America's students is to reduce class size. And the goal of a national class size standard of 18 by adding 100,000 teachers, of which 30,000 are now employed, is the greatest variable and can make the greatest contribution.

I believe this marriage of ideas from Democrats and Republicans can make a real difference. I begin now by endorsing the Harkin amendment and by strongly supporting the continuation of our program of hiring new teachers.

I yield the floor. I thank my colleagues for yielding the time.

Mr. JEFFORDS. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. JEFFORDS. I yield to the Senator from Maine 20 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 359 TO AMENDMENT NO. 358

(Purpose: To improve the Read First Program)

Ms. COLLINS. Mr. President, I send an amendment to the desk as a substitute to the amendment that is before the Senate.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 359 to amendment No. 358.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, first let me start by commending the chairman of the committee, Senator JEFFORDS, and the ranking minority member, Senator KENNEDY, for their extraordinary work on this important legislation. They have shown real leadership in pulling the Senate together on what I believe may well be the most important legislation we consider this year; that is, the reauthorization of the Elementary and Secondary Education Act.

My amendment would make a series of improvements to an extremely important component of the bill, and that is Reading First. I have worked with my colleagues from both sides of the aisle as well as with the administration, the Secretary of Education, and the President to ensure that both the Early Reading First and the Reading First initiatives are truly focused on our goal of helping every child to learn to read.

We can do so much more to ensure that every child learns to read. Reading First is based on the principle that the best way to ensure that no child is left behind is to teach every child to read.

Reading First encourages States and school districts to take a preventive role when dealing with reading programs.

It would provide assistance to States and school districts to establish reading programs for students in grades kindergarten through the third grade to better ground specifically based reading research in order to ensure that every student can read at or above grade level by the end of the third grade.

It would provide assistance to States and school districts to better prepare our teachers who are on the front line and who are so important in this crusade.

It would give them professional development and other support so that teachers can identify specific reading barriers facing the students and have the tools that they need to assist their students in learning to read.

Reading experts tell us that children learn to read in many different ways. This isn't a case where one approach serves the needs of every student. Some students may need to put their fingers on their mouths when they say certain words to understand the sounds that make up those words. Others may need to clap out the syllables to understand how words are constructed.

These are examples of the kinds of teaching tools that Reading First will promote and that will assist teachers in learning.

The program would also provide assistance to States and school districts in selecting and developing diagnostic reading assessments that document whether children are learning and will also help us to assess the effectiveness of the Reading First Program.

Reading First would require us to make a real commitment. We should not require students to fail before providing assistance. And, yet, that is often what we do.

The most common intervention is placement in special education which for most children is simply not a solution. Special education services are not designed to solve a children's reading disability, and for the most part they do not. Our Early Literacy Program is well documented. Approximately 2.8 million students in the United States have been identified as having a learning disability. Of those, 90 percent have trouble reading. The good news is with proper, effective, and early intervention a learning disability can be treated, and children with reading disabilities can have the potential to achieve their full potential. The bad news is that most States do not now have the resources to establish the kinds of reading programs and early interventions that are most effective.

Reading First would address this problem. It provides a national focus on early reading intervention. It simply does not make sense to wait until the third grade to test a child's reading ability, find out that that child's reading skills are far below his or her peers', and know that the chance of that child learning to read by grade level by the end of elementary school is less than 25 percent.

By contrast, if a child is tested and receives help in kindergarten or first grade, that child has a 90- to 95-percent chance of becoming a good reader.

Since reading is researched more easily and effectively during the early years, identifying children who have problems with reading and providing them with the help they need early on is very effective.

Reading First is a comprehensive approach to promoting literacy in all 50 States. It will support the efforts of States such as Maine that have already made great strides under the Reading Excellence Act in promoting reading and literacy.

The Reading First initiative would provide $1 billion per year—that is triple our current commitment—to States and school districts to establish and enhance reading partnerships and to develop early literacy professional development programs for teachers.

We know that other than involved parents, a good teacher, with proper literacy training, is the single most important prerequisite to a student's reading success. We also know that reading is the gateway to learning other subjects and to future academic achievement. That is why it is so important that this bill make such a national commitment to reading programs.

The amendment I have proposed improves upon the Reading First section of the bill in a number of ways.

First of all, it would improve the targeting of funds so that more would be allocated to those local schools that have the most schoolchildren who are reading below grade level.

Second, it would clarify that each State's educational agency would be responsible for administering the program.

Third, it adds greater detail to the criteria that will be used to award competitive grants to States by specifying that a State must be able to demonstrate improved reading achievement in those schools that are receiving Reading First funds.

It would require the Secretary to minimize the amount of new paperwork for States that have already applied for and received a grant under the current Reading Excellence Act.

It would increase accountability by requiring States and local school districts to demonstrate improved reading achievement in schools that are receiving Reading First funds.

And it would require that, in carrying out the evaluation of this program, the Secretary assess whether it is having an impact on the identification and referral of young students to special education services under IDEA.

Let me just elaborate on this latter point. I firmly believe if we invest in early reading programs, and identify children who are having difficulty in learning reading early on, that many of those children will not need special education. The reason this is important is, once a child becomes part of special education, the chances of that child ever leaving special education are less than 5 percent.

We know that if we intervene early, 90 to 95 percent of children with learning disabilities can be helped. But if those children become part of the special education system, the chances of their leaving special education are less than 5 percent.

This is an investment that makes sense.

President Bush deserves enormous credit for placing reading at the top of our education agenda and for being willing to work with us—with Members on both sides of the aisle—to hammer out the best possible legislation.

Mr. President, I know the Senator from Rhode Island wanted 5 minutes to comment on this legislation. My statement is quite lengthy. What I would like to do is ask unanimous consent to be able to yield 5 minutes to the Senator from Rhode Island and then reclaim my time so that I can complete my statement, if that is acceptable to the managers of the bill.

Mr. JEFFORDS. Mr. President, I will keep control of time, but I am pleased to do as my colleague wishes, and I yield 5 minutes to Senator REED.

Mr. REED. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Maine for the gracious yielding of time and for offering her amendment. She has offered a very admirable and very important amendment that will increase literacy in the United States. It tracks closely President Bush's proposals for increased literacy throughout this country. In fact, it builds on the Reading Excellence Act which this body passed in 1998. I believe it is a measure that should be broadly supported.

I, too, also commend Chairman JEFFORDS and Ranking Member KENNEDY for their efforts in the committee to bring this measure to the Chamber and, again, Senator COLLINS for her excellent amendment with respect to literacy in reading. I want to use this opportunity to not only commend Senator COLLINS but also to suggest that as important as her amendment is, there is a piece I believe that could be added to make it even better. That piece is providing access to materials in school libraries.

For years I have been advocating a return to Federal support for school libraries. Back in 1965, with the original Elementary and Secondary Education Act, the Congress passed an initiative that would allow—and did allow—school libraries to purchase library materials. It was widely successful. In fact, I will suggest that my colleagues go to any school in their State—particularly those schools in rural or urban areas—go to the school library and look through the shelves. I am sure you will find books that are stamped "ESEA, 1965." You certainly will find many books with a 1966, 1967, or 1968 copyright. Sadly, that is the status of our collections in school libraries throughout this country: Many old and out-of-date books purchased originally by ESEA. We can do better and should do better.

The thrust of Senator COLLINS' amendment and the President's program is teacher technique, teaching pedagogy, and teaching instruction. But, as I said, there is another aspect; that is, having the materials available for young people to actually read.

Research clearly shows that the modern up-to-date library with new material contributes significantly and positively to student performance. The research consistently shows this. It suggests that we have to do much more in terms of not only providing new technique, new instruction, new pedagogy, we have to provide books and media for children so they can, in fact, practice what they are taught, and not only practice what they are taught but become enthused about using libraries and reading books. You cannot do that with some of the out-of-date collections we have in our school libraries today.

That is why, as soon as it is appropriate, I will suggest an additional amendment. I was tempted, momentarily, to offer a second degree to the Collins amendment, but I believe she deserves the opportunity to make her case undiluted by other proposals.

My proposal would, in fact, increase funding authorized for the President's program of reading and literacy so school libraries throughout the country could actually buy materials as part of the Reading First initiative and target these funds to the schools that are most in need, the highest poverty schools.

It would also provide districts and schools with the flexibility to use funding to meet local needs. There would be no preset list of books or materials. It would be a very local choice which they could use themselves to acquire what they need in their particular circumstances.

It would also encourage resource-sharing initiatives such as those that have been established in Ohio and Rhode Island, effectively linking all the school libraries together with public libraries and with academic libraries in higher education institutions, so that children can access, through computerized records, a vast array of material. This modern, updated approach can be another additional improvement in education throughout the United States.

Also, it would provide resources and support to train school librarians and those people who work in the libraries. Sometimes we overlook the fact that we have to have trained professionals in the library. It is not sufficient simply to have a teacher walk a class in and say, pick a book, children, and go out. It helps immeasurably if there is someone in that library who knows not only how to do research but also how to use library materials to enhance the education of all the children in that school.

This legislation I am proposing is based upon a bill I introduced along with Senators COCHRAN, KENNEDY, SNOWE, CHAFEE, DASCHLE, and others. It has been modified because, rather than being a separate stand-alone portion of the ESEA, this amendment that I will propose next week will be part of the President's initiative, part of the Reading First initiative.

It makes sense simply because we are all trying to focus in our resources and our attention. In addition, it responds to some complaints I have heard that this is not the time to embark on a new program. Let me, as a fundamental point, state that this is not a new program when it comes to school library support. In 1965, it was specifically authorized and funded under the original ESEA. In 1994, we reauthorized this particular library program. Unfortunately, it was essentially defunded in previous Congresses, and it was made part of a larger block grant. As a result, the resources have diminished significantly.

I commend the Senator from Maine. I look forward to her amendment. I ask her to consider, along with others, this improvement which I will offer at the soonest possible moment.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). Who yields time?

Mr. WELLSTONE. Will the Senator yield 30 seconds?

The PRESIDING OFFICER. The Senator from Vermont controls the time.

Mr. JEFFORDS. I yield to the Senator from Minnesota.

Mr. WELLSTONE. In the spirit of working together, I know we will have votes on these amendments. One thing I do want to get a chance to do is examine the substitute amendment. It is a huge package which just arrived recently. Before we have a vote on it, I want to get a chance to look at it so I understand it, and I want to be in touch with people in my own State. I suggest that we not vote on the substitute amendment until after Senators have had a chance to look at it.

Mr. JEFFORDS. We are allowing time for that purpose. We understand the Senator's concerns, and they will be accommodated.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is true that probably 5 or 7 percent of this has just been drafted, but 85 percent of it had been drafted and completed 4 days ago. The Senator is quite within his rights, but just for the membership, those on the committees who are interested, 85 percent of that has been in draft form. It is still a sizable amount.

Mr. REID. Will the Senator yield?

Mr. JEFFORDS. I will.

Mr. REID. I say to the Senator from Minnesota and others, we want everyone to understand the underlying substitute. They should have all the time they need to do that. In the meantime, we are constructively moving forward on the bill. The Senator from Maine has offered an amendment. The Senator from Iowa is waiting. It is my understanding you have another Senator to offer an amendment. We have Senator DODD ready to offer an amendment. We should be able to move forward on these amendments subject to the adoption of the substitute.

Mr. JEFFORDS. I thank the Senator. I agree with him. I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, now that the ranking Democrat on the HELP Committee has joined us, I once again repeat my praise of his efforts as well as those of the chairman of the committee. Senator JEFFORDS and Senator KENNEDY have done incredible work in bringing us together on this important issue, as has the Presiding Officer, the Senator from Tennessee, Mr. FRIST. I thank them for their efforts on what I believe to be such an important initiative.

To reach our goal of helping all children, of ensuring that every child knows how to read, the reading programs authorized by this bill draw on 30 years of research on reading and reading instruction. These programs will enhance our ability to help every child succeed. We know that we have a lot of work to do.

By way of background, I will share with my colleagues some of the troubling statistics about reading in this country: 20 million children are at risk for reading failure; 75 percent of children with reading difficulties who are now helped by the time they reach the age of 9 will still have poor reading skills at the end of high school. That is why early intervention is so important.

Eighty to 90 percent of children identified with learning disabilities have their primary deficits in reading and language-based processes. We know that fewer than a third of our fourth graders can read at grade level. We know that the reading scores on the national tests for reading have been flat for 30 years, and the recent release of the NAEP scores for this year would continue this flat line.

We need to do things differently. We need to increase the Federal investment. That is what this bill would do, by tripling funding for reading programs.

We also need a fresh approach. Fortunately, research provides reliable ways to determine whether children as young as age 4 are developing the necessary skills to learn to read. Early identification and effective early intervention can dramatically reduce the numbers of students who fail to learn to read.

Teachers have told me of the excitement they feel when they watch a child learn the strategies needed to crack the reading code. For some students it is a mysterious code, but teachers have proven over and over again that there are strategies and solid research that can bring techniques into the classroom to help children discover that they can, indeed, become good readers.

The ability to read unlocks the doors to all other areas of the curriculum. Children who can't read don't excel in other subject areas. In fact, nonreaders pull away from other academic subjects if they don't experience success in reading.

I find it so exciting that this country is now focused on reading. Reading is finally getting the attention, the support, and the resources it deserves. It has taken years for the importance of reading to rise to national attention. I give our President and the First Lady tremendous credit in focusing national attention on the importance of reading.

I believe we are about to take a great leap forward for this Nation toward increasing literacy. The amendment I put forth merely strengthens the provisions of the reading initiative in this important legislation. It will ensure that we have access to the information we need to determine whether this program is a success.

The bottom line: If we act swiftly and effectively to teach reading in the early grades, we will provide our children with the solid foundation they need for future academic success.

The Reading First initiative gives meaning to our commitment to leave no child behind by making certain that every child can read. This is critical because our Nation is in the midst of a monumental global change. Unlike previous generations who came of age when the United States was primarily an agricultural or manufacturing based economy, this generation coming to age now will need reading skills more than ever.

Information processing has become a required skill for so many jobs. That is why reading is so important. It is the basic building block for participating fully in our society. In this country of opportunity and promise, we owe it to our children to make sure they learn to read and learn to read well.

In closing, I thank the leaders of our committee and the National Center for Learning Disabilities, as well as the Department of Education and White House officials for working together with us to improve the Reading First initiative in this legislation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Maine for a wonderful effort in making sure this bill will succeed. I commend her on it.

I yield myself such time as I may consume for purposes of supporting the amendment.

At a time when we are sending tourists into space, cloning animals, and integrating computers into every facet of our lives, reading continues to be one of the most important skills we learn in our lifetime. In fact, in this information age, reading has never been more important.

There are two programs in this legislation that have not received as much attention as some of the other provisions. Yet, these programs may be the most important parts of the bill. Because—while reading is the gateway skill to further learning, academic achievement, and success in the world—millions of school-age children are not learning to read well enough.

Over the past two days, several Members have talked about how too many of our children are not reading well. I have some charts that display just how serious the problem is, and what an emergency it is for our county.

Chart 1 gives an overall view. It is so discouraging, I want to take a few moments to let everyone absorb the contents of it.

What we are looking at here is the reading results for fourth graders from the most recent National Assessment of Educational Progress. This is a nationally representative study carried out by the Department of Education.

The results from the assessment are divided into four categories: Below basic, basic, proficient, and advanced. The proficient level is the performance expected of students at this grade level. That is where every child in America should be.

As you can see from the bar on the far left, 68 percent of all students are reading below proficiency in the fourth grade—68 percent are below proficiency in the fourth grade. A little less than 40 percent have not attained the basic level. That means 40 percent are really seriously failing, which means they have not mastered even the rudimentary skills of reading. This is inexcusable.

I will point out some other deficiencies in our educational system. We are the only Nation of the industrialized world that does not provide education paid for by the public sector for 3- and 4-year-olds. I point that out because that percentage of 40 percent is about the percentage of those who get no help in the 3- and 4-year level. That is our country. No other industrialized nation has that kind of a record.

As you look down the different bars on the chart, you can see that this overall performance actually masks the performance of the subgroups identified in the report. For example, only 12 percent of black students in the fourth grade are reading at the proficient level.

Now I want to point out the deficiency of our Head Start Program. We will be holding hearings on that later this year. The Head Start Program is designed to give custodial care and help and nurturing to young children. There is little or no effective educational part of that program. Therefore, we have to examine what we can do and note that the only program we have that really is in the area of help really does not provide the kind of educational help that is necessary.

Also, nearly 60 percent of Hispanic children are reading below the basic level.

Let us now turn to chart 2. If we look at the next chart, we can see that poverty, which cuts across all the groups on the previous chart, predicts a great deal of the low performance. Again, we have the same problem here with respect to percentages, and we find that our Nation, unlike any other industrialized nation, does not provide help to the young children, the preschoolers.

"Eligibility for free and reduced lunch" is based on the income of a student's parents. As you can see, children living in families near or below the poverty line are much more likely to be reading at the basic or below-basic level.

Overall, these numbers have not changed over the past decade. They have not changed over the past decade. That means in the last 10 years we have seen no improvement. I serve on the Goals panel, and I have been there since it was initiated in 1990. We have not seen any significant change in the levels of education since that time, when we created the Goals panel to see whether we were improving.

One of the most noticeable changes in the data over time has been a decline in the scores for the lowest performing 10 percent. This means that those students who are furthest behind have been losing ground. That is totally inexcusable for this Nation.

What is so alarming about these statistics is that by the fourth grade, students are expected to have learned how to read well. Increasingly, they must read in order to learn about academic matter. The emphasis on teaching reading declines, and the opportunities to make up lost ground often disappear. There is clearly a relationship between the low reading scores for these groups of students, their low academic achievement in later grades, and the high rate of dropping out of school.

I can point to another study done by the Glenn Commission and also the stories we have with respect to improving in math. Even though our children, somehow, are average with respect to industrialized nations in the fourth grade in math, from that point, they slip down until they are last in the world by the time they graduate from high school. That is one of the most serious problems from which our Nation suffers. Again, it gets back to the basics of reading as well as, of course, understanding math.

Of course, it should be no surprise that these students, when they leave school, become adults with low levels of literacy. For example, in 1993 the National Adult Literacy Survey found that 20 percent of all adults—or more than 40 million Americans—scored at the lowest level of literacy on the assessment.

Finally, to bring this full circle, a recent report from the Department of Education, "The Kindergarten Year," found that the children of parents with less high school education arrived at kindergarten with far fewer language and literacy skills than their peers who had better educated parents. In fact, when these children left kindergarten, they scored lower on these skills than when their higher performing peers entered kindergarten.

This is the current situation:

Some young children fall behind their peers before they even enter school; schools improve most students' reading skills, but they do not close the gap; these students are much more likely to fail in school and, even worse, to drop out later on; children of parents who themselves had difficulty learning to read, and who did poorly in school, are more likely to have reading difficulties.

So you can see what we have is a cycle of low literacy in this country. Now you can see why I think the Reading First Program and its companion, Early Learning First, which gets down to the 3- and 4-year-olds, preschool-age children, are perhaps the most important parts of this legislation that we will be passing.

I should add that the Even Start Family Literacy Program is also being reauthorized by S. 1. It is another important piece of our national literacy effort. That is working with both the parents and the children at the same time to make sure the family becomes literate together.

I commend the President for his leadership in proposing these reading programs and asking for funds to make them a reality. He provided similar leadership on this issue as Governor of Texas, with good results in Texas. I praise the President for bringing that experience to this body so that all of the country may share from it.

I also want to mention our First Lady, Laura Bush, who I know is also very interested. I have been with her at times when she has demonstrated that. She is deeply involved in the reading issue. She provided leadership on reading and literacy as the first lady of Texas and has taken special interest in the development of language and literacy skills in preschool-age children, as reflected in the Early Reading First initiative.

I believe very strongly that the only way we can close the gap between better performing and lower performing children in our own country and between American students and those in other industrialized nations is to:

Provide more opportunities for learning in the preschool years; second, improve instruction in our schools and give adults an opportunity to improve their own literacy skills.

I hope my colleagues will support these important programs—Reading First, Early Reading First, and Even Start Programs—in the overall legislation we are considering today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I congratulate my friend and colleague from

Maine for an excellent statement and for her amendment. I am in strong support of her amendment. I spoke to her briefly yesterday about authorizing the Early Reading First Program at $75 million which complements the Reading First initiative by supporting effective approaches for improving the early language literacy skills of children age 3 to 5, and under the program, 4-year competitive grants may be awarded to school districts and nonprofit organization consortia, such as organizations that serve preschool children.

Her amendment is not only building on the Reading Excellence Act, and not only provides funds for children in the early grades, but also for the preschool children. That is an area of opportunity and need as well.

I am hopeful we will, over a period of time, build on that program.

I thank the chairman of our committee. No one knows this issue better than Senator JEFFORDS. He is the founder of the Everyone Wins Program in Washington, DC, and he is constantly urging Republicans and Democrats to join him in reading to a child at the Brent School. He and I shared that experience on Tuesday. I welcome that opportunity.

I know when he speaks about reading and the importance of reading, it is a deeply held belief and one that is rooted in his soul because he lives those words very effectively. It has been a great opportunity. I have enjoyed participating with him in that program, and I know a number of our colleagues do as well.

Anyone who has any question in their mind about the importance of developing effective programs in reading, if they would spend a few hours—just an hour, actually, a week—they would be the most enthusiastic supporter of this program. It will have an enormous impact on the children. Most important, it will enhance their ability to learn. It will excite them about learning. It will give them countless joy in the future. It is a wonderful undertaking. The expansion of this program, which started a few years ago, will be enormously important. I look forward to working with Senator COLLINS in giving additional focus and life to the earlier interventions for children because that is of major importance.

Finally, we have heard a great deal about what title I has not done over the years. For the benefit of the membership, this chart is NAEP reading scores over the past 25 years. These are the constant scores for the same test. If you look at this chart from 1971 to 1999, you will see there has been a very modest increase in 13-year-olds over that period of time. There has been a very modest increase among black teenagers and Hispanic teenagers. There has been a very modest reduction in the difference between the races, which is encouraging.

It is interesting to note, if you look over what was happening to children during this period of time with increased poverty, an increased number of immigrant children, non-English-speaking children, that is also an indicator and has a significant impact on these numbers.

One can see looking at this chart that there is a gradual improvement for all 13-year-olds over that period of time.

The next chart is NAEP reading scores for 9-year-olds over the past 25 years. We see the same: a very modest increase for 9-year-olds and somewhat a closing of the gap among the other children as well, although it has been very modest.

The next chart is in the area of math. The significance of these charts show, if one goes from 1973 to 1999, for 13-year-olds, the line is moving in a positive direction. That is a hopeful sign. These are NAEP scores. If one looks at the black children, we see the gap, which was 46 points in 1973, has been reduced to 32 points in 1999 which is a very sizable reduction. There have been some rather important gains made in math.

Another chart, again the NAEP tests, the 1990 trends in academic progress, shows the gap closing in math for 13-year-olds. It was a 35-point gap in 1973, and it is down to 24 points. Again, those lines are moving in a positive direction.

This chart is the older children, 17-year-olds, and one will see a 52-point gap in 1971 down to a 29-point gap.

The point is we have a long way to go, but we have made some important progress.

The other important point about these charts is the schools that made the greatest difference had both reform and resources. That is why we come back to the basic point that is underlying this bill and why we have been able to fashion a very good, effective bill. In a number of ways, if I had been drafting it, I would have drafted it differently.

This is a very important bill, but it needs the resources to give these trend lines a real boost in the future. That is what we want. We want reform and resources. We are talking about investments in children, investments in the futures of children. Children are the future. We need those kinds of investments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I will suggest the absence of a quorum and ask that the time be equally charged.

Mr. JEFFORDS. I have no objection.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, under Senator KENNEDY's time—actually, under Senator HARKIN's time—I yield to the Senator from Michigan 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I first thank my colleagues on both sides of the aisle who are working so hard on this important issue of education: the chairman of the committee, Senator JEFFORDS, who is providing such important leadership; the ranking member, Senator KENNEDY. I congratulate him and all of the Members who are so deeply involved in focusing on what I believe is the most critical issue facing us in the future, not only of our children as it relates to their opportunities to succeed but to our economy as well.

We have all heard—as a member of the Senate Budget Committee, I heard time and time again in hearings—that we have an increased labor productivity that is driving this economy. The basis of that increased labor activity is an educated workforce. So the debate in front of us is critical.

I rise today in anticipation of an amendment that will be introduced later that I will be cosponsoring. It relates to an important part of providing resources and keeping the Federal Government's promise that was made 25 years ago concerning funding for special education for all of our local communities.

We have many educational priorities. But as I have met with the leaders and parents in communities all across Michigan, they have said to me time and time again, if you just did one thing, if you just kept your promise to fully fund your portion of special education, it would free up dollars for us to serve the other needs of children in schools.

This is critical in Michigan. We have had numerous court suits that relate to the State portion of special education. The lack of Federal support has caused a tremendous battle in Michigan over the resources for special education.

We have the opportunity now, in the context of debating the budget and the vision for the next 10 years and in the context of this important education bill, to set it right. I hear over and over again from superintendents and teachers and parents: If we are talking about economic good times, if we are talking about budget surpluses, why can't you keep your promises? This is an incredibly important promise to our children and to our communities. It needs to be kept. We are nowhere near meeting the commitment that was made 25 years ago.

Let me give an example. I should say I have been deeply involved over the years in the issue of advocating for our children in special education. In Michigan, the cost for the 1999–2000 school year was $1.2 billion for special education alone.

The Federal Government is supposed to provide 40 percent of that. But instead the Federal Government's contribution to Michigan schools was $120 million. I am pretty good at math. I know that $120 million is not 40 percent of $1.2 billion.

Unfortunately, the State has tried to make up part of those dollars. Local communities in Michigan have shifted over $420 million into special education that is supposed to be available for other critical needs in the schools: lowering class sizes for all children, putting more technology in the classroom, upgrading our math and science capabilities, and some issues that need to be addressed.

We have taken a large amount of resources in Michigan away from those needs in order to address the very important need of special education, one that the Federal Government agreed to help fund and has not yet kept its commitment.

Nationally, the Federal Government provides less than 15 percent of its commitment to IDEA, which is our special education funding. We are supposed to be providing 40 percent. We are yet to hit 15 percent.

We can do something about it right now. We have it within our means. I am urging my colleagues to do that.

I would like to share a couple of letters from parents, one from a teacher in Michigan, concerning this issue that has profoundly impacted the children and the families and the schools in Michigan.

Richard Spring from Manchester, MI, working in the Webberville School District, an important school district outside of Lansing in mid Michigan, wrote to me saying:

> In small rural school districts, like the one where I work, the high cost that is incurred by the school district for special education makes it impossible to do a lot of the other things that we know are critical to providing adequate services to all students. For some kids, who don't necessarily qualify for special education, the impact is especially dramatic. For example, many students are on the "borderline" in school—they are a year or so behind where they should be for their age. Perhaps they were held back one year. These children do not qualify for special education in our district and there is no extra funding to provide services to help these students who clearly are struggling. This is because the district must carry such a high burden of the special education costs.
>
> Around the time these marginal children reach middle school, they are no longer able to "just get by" in school without any additional services. Often, these students are so frustrated with school that they are diagnosed as emotionally impaired. These are the children whose behavior becomes so disruptive that it interferes with other children's opportunities to learn and a teacher's ability to teach.
>
> This problem could be easily prevented if the federal government met its commitment of 40% funding for IDEA. This would free up the critical dollars that school districts need to provide other services, like assistance to students who are on the borderline. Even something as simple as summer school could make a difference in these children's lives. But the cost of special education is so high, that my school district has not been able to offer summer school in the seven years that I have been there.

I very much appreciate Richard Spring's letter to me, and I think he speaks very well to the struggles that are going on in our schools trying to meet the important needs of children and not having the Federal Government coming forward with its promise. We are great at mandating. We are great at laying out what ought to be done providing rules and regulations, and even when they are important and ones that I agree with completely. If we do not keep our commitment on resources, we are not keeping our commitment to children.

I also would like to read one other letter from a parent who wrote:

> I am writing as a parent of a child with special needs. My son Paul is 11 years old. He needs an aide at school to keep him on track, organize his school work and home work and to interpret non-verbal information. He is a very intelligent, sweet, easy-going child and this makes him one of the many who could fall through the cracks if special education funding is not improved.
>
> The combination of growing enrollment and teacher shortages is putting a strain on our communities to provide quality education for our children. Our district . . . is especially struggling because of its high percentage of autistic students its very high percentage of severely afflicted children.
>
> The need for federal education funding is greater now than ever before. I see how the special education teachers are overwhelmed with work loads because we can't afford to hire new teachers. Our special education budget is upwards of $500,000 in the hole for next year. All of our students are affected when we cannot provide services to our special needs children. Without appropriate funding, we must pull funds from other areas of our budget. Programs are being cut and education, as a whole, suffers. . . . Please vote and fight to fully fund the Individuals with Disabilities Education Act and make its funding mandatory.

Mr. President, I could not say that better myself.

Again, this is the time for all of us on both sides of the aisle who care deeply about the future of our country and deeply about the future of our children and families to take this unique time in history and keep our commitment because the resources are now there to do so.

I ask, if we do not pass today an amendment to fully fund special education, when will we? When will we have the opportunity again for our country to be able to step up and take a small portion of resources that are currently in hand and keep our commitment to the children and families of this country? Now is the time. We need to keep that commitment to special education.

I yield the floor. I thank my colleague.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from New Mexico, Mr. BINGAMAN, be allowed to speak as if in morning business for 10 minutes and that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague from Nevada very much for that courtesy.

(The remarks of Mr. BINGAMAN are located in today's RECORD under "Morning Business".)

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. EDWARDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, the debate we are having this week and next week on education reform in this country may be the most important debate we have in the Senate this year. Education is probably the most important thing we do as a government. We have the best military, the best economy, and the best technology in the world. There is absolutely no reason that we should not have the best public schools in the world. We are the leader in so many other areas, and we should be the leader also in this area.

Whether you are talking to teachers, students, school administrators, or parents, you hear the same thing everywhere you go. I have townhall meetings in North Carolina regularly. I visit schools there regularly. You hear the same things every single place. No. 1, everyone wants to make sure that every school is a high-performing school. In other words, there is no excuse for there being a single low-performing school in America.

Second, we need fine, quality teachers, and we need to pay them well and keep them.

Third, we need to make sure that the performance of every single student in America is improved. That is what this education debate is about.

We should make this decade the education decade in America. My home State of North Carolina has served as a model for many of the reforms that have been debated. A few weeks ago, the Secretary of Education, Secretary Paige, came and told the committee that many of the ideas that this administration has proposed are, in fact, modeled after work that has been done in North Carolina. A centerpiece of that reform effort was a sustained effort at identifying those schools that are not performing and taking all the steps necessary to make sure those schools are turned around.

I am very pleased that we were able to insert in this bill, with the help of my colleagues, a specific provision, a proposal, a system that we have used in North Carolina to turn around low-performing schools. The concept is very simple, but it is very effective. Once the measurement and the testing has occurred and we identify a school that is low performing, we gather what is called a special assistance team, a team that exists for the purpose of going into low-performing schools to turn the schools around. It is comprised of educators, experts in the field, and people who know, based on their own education and experience, how to turn around a low-performing school. Those special assistants go into the school and do what is necessary to turn it around. They evaluate the academics of the school; they evaluate the personnel at the school; they make recommendations about changes that need to be made to restore educational quality at the school.

Again, it sounds like a simple idea. You figure out a school is low performing and you send in a group of experts to turn the school around. It is a simple idea, but it works. It has worked in North Carolina. Since 1997, we have identified 33 schools as low performing. Into those schools we have sent these special assistance teams; their job it is to turn the school around. Since 1997, 29 of the 33 schools identified as low performing have now been turned around.

Now, there are, obviously, many things that have contributed to these schools being turned around, including a lot of work done in the local community. But these special assistance teams have played a pivotal role in turning these schools around. Their contribution is important. What we have been able to do, with the help of my colleagues on the HELP Committee, and with the able leadership of both the chairman and the ranking member, Senator KENNEDY, is to incorporate into this bill exactly at a national level what has been working in North Carolina.

There has been a lot of talk in Washington and nationally about reform. Reform is important. I support it—measurement, accountability, identification of schools that are low performing, and doing what is necessary to turn those schools around. That is the system. It is the system we helped start in North Carolina, and our North Carolina system has served as a model for what we are talking about nationally.

The problem, though, is tough accountability, tough reform will not work ultimately in many school districts unless the resources are available to turn those schools around. In poor school districts, once you go in and identify a school that is low performing, you test and measure, all of which are a good idea, and so is real accountability.

The problem is, if the special assistance team makes a recommendation, if the school does not have the resources to do what is recommended, it is impossible to turn those schools around. It gets to be a very simple proposition: You identify a low-performing school, and you send in the experts to tell them what needs to be done. But in order to change things, many times resources are needed because in these poor school districts all over America, they simply do not have the resources to do what needs to be done.

Without the resources, what you have is Washington, DC, telling people in local communities what needs to be done in their schools without giving them any help in meeting the standards that are being established. It is an unfunded Federal mandate out of Washington. It is the Washington people telling local people what they have to do and then not providing any help to do it.

North Carolina is a perfect example of how critical this is. In North Carolina, we implemented very tough measurement, tough testing, tough accountability. We identified these schools that were low performing and went in and intensely made an effort to turn them around. The critical component of that, though, was once those schools in North Carolina were identified, we made sure the resources were there to actually turn the school around.

That is why this debate over the course of the next 2 weeks is so critical because what has worked in North Carolina will work nationally. There is no excuse for us having a single, not one, low-performing school in this country. But the only way to get there is once we have done the testing, once we have done the measurement, once we have identified the schools that are not performing, the resources have to be available to turn around those schools. That is what we did in North Carolina. It worked. That is what we should be doing at the national level. It is what we are going to be talking about over the course of the next 2 weeks.

The budget debate, which is also ongoing in this Senate and will be ongoing over the course of the next several months——.

Mr. KENNEDY. Will the Senator yield?

Mr. EDWARDS. Yes.

Mr. KENNEDY. We will be voting this afternoon on the Republican budget. We will be able to debate that under the time limitations, but it is coming back now with a little over $1.2 trillion.

The Senator, I am sure, remembers the debate we had on the Harkin amendment. This body, in a bipartisan way, gave instructions to the conference that there be $250 billion more committed to education. It is directly relevant to the matters about which the Senator has referred: To take what is working in North Carolina—and we might come back to that in a minute or two—to take those very excellent examples of how North Carolina has taken schools which were seriously behind in academic achievement and promoted those schools. I read where one or two of them are at the top in achievement.

As the Senator has pointed out, this is a blueprint we have which the Senator worked on in the committee and has been helping us fashion over the past few days.

Does the Senator agree with me that if we have this blueprint, what is going to give life to this blueprint is resources? It is about the future.

We are going to be voting on the budget proposal. The Harkin amendment had 19 million classroom slots for students. We are reaching 3 million now. There are 10 million children who qualify. If we had the Harkin amendment, we could have gotten to full funding of title I. We would have had 7 million more slots for afterschool opportunities for youth; 2,750,000 fewer children in Head Start; 2 million opportunities for teachers to build skills by training and mentoring; 50,000 more teachers every year and reducing class sizes in the critically early grades; 2,000 fewer crumbling and unsafe schools. That is what we voted for on a bipartisan basis.

We are not going to get a single one of those in the budget that comes here.

Doesn't this concern the Senator from North Carolina when we are trying to take this bill we have all worked on in a bipartisan way and believe it is a fundamental building stone of the future of this country because we are talking about our children, and 20 percent, one out of five, are living in serious poverty in this country. We are trying to at least move——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 10 more minutes. We are trying to make sure these children will not be disadvantaged in academic achievement and will be able to move ahead toward the American dream. That is what this is about.

I am wondering whether the Senator agrees with me that what was achieved in North Carolina took resources, took commitment, took a blueprint and would not have happened without the resources. With the resources, they were able to do it and what a difference it has made to those children.

Mr. EDWARDS. The answer to the Senator's question is simple. Without the resources, it would have been impossible to turn those schools around in North Carolina. It could not have been done.

I will give the Senator another example. On his list, he has 2,750,000 fewer children in Head Start. Every educator in North Carolina will tell you that a critical component of what we have done to improve the schools in North Carolina is our State program Smart Start. Without that, kids do not begin school ready to learn. They are not prepared to learn.

All these other things are very important, but this early childhood education is absolutely critical.

Another thing on Senator KENNEDY's list: Opportunities for teachers to build skills by training and mentoring. We have focused in North Carolina not only on recruiting quality teachers but continuing to train them, keeping them, increasing their pay, increasing their incentive pay when they perform well. Teacher training and compensation is absolutely crucial to make this work.

It gets to be a pretty simple proposition: No. 1, our kids need to start school ready to learn. That is what Head Start is about. That is what Start Smart is about. They need to have the best teachers possible. It does not do any good to have tough accountability, which we support strongly. We are proud of what we have done in my State in that area, but you cannot turn the schools around if they do not have the resources.

When those assistance teams come in and make recommendations, that is great, but if the recommendations cannot be followed because the resources are not there to follow them, it serves no purpose at all. That is why it is so crucial that what we voted for in the Senate in a bipartisan way to help provide funding, $250 billion for our schools in this country—there is nothing, as Senator KENNEDY well knows; he has been a champion of this for a long time—there is nothing we do that is more important than educating our young people.

Mr. KENNEDY. I thank the Senator for his response. As he knows, this $250 billion did not come back as $200, $175, $100, or $50 billion. It came back as no dollars. I hope our Republican friends are able to explain that.

I want to ask a final question of the Senator. The State of North Carolina, as I understand, is one of 12 or 13 States that uses its own money to enhance the Head Start Program. Otherwise, I imagine it would be somewhat similar to Massachusetts where about 42, 43 percent of the children are in the Head Start Program. Some of the most urban areas and some of the poorest have lower percentages than that, 35 percent.

I was listening to a story about certain areas of the South Bronx are down to 25 percent because they have not been able to get the programs developed.

The State of North Carolina has a comprehensive approach. It has Smart Start and North Carolina also has the Head Start Program from which it is getting additional resources.

As I understand the position of the Senator from North Carolina, this ought to be a continuum. We ought to have early intervention with children, help them build confidence, help them build their interests in learning, help to open up their minds a bit to the idea of working with other students, as child psychiatrists point out, helping to develop a sense of humor so they can interact with other children.

They work in those areas, and also, in their Head Start Programs in a number of the North Carolina situations, they build into those programs the development of some academic challenges that are suitable for those children as well, in an attempt to make sure that when they actually get to the schools, they can benefit.

This is a pathway. I know the Senator is committed to each step along the way, as I am. But we are finding out that even if they take this, if North Carolina does what is necessary and they arrive at these schools, at the Federal level we are only funding a third of all those children, those who will be able to get the supplementary services, the other kinds of afterschool programs, the other kinds of help and assistance these children need. Does the Senator think this is important, that we try to build on what has happened in North Carolina, to meet our commitments to those children by covering all the eligible children in North Carolina?

Mr. EDWARDS. As the Senator well knows, there is nothing we do that is more important. These things all go together. I have been in these Head Start centers; I have been in these Smart Start centers; I see the effect they have on these kids' lives. It is absolutely amazing. You get children ready. Every study that has ever been done has shown the early years are the critical years. Once you get kids ready nationally with Head Start, Smart Start in North Carolina, then when they are in school, they need to be with quality teachers, well trained, well paid, treated as the extraordinary professionals and heroes they are. And not only that, they are in classes that are small in size so they don't have too many kids in the classrooms, particularly in those early years. It is absolutely crucial.

I say to the Senator, I hope as we go forward with this debate we recognize, while we strongly support real accountability, tough measurement, identification of schools that are low performing, going into those schools and turning them around, that there are other components to this process that are critical to making them work: Early childhood education, quality teachers, the kids going to school in decent buildings and classrooms, not sitting on top of each other in classrooms, afterschool programs so the kids have a place to go where they can be safe and off the street; that is what this is about. We have an extraordinary opportunity to do great things, not only for America but for our children and the future of this country.

Mr. KENNEDY. If I could ask the Senator one more question. As I understand it, North Carolina has this Teaching Fellows Program where it recruits talented high school students into the teaching profession—those with a minimum 1100 SAT, 3.6 GPA, and in the top 10 percent of the class—with priorities given to males and minorities. The program provides $5,000 a year for 4 years to 400 outstanding North Carolina high school seniors who agree to teach for 4 years following graduation in one of North Carolina's public schools or U.S. Government schools.

This is a model program in North Carolina. The Senator has spoken to it. Has he found this is a program that has helped North Carolina get the quality teachers who have made such an important difference to the children in North Carolina?

Mr. EDWARDS. This program has been extraordinarily effective. But the key to this is, it is just one step in the right direction. We need to be doing much more, much more to attract more quality students to the teaching profession, much more to hang on, retain the young people who are dedicated to teaching and want to do it for the rest of their lives. We need to make sure, No. 1, we get quality people, and, No. 2, once we get quality young men and women in the teaching profession, we keep them there with good training programs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself another 10 minutes.

There is one final area about which I would like to inquire of the Senator. I have a report here that says 36 percent of North Carolina schools report that at least one building needs extensive repair or should be replaced; 68 percent have at least one unsatisfactory environmental condition; 75 percent have crumbling roofs; 14 percent have inadequate heating; 22 percent, bad plumbing; 23 percent, poor ventilation; and 42 percent of the schools do not have sufficient power outlets and electric wiring to accommodate computers and multimedia equipment in classrooms.

You can use those figures. I think in my own State it would be higher than these. The point is, the GAO has talked about over $120 billion of needs out there in our schools. I am just wondering what the Senator from North Carolina believes. What sort of message do we send to our children if we send them to these schools in these conditions, when we have the opportunity—and, Lord only knows the resources, with a $1.6 trillion tax cut—that we are still not going to fix those schools up? What kind of message does that send either to the children of North Carolina or the children of Massachusetts who are facing these kinds of problems in schools? Should we not try to be a partner with the State and local communities, trying to help that situation? Does the Senator not believe, with me, that we are talking about these children, now, with this bill, to try to help these children to make sure the facilities they are learning in are going to be safe and secure—at least to respond to the breakdown of some of these buildings themselves?

Mr. EDWARDS. The Senator is right, we have made great strides, but I have been in elementary schools where there are no bathrooms inside the building, the roof is leaking, the floors are crumbling; they are covered up with little pieces of carpet. To get them in the lunchroom, they have to start going to lunch at 10 or 10:15 in the morning because it is so crowded, they can't get the kids through.

If you go down the road a few miles, there will be a brand new, shiny mall, new store buildings. The Senator is exactly right. What does it say to our children when they go to a new mall with beautiful buildings and the next morning they get up and go to school and the building is falling down? What does it say about what we care about, what our priorities are? This is all part of the same issue we have been talking about.

We need to do all these things, and they are all critically important, from Head Start, in my case Smart Start, to getting quality teachers, keeping them trained, retaining them in the school system, having kids in smaller classes so they can learn more, having them in buildings that are not falling apart, having afterschool programs and technology available to them—this is all critically important. There is nothing we do as a government that is more important than educating our young people. We have a remarkable opportunity here, and I hope we take advantage of it.

Mr. KENNEDY. I thank the Senator for his very helpful comments. Virtually all of us on this side of the aisle believe these investments in our children ought to receive a priority.

I ask unanimous consent to have printed in the RECORD a letter sent by 43 different groups that have historically represented children and teachers and parents in schools, many of them for 75, 85, 100 years, urging full funding for the title I programs. Again, we are reaching a third. This is in support of the full funding of the program.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the National Council of the Churches of Christ USA, where they are recommending that we have the full funding for these programs because they understand what difference it makes to the children themselves.

I also ask, to have printed in the RECORD the letter we have from the Governors that indicates if we are going to move ahead with this legislation, we should have funding for that program as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 26, 2001.

Senator EDWARD M. KENNEDY,
Ranking Member, Senate Health, Labor, Education, and Pensions Committee, Washington, DC.

DEAR SENATOR KENNEDY: As you continue your negotiations on the BEST Act (S. 1), the undersigned organizations write in strong support of your efforts to make full funding of Title I of the Elementary and Secondary Education Act (ESEA) a top funding priority.

Just as many of our groups support proposals to fully fund IDEA as a mandatory program, we also believe securing a similar and substantial increase for Title I is a critical piece of this year's ESEA reauthorization. Providing full funding for Title I is consistent with actions taken last month by the Senate HELP Committee, which unanimously approved increasing the Title I authorization level to $15 billion in FY 02—a significant increase over the $8.6 billion appropriated for FY 01.

As the cornerstone of ESEA, Title I supports instructional activities that help students in high-poverty schools meet high standards in core subjects. The program currently reaches some 10.3 million poor students nationwide, providing additional instructional time in reading and math and other activities that help students meet the same high standards set for all students.

Unfortunately, Congress has never met its obligation udner ESEA to fully serve all children identified as eligible for compensatory services under federal law. Over the last five years the average yearly increase for Title I has been only 3.6 percent. After factoring in inflation and enrollment increases, Title I has been flat funded. In addition, the Congressional Research Service estimates that, in FY 01, Congress provided local educational agencies with only one-third of the resources needed to fully serve all eligible students to help close the achievement gap.

Under existing law, school districts are eligible to receive 40 percent of their state's average per pupil expenditure (APPE) for each poor child within their jurisdiction. For FY 01, this calculation would be $2,457. However, because of the inadequate funding levels, school districts received an average of only $762 on behalf of the 10.3 million students eligible to receive Title I services in FY 00. In order to "leave no child behind"—meaning all eligible children would receive the full services Congress authorized and for which they are eligible to receive—the average yearly increase for Title I over the next four years would have to be approximately $5.24 billion a year. The cumulative Title I increase over four years (FYs 02–05) would have to be $49.93 billion.

While we fully support measuring student achievement and holding schools accountable for improving that achievement, testing and accountability alone are not sufficient. Congress also must provide resources to schools most in need to enable them to implement reforms to increase student achievement, such as supplemental instruction, after-school programs, teacher and principal training, effective and research-based-curricula, and other reforms that schools and communities determine will help students. Fully funding Title I would also provide significant additional resources to turn around low-performing schools.

Given the projections of a growing budget surplus, we hope that Congress and the Bush Administration will reach an agreement that fully funds Title I over the next four years. This increase is essential to meet the needs of America's disadvantaged students, and accelerate current efforts focused on closing the achievement gap and raising standards for all children. We also urge that this increase in Title I, as well as increase for other critical education programs including after school, teacher quality, class size, and school modernization, not come at the expense of other important programs for children, but be funded by an overall increase in domestic discretionary funding.

We appreciate your leadership on this issue and support your efforts to secure additional funding for Title I during this year's reauthorization of ESEA.

Sincerely,

American Association of School Administrators.

American Association of University Women.

American Counseling Association.

American Federation of State, County and Municipal Employees.

American Federation of Teachers.

American Jewish Committee.

Americans United for Separation of Church and State.

Association of Educational Service Agencies.

California State Superintendent of Public Instruction.

Chicago Public Schools.

Consortium for School Networking.

Council for Exceptional Children.

Council of Chief State School Officers.

Council of Great City Schools.

Hadassah, The Women's Zionist Organization of America.

Hispanic Education Coalition.

International Reading Association.

International Society for Technology in Education.

National Alliance of Black School Educators.

National Association for Bilingual Education.

National Association of Elementary School Principals.

National Association of Federal Education Program Administrators.

National Association of Secondary School Principals.

National Association of School Psychologists.

National Association of Social Workers.

National Association of State Boards of Education.

National Association of State Directors of Special Education.

National Association of State Title I Directors.

National Black Child Institute.

Natioal Council of Teachers of Mathematics.

National Education Association.

National Hispanic Leadership Agenda.

National PTA.

National Rural Education Association.

National School Boards Association.

National Science Teachers Association.

New York City Board of Education.

New York State Education Department.

People for the American Way.

School Social Work Association of America.

Union of American Hebrew Congregations.

United States Conference of Mayors.

Women of Reform Judaism.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE USA,
Federal Way, WA, February 2001.

DEAR SENATOR: As members of the National Council of Churches of Christ Committee for Public Education and Literacy we urge you to consider one of the great moral issues facing the 107th Congress—the Reauthorization of the Elementary and Secondary Education Act. As people of faith, we act in the awareness that children are a gift of God, made in God's image. The prophetic call for justice for the poor and excluded and Jesus' deep concern for "the least of these" reminds us that there are no more vulnerable persons than children in poverty. Because education is the only possible escape from poverty for millions of these children, Reauthorization of ESEA, especially of Title I, is a deeply moral issue. As you consider options in the upcoming debate, we urge you to keep several fundamental principles in mind:

Increase funding for Title I to at least $10.88 billion in FY 2002.—Full funding for all eligible children would require $24 billion, three times the current $8 billion funding. We support full funding of Title I and believe it is important to begin moving toward this target, because urban schools with concentrated family poverty need to be investing significantly more dollars to compensate for the ravages of family poverty.

Avoid punitive accountability. We believe accountability is important but it must not be accompanied by measures that further jeopardize the students who are already at risk.—While Title I has been criticized for failing to erase achievement gaps in this nation, Education Week (1/26/2000) reported that, "Title I provides less than 3 percent of the country's total expenditures for elementary and secondary education. If Title I is expected to close the achievement gap, then conditions must be placed on how states and school districts use the other 97 percent of the funds." Schools serving poor children depend on Title I funding for virtually all discretionary innovative programming, because state/local funding is inadequate and inequitably distributed across virtually all the states.

Maintain the overall objective of the federal Title I program. Resist efforts to convert Title I into block grants (Straight A's Plan or Charter States Plan) to any states.—The federal Title I program was designed in 1965 to compensate for what experts agree is the uneven and unfair funding for education at the local level due to reliance on property tax. State governments have done a poor job of compensating for disparities in local tax valuations; according to the U.S. General Accounting Office, across the country school funding in wealthy districts in 1998 averaged 24% more than in poor districts, even though residents of poor districts voted to tax themselves at higher rates.

Ensure that Title I funds continue to be targeted to the schools serving the highest percentages of very poor families, and to the poorest school districts.—Title I was designed to address the correlation of low student achievement with family poverty. A strong federal Title I program is even more important during the 2001 Reauthorization because during the past 36 years, the poor have been increasingly abandoned in the urban core as the middle class have moved to the suburbs. Declining student achievement is correlated with the isolation and concentration of families in poverty in specific districts and specific schools, and with the virtual resegregation of urban schools.

Emphatically oppose converting Title I funds into "portable" vouchers of any kind.—Thank you for your attention to Title I, our nation's strongest effort historically to ensure that no child will be left behind.

JAN RESSEGER,
United Church of Christ.
DAVE BROWN,
Presbyterians USA, Committee Staff.

REFORM WITHOUT RESOURCES WON'T PRODUCE RESULTS

EDUCATION LEADERS URGE SENATE TO NOT SQUANDER OPPORTUNITY INVEST IN KIDS AND EDUCATION

WASHINGTON, DC.—Education and civil rights advocates joined forces to urge the Senate to continue the fight for adequate education funding and not squander the opportunity to improve public education for all children. Following is a joint statement from the 16 groups:

"Reform without White House support for resources, won't produce results. There is no single piece of legislation that is more critical to our nation's children than the Elementary and Secondary Education Reauthorization Act—now is the time for the Administration and Senate to walk the talk of the 'no child left behind' campaign promise.

"Despite White House and Senate pledges of support for public education, accountability, programs that boost student achievement and basic civil rights are all in jeopardy in both the President's budget and a negotiated package under discussion in the Senate. Funding levels, civil rights protections, no vouchers, teacher quality, school repair and class size reduction must be resolved before we can support the Elementary and Secondary Education Reauthorization Act.

"Those children who need the most help are getting the least support under President Bush's budget. For example, under the Administration's plan, Title I would only fully serve one-third of eligible children in low-income districts. In contrast, the Senate bill approved in committee would double the number of children currently served and provide more than $500 million in additional funding to turn around low-performing schools.

"Glaring funding disparities between the Senate and White House proposals exist in the most critical education programs. The Senate authorizes a much-needed increase in education funding of $10 billion. Despite insistence that education is the number one priority of the new President, the Administration's budget provides only $669 million in increases for public education funding.

"Finally, we insist on strong legislative protections in the ESEA bill that would ensure that federally-funded after school programs abide by current civil rights laws. Friends of education and civil rights could never agree to a plan that would use taxpayer dollars to subsidize discrimination in any way. This is just simply unacceptable. The Senate is the only thing that stands in the way of this injustice—on behalf of America's children, we ask our nation's Senators to stand firm and complete an ESEA package that protects our children's civil rights and provides adequate resources to truly 'leave no child behind.'"

—National Education Association, American Association of School Administrators, League of United Latin American Citizens, Leadership Conference on Civil Rights, International Reading Association, American Association of University Women, National Council of LaRaza, National School Boards Association, National Association of Elementary School Principals, National Association of Secondary School Principals, National Parent Teacher Association, American Federation of Teachers, Council of Chief State School Officers, National Urban League, The National Association for Bilingual Education, People for the American Way.

NATIONAL GOVERNORS ASSOCIATION,
April 13, 2001.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

Hon. JAMES M. JEFFORDS,
Chairman, Senate Health, Education, Labor, and Pensions Committee, Hart Senate Office Building, Washington, DC.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate,
The Capitol, Washington, DC.

Hon. EDWARD M. KENNEDY,
Ranking Member, Senate Health, Education, Labor, and Pensions Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LOTT, SENATOR DASCHLE, SENATOR JEFFORDS, AND SENATOR KENNEDY: The nation's Governors call for full reauthorization of the Elementary and Secondary Education Act (ESEA) and support efforts by Congress and the Administration to see this important legislation enacted into law in the coming year. The Governors' priorities in this reauthorization are outlined below.

The overall structure of the major ESEA reauthorization bills currently being debated is to provide funding to state and local education entities but to hold states accountable for performance. For this structure to work effectively, there are four key areas of interest to the nation's Governors.

It is critical that the federal government not create new accountability systems, but utilize the existing systems in states. Any system of bonuses and sanctions should be based on state performance over time as indicated by the existing state accountability system.

It is important that new testing requirements are workable and build on the state's current testing system. What is critical is that every child in grades 3 through 8 be tested, not who administers the test.

The federal government should insist on a strong policy consensus in each state on how ESEA is implemented. This means that it should require both the overall plans as well as major funding allocations to be jointly signed by both the chief state school officer and the Governor.

There needs to be adequate funding of new accountability provisions, including full funding for the new testing requirements. This means a yearly appropriation for developing and implementing new state testing requirements as well as a yearly appropriation to cover the National Assessment of Educational Progress (NAEP) test.

Key issues for the Governors include the following:

GOVERNANCE

Elementary and secondary education policy is broadly defined in state constitutions, specified in state statutes, and implemented by school districts. Current federal education programs bypass the authority of the Governors to determine education policy for these programs by sending the funds directly to the state education agencies. Coordination of state and federal funds allows states to fully leverage education benefits to meet state reform and accountability goals. Therefore, the state education agency and the Governor should jointly sign all state education plans submitted to the federal government.

TESTING

Governors support the annual assessment of students in reading and math in grades 3 through 8 and believe that a combination of state and local testing satisfies federal assessments requirements. The Secretary of the U.S. Department of Education should have the authority to approve a state's assessment plan as being in compliance with any new federal requirement for annual student assessment if the plan meets the goals of federal accountability policy. In addition, Governors strongly support the use of accountability measures but these measures must be determined at the state level. Therefore, federal rewards and sanctions in any particular state should not be based solely on NAEP results but should rely on the state's own accountability system and should be shared between state and local education agencies.

FUNDING

In exchange for higher accountability for student progress, the federal government must provide additional financial support to states. The Governors support an annual flow of funding of several hundred million dollars to be used to assist low performing schools at state discretion and believe that no more than 50 percent should be required to be passed through to local education agencies. Both the chief state school officer and the Governor should jointly determine how these funds are spent.

Recognizing that development and administration of state assessment systems and the NAEP create a financial burden on states, local education agencies, and schools, Governors believe the responsibility for funding any additional federal testing requirements in all states should fall on the federal government. Although federal mandates may reflect well-intentioned policy goals, they often impose unfunded cost and regulatory burdens on states. Federal action increasingly has relied on states to carry out policy initiatives without providing necessary funding to pay for these programs, thereby limiting states of their right and responsibility to set priorities and develop policies that best meet local needs.

Therefore, the federal government should appropriate two separate funding streams to assist states in financing the federal testing requirements as follows. First, a yearly minimum appropriation of $400 million should be provided that is allocated to states to cover the cost of developing and implementing the new federal testing requirements for reading and math in grades 3 through 8. Testing every child in grades 3 through 8 would require testing four additional grade levels, for approximately 14.7 million students, beyond what is required under current law. At a cost of abut $27 per pupil, the total estimated cost of assessing all students in grades 3 through 8, beyond current requirements, would be about $400 million a year. In the first few years states, regardless of size, will incur similar costs for development. However, in the subsequent years the implementation and ongoing development cost should be calculated on a per pupil basis. Second, a yearly appropriation of $165 million should be allocated to states to cover the full cost of the NAEP test and incentives for local participation. Within this amount, $55 million in federal funds should be provided to compensate and/or provide for additional inducements to facilitate state and school participation in NAEP and other National Center for Education Statistics data collections, as recommended by the National Education Goals Panel's Measuring Success Task Force, and $110 million for the administration of NAEP.

In addition, states that have already developed the assessments and standards being discussed should receive their equal share of funding and should be able to use the funding they receive under this purpose for other activities related to ensuring accountability for results in the state's schools and local education agencies.

Any new overarching federal accountability requirements for states' public schools must also include a significant new federal investment. Governors believe that strong accountability systems are essential to driving reform at the state and local levels and call on Congress to recognize the federal responsibility in funding education programs. In light of that sanctions for any new federal education program containing accountability standards should not apply if those programs are not adequately funded by the federal government. The federal government has' an obligation to fully fund education mandates on the states. Without providing states and Governors flexibility, autonomy, and adequate funding, it will be inappropriate and impossible to hold states and Governors accountable for meeting education reform goals.

PERFORMANCE PARTNERSHIP

The National Governors Association (NGA) supports giving states the option to negotiate a performance partnership with the Secretary of the U.S. Department of Education. Under this agreement, states could choose to consolidate one or more federal programs and federal funds into a single performance plan in exchange for being held to higher levels of accountability for improving student performance. If Title I funds are included in the partnership agreement, states would have to continue the targeting requirements under current law for Title I.

TEACHER QUALITY

Governors support and recognize the importance of having qualified teachers in the classroom and are undertaking efforts to address issues of teacher preparation, licensure, induction, professional development, compensation, and advancement. Through these efforts, states are making progress toward recruiting and retaining qualified teachers. A state's performance should be measured against its own progress and need for improvement, giving consideration to the efforts being made by the state to ensure a supply of qualified teachers, the supply of qualified teachers nationwide, and the circumstances of small rural schools. States should, however, retain authority to establish specific criteria for teacher licensing and alternative certification.

21ST CENTURY COMMUNITY LEARNING CENTERS

The Governors support providing students with extra learning opportunities to ensure that students can reach high standards. Extra learning opportunities provide school-age children with recreational, academic, and development opportunities that supplement the education provided during a typical school day. Research indicates that such opportunities improve the health of students and their ability to learn. Through the 21st Century Community Learning Centers program, the federal government has helped local communities create such programs. However, many states are now providing some type of extra learning opportunities for students. The federal programs run parallel to the programs that states and localities operate. In an effort to coordinate these funds and programs with the states' extra learning opportunities program. Governors believe that this program should become a state-based program.

SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

The Governors continue to place a high priority on making schools safe and nurturing environments for students. States have used federal Safe and Drug-Free Schools and Communities Act funds for diverse prevention efforts and they call for the continuation of a specific set-aside to assist Governors in implementing school safety and drug abuse prevention efforts.

IDEA

While not authorized through ESEA, we would like to take this opportunity to remind you that full funding of the Individuals with Disabilities Education Act (IDEA) has long been a priority to the nation's Governors. When the law, formerly known as the Education of the Handicapped Act, was passed in 1975, full funding was defined as 40 percent. States do not have the ability to limit their special education programs to the funding available and are committed to ensuring that every student is guaranteed a right to public education. Currently, the federal government's contribution amounts to only 15 percent and states are funding the balance to assist school districts in providing special education and related services. Although Governors strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states. Therefore, Governors urge Congress to provide consistent and stable long-term funding for the federal share of 40 percent of Part B services as authorized by IDEA.

The Governors look forward to continuing to work with Congress and the Administration in developing effective bipartisan legislation to reauthorize federal education programs. We believe that our priorities for reauthorization of ESEA can serve as a road map to developing a strong bipartisan measure. Please contact us if you have any questions, or you may call Julie Manuel of the NGA staff at 202/624-7880.

Sincerely,

Governor JIM HODGES,
State of South Carolina,
Chairman, Human Resources Committee.
Governor BOB TAFT,
State of Ohio, Vice Chairman,
Human Resources Committee.

Mr. KENNEDY. This, we think, is a very compelling case, particularly juxtaposed against what we are going to be voting on this afternoon. We find it troublesome we are not able to get the strong support from the administration for the funding.

Mr. President, how much time do I have that remains?

The PRESIDING OFFICER. The Senator has 16 minutes.

Mr. KENNEDY. Mr. President, since 1971 the Nation's schools have faced increased challenges, including higher poverty rates, an increase in children with special education needs, and steadily rising enrollment, with barely adequate resources.

Listen to this. From 1989 to 1995, the education expenditures for students grew by less than 1 percent. Between 1994 and 2000, during a time of increasing standards, rising enrollment, increased diversity in schools per pupil, expenditures rose by only 6 percent during that whole period.

From 1979 to 1998, the national child poverty rate increased by almost 15 percent. The numbers are going up, and poverty is going up in terms of the children. The poor children are becoming poorer.

We hear a great deal about what happened to these poor children. We haven't seen an enormous blossoming under the title I program when we spend about 1 or 2 cents in comparison to what is being spent by the States. We find that in most instances, cities which have the highest number of urban poor don't have the ability really to address this.

If we look at what the projections are going to be, from 2000 to the outer 90 years, we are going to double our population. We reach only a third of the children now. We ought to at least commit ourselves to reaching all of the eligible children now. If we are talking about the expanding numbers and extrapolated on that, the figures would be a good deal higher. We are just talking about trying to do what is necessary now.

From 1972 to 1998, the percentage of public school students who are a part of minority groups increased from 22 percent to 37 percent. From 1989 to 1997, the enrollment of limited-English-proficient students in our Nation's schools grew by 70 percent. During the same period, the total enrollment of students grew by 14 percent. In the year 2000, States reported more than 864,000 immigrant students enrolled in schools during this period of time.

This is what is happening. The poorer schools are expanding. There is a great deal more diversity. More languages are being spoken. In my State of Massachusetts, there are 43 different programs for different languages in the schools to try to help students.

There is the impact of the breakup of the family with all of the fallout that has on children. We see growth in substance abuse and growth of violence in our society. There has been very little done for these children.

With the fashioning and shaping of this legislation which is going to offer new opportunity and hope for these children, the principal question is, What is going to be the commitment of this body to make sure that it is going to reach the greatest number of children?

That is what we are distressed about at this time. If we are really interested in no child being left behind, we can't say we are satisfied with the funding commitment of this bill because it will only reach a third of them. If we don't reach out to the other two-thirds, this bill is effectively a cliche, a shibboleth, a slogan; it isn't real. And there has not been anyone on this floor since we have been debating or talking about this bill who has made the case that these resources are adequate to reach all of the children; they are not.

Under the proposals that on this side we support and that we are going to hear about with the amendment of Senator DODD and others, we meet the challenge as well under IDEA. Under the Bush budget, from 2001 to 2005, we will cover 4.2 million children out of the 13 million. Under our Democratic proposal, by the year 2005 we cover every child. And the $250 billion that went to the other side, if the budgeteers and if the leadership of the other side of the aisle had taken the position, would have come back in support of covering every child. But no; we are still back covering only a third. That is wrong. It is the wrong priority for this country because we are talking about the future of this Nation.

It is a mistake for the administration not to understand that we are going to continue to fight for this every step along the way until we get the funding for this program.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. KENNEDY. Yes.

Mr. DURBIN. I thank the Senator for his leadership not only today but throughout his career on the issue of education. I would like to ask the Senator if he would be kind enough to help me understand some of the elements.

When President Bush first took office, he invited a bipartisan group of Democrats and Republicans to come to the White House to talk about setting national goals for education. I thought it was a very positive conversation and dialog.

I know the Senator has been working with those on the other side of the aisle as well as the White House to come up with new ideas when we deal with education, whether it is accountability standards, testing, or improving teacher skills and the like. But I wish the Senator from Massachusetts would be kind enough to tell us how these ideas which are part of the better education for students and teachers are affected directly by the funding levels because as I listen to the Senator's discussion on the floor today, he is suggesting that the ideas may be good ideas but, if they are not funded, too few children will profit from them. If we are talking about values for American families, certainly we can't ignore two-thirds of our children and only help a third of them.

Can the Senator give us some idea whereas this lack of funding will have a direct impact on the education children receive in America?

Mr. KENNEDY. The Senator has asked the absolutely correct question. We are making the reforms in this legislation. The question is, Who is going to benefit and who is going to be left out, left behind?

This chart is a reflection of the budget where the appropriation was $3.6 billion for 2001. Under the Bush budget, there is requested $1.669 billion—a 3.5-percent increase. That was the request for this year—$3.6 billion, down to $1.669 billion.

We weren't reaching all the children. I wish we had. I wish the Democrats had done more in terms of education and the allocation of resources.

It is interesting. If you take the last 5 years of the Democratic administration, we averaged a 12.8-percent increase in education at a time when we were having the deficits in this country. Now we have the surpluses in this country and we are finding out that we are willing to request only a fraction of that. We are still only covering a third, which can bring you to only one conclusion, and that is that tax breaks for the very wealthy individuals, the 1 percent—we could take a small fraction of the tax breaks that are going to the 1 percent of this country, the top millionaires of this country. Only .008 of the tax break could fully fund title I. Imagine that. We are not even asking for 1 percent. We are not even asking for a half percent, a fraction of that. But no. No. We have to have the tax break.

I do not think that expresses the values of the American people. That is translated, I say to the Senator, into the children who are sitting there in those classrooms today—whether they are going to get the supplementary services, whether their teachers are going to get trained. Today in the classrooms across this country, in the urban areas, 80 percent of them do not have math teachers. If they do not get algebra in the eighth grade, they are never going on to college and they are never going to be a participant.

Mr. DURBIN. Will my colleague yield for a final question?

Mr. KENNEDY. Yes.

Mr. DURBIN. I see my colleague from Maryland, Senator MIKULSKI, is in the Chamber. I will be brief.

The Senator spoke about the dropout rates that face students in schools. I think we have all read the recent census data that suggests a substantial increase in the Hispanic, Latino population in America.

The dropout rate for white students in America is 7 percent. The dropout rate for African American students is 13 percent. The dropout rate for Hispanic, Latino students is 30 percent. It is higher among Latinos, Hispanic American women, than those Latino populations.

I say to the Senator from Massachusetts, how can we have this dramatic increase of people coming into this country and dramatic dropout rates in this population without terrible consequences for our Nation? Could the Senator address, in this final question, what we can do, and should do, on this dropout side that is not going to be done if we do not receive adequate funding supported by the Bush White House?

Mr. KENNEDY. The Senator is absolutely correct. Last year, there were about 450,000 to 500,000 children who dropped out. It is a challenge as to how we bring them back in. There are a number of very effective programs that are doing it, but they are dramatically underfunded. They are not prioritized either. We will welcome the opportunity to join with the Senator as this process moves forward to see what we can do to fund them.

I thank the Senator.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Maryland?

Ms. MIKULSKI. May I have 5 minutes?

Mr. KENNEDY. The Senator may have whatever time I have.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. Could I ask the Chair, then, what is the time situation?

The PRESIDING OFFICER. Senator HARKIN has 41 minutes.

Mr. KENNEDY. I see.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, yesterday I talked about the three R's that are needed in the Elementary and Secondary Education Act. If we have reform—which I am firmly in support of—plus resources, that equals results. But if we have reform minus resources, all we end up with is rhetoric.

So I believe we need to practice the three R's that give us the right results: reform, plus resources, equals the right results.

One of the ways that we can really help have reform is by really backing what we need to do to help our special needs children. We are going to be debating very shortly the expansion of the funding for something called IDEA, the Individuals with Disabilities Education Act. Some years ago, under the leadership of a former colleague, Senator Weicker, we passed legislation that said every child in the United States of America who had a special need required an individual education plan.

We gave that as a mandate to States and local school districts. We also said we would provide 40 percent of the money to help pay that bill.

In over the 20-plus years that IDEA has been in existence, we have only funded roughly 15 percent of the cost to local school districts to pay for these individual education plans for our children.

I hope that as we continue the debate on the Elementary and Secondary Education Act, and as we work on the bill, that one of our tools for really increasing the resources, without us becoming the new schoolmarms or a Federal school board, is to fund the mandate that we have given local school districts—to meet the individual educational needs of our special needs children.

Some of these services can cost as much as $75,000 a year. In my own State, the average cost to educate a special needs child is roughly 13,000 and the costs are rising steadily.

I will tell you, funding for IDEA is not about being a Democrat or a Republican. But I can tell you, everywhere in my own State—Democrats and Republicans, parents and teachers, doctors and school counselors, county executives, mayors, commissioners at the local level keep saying: Please increase the funding for the IDEA.

I believe that if we pass the Harkin/Hagel amendment, we could increase the percentage of Federal IDEA funds to school districts and by giving them greater flexibility—open up the opportunity to make sure we cross the digital divide, hire the right teachers, and reduce class size.

I do hope we have reform, plus resources, to get the results. And one of the ways to do that is to dramatically increase the funding for our special needs children. I do believe there is very strong bipartisan support to be able to do this.

I look forward to supporting that effort and trying to find a way to pass this bill in a way that we can be proud of and that the parents in America can count on, so that the children in America will believe that the Federal Government is on their side.

Mr. President, I yield the floor and any time I might have remaining.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time under the quorum call be evenly divided.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time to the Senator from Nebraska?

Mr. KENNEDY. Mr. President, I understand under the previous agreement there is time on the Harkin-Hagel amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct. Senator HARKIN has 30 minutes.

Mr. KENNEDY. Is that the total time on the amendment, just 30 minutes? I ask unanimous consent that 15 minutes of that time be given to Senator HAGEL.

The PRESIDING OFFICER. That is the total time. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

AMENDMENT NO. 360 TO AMENDMENT NO. 358

Mr. HAGEL. Mr. President, on behalf of Senator HARKIN, myself, and others, I send an amendment to the desk to the education bill to amend the Individuals with Disabilities Education Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for Mr. HARKIN, for himself, Mr. HAGEL, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 360 to amendment No. 358.

Mr. HAGEL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act)

At the end of title IX, add the following:

SEC. . HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) FINDINGS.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania (334 F. Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board of Education of the District of Columbia (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅛ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

"(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 55 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for fiscal year 2001, except where a local educational agency shows that it is meeting the requirements of this part, the local educational agency may petition the State to waive, in whole or in part, the 55 percent cap under this clause.

"(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.".

(c) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

"(1) $8,823,685,000 for fiscal year 2002;
"(2) $11,323,685,000 for fiscal year 2003;
"(3) $13,823,685,000 for fiscal year 2004;
"(4) $16,323,685,000 for fiscal year 2005;
"(5) $18,823,685,000 for fiscal year 2006;
"(6) $21,067,600,000 for fiscal year 2007;
"(7) $21,742,019,000 for fiscal year 2008;
"(8) $22,423,068,000 for fiscal year 2009;
"(9) $23,095,622,000 for fiscal year 2010; and
"(10) $23,751,456,000 for fiscal year 2011.".

Mr. HAGEL. Mr. President, the amendment we are offering today would fully fund the Federal commitment to the Individuals with Disabilities Education Act, IDEA. When Congress approved IDEA in 1975, which mandates that States provide an appropriate education to students with special needs, it pledged to provide 40 percent of the funding. Congress has repeatedly passed nonbinding resolutions supporting the full funding of this commitment. However, even with large increases in funding over the last 5 years, from $3.1 billion in 1997 to $6.3 billion in 2001, the Federal portions of the funds for IDEA has not exceeded 15 percent. This leaves State governments and local school districts to pick up the tab for this federally mandated program, taking away vital local education funds and options.

There is no question of the intent of this legislation. There was no question of the intent 25 years ago. Surely there is no question of the rightness of the intent of this program today. IDEA has proven to be a great success in ensuring all children, including those with special needs, receive a free and appropriate education across the United States.

Prior to its enactment, only 50 percent of students with disabilities were receiving an appropriate education. Today the majority of children with disabilities are receiving an education in their neighborhood schools in regular classrooms with their nondisabled peers. High school graduation rates for special needs students have increased dramatically, and students served by IDEA are employed at twice the rate of older adults who did not benefit from this program.

Congress did the right thing in passing IDEA 25 years ago. Today we are calling on Congress to again do the right thing, to fully fund the commitment Congress made to this program and to the people of this country.

It is typical in a way of some of the things we do here in Washington to mandate a program and then leave the State or the local governments to pay for it. Congress said when it passed IDEA that it would provide 40 percent of the funding, but 25 years later we are providing barely 15 percent. This amendment will fulfill that commitment we made 25 years ago and increase Federal funding for this very important and relevant program.

This amendment increases funding for IDEA in annual increments of $2.5 billion until the full 40 percent share of funding is reached in fiscal year 2007. With these annual increments the amendment provides an additional $120 billion for IDEA over 10 years. The amendment will also free up at least $28.9 billion and up to $52.5 billion in education funds for local school districts by 2007. School districts will be eligible for additional flexibility if the State certifies they are meeting the requirements of the law. Forcing them to pick up the slack for Federal funding of IDEA has caused them to take funds away from other important priorities that they, the school boards, the teachers, the principals, and the parents think are most important—not what Washington thinks is most important but what those closest to education in America think is most important.

This amendment will give local education authorities and taxpayers the ability to spend these funds as they see fit to fulfill their own education needs. They could hire more teachers, build new schools, and increase the technology in their schools. There are so many areas where they could use this funding to help our children everywhere achieve a better education. This amendment will give them the flexibility to do that.

This amendment fulfills a commitment Congress made but has never kept. It increases funding for education. It frees up money for local school districts. It gives the local school districts more flexibility and at the same time fulfills the commitment to our disabled children. It restores local control to local dollars. This amendment will help our teachers and our State and local school officials to provide the best education possible for our young people. That should be our goal.

In urging my colleagues to support our amendment, I point out it is because Senators KENNEDY, JEFFORDS, and HARKIN, and many others, both Republican and Democrat, over many years have led this effort to assure quality education for our disabled children. This amendment accomplishes what we set out to accomplish 25 years ago and more. And the "more" part of this amendment is to free up local school moneys to allow those local school districts to put that money where they believe their highest priorities are for education.

Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask unanimous consent the time not be charged against this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 360 TO AMENDMENT NO. 358, AS MODIFIED

Mr. HARKIN. Mr. President, there is an amendment at the desk in behalf of myself, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, and others. I ask unanimous consent to send a modification to of the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of title IX, add the following:

SEC. . HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) FINDINGS.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania (334 F. Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board of Education of the District of Columbia (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅕ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

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"(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.".

(c) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

"(1) $8,823,685,000 for fiscal year 2002;

"(2) $11,323,685,000 for fiscal year 2003;

"(3) $13,823,685,000 for fiscal year 2004;

"(4) $16,323,685,000 for fiscal year 2005;

"(5) $18,823,685,000 for fiscal year 2006;

"(6) not more than $21,067,600,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2007;

"(7) not more than $21,742,019,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2008;

"(8) not more than $22,423,068,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2009;

"(9) not more than $23,095,622,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2010; and

"(10) not more than $23,751,456,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011.".

Mr. HARKIN. Mr. President, first, I wish to thank my colleagues, particularly Senator HAGEL, for working so hard to come to an agreement on this important bipartisan amendment. We have had some good give and take on a lot of issues, especially on this one. I believe we have produced a proposal that is good for our future, good for our kids, and good for our taxpayers.

This amendment is really quite simple and straightforward. It says that the Federal Government is finally going to meet its full commitment which we set in 1975. In fact, I remember it well. Senator JEFFORDS, the chair of the health committee in the Senate, and I were freshmen in the House that year. Both of us were interested in education, especially in issues that dealt with people with disabilities.

In 1975, when IDEA was passed in the House and Senate, there was an agreement made by the negotiators on the understanding that this would cost our local school districts more resources in the future. The negotiators agreed that the Federal Government's goal would be to provide at least 40 percent of the average per-pupil expenditure in each local education area. There was no timeframe put on it.

So, for 25 years after 1975, we continued to put more and more money into IDEA but never getting close to fully funding it, which would have been 40 percent of the average per-pupil expenditure.

The amendment that we have at the desk says we are going to put our money where our mouth is. We are finally going to be full partners with State and local governments.

This amendment fully funds the Individuals with Disabilities Education Act. It appropriates funds for the next 10 years, gradually rising so that within 6 years we are at the level projected to equal 40 percent of the average per pupil cost.

That is what was promised. That is what this amendment will deliver, plain and simple.

Let me clarify what the amendment does not do. This amendment does not create a new entitlement program. It provides advanced appropriations for the next 10 years. That amount would be set in law. It does not create an uncontrolled tap on the Treasury, so that whatever the 40 percent costs are, we would match. If we did that, the incentive would be to shift costs from other education programs into IDEA, and the costs would then likely skyrocket. We don't want that. Our amendment does not allow for that.

As Senator HAGEL and so many of us have said so many times, this is not a partisan issue. Both sides have worked diligently over the years to ensure that children with disabilities and their families get a fair shake in life, and especially get a fair shake in our educational system.

This really is a win-win-win amendment. With this advanced appropriation, students with disabilities will get the public education they have a constitutional right to receive.

Second, school districts will be able to provide these services without cutting into their general education budgets. And in cases where all of the IDEA-eligible kids are getting the services they are entitled to, property taxpayers will get relief.

Here are some of the specifics of our amendment. First, our amendment would set in law appropriations levels for IDEA, an increase in roughly $2.35 billion increments annually over the next 6 years. Currently, the State grant program within IDEA receives $6.34 billion a year. This is about 15 percent of what we should be doing under IDEA. In other words, we want to be at 40 percent. This is only about 15 percent of that full funding.

Under our amendment, by 2007 we will meet the goal of 40 percent by appropriating just a little over $20 billion—$20 billion with a "b".

Second, our amendment strikes an appropriate balance between the needs of our students with disabilities and the needs of our State and local governments. Students will get a free and appropriate public education, and local schools will be able to deliver these services without breaking the bank of the local tax base which they have. Under our amendment, States could use 55 percent of the increased funds. That could be used for local purposes or for whatever purpose they want.

Furthermore, if a local school district can show that they are indeed meeting 100 percent of the needs of their students with disabilities, they can use 100 percent of the increase we are giving them for other purposes.

We did not want an anomaly where if a school district was, in fact, meeting all of the needs and services for students with disabilities, we would then give them all of their money and they would use this money for student disabilities when they don't have any. If they are meeting 100 percent of their needs, why should they get more money to use for that specific purpose?

Our amendment says if that is the case, and they can show that, then all of the increases that would accrue under their local State agency to a local school district they could use for other purposes. Also, our amendment provides a new measure to ensure that kids are being served appropriately.

Another section of the amendment says that the Secretary can look at a school district and, if there is clear evidence that they are not meeting 100 percent of the needs of their students with disabilities, these increases then have to go to meet that 100 percent of need.

This provides a good balance. It allows those local school districts that are doing a great job—there are a lot of them who are meeting all of the needs of kids with disabilities—they can use this money for other purposes. It provides the Secretary with the ability to go in and say, No, you are not. In certain areas where they are not meeting their constitutional requirements—and there are a lot of cases that do—they have to use these increases for that purpose.

There has been a lot of talk about Federal mandates. Every year since I have been in the Senate—that is going on 17 years now—I have come to the floor to talk about IDEA and to talk about the fact that while we should fulfill our 40 percent requirement or sort of a guarantee of 40 percent that we put out there 26 years ago, the provision of services to kids with disabilities is not a Federal mandate. It is a constitutional mandate.

Two landmark Federal district court cases—*PARC* v. *Commonwealth of Pennsylvania*, and another case, *Mills* v. *Board of Education of the District of Columbia*—established that children with disabilities have a constitutional right to a free, appropriate public education.

Again, there is nowhere in the Constitution of the United States says that a State—any State—has to provide a free public education to any of its kids.

Nowhere in the Constitution is that mandated. What the Constitution does say, however, under its equal protection laws, is that if a State does provide a free public education, it cannot discriminate and say, OK, we will just educate white males. It cannot say, we will just educate whites but not blacks. It cannot say, we will educate people of one religion over another. If they are going to provide a free public education, States cannot discriminate on the basis of race, sex, creed, or national origin. And with the two cases in the early 1970s that I mentioned, States cannot discriminate on the basis of disability. So a child with a disability in America—in Illinois, Iowa, or Nebraska—has a constitutional right to a free and appropriate public education.

In response to those two cases, in 1975 Congress enacted the Education of Handicapped Children Act, which later became IDEA. It was to help the States meet their constitutional obligations. So even if we did not have this, States would still have to provide the funds. But since I believe, and I think many of my colleagues believe, that the education of children with disabilities is a national problem, that we at the Federal level ought to at least live up to what we said 26 years ago and provide at least 40 percent of the average per-pupil expenditure for children with disabilities.

Again, that is what this amendment does. It does it over the next 6 years, so that by the year 2007, fully 32 years later, Congress will finally live up to its promise to our States and local education agencies.

Congress enacted Public Law 94–142 for two reasons, first, to establish a consistent policy on what it means to provide a free and appropriate public education to kids with disabilities; and, second, to provide Federal funding to help States meet their constitutional obligations.

Finally, the Supreme Court's decision regarding Garret Frey of Cedar Rapids, IA, underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, such as Garret, can be very great. We need to help school districts meet these challenges.

Earlier this year, I heard from the Cedar Rapids and Iowa City Chambers of Commerce that more IDEA dollars will help them continue to deliver high-quality educational services to every child in their school districts. I have heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard-of-hearing children. Our school districts and our families need better mental health services and better behavioral assessments of children.

Our amendment would let these folks do it all because, over the next 10 years, my State of Iowa, I figured out, under this amendment, would receive over $1 billion in new money.

Again, there are so many families out there where both parents are working. They may be low income families. They may have a child with a disability, and all they want for that child—a child they love, as we all love our children—is to make sure that child is not discriminated against, that child gets the support services he or she needs to be as successful in life as their capabilities will allow.

I have heard so many times about how kids in classes, who may have a disability—sometimes we hear this old saw about how they act up and become disruptive. Consider if you were like my brother, who was deaf, and you were in a classroom with a TV monitor but did not have closed-captions, and you were not provided an interpreter. After a while would you get pretty frustrated.

Sometimes, because you cannot speak well, and you cannot hear, maybe you would act out a little bit of your frustrations. What happens then? Maybe they would expel you—all for the lack of the needed services to provide that free and appropriate public education.

I must say, my heart goes out to many school teachers in this country, especially in elementary schools. A lot of them have large classes. I have seen as many as 28 to 30 in a class. Teachers are trying to do the best they can to provide instruction to these kids. They may have a couple kids with disabilities. These teachers are not trained to handle kids with disabilities. They have never been trained to do that. They are not experts in behavioral assessments. They might not have had any kind of mental health training. They probably have had no training at all for any one particular disability or another.

So I feel sorry for these teachers because they want to teach these kids. They may have a big class to teach, and yet they are not getting the supportive services they need to ensure that kids with disabilities get a good education.

That is what we hope this amendment will do, to begin to provide the funding, so that school districts can provide the supportive services, so that our teachers are not frustrated, and so that children will not act out their frustrations because they are disabled and are not getting the support and the kind of services they need. That is what this amendment is all about.

Over the past 6 years, as ranking member on the appropriation subcommittee, I have worked with my chairman, Senator SPECTER, and many others in the Senate, to improve IDEA funding through the normal appropriations process. I think we have done quite well. On a bipartisan basis, we have been able to almost triple IDEA appropriations in the last 6 years. I thank Senator SPECTER for his leadership in this area. So we are now up to 15 percent of the funding formula. But that is still not adequate.

That is why this amendment is so necessary. Yes, we can go by, year after year, trying to get some money out of the discretionary pot. But then that is always a battle. It is always a battle. With this amendment, we will not have to fight that battle every year.

Let me make very clear what this amendment does. This amendment appropriates the money that is necessary to get us to that 40 percent level. This is not an authorization amendment, my friends. This amendment appropriates the money. And it does it over a 6-year period of time.

I will read the words: The amendment says: Funding. For the purposes of carrying out this part, there are authorized to be appropriated, and there are appropriated—so this amendment isn't just a lot of rhetoric. This amendment isn't just a lot of flowery speeches about how we are going to help our States. This does it. This puts our money where maybe our rhetoric has been in the past. It puts in the money.

It lists right in the amendment the amount of moneys that will be appropriated next year, and every year thereafter, until the year 2011. It sets forth those sums. By the year 2007, we will be at approximately $21 billion per year or at 40 percent of the average per pupil expenditure. That is why this amendment is so critical.

Now we can say to our States and our local school districts that it isn't just the promise that next year we will try to do better, next year we will try to do a little bit more, and yet every year they see that promise is unfulfilled. This amendment actually means the money is going to be there. For kids with disabilities, IDEA is a downpayment on the American dream. If we want adults with disabilities to succeed in the workplace, we have to first help them succeed in school. Now we have this amendment that will do that.

I ask unanimous consent that Senators STABENOW, DODD, REED of Rhode Island, WELLSTONE, and LEVIN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Once again, I thank Senator HAGEL for working so closely on this amendment to make sure we had one that really did what we wanted it to do and did it in a cost-conscious and fiscally responsible manner, to make sure we address what is the need out there, the need of kids with disabilities who are not getting served, and to help our local school districts that are meeting that need to be able to use this money to help out their hard-pressed property tax payers.

I thank Senator HAGEL for his strong work on this amendment; Senator JEFFORDS, for his many years of support both on the authorizing side and on the appropriations side for kids with disabilities; Senator KENNEDY, for his stalwart leadership in all aspects of trying to make life more fair for people with disabilities; Senator DODD, who, again, has worked hard on these issues through all the years; and my other colleagues on both sides of the aisle.

The PRESIDING OFFICER. The time under the control of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Through all the years, while we may have had disagreements on one little aspect of this, I have found generally on both sides of the aisle a lot of goodwill to try to reach some consensus on how we fulfill the constitutional mandate of providing our kids with disabilities a free and appropriate public education.

We have, indeed, come a long way since I first came here in 1975, with the passage of IDEA, then, later on, the Americans with Disabilities Act, early intervention programs and now, finally, the fulfillment of the promise we made 26 years ago that the Federal Government would provide the lion's share of funding to our States and local school districts so our constitutional mandate could be fulfilled.

I yield the floor.

Mr. KENNEDY. I will take a few moments to talk about the substance of the Harkin-Hagel amendment and the reasons I support it.

Mr. President, I strongly support this amendment of Senator HARKIN and Senator HAGEL. I congratulate both of them for bringing focus and attention to this great opportunity and responsibility to the Senate. They both deserve great credit. I am on the floor now with my friend and colleague, the Senator from Vermont, who has been a strong supporter over his lifetime in terms of funding for the special needs as well. I know he will have a chance to speak to it. I think all of us are very grateful for their leadership, and it is appropriate, as we are coming into the Nation's choices about its budget and taxes, that we get an idea of some of the alternatives.

This amendment to fully fund IDEA finally puts real dollars behind the goal of full funding by providing $181 billion over the next 10 years in increased funding for special education. Congress owes the children and families across the country the most effective possible implementation of this legislation and the Federal funding necessary to make it happen.

For 25 years, IDEA has sent a clear message to young people with disabilities that they can learn and that their learning will enable them to be independent and productive citizens and live fulfilling lives. Prior to 1975, 4 million disabled children didn't receive the help they needed to be successful in school. Few disabled preschoolers received the services; 1 million disabled were excluded from public schools.

Now, IDEA serves almost 6 million disabled children from birth through the age of 21, and every State in the Nation offers public education and early intervention services to disabled children.

That is a remarkable statement in terms of the American people, to transition from this point where so many of these children were basically ignored, shunned, placed in the shadows of the communities, and it has been extraordinary courage those children have shown, their parents have shown, schoolteachers have shown, community leaders have shown, and to awaken this Nation to its responsibilities to provide education and opportunity for these children to live independent, constructive, and positive lives is just virtually unlimited.

I don't think any day goes by when we don't hear another remarkable story. I saw Leonard Slatkin just yesterday. I was commenting about the wonderful success the National Symphony had with its brilliant symphonies; many positive comments have been made about it. One of the comments made was regarding the percussionist, who is tone deaf, for the National Symphony. Maestro Slatkin had indicated that this woman is probably the best percussionist in the world; she has a general worldwide reputation. She plays the instruments with bare feet. She can hear the vibrations that are coming through the floor of the concert hall as she plays her music. She is able to produce just superlative performances.

Every day we are all reminded of these extraordinary acts of courage. So little of that would have been possible if we had not moved ahead to develop an IDEA program a number of years ago. IDEA now serves almost 6 million disabled from birth to age 21. Every State in the Nation offers public education and early intervention services to disabled children.

Mr. REID. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. Yes, I am glad to.

Mr. REID. I have been impressed with the Senator's statement about in 1975 it became a Federal edict, in effect, saying we are going to educate the handicapped—mentally, physically, and emotionally. It is my understanding, though, the reason this amendment is offered on a bipartisan basis by the Senator from Iowa and the Senator from Nebraska is that the Federal Government hasn't been living up to its financial responsibility to take care of these disadvantaged children; is that true?

Mr. KENNEDY. The Senator is absolutely correct.

Mr. REID. So this amendment is to allow school districts to use the money they have on programs that are not mandated by the Federal Government. They can use the money that we hope will come from this amendment to take care of the disadvantaged children; is that true?

Mr. KENNEDY. That is entirely correct.

Mr. REID. Is it true that one reason school districts all over America are just scavenging for money, desperate for money, is the necessity that we all accept of educating these children? Is that true?

Mr. KENNEDY. That is true.

Mr. REID. Well, I look forward to supporting the amendment. Again, in this 50/50 split Senate, I look forward to voting for this bipartisan amendment on this important issue.

Mr. KENNEDY. I thank the Senator.

Just to come back to looking at the history, when the original special education law was passed, the Congress intended to work toward the goal of fully funding the 40 percent of the cost of educating special needs children—a child. After 25 years, the Federal Government pays only 13 percent of the excess costs. This bill will obligate funds to reach the 40 percent, full funding, in the fiscal year 2007. So that is what this bill does. It meets the responsibility we have given to the communities. I am sure in your own State, as in mine, you can go to a very small community where they have maybe a severely challenged child and the child goes to the local school. These extraordinary benefits are for the child.

But these are extraordinary burdens to the community. The community wants to help the child, and suddenly they are caught up in something they never anticipated or thought possible, and they are sort of left out there without assistance. If we recognize that we as a nation have additional responsibilities in these areas of the very special needs—we do this in different ways under the Medicare and Medicaid systems; I recognize that—I think that helps define our humanity. But if we are going to define our humanity, we ought to at least be able to define it in a more complete way, and that is by providing the resources for this problem.

I will just mention a couple of additional facts. I see my friend and colleague from Vermont, who I know wants to say a word. Listen to what has happened in the schools. The dropout rate for these students has decreased, while graduates have exploded. The number of young adults with disabilities enrolling in college has tripled. These results do not come without financial costs. It is time for the Congress to help schools provide the services that give children with special needs the educational opportunities to pursue their dreams.

For too many years there were empty promises. The amendment of Senators HARKIN and HAGEL will help the schools and communities to meet the responsibilities. This amendment would make IDEA mandatory, and by passing it we will free up discretionary funds that could be allocated to other critical education priorities. We can truly ensure that no child is left behind; that every needy child has a fair chance at a quality education; that more teachers are better trained; that more afterschool opportunities are available; and more schools are modern and safe.

This is another chapter, I believe, in no child being left behind. We want to make sure that no child with special needs is left behind. We need the funding for the title I. We want to make sure that the children with special needs are not going to be left behind. This is a continuum. We should free ourselves from: Well, look, we have increased this fund, that fund by X percent, by Y percent.

What we are talking about is not leaving the children behind and at a time of record surpluses, these are questions and choices. There will always be reasons why we cannot. The question is, Do we have the will and determination? Now is the time.

I see my friend and colleague, the Senator from Vermont. I yield the floor.

Mr. JEFFORDS. Mr. President, I thank the Senator for yielding. I commend him for his statement.

As we all know, there is nothing more crucial in this bill than to make sure we have the resources available to help the schools and communities meet the demands that will be placed upon them by the required standards. At present, those resources are not there.

I correct the Senator's statement on one matter. We do not fund 40 percent of the cost of the disabled child. We fund it at 40 percent of the cost of the average child. That means we are really far from fully funding the cost of a child with disabilities. Keep that in mind.

What we are asking for is 40 percent of the average child, but that is billions of dollars in shortfall. If one examines this bill and examines the problems in this Nation, what I am concerned about—from the perspective of the President—is if we do not have the resources that are necessary to bring about the changes in our schools to have these young people meet the standards which are going to be required of them, then this bill is not going to reach its fulfillment.

I urge all Members to recognize that if they want to help the President's goals that are set forth in this bill, they are going to need the resources. Fully funding IDEA will be a big step forward. Forty percent of the cost of an average child is far less than the cost of a disabled child. This is what is draining the money out of our school systems. This is what is putting pressure on property taxes in this Nation, to the point that, as in my State and all across this country, more and more votes are going against additional resources for the schools because we do not fund that 40 percent that we promised.

If we do fund it, then many of the young people who presently will not be helped educationally or because of disabilities will be helped. The President's goal will not be reached if we do not provide the necessary funds.

I strongly support the Harkin-Hagel amendment. I want to make sure everybody understands that if we do not do this, this bill is going to have a very difficult time reaching the goals which the President desires.

Mrs. MURRAY. Mr. President, I rise to thank Senator HARKIN for his work on this amendment.

I've supported this proposal in a free-standing bill, and today I'm proud to be an original cosponsor of this bipartisan amendment. And as an appropriator, I have special concerns I want to share.

We agree as a country that we need to work together, in partnership at the Federal, State, and local levels, to make sure that students with special needs get the support to succeed.

Under the Individuals with Disabilities Education Act, IDEA, the Federal Government is supposed to provide 40 percent of the average per student costs. But we all know that the Federal Government has not paid its share.

This amendment will make sure the Federal Government meets its obligation to support special education. This amendment will bring us to full funding in 6 years.

This amendment also has another important advantage. By moving IDEA funding from the discretionary side to the mandatory side, we will free up about $7.1 billion for education. That money can be used to pay for the costs the underlying bill imposes on States.

As I have mentioned before, the underlying bill creates a number of expensive, and unfunded, mandates on States in areas like testing and accountability.

We can not just demand that students pass tests. We have got to give them the tools to pass those tests. But funding all the requirements in this bill will be difficult because of the limits imposed by the President's tax cut.

As a member of the Appropriations Committee, I'm trying to prevent a train wreck. I want to make sure the $7.1 billion freed up by this amendment will go to fund the mandates in this bill. If that does not happen, we will have to fund this bill's requirements at the expense of other priorities such as child care, higher education, and social services.

So we need to pass this amendment because it is the right thing to do for students who have special needs, and we also need to use the money this amendment frees up to bolster our investment in education. That extra money should stay in the classroom.

I have received many letters and e-mail messages about the importance of fully funding IDEA.

I should like to share with my colleagues a letter I received in March from the Yakima School District in Washington State. It is from Superintendent Benjamin Soria and Barbara Greenberg, who is president of district's board of directors.

They write that the Yakima School District serves about 1,800 students with disabilities, about 13 percent of the district's total school population.

Unfortunately, the State of Washington only provides 12.7 percent of funding for special education. And, as we know, the Federal Government is not paying its promised share.

As a result, they write:

> The Yakima School District must supplement state and federal funds for special education with local district dollars, this year amounting to $850,000.
>
> If the district were to receive full funding as promised by Congress, it would amount to more than $3 million to be used to meet the provisions of IDEA as intended 26 years ago.
>
> It is time for Congress to make good on a long overdue promise.

I received another letter from John Cady from Seattle. John is the parent of a child with a disability.

He writes:

> I believe that by investing in the education of our nation's children, we are enabling individual growth an productivity that will ultimately lead to financial independence and an adult life of dignity and self-fulfillment. The dollars spent on our children in Washington now are well worth the rewards both they and America will receive in the long run.

Schools throughout the country are working to help students with special needs reach their full potential. This amendment will help them and will provide additional funding that we should use to support classrooms.

Let's show the educators in Yakima and across the country, and parents like John Cady, that we will fully fund our share of special education.

Mr. DODD. Mr. President, I rise in support of the Harkin-Hagel amendment to fully fund the Individuals with Disabilities Act.

I have been a strong supporter of full funding for IDEA for many years and hope that this amendment finally will realize that goal.

This Congress, I joined Senators HARKIN and HAGEL and many others as an original co-sponsor of S. 466, to fully fund IDEA.

Last Congress, Senator JEFFORDS and I twice offered budget amendments to fully fund IDEA, and I have offered many measures over the years to increase funding for IDEA.

The Harkin-Hagel amendment offers Congress the opportunity to fulfill our goal of funding 40 percent of the cost of educating children with disabilities and to strengthen our support for children, parents, and local schools.

When Congress passed IDEA in 1975, we set a goal of helping States meet their constitutional obligation to provide children with disabilities a free, appropriate education by paying for 40 percent of those costs.

We have made great strides toward that goal in the last few years, having doubled Federal funding over the past five years. Nevertheless, we still only provide 15 percent of IDEA costs.

In my own state of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, we are facing a funding shortfall. In our towns, the situation is even more difficult. Too often, our local school districts are struggling to meet the needs of their students with disabilities.

The costs being borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help.

Of course, no one in Connecticut, or in any state or community in our country would question the value of ensuring every child the equal access to education that he or she is guaranteed by our Constitution. The only question is how best to do that—and a large part of the answer is in this legislation. This amendment would demonstrate that our commitment to universal access is matched by our commitment to doing everything we can to helping states and schools provide that access.

And, this amendment will help not only our children and schools, it will help entire communities, by easing their tax burden. By our failure to meet our goal of fully funding IDEA, we force local taxpayers—homeowners and small businesspeople—to pay the higher taxes that these services require. That's especially a problem in Connecticut, where so much of education is paid for through local property taxes.

If we're going to talk about the importance of tax relief for average Americans, there are few more important steps we can take than adopting this amendment. It will go far to alleviate the tax burden that these people and businesses bear today.

Last year, the National Governors' Association wrote me that "Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of IDEA."

Over the next ten years, we're looking at a $2.7 trillion non-Social Security, non-Medicare surplus. I think that fully funding IDEA is one of the most productive ways that we can use a small part of that surplus.

I ask that my colleagues seize this opportunity and support this amendment and choose to help our schools better serve children with disabilities. Because, I am tired of the false dichotomy that many people perceive between parents of children without disabilities and parents of children with disabilities.

By fully funding the Federal share of IDEA, and easing the financial burden on states and schools, we can stop talking about "children with disabilities" and "children without disabilities," and start talking instead about all children, period.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I ask unanimous consent to speak for 5 minutes in favor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am very grateful to Senators HARKIN and HAGEL for proposing this amendment. It is very important. It is a promise long overdue.

If we look at what has happened since we created this program, which essentially is a mandate to the schools to ensure that they take care of the disabled children in their school districts, we have fallen far short of our commitment to those children and to those schools. Every one of us knows this, regardless of whether we are from Illinois or California, east coast, west coast, North, South.

The fact is, if you look at the chart behind me, what you see is that in 1996, for example, we voted $2.3 billion to help fund this program for our disabled children when in fact our commitment really was for $12.7 billion. It goes right through: In 2001, $6.3 billion. Remember, we added quite a lot, but it still is far short of the $17 billion we promised.

This amendment is about fulfilling a commitment and a promise to our disabled children and also to the school districts all across this country that are doing so well at taking care of the children. As a matter of fact, if you look at the results of this IDEA program, these children are doing so much better. Fewer of them are dropping out. They are living up to their potential. This is an important and a good program.

I will show this other chart that illustrates in another way the unfulfilled promise that has occurred. This is mandatory spending for our school districts. Yet that whole inner part of our graph shows how we have had an unfulfilled promise. But we will gradually begin to fulfill this promise with this IDEA authorization that this amendment would bring us, until we get to the point in several years where the need and the Federal money, 40 percent of the program, actually meet and we are meeting our commitment.

For too many years we made too many empty promises. I know Senator KENNEDY believes strongly in this regard. I was pleased he asked if I would say a few words. By committing to this level of funding, we are not only keeping a promise, which is the moral and right thing to do, but we are helping the children who most need our help.

Again, I hope we have a very good vote in favor of the amendment. It is extremely important that we keep our promise to these children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand all time has expired on our amendment.

The PRESIDING OFFICER. Two amendments are being considered concurrently.

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back on the Harkin-Hagel amendment that is now at the desk, and I ask consent that the question be put to the Senate regarding that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, may we add to that request that the time until 4 o'clock be evenly divided between the majority and minority to speak on this?

The PRESIDING OFFICER. Does the Senator from Iowa modify his request accordingly?

Mr. HARKIN. Yes, I will modify the request accordingly.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 360, as modified, offered by the Senators from Nebraska and Iowa.

The amendment (No. 360), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senators from Iowa and Nebraska. We need to do more legislating on a bipartisan basis. This is a very important amendment that was accepted in this manner, with the unanimous consent of the Senate. That says it all. This should set a good tone for the rest of this bill. The reason I asked that the time be set aside, there are some Members who still want to come and speak on this subject. It is very important. Senator WELLSTONE wanted to speak, as do others. I wanted to make sure they could do that.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I was meeting with some people from the small business community. I was an original cosponsor of this very important IDEA amendment.

I congratulate Senators HARKIN and HAGEL. I understand we actually had a voice vote on this amendment. I also congratulate Senator JEFFORDS, Senator KENNEDY, and others who were involved in drafting and passing this critical piece of legislation.

I point out to colleagues that by making IDEA part of mandatory spending and not leaving it up to the appropriations process year to year, we have done something very significant. In the State of Minnesota, if we have automatic funding for IDEA—and I think we get to fully funding it over a 7-year period—then we are going to have about $169 million for education in Minnesota.

This is extremely important. I am proud to be an original cosponsor. The voice vote is a good thing but it makes me nervous; a voice vote is an indication of strong support, which is what I take it to be in this case. But I also must assert how extremely important it is that this, of course, stay in the bill through the conference committee. The word from the Senate today on this question is one of clear, unanimous support.

Speaking for my colleague, Senator DAYTON, he is going to have an amendment next week—and I will join him—that will accelerate the timetable for funding IDEA. He feels strongly about it. He campaigned on this issue and believes it is a longstanding commitment we have not met. I could not agree with him more.

But for today, this is an extraordinary first step the Senate has taken. I congratulate everyone involved.

In particular, I congratulate Senators HARKIN and HAGEL. I know this is near and dear to Senator HARKIN's heart because he has been, maybe more than anyone in the Senate, the strongest advocate for children with special needs. There is some poetry and justice to the fact that Senator HARKIN has led the way on this issue of funding.

I am proud of what the Senate has done today. I hope with this and on a whole lot of other amendments we will continue to dramatically change and improve this bill to the point where we are really doing well for education and children. I will take it 1 day at a time or 1 hour at a time. This was important action. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business".)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I express the appreciation of all of us to Senator HAGEL and Senator HARKIN and their staffs and all those who have been part of the effort to bring about this extraordinary and incredibly important resolution that will result in hundreds of thousands of children having better opportunities for their future. This action that was taken here today sends an enormous message of help to many children who are growing up, not only with the challenges and needs that normal children have, but who have the additional burdens of some physical or mental disability or challenge.

It will make an enormous difference to their lives. It will make an incredible difference to their parents' lives. It will make an extraordinary difference to those who care for these children. I think it is really the Senate at its best. So I thank those two leaders. It seems to me you probably do not have to do much more than that, to have had a very great mark on the lives of many people in this country.

I salute them both. This adds a very important, special, and extra dimension to this legislation. It will take time for the American people to understand it, but it will make an important difference.

Mr. REID. Will the Senator yield for a question? Does the Senator from Massachusetts agree that it also sets a very good tone for this very important piece of legislation that one of the most important amendments this bill could have was offered on a bipartisan basis and approved on a bipartisan basis? Doesn't it set a good tone for the rest of the bill?

Mr. KENNEDY. It certainly does. I appreciate the Senator mentioning that. The underlying blueprint reflects the best judgment of Members on both sides of the aisle. It is a blueprint which I strongly support.

The real gap, as the Senator heard, is placing enormous demands on schools, on teachers, and on children. We need to have the resources for the children. That requires funding, and we still are not there on that particular issue.

But certainly with regard to the special needs children, this has been an extraordinarily bipartisan effort. That is of incredible importance to this country. I congratulate our colleagues on both sides of the aisle. This is a very sound, bipartisan effort. We are enormously grateful for their initiatives and for the result.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to join Senator KENNEDY in congratulating Senators HAGEL and HARKIN on their amendment with respect to IDEA. This amendment will guarantee America's 16,000 school districts a long overdue increase in special education funding.

The amendment proposes to fully fund part B of the IDEA over the next 6 years.

One of my first legislative tasks, when I was a freshman Congressman in 1975, was to work on the first federal legislation to guarantee a free and appropriate public education for children with disabilities.

Public Law 94-142, later renamed the Individuals with Disabilities Education Act, was passed in response to numerous court decisions involving lawsuits against a majority of the states, and growing concerns about the unconstitutional treatment of children with disabilities.

In passing this legislation, it was Congress' intent to define a state's obligation to students with disabilities residing in the State.

In crafting Public Law 94-142, Congress looked at the national average per pupil expenditure and estimated that it would cost approximately twice as much to educate children with disabilities as it would to educate other children.

At that time, 26 years ago, Congress pledged to assist states and localities in meeting the needs of students with disabilities by providing federal funding to cover 40 percent of the average student cost.

Although numerous studies conducted since 1975 have verified that it costs at least twice as much to educate children with disabilities, Congress has never provided more than 14.9 percent of the average per pupil expenditure.

If we were funding 40 percent of the costs educating students as promised in 1975, we would have appropriated $17 billion for Part B of IDEA for fiscal year 2001. The $6.3 billion that we did appropriate for fiscal year 2001 falls far short of that commitment.

While I commend Congress for increasing the appropriation for Part B of IDEA over the years since 1996, it frustrates me to no end that we still fall so far short of meeting our 26 year old commitment to fund out 40% of the costs.

However, this amendment will have a far greater impact than simply helping students with disabilities. With the Federal Government's failure to live up to its obligation under IDEA, State and local governments have been forced to incur almost all of the additional costs associated with educating children with disabilities and putting undue stress on such things as property taxes.

Money that might have been directed to additional training for teachers, to hiring new teachers, to increasing salaries to retain high quality teachers, or to repairing schools, has instead gone to meeting part of the Federal Government's obligation under IDEA.

This amendment provides increased flexibility to states and localities by modifying the provisions that were included in the 1997 reauthorization of IDEA which permit a local education agency to treat up to 20 percent of the increase in the appropriation over the preceding fiscal year's appropriation as local funds.

Currently, a State or locality must maintain their share of the annual special education spending levels regardless of the amount of the Federal contribution.

Our amendment would give local education agencies the flexibility to use local funds in an amount up to 55 percent of the increased funding over the fiscal year 2001 appropriation for other local needs. In passing this amendment, we will be increasing our Federal commitment to meeting the needs of students with disabilities, and we will be giving local communities the flexibility to use local tax dollars that are currently meeting the Federal Government obligation for special education, for other local purposes and to reduce the stress on property taxes.

While I think the reforms proposed in the BEST Act are critical to overall reform in our education system, I feel it is unfair for us to demand more of state and local educators when we have failed so badly in meeting our obligation to assist in funding special education.

Without question, we need to dramatically improve the education we provide to all of our children. Some of this will come through the increased accountability and flexibility we provide in the BEST Act.

Forty percent of our 4th grade students are not proficient in reading. Our 12th grade students come in near the bottom of international exams in mathematics and science.

The crisis we face in math and science was recently underscored by the work of the Glenn Commission. Many of its recommendations, which were also supported by President Bush, have been incorporated in the BEST Act.

But training and retaining high quality math and science teachers requires money, especially when schools are competing in a tight market for their skills.

Turning our schools around will not be easy, and it cannot be done on the cheap. This amendment to fully fund IDEA should help us achieve the reform we all seek. We owe our children nothing less.

Increasing special education funding is a top priority for many disability groups, for teachers, for school boards throughout the country, for local education agencies, for governors, and for children with disabilities and their families.

I have a petition from every school board in my State. Vermont schools have made it clear to me again and again that their number one priority is to fully fund IDEA. These petitions serve as a sobering reminder of my responsibility to the children, and families, and the schools in my State.

I have no doubt that each and every one of us has heard similar messages from your state education agencies, local education agencies, and school boards, and from the families of children with disabilities.

This amendment is a win-win for everyone. Children with disabilities will get the services they need.

There will be more money in local school districts to hire personnel and to train or retrain personnel to work with children with disabilities.

Schools will be able to provide more support to general education teachers who have children with disabilities in their classrooms.

More money will be freed up for other purposes such as general education reform initiatives chosen by local communities.

School boards will no longer feel as though they are pitting the needs of one group of students against another.

Finally, with predictable, substantial increases in IDEA funds and expanded flexibility, school districts will be better able to undertake thoughtful planning.

Over the last few months, I have heard references to the need to fully fund special education almost every day that Congress has been in session.

Our country is currently enjoying thoughts of a projected 5.7-trillion-dollar budget surplus over the next ten years. We are discussing over a trillion dollar tax cut. The presence of this large surplus and the possibility of providing substantial tax cuts provides Congress with the unprecedented opportunity to fulfill the commitment that Congress made 26 years ago in passing Pub. L. 94–142. If not now, when?

The time for rhetoric is passed. The time to act is now. I'm glad the Senate has agreed to fully fund IDEA and make good on the promise we made over 26 years ago.

I thank my colleagues for their support of this amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from Vermont has certainly not let the people of Vermont down who have been asking for his help on this important issue. We have a long way to go on this bill. We have to take the wins when we get them. This is a tremendous win, and we could not have accomplished it but for advocacy of the Senator from Vermont.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. I also ask unanimous consent that the Senator from Vermont yield me several minutes of time.

Mr. JEFFORDS. I yield the Senator 10 minutes.

Mr. CARPER. Terrific. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I serve today in the Senate, but for the last 8 years I served as the Governor of Delaware, and for several of those years as the vice chairman and chairman of the National Governors' Association. I sometimes still think a little bit as a Governor. On behalf of the Governors of this country in all 50 States, probably, I give a special thank you to those who made possible the adoption of an amendment in this Chamber today that would provide for full funding of IDEA, to meet the longstanding obligation from the Congress for programs throughout the country that are funded in this way.

I cannot recall how many Governors' meetings I sat in where one Governor after another—Democrats and Republicans, from one end of the country to another—would say, if the Federal Government would simply meet its obligations under the Individuals With Disabilities Act, if they would only do that, we would be able to meet some of our other needs in our schools—whether the needs are small class sizes, extra learning time, or technology in our classrooms. The Federal obligation is that we would pay 40 percent of the cost of educating these children. Today we provide less than 15 percent of the cost of educating these children.

We have taken an important step in the Senate toward meeting that obligation. But it is only one step. It needs to be followed by other steps when we go to conference with the House, to make sure that what emerges from that conference committee, and what we ultimately vote on, is a final compromise containing this provision. If we do that, then the Governors of those 50 States and the parents—parents of hundreds of thousands of children—and the teachers in our schools will stand up and applaud.

I also say that as this bill comes to us today, I am encouraged. It is not a perfect bill, but it is one that offers the prospect of additional investments from the Federal Government for our schools. It offers that money with a bit more flexibility than is the case under current law. It makes it clear that we offer that additional money targeted where the needs are the greatest, but it offers that money more flexibly and demands results.

As we look more closely at the accountability provisions in this legislation, once testing begins in earnest in the various States, in accordance with annual testing and in accordance with the standards adopted by the various States, there are consequences that come to bear for schools that do not make progress in accordance with the schedule agreed to, adopted by the individual States.

If a school is not making progress in meeting its own stated goals by the end of the fourth year—if a school continues to fail its students—a number of things will happen. One is that those students in that failing school must be offered the right to go to another public school, where transportation will be provided by the school that is failing, by the school district that is failing, using up to 15 percent of their title I moneys.

There are also three other things that must happen to that school that fails for the fourth year in a row. One, it has to be closed and reconstituted as a charter school, or, two, closed and reconstituted with a new administration and with a new faculty, or, three, turned over to the State or some profitable enterprise, commercial enterprise, to run the school—those three options.

I simply remind my colleagues, as we move past the adoption of the funding for IDEA, we have to keep in mind the accountability provisions. We have focused on more money and more flexibility, and I support that. But on the accountability issue, if children are really going to have the ability to choose another public school, we have to make sure we include in this bill assistance to States and school districts across America to enable them to adopt public school choice statewide. It is not easy and it is not free.

Secondly, if we are really serious about charter schools being a viable option for schools that fail 4 years in a row, we need to provide assistance, including brick-and-mortar assistance, so that those charter schools can be successful, so the kids going to those schools will have a fighting chance to get the kind of education they did not previously receive.

I say to Senators HARKIN and HAGEL, who have worked for weeks on the legislation to increase IDEA funding and to make sure we meet our fair share of that burden, job well done.

To the Senator from Vermont, the chairman of the committee, and to Senator KENNEDY, who has been very supportive, I give my thanks as well.

On behalf of all Governors who have sought this support, sought this day, this kind of victory, it is a day to salute and celebrate for their children, for their students, and all of America.

Mr. President, I thank the Senator for yielding the time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays on the Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I am not going to propound an additional unanimous consent request at this time, although we are working with the leaders on both sides of the aisle so we, hopefully, can have a further agreement entered into between 4:30 and 5. We will go ahead and be able at that time, hopefully, to lock in the sequence of amendments that will come after these two.

I announce to the Senate that following this vote, I will ask the Senate to begin debate on the budget resolution conference report notwithstanding receipt of the papers. Assuming consent is granted, I would expect several hours of debate tonight on this important conference report to be followed by a vote on the adoption of the budget conference report.

Therefore, Members should be on notice that a vote is expected to occur late tonight on the budget unless an agreement is entered into to have it at a specific time in the morning. We expect to continue working tonight and go into the night, and we will get exact timing of when we might expect another vote hopefully within the next few minutes or within the hour.

If consent cannot be granted to begin debate before the paperwork enters the Senate, then a vote would have to be scheduled tomorrow.

I hope all Senators will cooperate, and I have every indication that we will be able to get an agreement so we can vote on the budget resolution this evening.

Then we will also be able to enter further agreements with regard to additional amendments.

I believe we are ready to go to a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 359 offered by the Senator from Maine. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 359) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361 TO AMENDMENT NO. 358

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 361 to amendment No. 358.

Mr. JEFFORDS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the provisions relating to certain assessments)

On page 47, beginning with line 13, strike all through page 48, line 14, and insert the following:

"(i) a State may defer the commencement, or suspend the administration, of the assessments described in this paragraph, that were not required prior to the date of enactment of the Better Education for Students and Teachers Act, for 1 year, for each year for which the amount appropriated for grants under section 6203(a) is less than—

"(I) $370,000,000 for fiscal year 2002;

"(II) $380,000,000 for fiscal year 2003;

"(III) $390,000,000 for fiscal year 2004;

"(IV) $400,000,000 for fiscal year 2005;

"(V) $410,000,000 for fiscal year 2006;

"(VI) $420,000,000 for fiscal year 2007; and

"(VII) $430,000,000 for fiscal year 2008; and

"(ii) the Secretary may permit a State to commence the assessments, that were required by amendments made to this paragraph by the Better Education for Students and Teachers Act, in school year 2006–2007, if the State demonstrates to the Secretary that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous or unforeseen decline in the financial resources of the local educational agency or school, prevent full implementation of the assessments in school year 2005–2006 and that the State will administer such assessments during school year 2006–2007.

On page 778, strike lines 5 through 10, and insert the following:

"(a) GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.—

"(1) STATE GRANTS AUTHORIZED.—From amounts appropriated under paragraph (3) the Secretary shall award grants to States to enable the States to pay the costs of—

"(A) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act; and

"(B) other activities described in this part or related to ensuring accountability for results in the State's public elementary schools or secondary schools, and local educational agencies, such as—

"(i) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

"(ii) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

"(2) ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—From the amount appropriated to carry out this subsection for any fiscal year, the Secretary shall first allocate $3,000,000 to each State.

"(B) REMAINDER.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

"(C) DEFINITION OF STATE.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, it has been so hard to get this very important education bill up and actually moving that I hate to let any time go by without making some further progress. So we have been working on both sides of the aisle, and I believe we have an agreement to allow us to proceed with the Jeffords amendment next and then go to the Dodd amendment after that.

Mr. DODD. Dodd-Collins.

Mr. LOTT. No. I prefer to say just the Dodd amendment.

Mr. DODD. I am just trying to help out.

Mr. LOTT. You are giving too much credit here, I say to the Senator. No.

We would try to have the vote on both of these at 7:30. I think that is more than enough time. I hope that maybe even some time could be yielded back. That way we could make progress. Senators could attend to other business and then would be prepared to be here for those two votes between 7 and 7:30, or not later than 7:30.

I also had intended—and hope to get agreement—to proceed to the conference report to accompany H. Con. Res. 83, the budget resolution, immediately following those two votes. I was not going to try to get a time specified as to exactly how we would use the time or when a vote would occur. I understand that the Democrats are not prepared to agree to that at this point. And I cannot force it at this point.

I do think it is very important we get an agreement on the budget resolution as soon as we can so Members can know what to expect tomorrow, and/or Monday, and so that we could get this completed so we can move on with our annual appropriations bills and also our reconciliation bill.

So I now ask unanimous consent that the next two first-degree amendments to be offered to S. 1 be the following, and not subject to second-degree amendments: Jeffords No. 361 and the Dodd-Collins amendment.

I further ask consent that votes relative to these amendments occur at 7:30 in the order in which they were offered, and the time between now and then be equally divided and run concurrently on both amendments, and there be 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, other than to say that we appreciate the leader not asking for the last paragraph of the request that is written on the paper in front of me. We are trying to work that out.

As the distinguished majority leader knows, we are in consultation with the ranking member, Senator CONRAD. Senator DASCHLE has been in touch with him. We are going to try to work something out as soon as we can.

Mr. LOTT. I thank Senator REID.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 361

Mr. JEFFORDS. I have an amendment at the desk.

The PRESIDING OFFICER. The amendment is pending.

Mr. JEFFORDS. That is right. I thank the Chair.

Mr. President, my amendment will establish the Federal Government as a full partner in the assessments that are required under this bill.

Earlier today, the Senate went on record, after 26 years, to fulfill its responsibility under IDEA. My amendment will ensure we do the same on testing, only we do it today, not 26 years later.

If we want the States to undertake these extensive testing requirements, we should be willing to pay for them. Each Senator I have spoken to supports the thrust of this amendment—that we avoid creating yet another unfunded mandate, especially at a time when we are asking more and more of our schools.

Good tests are not cheap. They must be aligned with the State's standard. They should measure higher order thinking, and they should constantly be improved. This bill will not just require testing in reading and math but will also require standards in history and science and an assessment later on in science.

My amendment calls for close to $400 million in spending each and every year to help pay for the cost of developing and implementing assessments. If the money is not forthcoming, the State's obligation will be suspended until Congress meets its obligation.

The exact cost of testing cannot be known. I can tell my colleagues with confidence that this amendment will cover the great majority of those costs. I urge my colleagues to give me their support.

I yield the floor to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend the chairman of the committee for drafting this very important amendment to the bill.

I have been concerned that we could be imposing an expensive new mandate on State and local governments through the testing requirements of this bill. Testing is very important, but I think we need to provide support. The chairman's amendment will ensure that the funding is provided to help States and local school districts develop the very best possible tests in order to assess the performance of their students and that we will be providing a good chunk of the money to do so.

I commend the Senator for his amendment and for understanding that we need an assurance that that funding will be forthcoming before imposing this requirement.

Again, I thank the Senator from Vermont for coming forth with this important amendment.

Mr. JEFFORDS. Mr. President, I know of no other Senator who desires to participate in the discussion. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from Vermont for his amendment. I would add myself as a cosponsor, but I don't want to get into trouble. I will tell him I am for it and cast my vote when the time comes. He has been a wonderful leader on education issues for many years and cares about it very deeply. He comes from a great tradition in his home State of Vermont where Members of this body have dedicated a good part of their careers to improving the quality of education. I commend him not only for the amendment he has just introduced but also for his tireless efforts over the years.

AMENDMENT NO. 365 TO AMENDMENT NO. 358

Mr. DODD. Mr. President, I send an amendment to the desk offered by myself and my colleague from Maine, Senator COLLINS, and Senator LANDRIEU, among others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Ms. COLLINS, Ms. LANDRIEU, Mr. BINGAMAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CORZINE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, and Mrs. CLINTON, proposes an amendment numbered 365.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the authorization of appropriations for local educational agency grants)

On page 31, strike line 23 through line 2 on page 32, and insert the following:

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

"(1) SHORT TITLE.—This subsection may be cited as the 'Equal Educational Opportunity Act'.

"(2) AUTHORIZATION.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated—

"(A) $15,000,000,000 for fiscal year 2002;
"(B) $18,240,000,000 for fiscal year 2003;
"(C) $21,480,000,000 for fiscal year 2004;
"(D) $24,720,000,000 for fiscal year 2005;
"(E) $27,960,000,000 for fiscal year 2006;
"(F) $31,200,000,000 for fiscal year 2007;
"(G) $34,440,000,000 for fiscal year 2008;
"(H) $37,680,000,000 for fiscal year 2009;
"(I) $40,920,000,000 for fiscal year 2010; and
"(J) $44,164,000,000 for fiscal year 2011.

Mr. DODD. Mr. President, I will take a few minutes. Others may arrive shortly. In fact, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am very pleased to offer this amendment on behalf of myself and my good friend and colleague from New England, Senator COLLINS of Maine, among others; Senator LANDRIEU of Louisiana; my colleague from Connecticut, Senator LIEBERMAN; and others who have been supporters of seeing to it that we have the goal—that is what this amendment is; there are no mandates in this amendment—of full funding for title I over the next 10 years.

I ask unanimous consent that a chart be printed in the RECORD showing how title I funds are presently allocated and what this amendment would do if it were an appropriation—which it is not—and were to be adopted, in terms of the number of children who would then benefit under this amendment if it were to receive full funding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTUAL FY2000 (2000–2001) ESEA TITLE I, PART A GRANTS

	Children counted in allocating part A grants, FY 2000	Total basic and concentration grants	Accountability grants	Capital expenses	Total basic, concentration, accountability, and capital expenses grants	Total grants per child counted for allocations
United States	10,266,051	$7,807,397,0900	$134,000,000	$12,000,000	$7,953,397,000	$774.73
Alabama	192,377	129,133,448	2,239,838	25,918	131,399,204	683.03
Alaska	16,346	19,089,449	331,109	62	19,420,620	1,188.10
Arizona	191,360	121,896,690	2,114,315	131,143	124,142,148	648.74
Arkansas	121,258	79,070,702	1,371,492	37,976	80,480,170	663.71
California	1,440,856	972,870,300	16,874,570	1,830,602	991,575,472	688.18
Colorado	94,208	71,304,340	1,236,784	28,218	72,569,342	770.31
Connecticut	79,352	70,351,232	1,220,252	97,270	71,668,754	903.18
Delaware	17,423	21,268,392	368,903	0	21,637,295	1,241.88
District of Columbia	28,811	25,547,302	443,121	197,710	26,188,133	908.96
Florida	537,170	363,365,948	6,302,633	169,492	369,838,073	688.49
Georgia	315,471	210,267,990	3,647,127	29,150	213,944,267	678.17
Hawaii	27,586	20,157,643	349,637	7,521	20,514,801	743.67
Idaho	34,959	23,516,224	407,892	10,069	23,934,185	684.64
Illinois	386,359	326,710,586	5,666,840	626,443	333,003,869	861.90
Indiana	146,101	116,421,506	2,019,347	139,161	118,580,014	811.63
Iowa	65,848	53,287,278	924,275	114,797	54,326,350	825.03
Kansas	73,562	56,306,231	976,639	87,760	57,370,630	779.89
Kentucky	170,233	127,790,039	2,216,536	91,428	130,098,003	764.23
Louisiana	260,808	191,235,915	3,317,013	330,407	194,883,335	747.23
Maine	34,734	31,963,499	554,411	10,007	32,527,917	936.49
Maryland	114,292	102,603,524	1,779,672	75,889	104,459,085	913.97
Massachusetts	149,980	153,374,071	2,660,294	568,641	156,603,006	1,044.16
Michigan	348,377	334,366,422	5,799,632	277,452	340,443,506	977.23
Minnesota	103,181	87,985,945	1,526,128	244,884	89,746,957	869.90
Mississippi	156,879	124,796,295	2,164,609	129,714	127,090,618	810.12
Missouri	190,061	134,785,325	2,337,870	253,523	137,376,718	722.80
Montana	35,471	26,320,082	456,525	21,940	26,798,547	755.51
Nebraska	38,316	32,206,952	558,634	83,658	32,849,244	857.32
Nevada	37,365	23,321,774	404,519	4,910	23,731,203	635.12
New Hampshire	16,079	19,697,776	341,661	7,458	20,046,895	1,246.77
New Jersey	184,403	177,216,019	3,073,836	400,516	180,690,371	979.87
New Mexico	108,931	66,239,892	1,148,940	72,346	67,461,178	619.30
New York	811,011	731,360,429	12,685,548	1,904,316	745,950,293	919.78
North Carolina	238,302	150,972,799	2,618,644	10,193	153,601,636	644.57
North Dakota	18,999	19,820,740	343,793	25,234	20,189,767	1,062.68
Ohio	339,503	302,371,742	5,244,680	458,381	308,074,803	907.43
Oklahoma	153,064	96,337,713	1,670,991	20,448	98,029,152	640.45
Oregon	79,615	68,818,656	1,193,669	46,677	70,059,002	879.97
Pennsylvania	354,835	335,858,213	5,825,507	1,382,601	343,066,321	966.83
Rhode Island	27,324	24,654,345	427,633	89,998	25,171,976	921.24
South Carolina	159,793	100,733,900	1,747,243	7,521	102,488,664	641.38
South Dakota	27,908	19,734,301	342,294	18,335	20,094,930	720.04
Tennessee	191,731	134,693,146	2,336,271	24,488	137,053,905	714.82
Texas	984,807	665,787,285	11,548,173	453,346	677,788,804	688.25
Utah	39,442	35,293,180	612,165	7,645	35,912,990	910.53
Vermont	14,064	17,738,863	307,683	15,352	18,061,898	1,284.26
Virginia	178,979	118,413,150	2,053,892	40,027	120,507,069	673.30
Washington	139,324	108,939,573	1,889,572	38,659	110,867,804	795.76
West Virginia	85,656	73,479,762	1,274,517	18,832	74,773,111	872.95
Wisconsin	133,180	125,861,555	2,183,086	285,594	128,330,235	963.58
Wyoming	13,851	17,754,152	307,948	7,893	18,069,993	1,304.60
Puerto Rico	556,506	262,415,735	4,551,637	1,038,395	268,005,767	481.59

Mr. DODD. I note my good friend from Alabama is in the chair. His is always the first State on the list. But just to make the point, presently there would be some 10 million children in the country who would be served by title I out of the 55 million children who go to school. In the case of Alabama, there would be 192,377 children who would be served if we had full funding. That number today is about a third of that number, a third of the 192.

If we go down the list—and what I have provided in the first column is what full funding would provide—and look at the number under your State and then calculate what one-third of that number is, you would get a rough idea of what the present number of children is who are being served. Of course, the number itself reflects what full funding would amount to in all 50 States. That is what this chart provides.

As we know, our society is based on the promise of equal opportunity, not equal success. None of us bears an obligation to guarantee the success of anyone, but we all share the common goal that everyone ought to have an equal opportunity to succeed.

This amendment, offered on behalf of myself and my colleague from Maine, and others, is designed to see to it that, as we ask for in this legislation, as we will over the coming days, there be greater accountability at the local level—in fact, a requirement of additional testing—so that we don't just socially promote students through the educational process; that we have some data about how students are doing—taking their temperature, in effect.

Imagine, if you would, taking a temperature every year to see how the patient is doing. We know that just taking the temperature doesn't make a child better. We may get some idea of their health, but we don't really know or are not really providing any medicine that they need in order to improve the quality of their health.

What title I does, and what it has done historically, is to provide that needed medicine, which I will demonstrate in these remarks, to the most disadvantaged children in our society. Title I represents about one-third, or a half, almost, of the entire Federal dollar commitment to education in the country. It is what our primary responsibility has been over the last 35 years since we decided to enact the Elementary and Secondary Education Act.

Just to back up a little bit and put this in perspective, the Federal Government, when it comes to elementary and secondary education—this may come as a shock to some—allocates between one-half and 1 percent of our entire Federal budget to elementary and secondary education. If we add higher education, that number jumps to about 2 percent of the entire Federal budget. If we exclude higher education and just take elementary and secondary, it is between one-half and 1 percent of the entire Federal budget. That is our commitment.

If you take the amount of money being spent on elementary and secondary education, for every dollar that is spent, that one-half of 1 percent amounts to somewhere between 4 and 7 cents on the dollar. In other words, for every dollar that is spent to improve or invest in the elementary and secondary education needs of America's children, about 94 or 95 cents comes from our local communities or our States, and about 5 or 6 cents comes from your Federal Government. That is one-half of 1 percent of the Federal budget.

So when we start talking about title I, which was designed to go to the neediest districts in both rural and urban areas, we are talking about a sizable percentage of that 4 or 5 cents on the dollar. Yet we have never gotten to the full funding of title I since we initiated it 35 years ago. We are only serving about a third of title I eligible children in the country. So what the Senator from Maine, myself, and others are saying is that sometime over the next 10 years we have laid out a schedule, but obviously the schedule is an authorization subject to whatever changes this body and the other body and the President would like to adopt. Then we could modify this formula.

We have laid out a formula for our colleagues that doesn't mandate anything. It just sets out a goal and says that as we are going to test children, as we are going to ask for greater accountability, we also want you to know that we believe as a goal that we ought to fully fund title I to give these children a chance to reach their maximum potential educationally. That is what this amendment is really designed to do.

Let me lay it out a little bit. Congress passed the ESEA to help provide disadvantaged children with an education to enable them to take advantage of America's promise of equal opportunity, and the primary mechanism for delivering on that promise has been title I grants for schools.

Title I does more than just serve all eligible children. The reason why is simple: According to the Congressional Research Service, Congress funds title I grants to local education agencies at only about one-third of the amount allowed under the formula.

Twenty percent of schools with poverty levels between 50 and 75 percent receive no funds at all. Let me repeat that. Twenty percent of all the schools in America with poverty levels between 50 and 75 percent do not receive any title I funds today at all. And 36 percent of schools with poverty rates between 35 and 50 percent do not receive any funds.

So it is quite clear that an awful lot of eligible children that are clearly disadvantaged, by any standard, are not getting the kind of help that we originally envisioned with title I. About one-third are, if you take the country as a whole. Some areas get zero.

So our goal with this amendment, without mandating anything, is to say that over the next 10 years we would like to get as close to living up to and fulfilling the promise made of serving these children.

The bill we are debating will impose, as we know, some significant testing and accountability standards, many of which I think most colleagues support, on States and local schools. I think all of us agree—although the devil is in the details—that we need to know how students are doing in school and that States and schools need to be accountable for educating our children.

We need to remember that testing and accountability aren't the same as reform. They measure reform, or they measure how students are doing, but they are not reform in and of themselves. Some of my colleagues have said that we should not provide schools with more resources until we have implemented these reforms.

This bill would require schools to set the goal of having all children become proficient in reading and math in 10 years. That is what the bill says. It only makes sense that we in Congress set a goal for ourselves of providing districts with the resources over the 10 years that they and the students and schools will need to meet the goals of proficiency in reading and math. That is reform.

Some often talk about the importance of communities, not the Federal Government, in making decisions about education policy. I don't disagree with that at all.

Mr. President, this is a very important point I want to make here because I think this gets lost, and sometimes we talk about titles and numbers and programs and you can glaze over the eyes of even the most interested listener when you start talking in acronyms and numbers and so forth. Average people who even care about education can get lost in all of this. But this is a very important point I want to make about title I because I think there are a lot of misimpressions about how title I funds are allocated and what it means if you get title I funds in your town and school.

Title I funds are used in a completely flexible fashion—completely flexible—if you are a qualified district and the students are qualified. There has been great flexibility. Schools, for instance, use title I funds to hire new teachers and provide them with professional development. Title I funds are used to provide new technology in schools if the district desires it and thinks that is the best way to improve their education. They use title I funds to implement cutting-edge research based on new academic programs to provide better, more intensive instruction in reading and math to students with the greatest educational need. They use title I funds to support preschool and afterschool activities. They can be used to support any number of other activities to increase student achievement.

The only goal required in the title I that we have ever mandated is that they should be designed to reach eligible children and to increase student achievement. That is it. So at the local level, if you are a qualified student or qualified school district and you are designing a program to increase student achievement, then title I funds can be used. That is all we really require.

Despite the rumors and the misinformation about title I, this is not some narrowly construed, highly narrow Federal mandate. We really do allow great flexibility.

Contrary to what some have also argued, schools have been implementing reforms, and we need to do more to help them. The Department of Education 1999 National Assessment of title I, which was done, I might add, in consultation with an independent review panel, found the following: Since

1992, national reading performance has improved for nine-year-olds in the highest poverty public schools, regaining lost ground in the late 1980s and early 1990s. Since 1992, math achievement also has improved among students in the highest poverty public schools.

Another study, which I have put up here for the edification of those who might like to see it, found in 1999 that students receiving title I services increased their reading achievement in 21 of 24 urban districts studied, and increased their math achievement in 20 of 24 urban districts studied.

Mr. President, it is apparently working. Again, I come back to the fact that there were a significant number of school districts where students were not receiving any funds. But where they are, it is making a difference.

In 2000, the Rand Corporation found that the largest gains in test scores over the last 30 years have been made by African American, Hispanic, and white disadvantaged students when title I funds have been expended.

A study published this year concluded that, "Whenever an inner city or poor rural school is found to be achieving outstanding results with its students by implementing innovative strategies, these innovations are almost invariably funded primarily by title I."

Mr. President, these title I funds are making a difference. They really make a difference. Our goal is not to mandate these funds, but to say that if over the next 10 years we really want to raise the level of achievement, and if we are going to test people over the next 10 years to reach full proficiency in math and reading, our goal is to fully fund this program that is making a difference today.

Some of my colleagues say that although we have spent about $120 billion on title I since 1965—which is true. Over the last 35 years, we have spent about $120 billion in this program—there is still a huge achievement gap. There is; they are right. Even the numbers showing improvement don't really deserve to be heralded too much because where they started from was so low that while it is improvement, it is not a level that any one of us would accept as satisfactory, but clearly there has been. Therefore, they say, because we spent this amount of money and still have an achievement gap, we should not spend any more money until we get the reforms.

Let's keep in mind that title I spending represents only about 3 percent of all spending on elementary and secondary education nationally. Let's not blame all the problems on title I. It is such a tiny percentage. Again, you start talking about a dollar being spent, and I mentioned that about 5 or 6 cents is the Federal commitment, and of the 5 or 6 cents, about 3 cents is title I. So when people say your title I money is a waste of money because the 3 cents isn't working, remember, there is about 95 cents that we ought to look at in terms of where that is going. So title I funds are important.

Many experts argue that to the extent there is still an achievement gap, as I said, title I has kept it from growing even greater. I think that is probably a more accurate statement.

The new Secretary of Education, Secretary Paige, the former superintendent of schools in Houston, TX, has often spoken about the need to shine a spotlight on those schools so that parents and the public will bring pressure to bear where schools aren't doing their job.

I could not agree more. The parents and public have a right to know how the schools are doing and a responsibility to get involved. But if we do not provide schools with the resources they need to implement reforms, then all of the testing and accountability in the world is not going to make any difference.

As my colleague from Louisiana, Senator LANDRIEU, has often said—and I think it is a good statement—resources without reforms may be a waste of money, but reforms without resources are a waste of time. And I agree with that statement. Testing and accountability without more resources are an unfunded mandate, however well-intentioned.

No one questions the need for reform and no one should question the need for more resources for the full funding of title I. Congress passed the Elementary and Secondary Education Act 36 years ago because of the achievement gap, and we need to provide schools with the resources to close it.

This again does not mandate dollars. It sets the goal over 10 years. Many agree if we do not have an adequate allocation of resources that we may be creating an unfunded mandate, where we are going to shut down schools, close the doors, without providing the financial backing that is needed.

As I said, only 2 cents of every dollar go to education, and less than that, in fact, if you are talking about elementary and secondary education. Eighty percent of American citizens approve more than doubling the Federal investment in education in the next 5 years. We are talking about a 10-year commitment.

I know all of us are interested in closing the education gap for disadvantaged students. This amendment, while an authorization, is an important step in that direction.

We will have further debates on the appropriations bill down the road. There will have to be an agreement struck between the White House and Congress, but many of us, Democrats and Republicans, would like to go on record that over the next 10 years we ought to try to get it. There may be other reasons that get in the way, but sending a message to America that we care about this; that as an authorizing bill these goals are commendable and deserving of bipartisan support in this body.

I yield the floor to my colleague from Maine who I know wants to be heard. There are several other Members who want to be heard on title I. I have already taken more time than I should have. I apologize to my colleagues. I thank my colleague from Maine.

I mentioned earlier my colleague from Vermont who has done so much on education issues, but Senator COLLINS from Maine, from the day she arrived, has been committed to these issues.

There are many reasons why I enjoy my service on the Health, Education, Labor, and Pensions Committee—I think that is the right name. We sometimes change the names of the committees, the education committee—but no more significant reason than serving with the Senator from Maine whom I have joined on numerous occasions on a variety of efforts where we find common ground. We have on this amendment, Mr. President, and I am delighted to join her in this effort.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield time to my colleague from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I first commend the Senator from Connecticut for his extraordinary efforts. He has such a commitment to improving the education of disadvantaged children. He has been a leader in this effort, and I am very honored and pleased to join him tonight as his principal cosponsor of a very important amendment.

We talked a great deal during the past few days about what the proper role is for the Federal Government with regard to education. We all agree that States and local communities have the primary responsibility for education, but since the mid-1960s, when the Federal Government first passed the Flementary and Secondary Education Act, the role of the Federal Government has been to promote educational equity, to try to narrow that persistent and troubling achievement gap between disadvantaged children and their peers. That is the reason the Federal Government is involved at all in education. It is to help with the education of the poorest children in this country, to help ensure they have the same opportunities as children from more affluent families.

Title I authorizes Federal aid to State and local education agencies for the education of these disadvantaged children. Title I grants are used to provide supplementary educational and other services to low-achieving children attending schools with relatively high concentrations of pupils from low-income families.

Much has been made of the fact that more than $120 billion has been poured in to title I programs over the past 35 years with not much to show for results. I understand that argument, and I am concerned that we have not made more progress in providing educational opportunities to disadvantaged children, but I firmly believe that is about to change.

We are not talking about putting considerably more money and doing things in exactly the same manner. We are not talking about pouring more money into a failed system. Instead, what we are putting forth with this bill is a new approach, a reformed system, a system that sets forth the goal of leaving no child behind, including and especially those children from disadvantaged families.

We are talking about having accountability, of holding schools responsible for what really counts, and that is improving student achievement. We are changing the focus from regulations and rules to results. We are asking the right questions. We are asking the question, "are our children learning?" And not, "Was that form filled out correctly?" That is a fundamentally different approach to education policy.

With the leadership of President Bush and the Members on both sides of the aisle, the Senate has produced landmark legislation, the BEST Act, legislation that I believe may well be the most important bill we consider this year. It is legislation that I believe will help turn around many failing schools across America.

With this act, we are making a fundamental change in our expectations for our schools. We are rejecting what President Bush has so eloquently called the soft bigotry of low expectations. But along with reforming the system, as we are imposing these new requirements and holding schools accountable for improved student achievement, we need to provide some assistance with the financial aspects of reform.

The amendment I have cosponsored with Senator DODD will do just that. Our amendment authorizes the Federal Government to provide the poorest schools in our country with significant additional funding over the next 10 years. Our effort would set the goal of fully funding title I programs by the year 2011.

We may not be able to do it. We may not be able to produce the appropriations over the next 10 years that match these authorization levels, but shouldn't we set forth the goal of doing so?

Shouldn't we challenge ourselves, just as we are challenging schools, parents, teachers, administrators, school boards, and students all over this great Nation to increase their standards, to set high standards for our children, and to hold schools accountable for improving student achievement?

Shouldn't we, too, set high standards for ourselves? Shouldn't we challenge ourselves to meet the goal of fully funding title I?

That is what our amendment proposes.

We should be troubled by the growing achievement gap between disadvantaged students and their peers. Recent test results suggest we are going in the wrong direction, that the students who are performing the worst are actually getting worse. We cannot accept that. We have to make the difference.

The system has failed to narrow this persistent and troubling achievement gap over the past 35 years. That is why we need the fundamental reforms included in this legislation. But it is also why we need to put more resources into the system to support these new reforms.

We have set these challenging goals for the schools of America. Let members set an equally challenging goal for ourselves to fully fund title I. I urge my colleagues to support this amendment and to join with the Senator from Connecticut and with me in setting this goal for America's schools.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Maine for her eloquent statement. I know my colleague from Tennessee wants to make some remarks, and I yield whatever time he may consume.

Mr. FRIST. Mr. President, we have two amendments on the floor now. My colleague from Vermont talked 30 minutes ago about an amendment that is very important that I want to elaborate on and express my support for, while addressing some of the issues that, to me, are very important. It is important the American people understand the significance of that particular amendment.

Earlier today we addressed the issue of fulfilling an obligation on behalf of our Government, an obligation we made through a mandate called IDEA, Individuals with Disabilities Education Act.

As we debated in this body in the past we put a mandate on local schools and school districts and on States to fulfill a very important obligation. That mandate was to make absolutely sure we didn't leave individuals with disabilities behind. In doing that, it imposed certain additional costs on the system locally. Yet we never fulfilled our obligation in supporting that so-called unfunded mandate. That is exactly what it is. We addressed that earlier today.

In spite of our best efforts over the last 6 years and a true market increase in funding, we have a long way to go to address that issue.

I think this bill, through bipartisan cooperation and the addition to the underlying bill worked through the Health, Education, Labor, and Pension Committee, goes a long way in stressing President Bush's agenda of education, looking at local control, accountability, measurable standards, and involvement of parents and empowering parents to make choices in the best interests of their children, instead of having the Federal Government or bureaucrats making those decisions. There will be a lot of debate as to whether it went far enough in areas such as choice and parental involvement, while others said we went too far.

It is important to recognize the accountability provisions in this bill are strong. They have been strengthened, I believe, after a lot of debate in the Health, Education, Labor, and Pension Committee and have been strengthened through bipartisan efforts of Democrats and Republicans and representatives from the administration working very hard to make sure whatever we do in terms of streamlining—getting rid of red tape, allowing the freedom to innovate—we couple that freedom with very strong accountability provisions. These are not block grants as we have in the bill elsewhere. These are performance grants. Don't just give money to the problem and walk away. We have tried that and it does not work. We invest the money and measure the results, and we measure the results in a way that it helps not to just identify the problem but make the diagnosis specifically as to what the problem is so we can fix it. Reward success; do not reward failure. If there is failure, further invest if necessary or put in a type of reform in an innovative way, that could correct whatever the deficiency.

What has become apparent to most everyone today is that over the last 35 years, in spite of very good intentions, we have not made the accurate diagnosis as to why the achievement gap is getting worse every year and why we are failing to boost the academic achievement of the disadvantaged or the underserved, the less fortunate. Looking at international comparisons and what progress has been made over the last 30 years, we have to figure out how to eliminate the achievement gap and define it. That means more assessments.

We will hear people who do not like assessments saying it is a bunch of Federal tests we are imposing on local communities, and there is no Federal role for that. People will call and say we already have too many tests out there and that is not the problem. We are already testing our kids four or five times a year.

It is now apparent for the first time, and this is why the bill is so important, the accountability, making the diagnosis, identifying the problem, and defining it, requires an understanding of where we are today but also making comparisons over time. If you just give a test sporadically or there is no uniformity to the test, there is no ability to longitudinally, year by year, compare and there will be an inadequate diagnosis.

A bunch of results such as A, B, C, D, E, or F, and you will not know whether a B in Nashville, TN, is the same in Alaska or down in Florida or California.

All of this requires a degree of standardization but not a Federal test. Again, I have talked to people around the country today who are calling and asking: Are you going to impose this national Federal test designed by bureaucrats or designed by the Department of Education or designed by Senators? The answer is no.

The assessment, however, is critical. We have spent, according to Secretary Paige, about $150 billion over the last 35 years, and we have hundreds of new programs. In spite of that, too many children are being left behind by our education system. That is the problem.

Now we have to make the diagnosis. It means accountability systems and the foundation of making that diagnosis, the foundation of those assessments, and the foundation of defining that problem means we have to assess, and we have to assess on a regular basis so we can intervene at the appropriate time —not just once in the fourth grade, wait 4 years and test that same individual in the eighth grade because then it is too late, and 4 years are lost.

Thus, in the underlying bill, which I think is critically important, we have the annual assessment of all students in reading and math in grades 3-8 consistent with President Bush's proposal. That is a problem. The problem is out there, and we can define the problem and define it earlier. We can track a school or an individual. If they are doing OK the first year, worst next year, worst next year, we can intervene. Whereas today we cannot intervene because the test that is applied, there is no uniformity, and we do not know if the test in the eighth grade is the same in the fourth grade, if there is a difference. There is no standardization.

Now, it is critical; this is not a Federal test. We are not designing a curriculum. That is dangerous. Everybody will be out there teaching just to the test and that will probably not give the results that are desired. Therefore, in this bill, it very specifically says that States would be free to develop their own assessments, but they have to be linked to state standards, No. 1; and No. 2, student achievement results must be comparable to year after year after-year—fourth, fifth, sixth, seventh, and eighth grade. We have to compare year to year. It is like looking at the heart, and you take pictures and you see parts at a time, and that is useful, but it is really useful to get an EKG 1 year, and the next year, and the next year. That is where the powerful diagnosis is actually made.

States would be required, in addition, to report those assessment results. Can you do a test and get accurate data to make the diagnosis? Unless you give that information to somebody who can use it to intervene or correct, once again, it might just be a bunch of test results sitting on a shelf that nobody looks at, an accurate test, a cross-sectional and longitudinal comparison. Then you have to require reporting of that information—this is in the bill—to the parents. Again, the importance of this bill is it empowers parents to make choices, to be involved, to make demands, to hold teachers accountable or schools accountable, again consistent with the principles of President George W. Bush. Those results are also reported and spelled out to the public in the bill.

The test results also—again, it is important because of this achievement gap—must be disaggregated. You don't want to report in the aggregate how good a school or district or State does. You want to be able to take out that data, dissect it out. Therefore, in the bill we say that you have to do what is called disaggregation. Instead of lumping all the data together, you want to be able to take it apart, again so you can more specifically and better identify what the deficiencies might be, or what groups are doing well, what groups are not doing well. So there will be this so-called disaggregation or further dissection of the information and data by socioeconomic status, by disability, by language proficiency—all of which you can address in innovative and creative ways if there is failure.

All of that brings me back to the Jeffords amendment. That is because those are mandates of a sort, but they are mandates that are carried out at the local level—again, not a Federal test but a State-designed or locally-designed test. But it is a mandate. You have to give the test. You have to give the paper. You have to wait the hour or two. You have to grade it. You have to develop the test. You have to make sure it is a useful test in a longitudinally and cross-sectional way.

In 1994 when we addressed the reauthorization—and we have to learn from our past mistakes—we did not quite get it right. Remember, we reauthorized ESEA, or the Elementary and Secondary Education Act, seven times. In 1994, Congress adopted a State assessment requirement for title I but at that time did not provide the funds to the States to meet that requirement. Again, you have a mandate out there and you have no resources to go with it, and therefore it has had very little in the way of impact.

The significance of the Jeffords amendment, once it is added to this bill and voted upon in an hour and a half or so, is it will commit the Federal Government to sharing the cost of the proposed assessments, of the proposed testing. What it specifically does, S. 1, or the Jeffords amendment once inserted into S. 1, is it will provide $370 million in the year 2002. There will be annual increases of $10 million each year all the way out to 2008. A total of about $2.8 billion will be added through the Jeffords amendment over 7 years.

There was a discussion of from where that figure came. It came from a lot of analysis and a lot of study. I want to tell my colleagues that because this was initially raised in one of the working group meetings, the bipartisan working group. It became very clear that we were all concerned about giving this additional responsibility to States and local communities.

Everybody said: How much does it cost to conduct a test or to develop a test? Again, the data that came back showed that there is a lot of variation from State to State.

A State such as Tennessee has been very involved in testing many times during the year for many of the grades and therefore has gotten on down the line. The cost is going to be less. We will still be able to use many of those tests and adapt them according to Federal standards.

The 7-year cost estimates have ranged, in terms of estimates you see in the press circulating around, from $2 billion to some as high as $7 billion. But the more we as a group looked and analyzed this data, the more comfortable at least I became with this figure of about $2.7 or $2.8 billion as a part of carrying that additional burden that the States will have for this testing. Again, it depends so much on how much is already going on in that State.

It also depends on what types of assessments are out there. You can do all sorts of assessments, what is called norm-referenced assessments or criterion-based assessments. There are States such as Massachusetts, I believe, which have a certain criterion that far surpasses even what we require. We are able to compare State by State.

I, for one, am very comfortable with the Jeffords amendment as sufficiently and appropriately supporting that incremental cost with this increased requirement, very important requirement, of accountability to make sure, in everything else we are doing, we are linking any change we proposed in this bill to strong accountability.

In closing, I urge support of the Jeffords amendment to S. 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I yield as much time as she may consume to the distinguished Senator from Louisiana, who is a principal cosponsor for full funding for title I, an amendment by myself and the Senator from Maine.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleagues, Senators DODD and COLLINS, for their great leadership in this area. In committee on many days, in many meetings, in many different forums, these two have been just tremendously powerful voices for a very important piece of our education reform efforts, and that is, in fact, title I.

The title, the block grant, if you will, is the money that goes to all of our school systems and our districts to help turn around poor performing schools, to help reach those children who are in the greatest need, to help reach those counties—in Louisiana's instance, our Parishes—where the tax base is minimal or weak, where even well-intentioned individuals who want to give more revenues for schools cannot because of their limited capacities. Title I was intended, when it was created, to be the answer to that, to help equalize the playing field. It was intended to make real what we say about giving equal opportunity for children.

I thank them because they were very forceful in committee and now bringing this amendment to the floor, in which it seems many of our colleagues are going to join.

I also thank Senator KENNEDY for his outstanding work in the whole area of education, for working so diligently to bring us to the underlying compromise which Senator JEFFORDS' amendment represents, which is a strong accountability component. The Federal Government now really enters into a partnership with States to not just throw more money at education but to improve every school. It will give them the resources to help frame the goals. It will give them the tools they need to set their own standards of performance and to increase testing and accountability in addition to adding investments through title I to meet those goals.

Senators KENNEDY and JEFFORDS, LIEBERMAN, BAYH, and so many others have been engaged in this compromise. I am proud to be here to support it and to speak for just a moment on what the title I amendment will do for Louisiana.

Mr. President, for your State, Alabama, which is similar to Louisiana, it will be a tremendous victory for our schools and our schoolchildren, particularly in the South, particularly in areas where there are high concentrations of the poor. If this amendment we are advocating is adopted and the authorization for title I is increased as substantially as this amendment calls for and the underlying agreement allows, it is going to mean, for Louisiana, an additional $161 million. That is going to help add resources to one of the strong accountability systems we have in the Nation.

I commend our Governor and our legislature, our BESE board, for stepping out years ago, introducing rigorous tests and accountability, trying to identify failing schools. If we are successful in not only passing this amendment and authorizing this increase in title I but ultimately successful and can lean hard on the appropriators—and I am a new member of that committee—to actually get this money appropriated, it will be a tremendous help to Louisiana, to Alabama, to California, to New York, to Maine, to Connecticut—to all of our States, to give those administrators the resources they need to help these schools turn around and improve.

In addition, on a separate amendment which is not what we are discussing but was already adopted, we have now made a commitment and a statement in the Senate that we want to live up to full funding for special education.

If we will do those two things—get the full funding for special education and, in fact, adopt this title I amendment, and get the money actually funded through the appropriations process—I would say we have done more to really improve, enhance, and strengthen public education than we perhaps have done in the last 30, 40, or 50 years. I mean that. Let me tell you why.

Some Senators have made statements that would lead people to believe that in the years past we have really funded title I and that the problem is we just kept funding it but we didn't ask for results. I would like to take issue with that in the few minutes I have.

Title I was created under President Johnson's administration with the idea that for the first time in America the Federal Government would step up to the plate and recognize there were some areas of our country that needed extra help and tried to provide extra money for these schools. We have really barely kept pace with inflation. While the amount of money has gone up, when you look at it, it has barely kept pace with inflation.

This amendment would significantly increase our investments in title I so we can live up to that promise we made 35 years ago. Whether children live in the rural part of Maine or Louisiana, or Massachusetts, whether they are in a poor pocket of a large urban area; whether their community can afford to pay high property taxes or whether there is property of value to tax, these children could get qualified teachers; they could get computers; they could get technological training; they could have access to wonderful libraries, not only physically but on the Internet; they could have courses in science and literature to help build the kind of education they need to break out of the cycle of poverty.

We know schools can't do all of it. We know parents, families, and the community have a role to play. But I can tell you, as a great beneficiary of an education system, that every single Senator in this room has benefitted. Some Senators came from very wealthy families, but many Senators came from poor families with very limited opportunities. If it wasn't for strong parents and a good sense of community and a good education, none of us would have made our way to the Senate.

That is why I believe so strongly in title I and why I thank Senators DODD and COLLINS for putting forth this amendment while we have a projected surplus to make a real commitment in moving these dollars to title I.

Lets add another word about title I. Title I is not just one part. There are four parts to it. There is a basic grant that is distributed to all the States based on the number of poor children. Then there are three other parts laid on top of that to make sure the money we send actually reaches to the poorest districts that need the most help.

While this amendment doesn't specifically direct those dollars in that way, the underlying amendment and the underlying bill basically say if this amendment is adopted, the new money—we are talking about a significant amount of new money, $6.4 billion—will not only be added to title I but it will be appropriated through those targeted concentration formulas so that States such as Louisiana that have high rates of poverty can be well served, and so that in the field Federal Government will, in fact, step up and be a real partner to these States and these local communities that are trying their very best to make the kind of real reforms that we are advocating.

It will enable them to provide this new testing—not just fake tests, not just the easy tests, not testing on the cheap, but good tests and good accountability measures so we can identify what schools need help and then give them the help they need so we don't leave any child behind.

That is what is exciting about this amendment. I am so proud to be working on it with Senators DODD and COLLINS.

I believe it is most appropriate, while we are in this debate about the budget and setting parameters for how we are going to spend our money—we are going to give significant tax relief, and we can most certainly do that—that we set aside the right kind of investments for our schools.

It has been said, and it was repeated to me over the weekend by one of the outstanding authors on the subject of education in the Nation, and I think it is worth repeating at this time, our schools don't just serve the public; our schools create the public.

In a nation that prides itself as being the longest living democracy in the world, a nation, while not perfect—we most certainly have many flaws and we have much to improve—that is really a model of democracy for the world, our education system becomes more than just learning facts about what was and what is. Students learn about the possibilities of what can be. They learn to think. They learn to believe in themselves. They learn to put things in perspective. An education system literally becomes a place where we create a public that is educated enough to sustain a democracy that not only brings hope to every person that lives in America but brings hope to millions of people around the world.

This is a big issue. I don't mean to overemphasize how important title I is. But it really becomes imperative that this National Government, our Federal Government, give the resources necessary to strengthen the schools that create the foundations and the bedrock of our Nation.

Again, I am proud to be part of it. I most certainly hope we have a strong vote on this amendment tonight.

I thank my distinguished colleagues from Connecticut and Maine for bringing this amendment to the floor, and I urge passage of the Dodd-Collins amendment.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. DODD. Mr. President, I yield 10 minutes to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to support the Dodd-Collins amendment.

I have had the privilege of being a legislator most of my adult life. I must admit what we are facing today is not a first. I realize that legislation and the legislative process is an imperfect activity. As a matter of fact, it was Bismarck, I believe, who was quoted as saying that making laws is something similar to making sausage. It is a process that you should never see. Today is an example of that, for here we are discussing one of the most important subjects facing this Nation: How we are going to invest additional funding in education, a subject matter that is absolutely essential to the future of this country, while at this very moment discussing and hopefully adopting the Dodd-Collins amendment that will fully fund title I over the next 10 years—title I being the funding for disadvantaged students—while at the same time we have just received the report from the other end of the U.S. Capitol Building that the House is about to take up a conference committee report on the budget resolution from which the Democratic leadership was excluded. All of the Democrats on the Budget Committee were excluded from knowing what was in that budget conference report.

We find, in fact, that what is in it is exactly the opposite of what we are debating right now—that instead of fully funding title I, title I will not be fully funded; much less, it will not even be adequately funded; much less, it will not even be increased over the next 10 years. That is an irony of all ironies.

But let's look at some other issues. We understand that the budget resolution may come here tonight for a vote, while at the same time we are discussing the education bill and voting to invest additional resources into education. What we are going to be voting on tonight is a budget resolution that has no increase in funding for education. You can't have it both ways.

We understand, although we have not been privy to this documentation yet, that not only are there not going to be the increases in title I, the subject of the amendment that we are discussing for a significant increase—indeed, the full funding of title I—but that there is going to be less funding, with no increases, for safe and educational afterschool opportunities. Head Start is not going to be significantly increased, the program to get children ready to enter kindergarten and the elementary school years. It is going to eliminate the additional funding for the training of our teachers. It is going to eliminate the additional funding for reducing class sizes. And it is going to eliminate funding for making our schools more safe.

What we have just talked about is what the American people want. They want safe schools. They want smaller classes. They want better paid teachers and better trained teachers with continuing education opportunities. They want additional opportunities for disadvantaged children. And they want afterschool programs for children.

That, in large part, is what this entire bill, S. 1, is about, which we are talking about and have amended.

Earlier today we adopted the Harkin amendment. It provided some $180 billion over the next 10 years for children with disabilities. Yet I am told that a stealth budget resolution conference report, that we are not privy to see, is coming to this Chamber for a vote tonight. That is exactly the opposite of what we are doing in the consideration of this education bill.

I know the process of legislation is not pretty, but this defies anybody's description about any kind of symmetry because there is none. It is a total irony that we would be giving, with one hand, for one of the most fundamentally important needs of this country, education, and later tonight taking away with the other hand.

Mr. President, I thank you for the opportunity to address the Senate.

Mr. DODD. Mr. President, I commend our colleague from Florida. He has made an eloquent statement. He raises a very valuable point. I appreciate his support for this amendment. This is one way to put us on record, in a bipartisan way, to say how critical increased Title I funding is to educational reform. Not only must we insist upon accountability but we must make it possible for people to demonstrate their academic achievement, which is necessary if we are going to be successful.

So I, for one, am very grateful for his support on this amendment and also for his comments in relation to the position we may find ourselves in with having supported a reauthorization but then finding it difficult under the budget agreement to have the resources actually committed.

I thank the Senator for his comments.

Mr. FRIST. Mr. President, I yield myself 5 minutes, and then I will yield the Senator from Alabama 15 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, the whole issue of funding is very important. It is very clear to everybody in this Chamber that we have not sufficiently funded title I, especially if we are to focus on eliminating the achievement gap. In fact, after the bill passes, we will require our States to engage in assessments so we can make the diagnosis and understand better why, after 35 years, $150 billion, and over 200 programs, we continue to fail the disadvantaged. We have failed to eliminate or even diminish that achievement gap. In fact, we have done just the opposite. That achievement gap has increased over time. The President of the United States has pointed that out again and again. That is our charge: to have measurable results, linked with the freedom of innovation and the best of what America is all about to address this fundamental problem.

Title I is the cornerstone of the Federal involvement in focusing on the disadvantaged in this country. It is a monument, in many ways, to our commitment as a nation to boost the academic performance of disadvantaged children and to close that gap between rich and poor youngsters.

It is not because of a lack of good intentions; we have a litany of programs that are out there today—some have been funded fully and some have been inadequately funded—but we have failed the disadvantaged in this country. Title I is not accomplishing its purpose today.

We are talking a lot, in relation to the two amendments we will be voting on at 7:30, about markedly increasing the funding in title I and in the education bill. We are talking about markedly, massively increasing it with this increased authorization.

I just want to make two points. The answer is not just money. It does take an increased investment. But we absolutely have to link that increased investment to accountability and to appropriate reforms and flexibility. We have to empower parents, have local control, and accountability.

The strategy over the last 35 years of aiming dollars at programs or school districts to create just new programs for disadvantaged students simply has not worked. I do not want this body to think that just throwing money at the problem alone is going to address the issue.

Part of the problem with title I, and this whole concept of fully funding title I, is it is pretty complex. The decision was made about 30 years ago not to fund individual students. We say: Leave no child behind. People think when we are increasing this money, we are giving it to that child or to that family, or that the value goes to that child or to that family, the disadvantaged student, that the resources are aimed at that student.

In truth, that is not what was decided historically. It has been to fund the institutions where the highest percentage of those students are but by using a formula which really funds the institutions. That means even if we put in an unlimited amount of money into title I, we would still not be addressing the issue of covering all the disadvantaged students. It is a quirk in the formula. It is a quirk of the decisions that have been made in this body.

I mention that because Senator JUDD GREGG of New Hampshire will later, next week, address this issue of portability. If we really care about disadvantaged students, shouldn't we, in some way, address every disadvantaged student? The best way to do that, conceptually and practically, would be at least to take some of these resources and attach them to the student—the disadvantaged student, the poor student, the student with the disability—and allow that student to have the resources that are most appropriate for him or her. Again, it comes back to portability. But that is not the issue tonight.

But as I see the great support for increased funding, we have to link it to accountability.

I want to introduce the concept we will be debating next week, and that is portability.

Just so people will understand, the title I formula is based on the number of low-income children living in a district, but the money goes to the school and does not go to the child. As a process, we have corrected some of it in the underlying bill. The formula favors high spending in wealthy States because part of the equation is how much you are spending right now in a State, and wealthy States or wealthier States—New York spends a lot more per capita or per student than Tennessee; that is an important part of the formula—are going to get more money through title I than a student will in Tennessee or Louisiana or many other States.

Secondly, districts with high-poverty schools are served first, and that is appropriate, but at some level there is a cutoff and, therefore, you can't serve all schools. You just don't have enough money to serve all schools that have 1, 2, 3, or 4 percent of disadvantaged students.

Third, high-poverty schools receive a priority for funding but because of the equation, per pupil, per individual disadvantaged student, they receive less than low-poverty schools. It doesn't make sense for a high-poverty school to receive less per pupil. It is because they have a higher percentage.

I mention that because the formula, the way it is configured today, means that nearly half of low-income children in America receive no assistance from title I. Therefore, when you hear that half who deserve it don't receive it, then the response is: Let's put more money into it.

I want to point out to my colleagues, you could put more money into it and more money into it. I am not arguing against that. I think we need to put more money into it, but given the formula and the way we target institutions and not the students, with unlimited money put into the system as currently configured, you will never be able to take care of all the disadvantaged students out there. The only way you can do that is looking at portability and saying that you need to attach some of these funds to the individual student.

I know we have been going back and forth.

Mr. DODD. May I yield to my colleague from Delaware who has another engagement before we actually vote? If he could have 2 or 3 minutes and then go to my colleague from Alabama.

Mr. FRIST. Absolutely.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to say a word about accountability and relate that to resources. In the measure we will be voting on and amending later today and for the next week or so, there is a full measure of accountability. I want to mention some of the provisions.

If after 4 years a school has been unable to shed its label of a nonperforming school, a school is unable to meet its yearly progress goals, a student who is trapped in that school must be offered the chance to go to another public school. That school district must provide the transportation for that student.

Under the accountability regimen that is part of this bill, after 4 years of failure by the school, either that school must simply be reconstituted and the administration and teachers let go, or largely replaced, or the school has to be turned over to the State or another entity. There is real accountability in this legislation. There ought to be.

The question we need to consider is, Are we investing the resources that will enable that school and thousands of other schools falling short of the mark to help their kids meet the standards that have been set by the various States, particularly in reading and in math?

Our role in the Federal Government—when I spoke yesterday I talked about our role—is to level the playing field for kids who come from a disadvantaged background. Part of that role is making sure that kids are healthy, born healthy, have enough to eat and nutritious food early in their lives, and to make sure they have access to health care so that when they are old enough to go to school, they are not already hopelessly behind.

It goes beyond that. It is trying to make sure that there is adequate child care, as we push people off the welfare rolls, compel them to go to work, to make sure that those children of welfare parents have some decent child care so that they get that help when their brains are young and so much can be done to get them on the right path.

Our role extends to Head Start. We don't begin to provide the Head Start funding that we have promised to provide. We just don't meet our obligation for 3- or 4-year-olds in this country. We leave it up to the States to try to make up the difference. States such as Delaware and Ohio do, but many do not.

Until the adoption of an amendment earlier today on a voice vote for the Individuals with Disabilities Education Act, we simply didn't fund it. We met about a third of our obligation but not the rest.

As we prepare to hold schools and school districts and States accountable for the children left behind today in failing schools, we have to make the appropriate investments. Whether it is Head Start, whether it is child care, whether it is individuals with disabilities, and whether it is children who are eligible for these title I programs, they actually work. To the extent that we can come closer to funding for every three kids, to make the program available for those three kids instead of, today, one out of three, we will enable those children to be successful and enable their schools to avoid being a failure.

I thank the Senator for yielding.

Mr. DODD. Mr. President, I thank our colleague from Delaware. As a former Governor, I know many Governors believe as he does as well. I appreciate his comments and thoughts.

I ask unanimous consent that our colleague from Vermont, Senator JEFFORDS, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I also commend the Senator from Delaware. About 3 years ago, I guess it was, as Governor, he was one of the instrumental driving forces in a bill called Ed-Flex, where it, in a bipartisan way, was brought to the Senate and passed, providing education flexibility. It is a pleasure now that we can all participate in a bill in a bipartisan way, although we get partisan at times, developing those things that started several years ago.

Mr. CARPER. Mr. President, if the Senator will yield, we would not have education flexibility in all 50 States were it not for the leadership that he provided in the Senate and the support of Senators DODD and KENNEDY and others. I thank him for the great work he does.

Mr. FRIST. Mr. President, I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is a pleasure to be able to discuss once again some of the issues facing education. We can really do better. The Government has not, in my view, been effective enough in utilizing our resources and our laws and regulations and paperwork to produce education excellence.

Yes, we should have accountability. As the Senator from Delaware: You have to have more money then to achieve excellence, and we are going to have a lot more money this year in education. That is going to be a good start.

I suggest that that is not the only thing that drives improvement in education. Dr. Paige, our Secretary of Education, who served in the Houston school system from 1995 to 2000, took over the seventh largest system in the country with only 37 percent of the students passing the basic Texas test. He applied, when President Bush was Governor, principles that he believed in and learned as the dean of an education school, as a teacher himself, and as a coach.

He went to work to improve education in the Houston schools, and in 5 years, he reported that 73 percent of the students in Houston passed that test.

When asked recently: Didn't you get a lot more money? He said: The third year we had a proposal for more money. The voters voted it down. Test scores kept going up and things were getting better, and we came back again. And we did get more money.

Most of the progress and the framework for the progress was made before he was given any more money.

Testing, he says, is not an accountability factor so much as a part of teaching. It is a way, an ability. The process of helping children learn is to find out where they are and what they can do.

Are they up to speed? Are they behind? What level are they on? How can you improve them? We cannot leave children behind. We cannot wait until the fifth, sixth, seventh, eighth, ninth grade, and find out that children are able to do basic math and read and write. Isn't that terrible? That has been happening, we know, too much in America.

I would say the key component of testing isn't just some sort of accountability, although it does provide accountability; it is a way and a technique of identifying children that are falling behind. We don't want to leave children behind. No child should be left behind. We can intervene early, and the President wants testing from third to eighth grade to make sure they are up to speed and not falling behind, because he cares about them.

Dr. Paige said he loved those children. He loved them enough to test them and find out how they were doing and make sure they are catching up. And he wants to engage parents. You can bring them in if things aren't going well. If the whole school is doing badly, you can come in and improve it. You can challenge the leadership if they are not doing well.

So I think we have some real potential movement in education, and that is exciting. If we allow schools to have more freedom to use their education money that they are going to be receiving—and are receiving now—in ways that they believe will drive academic achievement, but we simply say find out how your children are doing, report that to the parents and teachers and the taxpayers, and if you are not doing well, let's confront that problem quickly. I think that is something that will work.

We voted today to fully fund the IDEA, the Individuals With Disability Education Act. I think that is wonderful, and it is an act that has a great goal. It has achieved some very good things. The vision of the Individuals With Disability Education Act was to make sure that children were not shunted aside, that they were allowed to participate fully in the environment in which they would be participating when they graduated, and that physically disabled children would be able to participate with other children in a classroom, that children who are blind or deaf would be able to mainstream in the classroom and benefit from it. It had some good provisions in it.

But I am here to tell you that there is a growing problem in America with this act, dealing with one just minor—really, in the scheme of things—part of it, but it has a major impact; that is, the ability of schools to discipline and deal with children who are not able to function in a classroom. It is a major source of frustration and anger, and a major factor in teachers actually quitting education. We can do something about this. We do not have to allow this to continue.

I have visited in my State approximately 25 school systems within the last year and asked them about what is going on. I have been hearing routinely about the problems they are having with the disciplinary requirements that really limit their ability to maintain order in their classrooms. The head of the Alabama Education Association and Teachers Group said he believes changes need to be implemented. He said, "I am tired of these people cursing teachers in Alabama and nothing can be done about it."

So I believe that the time has come to deal with it, and I want to share some of the information I have learned over the last year or so about this particular subject. Let me read this letter from a student that I think gives an indication of what we are about:

> I am a 14-year-old eighth grader. I have a problem. There is this girl that goes to school with me. She is an ADD student. She has been harassing me for no reason. She has pretty much done everything from breaking my glasses to telling me she is going to kill me. This really bothers me because she is an ADD student and the only punishment she ever gets is a slap on the hand. My principal says there is not much he can do because her status as a special ed kid. I asked what would happen if I threatened her back and he told me I would be suspended from school and forced to stay away. The most she has ever gotten is 3 days "in school" suspension. I think this is wrong. She scares me and I am tired of this. It has been going on for 5 months and it's really getting scary.

Doesn't that bother you? Can you hear that child saying that? She is exactly correct. That principal is able to discipline her for a threat or a violent behavior much more severely and much more effectively than he can deal with a special ed student.

Let me read this story in the Dothan Eagle, a newspaper in Alabama:

> Until recently, Tina Ham never worried about the safety of her child in Geneva County Elementary School in Hartford, AL. But since last week, school safety is all she and other parents have thought about after a third grade special ed student threatened to kill his fellow third graders. Parents say that an 11 year old boy threatened to shoot and kill two African American students and then threatened to kill the entire third grade. Parents say that the boy has a history of behavior problems and has frequent outbursts at school. He has a history of reportedly attacking other students. Sources say the boy can be heard yelling in his classroom, and that he has been seen spitting on people, walking on tables, and throwing books and desks. The threats came to light after calls were made to a State violence prevention hotline.

I would like to see more States do that, so that if a parent or teacher or student sees something they are concerned about or violence, they can make an anonymous call and perhaps something can be done about it.

> About 50 parents confronted the school board members recently to express their concern about the situation. One parent was quoted as saying that she "didn't want to hurt the child, but I don't want him to hurt my child. I lose faith in school officials." One school official explained that since the child was in special education, they would have to meet Federal guidelines in disciplining the student. It is more involved than it is with general students. One school official was quoted as saying that it is a serious situation and has created quite a disruption to the day-to-day activities of the school. More intervention is needed. One parent explained, "I want this child to be helped. I want him to receive the help he needs and my child afforded the education she deserves. If there is a problem, get him some help. I feel this child is capable of killing someone."

This is a letter from a teacher from Troy, AL. First, let me just add, parenthetically, that as I went about and people would tell me stories, I would routinely ask them to send me a letter, put that in writing to me and I may share it one day on the floor of the U.S. Senate. I have received 50 to 75 or more letters with these kinds of examples.

This is a letter from a mid-sized rural town in Alabama:

> As a special educator of 6 years, I consider myself "on the front lines" of the ongoing battle that takes place on a daily basis in our Nation's schools. I strongly believe that part of the "ammunition" that fuels these struggles are the rights guaranteed to certain individuals by the IDEA act of 1997. The law, though well-intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all children with a quality education delivered in a safe environment. There are many examples that I can offer firsthand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a Ph.D. in good ole common sense. No where in my educational process have I been taught a certain few "disabled" students should have a "right" to endanger the right to an education of all other disabled and non-disabled children. It's nonsense; it's wrong; it's dangerous; and it must be stopped. There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced. There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals there is no doubt we would have better educated students. It is even more frustrating when it is a special education child who knows and boasts "they can't do anything to me" and he is placed back in the classroom to disrupt it day after day, week after week. It is clear that IDEA '97 not only undermines the educational process it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources our credibility is being stripped from us.

Strong letter. I am reading her words:

> I am sure you have heard the saying: The teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be? I have experienced the ramifications of the "new and improved" law first hand. I had one child attempt to assault me (he had been successful with two other teachers) He was suspended for one day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because "these special ed kids have rights", I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibilities to the children I had in my class kept me there.

She was going to give up the profession she had given her life to.

> The particular child I spoke about frequently made vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special ed, could talk to me about it. Unfortunately, they had to put up with it because "nothing could be done". I know of a learning disabled child who cut a girl in a fight. The learning disabled child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over the other child's head. I know of another specific incident where three children brought firearms to school. The two "regular" children were expelled. The special education student was back to school the following week. I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school.

Listen to that:

> I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in school. As my grandmother said, "right is right and wrong is wrong" and to enable this to continue is just wrong.

That is a serious commentary. The example of guns is a good one. For example, three children bring guns to school. One of them is a special ed student and the other two are not. The two that are not are expelled while the special ed student goes right back in the classroom.

What does that say about equal justice and fairness? Is there any concern that the disabilities were not the driving factor in this and independent decisions can be made by these children?

Mr. President, I had 15 minutes. I do not want to go over my time. Is anyone keeping time?

The PRESIDING OFFICER. The Senator has consumed his 15 minutes.

Mr. SESSIONS. I thank the Chair for allowing me to talk about this important subject. We have provided a historic and highly significant increase in funding for IDEA, but the Federal IDEA requirements for schools all over America have created a dual system of education and of discipline.

It is important, perhaps even more than the money we are spending, that we consider trusting those educators who have given their lives to special education children and are trained to teach them, and allowing them to handle these discipline problems in ways they think are appropriate. This would be a lot better than having Federal regulations micromanaging the schools. It is a very sore spot among every teacher in America, and if any of my colleagues do not think it is, they should just ask them. They will tell you about it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes on the time of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I want to address the issues before us, the Jeffords amendment, and also the Dodd amendment.

Having listened to my colleague from Alabama, there are many children who attend our schools who need assistance. One of the more recent studies shows in our city of Boston, a quarter of the children come from homes where either substance abuse or violence is present.

Those who have looked at the profile of children from that urban area and similar urban areas understand the need for assistance for children who are facing different challenges. One is the kind of violence they have at home. Another is the medical challenges they are facing.

All of us want to find ways to deal with these issues. What we have seen in recent times is where, out of the security for other children, children are dismissed arbitrarily. Too often we see instances where they get further frustrated and resort to other types of violence, such as going home and finding a gun and acting out their anger with even greater violence.

These are complex issues and questions. Children ought to be able to learn in a climate which lends itself to progress, and we also ought to find ways of providing assistance to the children who need it.

We can address those issues, and I welcome the opportunity to participate as we move through the reauthorization of IDEA or at other times.

I want to reserve 4 minutes at the end of my 15 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. Mr. President, I join in supporting the Jeffords amendment which proposes the trigger for testing. There is bipartisan support for this program.

The case has been made very eloquently by Senator JEFFORDS and others about the role of testing. I was impressed when I heard Secretary Paige and the President talk about their strong views that this should never be used as a punitive measure; that the role of these tests is to try to determine what the children know and to help the teachers develop approaches to assist those students so they can do better in their school work and in the future. That is certainly my view. I believe that is certainly the view of those who fashioned and shaped this proposal that is included in the legislation.

A reasonable question has been raised about tests, tests which are simple, easy, multiple-choice tests that too often are used to test children and too often the curriculum or the children are coached or taught to those tests. That, clearly, is not our interest.

During the course of this debate we will attempt to address the issue of the quality of the tests, the tests that take critical thinking, demonstrate an excellence in writing, tests that examine what the child should know. Obviously, the difficulty is calibrated upon a well-thought-out curriculum taught by a well-qualified teacher. That is basically what we are looking at in this legislation.

We are going to upgrade the curriculums. We are going to incorporate professional development for the teachers and thoughtful examination for the teachers themselves so they understand the challenges that remain for children and help develop the supplementary services that will be of high quality to help the children make progress in their education. That is certainly the way we want to proceed. That is the objective.

The Jeffords amendment indicates we recognize our responsibility in helping fashion, shape, and support those developments. We will give our strong support and commitment and help develop those tests. This is the essence of the Jeffords amendment. It provides resources. It has a trigger. I think this will be funding that, effectively, will be assured as we move through the process. I will certainly support it.

As we make this case in support of the Dodd amendment, we are talking about additional resources. As has been said eloquently by the Senator from Connecticut and by others, we have devised a new blueprint for accountability and responsibility on the schools, on the States, on the teachers, and really with the students. What we are pointing out and what Senators DODD and COLLINS have pointed out is, in order to give life to those dreams, we have to have the resources to make sure all of the elements of this proposal will be available to the neediest children in our society.

Twenty percent of our children live in poverty. There are 10 million who qualify for the benefits of this proposal. Only about 3.5 million are reached. Under the Dodd amendment, in the first year we will increase children reached from 3.5 to 6.8 million. That is a dramatic increase. Over the rest of the years, we are moving for the final 3.5 million. For those who want to say we have done something important, if we support the Dodd amendment we will cover 6.8 million children at the end. This is progress. This is what we believe this whole legislation should do.

We will consider later this evening the proposal on the budget of $1.2 trillion. What we are talking about in this instance amounts to less than six-thousandths of 1 percent of that tax cut in order to be able to fund that program. Mr. President, $250 billion was approved in this body, Republicans and Democrats, to go to the conference on the budget. Virtually zero is coming back. We are asking six-thousandths of 1 percent, and with that money we are including an extra 6.8 million children.

Investing in these children makes a difference for the children, not just for the future but for our country. Although the support for title I historically has been very minimal—less than 2 percent of the money that has actually been expended—it is important to respond to those comments I heard recently on the floor about what has been happening in Texas and the fact they made such progress, allegedly, without using any more resources.

The fact is, in 1994, they spent $673 million in the Dallas independent school district. In the year 2000, they spent $985 million. That is a $312 million increase. What have been the results? The results have been a significant increase in the funding and a dramatic increase in student achievement. We are not just saying throw the money at the problem and that will answer it all. We are saying if the money is used, and used effectively, it results in student achievement. We have seen it in Dallas, as raised earlier this evening, and we have seen it in a number of other places.

I will mention a few other title I success stories.

Approximately 80 percent of the students at the Baldwin Elementary School in Boston, MA, are from low-income families, and many are recent immigrants. With a strong focus on professional development and high standards for even the neediest children, test scores soared between 1996 and 2000. In the year 2000, 96 percent of the third graders and 91 percent of the fifth graders passed the State reading test, and 60 percent of the third graders and 39 percent of the fifth graders scored proficient at advanced levels.

At Gladys Noon Spellman Elementary School in Cheverly, MD, in 1994, only 17 percent of third graders scored at or above the satisfactory level on the State test. Title I was used to implement reform. Each teacher was paired with another staff member to provide small group instruction during a 90-minute reading period in a language arts block in the mornings. All staff utilized specialists as a basis for language instruction and were provided with professional development. By 1999, 73 percent of the third graders performed at or above satisfactory on the State tests.

These are exactly the kinds of programs that have been included in this legislation and which the Collins-Dodd proposal intends to support.

The poverty rate at Burgess Elementary in Atlanta, GA, is 81 percent. Burgess Elementary staff set out to improve parent involvement in working with parents in the classroom, parent volunteer programs, academic programs for parent learning, and Saturday school programs for parents and students. Parental involvement in the school has boomed. Most days, 10 or 15 parents are in the school voluntarily. In 1995, only 29 percent performed at or above the norm on the State tests. That increased to 64 percent as of 1998, and the math scores have improved from 34 to 72 percent.

Parental involvement is in this bill.

We can take the other examples and take the time of the Senate to review these other examples. We have tried to find the kinds of efforts that have demonstrated success and support those in this proposal. But unless we are going to provide the investment in the children, we are not going to be able to achieve those objectives; we are not going to be able to get there. That is what this amendment is all about.

We have the blueprint. It will do the job. It will make a big difference. But we want to make sure no child is left behind. This should be a priority. We have an opportunity in a few moments to indicate our priorities, our support for this strong bipartisan effort to make sure the most needy and poorest children in this country will not be left behind.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Connecticut.

Mr. DODD. Let me first say that last evening I had the privilege of presenting an award at the Greater Boys and Girls Clubs of Washington, DC, to a very good friend of mine, Bud Selig, the Commissioner of Baseball. But another recipient of last evening's Boys and Girls Club Award was the distinguished Presiding Officer of this body, the Senator from Virginia. I will take a moment to commend my colleague—as I did last evening—for the recognition he received. I commend his work.

May I inquire of the Chair how much time remains on these amendments?

The PRESIDING OFFICER. The Senator from Connecticut controls just under 17 minutes, and the Senator from Vermont has about 11 and a half minutes.

Mr. DODD. Mr. President, I will yield myself, if I may, about 6 minutes. If the Chair will notify me when that time has expired? I know that one colleague, the Senator from New York, Mrs. CLINTON, is on her way to the floor to be heard. I want to reserve some time for her, and then will yield back some time if necessary and get to a vote.

I thank my colleagues from Delaware and Florida and others who have spoken on this amendment that I am offering on behalf of myself, Senator COLLINS, Senator JEFFORDS, Senator LANDRIEU, and others, to increase title I funding.

I want to share something with my colleagues. I have submitted for the record data about all 50 States and the number of students eligible to be served. About 10 million students would be fully served under full funding of title I. We are fully serving about 3 million of the 10 million today.

I mentioned the numbers in Alabama earlier. I know in the State of Tennessee, there are 192,000 eligible children. In Connecticut, there are about 80,000 eligible children. In Maine, 34,000. In Georgia, the number of eligible students is 300,000. In Virginia, roughly 179,000 are eligible. In each case, we are only providing about one-third of the support that we ought to be.

I think most of my colleagues who have visited schools and talked to superintendents and principals have discovered as they have gone around, title I funds really do work. There is a great deal of flexibility in how title I funds can be used, particularly in school environments. Here are some of the things I have heard from Connecticut educators about how title I funds are working.

Title I has provided the Norwalk Public Schools with 35 highly trained professionals in the district for elementary schools, almost 100 computers and printers, $17,000 for teacher workshops on best practices, parent training, and parent center computers. That is title I funds at work. It has done a great job in that community.

In Canterbury, we see improvements in reading. Without this help, I am told by the teachers there, some students would be placed in special education. We just adopted the special education full funding amendment by voice vote, and there are some concerns that too many kids will be placed into special education when in fact it may be just that they need remedial training.

The Connecticut Mastery Test Scores for title I students have continued to increase. In short, the support provided to title I students results in increased achievement, according to the Region One school district.

Norwich, CT, has hired preschool teachers under title I so the children can have the language development needed to be ready to learn, and an instructional technology coordinator to implement computer-assisted instruction.

Title I funding is responsible for the increased number of computers available for students as part of their learning in New Haven, CT. Title I funding has also made it possible for New Haven to hire additional teachers.

Title I in Ashford, CT, is an integral part of the K–8 program. Teachers tell me that title I students go on to high school—many on the honor roll, college—many on the dean's list, or the military. And, they also tell me that students come back to thank them for "making me do my work" and "teaching me to respect teachers."

My colleague from Maine and I are not suggesting this is going to create a utopia. But, we think if we can get more resources to disadvantaged kids through a program that is working, they can reach their full potential.

Obviously, a lot of other things need to happen. More parental involvement and more qualified teachers, for example. But we also know that poor districts—it could be Virginia, Connecticut, Tennessee, Maine—because of local property taxes funding most of the system, do not get the resources they need.

Because of that, as shown by the examples I have cited from my own State—and I'm sure other Members could find similar examples in their State—we believe this amendment has great merit.

With that, I will withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee, Mr. FRIST.

Mr. FRIST. Mr. President, we have 11 minutes on this side?

The PRESIDING OFFICER. A little over—11 minutes 17 seconds.

Mr. FRIST. I yield myself 11 minutes. Will the Chair notify me after 10 minutes, please?

Over the last 2 hours we have been debating really two amendments. One is the Jeffords amendment and the other is the Dodd-Collins amendment. We will be voting in about 22 minutes. We have had a good discussion on both amendments, both of which are very important. In the case of the Jeffords amendment, we will be making absolutely sure that the mandates we are placing on States in terms of assessments and districts are adequately funded, that responsibility that is being imposed from above—I should say to the benefit of the children who are out there so we can make the diagnosis and we can figure out what is not working in that failure to diminish that achievement gap which has gotten bigger and bigger, and boosting education for all children today—and the Dodd-Collins amendment, which fully funds title I funding.

I again want to make the case that money is not the answer. We have heard that again and again, that we have to have sufficient reforms. There is a fear, I think, of a lot of people, that we commit to a lot of money before we really agree on the reforms, and the reforms have to involve those elements of flexibility, of getting rid of redtape, which, as we hear again and again, really strangles and straightjackets our teachers and principals. It happens really across-the-board.

We have heard testimony in the past that, although the Federal funding is only 7 percent—the pie chart showed a little sliver of Federal funding—most of it is local and State funding. But coupled with those, 7 percent of the funding passes through this body. It comes from the taxpayer. We try to send it back down. Coupled with that is about 50 percent of the paperwork on which a teacher back in Nashville, TN, is working. Every time we do something here, we need to be very careful in those mandates that come down for those regulations. That is coupled, A, out of the funding, but, B, also adequate reform, local control, accountability, parental involvement, and choice.

It has been fascinating. I am so glad we finally got to the floor the underlying bill itself, and the agreement that has been reached in a bipartisan way, working with the administration over the last 3 weeks because it allows people to see what is in the bill, to read the language, and to react to it. It has been a positive and negative reaction.

I, for one, believe it embodies the principles outlined by President Bush, although I will say it does not go as far as I wish it to go in certain areas of innovation, freedom, putting the parents in charge, and allowing them to choose and be more actively involved in their children's education. It is very strong on the accountability and in areas such as the Straight A's aspect of it. It is very strong on flexibility, tied with accountability.

One area that falls short—and I am very hopeful that over the coming couple of weeks that we are on the bill we can address it—is involving parents and families in education.

We hear public education defined as a Federal monopoly. In truth it is a monopoly. There is a little bit of fringe innovation going on in charter schools. The underlying bill encourages that greatly, although I should also add that States like Tennessee do not have charter schools yet. It is one of a handful of States that doesn't allow charter schools. We need to work in that direction.

But the area that it falls short in is in parental involvement and choice.

Instead of trying to go through a bunch of points, I would like to quote several people. We are going to come back to it next week because there will be amendments proposed on choice, empowering parents, and portability. I have already commented that we have to be careful with the funding. We can throw unlimited funds in the current formula, and I still leave out disadvantaged children because of the way the formula is focused on institutions and not on the individual disadvantaged students—portability.

Again, Senator GREGG from New Hampshire will be introducing an amendment to that effect.

This is a quote from Virginia Walden, a single mother and executive director of D.C. Parents for School Choice.

They are actually having a rally tonight. They expected a few hundred people to be there, and thousands wanted to come to talk about choice here in the District of Columbia.

This is from the Washington Post of May 24, 1998. I think it captures the feelings well.

> I am a lifelong Democrat, and I am not sure when the Democrats decided that siding with the poor and the needy is no longer part of their platform. School choice empowers parents, and I don't care who is behind it, Democrats or Republicans.

Again, that is from an article from a couple of years ago but captures, I believe, the feeling about parental involvement.

Alveda C. King, the niece of Dr. Martin Luther King, Jr., has been an outspoken person. This is from the Wall Street Journal of September 11, 1997, which again captures the feeling. I refer again to the District of Columbia because we talked about choice.

> The District of Columbia public school system allocates $10,180 per student, the highest in the nation, according to the U.S. Department of Education. Yet, according to the Annie Casey Foundation, 80% of fourth-graders in the Washington public schools score below their grade on basic math skills. The National Assessment of Education Progress reports that 72% of Washington's fourth-graders test below "basic proficiency" . . . [an] appalling failure. . . .
>
> Washington's families and teachers favor a right to choose the paths of education for their families. . . . The issue is not what families choose, but rather, that they be allowed and empowered to do so.

Again, the importance of involving parents, and, again, as people look at the bill, they will conclude that we don't go far enough.

I am hopeful that we can address that to empower parents to be involved.

William Raspberry, a columnist whom our colleagues know of and read on a regular basis, in the Washington Post, March 9, 1998, says:

> Look at it from the viewpoint of those parents who grab so avidly for the chance to get their children into better schools: Should they be required to keep their children in dreadful schools in order to keep those schools from growing even worse? Should they be made to wait until we get around to improving all the public schools? . . . Surely voucher opponents cannot believe the logic of their counterargument: that if you can't save everybody—whether from a burning apartment house, a sinking ship or a dreadful school system—it's better not to save anybody at all.

We basically have a provision in the underlying bill which, if you are locked into a school that fails 1 year, and then another year, and another year, increases resources to try to bring that school up. After the third year, that parent is empowered to go to another public school. A charter school is a public school.

But many of us would like to see that expanded to fully empower that parent to be able to take whatever money we pay as the taxpayer and allow that student to go anywhere. It is not in the underlying bill. Again, it stops short of exactly where we would like to be.

Rod Paige, Superintendent, Houston independent school district, on June 16, 1998, said:

> [A limited voucher program] doesn't weaken public school systems, it strengthens public school systems.]

That is from Houston Chronicle of June 16, 1998.

One more because the story is a powerful one as we look at choice. The President's belief and my belief is that we need to maximize choice and demand strong accountability.

Urban League of Greater Miami, September 23, 1999, Christian Science Monitor:

> . . .the Urban League of Greater Miami is opposing a lawsuit against Florida's new voucher program. The NAACP, on the other hand, is one of the parties seeking to stop vouchers. They allow us to have access to educational opportunity. . . .Why should a kid be forced to go to a school where it is obvious that the school is not preparing him or her to be competitive?

The underlying bill as amended today is a very powerful bill, again developed in a bipartisan way, surrounding the principles we believe in strongly and that recognize we have not done a service which our young people today deserve. Yet there are ways to improve that bill.

I am very hopeful, as we look to choice, that we can empower because it is the parent whom we should trust most with the education of our children. The bill does not go as far as I believe we can and that our children deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Massachusetts, Mr. KENNEDY, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes, three seconds.

Mr. DODD. I will yield 10 minutes to the distinguished Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, I am delighted to be supporting this critical amendment, the Dodd-Collins amendment—and the Jeffords amendment—because I think that both of them offer the kind of real support in terms of resources that are needed to make good on the promise of this legislation.

I share the support my friend from Tennessee has put forth on the underlying structure of this bill, and what it offers our children and parents and teachers. But I also believe strongly that increasing accountability without also increasing and targeting resources to those children whom we know will have difficulty meeting the accountability measures is an essential and critical component to making this piece of legislation all that it should be, and hopefully fulfilling the promise of leaving no child behind.

Earlier this week, I came to the floor to talk about my concern that increasing accountability without providing resources needed to help our children meet these high standards and pass these new tests would be an empty promise.

Right now, we know from the independent, nonpartisan Congressional Research Service that in fiscal year 2001 Congress provided school districts with only one-third of the resources needed to fully serve eligible students in order to help close the achievement gap.

With these limited funds, schools are using 70 to 80 percent of their funds to pay the salaries of teachers and instructional aides, and have little left over for other critical investments, from ongoing professional development to reducing class sizes, or for providing all students eligible for title I with the extra help they need to meet high standards.

I have gone in and out of schools in our country for more than 18 years. I have spent a lot of time in the schools of New York. I know that we have the ingredients for improving education, but we have been reluctant to provide those ingredients in the quantities needed to the children who require them the most.

Yet even with our limited Federal investment, our urban school districts have actually shown gains in reading and math. Since 1992, national reading and performance has improved for 9-year-olds in our highest poverty public schools by nearly one grade level.

We know from local examples that title I is working. It will work if we target the funds where they are needed. Let me just raise one example. I could have picked many to talk about. I talked about some of them in my earlier remarks in this Chamber.

P.S. 172 in Brooklyn, NY, enrolls over 600 students. Three-quarters are Hispanic, and virtually all of them receive free or reduced-price school lunches. The school has operated a title I schoolwide program since 1993. They have combined their Federal resources from title I, Goals 2000, title 7, with State and private funds to help all students achieve high standards.

Since 1994–1995, P.S. 172's third and sixth grade reading and mathematics scores on the New York State assessments have exceeded district and city averages.

For what have they used this money? They help teachers implement a literacy-focused curriculum through intensive professional development. A master teacher and a full-time staff development specialist mentor first-year teachers. We know how important that is. If we send a first year, inexperienced teacher into an overcrowded classroom, and in some of the most difficult neighborhoods in our country, and we say: "You are on your own; try to teach these children," whose first language is not English, who come to school with all kinds of difficulties; "teach them to read, bring them up to standards," we are asking a whole lot from a young, inexperienced teacher.

But if we mentor that teacher and say: "We are going to give you the help, the extra attention you need to be an effective teacher," we will get positive results.

Teachers share their ideas and their expectations with each other and across grade levels. They learn how to work in a crowded classroom with children who may not have the attention span that is needed. They do everything they can to really marshal those title I resources to make it possible to bring about the results that every one of us in this Chamber want.

I do not question any one of my colleagues on either side of the aisle about their commitment to improving the quality of education for our children, especially our most needy children. But what I do question is that we do not look at what has worked. We do not look at the best practices where title I is making a difference, where schools are able to take those resources and get the kind of results that we are seeking.

In 1999, the Council of Great City Schools found that fourth and eighth graders in urban schools did boost their performance. I have heard a lot of talk from Senators who say the Federal Government has not made a difference, that title I has not made a difference. I respectfully ask you to look at the evidence. Go to the schools where I go. Talk to the teachers.

In fact, 87.5 percent of the urban school districts showed reading gains in title I schools, and 83 percent showed improvements in math achievement for title I students. We also found that the percentage of title I students in urban schools below the 25th percentile has been declining.

So we do have the formula. We have a recipe. We just need to make sure of the ingredients. Setting standards, testing to see whether children meet those standards, and looking for ways to bring more resources to bear is a winning strategy.

I could not be more in favor of what my good friends, Senator DODD and Senator COLLINS, are attempting to do because if we do not focus our resources on these children, then I think our attempt to reform education is not only an empty promise but really a fraudulent one. We are saying, fine, we are going to test these children. I have used this metaphor before. It is similar to handing out thermometers in the midst of an epidemic. We are going to find out we have a lot of sick children. We know that.

We know we have children who are under tremendous stresses in the world today, who come from very difficult and dysfunctional environments, who cannot concentrate in school. Go in and do a random test for the children's eyesight, and you will find children who cannot see well enough to see the board, and they do not get any medical care for that. Do a random dental care check, and you will find children, as I have, who have abscessed teeth, who are not concentrating or learning to read because they have too much pain which is dulling their abilities.

But we can today, with this debate, and with a bipartisan commitment with the administration, make the changes that we know will work.

So I strongly urge all of my colleagues that we put our resources where our promises are. Let's not turn our back on the evidence of what works.

I sometimes joke that Washington occasionally seems to be an evidence-free zone. We can come with stacks of evidence, with all kinds of reports; we can say, look, if we give a little more help, this title I school, using these best practices, will turn itself around. Instead, we say, it is not working because all of these children, with all of these difficulties, are not reading at grade level.

I know that if we are true to the mission that brings us to this education debate, if we are willing to support, with resources, the kind of accountability we are asking from our children, we will see results. We have seen results in the past.

I urge all of my colleagues to join in supporting this amendment which will make a tremendous difference for our children.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 2 minutes on his side; and the other side has 1 minute 40 seconds.

Mr. DODD. Mr. President, let me, again, thank our colleagues who have addressed this important subject. And I thank my colleague from New York for her eloquent statement on the value of expanding the title I program, as my colleague from Maine and I are attempting to do with this amendment. I do believe, if we have additional resources, based on the evidence—and the evidence has been significant—that we will get results.

There are those who suggest that because we have spent about $120 billion on title I over 35 years and have not fully closed the achievement gap, that it is not working. But, over the years that has represented less than 3 cents of each dollar spent on education. We are proving today, while the results certainly are not perfect, that title I is essential to improving student achievement.

We have listened to those who are working on in the districts, in the schools, who do not have Ds or Rs associated with their names or wear political labels, who tell us it is making a difference.

What better evidence could we have than relying on those who every day do the hard work of trying to improve the intellectual and learning capabilities of the 50 million children who go to public schools in America? The amendment we are offering is based on that evidence. It is based on the hard evidence that is provided by teachers and school boards and school principals and parents who have watched title I funds make a difference.

We think they can make even more of a difference, particularly, in conjunction with accountability standards. We think that providing the resources to make it possible for these children to reach the goals we all want them to reach is absolutely critical if this Elementary and Secondary Education Act of 2001 is to be worthy of our nation's children.

With that, Mr. President, I ask for the yeas and nays on the Dodd-Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield back the time, unless my colleague from Maine wants to speak.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have been discussing the schedule and voting order with Senator DASCHLE and the managers of the legislation and how we would handle other issues. I think we have a good agreement. We need to read it carefully and make sure we understand exactly who is going to be offering the amendments.

I ask unanimous consent that if the House of Representatives has adopted and copies have been made available under the Senate rules, then the Senate proceed to the conference report to accompany the budget resolution at 10 a.m. on Monday, May 7, and the time between then and 6:30 p.m. be divided with 12 hours under the control of the minority manager and 3½ hours under the control of the majority manager.

I further ask unanimous consent that the vote occur on adoption of the conference report at 6:30 p.m. and that paragraph 4 of rule XII be waived.

As in executive session, I ask unanimous consent that immediately following the 6:30 p.m. vote on Monday, May 7, the Senate proceed to executive session to consider Calendar No. 39, the nomination of John Robert Bolton to be Under Secretary of State for Arms Control and International Security, and there be 3 hours of debate equally divided as follows: 30 minutes under control of the chairman, 30 minutes under the control of the ranking member, 60 minutes under control of Senator DORGAN, 30 minutes under the control of Senator FEINSTEIN, and 30 minutes under the control of Senator KERRY.

I further ask unanimous consent that following the use of time the Senate proceed to vote at 9:30 a.m. on Tuesday, May 8, on the confirmation of Mr. Bolton, and following the vote, the President be immediately notified of the Senate's action, the motion to reconsider be laid upon the table, and the Senate immediately resume legislative session.

Finally, I ask unanimous consent that when the Senate resumes consideration of S. 1 at 10 a.m. on Friday, the next amendment to be in order be offered by Senator CRAIG regarding ESEA funding, and the next amendment in order for the minority side of the aisle be an amendment by Senator KENNEDY, or his designee, and that any votes ordered with respect to these amendments occur in a stacked sequence after the 6:30 vote on Monday, with no second degrees in order, and 2 minutes prior to each vote for explanation.

I note that we are not sure which amendment Senator KENNEDY or the Democrats will want to go with in the morning. It could be Senator MURRAY, Senator WELLSTONE, or some other amendment. I believe you will work that out during the vote, and we will need to be notified, of course, of which one it will be and its substance.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, I would like to ask the majority leader, is there any way that he could postpone this vote until Tuesday morning? I will not be here Monday evening. There is no way I can be here. I haven't missed a vote this year.

Mr. LOTT. If the Senator will withhold one moment, I believe Senator BYRD has a question, too, and then I will come back to the Senator in a minute.

Mr. BYRD. I thank the leader. Mr. President, I am very much opposed to lining up votes, stacking votes, and I am constrained to object to stacking votes. I don't think that is a good way to do business in the Senate. I have bitten my tongue many times and did not object. I think I should put both leaders on notice, if I may use that kind of language, that I am going to be a little tougher to deal with when it comes to stacking votes in the future than I have been in the past. I don't think it is a good idea. I don't think Senators know what they are voting on.

We ought to be here and be ready to vote. I know the problems of both leaders. I know them well. I am not going to object in this instance, but I want to put the Senate on notice that I will have a more difficult time in the future voting for sequential amendments in a stacked order. I will not object at this time.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Reserving the right to object.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I appreciate Senator DASCHLE working with me. Senator DASCHLE and I have been talking about ways we could accommodate as many Senators as possible. It is often difficult because a lot of us have very important responsibilities. But we also have a responsibility to pass education amendments, a budget resolution, and nominations. So I will modify the unanimous consent request in this way, without at this point changing the time.

If any time on the budget resolution should be yielded back on Monday, we could go back at that point to the education bill, and at that time if there are other amendments that could be offered—and I presume there would be two—then we would get an agreement as to when they would be voted on, realizing that Senator BYRD would not want to have a stacked sequence of multiple votes. That way, we can get more education work done Monday. I encourage those who will be handling the budget to consider doing that, if at all possible. Senator DASCHLE suggested perhaps that will work.

I modify my earlier request to change the stacked votes of the two amendments that will be offered tomorrow, if votes are required, and the budget resolution at 9:30 a.m. on Tuesday.

Mr. DASCHLE. Plus the Bolton nomination.

Mr. LOTT. The Bolton nomination is already in the request at 9:30 a.m.

Mr. CONRAD. Reserving the right to object.

Mr. SHELBY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask the majority leader, to understand the steps we are going through, is the majority leader saying to the Senate we will postpone the 5:30 p.m. or 6:30 p.m. vote on Monday until Tuesday morning?

Mr. LOTT. Tuesday morning at 9:30. I believe that will cause the sacrifice of other Senators, but that is what it provides. The votes will be at 9:30 a.m. instead of 6:30 p.m. on Monday.

Mr. CONRAD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Is there an understanding on Tuesday morning there will be time for both sides to sum up before the vote on the budget?

Mr. LOTT. I believe the UC provides for 2 minutes prior to each vote for final explanation of the vote about to occur.

Mr. CONRAD. I thank the leader.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I do not intend to object. As the leader has pointed out, we have been on this bill for some time. We are prepared to move ahead tomorrow and on Monday. There are a number of amendments. We are prepared to go through Tuesday evening or Wednesday evening or Thursday evening, but I hope we will not be put in the position later on, since we have been on this bill for some time, where we have to come to a vote, denying Members the opportunity to offer their amendments.

I wanted to put that in the RECORD at this time because we are prepared to move ahead. We are glad to accommodate the leadership, but we have additional amendments that are extremely important. I want to make it very clear, I want to make sure people are going to be fairly treated. I am glad to accommodate others, but I want to make sure those who are going to offer amendments will be accommodated. There is no reason not to think so tonight. I just felt compelled to raise that.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I understand that. That is why I want us to make progress and try to make progress on Monday. Certainly the Senate should be prepared to go into the evening Tuesday, Wednesday, and Thursday, to complete this important legislation.

Senators need to cooperate with the managers and be prepared to offer amendments tomorrow, Monday afternoon, and Tuesday night because what will happen is, we are all busy and when we get to next Thursday, when we need to start wrapping it up, Senators will say: I didn't have a chance.

They have their chance. I hope both sides will talk to the managers and be prepared to offer their amendments.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. DASCHLE. Reserving the right to object. For clarification, are we limited to two amendments tomorrow?

Mr. LOTT. Under this agreement, it specifies two, but I see no reason why we cannot do more if it can be worked out.

Mr. DASCHLE. I modify the UC request that two or more amendments be offered tomorrow and that those amendments be accommodated.

Mr. LOTT. That is a good idea, Mr. President. I support that although noting we specify the first two that will be in order and we should go beyond that if at all possible.

The PRESIDING OFFICER. Is there objection to the request as further modified?

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, two questions. One, we had people on this side ask for a little more time on Tuesday morning—we have at least 5 minutes on the budget—given the importance of it.

No. 2, is there an order to the votes on Tuesday morning?

Mr. LOTT. Mr. President, first of all, I modify the request that we extend the time on the budget to 5 minutes instead of 2 for the others. The order will be: Budget, the two education amendments, with the Craig amendment first, then Senator KENNEDY, or designee, and then the Bolton nomination.

Mr. CONRAD. Might I request that given the importance of the budget, in terms of the sequence, there be at least one amendment preceding it so people are here to actually hear the debate?

Mr. LOTT. Mr. President, let's modify it to do the Bolton vote first, and then we will go to the budget vote after that.

The PRESIDING OFFICER. Is there objection to the request as so modified?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, would you repeat that unanimous consent back to me?

(Laughter.)

Mr. LOTT. Just kidding, Mr. President. I think we all have it.

AMENDMENT NO. 361

The PRESIDING OFFICER. The Chair advises the Senate that there are 2 minutes equally divided on the Jeffords amendment.

Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 1 minute.

This is the Jeffords test trigger amendment. Under the bill, grades 3 through 8 will have to be tested by each State. The Federal Government is supposed to fund the cost of those tests. The amendment merely says if there is no money, there is no test, at least for that year.

This is to prevent the States from being placed in a position of having no money and having to administer very expensive tests.

Mr. DASCHLE. Mr. President, I ask the senior Senator from Vermont whether he requires a rollcall vote or if he will accept a voice vote.

Mr. JEFFORDS. I want a rollcall vote.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. Do Senators yield back there time?

Mr. JEFFORDS. I yield back the remainder of my time.

Mr. KENNEDY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 361. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—7

Gramm
Helms
Inhofe
Kyl
Smith (NH)
Thompson
Thurmond

The amendment (No. 361) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 365

The PRESIDING OFFICER. There are now 2 minutes equally divided before the vote on the Dodd amendment.

Mr. DODD. Mr. President, the cosponsor of this amendment, Senator COLLINS of Maine, and I, think we made such a convincing argument during the hour and a half debate that we will yield our 2 minutes, and we ask for the immediate vote on this amendment.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—79

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—21

Allard
Bond
Brownback
Bunning
Craig
Enzi
Frist
Gramm
Gregg
Helms
Inhofe
Kyl
Lott
Murkowski
Nickles
Santorum
Smith (NH)
Thomas
Thompson
Thurmond
Voinovich

The amendment (No. 365) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment just agreed to, the Dodd-Collins amendment, be modified to conform to the Jeffords-Kennedy pending substitute amendment.

The PRESIDING OFFICER. Without objection, it so ordered.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the events of a Judiciary Committee meeting this morning where the agenda contained the nominations of Larry Thompson to be Deputy Attorney General and Ted Olson to be Solicitor General.

Those nominations had moved through all of the procedural hurdles. The hearings were held 4 weeks ago. Many questions had been answered. In accordance with the Judiciary Committee rules, they had been held over for a week so that they were ready for action when the Judiciary Committee met today.

I will say they are very important nominations because the Attorney General of the United States is the only official requiring confirmation who has been confirmed so far. He does not have the No. 2 person, the Deputy; he does not have the No. 3 person, the Solicitor General.

The discussion in the Judiciary Committee, instead of focusing on those individuals for confirmation, the discussion concerned itself with the blue slips and the American Bar Association and many collateral matters.

Finally, when the chairman of the committee, Senator HATCH, said he was going to rule all other discussion out of order and we would proceed to a vote, at that point, the ranking Democrat said there was going to be a caucus, and the Democrats—there are very few of them there; actually three, perhaps four—started to file out of the room so that there were only nine Senators present, not enough for a quorum of 10 which is necessary to have any Senate action.

It was an unusual executive session because all nine Republicans came to the session because of the importance of acting on the Deputy Attorney General and the Solicitor General.

Then the Republicans sat and waited and waited and waited for a caucus to conclude by the Democrats. Finally, when it was apparent there would be no response, the executive session was over.

The announcement was made that if there was not an undertaking by the Democrats to have a vote on those two positions by 4 o'clock this afternoon, or after our votes which are scheduled at 4 o'clock, that the Republican members would proceed in a news conference to tell the American people exactly what had happened.

With an evenly divided, 50/50 Senate, 50 Democrats and 50 Republicans, there has been a great deal of controversy, and almost all of it has been below the surface. But today in plain public view, this controversy erupted.

The executive session of the Judiciary Committee was being televised, and it is certainly unsenatorial to have this kind of conflict.

Enough is enough, and the time has come that the American people need to know that the important business of a very important department of the Federal Government cannot be conducted because the Attorney General alone is the only official of rank who has had Senate confirmation and cannot carry on all the duties. He needs the No. 2 person, the Deputy, and he needs the No. 3 person, the Solicitor General. It is not irrelevant to note that in the executive committee session of the Judiciary Committee today, we had, in addition, the Assistant Attorney General for the Antitrust Division and the Assistant Attorney General for Legislation.

I make no special point about the failure of the committee to report those nominees out because this was the first week they were on the agenda, and there is the established right of any member to hold over anybody for a 1-week period.

The people's business needs to be conducted, and the long discussion which ensued over the blue slip, which is an arcane procedure where Senators can have a lot to say or perhaps the controlling determination about U.S. district court judges, is not of much interest to the American people.

The input and status of the American Bar Association, while I think it is important, and I think there ought to be some input at least to district court judges, is not of great interest. I think the American people are concerned about what happens in the Department of Justice.

Again, I say, regrettably, it is not senatorial to have this kind of gridlock spill out into the public arena and into the public press. But I think the American people need to know what is happening.

Not too long ago, someone said on a controversial issue, "Where is the outrage? Where is the outrage?" This is one of those items where I think there may be some outrage, once America knows that there is gridlock on a great many collateral issues which do not affect at all the confirmations of the Deputy Attorney General, a very able man, Larry Thompson, or the confirmation of the Solicitor General, a very able man, Ted Olson. On that there has been no disagreement. Nobody has questioned that those people ought to be confirmed. But they are not being confirmed, and the business of the Department of Justice cannot be conducted. I think once there is focus on that, we may see a little change in the practices in the Judiciary Committee.

I yield the floor.

Mr. REID. Mr. President, there has been some talk on the floor today about things going on in the Judiciary Committee. I want to report that Senators ENSIGN and HARRY REID are setting an example of what we believe is the right way to approach judicial nominations.

Yesterday, Senator ENSIGN sent to President Bush four judicial selections. Senator ENSIGN went over these with me and asked me what I thought of the selections. When the day comes for the blue slip, I will sign in very large letters my name. These are very good people to be nominated.

James Mahan, district court judge in Las Vegas, practiced law when I was there. He is an outstanding trial lawyer. He did not only trial work but he did business law work.

Larry Hicks, who is from an excellent law firm, almost became a Federal judge. The elections came and interfered with him being a Federal judge some 7½ years ago.

You cannot find two better lawyers than James Mahan and Larry Hicks.

In addition to that, Senator ENSIGN sent two persons just as capable as the other two. Walt Cannon practiced law in Las Vegas during the same period of time as I did. He is an outstanding lawyer. He has done a tremendous amount of trial work. He has appeared before juries on numerous occasions. He knows what a courtroom is all about. He has a perfect demeanor to be a judge.

Finally, Senator ENSIGN sent the name of another district court judge by the name of Mark Gibbon who practiced law in Las Vegas at the same time as I did. He is a fine lawyer. But he has been a better judge than he was a lawyer.

I want the work of Senator ENSIGN, with my acceptance, to be the model for what we need to do with judicial nominations. Both of us agree that we should report them out very fast, get the work done as quickly as possible, and get them on the bench so they can do the work.

The blue slip has worked very well in the past. I think we should continue with the example that Senator ENSIGN and I have done in the State of Nevada.

I compliment Senator ENSIGN for the fine people he nominated to be Federal district court judges. I look forward to working with him in the future. I think we have a routine that will work well for this Congress, and hopefully thereafter.

COMMUNITY-BASED OUTPATIENT CLINICS IN THE DEPARTMENT OF VETERANS AFFAIRS

Mr. ROCKEFELLER. Mr. President, Congress transformed the landscape of health care delivery for veterans with the Veterans' Health Care Eligibility Reform Act of 1996. This law eliminated barriers to outpatient care and encouraged the Department of Veterans Affairs, VA, to offer health care services to veterans in the most clinically appropriate setting. VA responded by shifting its emphasis from hospital-based treatment to outpatient care, and in just a few years has opened more than 250 new community-based outpatient clinics.

I am enormously pleased that VA has opened community clinics in West Virginia and throughout the country. It is critical to bring health care services closer to veterans, especially as our veterans population continues to age. But it is not sufficient merely to increase the accessibility of care, we must also ensure that veterans receive the highest quality of care possible. Just as I fought to secure outpatient clinics for veterans, I will fight to ensure that these clinics are the very best that they can be.

At my request, the Democratic staff of the Senate Committee on Veterans' Affairs surveyed more than 200 VA community-based outpatient clinics nationwide to evaluate the success, capacity, and quality of care in these clinics. This self-reported information from individual clinics offers Congress and VA an opportunity to assess services provided by the various clinics, and to determine where improvements can be made to ensure that veterans receive the best possible care. The Democratic committee staff report concludes that, although all clinics reported offering primary care, services varied markedly by clinic and by geographic location.

VA's 22 regional network directors, rather than VA Headquarters, hold responsibility for activating, operating, and overseeing the community clinics. Although this provides flexibility to local VA managers, the variations in services described by clinic staff appear to result from varied management practices rather than deliberate adaptations to community needs.

For example, staffing levels did not appear to be related to the number of patients seen, and varied among clinics and among networks. Some clinics served about 5,000 patients in the first half of fiscal year 2000 with the equivalent of 15 full-time health care providers, while others served the same number of patients with only six full-time staff. Some clinics operated with fewer than two full-time employees.

Variations in staffing translated into differences in the types and levels of services provided, including basic mental health care. Less than half of the clinics surveyed offered even minimal mental health care, an issue of concern as VA continues to close its inpatient mental health care clinics. In several areas of the country, waiting times for an appointment for primary care ranged from 30 to 150 days. More than 60 percent of the community clinics lacked equipment and personnel to respond to a cardiac emergency, an issue of patient safety.

VA's lack of a consistent, nationwide system for collecting and analyzing information on health care outcomes and treatment costs is an obstacle to measuring the success of VA's outpatient clinics. VA must develop tools to allow community clinics to monitor health outcomes, so that veterans can depend on a system that not only meets their needs but continues to improve their health status. Clinics must be able to combine this information on health outcomes with accurate data about costs of treatment, so that VA can ensure the effective and efficient use of resources at all clinics.

I certainly do not expect community clinics to offer the full range of services available in a large medical center. However, it is reasonable to assume that a veteran seeking primary care through a VA outpatient clinic should be able to expect a minimum standard package of services and an acceptable quality of care, regardless of geographic location. Oversight by VA headquarters and by Congress is essential to ensuring consistency in the services and quality of care offered to veterans through community clinics.

I have forwarded a copy of this report to VA Secretary Anthony Principi, and I look forward to working with him to make certain that veterans who turn to VA's community care clinics can expect not just access, but excellence.

I ask unanimous consent that the text of the executive summary of the Democratic committee staff report be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

STAFF REPORT ON COMMUNITY-BASED OUTPATIENT CLINICS IN THE VETERANS HEALTH ADMINISTRATION, DEPARTMENT OF VETERANS AFFAIRS

(Prepared by the Democratic staff of the Committee on Veterans' Affairs, United States Senate, for Senator John D. Rockefeller IV, Ranking member, May 3, 2001)

EXECUTIVE SUMMARY

Background—In 1996, Congress broke down the barriers to developing an outpatient care network within the Department of Veterans Affairs (VA) health care system. The Veterans' Health Care Eligibility Reform Act of 1996 (Public Law 104–262) simplified eligibility rules, mandated uniformity in services offered to veterans, and eliminated legal barriers to the sharing of health care resources with other providers. In response, VA has shifted emphasis from providing hospital-based care to treating more veterans in outpatient clinics. Much of the new outpatient care is being provided in Community-Based Outpatient Clinics (CBOCs), local, often small clinics, some operated by VA staff, others managed by contractors for VA.

Responsibility for activation, operation, and oversight of CBOCs rests with VA's 22 Veterans Integrated Service Networks (VISNs) directors, contingent upon congressional approval. Between 1996 and 2001, more than 250 CBOCs have been activated, with the goal of improving access to care for many veterans. CBOC staff may treat veterans in the community clinic or refer them to the parent VA medical center for more intensive treatment and then provide followup care through the clinic.

As a consequence of the establishment of the CBOCs and other changes in response to the Eligibility Reform Act of 1996, more veterans are accessing primary care in the outpatient setting. VA estimates that the total number of annual outpatient visits (in all facilities) has increased from 26 million to 42 million in the last 5 years. Of the 229 clinics that completed surveys for this report, total outpatient visits in the first half of FY 2000 increased more than 20% over the equivalent period in FY 1999.

Democratic Staff Project—At the direction of Ranking Member John D. Rockefeller IV, the Democratic staff of the Senate Committee on Veterans' Affairs undertook an oversight project to determine whether CBOCs have fulfilled their potential to deliver high quality care to veterans in an effective and efficient manner.

To carry out this project, staff members designed a survey questionnaire intended to obtain information regarding capacity and performance directly from the clinics. This survey requested information on operation and management issues, staffing, hours of operation, patient load, availability and timeliness of care, costs, and quality of care. Staff mailed surveys directly to the 257 congressionally approved clinics for which valid mailing addresses could be obtained—rather than to VISN offices or to parent medical center directors—and compiled the results for federal FY 1999 (October 1, 1998–September 30, 1999) and the first two quarters of federal FY 2000 (October 1. 1999–March 31, 2000).

Based on this self-reported information from individual clinics, this report is intended to offer an opportunity to assess services provided by the various clinics and to determine where improvements can be made to ensure that veterans receive the best possible care.

Data Collection and Validity—VA programs frequently suffer from flawed data collection and monitoring, and outpatient care provided by CBOCs is no different. No single VA source could provide Committee staff with accessible and objective information on clinic services systemwide. Thus, the validity of the information received via the surveys must rely solely upon the precision and accuracy with which clinic staff completed the questionnaire. Despite Committee staff efforts to design unambiguous questions regarding basic operational parameters, the responses lacked uniformity. Some respondents indicated that the requested data for specific questions had never been properly collected or could not be accessed. Because a site audit of each clinic was beyond the scope of Democratic Committee staff resources, this report relies solely on self-reported data, with caveats for incomplete or subjective responses noted.

Findings and Conclusions—While community-based clinics appear to offer an appropriate avenue for increasing veterans' access to care, the unevenness of responses to the staff survey precludes any generalized conclusions on the collective success, capacity, and quality of these clinics. The available data show wide variety in every possible parameter of clinic function, both within and among networks. This variability, which suggests a significant lack of uniformity among the CBOCs, prevents easy summaries or simple solutions for possible deficits.

The flexibility inherent in the decentralized VA health care system has allowed network and medical center directors, rather than VA Headquarters, to map the course of VA's community-based outpatient care. While this arrangement does not preclude provision of excellent health care in individual clinics and does present the opportunity to tailor services to each community's demands, the significant variations in operational standards described by clinic staff appear to reflect varied management practices rather than deliberate adaptations to community needs.

Based on the variability in services—and in the vocabulary for describing operational standards—the Democratic Committee Staff can only infer that VA has not established a systemwide baseline for the minimum acceptable service levels in CBOCs. Community clinics should not be expected to offer identical or completely inclusive services. However, veterans accessing primary care through VA outpatient clinics should be able to depend upon a minimum standard package of services, regardless of geographic location, and on an acceptable level of quality of care. Also, the Congress should be able to expect an effective and efficient use of resources at all CBOCs.

Specific findings include the following: The number of FTEE (full-time employee equivalents) providing primary care varied markedly among clinics and did not appear to be linked consistently to the patient load. Staffing levels for clinics serving about 5,000 patients in the first half of FY 2000 ranged from 6 to 15 FTEE. Some clinics operated with fewer than two FTEE, raising significant concerns about the ability of such a limited staff to offer high quality health care while performing administrative tasks and monitoring quality of care.

VA does not provide the same services in all clinics. Variations in staffing translate into variations in the types and levels of services provided, including basic mental health care, both preventive and counseling services, and overall hours of service. Veterans in different regions should be able to expect a standard basic package of services.

Community clinics have not eliminated long waiting times to obtain an appointment and to receive treatment in every network in accordance with VA goals. The longest actual waiting time for an appointment exceeded 30 days in 18 networks. Only a few clinics reported having a defined policy for accepting and scheduling "walk-ins."

Many community clinics lacked equipment and personnel to respond to a cardiac emergency, an issue of patient safety. Each clinic should have, at minimum, an automated external defibrillator and staff trained in its use. Only 38% of clinics reported having the staff and equipment necessary in the case of a cardiac emergency.

Community clinics have not offered sufficient outpatient mental health care to compensate for the loss of VHA impatient programs. The number of VA medical facility beds available for impatient mental health care has declined steadily over the last two decades. By the end of FY 2001, VA anticipates reducing the numbers of patients treated in inpatient psychiatric care programs by 56% from the level treated in FY 1995. Outpatient mental health care programs provide a complement to (although not a substitute for) acute inpatient care, and can serve as a valuable community-based tool in a comprehensive mental health care maintenance regimen.

If outpatient programs are to play a part in maintaining systemwide capacity for mental health care treatment of veterans, they must be accessible to veterans at the sites of outpatient care. Yet, less than half of the clinics surveyed reported offering any mental health care. Of the 229 clinics that responded to the staff survey, only 50 reported that they provided PTSD treatment, and only 42 reported offering substance abuse treatment of any kind. Mental health care FTEE constituted only a small fraction of the total clinic staff in most networks.

Clinics report a range of costs per patient visit, with the average cost per visit within a network in FY 1999 ranging from $27 to $290. Calculating the cost-effectiveness of outpatient treatment requires a uniform method of calculating actual costs, which VA currently lacks. Whether the variation in patient visit costs reported by clinics represents varying staff efficiency or differences in treating "revenue-generating" insured patients cannot be determined from the data here.

The lack of a coherent system for collecting, monitoring, and analyzing quality of care data prevents evaluation of community care success. Almost all clinics reported that they document and monitor the quality of health care provided, but the clinic staff who completed the surveys had widely varying perceptions of what constituted a quality of care assessment. The materials presented for documenting quality of care ranged from medical checklists to patient satisfaction surveys that focused largely on aspects of patients' physical and emotional comfort in the clinic setting, rather than health care-related criteria. None documented health outcomes. Only 130 clinics reported sending any quality of care reports (regardless of content) to the parent facilities, and none received written feedback specific to that clinic from the parent facilities. The complete lack of a shared vocabulary for measuring quality of care prevented any compilation of the data. One clinic operated by a contractor responded that monitoring quality is not part of its contract.

The poor or absent measures of quality of care make the effectiveness of the care provided by the clinics, variations between contracts- and VA-operated clinics, and the effect of staffing inequities impossible to judge. VA needs a consistent set of tools that can be employed in outpatient clinics systemwide to obtain meaningful quality of care outcomes.

VICE PRESIDENT'S TORONTO SPEECH ON ENERGY POLICY

Mr. BINGAMAN. Mr. President, on Monday of this week, the Vice President gave a speech in Toronto laying out some of the broad themes of the Administration's developing energy policy.

Some of the points made by the Vice President were valid. I want to comment on some of those. I obviously realize that we are now in the middle of the debate on the Elementary and Secondary Education Act. I intend to come back to the floor either later today or next week to talk about that legislation and to commend the sponsor of it and the Democratic ranking member, Senator KENNEDY. Senator JEFFORDS and Senator KENNEDY have done yeoman's work in putting that legislation together.

I want to take the opportunity this next week to go through that in some detail. But today I wanted to take a few minutes to talk about energy issues since the Vice President is clearly focused on this and is speaking out strongly on it.

I agree with much of what the Vice President has said.

For example:

> I agree with him that we face some serious long-term issues in national energy policy.
>
> I agree with him that our response must have comprehensive and long-term focus.
>
> I agree with him that we are very dependent on coal and nuclear power for electricity generation, and this dependence will probably continue into the future.

There are a number of other points, however, where I fear he may have overstated a particular point of view or missed the mark. Let me just cite some of those.

The Vice President seemed to equate energy conservation with rationing for something like rationing. I don't know of anyone advocating energy conservation who supports rationing. He also stated that "some groups are suggesting that government step in to force Americans to consume less energy."

That is certainly not any proposal I have made or seen here in the Congress.

What I think would be helpful to the discussion is perhaps to identify the questions that need to be asked about energy policy as we proceed over the next few weeks with consideration of the energy policies that the administration is going to recommend as well as those that have been introduced here in the Congress.

Let me cite essentially five questions and elaborate on them slightly.

The first question that I believe should be asked is whether the energy policy, the one that the Vice President is going to advocate, or that any of us here are advocating, adequately recognizes the enormous differences between energy markets in the 1970s and 1980s and those that we face today.

Back in the 1970s, there was a lot of talk about eliminating our dependency on foreign imports with increased domestic production through "Project

Independence." Electricity markets were local, electricity suppliers were largely confined within State boundaries and regulated by State public utility commissions. Because a State public utility commission could guarantee its utilities fixed rates of return on their investments in infrastructure, such as large nuclear power plants, there was a market for them.

We now face a very different situation. Electricity markets have become regional, and increasingly they are beyond the ability of State public utility commissions to regulate. The nationwide electrical grid is being called upon to transmit large amounts of electrical power across enormous distances, something it was not really designed to do. State regulation of electricity has given way to a system that relies more on market forces, even though electricity markets are far from perfect ones. The old model of a protected and regulated monoply environment for utility investments in new generation has been transformed into a "wild wild west" of decentralized generation by a welter of new actors.

No where do the changes in energy markets manifest themselves more clearly than in the situation facing energy infrastructure. Attempts to blame Federal environmental regulations for the difficulties of siting and building energy infrastructure are severely off the mark. The most serious obstacle to building new energy infrastructure has been not at the Federal level, though, but at the local level and in capital markets. For example, the Vice President and other Administration officials have often observed over the last several weeks that it has been 20 years since a large refinery has been built in the United States. But the main reason has not been the Clean Air Act. It has been the low rates of return on capital in the refining sector and the refining overcapacity that existed up to a few years ago. You are not going to build a new refinery when there are already too many to serve the market, and up until recently, that was the case.

The need for energy infrastructure has provoked serious local concern and opposition. One example, which has been in the news, is the Longhorn pipeline from the Gulf Coast to El Paso, Texas. It has been tied up for nearly 5 years addressing community opposition to its construction. If the energy industry can't build pipelines in Texas, I don't think we should assume it will be any easier to build them anywhere else.

The result of these factors—economic and local—have been cited at a hearing before the Energy and Natural Resources Committee last week by a witness from ExxonMobil, who testified that our largest U.S.-based oil company does not believe that any new refineries will be built in the United States. He predicted that the only additions to U.S. refining capacity would come from expansions at existing facilities. Expanding that capacity will not be easy regardless of federal policies. Most refineries are located in heavily industrialized areas with significant environmental issues regulated at the State and local levels of government.

Instead of looking for ways to blame the Federal Government for an energy infrastructure problem which has not been of the Federal Government's making, I think we need to look for creative new ways to respond to the challenges of working with State and local communities on these siting issues. Effective mechanisms for greater regional cooperation are critical to ensure adequate infrastructure investments are made on a timely basis to meet energy demand. Coordinated regional efforts on energy infrastructure can reduce the impact on communities by optimizing infrastructure use and reducing price volatility.

If the Vice President's energy policy recognizes this complex reality and starts to address it, then it will be helping the country to make a positive step forward. If the answer from the Vice President's study is simply to try to pit energy needs against environmental protection, then we won't be looking at a comprehensive and balanced energy policy.

The second question to ask of the Vice President's comments this week is how this so-called energy policy that we are envisioning will connect planned actions related to energy with climate change policy.

Science has been developed showing fairly clearly today that there is a connection between human activity and climate change. We may not be able to prove the exact amount of human causation in the global warming that we see, or to model its precise regional impacts. But we know enough now to realize that our ever-increasing emissions of greenhouse gases pose substantial risks both to critical and fragile ecosystems around the world and to future generations of humans. The world will have to deal with the issue, and the United States must be a leading contributor to negotiations on any international framework to address global warming. A leadership role for the United States is required not only because we are a major emitter of greenhouse gases, but also because we have the leading capability to harness science and technology both to understand climate change and to respond to it.

We, as a country, need to have a climate change policy. We need to put in place some actions to deal with this new science. One part of the positive contributions that the United States has made to international climate change negotiations has been our success in getting flexible, market-based mechanisms and recognition of carbon sinks incorporated into the developing international framework. U.S. industry, particularly in the energy sector, has indicated that these provisions are essential to holding down the eventual energy costs of responding to human-induced climate change. But without the United States as an active insider in the international negotiations, these important flexibility mechanisms will be lost. The decision of the new Bush administration to back away from the Kyoto protocol may doom the flexibility that we have won in the discussions to date. It could also spur other countries to erect new obstacles to American firms wishing to expand into international energy markets, in retaliation for the President's retreat on CO$_2$.

While negotiations on an international framework to address global warming continue for the next several years, our domestic industry will have to make significant investment decisions on new energy infrastructure. We have no domestic framework on greenhouse gas emissions that would guide or even inform these investment decisions. Addressing these issues up front would reduce business costs and risks. Maintaining our present course would increase the probability of future economic losses and waste in the energy sector.

For these reasons, we need to integrate energy policy and climate change policy. They are inextricably linked—to do one is, by implication, to do the other. U.S. industry deserves to know how we are going to address greenhouse gas emissions before it invests billions of dollars in new energy infrastructure. If the Vice President's answer is that we will do energy policy now and worry about climate change later, then we don't have a truly comprehensive and balanced energy policy.

Mr. President, I do not pretend to have the exact answer for what our global climate change policy should be, but I know we need to have one. We cannot continue to look the other way and pretend that the issue does not exist. So I look forward to seeing what the Vice President recommends in his energy recommendations and how it relates to this climate change issue.

The third question is to ask what kind of balance is being made between increasing production and increasing efficiency. I know there has been some rhetoric in that connection to the effect there needs to be an adequate balance. I do not believe any of the concrete proposals I have seen coming out of the administration or suggested by people from the administration have in them the necessary balance. We know that the Vice President is all for increasing energy supplies, and most people would agree that increasing supply is one essential part of the big national energy picture. The Senate Democratic energy bill contains numerous measures to improve energy supplies across the entire spectrum—coal, oil and gas, renewables, and nuclear. The other essential part of the energy picture, though, is increasing efficiency. If we use energy more wisely to attain the same amount of economic output, we improve our economy and reduce the burden that energy infrastructure imposes on local communities.

Since the 1970s, new technologies have increased our nation's productivity in many ways, including our use of energy. Technologies that increase energy efficiency have allowed the U.S. economy today, compared to 20 years ago, to produce the same output with 30 percent less energy. Even greater savings are possible in the future, with appropriate federal leadership.

Consumers really benefit when they get goods and services at cheaper prices because less energy is required to produce them. With that in mind, I was surprised and saddened by the decision at the Department of Energy last month to roll back the proposed efficiency standard for new central air conditioning systems. The rationale given was that the higher standard wasn't cost effective. But the cost-benefit analysis Department of Energy relied upon used average electricity costs from 5 years ago. It is surprising to see the administration, on the one hand, insist that this summer's high electricity costs in the West be passed along to consumers to control peak loads, while in the next breath state that its efficiency policies should be based on the lower electricity costs that prevailed 5 years ago in this country. And if the administration is really worried about the need to build 1300–1900 new power plants, it should realize that its rollback of air-conditioning standards just added 43 more big power plants to whatever number will be needed by 2020.

Another area of energy efficiency that cannot be ignored is vehicle fuel efficiency. The Vice President has alluded to the dangers of our increasing dependence on imported oil. Yet that dependence is directly related to our increasing consumption of oil in the transportation sector. The only realistic solution to this problem is to couple efforts to increase domestic production with a concerted effort to reduce fuel use by light duty vehicles—cars, trucks and SUV's. Incentives for hybrid and high efficiency vehicles could be part of a more comprehensive program, but are not adequate by themselves. The Federal fleet, through its choice of vehicles, should be a leader in reversing this trend. All regulatory and non-regulatory mechanisms should be employed to stem demand growth to a level we can management as a society.

If the Vice President's energy policy does not take a fresh look at the need to improve energy efficiency through forward-looking standards, then it is probably not a truly balanced and comprehensive energy strategy.

A fourth question is to ask of the Vice President's energy policy—and all of these policies floating around in Congress—is whether one of the greatest national resources we have in Ameria—that is, our capacity for scientific and technological innovation—is being stimulated and engaged to solve our energy problems. So far, the administration, in my view, at least, has failed badly on this score. The 2002 research and development budget proposed by the President for the Department of Energy contains severe cuts for a variety of advanced energy technologies, even in areas, like nuclear energy research, that one would expect would be favored by this administration. There has never been a time when increased investments in energy research and development were more needed, or showed more promise for solving some of our problems. I hope very much that will be changed in the deliberations that result in the task force's report. We need to be increasing these investments across the board—in coal, in nuclear, in renewables, in oil and gas, in energy efficiency, and in the basic science that underpins all of those. If the Vice President's energy policy does not dramatically turn around the cuts being proposed for both energy R&D at the Department of Energy, and find additional funds from outside the Department, then we don't have a truly comprehensive and balanced energy strategy.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be yielded an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

A final question I believe we all need to ask is whether the proposals address the pressing energy crises that are brewing for this summer and are going to be on the front page of every newspaper.

California and western electricity issues: Problems in the West and projected troubles in other parts of the country—one example, of course, is New York City itself; where shortages are forecast for the summer, meaning that pressure to do something about electricity is mounting. As the market imperfections in California become more and more apparent, a pro-active role for the Federal Energy Regulatory Commission is increasingly indicated. I do believe we need to have action from the Federal Energy Regulatory Commission in the very near future. We should have acted before now to deal with those very real crisis situations around the country. To date, the response of FERC has been a disappointment. More effort has seemed to be expended on blaming California elected officials for their problems than on effectively policing the market. The Federal Government must play a key role in promoting reliable electricity supplies through FERC and by ensuring wholesale markets are transparent and functioning efficiently.

A second immediate issue that needs attention is the LIHEAP program, the Low Income Home Energy Assistance Program. High energy prices this past winter have left many working families unable to pay their heating bills and are having their utility service cutoff. The Senate has acted to increase the authorization for the Low Income Home Energy Assistance Program but the President's support and action is needed if we are going to put additional funds in this program. I hope it will be addressed by the Vice President's task force. Summer cooling bills will be arriving soon and the states have no funds left to help with those costs either.

Fuel specifications is another issue. The President could act immediately to help sort out the welter of gasoline specifications around the country that has balkanized the fuel market and rendered regions highly vulnerable to shortages of gasoline if a piece of the local energy infrastructure goes down. We saw gasoline price spikes in the Midwest and West Coast last summer because of this problem, and we will likely have similar problems again this summer.

If the Vice President's answer on these specific, pressing needs is that nothing much can be done about these problems this year, and that folks who are unfortunate enough to live in California, or folks who live in a region that is experiencing a gasoline price spike due to lack of availability of the right blend of gasoline, or working class families who cannot pay the high electricity bills for air conditioning, will just have to do without while we are working on some long-term energy fix, then we don't have a truly comprehensive and balanced energy strategy.

In conclusion, there has been a lot of interaction within the administration, perhaps, on this issue, but there has not been interaction between the administration and the Congress, at least that I am aware of, on what the Vice President is getting ready to recommend. By contrast, the Senate is now engaged in discussing an education bill where we did have very intense bipartisan discussions with the administration and among ourselves. Energy, in my view, is important in this country, just as education is important. There are real opportunities for bipartisan progress on the issue of energy as well as in the area of education.

I hope the administration sees this and puts away some of the hot button issues that are not likely to command support in the Senate, such as the opening of ANWR. They should put those away in favor of proposals that will command broad bipartisan support.

In the end, that may be the strongest indication of whether the administration wants to pursue a consensus bipartisan energy policy which will serve the interests of the country.

COMMEMORATION OF TAX FREEDOM DAY

Mr. GRASSLEY. Mr. President, I rise today to apprise the Senate of a very distressing development. Today marks Tax Freedom Day, the day when Americans will finally have earned enough money to pay off their tax bills for the year.

This year's Tax Freedom Day marks the longest period Americans have ever had to work to pay their taxes. It is astounding that every hour worked since the beginning of this year will go solely to pay America's tax bills.

The average American is shouldering a heavier tax burden than ever before. This year, Americans will work longer to pay for Government than they will to pay for food, clothing and shelter combined.

Congress has got to put a stop to this. I am pleased to report that Senator BAUCUS and I, and the other members of the Senate Finance Committee, are right now working on a tax cut bill that will provide a real reduction in income taxes. With $1.35 trillion, we can now produce income tax cuts large enough that working Americans will actually see a difference in their paychecks.

So what has caused the lengthiest Tax Freedom Day in our Nation's history? It was the Federal individual income tax increases enacted in 1993. And here is the proof.

The Tax Foundation is the nonpartisan, nonprofit policy group that calculated today's Tax Freedom Day. The Tax Foundation's analysis shows that the Federal tax burden grew by 14 days' pay between 1992 and 2001. That means that because of the 1993 tax increases, Americans now have to work an additional 2 weeks just to meet their Federal tax burden. That is equal to some Americans' vacation pay.

In stark contrast, the Tax Foundation says State and local tax burdens remained virtually unchanged during this period. So the culprit in creating the longest Tax Freedom Day in history is the Federal Government.

The biggest source of Federal revenue is the individual income tax. Over the past decade Federal tax collection levels for payroll taxes, corporate taxes, and all other taxes have been relatively stable. Collections of individual income taxes, however, have soared.

In 1992, tax collections from individual income taxes were 7.7 percent of our gross domestic product. That percentage has risen steadily each year, and as of the year 2000, it was an astounding 10.2 percent of GDP. Individual income taxes now take up the largest share of GDP in history. Even during World War II, collections from individuals were 9.4 percent of GDP, nearly a full percentage point below the current level.

The source of the current and projected tax surpluses is from the huge runups in individual tax collections. And that has given us the lengthiest Tax Freedom Day in our Nation's history.

Yesterday, the members of the Finance Committee met informally to discuss what everyone thinks should be in the tax cut package. I think there was a nearly unanimous agreement that individual income tax rates are simply too high.

Senator BAUCUS and I are working hard to put together a bipartisan tax cut package. I ask Members of the Senate and the American public to support our efforts. Our quest for real tax rate reduction is sincere and urgent. With an uncertain economy and excessive Federal tax collections, America needs action and it needs it now. American taxpayers expect us to deliver tax relief and we must not fail them.

As I stand here today, I pledge to you that as chairman of the Senate Finance Committee, I will do everything in my power to ensure that next year's Tax Freedom Day will not mark the longest period Americans have to work to pay their taxes. And I am confident that my Democratic colleagues will join us in supporting this goal.

SCHOOL VIOLENCE PREVENTION HOT LINE

Mr. LEVIN. Mr. President, the Michigan State Police recently introduced a 24-hour school violence prevention hot line to allow students, parents, teachers and others, to report school violence or suspicious criminal conduct to the State Police. The hot line, 800-815 TIPS, offers young people and others in Michigan a way to reach out to law enforcement anonymously, if desired, and in a non-confrontational environment.

In the past month, students and citizens from across the state have given the State Police approximately 60 tips, including tips about bullying, harassment, sexual assault, as well as tips about knives and guns in school. The State Police then passed these tips on to the appropriate local law enforcement agency for investigation. Michigan is the thirteenth state to implement such a hotline and we hope it will help keep our schools safer for students and teachers.

We also hope that other preventative measures will be taken to keep our schools safer, such as legislative initiatives to keep firearms out of the hands of juveniles and prohibited persons. Together, we can work toward preventing the disturbing number of violent acts in school that we have seen far too much of in the last few years.

U.S.-JORDAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today in the Senate to offer a way out of the stalemate we have on trade policy.

The trade agenda facing our nation is a long and important one: Approval of the U.S.-Jordan Free Trade Agreement and the U.S.-Vietnam Bilateral Trade Agreement; renewal of the Generalized System of Preferences and the Andean Trade Preferences Act; a fully revised and improved Trade Adjustment Assistance program; completion of negotiations on bilateral free trade agreements with Chile and Singapore; active negotiations on the Free Trade Area of the Americas.

But, despite a strong feeling in the Congress that we need to continue the aggressive pursuit of trade liberalization and market opening around the world, we have made no progress at all this year. There are several hold-ups.

First, we need to determine how to deal with the issues of trade-related environmental standards and internationally recognized core labor principles in trade agreements. Second, we need to reach agreement on America's trade priorities and our trade negotiating objectives. And, third, we have to determine how we will deal with the numerous elements of the trade agenda.

The key to breaking loose this logjam and allowing us to start to build a consensus on trade lies with the U.S.-Jordan Free Trade Agreement. This was negotiated during the Clinton Administration, although it was completed too late to secure Congressional action last year. This agreement has wide support in the Congress, in the Administration, and throughout the country. I am confident that, once formally endorsed by the Administration, it will sail through easily. Yet the delay in approval continues because it has been linked to the rest of the trade agenda and the unresolved issues I mentioned a moment ago.

We need to delink Jordan from the rest of our trade agenda. It is a good, solid trade agreement. Jordan is a key partner of the United States in the search for peace in the Middle East. This agreement will strengthen our relationship with Jordan, demonstrate how important we considered King Hussein, and now consider King Abdullah, in the peace process, and complete the set of free trade agreements that already apply to Israel and the Palestinian Authority.

Majority Leader LOTT summarized this eloquently when he wrote to President Bush:

> Jordan has been a reliable partner of the United States and has played an important role in America's efforts to achieve a lasting peace in the Middle East. The United States-Jordan Free Trade Agreement is an important and timely symbol of this critical relationship.

This agreement serves America's vital national interest.

The Jordan FTA contains provisions in which both our countries agree not to relax environmental or labor standards in order to enhance competitiveness. For the first time, these provisions are in the main body of the agreement. Although there has been some controversy about that, I think the issue has been put to rest, especially after King Abdullah explained to us during his recent visit about how difficult it would be to open up the text of the agreement.

The controversy over the Jordan FTA now centers around one phrase: If there is no resolution at the end of the dispute settlement process, "the affected Party shall be entitled to take any appropriate and commensurate measure." This includes trade sanctions, and therein lies the problem. Many Democrats welcome this because it puts enforcement of trade-related labor and environmental commitments on a par with other trade commitments. Many Republicans object because they believe trade sanctions should not be used in the case of labor or environmental disputes.

So, let me make my proposal.

The "appropriate and commensurate" phrase is flexible enough to encompass a variety of measures, including trade sanctions, fines, cuts in aid programs, and a variety of other options. Let's move ahead with the Jordan FTA as negotiated. We Democrats will note that the Jordan FTA is a breakthrough in how it addresses labor and environment. We will also note that "appropriate and commensurate measure" includes trade sanctions, without requiring them. After all, in our trade negotiations throughout the world, sanctions, of any kind, are the very last resort, and we work hard to avoid their imposition. And remember that trade sanctions in the context of the Jordan FTA simply means removing some of the concessions we make in the agreement itself.

Across the aisle, Republicans can also correctly note that "appropriate and commensurate measure" does not require trade sanctions in the case of a dispute over trade-related labor or environmental issues. The President will decide what is an "appropriate and commensurate measure."

In other words, we will agree to take enforcement measures appropriate to the circumstances. This is not the best outcome, but it is a way to get past the current paralysis in trade policy. It would allow us to move forward on an agreement of strategic importance to the United States. It would demonstrate flexible and creative thinking on both sides. It would move us to work toward a compromise that can garner broad bipartisan support.

And, let's be honest with ourselves. Given the very small volume of trade with Jordan, the very large strategic significance of our relationship with Jordan, and the importance Jordanians place on this free trade agreement, it is highly unlikely that any Administration, Democrat or Republican, present or future, will be forced to impose trade sanctions on Jordan. Disputes are likely to be settled amicably, as they have been with Israel which has a similar free trade agreement with the United States.

Several weeks ago, I introduced legislation to implement the U.S.-Jordan Free Trade Agreement. The bill is a simple one. It merely gives the President authority to reduce tariffs with Jordan, outlines rules-of-origin requirements, deals with safeguards provisions, and eases non-immigrant visa requirements for Jordanian business people. It does not even mention "appropriate and commensurate measures." U.S. law would not be changed at all by this phrase.

Let's pass this bill. Let's create the U.S.-Jordan free trade area. And let's get on with the business of working together to develop a consensus on how we move forward on a lengthy and important national trade agenda.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred August 24, 2000 in Allentown, PA. A 24-year-old fatally shot a 15-year-old youth attending a party in his home after the teen touched him on the arm and other partygoers suggested the teen was gay. According to the Allentown Morning Call, a witness said that the alleged perpetrator, Michael Gambler, retrieved a shotgun and shot Kevin Kleppinger in the forehead. Friends say that Kleppinger was not gay and had been rubbing the perpetrator's arm because he thought he had accidentally spit on it. Other teens in the apartment began teasing the victim that he might be gay before the perpetrator shot him.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

CONGRATULATING POLAND ON THE 210TH ANNIVERSARY OF THE POLISH CONSTITUTION

Mr. DURBIN. Mr. President, today marks the 210th anniversary of the Polish Third of May Constitution, which was the first democratic constitution in Europe and the second one in world's history after the American Constitution was ratified in 1788. On May 3, 1791 the Polish Parliament followed the example of the United States and adopted its own written and modern supreme law of the land.

The Constitution signed by the Polish King and the Lithuanian Grand Duke was originally known as the Bill on Government and it extended equal protection of the law to every person, including peasants, as well as establishing separation of powers. Although the Constitution formally lasted only for a few years until the Third Partition of Poland, today the legacy of this historic document is still alive. It tells us about the grand Polish tradition of democracy, which was crafted in the Polish-Lithuanian Commonwealth in the 18th century, evolved in the Polish Republic after regaining independence in 1917, and was reconfirmed in the early 1990's following the end of the cold war.

Poland's has been a success story in its smooth transition to a liberal democracy with a free market economy. I was proud to cast my vote in the Senate in favor of the enlargement of the North Atlantic Treaty Organization, NATO, to include Poland, Hungary and the Czech Republic. Poland was admitted to NATO on March 12, 1999, and has become a close ally and friend of the United States, which is a home to more than 9 million people of Polish descent. Furthermore, Poland is one of the frontrunners seeking membership in the European Union.

We must continue our support for Poland's successful integration in the Western structures of security and economic cooperation, which promote peace, stability, and prosperity across all of Europe. I firmly believe that both America and Poland share the same goal of continuing to enlarge NATO by admitting the Baltic countries into NATO in order to enhance the overall tranquility in the region.

As a Senator of the State of Illinois, where the Polish community is the second largest in the country, I hope my colleagues in the Senate will join me in congratulating Poland on its remarkable celebration of anniversary of their democratic constitution. I also believe that they will join me in providing their support to Poland's continuing endeavor to contribute to the security and stability of the entire European continent.

The Third May Constitution two centuries ago signaled to the world that Poland entered the family of emerging Western democratic states. Our effort today should be to make sure that Poland's centuries-long commitment to democracy culminates in Poland fulfilling its promise as a full-fledged member of the Western democratic world and ceasing to be discounted as part of Europe's "grey zone."

COLUMBIA BASIN SALMON RECOVERY PLAN

Mr. CRAPO. Mr. President, a priceless national treasure in the Pacific Northwest is in dire straits. Icons of our region, wild salmon and steelhead, teeter on the brink of extinction. These anadromous fish are one of the best examples of how nature works her magic and selects the best and the brightest for future generations. This heritage must not end. Our generation has the responsibility to assure that these fish live on and enrich our lives in the future.

Despite several decades of work and a cost to taxpayers and electricity ratepayers of an estimated $3 billion, Pacific Northwest salmon and steelhead have continued to decline to the point where they may soon become extinct. We must reverse this trend. We must not allow extinction to happen and must proceed quickly with an aggressive consensus plan of action that returns them to sustainable and fishable populations. I believe we can do so in a manner that honors the principles of state water sovereignty, states' rights, and private property rights.

The economy of the Pacific Northwest is mainly vibrant and strong with some important exceptions, particularly in some more rural areas that depend on agriculture and natural resource industries. We must keep our Northwest economy strong and spread its strength throughout the entire region. This economy provides jobs for families and tax revenue to support important work, particularly the education of our children. Now, we face high energy costs and drought. Therefore, it is imperative that we make prudent choices now that will assure our future and quality of life in the Pacific Northwest.

There are volumes of scientific research and theories on what needs to be done to bring these fish back from the brink of extinction. For years, I have studied documents, discussed science with experts and advocates, held hearings to learn about and publicize policy choices, and today I am here to lay out a funding proposal to make our efforts for salmon and steelhead recovery far more aggressive, comprehensive, and coordinated than they have ever been.

The cost of restoring these fish has largely been borne by the citizens of the Northwest through the electricity rates they pay that fund the Northwest Power Planning Council's Fish and Wildlife Program. But because this is a national issue and because recovering the species is required by the Endangered Species Act, the Federal Government has an obligation to shoulder a significant portion of the financial responsibility for doing so.

I will not support flow augmentation other than that agreed to by the State of Idaho, if any. The extensive political opposition to breaching the four lower Snake dams means that such a recommendation would put the region into economic and political gridlock in such a way that would prohibit further efforts to take achievable steps to save the salmon and steelhead.

We now have a window of time, possibly up to 10 years, to exercise options and take steps toward recovering the fish before evaluation of dam breaching is then brought back to the table for further consideration. That means we have a brief opportunity to do things right. Otherwise, if we continue to spin our wheels or make wrong decisions about how to approach recovery, we will, in 5, 6, or 8 years be once again facing the difficult question of whether the region must breach the dams to save the fish.

Even though we have not yet mastered the entire process required to recover these fish, it is very obvious that we do have an enormous amount of good information and a very long list of measures that we can do, right now. The problem is that we have done only part of what we can do. My proposal will commit the region and the Federal Government to take immediate coordinated and aggressive action that is known to benefit the fish while providing an agreed-upon mechanism for monitoring and subsequent adjustments.

Specifically, I am recommending:

Corps of Engineers, $159.8 million, additional funding for their Columbia River Fish Mitigation Program. This program primarily funds the construction of fish passage systems and also provides dollars for the Corps to contract with the National Marine Fisheries Service to do anadromous fish research and monitoring.

An increase for operations and maintenance funding (O&M), which will also provide the money needed to barge all fish, rather than trucking salmon around the dams. O&M funding is essential to keeping fish passage systems operable and mitigation programs running. Furthermore, we must study the potential benefit to modernizing the region's flood control management.

Money for restoring estuary habitat in the Lower Columbia River and Tillamook Bay Estuaries. We have heard from all of the interests that we'll get a big bang for the buck for salmon and steelhead by restoring estuary habitat.

National Marine Fisheries Service, $243.5 million, additional funding for the operations and maintenance of fish hatcheries. In the past, our hatcheries have provided sport fishing opportunity, but have not yet benefitted wild salmon and steelhead recovery. We need to reform our hatcheries to produce fish that are not susceptible to disease and predation, and support recovery goals.

An increase for screening irrigation diversions. If we are to recover salmon and steelhead, we must keep juveniles in the river and out of irrigation systems. These diversion screens can cost up to $1 million apiece, which make them unaffordable to communities, irrigation districts, and individual farmers.

Full funding for the Coastal Salmon Recovery Fund. It is critical to the States of Idaho, Alaska, Washington, Oregon, and California as well as the Tribes that the Federal Government provide funding to help meet Federal Endangered Species Act requirements for salmon and steelhead.

Bureau of Reclamation, $25.0 million, funding to provide for the purchase of one more year of Idaho State-authorized flow augmentation, which is the 427,000 acre feet of water that is used to facilitate salmon and steelhead migration, plus $10 million to fund a water bank to store water for the purposes of fish passage and temperature reduction during low flow periods. The Bureau of Reclamation would also receive money to implement offsite mitigation measures called for in the Biological Opinion.

U.S. Fish and Wildlife Service, $56.9 million, increases for habitat improvements, habitat conservation planning, landowner assistance, Section 7 consultation, and hatchery retrofits.

In addition to the National Marine Fisheries Service, the Fish and Wildlife Service has major responsibilities for screening irrigation diversions. Its screening program provides help to individual landowners in the form of technical assistance and money to pay for fish screens over irrigation diversions.

There are many agencies with responsibilities for implementing salmon and steelhead recovery measures, and, frankly, these are just some of them. I also recommend funds for other agencies such as the Natural Resource Conservation Service and the Environmental Protection Agency to implement their piece of the anadromous fish restoration program.

This adds up to a grand total of $688.2 million.

I anticipate that regional interests will examine the details of my proposal and will offer suggestions to improve this appropriations package. I encourage that discussion and look forward to the input that others will offer. There are processes currently underway in the region that could well result in changes to this proposal.

It is my hope and expectation that this funding will change what has been a decades-long, torturous, and expensive process into a success that will make the Pacific Northwest a role model for how to recover endangered species. I look forward to working with colleagues in the House and Senate to provide funds to support a successful Columbia Basin Salmon and Steelhead Recovery Plan.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 2, 2001, the Federal debt stood at $5,655,955,997,201.31, Five trillion, six hundred fifty-five billion, nine hundred fifty-five million, nine hundred ninety-seven thousand, two hundred one dollar and thirty-one cents.

One year ago, May 2, 2000, the Federal debt stood at $5,669,551,000,000, Five trillion, six hundred sixty-nine billion, five hundred fifty-one million.

Five years ago, May 2, 1996, the Federal debt stood at $5,100,093,000,000, Five trillion, one hundred billion, ninety-three million.

Ten years ago, May 2, 1991, the Federal debt stood at $3,438,851,000,000, Three trillion, four hundred thirty-eight billion, eight hundred fifty-one million.

Fifteen years ago, May 2, 1986, the Federal debt stood at $2,015,491,000,000, Two trillion, fifteen billion, four hundred ninety-one million, which reflects a debt increase of more than $3.5 trillion, $3,640,464,997,201.31, Three trillion, six hundred forty billion, four hundred sixty-four million, nine hundred ninety-seven thousand, two hundred one dollar and thirty-one cents during the past 15 years.

ADDITIONAL STATEMENTS

THE QUEST PROGRAM

• Mr. CORZINE. Mr. President, today, there is much focus on the problems in our schools but, I would like to bring to your attention the students and citizens in the great State of New Jersey who are doing something to make our schools a better place to learn and grow. The Quest Program is an amazing group of 11- and 12-year-olds who are positively affecting the student body and facilities at Dr. John Howard Jr. Unique School of Excellence in East Orange, NJ.

Noting the rise of suspensions and other discipline issues in their school, a group of 13 fourth and fifth graders gathered under the leadership of their teacher, Ms. Christine McAdams, and created the Quest Program. They developed this program to find ways to improve student behavior. Volunteering more than 400 hours toward the goal of bettering the student body, these young people established 14 enrichment programs through which students could positively direct their youthful energy and exuberance. These exceptional students even successfully bought property to expand their school playground by researching grant and funding opportunities in their community.

The Quest Program placed first in New Jersey in the junior division of the Community Problem Solving Component of the International Future Problem Solving Program. The Dr. John Howard Community Problem Solving Team will represent New Jersey at the International Competition in Athens, Georgia this June.

These 13 students are an excellent example of the creativity and dedication of which America's young people are capable. Joshua Baily, Sabre Burroughs, Teri Jones, Orion Khan, Kamiah Mitchell, Shanteea Moore, Chetachi Odelugo, Cory Patterson, Rubi Ramirez, Katiria Torres, Reymond Torres, John Wilson, and Minette Wilson are a credit to their families, their school, and the State of New Jersey.

As a Senator who believes very strongly in the importance of education, I am exceptionally proud of these prodigious young people and their decision to spend their time and energy making their school a better place to learn. It is my hope that you will join me in wishing them good luck in June and in all of their future endeavors.•

SUPPORTING FARMER EDUCATION

• Mr. GRASSLEY. Mr. President, I rise today to commend Farmland Industries for their leadership in educating farmers on the importance of international trade, through the program "Support Trade, for Farmers, For Farmland, For You." I also congratulate them for receiving the 2001 National Agri-Marketing Association's award for Best of Show.

I ask that the letter of congratulations I sent to Farmland Industries be printed in the RECORD.

The letter follows.

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 2, 2001.

Mr. ROBERT HONSE,
President & CEO, Farmland Industries, Inc., Kansas City, MO.

I recently read that Farmland's trade education program, "Support Trade, For Farmers, For Farmland, For You" was selected to receive the 2001 National Agri-Marketing Association's award for Best of Show. Congratulations on this impressive achievement!

Farmland Industries clearly understands the important role of international trade to the agriculture industry. As the only working family farmer in the United States Senate and Chairman of the Senate Committee on Finance, I also appreciate the importance of international trade to America's farmers. International trade has a significant impact on my home state of Iowa, with agriculture exports contributing more than $5 billion a year to Iowa's economy. Nationwide, approximately $6 million in agriculture products, such as grains, oilseed, cotton, meats, and vegetables are processed for export every day. These exports generate more than $100 billion in total business activity, and sustain nearly a million American jobs.

Trade is vital to the United States economy generally, and to our farmers in particular, as agriculture makes an enormous and valuable contribution as our third largest export. Increased market opportunities in agricultural trade are of tremendous importance to American farmers and to our economy. That is why I applaud your efforts to inform and mobilize the farming community in support of open markets.

The "Support Trade" program sponsored by Farmland Industries, and the communications team led by Sherlyn Manson and David Eaheart, addressed a vitally important issue through a program that has informed and enlightened farmers at the grassroots level on the importance of international trade.

You are to be highly commended for your leadership. Too few companies appreciate the importance of trade education at the grassroots level. Farmland Industries is truly a leader whose example I hope others will emulate.

I look forward to working with you during this session of Congress as we address such important international trade issues as renewing Trade Promotion Authority for President Bush, continuing normal trade relations for the People's Republic of China, passing normal trade relations for Vietnam, and preparing for the launch of a new round of World Trade Organization negotiations this November.

Again, congratulations for your selection as the recipient of the 2001 National Agri-Marketing Association's Best of Show.

Sincerely,

CHARLES E. GRASSLEY.•

KRESSE INDUCTED INTO ATHLETIC HALL OF FAME

• Mr. HOLLINGS. Mr. President, for the past 22 years, men's basketball at the College of Charleston has been charmed by the unique powers of head coach John Kresse. Last week, the native New Yorker earned a berth in Palmetto sports history when he was inducted into the South Carolina Athletic Hall of Fame. Coach Kresse's remarkable statistics speak for themselves. He has compiled a 539–134 record with the Cougars for an .801 winning percentage that trails only Jerry Tarkanian and Roy Williams among active coaches. With a December 1999 victory over Tennessee Tech, he also became the second fastest coach in NCAA history to record 500 wins. That same year, the College of Charleston became the only team in Southern Conference history to post a 19–0 season. Under his leadership, the Cougars have earned four NCAA and two NIT tournament bids and have won 22 or more games in 17 of the last 21 seasons.

Coach Kresse arrived in Charleston in 1979 after successful stints as assistant coach under Lou Carnesecca at his alma mater, St. John's, and the New York Nets of the American Basketball Association. Over the next two decades, he groomed Charleston's modest basketball program to become a nationally-recognized competitor and source of tremendous state pride. "I'm not a showy guy," Kresse told The Post and Courier newspaper about his transformation from city slicker to Southern sports hero. "I'm a basic meat and potatoes guy who fell in love with this city, this State and the hospitality." The home arena now bears Coach Kresse's name, but fans bear his testimony every time they cheer a Cougar squad to victory. I can't think of anyone who deserves to be a Hall of Famer more than John Kresse.●

S.C. TENNIS COACH CELEBRATES 80TH BIRTHDAY

● Mr. HOLLINGS. Mr. President, Wilton "Skinny" McKinney first swung a tennis racket in 1930 while giving his Greer neighborhood's new red clay court a try. He and his buddies scrounged up one ball and a rule book and, before you know it, Skinny had caught the tennis bug.

Skinny served as captain of his Greenville High and University of South Carolina tennis teams, and then served his country for three years in the Pacific fleet during World War II. Although he went on to capture the South Carolina doubles championship five times, Skinny found his true talent when he began coaching at his high school alma mater in 1948. For 25 years, he worked as an accountant by day and volunteer coach in the evening, leading Greenville High to an unprecedented 16 State titles. He continues to give weekly lessons in Greenville. Many of his former students have won athletic scholarships, including a handful of All-Americans, and two became world-class players.

Skinny's success has earned him numerous accolades, including the Order of the Palmetto and Rotary International's Paul Harris Fellow award, as well as elections to the Southern Tennis Hall of Fame and the South Carolina Tennis Hall of Fame. For many years, he was also chair umpire at the Family Circle Cup tennis tournament on Hilton Head. The center tennis court at the Greenville Country Club, where he is a former director of tennis programs, bears his name, as does an annual award presented by the South Carolina Tennis Association. Yet most of his students would argue his greatest asset is an inspired coaching style that tempers hard work with a caring attitude. Last week, friends and students paid tribute to the 60-year coaching veteran with a surprise 80th birthday party.

"Skinny" McKinney is a credit to the sport of tennis, to South Carolina and the nation. Peatsy and I wish him a happy belated birthday and best wishes out on the court.●

TRIBUTE TO SOUTHERN CHRISTIAN HOME ON THE OCCASION OF THEIR 75TH ANNIVERSARY

● Mrs. LINCOLN. Mr. President, I rise today to recognize the contributions of the Southern Christian Home of Morrilton, Arkansas, to countless citizens and families of Arkansas. On Saturday, May 5, 2001, the Southern Christian Home celebrates its 75th Anniversary.

Established in 1926 in Fort Smith, AR, the Southern Christian Home, SCH, relocated to Morrilton, AR, in 1936. Their mission during the past 75 years has been to glorify God by providing services that meet the physical, moral, mental, social, and spiritual needs of children based on Biblical truths and principles. The SCH provides care to children ages 6 to 17 years old. Since the SCH's inception there have been an estimated 5,000 to 6,000 children who have received care through the SCH's service offerings.

The Southern Christian Home's commitment to children is far reaching. While the SCH's primary focus has been Arkansas children, it has also provided services to children from Albania, China, and Brazil. Additionally, the SCH operates a children's home in Sao Paulo, Brazil.

As I have said on many occasions in the Senate, there is no greater national resource than our children. We, as a society, must continually reaffirm our commitment to ensure that all children live healthy, enriching, and promising lives. The work of the Southern Christian Home is a shining example of this ideal.

On behalf of Arkansans and the Senate, I take this opportunity to wish Southern Christian Home a happy 75th Anniversary. I hope for them every success for the coming 75 years.●

NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

● Mrs. CARNAHAN. Mr. President, I would like to bring to the Senate's attention that a few weeks from now will be National Association of Insurance Women Week.

Professional insurance women constitute over 50 percent of those employed in our Nation's insurance industry. For that reason, the National Association of Insurance Women and its 400 local affiliates are dedicated to the development of leaders for the insurance industry.

NAIW and its affiliates promote personal and professional development through education, networking and leadership opportunities to all women in the insurance business. Both national and local organizations continually strive to raise the standards of ethics, consumer education and customer service throughout the insurance industry.

NAIW local affiliates are engaged in charitable causes to strengthen and enhance hundreds of communities throughout the U.S., Canada, Puerto Rico and the Virgin Islands. Professional insurance women have earned recognition for their many accomplishments in the economically vital insurance industry.

It is important that we celebrate and honor the women who are performing such important and diverse roles throughout the risk and insurance industry.●

HONORING DETROIT POLICE OFFICERS

● Mr. LEVIN. Mr. President, I would like to take this opportunity to honor members, past and present, of the Detroit Police Department.

Detroit is my home town and as a citizen of Detroit, I owe much to our men and women in uniform. Each day, the members of the Detroit Police Department put their lives on the line to act as guardians of peace and protect the people of our great city.

On May 11, 2001, at the Twenty-Eighth Annual Detroit Police Department's Interfaith Memorial Service, we will recognize our distinguished law enforcement and honor the memory of officers who lost their lives in the line of duty. These officers have made the ultimate sacrifice for our safety and we are forever indebted to them and their families.

I am sure all of my colleagues will join me in honoring the fallen law enforcement officers of the Detroit Police Department and commemorate their timeless dedication to the men, women and children of our great city.●

SPIRIT MOUND

● Mr. JOHNSON. Mr. President I rise today to recognize the Spirit Mound Trust and the State of South Dakota in their efforts to preserve and maintain the historic Spirit Mound site located near Vermillion, SD. Recently, 320 acres of the Spirit Mound site were acquired through the collaborative efforts and active involvement of the local community, the State of South Dakota and the Federal Government.

On August 24, 1804, Lewis and Clark stopped near present day Vermillion, SD, and walked nearly 9 miles in temperatures over 100 degrees to a hill that native people thought was inhabited by devils 18–24 inches high. When Lewis and Clark reached the top of the mound, they saw the great northern plains buffalo herds below them, the beautiful Missouri River valley and even present day Iowa and Nebraska.

As the Lewis and Clark bicentennial approaches, it is estimated that between 15–30 million enthusiasts will retrace the expedition's footsteps. This provides a unique opportunity for many to visit and enjoy South Dakota's beautiful and historic landscape. A restored Spirit Mound will significantly contribute to the public's appreciation of Native culture, the Lewis and Clark expedition and the natural beauty of South Dakota's prairie. Also, the W.H. Over Museum in Vermillion, SD, has established a Lewis and Clark/Spirit Mound Learning and Information Center. This center will help educate visitors about the historical role Spirit Mound played in the Lewis and Clark expedition.

The Spirit Mound Trust, a group that has long advocated the preservation of the Spirit Mound site, was established in 1986 with the goal of raising the necessary money to purchase and restore the area to its native prairie landscape. The acquisition and restoration of Spirit Mound would not have become a reality if it were not for the leadership and perseverance of this local group. In the group's 15 year history, 17 board members—past and present—are responsible for Spirit Mound's current preservation. Those members are: Larry Monfore, Dr. Loren Carlson, Mark Wetmore, Margaret Cash, Dr. William Farber, Dr. Thomas Gasque, Amond Hanson, Dr. Jim Heisinger, Dr. Jim Peterson, Charles Wetmore, James Antonen, Dr. Betty Asher, Dr. Leonard Brugier, Dr. Jerry Johnson, Jim Kruger, Dr. Fred Peabody, and Dr. Webster Sill.

Governor William J. Janklow and his staff also played an important role in the acquisition of the Spirit Mound site. Governor Janklow has been steadfast in his support for state participation in the Spirit Mound project. Tim Bjork, who is the director of the South Dakota Parks and Wildlife Foundation, negotiated the purchase price of the land. Without his leadership and tenacity, the acquisition of Spirit Mound would have never been accomplished.

I would also be remiss if I did not thank my former staff member and Vermillion native, Sarah Dahlin. Because of her tireless work and dedication to this project, we are now able to celebrate the eventual preservation of one of the very few physical features of the Upper Missouri River readily identifiable as a place where Lewis and Clark actually stood. With Sarah's assistance, I am pleased that we were able to secure sufficient federal funds to purchase the Spirit Mound acreage and to pass legislation authorizing this unique federal-state partnership.

Future generations will thank all of those who have sacrificed time, effort and money for this project. The preservation of Spirit Mound will enable all Americans to better appreciate what the Lewis and Clark Corps of Discovery experienced nearly 200 years ago.•

TONY AND MARGARET RADOSEVICH

• Mr. WELLSTONE. Mr. President, I rise today to talk about two extraordinary and significant people, Tony and Margaret Radosevich. Let me tell you about these people, let me tell you what they mean to their church, to their community and to their family.

It is people like Tony and Marg Radosevich, first generation Americans, the very salt of the earth, who through hard work, strong ethics and clear vision, quite literally helped make northern Minnesota a wonderful place to live and raise a family—a place that strongly values education, democracy and hard work. Tony and Marg have lived their faith, standing up for their beliefs, putting them into action and teaching their children and community to do the same.

On a personal note, I know these people well. It is their 50th wedding anniversary on Saturday, May 5, 2001. They are celebrating 50 years of loving, laughing, and discussions around the dining room table. Marg and Tony have raised seven children, opening their home to their children's friends and foreign exchange students. Marg is known for her ability to put a feast on the table with only minutes notice. I, myself, have been the beneficiary of her wonderful cooking and their joint hospitality.

I want to take a moment today to recognize these good and decent people, the true heroes and heroines of our time. Tony and Marg, you are well loved. I wish you all the best as you, your family and friends celebrate your 50 years together.•

COMMENDATION OF ANDY ROBINSON

• Mr. REED. Mr. President, I rise to congratulate and commend one of my constituents, Andy Robinson of Narragansett, RI. At the end of last year, Andy Robinson retired from teaching after thirty years in the classroom. This Sunday his family, friends and innumerable former students will celebrate Andy's career and the impact he has had on the lives of so many Rhode Islanders. Andy Robinson is a model public servant and I would like to take a few minutes to express my appreciation for his commitment to our community.

Born and raised in East Providence, Andy graduated from my alma mater, LaSalle Academy. After receiving his bachelors degree from Providence College, Andy became a student teacher at Narragansett Junior High School. He then took a position for three years as a social studies teacher at Burrillville Junior-Senior High School while completing his masters degree at Providence College.

In 1975 Andy accepted a job as a social studies teacher at Narragansett High School, and I doubt he imagined at the time that he would dedicate the next 25 years to forming the minds of the students attending that school. Andy worked hard to improve and broaden the social studies program at Narragansett High School. He introduced Project Close-Up, Rhode Island Project Insight, the Rhode Island Model Legislature Program, the Mock Trial Program, the Junior Achievement Applied Economics Program and the Center for Civic Education "We the People" Program and Constitution Competition. He also obtained a federal grant to bring the Youth and the Law Program to the School. Andy served as the Social Studies Department Chair, a member of the school Steering Committee, a member of the School Based Improvement Team, and a member of the Review Committee for National Standards in Social Studies. For his endless energy and unflagging commitment to education, Andy has received the "Ocean State Center for Law And Citizenship Education Outstanding Law Educator" and is named in Who's Who in American Education.

Moreover, Andy's public service did not end in the classroom. From 1968 to 1989, Andy served in the Rhode Island National Guard. He has held positions in the Narragansett Lions Club, the Narragansett Democratic Town Committee and the Eastward Look Property Owner Association. He continues to serve as a member of the Narragansett Chamber of Commerce, the Friendly Sons of St. Patrick of South County, the Board of Incorporators South County Hospital, the Prout School Board and the Prout School Academic Affairs Committee.

Andy shares his commitment to the community with his wife Jane, who is a teacher at the Narragansett Elementary School. Together they raised two daughters, Catherine, who will soon begin serving the U.S. Army as a JAG, and Elizabeth who is carrying on the family tradition as a teacher of special education in Virginia.

Recently, Narragansett High School dedicated its yearbook to Andy Robinson. Several students wrote tributes to him and they all had common themes, students looked forward to Mr. Robinson's class, he made the material interesting and easy to learn, and he cared. Andy Robinson is an uncommon teacher. I think one student, Melissa Deluca, spoke for everyone when she wrote, "Mr. Robinson, our teacher, our guide, my friend. Thank you."

Andy Robinson is an inspiration not only to his students, but to all who have the pleasure of knowing him. On behalf of the citizens of Rhode Island, I want to thank Andy for his years of hard work and selfless dedication and congratulate him on a well deserved retirement.•

MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 10. An act to provide for pension reform, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 2761, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI of Wisconsin and Mr. GALLEGLY of California.

The message further announced that pursuant to section 1404 of Public Law 99-661 (20 U.S.C. 4703), the Minority Leader appoints the following individual to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. RALPH M. HALL of Texas.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1712. A communication from the Secretary of the Commission, Premerger Notification Office, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Rule to Amend the Premerger Notification and Report Form and Instructions" (16 CFR 801, 802, 803) received on April 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1713. A communication from the Senior Legal Advisor of the Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement Act, Second Order on Reconsideration" (Fcc 01-126; Doc. 97-213) received on April 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1714. A communication from the Senior Legal Advisor of the Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Amendment of Part 97 of the Commission's Amateur Service Rules, Memorandum Opinion and Order" (Fcc 01-108; Doc. 98-143) received on April 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1715. A communication from the Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Temporary Reduction of Registration Fees" (RIN2137-AD53) received on May 1, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1716. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" received on May 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1717. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska—Closes Pacific Cod by the Offshore Component in the Western Regulatory Area, Gulf of Alaska" received on May 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1718. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plant Protection Act; Revisions to Authority Citations" (Doc. No. 00-063-2) received on April 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1719. A communication from the Acting Administrator of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wool and Mohair Market Loss Assistance Program and Apple Market Loss Assistance Program" (RIN0560-AG35) received on April 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1720. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Opting Out of Segregation" (RIN3038-AB67) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1721. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information" (RIN3038-AB68) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1722. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Forchlorfenuron; Time-Limited Pesticide Tolerance" (FRL6781-4) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1723. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Surcroglycerides; Exemption from the Requirement of a Tolerance" (FRL6778-9) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1724. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-1725. A communication from the Deputy Secretary of the Division of Market Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "240.17Ad-7 Record Retention" (RIN3235-AH74) received on April 28, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1726. A communication from the Deputy Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Records To Be Preserved By Certain Exchange Members, Brokers and Dealers" (17 CFR 240.17a-4) received on May 1, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1727. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC-1728. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-1729. A communication from the Chairman of the Commission on International Religious Freedom, transmitting, pursuant to law, the annual report relative to the Commission's findings and recommendations for 2000; to the Committee on Foreign Relations.

EC-1730. A communication from the Deputy Assistant Secretary of Indian Affairs (Management), Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law and Order on Indian Reservations" (RIN1076-AE15) received on April 28, 2001; to the Committee on Indian Affairs.

EC-1731. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June 2001 Bond Factor Amounts" (Rev. Rul. 2001-19) received on April 28, 2001; to the Committee on Finance.

EC-1732. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Review of Benefit Claims Decisions" (RIN2990-AJ99) received on May 1, 2001; to the Committee on Veterans' Affairs.

EC-1733. A communication from the Director of Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on April 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1734. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Requirements for Licensed Anti-Human Globulin and Blood Grouping Reagents; Confirmation of Effective Date" (Doc. No. 00N-1586) received on May 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1735. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Additional Safeguards for Children in Clinical Investigations of FDA-Regulated Products; Interim Rule" (RIN0910-AC07) received on May 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1736. A communication from the Acting Assistant Secretary, Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to case management and custodial care program; to the Committee on Armed Services.

EC–1737. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense, Legislative Affairs; to the Committee on Armed Services.

EC–1738. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Defense, Acquisition, Technology, and Logistics; to the Committee on Armed Services.

EC–1739. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Department of Defense General Counsel; to the Committee on Armed Services.

EC–1740. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2000 Wiretap Report"; to the Committee on the Judiciary.

EC–1741. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–1742. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, a report concerning amendments to the federal sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

EC–1743. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to a project for flood control, environmental restoration and recreation for Salt Creek, Graham Texas; to the Committee on Environment and Public Works.

EC–1744. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Great Lakes Breeding Population of the Piping Plover" (RIN1018–AG14) received on May 2, 2001; to the Committee on Environment and Public Works.

EC–1745. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Storage, Treatment, Transportation, and Disposal of Mixed Waste" (FRL6975–1) received on May 2, 2001; to the Committee on Environment and Public Works.

EC–1746. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules" (FRL6975–2) received on May 2, 2001; to the Committee on Environment and Public Works.

EC–1747. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report concerning the Capital Investment and Leasing Program for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC–1748. A communication from the Deputy Associate Administrator of the Office of Acquisition Policy, General Service Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 97–27 consisting of FAR Case 1999–607, Electronic and Information Technology Accessibility, Final Rule" (FAC 97–27) received on April 26, 2001; to the Committee on Governmental Affairs.

EC–1749. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on May 2, 2001; to the Committee on Governmental Affairs.

EC–1750. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–46. A resolution adopted by the Senate of the Legislature of the Northern Marianas Commonwealth relative to an amendment to the Constitution of the United States concerning Judicial taxation; to the Committee on the Judiciary.

Senate Resolution No. 12–33

Whereas, the separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret law, not to create law; and

Whereas, our present federal government has strayed from the interest of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by the way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, the federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United states Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they chose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, the lawmakers of the Commonwealth of the Northern Mariana Islands have petitioned the United states Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people against the people's wishes: Now, therefore, be it

Resolved by the Senate of the Twelfth Northern Marianas Commonwealth Legislature:

1. That the Congress of the United states prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or subdivision to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the legislature of the Northern Mariana Islands also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States congress to propose such an amendment to the United States Constitution; and be it further

Resolved, That the President of the Senate shall certify and the Senate Legislative Secretary shall attest to the adoption of this resolution and certified copies shall thereafter be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the presiding officer in each house of the legislature in each of the States in the Union; President Pro Temp of the United States Senate, and to the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands.

POM–47. A resolution adopted by the House of the Legislature of the State of Michigan relative to Airfare Pricing; to the Committee on Commerce, Science, and Transportation.

House Resolution No. 63

Whereas, In recent years, mergers among airlines have significantly changed air transportation throughout our country. There are two pending mergers involving major carriers that, if completed, will result in two airlines controlling half of the entire United States airline market; and

Whereas, While there have been increasing concerns over the quality of air services, the prospect of even more communities facing a market situation with little or no competition has many observers calling for actions that would ensure that there is fairness in pricing and acceptable standards of performance. Certain communities and regions of the country face the possibility of losing air services entirely or dealing with prices that do not have to respond to competition; and

Whereas, Our nation's air transportation network represents an enormous investment and a public-private partnership through the airports, air traffic control systems, and infrastructures that are maintained; and

Whereas, There are discussions underway in congress and in the United States Justice Department on the impact of mergers, whether or not airlines are fulfilling previous agreements, and relevant antitrust issues. These discussions need to include serious consideration of airfare pricing, particularly in areas where little or no competition exists: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the

United States to investigate airfare pricing, especially in markets where mergers have eroded competition; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-48. A joint resolution adopted by the Legislature of the State of Montana relative to federal weed control programs and the procurement of federal weed control funds; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, noxious weeds are invasive species that are very difficult to contain or eliminate once they are established; and

Whereas, noxious weeds are invading Montana's rangeland, forest land, waterways, cities, towns, private lands, and public lands, including National Parks and monuments; and

Whereas, noxious weeds replace native species on lands regardless of land ownership and land ownership boundaries; and

Whereas, Montana's citizens and Legislature have made significant contributions and commitments toward reducing the acreage infested by noxious weeds and controlling any new invasions; and

Whereas, current working agreements between public land management agencies and country weed districts and other local groups are generally successful in addressing the control or containment of noxious weeds on public lands; and

Whereas, noxious weeds are a continuous problem that must be addressed on an annual basis and are never truly eradicated from the ecosystem; and

Whereas, public land management agencies should, at a minimum, contribute financially to the control of noxious weeds in Montana: Now, therefore be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the federal government be strongly urged to:

(1) enter into agreements with local groups and agencies to promote the control of noxious weeds in a manner that addresses locally identified priorities;

(2) continue to provide funding for local weed control programs on an annual and continuing basis; and

(3) provide assistance in helping local groups and agencies access federal weed control programs and procure available federal weed control funds. Be it further

Resolved, That copies of this resolution be sent by the Secretary of State to the President of the United States, the Vice President of the United States, the Secretary of Agriculture, the Secretary of the Interior, the presiding officers of the Appropriations Committees of the U.S. Senate and U.S. House of Representatives, the Montana Congressional Delegation, the Chief of the Forest Service, the Director of the Bureau of Reclamation, and the Director of the bureau of Land Management.

POM-49. A joint resolution adopted by the Legislature of the State of Montana relative to Montana's Yellowstone and Missouri River Basins; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Montana lost 590,000 acres of land to reservoir flooding under the Pick-Sloan plan, as set out in the federal Flood Control Act of 1944, and was in return promised 1,313,930 acres of new irrigation, but only 76,200 acres were ever developed for irrigation under the plan; and

Whereas, over 16,500,000 acre-feet of water leave Montana annually in the Missouri and Yellowstone Rivers—water that is abundant but underused in this time of need for growth in Montana; and

Whereas, Montana's conservation districts have reserved over 853,000 acre-feet of water for new irrigation development, and the state has completed water rights compacts with several tribes that enable tribes to develop many acres of new irrigation as well; and

Whereas, Montana's agricultural sector continues to shrink along with the population of rural communities; and

Whereas, Montana consumes less than 30% of the hydropower that is generated in the state under the Pick-Sloan plan; and

Whereas, Montana's Vision 2005 program identified the goal of doubling the value of irrigated agriculture by the year 2005 by developing 500,000 acres of new irrigation, which is less than one-half of the number of acres promised under the Pick-Sloan plan; and

Whereas, costs for power may double or triple, and without low-cost power, it will become impossible to irrigate new lands and even existing irrigated lands identified in the original Pick-Sloan plan; and

Whereas, agriculture is Montana's largest industry, and any increase in values from irrigation would benefit the entire state and region: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the federal government be strongly urged to:

(1) assist the efforts of the Lower Yellowstone Conservation District Development Committee in obtaining the promised benefits of the Pick-Sloan Missouri River plan, as set out in the federal Flood Control Act of 1944; and

(2) assist the efforts of the Lower Yellowstone Conservation District Development Committee in drafting and passing the proposed federal Montana Water Resources Act, which will outline benefits promised in the Flood Control Act that are needed to sustain existing irrigation and the development of new irrigation throughout Montana's Yellowstone and Missouri River basins. Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the Secretary of the United States Department of Agriculture, the Secretary of the Interior, the presiding officers of the Energy and Natural Resources Committees of the United States Senate and House of Representatives, the Montana Congressional Delegation, and the Commissioner of the federal Bureau of Reclamation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation.

Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce.

Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably the following nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

Coast Guard nominations beginning David R. Nicholson and ending Ronald F. Silva, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Coast Guard nominations beginning QUINCEY N ADAMS and ending KATHRYN L WUNDERLICH, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2001.

Coast Guard nominations beginning BENES Z ALDANA and ending MARSHALL E WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2001.

Coast Guard nominations beginning PAULINE F COOK and ending TARIK L WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record on April 3, 2001.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself and Ms. SNOWE):

S. 819. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. CRAIG):

S. 820. A bill to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 821. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. SMITH of Oregon, Mr. CRAIG, Mr. DASCHLE, and Mr. LEAHY):

S. 822. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issues to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. CHAFEE):

S. 823. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Finance.

By Mr. GRAHAM (for himself and Ms. SNOWE):

S. 824. A bill to establish an informatics grant program for hospitals and skilled nursing facilities; to the Committee on Finance.

By Mr. REID:

S. 825. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 191 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN:

S. 826. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. REED):

S. 827. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. HUTCHINSON, Mr. DODD, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mr. DORGAN, Mr. LEAHY, Mr. LEVIN, Mr. HARKIN, Mr. AKAKA, and Ms. MIKULSKI):

S. 828. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. CLELAND, Mr. SANTORUM, Mr. LOTT, Mrs. CLINTON, Mr. REID, Mr. DODD, Mr. MILLER, and Mr. EDWARDS):

S. 829. A bill to establish the National Museum of African American History and Culture within the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. CHAFEE (for himself, Mr. REID, Mr. HATCH, Mr. LEAHY, Mr. WARNER, Mr. TORRICELLI, Ms. SNOWE, Mrs. MURRAY, Ms. MIKULSKI, Mr. JOHNSON, Mr. CORZINE, and Mr. KERRY):

S. 830. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S. 831. A bill to amend the Internal Revenue Code of 1986 to provide for a 100 percent deduction for business meals; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 832. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself, Mr. DODD, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, and Ms. COLLINS):

S. 833. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. ALLEN, Mr. BIDEN, and Mr. KERRY):

S. Res. 81. A resolution commending the members of the United States mission in the People's Republic of China for their persistence, devotion to duty, sacrifice, and success in obtaining the safe repatriation to the United States of the crew of the Navy EP-3E ARIES II aircraft who had been detained in China; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 82. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs and representation by the Senate Legal Counsel; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mr. BREAUX, Mr. BOND, Mr. ROCKEFELLER, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. KENNEDY):

S. Con. Res. 36. A concurrent resolution honoring the National Science Foundation for 50 years of service to the Nation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LOTT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 127

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 148

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 225

At the request of Mr. WARNER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 225, a bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans.

S. 275

At the request of Mr. KYL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 503

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 546

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 546, a bill to expand the applicability of the increase in the automatic maximum amount of Servicemembers' Group Life Insurance scheduled to take effect on April 1, 2001, to the deaths of certain members of the uniformed services who die before that date

S. 549

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr.

KYL) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 606

At the request of Mr. CRAPO, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 606, a bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

S. 613

At the request of Mr. FITZGERALD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 613, a bill to amend the Internal Revenue Code of 1986 to enhance the use of the small ethanol producer credit.

S. 630

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail message, and for other purposes.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 705

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 705, a bill to establish a health information technology grant program for hospitals and for skilled nursing facilities and home health agencies, and to require the Secretary of Health and Human Services to establish and implement a methodology under the medicare program for providing hospitals with reimbursement for costs incurred by such hospitals with respect to information technology systems.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 783

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 783, a bill to enhance the rights of victims in the criminal justice system, and for other purposes.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as "National Crazy Horse Day."

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation providing medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from Missouri (Mr. BOND), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Louisiana (Mr. BREAUX), the Senator from New Jersey (Mr. CORZINE), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 75, a resolution designating the week beginning May 13, 2001, as "National Biotechnology Week."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Ms. SNOWE):

S. 819. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee of Health, Education, Labor, and Pensions.

Mr. TORRICELLI. Mr. President, I rise today to introduce the Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 2001 along with my colleague from Maine, Senator SNOWE.

Osteoporosis and other related bone diseases pose a major public health threat. More than 28 million Americans, 80 percent of whom are women, suffer from, or are at risk for, osteoporosis. Between three and four million Americans suffer from related bone diseases like Paget's disease or osteogenesis imperfecta. Today, in the United States, 10 million individuals already have osteoporosis and 18 million more have low bone mass, placing them at increased risk. Osteoporosis is preventable through the use of new technology, yet the majority of Americans with the disease remain undiagnosed and untreated.

Osteoporosis is often called the "silent disease" because bone loss occurs without symptoms. Often people do not know they have osteoporosis until their bones become so weak that a sudden bump or fall causes a fracture or a vertebrae to collapse. Every year, there are 1.5 million bone fractures caused by osteoporosis. Half of all women, and one-eighth of all men, age 50 or older, will suffer a bone fracture due to osteoporosis.

The consequences of osteoporosis are often unrecognized. In New Jersey, individuals hospitalized with osteoporosis fractures average 9.3 days in the hospital for hip fracture and 71 days for vertebral fracture. National statistics show that 10 to 20 percent of people with hip fracture either die within six months, cannot walk without aid or require long-term care. Education is needed to encourage individuals and their providers to diagnose osteoporosis early and treat the disease swiftly, preventing costly and debilitating fractures.

Osteoporosis is a progressive condition that has no known cure; thus, prevention and treatment are key. The Early Detection and Prevention of Osteoporosis and Related Bone Diseases Act of 2001 seeks to combat osteoporosis, and related bone diseases like Paget's disease by requiring private health plans to cover bone mass measurement tests for qualified individuals who are at risk for developing osteoporosis.

Bone mass measurement is the only reliable method of detecting osteoporosis in its early stages. The test is non-invasive and painless and is predictive of future fractures as high cholesterol or high blood pressure is of heart disease or stroke. This legislation is similar to a provision in the Balanced Budget Act of 1997 that requires Medicare coverage of bone mass measurements.

Medical experts agree that osteoporosis is preventable. Thus, if the toll of osteoporosis and other related bones diseases are to be reduced, the commitment to prevention and treatment must be significantly increased.

The bill is supported by the National Osteoporosis Foundation, American Medical Women's Association, American Society for Bone & Mineral Research, Osteogenesis Imperfecta Foundation, National Association of Orthopedic Nurses, American Physical Therapy Association and the Health Promotion Institute.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Early Detection and Prevention of

Osteoporosis and Related Bone Diseases Act of 2001".

(b) Findings.—Congress makes the following findings:

(1) Nature of osteoporosis.—

(A) Osteoporosis is a disease characterized by low bone mass and structural deterioration of bone tissue leading to bone fragility and increased susceptibility to fractures of the hip, spine, and wrist.

(B) Osteoporosis has no symptoms and typically remains undiagnosed until a fracture occurs.

(C) Once a fracture occurs, the condition has usually advanced to the stage where the likelihood is high that another fracture will occur.

(D) There is no cure for osteoporosis, but drug therapy has been shown to reduce new hip and spine fractures by 50 percent and other treatments, such as nutrition therapy, have also proven effective.

(2) Incidence of osteoporosis and related bone diseases.—

(A) 28,000,000 Americans have (or are at risk for) osteoporosis, 80 percent of which are women.

(B) Osteoporosis is responsible for 1.5 million bone fractures annually, including more than 300,000 hip fractures, 700,000 vertebral fractures and 200,000 fractures of the wrists.

(C) Half of all women, and one-eighth of all men, age 50 or older will have a bone fracture due to osteoporosis.

(D) Between 3,000,000 and 4,000,000 Americans have Paget's disease, osteogenesis imperfecta, hyperparathyroidism, and other related metabolic bone diseases.

(3) Impact of osteoporosis.—The cost of treating osteoporosis is significant:

(A) The annual cost of osteoporosis in the United States is $13,800,000,000 and is expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations.

(B) The average cost in the United States of repairing a hip fracture due to osteoporosis is $32,000.

(C) Fractures due to osteoporosis frequently result in disability and institutionalization of individuals.

(D) Because osteoporosis is a progressive condition causing fractures primarily in aging individuals, preventing fractures, particularly for post menopausal women before they become eligible for medicare, has a significant potential of reducing osteoporosis-related costs under the medicare program.

(4) Use of bone mass measurement.—

(A) Bone mass measurement is the only reliable method of detecting osteoporosis at an early stage.

(B) Low bone mass is as predictive of future fractures as is high cholesterol or high blood pressure of heart disease or stroke.

(C) Bone mass measurement is a non-invasive, painless, and reliable way to diagnose osteoporosis before costly fractures occur.

(D) Under section 4106 of the Balanced Budget Act of 1997, Medicare provides coverage, effective July 1, 1999, for bone mass measurement for qualified individuals who are at risk of developing osteoporosis.

(5) Research on osteoporosis and related bone diseases.—

(A) Technology now exists, and new technology is developing, that will permit the early diagnosis and prevention of osteoporosis and related bone diseases as well as management of these conditions once they develop.

(B) Funding for research on osteoporosis and related bone diseases is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetics and Digestive and Kidney Diseases, the National Institute of Dental Research, and the National Institute of Child Health and Human Development.

(C) Further research is needed to improve medical knowledge concerning—

(i) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(ii) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied (such as men and minorities), risk factors related to genes that help to control skeletal metabolism, and risk factors relating to the relationship of aging processes to the development of osteoporosis;

(iii) bone mass measurement technology, including more widespread and cost-effective techniques for making more precise measurements and for interpreting measurements;

(iv) calcium (including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons), and vitamin D and its role as an essential vitamin in adults;

(v) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(vi) rehabilitation.

(D) Further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 2. REQUIRING COVERAGE OF BONE MASS MEASUREMENT UNDER HEALTH PLANS.

(a) Group Health Plans.—

(1) Public health service act amendments.—

(A) In general.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

"(a) Requirements for Coverage of Bone Mass Measurement.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

"(b) Definitions Relating to Coverage.—In this section:

"(1) Bone mass measurement.—The term 'bone mass measurement' means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician's interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

"(2) Qualified individual.—The term 'qualified individual' means an individual who—

"(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) has vertebral abnormalities;

"(C) is receiving chemotherapy or long-term gluococorticoid (steroid) therapy;

"(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement;

"(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy;

"(F) is a man with a low trauma fracture; or

"(G) the Secretary determines is eligible.

"(c) Limitation on Frequency Required.—Taking into account the standards established under section 1861(rr)(3) of the Social Security Act, the Secretary shall establish standards regarding the frequency with which a qualified individual shall be eligible to be provided benefits for bone mass measurement under this section. The Secretary may vary such standards based on the clinical and risk-related characteristics of qualified individuals.

"(d) Restrictions on Cost-Sharing.—

"(1) In general.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

"(2) Limitation.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

"(e) Prohibitions.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

"(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

"(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

"(f) Rule of Construction.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

"(g) Notice.—A group health plan under this part shall comply with the notice requirement under section 714(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(h) Level and Type of Reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

“(i) PREEMPTION.—

“(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

“(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).”.

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg-23(c)) is amended by striking “section 2704” and inserting “sections 2704 and 2707”.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

“SEC. 714. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

“(a) REQUIREMENTS FOR COVERAGE OF BONE MASS MEASUREMENT.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall include (consistent with this section) coverage for bone mass measurement for beneficiaries and participants who are qualified individuals.

“(b) DEFINITIONS RELATING TO COVERAGE.—In this section:

“(1) BONE MASS MEASUREMENT.—The term ‘bone mass measurement’ means a radiologic or radioisotopic procedure or other procedure approved by the Food and Drug Administration performed on an individual for the purpose of identifying bone mass or detecting bone loss or determining bone quality, and includes a physician’s interpretation of the results of the procedure. Nothing in this paragraph shall be construed as requiring a bone mass measurement to be conducted in a particular type of facility or to prevent such a measurement from being conducted through the use of mobile facilities that are otherwise qualified.

“(2) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ means an individual who—

“(A) is an estrogen-deficient woman at clinical risk for osteoporosis;

“(B) has vertebral abnormalities;

“(C) is receiving chemotherapy or long-term glucocorticoid (steroid) therapy;

“(D) has primary hyperparathyroidism, hyperthyroidism, or excess thyroid replacement;

“(E) is being monitored to assess the response to or efficacy of approved osteoporosis drug therapy;

“(F) is a man with a low trauma fracture; or

“(G) the Secretary determines is eligible.

“(c) LIMITATION ON FREQUENCY REQUIRED.—The standards established under section 2707(c) of the Public Health Service Act shall apply to benefits provided under this section in the same manner as they apply to benefits provided under section 2707 of such Act.

“(d) RESTRICTIONS ON COST-SHARING.—

“(1) IN GENERAL.—Subject to paragraph (2), nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to bone mass measurement under the plan (or health insurance coverage offered in connection with a plan).

“(2) LIMITATION.—Deductibles, coinsurance, and other cost-sharing or other limitations for bone mass measurement may not be imposed under paragraph (1) to the extent they exceed the deductibles, coinsurance, and limitations that are applied to similar services under the group health plan or health insurance coverage.

“(e) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

“(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

“(2) provide incentives (monetary or otherwise) to individuals to encourage such individuals not to be provided bone mass measurements to which they are entitled under this section or to providers to induce such providers not to provide such measurements to qualified individuals;

“(3) prohibit a provider from discussing with a patient osteoporosis preventive techniques or medical treatment options relating to this section; or

“(4) penalize or otherwise reduce or limit the reimbursement of a provider because such provider provided bone mass measurements to a qualified individual in accordance with this section.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an individual who is a participant or beneficiary to undergo bone mass measurement.

“(g) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

“(h) PREEMPTION.—

“(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

“(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).”.

(B) CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104-204, is amended by striking “section 711” and inserting “sections 711 and 714”.

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104-204, is amended by striking “section 711” and inserting “sections 711 and 714”.

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

“Sec. 714. Standards relating to benefits for bone mass measurement.”.

(b) INDIVIDUAL HEALTH INSURANCE.—

(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 (42 U.S.C. 300gg-52) the following new section:

“SEC. 2753. STANDARDS RELATING TO BENEFITS FOR BONE MASS MEASUREMENT.

“(a) IN GENERAL.—The provisions of section 2707 (other than subsection (g)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

“(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(g) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

“(c) PREEMPTION.—

“(1) IN GENERAL.—The provisions of this section do not preempt State law relating to health insurance coverage to the extent such State law provides greater benefits with respect to osteoporosis detection or prevention.

“(2) CONSTRUCTION.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).”.

(2) CONFORMING AMENDMENTS.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking “section 2751” and inserting “sections 2751 and 2753”.

(c) EFFECTIVE DATES.—

(1) GROUP HEALTH PLANS.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after October 1, 2001.

(2) INDIVIDUAL MARKET.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after October 1, 2001.

By Mr. WYDEN (for himself and Mr. CRAIG):

S. 820. A bill to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Senator CRAIG and I are introducing legislation that uses a simple, scientifically sound and entirely voluntary approach to combat global warming. It’s not revolutionary, and it’s not regulatory. We believe growing more trees, bigger trees and healthier trees is one of the most effective ways to remove greenhouse gases from the atmosphere and help protect the earth’s climate. The Forest Resources for the environment and the Economy Act of 2001 will expand the nation’s forested lands and put our forests on the frontlines in the battle against global warming.

Investing in healthy forests today is an investment in the well-being of our planet for decades to come. In the Pacific Northwest, forests are more than critical environmental resources—they are also a cornerstone of our economy. In debates about forest policies, there are those who have advocated an exclusively environmental pathway, and others who have stressed an exclusively economic pathway. This bill is part of what I believe is a third pathway through the woods, a path to both stronger rural economies and healthier forests.

I introduced this bill with Senator CRAIG in the 106th Congress. Though there have been numerous changes to the bill to address specific concerns, the underlying functions of the bill remain the same: this bill will reduce the buildup of greenhouse gases in the atmosphere and help protect our global climate for ourselves, our children and our grandchildren. It will provide improved wildlife and fish habitats and protect our waterways. It will enhance our national forests by reducing water pollution within their watersheds. It will provide jobs in the forestry sector in areas that have been hard hit by declining timber harvests. And it will grow additional timber resources on underproductive private lands.

The legislation does all of this through entirely voluntary, incentive-based approach. The bill makes new resources available to private landowners through state-operated revolving loan programs that provide assistance for tree planting and other forest management actions. I know that this approach works because of the leadership of my home state, Oregon. The loan program is modeled after the innovative Forest Resource Trust, which was established in Oregon in 1993, and is just one of the many ways Oregon continues to lead the nation in state actions to reduce greenhouse gas emissions. I am introducing this bill to make sure that we take advantage of these opportunities across the country and encourage more businesses to invest in the nation's forests.

The bill is based on recommendations of the National Academy of Sciences to overcome the capital constraints that prevent non-industrial, private forest land owners from growing healthy forests. Almost 10 million landowners in the United States own 42 percent of the non-industrial, private forest land in parcels of less than 100 acres. Access to the low-interest loans provided by this bill can empower these landowners to improve their lands while providing global environmental protection.

In addition to establishing the state revolving loan programs, the bill makes important changes to the Energy Policy Act of 1992 to strengthen the voluntary accounting and verification of greenhouse gas reductions from forestry activities. The bill directs the Secretary of Agriculture to develop new guidelines on accurate and cost-effective methods to account for and report real and credible greenhouse gas reductions. These guidelines will be developed with the input of a new Advisory Council representing industry, foresters, states, and environment groups.

As I said above, numerous changes have been made to the bill since its introduction in the 106th Congress. By a process of intellectual give and take between various Congressional offices, stakeholder groups and environmental organizations, this bill has been improved to offer greater environmental protection opportunities and better science. The bill now requires that all funded projects have "a positive impact on watersheds, fish habitats, and wildlife diversity." It promotes reforestion activities for species that are native to a region. Also, the bill now allows flexibility in the loan repayment requirements that encourage the longer rotation, and permanent protection, of lands reforested under this program. In addition, the new Advisory Council will have three independent scientists instead of one and the members must have an expertise in forest management; carbon storage reporting will include monitoring requirements to assure the net increase of carbon storage; and the bill allows for the incorporation of the latest scientific and observational information. Overall, this bill is a solid step forward in the long journey towards addressing global climate change.

As in the last Congress, this bill will pay for itself by taking the money that polluters pay when they are caught violating the Clean Air Act and Clean Water Act and use it to expand our forests, protect streams and rivers and help remove greenhouse gases from the air. In fiscal year 1998, $45 million of these environmental penalties were assessed against polluters. There are currently no guarantees that these penalties, which revert to the General Fund; are used to improve our environment. This bill would make this money available as loans to small and medium landowners to cover the upfront costs of tree planting and other activities that aid in the growth of healthy, productive forests and provide better wildlife habitats.

We cannot afford to play Russian roulette with our global climate. The total amount of greenhouse gases in our atmosphere depends, in part, on the efficiency of forests and other natural "sinks" that absorb carbon dioxide—the most significant greenhouse gas—from the atmosphere. The implications are as simple as they are scientifically sound—if we grow more trees, bigger trees, and healthier trees, we will remove more greenhouse gases from the atmosphere and help protect the global climate. According to the Pacific Forest Trust, our forest lands in the United States are only storing one-quarter of the carbon they can ultimately store. Just tapping a portion of this potential by expanding and increasing the productivity of the nation's 737 million acres of forests is an important part of a win-win strategy to slow global warming. This bill takes an important first step toward sequestering greenhouse gases on Federal lands: it directs the Forest Service to report to Congress on options to increase carbon storage in our national forests.

It is hard to believe that nine years ago, during the first Bush Administration, both Democrat and Republican Senators proclaimed their support for taking action to protect the climate system and reducing the buildup of greenhouse gases in the atmosphere. When the 1992 United Nations Framework Convention on Climate Change was ratified by the Senate, Senators from both parties came to the floor to applaud this commitment to begin reducing greenhouse gas emissions. And then-President Bush supported that position as well. We cannot afford to let the current debates about international treaties paralyze this Congress when their are opportunities here at home to protect our environment in ways that also provide jobs and economic growth.

This bill is about taking advantage of a clear win-win opportunity. It's a win for the global environment. It's a win for sustainable forestry. It's a win for local water protection. And it's a win for rural communities. For these reasons, the bill has already received positive reactions from timber companies and environmental organizations alike, including the National Association of State Foresters and the Society of American Foresters, American Forest and Paper Association, American Forests, Environmental Defense Fund, Governor John A. Kitzhaber of Oregon, PacificCorp, The Nature Conservancy, and The Pacific Forest Trust.

I look forward to pursuing this common-sense step toward protecting the environment and supporting our forest workers. This bill will have a sequential referral to both the Senate Energy and Natural Resources Committee and the Senate Agriculture Committee. These Committees share jurisdiction over all our nations forests, public and private. They represent the interests of the people who use our forests from the National Forest visitor, to the large industrial land owner, to the small woodlot owner. Through the combined efforts of both of these Committees, I am sure that the bill will receive a thorough hearing. I look forward to starting this process with a hearing in early May in the Energy and Natural Resources Committee.

I ask unanimous consent that the text of the bill and the section-by-section analysis of the Forest Resources for the Environment and the Economy Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Resources for the Environment and the Economy Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government should increase the long-term forest carbon storage on public land while pursuing existing statutory objectives;

(2) insufficient information exists on the opportunities to increase carbon storage on public land through improvements in forest land management;

(3) important environmental benefits to national forests can be achieved through cooperative forest projects that enhance fish and wildlife habitats, water, and other resources on public or private land located in national forest watersheds;

(4) forest projects also provide economic benefits, including—

(A) employment and income that contribute to the sustainability of rural communities; and

(B) ensuring future supplies of forest products;

(5) monitoring and verification of forest carbon storage provides an important opportunity to create employment in rural communities and substantiate improvements in natural habitats or watersheds due to forestry activities; and

(6) sustainable production of biomass energy feedstocks provides a renewable source of energy that can reduce carbon dioxide emissions and improve the energy security of the United States by diversifying energy fuels.

(b) PURPOSE.—The purpose of this Act is to promote sustainable forestry in the United States by—

(1) increasing forest carbon sequestration in the United States;

(2) encouraging long term carbon storage in forests of the United States;

(3) improving water quality;

(4) enhancing fish and wildlife habitats;

(5) providing employment and income to rural communities;

(6) providing new sources of forest products;

(7) providing opportunities for use of renewable biomass energy; and

(8) improving the energy security of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CARBON SEQUESTRATION.—The term "carbon sequestration" means the action of vegetable matter in—

(A) extracting carbon dioxide from the atmosphere through photosynthesis;

(B) converting the carbon dioxide to carbon; and

(C) storing the carbon in the form of roots, stems, soil, or foliage.

(2) FORESTRY CARBON ACTIVITY.—The term "forestry carbon activity" means a forest management action that—

(A) increases carbon sequestration and/or maintains carbon sinks,

(B) encourages long-term carbon storage, and

(C) has no net negative impact on watersheds and fish and wildlife habitats.

(a) FOREST CARBON PROGRAM.—The term "forest carbon program" means the program established by the Secretary of Agriculture under section 5 of the Forest Resources for the Environment and the Economy Act, to provide assistance through cooperative agreements and State revolving loan funds.

(4) FOREST CARBON RESERVOIR.—The term "forest carbon reservoir" means trees, roots, soils, or other biomass associated with forest ecosystems or products from the biomass that store carbon.

(5) FOREST CARBON STORAGE.—The term "forest carbon storage" means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs, including forest products.

(6) FOREST LAND—

(A) IN GENERAL.—The term "forest land" means land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term "forest land" includes—

(i) land that had such forest cover and that will be naturally or artificially regenerated; and

(ii) a transition zone between a forested and nonforested area that is capable of sustaining forest cover.

(7) FOREST MANAGEMENT ACTION.—The term "forest management action" means the practical application of forestry principles to the regeneration, management, utilization, and conservation of forests to meet specific goals and objectives, while maintaining the productivity of the forests, including management of forests for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, and other forest values.

(8) INVASIVE SPECIES.—The term "invasive species" means any species that is not native to an ecosystem and whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(9) NONINDUSTRIAL PRIVATE FOREST.—The term "nonindustrial private forest" means forest land that is privately owned by an individual or corporation that does not control a forest products manufacturing facility and where management may include objectives other than timber production.

(10) REFORESTATION.—

(A) IN GENERAL.—The term "reforestation" means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term "reforestation" includes—

(i) planned replanting;

(ii) re-seeding; and

(iii) natural regeneration.

(11) REVOLVING LOAN PROGRAM.—The term "revolving loan program" means a State revolving loan program established under section 5.

SEC. 4. CARBON MANAGEMENT ON FEDERAL LAND; CARBON MONITORING AND VERIFICATION GUIDELINES.

(a) DEFINITIONS.—Title XVI of the Energy Policy Act of 1992 is amended by inserting before section 1601 (42 U.S.C. 13381) the following:

"SEC. 1600. DEFINITIONS.

"In this title:

"(1) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the action of vegetable matter in—

"(A) extracting carbon dioxide from the atmosphere through photosynthesis;

"(B) converting the carbon dioxide to carbon; and

"(C) storing the carbon in the form of roots, stems, soil, or foliage.'

"(2) FOREST CARBON STORAGE.—The term 'forest carbon storage' means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs, including forest products.

"(3) FOREST CARBON PROGRAM.—The term 'forest carbon program' means the program established by the Secretary of Agriculture under section 5 of the Forest Resources for the environment and the Economy Act, to provide financial assistance through cooperative agreements and State revolving loan funds for forest carbon activities.

"(4) FOREST CARBON RESERVOIR.—The term 'forest carbon reservoir' means trees, roots, soils, or other biomass associated with forest ecosystems or products from the biomass that store carbon.

"(5) FOREST MANAGEMENT ACTION.—The term 'forest management action' means the practical application of forestry principles to the regeneration, management, utilization, and conservation of forests to meet specific goals and objectives, while maintaining the productivity of the forests, including management of forests for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, and other forest values."

(b) CARBON MANAGEMENT ON FEDERAL LAND.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13384) is amended—

(1) by inserting "(a) REPORT.—" before "NOT"; and

(2) by adding at the end the following:

"(b) CARBON MANAGEMENT ON FEDERAL LAND.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, after consultation with appropriate Federal agencies, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall report to Congress on—

"(A) the quantity of carbon contained in the forest carbon reservoir of the National Forest System and the methodology and assumptions used to ascertain that quantity;

"(B) the potential to increase the quantity of carbon in the National Forest System and provide positive impacts on watersheds and fish and wildlife habitats through forest management actions; and

"(C) the role of forests in the carbon cycle and the contributions of U.S. forestry to the global carbon budget.

"(2) CONTENTS.—The, report shall also include an assessment of any impacts of the forest management actions identified under paragraph (1)(B) on timber harvests, wildlife habitat, recreation, forest health, and other statutory objectives of national forest system management."

(c) MONITORING AND VERIFICATION OF CARBON STORAGE.—Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) is amended by adding at the end the following:

(5) GUIDELINES ON REPORTING, MONITORING, AND VERIFICATION OF CARBON STORAGE FROM FOREST MANAGEMENT ACTIONS.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

"(i) review the guidelines established under paragraph (1) that address procedures for the accurate voluntary reporting of greenhouse gas sequestration from tree planting and forest management actions;

"(ii) make recommendations to the Secretary of Energy for amendment of the guidelines; and

"(iii) provide an opportunity for public comment on the guidelines established under subparagraph (A) prior to their submission to the Secretary of Energy.

"(B) CARBON AND FORESTRY ADVISORY COUNCIL.—

"(i) ESTABLISHMENT.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a Carbon and Forestry Advisory Council for the purpose of—

"(I) advising the Secretary of Agriculture in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions;

(II) evaluating the potential effectiveness of the guidelines in verifying carbon inputs and outputs from various forest management strategies;

"(III) estimating the effect of proposed implementation on carbon sequestration and storage;

"(IV) assisting the Secretary of Agriculture in reporting annually to Congress on the results of the carbon storage program; and

"(V) assisting the Secretary of Agriculture in assessing the vulnerability of forests to adverse effects of climate change.

"(ii) MEMBERSHIP.—The Advisory Council shall be composed of the following 16 members with interest and expertise in carbon sequestration and forestry management, appointed by the Secretaries of Agriculture and Energy:

"(I) 1 member representing national professional forestry organizations;

"(II) 2 members representing environmental or conservation organizations;

"(III) 1 member representing nonindustrial, private landowners;

"(IV) 1 member representing forest industry;

"(V) 1 member representing American Indian Tribes;

"(VI) 1 member representing forest laborers;

"(VII) 3 members representing the academic scientific community;

"(VII) 2 members representing State forestry organizations;

"(IX) 1 member representing the Department of Energy;

"(X) 1 member representing the Environmental Protection Agency;

"(XI) 1 member representing the Department of Agriculture;

"(XII) 1 member representing the Department of the Interior

"(iii) TERMS.—

"(I) IN GENERAL.—Except as provided in subclause (III), a member of the Advisory Council shall be appointed for a term of 3 years.

"(II) CONSECUTIVE TERMS.—No individual may serve on the Advisory Council for more than 2 consecutive terms.

"(III) INITIAL TERMS.—Of the members first appointed to the Advisory Council—

"(aa) 1 member appointed under each of subclauses (II), (VI), (VII), (X), and (XIII) of clause (ii) shall serve an initial term of 1 year; and

"(bb) 1 member appointed under each of subclauses (I), (IV), (VII), (IX), (XI), and (XIV) shall serve an initial term of 2 years.

"(iv) VACANCY.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made.

"(v) CONTINUATION.—Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of the term.

"(vi) COMPENSATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), a member of the Advisory Council shall serve without compensation, but may be reimbursed for reasonable costs incurred while in the actual performance of duties vested in the Advisory Council.

"(II) FEDERAL OFFICERS AND EMPLOYEES.—A member of the Advisory Council who is a full-time officer or employee of the United States shall receive no additional compensation or allowances because of the service of the member on the Advisory Council.

"(III) SUPPORT.—The Secretary shall provide financial and administrative support for the Advisory Council.

"(vii) USE OF EXISTING COUNCIL.—The Secretary of Agriculture may use an existing council to perform the tasks of the Carbon and Forestry Advisory Council providing—

"(I) Council representation, membership terms and background, and Council responsibilities reflect those stated in subparagraph (B), and

"(II) The responsibilities of the Council, as described in subparagraph (A), are a priority for the Council.

"(C) CRITERIA.—

"(i) IN GENERAL.—The recommendations described in subparagraph (A)(ii) shall include reporting guidelines that—

"(I) are based on—

"(aa) measuring increases in carbon storage in excess of the carbon storage that would have occurred in the absence of the reforestation, forest management, forest protection, or other forest management actions; and

"(bb) comprehensive carbon accounting that reflects net increases in the carbon reservoir and takes into account any carbon emissions resulting from disturbance of carbon reservoirs existing at the start of a forest management action;

"(II) include options for—

"(aa) estimating the indirect effects of forest management actions on carbon storage, including possible emissions of carbon that may result elsewhere as a result of the project's impact on timber supplies or possible displacement of carbon emissions to other lands owned by the reporting party;

"(bb) quantifying the expected carbon storage over various time periods, taking into account the likely duration of carbon stored in the carbon reservoir; and

"(cc) considering the economic and social affects of management alternatives.

"(ii) ACCURATE MONITORING, MEASUREMENT, AND VERIFICATION.—

"(I) IN GENERAL.—The recommendations described in subparagraph (A)(ii) shall include recommended practices for monitoring, measurement, and verification of carbon storage from forest management actions.

"(II) REQUIREMENTS.—The recommended practices shall, to the maximum extent practicable—

"(aa) be based on statistically sound sampling strategies that build on knowledge of the carbon dynamics of forests and agricultural land;

"(bb) include cost-effective combinations of field conditions measurements with modeling to compute carbon stocks and changes in stocks;

"(cc) include guidance on how to sample and calculate carbon sequestration across multiple participating ownerships; and

"(dd) do not prevent use of more precise measurements, if desired by a reporting entity.

"(D) STATE FOREST CARBON PROGRAMS.—The recommendations described in subparagraph (A)(ii) shall include guidelines to States for reporting, monitoring, and verifying carbon storage under the forest carbon program.

"(E) BIOMASS ENERGY PROJECTS.—The recommendations described in subparagraph (A)(ii) shall include guidelines for calculating net greenhouse gas reductions from biomass energy projects, including—

"(i) net changes in carbon storage resulting from changes in land use; and

"(ii) the effect that using biomass to generate electricity (including co-firing of biomass with fossil fuels) has on the displacement of greenhouse gas emissions from fossil fuels.

"(F) AMENDMENT OF GUIDELINES.—Not later than 180 days after receiving the recommendations from the Secretary of Agriculture, the Secretary of Energy, acting through the Administrator of the Energy Information Administration, shall revise the guidelines established under paragraph (1) to include the recommendations.

"(G) REVIEW OF GUIDELINES BY THE ADVISORY COUNCIL.—

"(i) PERIODIC REVIEW.—At least every 24 months, the Secretary of Agriculture shall—

"(I) convene the Advisory Council to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management actions; and

"(II) issue revised guidelines for reporting, monitoring, and verification of carbon storage from forest management actions as necessary.

"(ii) CONSISTENCY WITH FUTURE LAWS.—The Secretary of Agriculture shall convene the Advisory Council as necessary to ensure that the guidelines for reporting, monitoring, and verification of carbon storage from forest management actions are revised to be consistent with any Federal laws enacted after the date of enactment of this Act.

"(6) MONITORING OF FOREST CARBON PROGRAMS.—

"(A) IN GENERAL.—Forest Carbon Program reports shall—

"(i) be developed in accordance with the guidelines issued under paragraph (1),

"(ii) state the quantity of carbon storage realized;

"(iii) include the data used to monitor and verify the carbon storage,

"(iv) be consistent with reporting requirements of the Energy Information Administration, and

"(v) ensure the avoidance of double counting of forest carbon activities.

"(B) STATES AND COOPERATIVE AGREEMENT PARTICIPANTS.—States receiving assistance to establish revolving loans and entities participating in cooperative agreements for forest carbon programs shall—

"(i) monitor and verify carbon storage achieved under the program in accordance with guidelines issued under subparagraph (5)(E),

"(ii) report annually to the Secretary of Agriculture on the results of the carbon storage program, and

"(iii) report annually to any non-governmental organization, business, or other entity that provides funding for the carbon storage program.

"(C) SECRETARY OF AGRICULTURE.—

"(i) IN GENERAL.—The Secretaries shall report annually to Congress on the results of the carbon storage program.

"(ii) INCLUSIONS.—The report shall include—

"(I) specifications consistent with subparagraph (A),

"(II) an assessment of the effectiveness of monitoring and verification,

"(III) a report on carbon activities associated with cooperative agreements for the forest carbon program, and

"(IV) a State Forest Carbon Program compliance report established by—

"(aa) reviewing reports submitted by states under clause (B)(ii),

"(bb) verifying compliance with the guidelines under subparagraph (A),

"(cc) notifying the State of compliance status,

"(dd) notifying the State of any corrections that are needed to attain compliance, and "(ee) establishing an opportunity for resubmission by the State."

SEC. 5. FOREST CARBON COOPERATIVE AGREEMENTS AND LOAN PROGRAM.

(a) Forest Carbon Cooperative Agreement.—The Secretary may enter into cooperative agreements with willing landowners from State or local governments, American Indian tribes, Alaska Natives, native Hawaiians and private, nonprofit entities for forest carbon activities on private land, state land, American Indian land, Alaska Native land, or native Hawaiian land.

(b) Forest Carbon Revolving Loan Program.—

(1) In general.—In collaboration with State Foresters and non-governmental organizations, the Secretary shall provide assistance to States so that States may establish a revolving loan program for forest carbon activities on non-industrial private forest (NIPF) land.

(2) Eligibility.—An owner of non-industrial private forest land shall be eligible for assistance from a revolving loan fund for forest carbon activity on not more than a total of 5,000 acres of their NIPF land holdings.

(3) Loan terms.—A loan agreement under the program shall—

(A) have loan interest rates that are established by the State—

(i) as necessary to encourage participation of NIPF landowners in the loan program,

(ii) not to exceed a real rate of return in excess of 3%, and

(iii) that will further the forest carbon program objectives;

(B) require that all loan obligations be repaid to the State—

(i) at the time of harvest of land covered by the program; or

(ii) in accordance with any other repayment schedule determined by the State;

(iii) proportional to the percentage decrease of carbon stock;

(C) include provisions that provide for private insurance or that otherwise release the owner from the financial obligation for any portion of the timber, forest products, or other biomass that—

(i) is lost to insects, disease, fire, storm, flood, or other natural destruction through no fault of the owner; or

(ii) cannot be harvested because of restrictions on tree harvesting imposed by the Federal State, or local government after the date of the agreement;

(D) impose a lien on all timber, forest products, and biomass grown on land covered by the loan, with an assurance that the terms of the lien shall transfer with the land on sale, lease, or transfer of the land;

(E) include a buyout option that—

(i) specifies financial terms allowing the owner to terminate the agreement before harvesting timber from the stand established with loan funds; and

(ii) repays the loan with interest;

(F) recognize that, until the loan is paid in full by the participating landowner or otherwise terminated in accordance with this Act, all reductions in atmospheric greenhouse gases achieved by the project funded by the loan are attributable to the non-Federal entities that provide funding for a loan (including the State or any other person, company, or non-governmental organization that provides funding to the State for purposes of issuing the loan); and

(G) include provisions for the monitoring and verification of carbon storage.

(4) Cancellation of loan terms for permanent conservation.—

(A) In general.—The State shall cancel the loan agreement under paragraph (3) and any liens on the timber, forest products, and biomass under paragraph (3)(C) if the borrower donates to the State or may cancel the loan agreement under paragraph (3) and any liens on the timber, forest products, and biomass under paragraph (3)(C) if the borrower donates to another appropriate entity a permanent conservation easement that—

(i) furthers the purposes of this Act, including managing the land in a manner that maximizes the forest carbon reservoir of the land; and

(ii) permanently protects the covered private forest land and resources at a level above what is required under applicable Federal, State, and local law.

(B) Continuation of forest management actions.—The conservation easement may allow the continuation of forest management actions that increase carbon storage on the land and forest or otherwise further the purposes of this Act.

(5) Reinvestment of funds.—All funds collected under a loan issued under this subsection (including loan repayments, loan buyouts, and any interest payments) shall be reinvested by the State in the program and used by the State to make additional loans under the program in accordance with this subsection.

(6) Records.—The State Forester shall—

(A) maintain all records related to any loan agreement funded from a revolving loan fund; and

(B) make the records available to the public.

(7) Matching funds.—

(A) In general.—In order to be eligible to continue participating in the program, any State in the program under this section shall provide matching funds equal to at least 25 percent of the Federal funds made available to the State for the program, beginning the second year of program participation.

(B) Form.—The State may provide the matching funds in the form of in-kind administrative services, technical assistance, and procedures to ensure accountability for the use of Federal funds.

(8) Loan funding distribution.—

(A) In general.—Not later than 180 days after the date of enactment of this Act, in consultation with State Foresters, the Secretary shall—

(i) establish a formula under which Federal funds shall be distributed under this subsection among eligible States; and

(ii) report the formula and methodology to Congress.

(B) Basis.—The formula shall—

(i) be based on maximizing the potential for meeting the objectives of this Act;

(ii) give appropriate consideration to—

(I) the acreage of un-stocked or under-producing private forest land in each State;

(II) the potential productivity of such land;

(III) the potential long-term carbon storage of such land;

(IV) the potential to achieve other environmental benefits;

(V) the number of owners eligible for loans under this section in each State; and

(VI) the need for reforestation, timber stand improvement, or other forestry investments consistent with the objectives of this Act; and

(iii) give priority to States that have experienced or are expected to experience significant declines in employment levels in the forestry industries due to declining timber harvests on Federal land.

(9) Private funding.—A revolving loan fund may accept and distribute as loans any funds provided by non-governmental organizations, businesses, or persons in support of the purposes of this Act.

(10) Bonneville power administration.—

(A) In general.—The States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding loans that meet both the objectives of this Act and the fish and wildlife objectives of the Bonneville Power Administration under the Pacific Northwest Electric Power and Conservation Act (16 U.S.C. 839 et seq.).

(B) Application of requirements under other law.—An application under subparagraph (A) shall be subject to all rules and procedures established by the Pacific Northwest Electric Power and Conservation Planning Council and the Bonneville Power Administration under the Pacific Northwest Electric Power and Conservation Act (16 U.S.C. 839 et seq.).

(c) Requirements.—

(1) Eligible forestry carbon activities.—Eligible forestry carbon activities that—

(A) help restore under-producing or understocked forest lands,

(B) provide for protection of forests from non-forest use,

(C) allow a variety of sustainable management alternatives, and

(D) have no net negative impact on watersheds and fish and wildlife habitats.

(2) Guidance.—The Secretary, working through the US Forest Service and in collaboration with States, shall provide guidance on eligible forestry carbon activities based on the criteria of this section.

(3) Activities required under other law.—Funding shall not be provided under this section for activities required under other applicable Federal, State, or local laws.

(4) Pre-agreement activities.—Funding shall not be provided for costs incurred before entering into a cooperative or loan agreement under this Act.

(5) Limitation on land considered for funding.—No new loan agreements shall be entered into under this section to fund reforestation of land harvested after the date of enactment of this Act if the landowner received revenues from the harvest sufficient to reforest the land.

(6) Eligible tree species.—

(A) In general.—Selection of tree species for loan projects shall be consistent with Executive Order No. 13112, "Invasive Species".

(B) Program funding.—Funding for reforestation activities shall be provided for—

(i) tree species native to a region,

(ii) tree species that formerly occupied the site, or

(iii) non-native tree species or hybrids that are non-invasive.

(7) Forest-management plan.—Priority shall be given to projects on land under a forestry management plan or forest stewardship plan, if the plan is consistent with the objectives of the carbon storage program.

(8) Use of funds.—

(A) funds will be used to pay—

(i) the cost of purchasing and planting tree seedings; and

(ii) other costs associated with the planted trees, including planning, site preparation, forest management, monitoring, measurement and verification, and consultant and contractor fees.

(B) funds will not be used to—

(i) pay the owner for the owner's own labor; or

(ii) purchase capital items or expendable items, such as vehicles, tools, and other equipment.

(9) FINANCIAL ASSISTANCE AMOUNT.—The amount of financial assistance provided under this section shall not exceed—

(A) 100 percent of total project costs, whether they constitute the only funding source or are used in combination with funds received from any other source; or

(B) $100,000 during any 2-year period.

(10) FEDERAL FUNDING.—During fiscal years 2001 through 2010, civil penalties collected under section 113 of the Clean Air Act (42 U.S.C. 7413) and under section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) shall be available, without further appropriation, to fund cooperative agreements and revolving loan funds authorized in this section.

(11) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall—

(i) allocate 15 percent of available funds for Cooperative agreements as specified under subsection (a), and

(ii) allocate 85 percent of available funds for State revolving loan programs as specified under subsection (b), after determining that States have implemented a system to administer the loans in accordance with this Act.

THE FOREST RESOURCES FOR THE ENVIRONMENT AND THE ECONOMY ACT—SECTION-BY-SECTION ANALYSIS

The purposes of the bill are to develop monitoring and verification systems for carbon reporting in forestry, to increase carbon sequestration in forests by encouraging private sector investment in forestry, and to promote employment in forestry in the United States. The bill achieves these purposes through three major actions: (1) Guidelines for Accurate Carbon Accounting for Forests.—The bill directs the Secretary of Agriculture, through the Forest Service, to establish scientifically-based guidelines for accurate reporting, monitoring, and verification of carbon storage from forest management actions. The bill establishes a multi-stakeholder Carbon and Forestry Advisory Council to assist USDA in developing the guidelines.

(2) Report on Options to Increase Carbon Storage on Federal Lands—The bill directs the Secretary of Agriculture, through the Forest Service, to report to Congress on forestry options to increase carbon storage in the National Forest System.

(3) State Revolving Loan Programs/Cooperative Agreements—The bill provides assistance to plant and manage underproducing or understocked forests to increase carbon sequestration. Assistance is provided through Cooperative Agreements with State or local governments, American Indian Tribes, Alaska natives, native Hawaiians, and private-nonprofit entities; or through loans to nonindustrial private forest landowners. The Federal share of funding for Cooperative Agreements and the loan program will come from penalties that are being assessed against violators of the Clean Air Act and the Clean Water Act (civil penalties assessed in FY 1998 totaled $45 million).

SECTION 1. SHORT TITLE

The title of the bill is the "Forest Resources for the Environment and the Economy Act".

SECTION 2. FINDINGS AND PURPOSES

This section states the findings of the bill, including: there is a need or additional information opportunities to increase carbon storage on public land through improvements in forest land management; monitoring and verification of forest carbon storage can provide employment opportunities for rural communities; and the sustainable production of biomass energy feedstocks provides a renewable source of energy that can improve the energy security of the United States.

This section also states the purposes of the bill: to increase carbon sequestration in forests; to provide employment and income to rural communities; and to improve the energy security of the United States by providing opportunities for development of renewable biomass energy.

SECTION 3. DEFINITIONS

This section defines terms used in the bill, including the following: "Carbon sequestration"; "Forestry carbon activity"; "Forest carbon program"; "Forest carbon reservoir"; "Forest carbon storage"; "Forest land"; "Forest management action"; "Invasive species"; "Nonindustrial private forest"; "Reforestation"; and "Revolving loan program".

SECTION 4. CARBON MANAGEMENT ON FEDERAL LAND; CARBON MONITORING AND VERIFICATION GUIDELINES

This section amends Title XVI ("Global Climate Change") of the Energy Policy Act of 1992.

(a) Definitions: This subsection amends the Energy Policy Act to add the definitions for "carbon sequestration""forest carbon storage," "forest carbon program," "forest carbon reservoir," and "forest management action" that were specified in Section 3.

(b) Carbon Management on Federal Land: This subsection directs the Secretary of Agriculture to report to Congress on the quantity of carbon contained in the forest carbon reservoir in the national forest system. The report will include an assessment of forest management actions that can increase carbon storage on these national forest system lands. Finally, the report will include an assessment of the role of forests in the carbon cycle and the contributions of forestry to the global carbon budget. This subsection is accomplished by amendment to section 1604 of the Energy Policy Act ("Assessment of Alternative Policy Mechanisms for Addressing Greenhouse Gas Emissions").

(c) Monitoring and Verification of Carbon Storage. This subsection amends section 1605(b) of the Energy Policy Act ("Voluntary Reporting"). It directs the Secretary of Agriculture to review the existing Federal guidelines on reporting, monitoring, and verification of carbon storage from forest management actions and to make recommendations to the Secretary of Energy for amendment of the guidelines.

Carbon and Forestry Advisory Council: This subsection also directs the Secretary of Agriculture to establish a 16–member, multi-stakeholder Carbon and Forestry Advisory Council for the purpose of advising the Department of Agriculture on: the development of the guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions, and for other purposes.

Criteria: The guidelines developed by the Secretary of Agriculture must take account of additionality and leakage. The guidelines must include recommended practices for monitoring, measurement and verification of carbon storage that are scientifically sound and cost-effective.

State Forest Carbon Programs: The guidelines will include guidance to States for reporting, monitoring and verifying carbon storage achieved under the carbon storage program established in Section 5 of the bill.

Biomass energy projects: The guidelines will include guidance on calculating net greenhouse gas reductions from biomass energy projects.

Amendment of guidelines: The subsection directs the Secretary of Energy to revise the existing voluntary reporting guidelines to include the recommendations provided by the Secretary of Agriculture.

Review of guidelines: Guidelines must be reviewed at least every 24 months, and as necessary for consistency with any future Federal laws that credit for reductions of atmospheric greenhouse gas concentrations resulting from forest management actions.

Monitoring of Forest Carbon Programs: Participants in the Forest Carbon Program established in Section 5 of the bill must report annually to the Secretary of Agriculture on the results of the program. Reports that are certified to comply with the guidelines in this section will be submitted to the Department of Energy for inclusion in the 1605(b) voluntary reporting data base.

SECTION 5. FOREST CARBON COOPERATIVE AGREEMENTS AND LOAN PROGRAM

This section authorizes the Secretary of Agriculture to enter into cooperative agreements and directs the Secretary to provide assistance to States to establish revolving loan funds to undertake forestry carbon activities.

(a) *Forest Carbon Activity Cooperative Agreements.* This subsection authorizes the Secretary of Agriculture to enter into cooperative agreements with willing State or local governments, American Indian tribes, Alaska natives, native Hawaiians, and private-nonprofit landowners for forest carbon activities.

(b) *Forest Carbon Activity Revolving Loan Program.* This subsection establishes a program to provide assistance through State established revolving loan funds to nonindustrial private forest land owners (NIPF) for eligible forest carbon activities. Requirements include:

Eligibility: Funds may be used to support eligible forest carbon activities on not more than 5,000 acres of an NIPF landowners' holdings.

Loan terms: Loans must be repaid with interest at a rate not to exceed a 3 percent real rate of return. They must be repaid when the land is harvested, although the owner may pay off the loan prior to harvesting. Loans must include a transferable lien on all timber, forest products and biomass. The State assumes the risk of loss of timber due to natural disaster. A loan agreement must include recognition that, until the loan is paid off, all reductions in atmospheric greenhouse gases achieved by projects funded by the loan are attributable to the entity that provides funding for the loan.

Permanent conservation easements: Loan recipients can cancel the loan by donating a permanent conservation easement.

Reinvestment of funds: All repayments collected by a State must be reinvested in the program and used by the State to make additional loans.

Records: The State Forester shall maintain all loan records and make them available to the public.

Matching funds: A State must match Federal funding by at least 25% beginning in the second year of participating in the program.

Loan Funding Distribution: The Secretary will report to Congress on a formula under which Federal funds will be distributed among eligible States. The distribution formula will give priority to States that have experienced or are expected to experience significant declines in employment levels in the forestry industries due to declining timber harvests on Federal land.

Private funding: A revolving loan fund may accept any funds provided by non-governmental organizations, businesses or persons for the purpose of this Act.

Bonneville Power Administration (BPA): States served by BPA (Washington, Oregon, Idaho and Montana) may apply for funding from BPA for purposes of funding loans that meet both the objectives of this Act and the fish and wildlife objectives of BPA under current law.

(c) Requirements: This subsection specifies requirements of any financial assistance arrangement for forest carbon activities.

Eligibility: This gives a general definition of eligible forestry carbon activities.

Guidance: The Forest Service, in collaboration with the States, will provide guidance on eligible forestry carbon activities.

Activities require under law: Funding shall not be provided for activities required under existing laws.

Pre-agreements: Funding shall not be provided for costs already incurred.

Limitation on land considered for funding: No funding shall be provided for reforestation of land that has been harvested, if the landowner received revenues from the harvest sufficient to reforest the land.

Eligible tree species: Planted tress must be native or non-invasive species.

Forest management plan: Priority shall be given to projects on land under a forest management plan or forest stewardship plan.

Use of funds: Funds shall be used for planting of trees and their management.

Financial assistance amount: Cooperative agreements or loans may cover up to 100 percent of total project costs, not to exceed $100,000 during any 2-year period.

Authorization of appropriations: Authorizes funding from FY 2001 to FY 2010 at amounts equal to civil penalties collected under the Clean Water Act and the Clean Air Act, which currently revert to the Treasury as General Revenues. In fiscal year 1998, $45 million in penalties were assessed.

Allocation of funds: The Secretary shall allocate 15 percent of available funds for cooperative agreements and the remaining 85 percent for the State revolving loan fund.

By Mr. FRIST (for himself and Mr. THOMPSON):

S. 821. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FRIST. Mr. President, today I introduce the "TVA Modernization Act of 2001" along with Senator THOMPSON. This bill would expand and restructure TVA's Board of Directors to make it reflect the board structure of most large corporations.

TVA is now a multi-billion dollar per year corporation. However, it continues to function under a Depression-era administrative structure. By expanding the board and restructuring it more like a corporation's board, TVA will be in a better position to meet the future challenges facing TVA and the energy industry as a whole.

Specifically, this legislation would create a nine-member, part-time board made up of experts in corporate management and strategic decision making. Each member would be required to be a legal resident of the TVA service area, and each member would receive an annual stipend. The board would appoint a CEO who would be responsible for daily management decisions. Currently, the board is comprised of three full-time members, although one position is currently vacant, and the Chairman acts as the CEO.

This legislation provides the organizational structure necessary for TVA's future. With proper leadership and sound management practices, TVA can continue to improve and more efficiently provide its valuable services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEMBERSHIP.—

"(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, who shall be legal residents of the service area.

"(2) CHAIRMAN.—The members of the Board shall select 1 of the members to act as chairman of the Board.

"(b) QUALIFICATIONS.—

"(1) IN GENERAL.—To be eligible to be appointed as a member of the Board, an individual—

"(A) shall be a citizen of the United States;

"(B) shall have widely recognized experience or applicable expertise in the management of or decisionmaking for a large corporate structure;

"(C) shall not be an employee of the Corporation;

"(D) shall have no substantial direct financial interest in—

"(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

"(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

"(E) shall profess a belief in the feasibility and wisdom of this Act.

"(2) PARTY AFFILIATION.—Not more than 5 of the 9 members of the Board may be affiliated with a single political party.

"(c) RECOMMENDATIONS.—In appointing members of the Board, the President shall—

"(1) consider recommendations from such public officials as—

"(A) the Governors of States in the service area;

"(B) individual citizens;

"(C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and

"(D) the congressional delegations of the States in the service area; and

"(2) seek qualified members from among persons who reflect the diversity and needs of the service area of the Corporation.

"(d) TERMS.—

"(1) IN GENERAL.—A member of the Board shall serve a term of 5 years, except that in first making appointments after the date of enactment of this paragraph, the President shall appoint—

"(A) 2 members to a term of 2 years;

"(B) 1 member to a term of 3 years; and

"(C) 2 members to a term of 4 years.

"(2) VACANCIES.—A member appointed to fill a vacancy in the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

"(3) REAPPOINTMENT.—

"(A) IN GENERAL.—A member of the Board that was appointed for a full term may be reappointed for 1 additional term.

"(B) APPOINTMENT TO FILL VACANCY.—For the purpose of subparagraph (A), a member appointed to serve the remainder of the term of a vacating member for a period of more than 2 years shall be considered to have been appointed for a full term.

"(e) QUORUM.—

"(1) IN GENERAL.—Six members of the Board shall constitute a quorum for the transaction of business.

"(2) MINIMUM NUMBER OF MEMBERS.—A vacancy in the Board shall not impair the power of the Board to act, so long as there are 6 members in office.

"(f) COMPENSATION.—

"(1) IN GENERAL.—A member of the Board shall be entitled to receive—

"(A)(i) a stipend of $30,000 per year; plus

"(ii) compensation, not to exceed $10,000 for any year, at a rate that does not exceed the daily equivalent of the annual rate of basic pay prescribed under level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the actual performance of duties as a member of the Board at meetings or hearings; and

"(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipend under paragraph (1)(A)(i) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

"(g) DUTIES.—

"(1) IN GENERAL.—The Board shall—

"(A) establish the broad goals, objectives, and policies of the Corporation that are appropriate to carry out this Act;

"(B) develop long-range plans to guide the Corporation in achieving the goals, objectives, and policies of the Corporation and provide assistance to the chief executive officer to achieve those goals, objectives, and policies, including preparing the Corporation for fundamental changes in the electric utilities industry;

"(C) ensure that those goals, objectives, and policies are achieved;

"(D) approve an annual budget for the Corporation;

"(E) establish a compensation plan for employees of the Corporation in accordance with subsection (i);

"(F) approve the salaries, benefits, and incentives for managers and technical personnel that report directly to the chief executive officer;

"(G) ensure that all activities of the Corporation are carried out in compliance with applicable law;

"(H) create an audit committee, composed solely of Board members independent of the management of the Corporation, which shall—

"(i) recommend to the Board an external auditor;

"(ii) receive and review reports from the external auditor; and

"(iii) make such recommendations to the Board as the audit committee considers necessary;

"(I) create such other committees of Board members as the Board considers to be appropriate;

"(J) conduct public hearings on issues that could have a substantial effect on—

"(i) the electric ratepayers in the service area; or

"(ii) the economic, environmental, social, or physical well-being of the people of the service area; and

"(K) establish the electricity rate schedule.

"(2) MEETINGS.—The Board shall meet at least 4 times each year.

"(h) CHIEF EXECUTIVE OFFICER.—

"(1) APPOINTMENT.—The Board shall appoint a person to serve as chief executive officer of the Corporation.

"(2) QUALIFICATIONS.—To serve as chief executive officer of the Corporation, a person—

"(A) shall be a citizen of the United States;

"(B) shall have management experience in large, complex organizations;

"(C) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

"(D) shall have no substantial direct financial interest in—

"(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

"(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

"(3) TENURE.—The chief executive officer shall serve at the pleasure of the Board.

"(i) COMPENSATION PLAN.—

"(1) IN GENERAL.—The Board shall approve a compensation plan that specifies salaries, benefits, and incentives for the chief executive officer and employees of the Corporation.

"(2) ANNUAL SURVEY.—The compensation plan shall be based on an annual survey of the prevailing salaries, benefits, and incentives for similar work in private industry, including engineering and electric utility companies, publicly owned electric utilities, and Federal, State, and local governments.

"(3) CONSIDERATIONS.—The compensation plan shall provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs will be taken into account in determining salaries of employees.

"(4) SUBMISSION TO CONGRESS.—No salary shall be established under a compensation plan until after the compensation plan and the survey on which it is based have been submitted to Congress and made available to the public for a period of 30 days.

"(5) POSITIONS AT OR BELOW LEVEL IV.—The chief executive officer shall determine the salary and benefits of employees whose annual salary is not greater than the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(6) POSITIONS ABOVE LEVEL IV.—On the recommendation of the chief executive officer, the Board shall approve the salaries of employees whose annual salaries would be in excess of the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) CURRENT BOARD MEMBERS.—A member of the board of directors of the Tennessee Valley Authority who was appointed before the effective date of the amendment made by subsection (a)—

(1) shall continue to serve as a member until the date of expiration of the member's current term; and

(2) may not be reappointed.

SEC. 2. CHANGE IN MANNER OF APPOINTMENT OF STAFF.

Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

"(a) APPOINTMENT BY THE CHIEF EXECUTIVE OFFICER.—The chief executive officer shall appoint, with the advice and consent of the Board, and without regard to the provisions of the civil service laws applicable to officers and employees of the United States, such managers, assistant managers, officers, employees, attorneys, and agents as are necessary for the transaction of the business of the Corporation."; and

(2) by striking "All contracts" and inserting the following:

"(b) WAGE RATES.—All contracts".

SEC. 3. CONFORMING AMENDMENTS.

(a) The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended—

(1) by striking "board of directors" each place it appears and inserting "Board of Directors"; and

(2) by striking "board" each place it appears and inserting "Board".

(b) Section 9 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831h) is amended—

(1) by striking "The Comptroller General of the United States shall audit" and inserting the following:

"(c) AUDITS.—The Comptroller General of the United States shall audit"; and

(2) by striking "The Corporation shall determine" and inserting the following:

"(d) ADMINISTRATIVE ACCOUNTS AND BUSINESS DOCUMENTS.—The Corporation shall determine".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect, and 7 additional members of the Board of the Tennessee Valley Authority shall be appointed so as to commence their terms on, May 18, 2002.

By Mrs. MURRAY (for herself, Mr. SMITH of Oregon, Mr. CRAIG, Mr. DASCHLE, and Mr. LEAHY):

S. 822. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issues to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I rise today to reintroduce the "Community Forestry and Agriculture Conservation Act of 2001."

Communities across the United States are losing private forest and farmland to development. Many citizens are demanding that we protect green space, control sprawl, and protect natural resources, fish and wildlife.

Unfortunately, there are few options available to local communities to protect these working green spaces. Federal, state or local governments can purchase the land outright. But this is expensive, and simply unworkable for larger tracts of forest and agricultural land. Outright purchase also raises concerns about harming local economies, reducing the tax base, and hurting private property rights.

Meanwhile, landowners are often land-rich and cash-poor. My bill would allow landowners to capitalize some or all of their assets.

We have a responsibility to find solutions that protect private forests and farm land, enhance economic prosperity, and bring communities together in the process. The Community Forestry and Agriculture Conservation Act would accomplish these goals.

The bill modifies the tax code to make it easier for communities to issue tax-exempt revenue bonds on behalf of a private non-profit corporation to purchase tracts of land. This protects the land from development, while allowing jobs that depend on harvesting the land to continue. The bonds would be serviced by harvesting the resources on the land in a responsible, sustainable way.

I want to give an example of the concept behind this bill, and then mention some of the benefits.

A group of community leaders would form a non-profit organization with a diverse board of directors. The non-profit organization would work with a landowner to reach a voluntary sale agreement at fair market value. The non-profit organization would then develop a binding management plan, which would allow for continued harvesting, but in a manner that exceeds federal and state conservation standards.

A local government could then issue tax-exempt revenue bonds on behalf of the non-profit organization to fund the acquisition of the land. The bonds would be serviced by the non-profit organization with revenue raised by the continued harvest of trees or crops in accordance with the management plan. The non-profit would hold title to the land, but an independent third party would monitor the permanent conservation easement.

There are three benefits to this bill.

First, it gives communities a new tool to protect green spaces from development. Second, communities are able to keep resource-based jobs and their tax base. Third, this legislation will bring communities together. It will move us away from the conflicts of the past and will encourage environmentalists, timber companies, farmers, and local governments to work together to maintain these green spaces.

This legislation is supported by a number of conservation organizations, private companies, local governments, and private associations, including: World Wildlife Fund; The Nature Conservancy; Trust for Public Land; Land Trust Alliance; Pacific Forest Trust; American Sportfishing Association; Plum Creek Timber Company; Collins Pine Companies; Mendocino Redwood Company; The Harwood Group; Port Blakely Tree Farms; Weyerhaeuser; The Campbell Group; King County, Washington; Mendocino County, California; Society of American Foresters; and the Political Economy Research Center.

In addition, the Senate agreed to a modified version of this legislation as an amendment to the Senate version of H.R. 2488 in 1999. The amendment was removed during conference.

As I did two years ago, I want to emphasize that this is an approach that every Senator can support. It is bipartisan. It is inexpensive. It is voluntary. It respects private property rights. It limits government involvement but establishes proper enforcement to prevent abuse. It protects the environment. It provides local control.

I would like to thank Senators G. SMITH, CRAIG, LEAHY, and DASCHLE for cosponsoring this legislation, and I urge my other colleagues to support it as well.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Forestry and Agriculture Conservation Act of 2001".

SEC. 2. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 of the Internal Revenue Code of 1986 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

"(1) IN GENERAL.—If—

"(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

"(B) the land is subject to a conservation restriction—

"(i) which is granted in perpetuity to an unaffiliated person that is—

"(I) a 501(c)(3) organization, or

"(II) a Federal, State, or local government conservation organization,

"(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

"(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

"(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

"(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

"(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

"(2) TREATMENT OF TIMBER, ETC.—

"(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

"(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

"(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself and Mr. REED):

S. 827. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, it gives me great pleasure and pride to introduce today the MediKids Health Insurance Act of 2001. I am joined by my colleague Representative Stark, who is introducing companion legislation in the House.

In 1997, we passed historic legislation which created the Children's Health Insurance Program. I was a proud sponsor of the CHIP legislation with our late-colleague Senator John Chafee. However, one thing which we have learned throughout the implementation process of CHIP is that while it provides a vehicle for insuring our nation's low-income children, it does not guarantee all of America's children health insurance coverage and access to affordable health care. I'm pleased to say that of the 26,000 West Virginia children without health insurance two years ago, according to the most recent state estimate nearly 20,000 have now enrolled in the CHIP program. But this is not enough. We can do better for our children to make sure they can count on access to the care they need to grow up healthy. It should not be so hard. Today, there remain more than 10 million children in America without health insurance, in spite of more and more children being enrolled in CHIP every day. Clearly, there is still much more that can and should be done to guarantee health coverage to all American children.

Today, I offer a solution to ensure that all of our nation's children have access to health care. The MediKids program, which I propose, would create a new Medicare-like program for children which is separate from Medicare and will have no financial impact on the existing program. Every child would be enrolled at birth, just as every American is enrolled in the Medicare program at age 65. This ensures that all children will have coverage, avoiding difficult problems related to outreach and enrollment, or state-to-state variations. MediKids is a simple, direct and comprehensive approach to dramatically improve the health insurance safety net for America's Children. Eligibility for the program would be phased in over 5 years, covering children from birth to 5 years of age in the first year, 6 to 10 in the second, 11 to 15 in the third, 16 to 20 in the fourth, and 21 and 22 in the fifth and final year. By 2008, the legislation would provide every child in America access to consistent, continuous health insurance coverage.

The benefits covered by the program would be very similar to those available to children under Medicaid now, including the screening and prevention services so critical to successful childhood development. The MediKids program would work in conjunction with CHIP and Medicaid, allowing children enrolled in those programs, and those children with private insurance coverage, to remain in those programs.

CHIP and Medicaid are important programs, and essential for the insurance coverage of children. However, even with perfect enrollment in CHIP and Medicaid, there would still be a great number of children without health insurance. This is partially due to our increasingly mobile society, where parents frequently change jobs and families often move from state to state. When this occurs there is often a lapse in health coverage. Also, families working their way out of welfare fluctuate between eligibility and ineligibility for means-tested assistance programs. Another reason for the number of uninsured children is that the cost of health insurance continues to increase, leaving many working parents unable to afford coverage for themselves or their families. All of this adds up to the fact that many of our children do not have the consistent and regular access to health care which they need to grow up healthy.

Under The MediKids program, all children would be enrolled automatically at birth, and have continuous, reliable health coverage from birth until their twenty-third birthday. A prescription drug benefit would be included as part of the program, and the Secretary of Health and Human Services will continue to develop age-appropriate benefits as needed. The legislation also contains provisions allowing the Secretary to review and update the benefits offered annually, with input from the pediatric community.

During the first few years of the program, the costs can be fully covered by public funds such as tobacco settlement monies, the budget surplus, or other funds upon which we may agree. Over this period of time, the Treasury Secretary will have the necessary time to develop a package of progressive, gradual tax changes to fund the program. Parents will be responsible for a small premium which will account for one-forth of annual average cost per child, and will be exempt from the premium should they have comparable health coverage for their children through private insurance or enrollment in other federal programs.

There will be no cost-sharing under the program for preventive and well child care, and there will be assistance for low-income families to meet their needs. Those families living at or below 150 percent of poverty will pay no premium and those living between 150 percent and 200 percent of poverty will receive a 50 percent discount on premiums. A family's premium obligation will be capped at 5 percent of its total income.

Children are inexpensive to insure, yet the benefits of doing so would be enormous for our country. We have an opportunity now to guarantee that future generations of children grow up more healthy and ready to succeed than any before them. I am pleased to announce that I am joined today by a number of organizations whose support has been critical to the cause of ensuring health coverage for all children. I thank the many national organizations that have already lent their support and endorsement to this important legislation. The American Academy Pediatrics and the Children's Defense Fund have already begun to actively push for the MediKids Health Insurance Act of 2001. I am so pleased to have the support of these and other organizations which have dedicated themselves to children and children's health care in America.

I learned a valuable lesson some 35 years ago as a VISTA volunteer in the small town of Emmons, West Virginia. I was taught that health care is not just something to be talked about, or debated here on the floor of the Senate. Health care is a fundamental right, its as necessary as food and shelter. I have learned this time and time again, and I have carried that lesson with me throughout my entire life in public service, as Chairman of the Pepper Commission on Comprehensive Health Care, and also on the National Commission on Children.

The growing number of uninsured in this country is a very serious problem. The fact that some 10 million children, our nation's most vulnerable population, do not have access to affordable health insurance today is not just unfair, it is downright immoral. In a nation as wealthy as ours, it is wrong that poverty at birth can mean lifelong illness or even early death, especially from easily treatable and preventable causes. What's more, children are the cheapest population in America to insure.

But as I have said time and time again, I also believe it is important to not lose sight of the ideal, and our capacity to reach that ideal, of the United States of America joining every other industrialized nation by ensuring that its citizens have basic health insurance.

I believe that we must not lose sight of that great ideal which I have spoken about here today, that every American have access to affordable health care. The MediKids Health Insurance Act is a tangible step toward achieving that ideal. I offer this legislation to enlist my colleagues in an effort to insist that all of our nation's children are insured as quickly as possible. I ask my colleagues from both sides of the aisle to join as co-sponsors.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

S. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "MediKids Health Insurance Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; findings.
Sec. 2. Benefits for all children born after 2002.

"TITLE XXII—MEDIKIDS PROGRAM

"Sec. 2201. Eligibility.
"Sec. 2202. Benefits.
"Sec. 2203. Premiums.
"Sec. 2204. MediKids Trust Fund.
"Sec. 2205. Oversight and accountability.
"Sec. 2206. Addition of care coordination services.
"Sec. 2207. Administration and miscellaneous.
Sec. 3. MediKids premium.
Sec. 4. Refundable credit for cost-sharing expenses under MediKids program.
Sec. 5. Report on long-term revenues.

(c) FINDINGS.—Congress finds the following:

(1) More than 11 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, we now see that they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, and variations in access to private insurance at all income levels.

(4) As all segments of our society continue to become more and more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The Medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and therefore provides a tested model for designing a program to reach out to America's children

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2002, in a program modeled after Medicare (and to be known as "MediKids"), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2002.

(a) In General.—The Social Security Act is amended by adding at the end the following new title:

"TITLE XXII—MEDIKIDS PROGRAM

"SEC. 2201. ELIGIBILITY.

"(a) Eligibility of Individuals Born After December 31, 2002; All Children under 23 Years of Age in Sixth Year.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

"(1) Age.—

"(A) First year.—During the first year in which this title is effective, the individual has not attained 6 years of age.

"(B) Second year.—During the second year in which this title is effective, the individual has not attained 11 years of age.

"(C) Third year.—During the third year in which this title is effective, the individual has not attained 16 years of age.

"(D) Fourth year.—During the fourth year in which this title is effective, the individual has not attained 21 years of age.

"(E) Fifth and subsequent years.—During the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

"(2) Citizenship.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

"(b) Enrollment Process.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals who are born in the United States after December 31, 2002, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

"(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

"(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

"(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII.

"(c) Date Coverage Begins.—

"(1) In general.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2003:

"(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

"(B) In the case of an another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

"(C) In the case of an another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

"(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

"(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

"(d) Expiration of Eligibility.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

"(e) Entitlement to MediKids Benefits for Enrolled Individuals.—An individual enrolled under this section is entitled to the benefits described in section 2202.

"(f) Low-Income Information.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether or not the family income of the family that includes the child is less than 150 percent of the poverty line for a family of the size involved. If the family income is below such level, the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating such fact. The Secretary also shall provide for a toll-free telephone line at which providers can verify whether or not such a child is in a family the income of which is below such level.

"(g) Construction.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this section from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

"SEC. 2202. BENEFITS.

"(a) Secretarial Specification of Benefit Package.—

"(1) In general.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

"(2) Updating.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

"(3) Annual updating.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

"(4) Input.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

"(5) Limitation on updating.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

"(b) Inclusion of Certain Benefits.—

"(1) Medicare core benefits.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

"(2) All required medicaid benefits.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

"(3) Inclusion of prescription drugs.—Such benefits also shall include (as specified by the Secretary) prescription drugs and biologicals.

"(4) Cost-sharing.—

"(A) In general.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) applicable under title XVIII with respect to comparable items and services, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

"(B) No cost-sharing for lowest income children.—Such benefits shall not include any cost-sharing for children in families the income of which (as determined for purposes of section 1905(p)) does not exceed 150 percent of the official income poverty line (referred to in such section) applicable to a family of the size involved.

"(C) Refundable credit for cost-sharing for other low-income children.—For a refundable credit for cost-sharing in the case of children in certain families, see section 35 of the Internal Revenue Code of 1986.

"(c) Payment Schedule.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

"(d) Input.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

"(e) Enrollment in Health Plans.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare+Choice plans under part C of title XVIII. In the case of individuals enrolled under this title in such a plan, the Medicare+Choice capitation rate described in section 1853(c) shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

"SEC. 2203. PREMIUMS.

"(a) Amount of Monthly Premiums.—

"(1) In general.—The Secretary shall, during September of each year (beginning with 2002), establish a monthly MediKids premium. Subject to paragraph (2), the monthly MediKids premium for a year is equal to $\frac{1}{12}$ of the annual premium rate computed under subsection (b).

"(2) Elimination of monthly premium for demonstration of equivalent coverage (including coverage under low-income programs).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

“(b) Annual Premium.—

“(1) National, per capita average.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

“(2) Annual premium.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

“(c) Payment of Monthly Premium.—

“(1) Period of payment.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

“(2) Collection through tax return.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

“(3) Protections against fraud and abuse.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

“(d) Reduction in Premium for Certain Low-Income Families.—For provisions reducing the premium under this section for certain low-income families, see section 59B(c) of the Internal Revenue Code of 1986.

“SEC. 2204. MEDIKIDS TRUST FUND.

“(a) Establishment of Trust Fund.—

“(1) In general.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

“(2) Premiums.—Premiums collected under section 2203 shall be transferred to the Trust Fund.

“(b) Incorporation of Provisions.—

“(1) In general.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

“(2) Miscellaneous references.—In applying provisions of section 1841 under paragraph (1)—

“(A) any reference in such section to 'this part' is construed to refer to title XXII;

“(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

“(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

“(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

“SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

“(a) Through Annual Reports of Trustees.—The Board of Trustees of the MediKids Trust Fund under section 2204(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this title to maintain financial solvency of the program under this title.

“(b) Periodic GAO Reports.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this title. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this title.

“SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

“(a) In General.—

“(1) Program authority.—The Secretary, beginning in 2003, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

“(2) Administration by contract.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

“(3) Coverage.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

“(b) Eligibility Criteria; Identification and Notification of Eligible Individuals.—

“(1) Individual eligibility criteria.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

“(2) Procedures to facilitate enrollment.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

“(c) Enrollment of Individuals.—

“(1) Secretary's determination of eligibility.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

“(2) Enrollment period.—

“(A) Effective date and duration.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

“(B) Limitation on reenrollment.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

“(d) Program.—The care coordination services program under this section shall include the following elements:

“(1) Basic care coordination services.—

“(A) In general.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

“(B) Additional benefits.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

“(2) Care coordination requirement.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

“(e) Care Coordinators.—

“(1) Conditions of participation.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

“(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

“(B) have entered into a care coordination agreement; and

“(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

“(2) Agreement term; payment.—

“(A) Duration and renewal.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

“(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

“(C) LIABILITY.—Case coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

“(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

“SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

“(a) IN GENERAL.—Except as otherwise provided in this title—

“(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

“(2) individuals enrolled under this title shall be treated for purposes of title XVIII as though the individual were entitled to benefits under part A and enrolled under part B of such title;

“(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII);

“(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII; and

“(5) individuals entitled to benefits under this title may elect to receive such benefits under health plans in a manner, specified by the Secretary, similar to the manner provided under part C of title XVIII.

“(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded program may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

“(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

“(2) benefits under this title shall be primary payor to benefits provided under such program or title, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a ‘wrap-around’ basis to the benefits under this title.”.

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking “or the Federal Supplementary Medical Insurance Trust Fund” and inserting “the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund”.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII” and inserting “, the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII”.

(3) Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1), by striking “or (7)” and inserting “, (7), or (8)”, and

(B) by adding at the end the following:

“(8) ADJUSTMENT FOR MEDIKIDS.—In applying this subsection with respect to individuals entitled to benefits under title XXII, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such title and the population under parts A and B.”.

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children from enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through increases in provider payment rates, expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking “17” and inserting “19”; and

(B) in paragraph (2)(B), by inserting “experts in children's health,” after “other health professionals,”.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2002.

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

“PART VIII—MEDIKIDS PREMIUM

“Sec. 59B. MediKids premium.

“SEC. 59B. MEDIKIDS PREMIUM.

“(a) IMPOSITION OF TAX.—In the case of an individual to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

“(b) INDIVIDUALS SUBJECT TO PREMIUM.—

“(1) IN GENERAL.—This section shall apply to an individual if the taxpayer has a MediKid at any time during the taxable year.

“(2) MEDIKID.—For purposes of this section, the term ‘MediKid’ means, with respect to a taxpayer, any individual with respect to whom the taxpayer is required to pay a premium under section 2203(c) of the Social Security Act for any month of the taxable year.

“(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums under section 2203 of the Social Security Act for months in the taxable year.

“(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

“(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

“(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

“(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

“(i) $17,415 in the case of a taxpayer having 1 MediKid,

“(ii) $21,945 in the case of a taxpayer having 2 MediKids,

“(iii) $26,475 in the case of a taxpayer having 3 MediKids, and

“(iv) $31,005 in the case of a taxpayer having 4 or more MediKids.

“(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

“(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2001, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

“(i) such dollar amount, and

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

“(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

“(e) COORDINATION WITH OTHER PROVISIONS.—

“(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

“(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(3) Treatment under subtitle F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.".

(b) Technical Amendments.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual liable for a premium under section 59B.".

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. MediKids premium.".

(c) Effective Date.—The amendments made by this section shall apply to months beginning after December 2002, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

"(a) Allowance of Credit.—In the case of an individual who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to 50 percent of the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act.

"(b) Limitation Based on Adjusted Gross Income.—The amount of the credit which would (but for this subsection) be allowed under this section for the taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as the excess of the taxpayer's adjusted gross income for such taxable year over the exemption amount (as defined in section 59B(d)) bears to such exemption amount.".

(b) Technical Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Cost-sharing expenses under MediKids program.

"Sec. 36. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

Summary of the MediKids Health Insurance Act of 2001

The MediKids Health Insurance Act provides health insurance for all children in the United States regardless of family income level by 2008. The program is modeled after Medicare, but the benefits are targeted toward children. Families below 150 percent of poverty pay no premium or copays, while those between 150 and 300 percent of poverty pay a graduated premium up to 5 percent of their income and receive a graduated refundable tax credit for cost sharing expenses.

The MediKids enrollment process is simple with no re-determination hoops to jump through because it is not means tested. MediKids follows children across state lines when families move, and covers them until their parents can enroll them in a new insurance program. Moreover, MediKids fills the gaps when families climbing out of poverty become ineligible for means-tested programs. It provides security for children until their parents can obtain reliable health insurance coverage.

ENROLLMENT

Every child born after 2002 is automatically enrolled in MediKids, and those children already born are enrolled over a 5-year phase-in as described below. Children who immigrate to this country are enrolled when they receive their immigration cards. Materials describing the program's benefits, along with a MediKids insurance card, are issued to the parent(s) or legal guardian(s) of each child. Once enrolled, children remain enrolled in MediKids until they reach the age of 23.

Parents may choose to enroll their children in private plans or government programs such as Medicaid or S–CHIP. During periods of equivalent alternative coverage, the MediKids premium is waived. However, if a lapse in other insurance coverage occurs, MediKids automatically covers the children's health insurance needs (and a premium will be owed for those months).

PHASE-IN

Year 1 (2003) = the child has not attained age 6.

Year 2 (2004) = the child has not attained age 11.

Year 3 (2005) = the child has not attained age 16

Year 4 (2006) = the child has not attained age 21.

Year 5 (2007) = the child has not attained age 23.

BENEFITS

The benefit package is based on the Medicare and the Medicaid Early and Periodic Screening. Diagnosis, and Treatment (EPSDT) benefits for children, and includes prescription drugs. The benefits will be reviewed annually and updated by the Secretary of Health and Human Services to reflect age-appropriate benefits as needed with input from the pediatric community.

PREMIUMS, DEDUCTIBLES, AND COPAYS

Families up to 150 percent of poverty pay no premiums or copays. Families between 150 and 300 percent of poverty pay a graduated premium up to 5 percent of their income and receive a graduated refundable tax credit for cost sharing expenses. Parents 300 percent of poverty are responsible for a small premium equal to one fourth of the average annual cost per child. Premiums are collected at the time of income tax filing. There is no cost sharing for preventive and well childcare for any children.

FINANCING

Congress would need to determine initial funding. In future years, the Secretary of Treasury would develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows.

STATES

Medicaid and S–CHIP are not altered by MediKids. These programs remain the safety net for children until MediKids is fully implemented and appropriately modified to best serve our nation's children. Once MediKids is fully operational, Congress can revisit the role of these programs in covering children.

To the extent that the states save money from the enrollment of children into MediKids, states are required to maintain those funding levels in other programs and services directed toward the Medicaid population. This can include expanding eligibility or offering additional services. For example, states could expand eligibility for parents and single individuals, increase payment rates to providers, or enhance quality initiatives in nursing homes.

By Mr. LIEBERMAN (for himself, Ms. Snowe, Mr. Schumer, Mr. Hutchinson, Mr. Dodd, Mrs. Clinton, Ms. Cantwell, Mr. Carper, Mr. Dorgan, Mr. Leahy, Mr. Levin, Mr. Harkin, Mr. Akaka, and Ms. Mikulski):

S. 828. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I am pleased today to join a bipartisan coalition of Senators in introducing environmentally friendly legislation to encourage the use of fuel cells, a clean and cutting-edge energy source. If adopted, this bill would provide tax incentives to consumers for purchasing residential and commercial fuel cell systems to power their electricity. The $1,000-per-kilowatt tax credit applies to all types of stationary fuel cell systems and would be applicable for 5 years. This is a Senate companion piece to legislation introduced in the House of Representatives by Representative Nancy Johnson last month.

With oil and gas prices now reaching record highs, I believe fuel cells are one excellent answer to our heightened energy demand and dependence on foreign oil. The benefits of fuel cell technology are many. They are a nearly pollution-free power supply because they operate without combustion; they can run on any hydrogen-rich source, including propane, natural gas, methane or diesel; they can operate independently of a power grid, which is ideal for remote locations, and they provide highly reliable, uninterrupted power, making them very attractive for applications highly sensitive to power interruptions. Currently they are being used at a variety of locations, including a New York City police station in Central Park, a major postal facility in Alaska, a hotel on Mohegan tribal lands in Connecticut, and in a hospital in California.

Fuel cells have been successfully used since the 1960s. Initially they were developed for space applications and have provided all of the water and electricity needs in every manned U.S.

space mission, including the Apollo and Gemini spacecraft. Since this time, they have been developed for a wide variety of other applications, including commercial, residential, and transportation uses.

I am pleased to join Senators SNOWE, SCHUMER, DODD, HUTCHINSON, CLINTON, CANTWELL, CARPER, DORGAN, LEAHY, LEVIN, HARKIN, AKAKA, and MIKULSKI on this important bill.

Ms. SNOWE. Mr. President, I rise today with my colleague from Connecticut Senator LIEBERMAN, to introduce a bill that will promote the expanded use of an environmentally sound and efficient energy technology, fuel cell power.

We all agree with President Bush that we have a crisis situation, America's energy future is bleak. Portions of our country are experiencing rolling blackouts, fuel prices are skyrocketing, America's dependence on imported oil reached a new high of over 60 percent in recent months, and our search for additional fossil fuels threatens the sanctity of protected wilderness areas. Now is the time to promote long term solutions such as fuel cell technology to reduce our fossil fuel consumption and maintain a steady supply of energy.

Fuel cells are not a futuristic dream, every manned U.S. space mission has relied upon fuel cells for electricity and drinking water. From a New York city police station to a postal facility in Alaska to hospitals, schools, banks, military installations, and manufacturing facilities around the world, fuel cell units are efficiently generating dependable power 24 hours a day, seven days a week for upwards of 5 years with only routine maintenance.

Fuel cell technology offers a clean, secure, efficient, and dependable source of energy that should be part of our national energy strategy. Not only do fuel cells deliver the high quality, reliable power that is considered an absolute necessity for many portions of our society, they reduce power grid demand while improving grid flexibility. Fuel cells are an ideal energy source to address America's pressing energy needs.

Using an electro-chemical reaction to convert energy from hydrogen-rich fuel sources into electricity, fuel cells reduce the need for fossil fuel consumption. And, since no combustion is involved, fuel cells produce virtually no air pollution and significantly reduce carbon dioxide emissions. In fact, a 200 kilowatt fuel cell power plant produces less than one ounce of pollutants for every 1,000 kilowatt hours of electricity it yields. In comparison, the average American fossil fuel plant produces nearly 25 pounds of pollutants to generate the same 1,000 kilowatt hours of electricity. That is 400 times the amount of the fuel cell power plant.

However, it is difficult for consumers to take advantage of fuel cells because as with any new technology, the introductory price is high. To create the market incentives necessary to speed the commercialization of this technology, our legislation provides a $1,000 per kilowatt stationary fuel cell tax credit for power plants that have an electrical generation efficiency of 30 percent or higher.

By lowering the initial price for consumers, market introduction and production volume of fuel cells will be accelerated with the end result being a significant reduction in manufacturing costs. The decrease in price would enable even more consumers to use the one of the cleanest, most reliable and most efficient means to generate electricity.

This fuel cell tax credit is designed to benefit the widest range of potential fuel cell customers and manufacturers with a meaningful incentive for the purchase of fuel cells for residential and commercial use while minimizing the budget impact to $500 million over the 5-year life of the program. I hope my colleagues will agree that an annual cost of $100 million is a small price to pay for a reliable source of power that will benefit the environment and reduce our nation's dependence on foreign oil supplies.

At a time when power shortages and interruptions are becoming more prevalent, we must increase our investment and commitment to non-traditional energy sources such as fuel cells. The reliable, combustion-free power fuel cells provide is a sensible alternative that is available today. I urge my colleagues to support us in the Fuel Cell Tax Credit.

By Mr. BROWNBACK (for himself, Mr. CLELAND, Mr. SANTORUM, Mr. LOTT, Mrs. CLINTON, Mr. REID, Mr. DODD, Mr. MILLER, and Mr. EDWARDS):

S. 829. A bill to establish the National Museum of African American History and Culture within the Smithsonian Institution; to the Committee on Rules and Administration.

Mr. BROWNBACK. Mr. President, I am honored to introduce legislation, today, that creates the "National Museum of African American History and Culture." I along with Senators MAX CLELAND, RICH SANTORUM, Majority Leader LOTT, HILLARY CLINTON, HARRY REID, CHRISTOPHER DODD, ZELL MILLER, and JOHN EDWARDS are committed to passing this legislation this year.

One of the most important chapters in our national story of human freedom and dignity is the history and legacy of the African American march toward freedom, legal equality and full participation in American Society. Yet in our nation's front yard, the National Mall, there is no museum set aside to honor this legacy.

As a Kansan, I feel a special connection to honoring the legacy of African-Americans. Kansas, as you know, not only played a significant role in the Civil War but also was chosen by many African-American families as a place to begin their new life of freedom and prosperity in the "Exodus to Kansas."

This is just one part of the incredible history of African Americans that must be told on a national level. We have over 200 wonderful African-American history museums across the nation that tell portions of the African-American story. However, this legacy must be showcased at a national level.

That is why I am here today with my colleagues introducing this legislation to create the National Museum of African-American history and culture within the Smithsonian Institution, a premier organization, which represents the best museums in the nation. We believe it is vitally important that the Smithsonian, the world's leading museum organization, provide its expertise in putting this facility and its programs together.

This project has brought together a very broad and bicameral coalition that stood with us today during the press conference to announce the introduction of this bill. I would like to personally thank Pastor Chuck Singleton, of Loveland Church in California, as well as Robert Johnson, of B.E.T., Dorothy Height of the National Council of Negro Women, and Phyllis Berry Myers, of the Center for New Black Leadership for joining with us to support this legislation today.

We do not pretend that our legislation is a cure-all for the problem of racial division. It is, however, an important and productive step toward healing our nation's racial wounds. I believe that this museum will both celebrate African-American achievement and serve as a landmark of national conscience on the historical facts of slavery and the civil rights struggle.

We have an extraordinary opportunity before us—a chance to learn, understand and remember together our nation's history and to honor the significant contribution of African Americans to our history and culture.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Museum of African American History and Culture Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Over the history of our Nation, the United States has grown into a symbol of democracy and freedom around the world, and the legacy of African Americans is rooted in the very fabric of our Nation's democracy and freedom.

(2) There exists no national museum within the Smithsonian Institution located on the National Mall that is devoted to the documentation of African American life, art, history, and culture and that encompasses on a national level, the period of slavery, the era of reconstruction, the Harlem renaissance, the civil rights movement, and beyond.

(3) Slavery was an accepted practice in this Nation, authorized by the Government through legislation such as the fugitive slave law of 1793 (1 Stat. 302) and sanctioned by the Supreme Court in the Dred Scott decision (Scott v. Sanford, 60 U.S. 393 (1857)).

(4) Those African Americans who suffered under slavery and their descendants show us the strength of the human character and provide us with a model of courage, commitment, and perseverance. A national museum dedicated to the history of and commemorating those who suffered the grave injustice of slavery in this country will help in "binding our Nation's wounds" rooted in slavery and will allow all Americans to understand the past and honor the history of all Americans.

(5) Leaders of the African American community in the 1950s and 1960s led this Nation in the civil rights movement with the intent of ending discrimination against African Americans. During this period, many African American churches were destroyed and countless individuals involved in this movement were often beaten and killed. Through the devotion and sacrifice of those leaders, the civil rights movement made great strides in ensuring equality for African Americans in this country.

(6) African Americans have enriched the cultural make-up of the United States by their contributions in the areas of science, medicine, the arts and humanities, sports, music, and dance.

(7) Preserving this rich record of the experiences of African Americans, studying their experiences, and presenting those experiences through exhibits to the public would be of great educational and social value.

(8) The creation of a National Museum of African American History and Culture located on the National Mall in the District of Columbia and administered by the Smithsonian Institution's Board of Regents was endorsed in 1991 by a unanimous vote by the Smithsonian Institution's Board of Regents.

(9) The Smithsonian African American Institutional Study recommended that the National Museum of African American History and Culture be established in the Arts and Industries Building of the Smithsonian Institution.

(10) Although the Smithsonian Institution has had some success in focusing on African American history and culture, the programming on African American history and culture has been occasional and episodic.

(11) A National Museum of African American History and Culture will provide a continued and consistent African American presence on the National Mall.

(12) The National Museum of African American History and Culture will be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of persons of African descent living in the United States.

(13) The National Museum of African American History and Culture established by this Act will coordinate the collection of material related to African Americans, which is rapidly disappearing due to a lack of resources and trained professionals engaged in preservation.

(14) The work of the National Museum of African American History and Culture will be, fundamentally, the same as the work of all museums in the United States that reflect and express the experiences of the people of the United States in an inclusive manner.

SEC. 3. ESTABLISHMENT OF THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE.

(a) Establishment.—There is established within the Smithsonian Institution the National Museum of African American History and Culture (hereafter referred to in this Act as the "Museum"), and the Smithsonian Institution shall maintain and administer the Museum.

(b) Purpose.—The purpose of the Museum is to provide for—

(1) the collection, study, and creation of scholarship relating to the African American diaspora that encompasses slavery, the era of reconstruction, the Harlem renaissance, the civil rights movement, and beyond;

(2) the creation and maintenance of permanent and temporary exhibits documenting American slavery and African American life, art, history, and culture from slavery and the era of reconstruction to the Harlem renaissance, the civil rights movement, and beyond;

(3) the collection and study of artifacts and documents relating to African American life, art, history, and culture and the African diaspora;

(4) the establishment of programs in cooperation with other museums, historical societies, educational institutions, and other organizations that promote the understanding of modern day practices of slavery throughout the world;

(5) collaboration between the Museum and other African American museums, historically black colleges and universities, and other museums, historical societies, educational institutions, and other organizations that promote the study of the African diaspora including collaboration regarding—

(A) development of cooperative programs and exhibitions;

(B) identification, management, and care of collections; and

(C) participation in the training of museum professionals; and

(6) leadership and commitment to historical accuracy in the study, education, and exhibition of African American life, art, history, and culture in the museum and throughout the Nation.

SEC. 4. COUNCIL.

(a) Establishment.—There is established in the Smithsonian Institution the National Museum of African American History and Culture Council (hereinafter referred to in this Act as the "Council").

(b) Duties.—

(1) In general.—The Council, subject to subsection (l) and to the general policies of the Board of Regents of the Smithsonian Institution (hereafter referred to in this Act as the "Board of Regents"), shall have sole authority to—

(A) solicit, accept, use, and dispose of gifts, bequests, and devises of services and property, both real and personal, for the purpose of aiding and facilitating the work of the Museum or the Council;

(B) establish policy with respect to the utilization of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to life, art, and culture of African Americans, the role of African Americans in the history of the United States, from slavery to the present, and the contributions of African Americans to society;

(C) purchase, accept, borrow, and otherwise acquire artifacts and other property for addition to the collections of the Museum;

(D) provide for restoration, preservation, and maintenance of the collections of the Museum;

(E) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for programs carried out under section 6; and

(F) contract with and compensate Federal Government and private agencies or persons for supplies and services that would aid the work of the Museum, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(2) Administration.—Subject to subsection (l), the Board of Regents shall advise and assist the Council on all matters relating to the administration, operation, maintenance, and preservation of the Museum.

(3) Annual report to congress.—Subject to subsection (l), the Council shall submit to Congress an annual report that—

(A) provides a detailed account of the activities of the Council and the Museum;

(B) recommends an annual budget for the Council and the Museum; and

(C) identifies the future needs of the Council and the Museum.

(4) Annual report to the board of regents.—Subject to subsection (l), the Council shall report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

(c) Composition and Appointment.—

(1) In general.—The Council shall be composed of 25 voting members as provided under paragraph (2) and 7 honorary nonvoting members as provided under paragraph (3).

(2) Voting members.—The Council shall include the following voting members:

(A) The Secretary of the Smithsonian Institution.

(B) An Assistant Secretary of the Smithsonian Institution appointed by the Board of Regents.

(C) 13 individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American history and culture appointed as follows:

(i) 5 individuals shall be appointed by the President from a list of nominees provided by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate.

(ii) 5 individuals shall be appointed by the President from a list of nominees provided by the Speaker of the House of Representatives in consultation with the majority and minority leaders of the House of Representatives.

(iii) 3 individuals shall be appointed by the President.

(D) 10 individuals appointed as follows:

(i) 4 individuals shall be appointed by the President from a list of nominees, provided by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate, and recommended by the Association of African American Museums, the National African American Museum and Culture Complex, historically black colleges and universities, and cultural or other organizations committed to the advancement of knowledge of African American life, art, history and culture.

(ii) 4 individuals shall be appointed by the President from a list of nominees, provided by the Speaker of the House of Representatives in consultation with the majority and minority leaders of the House of Representatives, and recommended by the Association of African American Museums, the National African American Museum and Culture Complex, historically black colleges and universities, and cultural or other organizations committed to the advancement of knowledge of African American life, art, history and culture.

(iii) 2 individuals shall be appointed by the President.

(3) HONORARY NONVOTING MEMBERS.—The Council shall include the following honorary nonvoting members:

(A) The Secretary of the Interior.

(B) 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives upon the recommendation of the majority and minority leaders of the House of Representatives.

(C) 3 Senators appointed by the President pro tempore of the Senate upon the recommendation of the majority and minority leaders of the Senate.

(d) TERMS.—

(1) IN GENERAL.—

(A) INITIAL APPOINTMENT.—Except as provided in this subsection, each member of the Council shall be appointed for a term that terminates 9 years after the date on which the museum is open to the general public.

(B) SUBSEQUENT APPOINTMENTS.—Except as provided in this subsection, each of the members of the Council that are appointed after the members described in paragraph (1) shall be appointed for a term of 6 years.

(C) REAPPOINTMENT.—Members of the Council may be reappointed for subsequent terms.

(2) MEMBERS OF CONGRESS.—If a member appointed to the Council under subparagraph (B) or (C) of subsection (c)(3) ceases to hold the office that qualified such member for appointment, that member shall cease to be a member of the Council.

(3) VACANCIES AND SUBSEQUENT APPOINTMENTS.—A vacancy on the Council, including among the honorary non-voting members, shall not affect the Council's powers and shall be filled in the manner in which the original appointment was made, except that when filling any vacancies among the voting members and when making any appointments for voting members after the initial appointments, the President shall make appointments from a list of nominees provided by the Council. Any member appointed to fill a vacancy occasioned by death or resignation shall be appointed for the remainder of the term.

(e) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Council shall serve without pay.

(2) EXPENSES.—Members of the Council shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) CHAIRPERSON.—The Council shall elect a chairperson by a majority vote of the voting members of the Council.

(g) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the chairperson or upon the written request of a majority of the voting members of the Council, but shall meet, subject to paragraph (2), not fewer than 2 times each year.

(2) PLANNING.—During the first year, the Council shall meet not fewer than 10 times for the purpose of the planning and design of the Museum.

(h) QUORUM.—A majority of the voting members of the Council shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Council.

(i) BYLAWS.—The Council shall adopt bylaws.

(j) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Council may, if authorized by a majority of the voting members of the Council, take any action that the Council is authorized to take by this Act.

(k) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Council may accept for the Council voluntary services provided by a member of the Council.

(l) TRANSFER OF POWERS AND DUTIES.—

(1) IN GENERAL.—Except as provided in this subsection, the Council's powers and duties shall transfer to the Board of Regents 3 years after the date on which the Museum is open to the general public.

(2) ADVISORY COUNCIL.—

(A) IN GENERAL.—3 years after the date on which the Museum is open to the general public, the Council shall become an advisory council (hereafter referred to in this Act as the "Advisory Council").

(B) DUTIES OF THE ADVISORY COUNCIL.—The Advisory Council shall advise the Board of Regents on matters related to the administration, operation, and maintenance of the Museum.

(C) MEETINGS.—The Advisory Council shall meet not fewer than 1 time each year.

(D) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 5. DIRECTOR AND STAFF OF THE MUSEUM.

(a) IN GENERAL.—The Council, in consultation with the Board of Regents, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) APPOINTMENTS.—The Council may appoint the Director and any additional personnel to serve under the Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The Council may fix the pay of the Director at a rate not to exceed the maximum rate of basic pay payable for level III of the Executive Schedule and fix the pay of such additional personnel as the Council considers appropriate.

SEC. 6. OFFICE OF EDUCATION AND LIAISON PROGRAMS.

(a) OFFICE ESTABLISHED.—There is established within the Museum, the Office of Education and Liaison Programs, which shall carry out educational programs with respect to the Museum and other programs in collaboration with other African American museums.

(b) FUNCTIONS.—The Office of Education and Liaison Programs shall—

(1) carry out public educational programs within the Museum relating to African American life, art, history, and culture, including programs utilizing digital, electronic, and interactive technologies, and programs in collaboration with elementary schools, secondary schools, and post-secondary schools; and

(2) collaborate with African American museums by—

(A) establishing educational grant programs that strengthen museum operations, improve care of museum collections, and increase professional development;

(B) providing internship and fellowship programs that allow individuals pursuing careers or carrying out studies in the arts, humanities, and sciences to study African American life, art, history and culture;

(C) providing scholarship programs to assist individuals who demonstrate a commitment to a career in African American museum management in financing their studies; and

(D) collaborating with national and international organizations that address the issue of slavery in the international community.

SEC. 7. LOCATION OF THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE.

(a) MAIN BUILDING.—The Council, in consultation with the Board of Regents of the Smithsonian Institution is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution and the surrounding site to house the Museum. The Council shall consider expanding, and is authorized to expand, the Arts and Industries Building horizontally, vertically, and below ground.

(b) ADDITIONAL FACILITIES.—

(1) IN GENERAL.—If the Council determines that facilities in addition to the Arts and Industries Building of the Smithsonian Institution are needed for the Museum, the Council, in consultation with the General Services Administration and the National Capital Planning Commission is authorized to—

(A) identify a site for the additional facilities;

(B) acquire real property for the additional facilities;

(C) design the additional facilities; and

(D)(i) construct a building for the additional facilities; or

(ii) reconstruct and renovate a building for the additional facilities.

(2) LOCATION.—Any additional facilities for the Museum shall be located, if feasible, on or adjacent to the National Mall.

(3) PURCHASE AUTHORITY.—After consultation with the General Services Administration and the National Capital Planning Commission, the Council may purchase, with the consent of the owner thereof, any real property on or adjacent to the National Mall for such additional facilities.

(4) TRANSFER AUTHORITY.—For the purpose of securing additional facilities, any department or agency of the United States is authorized to transfer to the Council any interest of such department or agency in real property located on or adjacent to the National Mall, and the Council, after consultation with the General Services Administration and the National Capital Planning Commission, may accept any such interest in such property.

(c) COST-SHARING.—The Council shall pay ⅓ of the total cost of carrying out this section from appropriated funds. The Council shall pay the remainder of such costs from non-Federal sources. The Council shall have 5 years following the date of the Council's first meeting to secure the non-Federal funds required under this subsection.

(d) COMMEMORATIVE WORKS ACT.—Any building to house the Museum, including any additional facilities for the Museum, is not a commemorative work for purposes of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

SEC. 8. NATIONAL MALL.

In this Act, the term "National Mall" means the National Mall (United States Government Reservations 3, 4, 5, and 6) in the District of Columbia.

SEC. 9. AUTHORITY.

Authority under this Act to enter into contracts or to make payments is effective in any fiscal year only to the extent provided in advance in an appropriations act, except as provided under section 10(b)(3).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) RENOVATION.—There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized under section 7.

(b) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—There is authorized to be appropriated to the Council to carry out this Act, other than sections 6 and 7—

(A) $15,000,000 for fiscal year 2002; and

(B) such sums as may be necessary for each succeeding fiscal year.

(2) OFFICE OF EDUCATION AND LIAISON PROGRAMS.—There is authorized to be appropriated to the Council to carry out section 6, $10,000,000 for fiscal year 2002 and for each succeeding fiscal year.

(3) AVAILABILITY.—The amounts appropriated under paragraphs (1) and (2) shall remain available for the operation and maintenance of the Museum until expended.

SEC. 11. AMENDMENT.

Section 5580 of the Revised Statutes (20 U.S.C. 42) is amended in subsection (b)(2) by inserting "the National Museum of African American History and Culture," after "Performing Arts,".

Mr. CLELAND. Mr. President, I rise to discuss legislation being introduced in the Senate today to establish the National Museum of African American History and Culture. I am very proud to work with such distinguished members of the Senate as my friend, Senator BROWNBACK, and the other cosponsors of this legislation: Senators SANTORUM, CLINTON, Reid, DODD, and MILLER. Our bill is similar to a measure being introduced in the House by Representatives JOHN LEWIS and J.C. WATTS. I am both proud and pleased to be associated with this project and look forward to seeing this legislation passed by the Senate and the House of Representatives and signed into law by the President in the near future.

This bipartisan legislation would establish a permanent collection of artifacts and historical materials showcasing 400 years of African American history, available for the public to experience and enjoy year-round. The national museum would be financed by a combination of public and private sector contributions. A number of studies document the great need for museum collections addressing African American history and culture. African American visitors to Washington find that their story is not being told in the existing museums and memorials. Yet, there are existing private collections of historical materials addressing African American history that could be contributed to a museum in Washington.

Many notable African Americans have made important contributions in the areas of science, medicine, the arts and humanities, sports, music and dance, among many other fields. It is right to honor this legacy on a national level. We believe that by establishing this museum we will be able to finally honor the legacy of African Americans properly. By placing this museum on or near the National Mall, we will finally place the history of African Americans in a national spotlight, where it belongs.

Legislation authorizing a national museum devoted to African American history and culture has been introduced during every Congress since 1988. The legislation passed the Senate unanimously in one Congress, and passed the House unanimously in another session. However, it has not yet become law. The sponsors of the legislation in the 107th Congress believe that the time has come for enactment of this legislation so that families across America from all races and ethnic groups who visit the nation's capital can more fully understand American history and the significant contributions of African Americans to that history.

I encourage others to join us in this endeavor as we attempt to remember, recognize, and commemorate the major contributions made by African Americans in the areas of science, medicine, the arts and humanities, sports, music, and dance. This museum will not only be a tribute to African American history and culture but it will also be a source of pride for all Americans as physical evidence of the strength, character, and dignity of the human race.

By Mr. CHAFEE (for himself, Mr. REID, Mr. HATCH, Mr. LEAHY, Mr. WARNER, Mr. TORRICELLI, Ms. SNOWE, Mrs. MURRAY, Ms. MIKULSKI, Mr. JOHNSON, Mr. CORZINE, and Mr. KERRY):

S. 830. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senators REID, HATCH, LEAHY, WARNER, TORICELLI, SNOWE, MURRAY, MIKULSKI, JOHNSON, CORZINE, and KERRY in introducing the Breast Cancer and Environmental Research Act of 2001. This bill would establish research centers that would be the first in the nation to specifically study the environmental factors that may be related to the development of breast cancer. The lack of agreement within the scientific community and among breast cancer advocates on this question highlights the need for further study.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. The Breast Cancer and Environmental Research Act of 2001 will enable us to conduct more conclusive and comprehensive research to determine the impact of the environment on breast cancer. Before we can find the answers, we must determine the right questions we should be asking.

While more research is being conducted into the relationship between breast cancer and the environment, there are still several issues that must be resolved to make this research more effective. They are as follows:

There is no known cause of breast cancer. There is little agreement in the scientific community on how the environment effects breast cancer. While studies have been conducted on the links between environmental factors like pesticides, diet, and electromagnetic fields, no consensus has been reached. There are other factors that have not yet been studied that could provide valuable information. While there is much speculation, it is clear that the relationship between environmental exposures and breast cancer is poorly understood.

There are challenges in conducting environmental research. Identifying links between environmental factors and breast cancer is difficult. Laboratory experiments and cluster analyses, such as those in Long Island, New York, cannot reveal whether an environmental exposure increases a woman's risk of breast cancer. Epidemiological studies must be designed carefully because environmental exposures are difficult to measure.

Coordination between the National Institutes of Health, NIH, the National Cancer Institute, NCI, and the National Institute of Environmental Health Sciences, NIEHS, needs to occur. NCI and NIEHS are the two institutes in the NIH that fund most of the research related to breast cancer and the environment; however, comprehensive information specific to environmental effects on breast cancer is not currently available.

This legislation would establish eight Centers of Excellence to study these potential links. These "Breast Cancer Environmental Research Centers" would provide for multi-disciplinary research among basic, clinical, epidemiological and behavioral scientists interested in establishing outstanding, state-of-the-art research programs addressing potential links between the environment and breast cancer. The NIEHS would award grants based on a competitive peer-review process. This legislation would require each Center to collaborate with community organizations in the area, including those that represent women with breast cancer. The bill would authorize $30 million for the next five years for these grants.

"Genetics loads the gun, the environment pulls the trigger," as Ken Olden, the Director of NIEHS, frequently says.

Many scientists believe that certain groups of women have genetic variations that may make them more susceptible to adverse environmental exposures. We need to step back and gather evidence before we come to conclusions—that is the purpose of this bill. People are hungry for information, and there is a lot of inconclusive data out there, some of which has no scientific merit whatsoever. We have the opportunity through this legislation to gather legitimate and comprehensive data from premier research institutions across the nation.

According to the American Cancer Society, each year 800 women in Rhode Island are diagnosed with breast cancer, and 200 women in my state will die of this terrible disease this year. We owe it to these women who are diagnosed with this, life-threatening disease to provide them with answers for the first time.

I urge my colleagues to join me in supporting and cosponsoring this important legislation, and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer and Environmental Research Act of 2001".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Breast cancer is the second leading cause of cancer deaths among American women.

(2) More women in the United States are living with breast cancer than any other cancer (excluding skin cancer). Approximately 3,000,000 women in the United States are living with breast cancer, 2,000,000 of which have been diagnosed and an estimated 1,000,000 who do not yet know that they have the disease.

(3) Breast cancer is the most commonly diagnosed cancer among women in the United States and worldwide (excluding skin cancer). In 2001, it is estimated that 233,000 new cases of breast cancer will be diagnosed among women in the United States, 192,000 cases of which will involve invasive breast cancer and 40,800 cases of which will involve ductal carcinoma in situ (DCIS).

(4) Breast cancer is the second leading cause of cancer death for women in the United States. Approximately 40,000 women in the United States die from the disease each year. Breast cancer is the leading cause of cancer death for women in the United States between the ages of 20 and 59, and the leading cause of cancer death for women worldwide.

(5) A woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime. This risk was 1 in 11 in 1975. In 2001, a new case of breast cancer will be diagnosed every 2 minutes and a woman will die from breast cancer every 13 minutes.

(6) All women are at risk for breast cancer. About 90 percent of women who develop breast cancer do not have a family history of the disease.

(7) The National Action Plan on Breast Cancer, a public private partnership, has recognized the importance of expanding the scope and breadth of biomedical, epidemiological, and behavioral research activities related to the etiology of breast cancer and the role of the environment.

(8) To date, there has been only a limited research investment to expand the scope or coordinate efforts across disciplines or work with the community to study the role of the environment in the development of breast cancer.

(9) In order to take full advantage of the tremendous potential for avenues of prevention, the Federal investment in the role of the environment and the development of breast cancer should be expanded.

(10) In order to understand the effect of chemicals and radiation on the development of cancer, multi-generational, prospective studies are probably required.

SEC. 3. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; AWARDS FOR DEVELOPMENT AND OPERATION OF RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285L et seq.) is amended by adding at the end the following section:

"SEC. 463B. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

"(a) IN GENERAL.—The Director of the Institute, based on recommendations from the Breast Cancer and Environmental Research Panel established under subsection (b) (referred to in this section as the 'Panel') shall make grants, after a process of peer review and programmatic review, to public or nonprofit private entities for the development and operation of not more than 8 centers for the purpose of conducting multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer. Each such center shall be known as a Breast Cancer and Environmental Research Center of Excellence.

"(b) BREAST CANCER AND ENVIRONMENTAL RESEARCH PANEL.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Institute of Environmental Health Sciences a Breast Cancer and Environmental Research Panel.

"(2) COMPOSITION.—The Panel shall be composed of—

"(A) 9 members to be appointed by the Secretary, of which—

"(i) six members shall be appointed from among physicians, and other health professionals, who—

"(I) are not officers or employees of the United States;

"(II) represent multiple disciplines, including clinical, basic, and public health sciences;

"(III) represent different geographical regions of the United States;

"(IV) are from practice settings or academia or other research settings; and

"(V) are experienced in biomedical review; and

"(ii) three members shall be appointed from the general public who are representatives of individuals who have had breast cancer and who represent a constituency; and

"(B) such nonvoting, ex officio members as the Secretary determines to be appropriate.

"(3) CHAIRPERSON.—The members of the Panel appointed under paragraph (2)(A) shall select a chairperson from among such members.

"(4) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director, but in no case less often than once each year.

"(5) DUTIES.—The Panel shall—

"(A) oversee the peer review process for the awarding of grants under subsection (a) and conduct the programmatic review under such subsection;

"(B) make recommendations with respect to the funding criteria and mechanisms under which amounts will be allocated under this section; and

"(C) make final programmatic recommendations with respect to grants under this section.

"(c) COLLABORATION WITH COMMUNITY.—Each center under subsection (a) shall establish and maintain ongoing collaborations with community organizations in the geographic area served by the center, including those that represent women with breast cancer.

"(d) COORDINATION OF CENTERS; REPORTS.—The Director of the Institute shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(e) REQUIRED CONSORTIUM.—Each center under subsection (a) shall be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute. Each center shall require collaboration among highly accomplished scientists, other health professionals and advocates of diverse backgrounds from various areas of expertise.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director that such period should be extended.

"(g) GEOGRAPHIC DISTRIBUTION OF CENTERS.—The Director of the Institute shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

"(h) INNOVATIVE APPROACHES.—Each center under subsection (a) shall use innovative approaches to study unexplored or under-explored areas of the environment and breast cancer.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 2002 through 2007. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.".

Mr. REID. Mr. President, I am pleased to join Senator CHAFEE in introducing the Breast Cancer and Environmental Research Act. Senator CHAFEE and I serve together on the Environment and Public Works Committee where we have had the opportunity to take a closer look at different environment-related health concerns. Most recently, the Committee traveled to Nevada to investigate what environmental factors may have contributed to a childhood leukemia cluster in the town of Fallon.

The Fallon hearing reminded me how little we know about what causes cancer and what, if any, connection exists between the environment and cancer. Three decades have passed since President Nixon declared the "War on Cancer" and scientists are still struggling with these and other crucial unanswered questions about cancer. This is particularly true in the case of breast cancer. We still don't know what causes breast cancer. We don't know if the environment plays a role in the development of breast cancer, and if it does, we don't know how significant that role is. In our search for answers about breast cancer, we need to make sure we are asking the right questions.

To date, there has been only a limited research investment to study the role of the environment in the development of breast cancer. More research needs to be done to determine the impact of the environment on breast cancer. The Breast Cancer and Environmental Research Act would give scientists the tools they need to pursue a better understanding about what links between the environment and breast cancer may exist. Specifically, our bill would authorize $30 million dollars to the National Institute of Environmental Health Sciences to establish eight Centers of Excellence that would focus on breast cancer and the environment.

In the year 2000 alone, 183,000 women will learn that they have breast cancer. In this same year, 40,000 women will die from breast cancer. In Nevada—a state with a population under two million people—1,200 women will be diagnosed with breast cancer in this year and 200 women will lose their lives to this deadly disease. These women are our mothers, our wives, our daughters, and our friends.

If we miss promising research opportunities because of Congress' failure to act, millions of women and their families will face critical unanswered questions about breast cancer. I urge my colleagues to join in our quest for answers about this deadly disease and to support the Breast Cancer and Environmental Research Act.

By Mr. SHELBY:

S. 831. A bill to amend the Internal Revenue Code of 1986 to provide for a 100 percent deduction for business meals; to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to introduce legislation that would increase the deductibility of business meals to 100 percent. By only allowing a 50 percent deduction, the current law unfairly hurts small business owners who many times conduct business face to face over a meal. For these people, the costs of business meals truly is a legitimate business expense. However, unlike other business expenses, they are not able to fully deduct the cost of business meals.

America's small businesses are the backbone of our economy. Allowing full deductibility of business related meals will lighten the heavy financial burden small business owners face daily just to be able to keep their doors open. Furthermore, increased deductibility will inject additional capital into our country's businesses, allowing them to spend more money on innovation and growth. Such activities will lead to more jobs and a stronger economy.

Full deductibility of business meals will also create an increase in restaurant patronage. As a result, my bill will benefit waiters, waitresses, cooks and other restaurant workers by increasing their job security and wages. Increased wages will make it easier for restaurant employees to meet the rising cost of living. With the cost of gasoline, electricity, and health insurance rising to unprecedented levels, higher wages can not come soon enough.

Just as importantly, increased wages will make it easier for more Americans to save for their retirement. Rather than living paycheck to paycheck, increased wages in the restaurant industry will make it possible for more people to begin to save for the future. Given the bleak predictions for the continued solvency of the Social Security trust fund, Congress must do all that it can to encourage saving.

Similar bills to increase the deductibility of business meals have been introduced in previous years. Now is the time to move beyond mere discussion and to move towards meaningful action. This legislation will have a positive effect on our economy. It fosters small business growth and will help increase wages for many Americans throughout the country. I ask that my colleagues join me in support of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTION FOR BUSINESS MEAL EXPENSES.

(a) IN GENERAL.—Section 274(n)(1) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" in the text and inserting "the allowable percentage".

(b) ALLOWABLE PERCENTAGE.—Section 274(n) is amended by—

(1) striking paragraph (3);

(2) redesignating paragraph (2) as paragraph (3); and

(3) inserting after paragraph (1) the following new paragraph:

"(2) ALLOWABLE PERCENTAGE.—For purposes of paragraph (1), the allowable percentage is—

"(A) in the case of amounts for items described in paragraph (1)(B), 50 percent, and

"(B) in the case of expenses for food or beverages, 100 percent.".

(c) CONFORMING AMENDMENT.—The heading for subsection (n) of section 274 is amended by striking "50 PERCENT" and inserting "LIMITED PERCENTAGES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 832. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Indian Gaming Regulatory Improvement Act of 2001 to make what I believe are necessary changes to the Indian Gaming Regulatory Act of 1988. I am very pleased to be joined by Senator INOUYE in this regard.

The IGRA was signed into law in 1988 with two purposes in mind: to provide for and continue the economic opportunities tribal gaming presents to Indian tribes; and to provide a regulatory framework which ensures the integrity of tribal gaming—integrity that benefits tribes as well as customers of tribal gaming operations.

In 1988, tribal gaming was a relatively new activity and in 13 years tribal gaming annual gross revenues have grown from $500 million to $9 billion. The IGRA requires these revenues to be spent by tribal governments for specific purposes including physical infrastructure, general welfare and the betterment of Indian and surrounding non-Indian communities.

Out of 561 federally recognized tribes, there are 212 tribes that conduct some form of gaming. The old saying that the best social welfare policy is a job is true when it comes to tribal gaming. The economic benefits for these tribes, their members and surrounding communities cannot be ignored. For these communities collectively, unemployment has dropped significantly and workers, both Non-Indian and Indian alike, employed by these operations enjoy benefits such as steady income and good paying jobs, health insurance and retirement benefits. Additionally, tribes who operate gaming have been able to complement scarce federal dollars to provide for housing, health care and education for their members and to generate hundreds of thousands of jobs for Indians and non-Indians nationwide.

The legislation I am introducing today closely resembles a measure I introduced in the last Congress and is not intended to be a comprehensive attempt to address all gaming matters that have arisen in the past 13 years. Rather, this bill takes aim at 6 very specific items:

1. With regard to gaming fees assessed against tribal operations, this bill will require the Federal National

Indian Gaming Commission to levy fees that are reasonably related to the duties of and services provided by the Commission to tribes, and in certain instances to reduce the level of fees payable by those operations;

2. The bill establishes a requirement that fees paid by tribes can only be utilized for the specific activities of the Commission mandated by the IGRA;

3. It provides statutory authority for the Commission to establish, through a negotiated rule-making process, minimum standards for the conduct of tribal gaming, while still recognizing the primary responsibility of tribes to regulate gaming on tribal lands;

4. The bill authorizes technical assistance to tribes for a number of purposes including strengthening tribal regulatory regimes; assessing the feasibility of non-gaming economic development activities on Indian lands; providing treatment services for problem gamblers; and for other purposes not inconsistent with the IGRA;

5. It clarifies the current conflict between the IGRA and other Federal law with regard to the classification of certain games conducted by tribes; and

6. Last, to bring the Commission in line with all other Federal agencies it specifically subjects the Commission to the reporting and strategic and long-term planning requirements similar to requirements contained in the Government Performance and Results Act of 1993 ("GPRA").

While there are other matters that Indian tribes and others wish to address that are not included in this bill, I am hopeful that my colleagues will find this legislation to be reasonable and targeted to specific issues that demand our attention in this session of Congress.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Gaming Regulatory Improvement Act of 2001".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) in section 4(7) (25 U.S.C. 2703(7)), by adding at the end the following:

"(G) Notwithstanding any other provision of law, sections 1 through 7 of the Act of January 2, 1951 (commonly known as the Gambling Devices Transportation Act (15 U.S.C. 1171-1177)) shall not apply to any gaming described in subparagraph (A)(i) (class II gaming) where electronic, computer, or other technologic aids are used in connection with any such gaming.";

(2) in section 7 (25 U.S.C. 2706)—

(A) in subsection (c)—

(i) in paragraph (3), by striking "and" at the end thereof;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3), the following:

"(4) the strategic plan for Commission activities."; and

(B) by adding at the end the following:

"(d) STRATEGIC PLAN.—

"(1) IN GENERAL.—The strategic plan required under subsection (c)(4) shall include—

"(A) a comprehensive mission statement covering the major functions and operations of the Commission;

"(B) the general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the Commission;

"(C) a description of how the general goals and objectives are to be achieved, including a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

"(D) a performance plan that shall be related to the general goals and objectives of the strategic plan;

"(E) an identification of the key factors external to the Commission and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(F) a description of the program evaluations used in establishing or revising the general goals and objectives, with a schedule for future program evaluations.

"(2) TERM OF PLAN.—The strategic plan shall cover a period of not less than 5 fiscal years beginning with the fiscal year in which it the plan is submitted. The strategic plan shall be updated and revised at least every 4 years.

"(3) PERFORMANCE PLAN.—The performance plan under paragraph (1)(D) shall be consistent with the strategic plan. In developing the performance plan, the Commission should be consistent with the requirements of section 1115 of title 31, United States Code (the Government Performance and Results Act).

"(4) CONSULTATION.—In developing the strategic plan, the Commission shall consult with the Congress and tribal governments, and shall solicit and consider the views and suggestions of those entities that may be potentially affected by or interested in such a plan.";

(3) in section 11(b)(2)(F)(i) (25 U.S.C. 2710(b)(2)(F)(i)), by striking "primary management" and all that follows through "such officials" and inserting "tribal gaming commissioners, key tribal gaming commission employees, and primary management officials and key employees of the gaming enterprise and that oversight of primary management officials and key employees";

(4) in section 18(a) (25 U.S.C. 2717(a))—

(A) in paragraph (1), by striking "by each" and all that follows through the period and inserting "pursuant to section 22(a)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(5) by redesignating section 22 (25 U.S.C. 2721) as section 25; and

(6) by inserting after section 21 (25 U.S.C. 2720) the following:

"SEC. 22. FEE ASSESSMENTS.

"(a) ESTABLISHMENT OF SCHEDULE OF FEES.—

"(1) IN GENERAL.—Except as provided in this section, the Commission shall establish a schedule of fees to be paid annually to the Commission by each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act.

"(2) RATES.—The rate of fees under the schedule established under paragraph (1) that are imposed on the gross revenues from each activity described in such paragraph shall be as follows:

"(A) A fee of not more than 2.5 percent shall be imposed on the first $1,500,000 of such gross revenues.

"(B) A fee of not more than 5 percent shall be imposed on amounts in excess of the first $1,500,000 of such gross revenues.

"(3) TOTAL AMOUNT.—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed $8,000,000.

"(b) COMMISSION AUTHORIZATION.—

"(1) IN GENERAL.—By a vote of not less than 2 members of the Commission the Commission shall adopt the schedule of fees provided for under this section. Such fees shall be payable to the Commission on a quarterly basis.

"(2) FEES ASSESSED FOR SERVICES.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account the duties of, and services provided by, the Commission under this Act.

"(3) RULEMAKING.—The Commission shall promulgate regulations as may be necessary to carry out this subsection.

"(4) CONSULTATION.—In establishing a schedule of fees under this section, the Commission shall consult with Indian tribes.

"(c) FEE REDUCTION PROGRAM.—

"(1) IN GENERAL.—In making a determination of the amount of fees to be assessed for any class II or class III gaming activity under the schedule of fees under this section, the Commission may provide for a reduction in the amount of fees that otherwise would be collected on the basis of the following factors:

"(A) The extent of the regulation of the gaming activity involved by a State or Indian tribe (or both).

"(B) The extent of self-regulating activities, as defined by this Act, conducted by the Indian tribe.

"(C) Other factors determined by the Commission, including

"(i) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

"(ii) the broad variations in the nature, scale, and size of tribal gaming activity;

"(iii) the inherent sovereign rights of Indian tribes with respect to regulating the affairs of Indian tribes;

"(iv) the findings and purposes under sections 2 and 3;

"(v) the amount of interest or investment income derived from the Indian gaming regulation accounts; and

"(vi) any other matter that is consistent with the purposes under section 3.

"(2) RULEMAKING.—The Commission shall promulgate regulations as may be necessary to carry out this subsection.

"(3) CONSULTATION.—In establishing any fee reduction program under this subsection, the Commission shall consult with Indian tribes.

"(d) INDIAN GAMING REGULATION ACCOUNTS.—

"(1) IN GENERAL.—All fees and civil forfeitures collected by the Commission pursuant to this Act shall be maintained in separate, segregated accounts, and shall only be expended for purposes set forth in this Act.

"(2) INVESTMENTS.—It shall be the duty of the Commission to invest such portion of the accounts maintained under paragraph (1) as are not, in the judgment of the Commission, required to meet immediate expenses. The Commission shall invest the amounts deposited under this Act only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(3) SALE OF OBLIGATIONS.—Any obligation acquired by the accounts maintained under paragraph (1), except special obligations issued exclusively to such accounts, may be sold by the Commission at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(4) CREDITS TO THE INDIAN GAMING REGULATORY ACCOUNTS.—The interest on, and proceeds from, the sale or redemption of any obligations held in the accounts maintained under paragraph (1) shall be credited to and form a part of such accounts.

"SEC. 23. MINIMUM STANDARDS.

"(a) CLASS I GAMING.—Notwithstanding any other provision of law, class I gaming on Indian lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

"(b) CLASS II GAMING.—Effective on the date of enactment of this section, an Indian tribe shall retain primary jurisdiction to regulate class II gaming activities which, at a minimum, shall be conducted in conformity with section 11 and regulations promulgated pursuant to subsection (d).

"(c) CLASS III GAMING.—Effective on the date of enactment of this section, an Indian tribe shall retain primary jurisdiction to regulate class III gaming activities authorized under this Act. Any class III gaming operated by an Indian tribe pursuant to this Act shall be conducted in conformity with section 11 and regulations promulgated pursuant to subsection (d).

"(d) RULEMAKING.—

"(1) IN GENERAL.—

"(A) PROMULGATION.—Not later than 180 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2001, the Commission shall develop procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate regulations relating to—

"(i) the monitoring and regulation of tribal gaming;

"(ii) the establishment and regulation of internal control systems; and

"(iii) the conduct of background investigation.

"(B) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2001, the Commission shall publish in the Federal Register proposed regulations developed by a negotiated rulemaking committee pursuant to this section.

"(2) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this subsection shall be composed only of Federal and Indian tribal government representatives, a majority of whom shall be nominated by and be representative of Indian tribes that conduct gaming pursuant to this Act.

"(e) EXISTING REGULATIONS.—Regulations that establish minimum internal control standards that are promulgated by the Commission and in effect on the date of enactment of this section shall, effective on the date that is 1 year after such date of enactment, have no force or effect.

"SEC. 24. USE OF NATIONAL INDIAN GAMING COMMISSION CIVIL FINES.

"(a) IN GENERAL.—Amounts collected by the Commission pursuant to section 14 shall be deposited in a separate Indian gaming regulation account as established under section 22(d). Funds in such accounts shall be available to the Commission, as provided for in advance in appropriations Acts, for carrying out this Act.

"(b) USE OF FUNDS.—The Commission may provide grants and technical assistance to Indian tribes from any funds secured by the Commission pursuant to section 14, which funds shall be made available only for the following purposes:

"(1) To provide technical training and other assistance to Indian tribes to strengthen the regulatory integrity of Indian gaming.

"(2) To provide assistance to Indian tribes to assess the feasibility of non-gaming economic development activities on Indian lands.

"(3) To provide assistance to Indian tribes to devise and implement programs and treatment services for individuals diagnosed as problem gamblers.

"(4) To provide other forms of assistance to Indian tribes not inconsistent with the Indian Gaming Regulatory Act.

"(c) SOURCE OF FUNDS.—Amounts used to carry out subsection (b) may only be drawn from funds—

"(1) collected by the Commission pursuant to section 14; and

"(2) the use of which has been authorized in advance by an appropriations Act.

"(d) CONSULTATION.—In carrying out this section, the Commission shall consult with Indian tribes and any other appropriate tribal or Federal officials.

"(e) REGULATIONS.—The Commission may promulgate such regulations as may be necessary to carry out this section.".

By Ms. SNOWE (for herself, Mr. DODD, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, and Ms. COLLINS):

S. 833. A bill to amend the Internal Revenue Code of 1986 to expand the child tax credit; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Child Tax Credit Expansion and Equity Act of 2001, with my good friend and colleague, the Senator from Connecticut, Mr. DODD, and our other cosponsors Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. BINGAMAN, and Ms. COLLINS. This legislation would take an important first step towards helping those children who are most in need, by expanding the current Child Tax Credit and making its benefits more equitable.

That I, am here today introducing this bill is due in large part to the efforts of two other people. Thanks to the President's initiative to double the current child tax credit from $500 to $1,000. This effort has opened the door to addressing the cost borne by the parents in our society as they raise their children.

Of course, there is a larger cost than just the monetary expense incurred in taking care of and raising children. However, what better way can we acknowledge this cost, and lessen parents' burden than to increase the child tax credit. My good friend, and colleague, Representative CONNIE MORELLA, from Maryland, recognized this and began an effort in the House of Representatives to address the current child tax credit inequity. I thank her for all of her good work and am happy to be able to work with her from this side of the Capitol to see that this issue is properly addressed.

The President's proposal, while an important first step, doesn't do enough to help those who need it the most—our low and middle income families. But make no mistake it is thanks to the President's opening the door to the Child Tax Credit that we are here today to take that effort one step further and make this credit partially refundable.

There are over 16 million children in poverty, 1 in every 4, whose families have no federal tax liability and therefore will receive no benefit from an increase in the child tax credit because it's not refundable. More than two-thirds of these children are in working families.

There are an additional 7 million children who live in families that will not benefit from an increase in the child tax credit unless it's refundable due to their limited tax liability because they do not pay enough in federal taxes to get a $500 credit. Yet, these families pay taxes. They pay federal and state taxes, payroll taxes, gas taxes, phone taxes, sales taxes, property taxes and other taxes. Overwhelmingly, they represent working families. They have no federal tax liability and therefore without this change to the child tax credit they will receive no benefit from an increased child tax credit.

There may be some who will say that unless you can do it all don't do any of it. There are some who will say that only a fully refundable credit is acceptable. However, I respectfully disagree. I have served in Congress for over two decades and I have learned that you should never pass up the opportunity to make a difference. I have long made improving the lives of our children a priority.

The Child Tax Credit Expansion and Equity Act, would expand the child tax credit from $500 to $1,000 as proposed by the President, but it would make the first $500 refundable. Families which would otherwise receive nothing, would have a $500 refundable credit to help mitigate the costs of raising their children today.

This bill just makes good sense. It makes sense that every family with children should be eligible for the child tax credit. It makes good sense to expand the number of families that qualify for the credit instead of just giving more money to those families that already benefit. It makes good sense and it does so in a simple and fair way. It does not create another complicated tax form. The amount of the credit is based on the number of dependents, period. It fits into the current tax code and doesn't require a complex calculation or a degree in accounting. This is good public policy.

If timing is everything, then this is the time to do this for some of our most needy families. America today is prosperous, healthy and strong. And yet, too many of our children, our most vulnerable of citizens are in need of assistance. When the federal government is expecting the largest surplus ever, shouldn't we make an investment in our future and help those who need it most.

I urge my colleagues to consider this legislation and work with me and the cosponsors to ensure that the child tax credit is assisting the most children possible.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator SNOWE, in introducing legislation to make the child tax credit refundable.

Throughout America, families with children struggle with the extra cost associated with raising children today.

Early in the President's campaign, he proposed to increase the current child tax credit from $500 to $1,000. While a reduction in tax rates is helpful to families, an increase in the per child tax credit is especially helpful because it recognizes that there are costs associated with raising a family.

During the President's inaugural remarks, he said, "America at its best, is compassionate. In the quiet of American consciences, we know that deep, persistent poverty is unworthy of our nation's promise."

With much applause, the President continued, "And whatever our views of its cause, we can agree that children at risk are not at fault." "Americans in need are not strangers, they are citizens, not problems, but priorities.

While I very much support the President's proposal to increase the child tax credit from $500 to $1,000, it makes sense to me that all families, not just families with tax liability, should receive such assistance.

Because the President's tax credit is not refundable, over 16 million children are left behind. They live in families with no federal tax liability and therefore will receive no benefit from an increase in the child tax credit because it's not refundable—it's not available to families without federal tax liability.

An additional 7 million children live in families who will not benefit from an increase in the child tax credit unless it's refundable because their current credit would not increase due to limited tax liability.

Yet, these families pay taxes. They pay federal and state taxes, payroll taxes, gas taxes, phone taxes, and other taxes. Overwhelmingly, they represent working families. Yet, at $12,000 or $20,000, they have no federal tax liability and therefore unless the child tax credit is made refundable, they will receive no benefit from an increased child tax credit.

The legislation we are introducing today will increase the current child tax credit from $500 to $1,000 as the President proposed, but would also provide a refundable credit of $500 per child for those families without federal income tax liability. This reform will lift one million families out of poverty.

Often, people talk of the complexity of the tax code. The beauty of making the child tax credit refundable is its simplicity. All families, regardless of income, would receive the credit—no marriage penalty, no cliff, no complicated phase-outs.

Back in 1991, the Bipartisan National Children's Commission, chaired by my colleague from West Virginia, Senator Rockefeller, recommended enacting a refundable child tax credit. After a decade, the time is right. We have the resources. And, I hope and believe, we have the will.

Making the child tax credit refundable is simply one of the most effective antipoverty strategies in years.

I urge my colleagues to join with us today in supporting this legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 82—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 82

Whereas, during the 105th Congress, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an oversight review of the Treasury Departments Office of Inspector General;

Whereas, the Subcommittee has received requests from the parties to two appeals, Richard B. Calahan v. Department of Treasury, No. DC—0752–01–0245–I–1, and Lori Y. Vassar v. Department of Treasury, No. DC–0752–01–0275–I–1, before the Merit Systems protection board, for access to records, including transcripts of depostions, from its oversight review;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent committees, subcommittees, Members, officer, and employees of the Senate with respect to any subpoena, order, or request for testimony or documentary production relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved*, That the Chairman and Ranking Minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide copies of records from its Treasury Department Office of Inspector General oversight review to the parties in Richard B. Calahan v. Department of Treasury and Lori Y. Vassar v. Department of Treasury, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate legal Counsel is authorized to represent the Permanent Subcommittee on Investigations, and any other committee, subcommittee, Member, officer, or employees of the Senate in connection with testimony or documentary production in these matters.

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has received requests from the parties in two appeals before the Merit Systems Protection Board for permission to use in those proceedings documents obtained from the Permanent Subcommittee on Investigations. These cases grow in part out of the FBI files matter that several congressional committees, including the Senate Investigations Subcommittee, inquired into several years ago. The appeals are from adverse personnel actions taken by the Treasury Inspector General after an investigation by the President's Council on Integrity and Efficiency that followed a Subcommittee referral.

The documents that are the subject of this authorizing resolution were used in the PCIE investigation that underlay these personnel actions. The resolution would authorize the Subcommittee, through the Chairman and Ranking Member, acting jointly, to permit use of Subcommittee records in these proceedings. In order to protect the privileges of the Subcommittee, and the other Senate entities that addressed these matters, the resolution would also authorize representation by the Senate Legal Counsel in connection with any discovery sought in these cases.

SENATE RESOLUTION 81—COMMENDING THE MEMBERS OF THE UNITED STATES MISSION IN THE PEOPLE'S REPUBLIC OF CHINA FOR THEIR PERSISTENCE, DEVOTION TO DUTY, SACRIFICE, AND SUCCESS IN OBTAINING THE SAFE REPATRIATION TO THE UNITED STATES OF THE CREW OF THE NAVY EP-3E ARIES II AIRCRAFT WHO HAD BEEN DETAINED IN CHINA

Mr. HELMS (for himself, Mr. ALLEN, Mr. BIDEN, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 81

Whereas, on March 31, 2001, two fighter aircraft of the People's Republic of China intercepted a United States Navy EP-3E ARIES II maritime patrol aircraft on a routine reconnaissance mission in international airspace over the China Sea;

Whereas one of the two Chinese aircraft collided with the United States aircraft, jeopardizing the lives of its 24 crewmembers, causing serious damage, and forcing the United States aircraft commander, Navy Lieutenant Shane Osborn, to issue a "MAYDAY" distress call and perform an emergency landing at a Chinese airfield on Hainan Island;

Whereas, in violation of international norms, the Government of the People's Republic of China detained the United States aircrew for 11 days, initially refusing the requests of United States consular and military officials for access to the crew; and

Whereas the persistence and devotion to duty of the members of the United States mission in the People's Republic of China resulted in the release of all members of the United States aircrew on April 12, 2001: Now, therefore, be it

Resolved, That the Senate hereby commends the members of the United States mission in the People's Republic of China, and other responsible officials of the Departments of State and Defense, for their outstanding performance in obtaining the safe repatriation to the United States of the crew of the Navy EP-3E ARIES II aircraft.

SENATE CONCURRENT RESOLUTION 36—HONORING THE NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE TO THE NATION

Mr. McCAIN (for himself, Mr. ALLEN, Mr. HOLLINGS, Mr. BREAUX, Mr. BOND, Mr. ROCKEFELLER, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 36

Whereas Congress created the National Science Foundation in 1950 to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

Whereas the National Science Foundation Act of 1950 was signed into law by President Harry S. Truman on May 10, 1950;

Whereas the National Science Foundation strengthens the economy and improves the quality of life in the United States as the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines;

Whereas the National Science Foundation has worked continuously and successfully to ensure that the United States maintains its leadership in discovery, learning, and innovation in the sciences, mathematics, and engineering;

Whereas the National Science Foundation has supported the research of more than half of the United States Nobel laureates in physics, chemistry, and economics;

Whereas the National Science Foundation has been the lead Federal agency in a number of national science initiatives, such as those in information technology and nanotechnology;

Whereas the National Science Foundation funds almost 20,000 research and education projects in science and engineering at over 2,000 colleges and universities, elementary and secondary schools, nonprofit organizations, and small businesses throughout our Nation;

Whereas the National Science Foundation's innovative education programs work to ensure that every American student receives a solid foundation in science, technology, and mathematics through support for the training and education of teachers, the public, and students of all ages and backgrounds, and by supporting research into new teaching tools, curricula, and methodologies;

Whereas the programs funded by the National Science Foundation are an exemplary demonstration of the value of scientific peer review in selecting the most innovative and technically excellent research activities using a network of over 50,000 scientists and engineers each year;

Whereas the National Science Foundation's international programs promote new partnerships and cooperative projects between United States scientists and engineers and their foreign colleagues, and such partnerships play a key role in establishing and strengthening diplomatic and economic ties; and

Whereas research supported by the National Science Foundation has led to discoveries, technologies, and products which affect our daily lives, including a greater understanding of bacteria, viruses, and the structure of DNA; medical diagnostic tools, such as Magnetic Resonance Imaging (MRI); the Internet, web browsers, and fiber optics, which have revolutionized global communication; polymer materials used in products ranging from clothing to automobiles; Doppler radar used for accurate weather forecasting; artificial skin that can help recovering burn victims; economic research in game and decision theory which has led to a greater understanding of economic cycles; and discoveries of new planets, black holes, and insights into the nature of the universe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the significance of the anniversary of the founding of the National Science Foundation;

(2) acknowledges the completion of 50 years of achievement and service by the National Science Foundation to the United States; and

(3) reaffirms its commitment for the next 50 years to support research, education, and technological advancement and discovery through the National Science Foundation, the premier scientific agency in the Federal Government.

Mr. McCAIN. Mr. President, I would like to submit this resolution to commemorate the National Science Foundation, (NSF)'s, fifty years of public service. I am joined in this resolution by Senator HOLLINGS, Senator ALLEN, Senator BREAUX, Senator BOND, Senator ROCKEFELLER, Senator JEFFORDS, Senator MIKULSKI, Senator LEIBERMAN, and Senator KENNEDY. In addition, I would like to thank my colleague, Representative NICK SMITH, for his leadership on this issue. The NSF has played a crucial role in developing and maintaining the United States economic and scientific leadership, and it deserves the gratitude of the American people for its groundbreaking work.

Since its creation in 1950, the National Science Foundation has conducted "cutting-edge" research. More than half of the U.S. Nobel Laureates in physics, chemistry, and economics have had their research supported by NSF. The National Solar Observatory, and other NSF-sponsored programs, are finding new discoveries about the Sun, the planets, and other galaxies in our universe. The NSF also runs programs that study life here on Earth. The NSF Antarctic station, that has recently been in the news, studies the West Antarctic Ice Shelf to understand changes in global climate change. The recent news report on the Antarctic Station further highlights the risk, sacrifice, and dedication that many of our scientists and engineers take on a daily basis in our scientific research pursuits. A NSF-sponsored Multidisciplinary Center for Earthquake Engineering Research studies new construction techniques to prevent death and destruction from earthquakes. The NSF Plant Genome Project is mapping a model plant, the Arabidopsis thaliana, to find ways to develop crops resistant to insects, disease, and harsh environmental conditions. Most important, NSF plays an important role in working with America's schools to teach children math and science and train the scientists and engineers that are necessary to maintaining America's technological leadership.

It is important to point out that NSF-sponsored research continues to play an important role in every day American life. Research sponsored by NSF developed Magnetic Resonance Imaging, (MRI), artificial skin, and other medical breakthroughs that have saved the lives of millions of Americans. NSF research also developed the Doppler radar, which is used every day to warn Americans of impending hazardous weather. In addition, the NSF played a major role in developing the Internet, web browsers, and fiber optics, which have revolutionized our economy and culture. The NSF also helped to develop the American Sign Language Dictionary. Currently, the

NSF is pursuing a number of new research initiatives, including nanotechnology and information technology. These new endeavors promise to foster new discoveries throughout the 21st century.

In conclusion, I urge my colleagues to join me in passing this resolution to express our gratitude and support for this major American research institution.

Mr. HOLLINGS. Mr. President, innovation, undeniably, has been the cornerstone of this nation's competitiveness. What is often overlooked, however, is that the precursor to innovation is basic, fundamental research. An agency that has been essential to this kind of research is the National Science Foundation, NSF. Through the NSF, the United States has invested in world class basic research at our colleges and universities.

Today, we are introducing a resolution to commemorate 50 years of accomplishment by the National Science Foundation. The NSF is the Federal agency mandated to support overall academic science and engineering in the United States. To fulfill this responsibility, it supports both (1) university and college research in all fields of science, engineering, and mathematics, and (2) science, engineering, and mathematics education, including precollege as well as university education. NSF provides grants for these purposes, as opposed to operating research laboratories of its own.

NSF supported researchers have won Nobel Prices and have made discoveries that have significantly affected our daily lives. From understanding DNA to the development of web browsers, the science that NSF sponsors has enormous impacts. Moreover, NSF helps support the graduate students who become the next generation of researchers, teachers, and practitioners in the Sciences.

Specifically, I would like to draw attention to NSF's Experimental Program to Stimulate Competitive Research, EPSCoR. This program is helping to develop the research infrastructure in states like South Carolina that have traditionally been left behind in Federal research funding. I encourage the NSF to continue its support for EPSCoR.

NSF will complete its 50th year on May 10. I salute the agency's contribution to U.S. prosperity and scientific inquiry and hope that the next 50 years are just as productive as the first 50.

AMENDMENTS SUBMITTED AND PROPOSED

SA 358. Mr. JEFFORDS (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 359. Ms. COLLINS proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 360. Mr. HARKIN (for himself, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, Ms. STABENOW, Mr. DODD, Mr. REED, Mr. WELLSTONE, Mr. LEVIN, Mr. KOHL, Ms. MIKULSKI, Mr. BREAUX, Ms. COLLINS, Mr. CHAFEE, and Mr. JOHNSON) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 361. Mr. JEFFORDS (for himself and Mr. BOND) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 362. Mr. TORRICELLI (for himself and Mr. FITZGERALD) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 363. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 364. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 365. Mr. DODD (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. BINGAMAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CORZINE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, Mrs. CLINTON, Mr. JEFFORDS, and Mr. KENNEDY) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 366. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 367. Mrs. FEINSTEIN (for herself, Mr. VOINOVICH, Mr. BAUCUS, Ms. LANDRIEU, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 368. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 369. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 370. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 371. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 358. Mr. JEFFORDS (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1955; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Education for Students and Teachers Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Short title; purpose; definitions; uniform provisions.
Sec. 4. Maintenance of effort.
Sec. 5. Prohibition regarding State aid.
Sec. 6. Participation by private school children and teachers.
Sec. 7. Standards for by-pass.
Sec. 8. Complaint process for participation of private school children.
Sec. 9. By-pass determination process.
Sec. 10. Prohibition against funds for religious worship or instruction.
Sec. 11. Applicability to home schools.
Sec. 12. General provision regarding nonrecipient nonpublic schools.
Sec. 13. School prayer.
Sec. 14. General prohibitions.
Sec. 15. Prohibition on Federal mandates, direction, and control.

TITLE I—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 111. State plans.
Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Pupil safety and family school choice.
Sec. 117. Assessment and local educational agency and school improvement.
Sec. 118. Assistance for school support and improvement.
Sec. 119. Parental involvement.
Sec. 120. Professional development.
Sec. 120A. Participation of children enrolled in private schools.
Sec. 120B. Early childhood education.
Sec. 120C. Allocations.

PART B—LITERACY FOR CHILDREN AND FAMILIES

Sec. 121. Reading first.
Sec. 122. Early reading initiative.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.
Sec. 132. State application.
Sec. 133. Comprehensive plan.
Sec. 134. Coordination.

PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH

Sec. 141. Initiatives for neglected, delinquent, or at risk youth.

PART E—21ST CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM; SCHOOL DROPOUT PREVENTION

Sec. 151. 21st century learning centers; comprehensive school reform.

PART F—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 161. Statement of policy.
Sec. 162. Grants for State and local activities.
Sec. 163. Local educational agency grants.
Sec. 164. Secretarial responsibilities.
Sec. 165. Definitions.
Sec. 166. Authorization of appropriations.
Sec. 167. Conforming amendments.

TITLE II—TEACHERS

Sec. 201. Teacher quality.
Sec. 202. Teacher mobility.

TITLE III—MOVING LIMITED ENGLISH PROFICIENT STUDENTS TO ENGLISH FLUENCY

Sec. 301. Bilingual education.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Sec. 401. Amendment to the Elementary and Secondary Education Act of 1965.

Sec. 402. Gun-free requirements.
Sec. 403. School safety and violence prevention.
Sec. 404. Environmental tobacco smoke.

TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

Sec. 501. Public school choice and flexibility.

TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

Sec. 601. Parental involvement and accountability.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Sec. 701. Programs.
Sec. 702. Conforming amendments.

TITLE VIII—REPEALS

Sec. 801. Repeals.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Independent evaluation.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SHORT TITLE; PURPOSE; DEFINITIONS; UNIFORM PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

(1) in the heading for section 1, by striking "**TABLE OF CONTENTS**" and inserting "**SHORT TITLE**"; and

(2) by adding after section 1 the following:

"SEC. 2. PURPOSE.

"It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

"SEC. 3. DEFINITIONS.

"Except as otherwise provided, in this Act:

"(1) Average daily attendance.—

"(A) In general.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) Conversion.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) Special rule.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) Children with disabilities.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) Average per-pupil expenditure.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) Child.—The term 'child' means any person within the age limits for which the State provides free public education.

"(4) Community-based organization.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) Consolidated local application.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 5505.

"(6) Consolidated local plan.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 5505.

"(7) Consolidated State application.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 5502.

"(8) Consolidated State plan.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 5502.

"(9) County.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(10) Covered program.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part C of title I;

"(C) part C of title II;

"(D) part A of title IV (other than section 4114); and

"(E) subpart 4 of part B of title V.

"(11) Current expenditures.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under subpart 4 of part B of title V.

"(12) Department.—The term 'Department' means the Department of Education.

"(13) Educational service agency.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(14) Elementary school.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(15) Free public education.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary school or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(16) Gifted and talented.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(17) Institution of higher education.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

"(18) Local educational agency.—

"(A) In general.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary or secondary schools.

"(B) Administrative control and direction.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(C) BIA schools.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) Mentoring.—The term 'mentoring', when used with respect to mentoring other than teacher mentoring, means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(20) Other staff.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(22) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents on all levels of a school's operation, including all of the activities described in section 1118.

"(24) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397 of the Communications Act of 1934.

"(25) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) PUPIL SERVICES PERSONNEL.—The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) PUPIL SERVICES.—The term 'pupil services' means the services provided by pupil services personnel.

"(26) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' used with respect to an activity or a program, means an activity based on specific strategies and implementation of such strategies that, based on theory, research and evaluation, are effective in improving student achievement and performance and other program objectives.

"(27) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(29) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(30) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

"(31) TEACHER MENTORING.—The term 'teacher mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

"(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

"(ii) as part of a multiyear, developmental induction process—

"(I) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

"(32) TECHNOLOGY.—The term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM discs, video and audio tapes, web-based learning resources, including online classes, interactive tutorials, and interactive tools and virtual environments for problem-solving, hand-held devices, wireless technology, voice recognition systems, and high-quality digital video, distance learning networks, visualization, modeling, and simulation software, and learning focused digital libraries and information retrieval systems.

"SEC. 4. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 5. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 6. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or educational service agency or consortium of such agencies receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) PROVISION OF SERVICES.—Such agency or consortium described in subsection (a)(1) may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) part C of title I (migrant education);

"(B) parts A and C of title II;

"(C) title III; and

"(D) part A of title IV (other than section 4114).

"(2) DEFINITION.—For the purposes of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency or consortium of such agencies shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 7. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 6, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 6, 8, and 9.

"SEC. 8. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) Procedures for Complaints.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 6 by a State educational agency, local educational agency, educational service agency, or consortium of such agencies. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) Appeals to the Secretary.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

"SEC. 9. BY-PASS DETERMINATION PROCESS.

"(a) Review.—

"(1) In general.—(A) The Secretary shall not take any final action under section 7 until the State educational agency, local educational agency, educational service agency, or consortium of such agencies affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) Petition for review.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) Findings of fact.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Jurisdiction.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) Determination.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 6 or any other provision of this Act.

"(c) Payment From State Allotment.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) Prior Determination.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 10. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"SEC. 11. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 12. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 13. SCHOOL PRAYER.

"Any State or local educational agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds under this Act until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

"SEC. 14. GENERAL PROHIBITIONS.

"(a) Prohibition.—None of the funds authorized under this Act shall be used—

"(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

"(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and includes the health benefits of abstinence; or

"(4) to operate a program of condom distribution in schools.

"(b) Local Control.—Nothing in this section shall be construed to—

"(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

"(2) limit the application of the General Education Provisions Act;

"(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) create any legally enforceable right.

"SEC. 15. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.".

TITLE I—BETTER RESULTS FOR DISADVANTAGED CHILDREN

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. STATEMENT OF PURPOSE.

"The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

"(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

"(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) Local Educational Agency Grants.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $15,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) Reading First.—

"(1) Even start.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) Reading first.—For the purpose of carrying out subpart 2 of part B, there are authorized to be appropriated $900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(3) Early reading first.—For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated $75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) Education of Migratory Children.—For the purpose of carrying out part C, there are authorized to be appropriated $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(d) Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(e) Capital Expenses.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2002, $15,000,000 for fiscal year 2003, and $5,000,000 for fiscal year 2004.

"(f) Federal Activities.—

"(1) Section 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) Section 1502.—For the purpose of carrying out section 1502, there are authorized to be appropriated $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(g) 21st Century Learning Centers.—For the purpose of carrying out part F, there are authorized to be appropriated $1,500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(h) Comprehensive School Reform.—For the purpose of carrying out part G, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(i) School Dropout Prevention.—For the purpose of carrying out part H, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years, of which—

"(1) 10 percent shall be available to carry out subpart 1 of part H for each fiscal year; and

"(2) 90 percent shall be available to carry out subpart 2 of part H for each fiscal year.".

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.

"(a) State Reservation.—Each State educational agency shall reserve 3.5 percent of the amount the State educational agency receives under subpart 2 of part A for each of the fiscal years 2002 and 2003, and 5 percent of that amount for each of the fiscal years 2004 through 2008, to carry out subsection (b) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(b) Uses.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency shall make available not less than 50 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, or reconstitution under section 1116(c).".

PART A—BETTER RESULTS FOR DISADVANTAGED CHILDREN

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLANS.

"(a) Plans Required.—

"(1) In general.—Any State desiring to receive a grant under this part shall submit to the Secretary, by March 1, 2002, a plan that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and the Head Start Act.

"(2) Consolidation plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 5506.

"(b) Standards, Assessments, and Accountability.—

"(1) Challenging standards.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.

"(C) The State shall have the standards described in subparagraph (A) for all public elementary school and secondary school children served under this part in subjects determined by the State, but including at least mathematics, reading or language arts, history, and science, which shall include the same knowledge skills, and levels of achievement expected of all children, except that no State shall be required to meet the requirements under this part relating to history or science standards until the beginning of the 2005–2006 school year.

"(D) Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills; and

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe 2 levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, partially proficient, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students served under this part will be taught, but for which a State is not required by subparagraphs (A), (B), and (C) to develop standards, and has not otherwise developed standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(2) Accountability.—(A) Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools make adequate yearly progress as defined under subparagraph (B). Each State accountability system shall—

"(i) be based on the standards and assessments adopted under paragraphs (1) and (3) and take into account the performance of all students;

"(ii) be used for all schools or all local educational agencies in the State, except that schools and local educational agencies not participating under this part are not subject to the requirements of section 1116(c);

"(iii) include performance indicators for local educational agencies and schools to measure student performance consistent with subparagraph (B); and “(iv) include sanctions and rewards, such as bonuses or recognition, the State will use to hold local educational agencies and schools accountable for student achievement and performance and for ensuring that the agencies and schools make adequate yearly progress in accordance with the State's definition under subparagraph (B).

“(B) Adequate yearly progress shall be defined in accordance with subparagraph (D) and in a manner that—

“(i) applies the same high standards of academic performance to all students in the State;

“(ii) is statistically valid and reliable;

“(iii) results in continuous and substantial academic improvement for all students;

“(iv) measures the progress of schools and local educational agencies based primarily on the assessments described in paragraph (3);

“(v) includes annual measurable objectives for continuing and significant improvement in—

“(I) the achievement of all students; and

“(II) the achievement of economically disadvantaged students, students with disabilities, students with limited English proficiency, migrant students, students by racial and ethnic group, and students by gender, except that such disaggregation shall not be required in any case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student;

“(vi) includes a timeline for meeting the goal that each group of students described in clause (v) will meet or exceed the State's proficient level of performance on the State assessment used for the purposes of this section and section 1116 not later than 10 years after the date of enactment of the Better Education for Students and Teachers Act; and

“(vii) includes school completion or dropout rates and at least 1 other academic indicator, as determined by the States, except that inclusion of such indicators shall not decrease the number of schools or local educational agencies that would otherwise be subject to identification for improvement or corrective action if the discretionary indicators were not included.

“(C)(i) Each State plan shall include a detailed description of an objective system or formula that incorporates and gives appropriate weight to each of the elements described in subparagraph (B), including the progress of each of the groups of students described in subparagraph (B)(v)(II), in meeting the State's annual measurable objectives for continuing and significant improvement under subparagraph (B)(v) and in making progress toward the 10-year goal described in subparagraph (B)(vi), and that is primarily based on academic progress as demonstrated by the assessments described in paragraph (3) in subjects for which assessments are required under this section, except that the State shall give greater weight to the groups—

“(I) performing at a level furthest from the proficient level; and

“(II) that make the greatest improvement.

“(ii) The system or formula shall be subject to peer review and approval by the Secretary under subsection (e). The Secretary shall not approve the system or formula unless the Secretary determines that the system or formula is sufficiently rigorous and reliable to ensure continuous and significant progress toward the goal of having all students proficient within 10 years.

“(D) A State shall define adequate yearly progress for the purpose of making determinations under this Act so that—

“(i) a school, local educational agency, or State, respectively, has failed to make adequate yearly progress if the school, local educational agency, or State, respectively, has not—

“(I) made adequate progress as determined by the system or formula described in subparagraph (C); or

“(II) for each group of students described in subparagraph (B)(v)(II) (other than those groups formed by gender and migrant status), achieved an increase of not less than 1 percent, in the percentage of students served by the school, local educational agency, or State, respectively, meeting the State's proficient level of performance in reading or language arts and mathematics, for a school year compared to the preceding school year; and

“(ii) for the purpose of making determinations under clause (i)(I) or (II), the State may establish a uniform procedure for averaging data from the school year for which the determination is made and 1 or 2 school years preceding such school year.

“(E) Each State shall ensure that in developing its plan, the State diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and performance, including parents, teachers, local educational agencies, pupil services personnel, administrators (including those described in other parts of this title), and other staff, and that the State will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

“(F) If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, the State educational agency may meet the requirements of this subsection by—

“(i) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of the standards and assessments to students served under this part; or

“(ii) adopting and implementing policies that ensure that each local educational agency in the State which receives a grant under this part will adopt curriculum content and student performance standards, and assessments aligned with such standards, which meet all of the criteria of this subsection.

“(G) Each State plan shall provide that in order for a school to make adequate yearly progress under subparagraph (B), not less than 95 percent of each group of students described in subparagraph (B)(v)(II), who are enrolled in the school at the time of the administration of the assessments, shall take the assessments (in accordance with paragraphs (3)(G)(ii) and (3)(H), and with accommodations, guidelines and alternate assessments provided in the same manner as they are provided under section 612(a)(17)(A) of the Individuals with Disabilities Education Act) on which adequate yearly progress is based, except that nothing in this subparagraph shall be construed to limit the requirement under paragraph (3)(G)(i) to assess all students.

“(3) ASSESSMENTS.—Each State plan shall demonstrate that the State, in consultation with local educational agencies, has a system of high-quality, yearly student assessments in subjects that include, at a minimum, mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of each local educational agency and school in enabling all children to meet the State's student performance standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year. Such assessments shall—

“(A) be the same assessments used to measure the performance of all children;

“(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

“(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

“(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered not less than 1 or more times during—

“(i) grades 3 through 5;

“(ii) grades 6 through 9; and

“(iii) grades 10 through 12;

“(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

“(F) beginning not later than school year 2005–2006, measure the annual performance of students against the challenging State content and student performance standards in grades 3 through 8 in at least mathematics and reading or language arts, except that—

“(i) the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school, prevented full implementation of the assessments by that deadline and that the State will complete the implementation within the additional 1-year period; and

“(ii) a State shall not be required to conduct any assessments under this subparagraph, that were not required on the day preceding the date of enactment of the Better Education for Students and Teachers Act, in any school year, if the amount made available to the State under section 6403(a) for use in that school year for such assessments is less than 50 percent of the costs of administering such assessments by the State in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this clause), in the most recent school year in which such assessments were administered;

“(G) provide for—

“(i) the participation in such assessments of all students;

“(ii) the reasonable adaptations and accommodations for students with disabilities defined under section 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;

‘‘(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas; and

‘‘(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that—

‘‘(I) if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may assess such student in the appropriate language other than English for 1 additional year; or

‘‘(II) in extraordinary situations, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information, the local educational agency may assess such student in the appropriate language for additional years;

‘‘(H) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

‘‘(I) produce individual student interpretive and descriptive reports to be provided to parents of all students, which shall include scores, or other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses; and

‘‘(J) enable results to be disaggregated within each State, local educational agency, and school by gender, by racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that in the case of a local educational agency or a school such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student.

‘‘(4) SPECIAL RULES.—(A) Additional measures that do not meet the requirements of paragraph (3)(C) may be included in the assessments if a State includes in the State plan information regarding the State's efforts to validate such measures.

‘‘(B) States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards 1 or more times during grades kindergarten through 2.

‘‘(5) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages but shall not mandate a specific assessment or mode of instruction.

‘‘(6) REQUIREMENT.—Each State plan shall describe—

‘‘(A) how the State educational agency will help each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(4), 1114(b), and 1115(c) that is applicable to such agency or school; and

‘‘(B) such other factors the State deems appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

‘‘(7) ED-FLEX.—A State shall not be eligible for designation under the Ed-Flex Partnership Act of 1999 until the State develops assessments aligned with the State's content standards in at least mathematics and reading or language arts.

‘‘(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

‘‘(1) the State will meet the requirements of subsection (i)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection;

‘‘(2) the State will, beginning in school year 2002–2003, participate in annual State assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 411(b)(2) of the National Education Statistics Act of 1994 if the Secretary pays the costs of administering such assessments;

‘‘(3) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and parental involvement under section 1118;

‘‘(4)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

‘‘(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

‘‘(5) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

‘‘(6) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

‘‘(7) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

‘‘(8) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

‘‘(9) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

‘‘(10) the State educational agency has involved the committee of practitioners established under section 1903(b) in developing the plan and monitoring its implementation;

‘‘(11) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under subpart 3 of part B of title V and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

‘‘(12) the State will coordinate activities funded under this part with other Federal activities as appropriate.

‘‘(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

‘‘(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

‘‘(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.

‘‘(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

‘‘(1) SECRETARIAL DUTIES.—The Secretary shall—

‘‘(A) establish a peer review process to assist in the review of State plans;

‘‘(B) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, local educational agencies, and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students;

‘‘(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

‘‘(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

‘‘(E) not decline to approve a State's plan before—

‘‘(i) offering the State an opportunity to revise its plan;

‘‘(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

‘‘(iii) providing a hearing; and

‘‘(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the State's content standards or to use specific assessment instruments or items.

‘‘(2) STATE REVISIONS.—States shall revise their plans if necessary to satisfy the requirements of this section.

“(f) Provision of Testing Results to Parents and Teachers.—Each State plan shall demonstrate how the State educational agency will assist local educational agencies in assuring that results from the assessments required under this section will be provided to parents and teachers as soon as is practicably possible after the test is taken, in a manner and form that is understandable and easily accessible to parents and teachers.

“(g) Duration of the Plan.—

“(1) In general.—Each State plan shall—

“(A) remain in effect for the duration of the State's participation under this part; and

“(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

“(2) Additional information.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

“(h) Limitation on Conditions.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

“(i) Penalty.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold funds for State administration and activities under section 1117 until the Secretary determines that the State plan meets the requirements of this section.

“(j) Reports.—

“(1) Annual state report card.—

“(A) In general.—Not later than the beginning of the 2002–2003 school year, a State that receives assistance under this Act shall prepare and disseminate an annual State report card.

“(B) Implementation.—The State report card shall be—

“(i) concise; and

“(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

“(C) Public dissemination.—The State shall widely disseminate the information described in subparagraph (D) to all schools and local educational agencies in the State and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

“(D) Required information.—The State shall include in its annual State report card—

“(i) information, in the aggregate, on student achievement and performance at each proficiency level on the State assessments described in subsection (b)(3)(F) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and socioeconomic status);

“(ii) the percentage of students not tested (disaggregated by the same categories described in clause (i));

“(iii) the most recent 2-year trend in student performance in each subject area, and for each grade level, for which assessments under section 1111 are required;

“(iv) aggregate information included in all other indicators used by the State to determine the adequate yearly progress of students in achieving State content and student performance standards;

“(v) average 4-year graduation rates and annual school dropout rates disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and socioeconomic status, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student;

“(vi) the percentage of teachers teaching with emergency or provisional credentials (disaggregated by high poverty and low poverty schools which for purposes of this clause means schools in which 50 percent or more, or less than 50 percent, respectively, of the students are from low-income families), and the percentage of classes not taught by highly qualified teachers in such high poverty schools;

“(vii) the number and names of each school identified for school improvement, including schools identified under section 1116(c); and

“(viii) information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and percentage of schools in the State that did not make adequate yearly progress.

“(E) Permissive information.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools. Such information may include information regarding—

“(i) school attendance rates;

“(ii) average class size in each grade;

“(iii) academic achievement and gains in English proficiency of limited English proficient students;

“(iv) the incidence of school violence, drug abuse, alcohol abuse, student suspensions, and student expulsions;

“(v) the extent of parental participation in the schools;

“(vi) parental involvement activities;

“(vii) extended learning time programs such as after-school and summer programs;

“(viii) the percentage of students completing advanced placement courses;

“(ix) the percentage of students completing college preparatory curricula; and

“(x) student access to technology in school.

“(2) Annual local educational agency report cards.—

“(A) In general.—Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this Act shall prepare and disseminate an annual local educational agency report card.

“(B) Minimum requirements.—The State shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(D) as applied to the local educational agency and each school served by the local educational agency, and—

“(i) in the case of a local educational agency—

“(I) the number and percentage of schools identified for school improvement and how long they have been so identified, including schools identified under section 1116(c); and

“(II) information that shows how students served by the local educational agency perform on the statewide assessment compared to students in the State as a whole; and

“(ii) in the case of a school—

“(I) whether the school has been identified for school improvement; and

“(II) information that shows how the school's students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.

“(C) Other information.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

“(D) Data.—A local educational agency or school shall only include in its annual local educational agency report card data that is sufficient to yield statistically reliable information, as determined by the State, and does not reveal individually identifiable information about an individual student.

“(E) Public dissemination.—The local educational agency shall, not later than the beginning of the 2002–2003 school year, publicly disseminate the information described in this paragraph to all schools in the school district and to all parents of students attending those schools, and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

“(3) Preexisting report cards.—A State or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State, may continue to use those reports for the purpose of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection.

“(4) Annual state report to the Secretary.—Each State receiving assistance under this Act shall report annually to the Secretary, and make widely available within the State—

“(A) beginning with school year 2001–2002, information on the State's progress in developing and implementing the assessments described in subsection (b)(3);

“(B) beginning not later than school year 2004–2005, information on the achievement of students on the assessments required by that section, including the disaggregated results for the categories of students identified in subsection (b)(2)(B)(v)(II);

“(C) the number and names of each school identified for school improvement, including schools identified under section 1116(c), the reason why each school was so identified, and the measures taken to address the performance problems of such schools; and

“(D) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student assessments (including disaggregated results) required under this section.

“(5) Parents right-to-know.—

“(A) Qualifications.—A local educational agency that receives funds under this part shall provide and notify the parents of each student attending any school receiving funds under this part that the parents may request, and will be provided on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

"(iv) Whether the child is provided services by paraprofessionals and the qualifications of such paraprofessional.

"(B) ADDITIONAL INFORMATION.—A school that receives funds under this part shall provide to parents information on the level of performance, of the individual student for whom they are the parent, in each of the State assessments as required under this part.

"(C) FORMAT.—The notice and information provided to parents shall be in an understandable and uniform format.

"(k) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"(l) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments and other relevant areas.".

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Goals" and all that follows through "section 14306" and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate"; and

(B) in paragraph (2), by striking "14304" and inserting "5504";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(D) determine the literacy levels of first graders and their needs for interventions, including a description of how the agency will ensure that any such assessments—

"(i) are developmentally appropriate;

"(ii) use multiple measures to provide information about the variety of skills that research has identified as leading to early reading; and

"(iii) are administered to students in the language most likely to yield valid results;";

(B) in paragraph (3), by inserting ", which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II" before the semicolon;

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "programs, vocational" and inserting "programs and vocational"; and

(II) by striking ", and school-to-work transition programs"; and

(ii) in subparagraph (B)—

(I) by striking "served under part C" and all that follows through "1994"; and

(II) by striking "served under part D"; and

(D) by striking paragraph (9) and inserting the following:

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B; and

"(10) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118.";

(3) by amending subsection (c) to read as follows:

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) inform eligible schools and parents of schoolwide project authority;

"(2) provide technical assistance and support to schoolwide programs;

"(3) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(4) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

"(5) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

"(7) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(8) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

"(9) comply with the requirements of section 1119 regarding professional development;

"(10) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under subpart 3 of part B of title V, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999;

"(11) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;

"(12) use the results of the student assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all of the schools are making the annual progress necessary to ensure that all students will meet the State's proficient level of performance on the State assessments described in section 1111(b)(3) within 10 years of the date of enactment of the Better Education for Students and Teachers Act; and

"(13) ensure that the results from the assessments required under section 1111 will be provided to parents and teachers as soon as is practicably possible after the test is taken, in a manner and form that is understandable and easily accessible to parents and teachers."; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ", except that" and all that follows through "finally approved by the State educational agency"; and

(B) in paragraph (3)—

(i) by striking "professional development"; and

(ii) by striking "section 1119" and inserting "sections 1118 and 1119".

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.".

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program."; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: "EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—"; and

(ii) by adding at the end the following:

"(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking ", if any, approved under title III of the Goals 2000: Educate America Act"; and

(ii) in subparagraph (E), by striking ", such as family literacy services" and inserting "(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams."; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "Improving America's Schools Act of 1994" and inserting "Better Education for Students and Teachers Act"; and

(II) in clause (iv), by inserting "in a language the family can understand" after "assessment results"; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking "Improving America's Schools Act of 1994" and inserting "Better Education for Students and Teachers Act"; and

(II) in clause (v), by striking "the School-to-Work Opportunities Act of 1994".

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking ", yet" and all that follows through "setting"; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert "or in early childhood education services under this title," after "program,"; and

(ii) in subparagraph (C)(i), by striking "under part D (or its predecessor authority)"; and

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

"(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program; and"; and

(B) in subparagraph (H), by striking ", such as family literacy services" and inserting "(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams.".

SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) In General.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent unless allowing such transfer is prohibited—

"(A) under the provisions of a State or local law; or

"(B) by a local educational agency policy that is approved by a local school board; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) State Educational Agency Determinations.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) Transportation Costs.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(d) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(f) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student who elects a transfer under this section shall not exceed the per pupil expenditures for elementary or secondary school students as provided by the local educational agency that serves the school involved in the transfer.".

SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended to read as follows:

"SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) Local Review.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(B) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) provide the results of the local annual review to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards; and

"(4) annually review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement activities under section 1118, professional development activities under section 1119, and other activities assisted under this Act.

"(b) Designation of Distinguished Schools.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

"(c) School Improvement.—

"(1) School improvement.—(A) Subject to subparagraph (B), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for any year, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)(B).

"(B) Subparagraph (A) shall not apply to a school if almost every student in such school is meeting the State's proficient level of performance.

"(C) To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under this subsection, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

"(2) Opportunity to review and present evidence; time limit.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), for corrective action under paragraph (7), or for reconstitution under paragraph (8), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based.

"(B) If the principal of a school proposed for identification under paragraph (1), (7), or (8) believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

"(C) Not later than 30 days after a local educational agency makes an initial determination concerning identifying a school under paragraph (1), (7), or (8), the local educational agency shall make public a final determination on the status of the school.

"(3) School plan.—(A) Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

"(i) incorporate scientifically based research strategies that strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;

"(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(v)(II) and enrolled in the school will meet the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act;

“(iii) provide an assurance that the school will reserve not less than 10 percent of the funds made available to the school under this part for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

“(I) directly addresses the academic performance problem that caused the school to be identified for school improvement; and

“(II) meets the requirements for professional development activities under section 1119;

“(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

“(v) establish specific annual, objective goals for continuous and significant progress by each group of students specified in section 1111 (b)(2)(B)(v)(II) and enrolled in the school that will ensure that all such groups of students will meet the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act;

“(vi) identify how the school will provide written notification about the identification to the parents of each student enrolled in such school, in a format and, to the extent practicable, in a language the parents can understand;

“(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4); and

“(viii) include strategies to promote effective parental involvement in the school.

“(B) The local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (7)(D)(ii).

“(C) A school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for school improvement.

“(D) The local educational agency, within 45 days after receiving a school plan, shall—

“(i) establish a peer-review process to assist with review of a school plan prepared by a school served by the local educational agency; and

“(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

“(4) TECHNICAL ASSISTANCE.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements the school plan.

“(B) Such technical assistance—

“(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other samples of student work, to identify and address instructional problems and solutions;

“(ii) shall include assistance in identifying and implementing instructional strategies and methods that are tied to scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

“(iii) shall include assistance in analyzing and revising the school's budget so that the school resources are more effectively allocated for the activities most likely to increase student performance and to remove the school from school improvement status; and

“(iv) may be provided—

“(I) by the local educational agency, through mechanisms authorized under section 1117; or

“(II) by the State educational agency, an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve performance.

“(C) Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

“(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—In the case of any school served under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2)(B), at the end of the first year after the school year for which the school was identified under paragraph (1), the local educational agency serving such school—

“(A) shall provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless—

“(i) such an option is prohibited by State law or local law, which includes school board approved local educational agency policy; or

“(ii) the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide that option to all students in the school who request the option, in which case the local educational agency shall permit as many students as possible (selected by the agency on an equitable basis) to make such a transfer, after giving notice to the parents of affected children that it is not possible, consistent with State and local law, to accommodate the transfer request of every student;

“(B) may identify the school for, and take, corrective action under paragraph (7); and

“(C) shall continue to provide technical assistance while instituting any corrective action.

“(6) NOTIFICATION TO PARENTS.—A local educational agency shall promptly provide (in a format and, to the extent practicable, in a language the parents can understand) the parents of each student in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for reconstitution under paragraph (8)—

“(A) an explanation of what the identification means, and how the school compares in terms of academic performance to other elementary schools or secondary schools served by the State educational agency and the local educational agency involved;

“(B) the reasons for the identification;

“(C) an explanation of what the school is doing to address the problem of low performance;

“(D) an explanation of what the State educational agency or local educational agency is doing to help the school address the performance problem;

“(E) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified; and

“(F) when the school is identified for corrective action under paragraph (7) or for reconstitution under paragraph (8), an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental services for the child, in accordance with those paragraphs.

“(7) CORRECTIVE ACTION.—(A) In this subsection, the term ‘corrective action’ means action, consistent with State and local law, that—

“(i) substantially and directly responds to—

“(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

“(II) any underlying staffing, curriculum, or other problem in the school; and

“(ii) is designed to increase substantially the likelihood that students enrolled in the school identified for corrective action will perform at the State's proficient and advanced levels of performance on the State assessment described in section 1111(b)(3).

“(B) In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (F) and paragraph (8).

“(C) In the case of any school served by the local educational agency under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2)(B), at the end of the second year after the school year for which the school was identified under paragraph (1), the local educational agency shall—

“(i) except as provided in subparagraph (D)(i)(I), provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless—

“(I) such an option is prohibited by State law or local law; or

“(II) the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide that option to all students in the school who request the option, in which case the local educational agency shall permit as many students as possible (giving priority to the lowest achieving students) to make such a transfer;

“(ii) identify the school for corrective action and take at least one of the following corrective actions:

“(I) Make alternative governance arrangements, such as reopening the school as a public charter school.

“(II) Replace the relevant school staff.

“(III) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is tied to scientifically based research and offers substantial promise of improving educational performance for low-performing students; and

“(iii) continue to provide technical assistance to the school.

“(D) If a school described in subparagraph (C) fails to make adequate yearly progress for each of the three years preceding the school year for which the school was identified under this paragraph, in the same subject for the same group of students from among the groups described in section

1111(b)(2)(B)(v)(II), then the local educational agency shall do each of the following:

“(i)(I) Provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1).

“(II) If all public schools in the local educational agency to which children may transfer are identified under paragraph (1) or this paragraph, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer of as many of those children as possible, selected by the agency on an equitable basis.

“(ii) Make supplemental educational services available, in accordance with subsection (f), to children who remain in the school.

“(E) A local educational agency may delay, for a period not to exceed one year, implementation of corrective action only if the school's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

“(F) The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school to the public through such means as the Internet, the media, and public agencies.

“(8) RECONSTITUTION.—(A) If, after one year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress and fails to make adequate yearly progress for economically disadvantaged students in the same subject for each of the three years preceding the school year for which the school was identified under this paragraph, then the local educational agency shall—

“(i) provide all students enrolled in the school with the option to transfer to another public school in accordance with paragraph (7)(D)(i);

“(ii) make supplemental educational services available, in accordance with subsection (f), to children who remain in the school; and

“(iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).

“(B) Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement at least one of the following alternative governance arrangements for the school, consistent with State law:

“(i) Reopening the school as a public charter school.

“(ii) Replacing all or most of the school staff.

“(iii) Turning the operation of the school over to another entity, such as a private contractor, with a demonstrated record of success.

“(iv) Turning the operation of the school over to the State, if agreed to by the State.

“(v) Any other major restructuring of the school's governance arrangement.

“(C) The local educational agency shall provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies, shall provide the teachers and parents an adequate opportunity to comment before taking any action under those subparagraphs and to participate in developing any plan under subparagraph (A)(iii).

“(9) TRANSPORTATION.—In any case described in paragraph (7)(D), the local educational agency—

“(A) shall provide, or shall pay for the provision of, transportation for the student to the school the child attends, notwithstanding subsection (f)(1)(C)(ii); and

“(B) may use not more than a total of 15 percent of the local educational agency's allocation under this part for a fiscal year for that transportation or for supplemental services under subsection (f).

“(10) DURATION OF RECONSTITUTION.—If any school identified for reconstitution under paragraph (8) makes adequate yearly progress for two consecutive years, the local educational agency need no longer subject the school to corrective action or identify the school as in need of improvement for the succeeding school year.

“(11) SPECIAL RULES.—(A) A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school, and shall continue to provide or provide for transportation for the child to attend that school to the extent required by paragraph (9)(B) until the child leaves that school.

“(B) In determining whether a school has made adequate yearly progress for any year under this subsection, a local educational agency shall consider the amount of progress that was expected to be made during that particular year in meeting the objectives described under section 1111(b)(2)(B), and may consider the extent to which the school failed to make progress in other years.

“(C) The Secretary, through negotiated rulemaking, shall establish regulations that set guidelines for addressing the accumulated progress deficits for schools subject to corrective action and reconstitution under this subsection. Such guidelines shall establish rigorous, reasonable, and equitable standards and a timeline for improving student performance to a proficient level as soon as possible.

“(12) SCHOOLS PREVIOUSLY IDENTIFIED FOR SCHOOL IMPROVEMENT OR CORRECTIVE ACTION.—

“(A) SCHOOL IMPROVEMENT.—(i) Except as provided in clauses (ii) and (iii), any school that was in school improvement status under this subsection on the day preceding the date of enactment of the Better Education for Students and Teachers Act shall be treated by the local educational agency, at the beginning of the next school year following such day, as a school that is in the first year of school improvement under paragraph (1).

“(ii) Any school that was in school improvement status under this subsection for the two school years preceding the date of enactment of the Better Education for Students and Teachers Act shall be treated by the local educational agency, at the beginning of the next school year following such day, as a school described in paragraph (7)(C) and subject to paragraph (7)(D).

“(iii) Any school described in clause (ii) that fails to make adequate yearly progress for the first full school year following the date of enactment of the Better Education for Students and Teachers Act, and that fails to make adequate yearly progress for each of the two school years preceding such date in the same subject for any group described in section 1111(b)(2)(B)(v)(II), shall be subject to paragraph (7)(D) at the beginning of the next school year.

“(iv) Any school described in clause (iii) that fails to make adequate yearly progress for the second full school year following the date of enactment of the Better Education for Students and Teachers Act, and that fails to make adequate yearly progress for each of the two years following such date in the same subject for economically disadvantaged students, shall be subject to paragraph (8) at the beginning of the next school year.

“(B) CORRECTIVE ACTION.—(i) Any school that was in corrective action status under this subsection on the day preceding the date of enactment of the Better Education for Students and Teachers Act, and that fails to make adequate yearly progress for the school year following such date, shall be subject to paragraph (7)(D) at the beginning of the next school year.

“(ii) Any school described in clause (i) that fails to make adequate yearly progress for the second school year following such date shall be subject to paragraph (8) at the beginning of the next school year.

“(13) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

“(A) make technical assistance under section 1117 available to all schools identified for school improvement and corrective action under this subsection, to the extent possible with funds reserved under section 1003; and

“(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines appropriate and in compliance with State law.

“(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

“(1) IN GENERAL.—A State educational agency shall review annually—

“(A) the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(B) toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under section 1116 and section 1117; and

“(B) the effectiveness of the activities carried out under this part by each local educational agency that receives funds under this part and is served by the State educational agency with respect to parental involvement, professional development, and other activities assisted under this part.

“(2) REWARDS.—In the case of a local educational agency that for 3 consecutive years has met or exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(B), the State may make institutional and individual rewards of the kinds described for individual schools in paragraph (2) of section 1117(c).

“(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that for 2 consecutive years, is not making adequate progress as defined in section 1111(b)(2)(B) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are operating targeted assistance programs may be reviewed on the basis of the progress of only those students served under this part.

“(B) Before identifying a local educational agency for improvement under this paragraph, the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error due to statistical or other substantive reasons, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, revise and implement a local educational agency plan as described under section 1112. The plan shall—

"(i) include specific State-determined yearly progress requirements in subjects and grades to ensure that all students will meet proficient levels of performance within 10 years;

"(ii) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-performing students including a determination of why the local educational agency's prior plan failed to bring about increased student achievement and performance;

"(iii) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(iv) address the professional development needs of the instructional staff by committing to spend not less than 10 percent of the funds received by the local educational agency under this part during 1 fiscal year for professional development (including funds reserved for professional development under subsection (c)(3)(A)(iii)), which funds shall supplement and not supplant professional development that instructional staff would otherwise receive, and which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

"(v) identify specific goals and objectives the local educational agency will undertake for making adequate yearly progress, which goals and objectives shall be consistent with State standards;

"(vi) identify how the local educational agency will provide written notification regarding the identification to parents of students enrolled in elementary schools and secondary schools served by the local educational agency in a format, and to the extent practicable, in a language that the parents can understand;

"(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan, including technical assistance to be provided by the State educational agency under paragraph (5); and

"(viii) include strategies to promote effective parental involvement in the school.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—(A) For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance, as authorized under section 1117, to better enable the local educational agency to—

"(i) develop and implement the local educational agency's revised plan; and

"(ii) work with schools needing improvement.

"(B) Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies tied to scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 1118 and the professional development activities described in section 1119.";

"(6) CORRECTIVE ACTION.—(A)(i) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (5) and taking other remediation measures, the State educational agency may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3), but shall take such action, consistent with State and local law, with respect to any local educational agency that continues to fail to make adequate progress at the end of the second year following identification under paragraph (3).

"(ii) The State educational agency shall continue to provide technical assistance while implementing any corrective action.

"(B) Consistent with State and local law, in the case of a local educational agency subject to corrective action under this paragraph, the State educational agency shall not take less than 1 of the following corrective actions:

"(i) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate professional development tied to scientifically based research for all relevant staff that offers substantial promise of improving educational achievement for low-performing students.

"(ii) Restructuring or abolishing the local educational agency.

"(iii) Reconstituting school district personnel.

"(iv) Removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools.

"(v) Appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(vi) Deferring, reducing, or withholding funds.

"(C) HEARING.—Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

"(D) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

"(E) DELAY.—A State educational agency may delay, for a period not to exceed one year, implementation of corrective action under this paragraph only if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

"(F) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Better Education for Students and Teachers Act for a local educational agency designated for improvement or corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.

"(7) SPECIAL RULES.—(A) If a local educational agency makes adequate progress toward meeting the State's standards for two consecutive years following identification under paragraph (3), the State educational agency need no longer subject the local educational agency to corrective action for the succeeding school year.

"(B) The Secretary, through negotiated rulemaking, shall establish regulations that set guidelines for determining adequate yearly progress for a local educational agency that was identified for corrective action under this subsection.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(f) SUPPLEMENTAL SERVICES.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—In the case of any school described in subsection (c)(7)(D) or (c)(8)(A), the local educational agency serving such school shall, subject to subparagraphs (B) through (E), arrange for the provision of supplemental educational services to children in the school whose parents request those services, from providers approved for that purpose by the State educational agency and selected by the parents.

"(B) MAXIMUM ALLOCATION.—The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection is equal to the lesser of—

"(i) the amount of the agency's allocation under subpart 2 of this part, divided by the number of children from low-income families enrolled in the agency's schools; or

"(ii) the actual costs of the supplemental educational services received by the child.

"(C) FINANCIAL OBLIGATION OF LEA.—The local educational agency shall enter into agreements with such approved providers to provide services under this subsection to all children whose parents request the services, except that—

"(i) the local educational agency may use not more than a total of 15 percent of its allocation under this part for any fiscal year to pay for services under this subsection or to provide or provide for transportation under subsection (c)(9); and

"(ii) the total amount described in clause (i) is the maximum amount the local educational agency is required to spend under this part on those services.

"(D) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (C) available to provide services under this subsection is insufficient to provide those services to each child whose parents request the services, then the local educational agency shall give priority to providing the services to the lowest-achieving children.

"(E) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under this part to a school described in subsection (c)(7)(D) or (c)(8)(A).

"(2) ADDITIONAL LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

"(A) provide annual notice to parents (in a format and, to the extent practicable, in a language the parents can understand) of—

"(i) the availability of services under this subsection;

"(ii) the eligible providers of those services that are within the school district served by the agency or whose services are reasonably available in neighboring school districts; and

"(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

"(B) provide annual notice to potential providers of supplemental services in the school district of the agency of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be a provider of those services;

"(C) if requested, assist parents to choose a provider from the list of approved providers maintained by the State;

"(D) apply fair and equitable procedures for serving students if spaces at eligible providers are not sufficient to serve all students;

"(E) enter into an agreement with each selected provider that includes a statement for each child, developed with the parents of the child and the provider, of specific performance goals for the student, how the student's progress will be measured, and how the parents and the child's teachers will be regularly informed of the child's progress and that, in the case of a child with disabilities, is consistent with the child's individualized education program under section 614(d) of the Individuals with Disabilities Education Act; and

"(F) not disclose to the public the identity of any child eligible for, or receiving, supplemental services under this subsection without the written permission of the parents of the child.

"(3) ADDITIONAL STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency shall, in consultation with local educational agencies, parents, teachers, and other interested members of the public—

"(A) promote maximum participation under this subsection by service providers to ensure, to the extent practicable, that parents have as many choices of those providers as possible;

"(B) develop and apply objective criteria to potential service providers that are based on demonstrated effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the State content and student performance standards adopted under section 1111(b)(1);

"(C) maintain an updated list of approved service providers in school districts served by local educational agencies subject to this subsection, from which parents may select;

"(D) develop and implement standards and techniques for monitoring, and publicly reporting on, the quality and effectiveness of the services offered by service providers, and for withdrawing approval from providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

"(E) ensure that all approved providers meet applicable health and safety codes.

"(4) WAIVER.—A State educational agency may waive the requirements of this subsection for a local educational agency that demonstrates to the State educational agency's satisfaction that its list of approved service providers does not include any providers whose services are reasonably available geographically to children in that local educational agency.

"(5) SPECIAL RULE.—If State law prohibits a State educational agency from carrying out any of its responsibilities under this subsection, each local educational agency in the State shall carry out those prohibited responsibilities with respect to those who provide, or seek approval to provide, services to students who attend schools served by the local educational agency.

"(6) DEFINITION.—In this subsection, the term 'supplemental educational services' means tutoring and other supplemental academic enrichment services that—

"(A) are of high quality, research-based, focused on academic content, and directed exclusively at raising student proficiency in meeting the State's challenging content and student performance standards; and

"(B) are provided outside of regular school hours.".

SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

"(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

"(C) third, provide support and assistance to other local educational agencies and schools participating under this part that need support and assistance in order to achieve the purpose of this part.";

(2) in subsection (b), by striking "the comprehensive regional technical assistance centers under part A of title XIII and" and inserting "comprehensive regional technical assistance centers, and"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) APPROACHES.—

"(A) IN GENERAL.—In order to achieve the purpose described in subsection (a), each such system shall give priority to using funds made available to carry out this section—

"(i) to establish school support teams for assignment to and working in schools in the State that are described in subsection (a)(3)(A); and

"(ii) to provide such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

"(B) COMPOSITION.—Each school support team shall be composed of persons knowledgeable about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—

"(i) teachers;

"(ii) pupil services personnel;

"(iii) parents;

"(iv) distinguished teachers or principals;

"(v) representatives of institutions of higher education;

"(vi) regional educational laboratories or research centers;

"(vii) outside consultant groups; or

"(viii) other individuals as the State educational agency, in consultation with the local educational agency, may determine appropriate.

"(C) FUNCTIONS.—Each school support team assigned to a school under this section shall—

"(i) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performances in that school;

"(ii) collaborate, with school staff and the local educational agency serving the school, in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to improve student performance and help the school meet its goals for improvement, including adequate yearly progress under section 1111(b)(2)(B);

"(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations (including the need for additional resources, professional development, or compensation) to the school, the local educational agency, and, where appropriate, the State educational agency; and

"(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency and the State educational agency concerning additional assistance and resources that are needed by the school or the school support team.

"(D) CONTINUATION OF ASSISTANCE.—After 1 school year, the school support team may recommend that the school support team continue to provide assistance to the school, or that the local educational agency or the State educational agency, as appropriate, take alternative actions with regard to the school.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "part which" and all that follows through the period and inserting "part."; and

(ii) in subparagraph (C)—

(I) by striking "and may" and inserting "(and may"; and

(II) by striking "exemplary performance" and inserting "exemplary performance)"; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "EDUCATORS" and inserting "TEACHERS AND PRINCIPALS";

(ii) by amending subparagraph (A) to read as follows:

"(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.";

(iii) in subparagraph (B), by striking "educators" and inserting "teachers or principals"; and

(iv) by striking subparagraph (C).

SEC. 119. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting "activities to improve student achievement and student and school performance" after "involvement";

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting "(in a language parents can understand)" after "distribute"; and

(B) in the second sentence, insert "shall be made available to the local community and" after "Such policy";

(3) in subsection (e)—

(A) in paragraph (1), by striking "participating parents in such areas as understanding the National Education Goals," and inserting "parents of children served by the school or local educational agency, as appropriate, in understanding";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(C) using technology, as appropriate, to foster parental involvement;";

(C) in paragraph (14), by striking "and" after the semicolon;

(D) by amending paragraph (15) to read as follows:

"(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and"; and

(E) by adding at the end the following:

"(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.";

(4) in subsection (f), by striking "or with" and inserting ", parents of migratory children, or parents with"; and

(5) by striking subsection (g) and inserting the following:

"(g) Information From Parental Information and Resource Centers.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"(h) Review.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.".

SEC. 120. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;";

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

"(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;";

(D) in subparagraph (E) (as so redesignated), by striking "title III of the Goals 2000: Educate America Act,";

(E) in subparagraph (F) (as so redesignated), by striking "and" after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

"(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

"(i) in the classroom to improve teaching and learning in the curriculum; and

"(ii) in academic content areas in which the teachers provide instruction; and

"(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development."; and

(2) in subsection (g), by striking "title III of the Goals 2000: Educate America Act," and inserting "other Acts".

SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) Amendments.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119" before the period;

(B) in paragraph (3), by inserting "and shall be provided in a timely manner" before the period; and

(C) in paragraph (4), insert "as determined by the local educational agency each year or every 2 years" before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and where" and inserting ", where, and by whom";

(ii) by amending subparagraph (D) to read as follows:

"(D) how the services will be assessed and how the results of that assessment will be used to improve those services;";

(iii) in subparagraph (E), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services."; and

(B) by adding at the end the following:

"(4) Consultation.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

"(5) Compliance.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely, and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c) Allocation for Equitable Service to Private School Students.—

"(1) Calculation.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

"(A) using the same measure of low-income used to count public school children;

"(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

"(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

"(2) Complaint process.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 8.";

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking "14505 and 14506" and inserting "8 and 9";

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking "If a" and inserting the following:

"(1) In general.—If a"; and

(D) by adding at the end the following:

"(2) Determination.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program."; and

(6) by repealing subsection (f) (as so redesignated).

(b) Effective Date.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) Conforming Amendment.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking "14501 of this Act" and inserting "4".

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

"SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.";

(2) in subsection (c), by striking "Head Start Act Amendments of 1994" and inserting "Head Start Amendments of 1998"; and

(3) by adding at the end the following:

"(d) Early Childhood Services.—A local educational agency may use funds received under this part to provide preschool services—

"(1) directly to eligible preschool children in all or part of its school district;

"(2) through any school participating in the local educational agency's program under this part; or

"(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

"(e) Early Childhood Education Programs.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

"(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use scientifically based research approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading;

"(2) teach children to understand and use language in order to communicate for various purposes;

"(3) enable children to develop and demonstrate an appreciation of books; and

"(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.".

SEC. 120C. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) Reservation of Funds.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) Assistance to the Outlying Areas.—

"(1) In general.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

"(2) Competitive grants.—

"(A) In general.—For fiscal year 2002 and each of the 6 succeeding fiscal years, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) Uses.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

"(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(ii) to provide direct educational services.

"(C) Administrative costs.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) Allotment to the Secretary of the Interior.—

"(1) In general.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) Payments.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) In General.—For each of the fiscal years 2002 through 2008—

"(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2001, shall be allocated in accordance with section 1124;

"(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2001, shall be allocated in accordance with section 1124A; and

"(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

"(b) Adjustments Where Necessitated by Appropriations.—

"(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) Additional funds.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

"(c) Hold-Harmless Amounts.—

"(1) In general.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than—

"(A) 95 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, served by the local educational agency;

"(B) 90 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is not less than 15 percent and not more than 30 percent; and

"(C) 85 percent of the amount made available to the local educational agency under each such section for the preceding fiscal year if such percentage is less than 15 percent.

"(2) Special rules.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

"(3) County calculation basis.—For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

"(d) Ratable Reductions.—

"(1) In general.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) Additional funds.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

"SEC. 1123. DEFINITIONS.

"In this subpart:

"(1) Freely associated states.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

"(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

"(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

"(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

"(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

"(bb) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small local educational agencies.

"(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

"(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

"(iii) DEFINITIONS.—In this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

"(3) ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

"(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

"(i) using precisely the same factors for determining a grant as are used under this section; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

"(C) the number of children determined under paragraph (4) for the preceding year (as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county shall be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

“(5) Estimate.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

“(d) State Minimum.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

“(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(2) the average of—

“(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

“(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Eligibility for and Amount of Grants.—

“(1) Eligibility.—

“(A) In general.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) who are served by the agency exceeds—

“(i) 6,500; or

“(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

“(B) Minimum.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

“(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

“(ii) the average of—

“(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

“(II) the greater of—

“(aa) $340,000; or

“(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

“(2) Determination.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

“(A) the number of children counted under section 1124(c) for that fiscal year; and

“(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

“(3) Amount.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

“(4) Local allocations.—

“(A) In general.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(B) Special rule.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

“(b) Ratable Reduction Rule.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(c) States Receiving 0.25 Percent or Less.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

“(1) in accordance with paragraphs (2) and (4) of subsection (a); or

“(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

“(a) Eligibility of Local Educational Agencies.—

“(1) In general.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

“(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

“(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

“(2) Special rule.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

“(b) Grants for Local Educational Agencies, the District of Columbia, and the Commonwealth of Puerto Rico.—

“(1) In general.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

“(A) the weighted child count determined under subsection (c); and

“(B) the amount determined under section 1124(a)(1)(B).

“(2) Puerto rico.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

“(c) Weighted Child Count.—

“(1) Weights for allocations to counties.—

“(A) In general.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) By percentage of children.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 29.20 percent of such population, multiplied by 4.0.

“(C) By number of children.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 2.5; and “(v) the number of such children in excess of 93,811 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

“(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 15.233 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children who constitute more than 15.233 percent, but not more than 22.706 percent, of such population, multiplied by 1.75;

“(iii) the number of such children who constitute more than 22.706 percent, but not more than 32.213 percent, of such population, multiplied by 2.5;

“(iv) the number of such children who constitute more than 32.213 percent, but not more than 41.452 percent, of such population, multiplied by 3.25; and

“(v) the number of such children who constitute more than 41.452 percent of such population, multiplied by 4.0.

“(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

“(i) the number of children determined under section 1124(c) who constitute not more than 710, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

“(ii) the number of such children between 711 and 2,384, inclusive, in such population, multiplied by 1.5;

“(iii) the number of such children between 2,385 and 9,645, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 9,646 and 54,600, inclusive, in such population, multiplied by 2.5; and

“(v) the number of such children in excess of 54,600 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(d) CALCULATION OF GRANT AMOUNTS.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than 0.5 percent, of the total amount made available to carry out this section for such fiscal year.

“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

“(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

“(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

“(i) such State's effort factor described in paragraph (2); multiplied by

“(ii) 1.30 minus such State's equity factor described in paragraph (3).

“(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.5 percent of the total amount appropriated under subsection (e) for the fiscal year.

“(2) EFFORT FACTOR.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

“(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

“(3) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Better Education for Students and Teachers Act) or a State with only 1 local educational agency shall be not greater than 0.10.

“(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

“(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

“(d) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

“(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

“(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

“(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

“(b) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

“(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

“(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

“(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

“(c) Reallocation.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“SEC. 1127. CARRYOVER AND WAIVER.

“(a) Limitation on Carryover.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) Waiver.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

“(2) supplemental appropriations for this subpart become available.

“(c) Exclusion.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.”.

PART B—LITERACY FOR CHILDREN AND FAMILIES

SEC. 121. READING FIRST.

Part B of title I (20 U.S.C. 6361 et seq.) is amended—

(1) by striking the part heading and inserting the following:

“PART B—LITERACY FOR CHILDREN AND FAMILIES”;

(2) by inserting after the part heading the following:

“Subpart 1—William F. Goodling Even Start Family Literacy Programs”;

(3) in sections 1201 through 1212, by striking “this part” each place such term appears and inserting “this subpart”; and

(4) by adding at the end the following:

“Subpart 2—Reading First”

“SEC. 1221. PURPOSES.

“The purposes of this subpart are as follows:

“(1) To provide assistance to States and local educational agencies in establishing reading programs for students in grades kindergarten through 3 that are grounded in scientifically based reading research, in order to ensure that every student can read at grade level or above by the end of the third grade.

“(2) To provide assistance to States and local educational agencies in preparing teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools effectively to help their student to learn to read.

“(3) To provide assistance to States and local educational agencies in selecting or developing rigorous diagnostic reading assessments that document the effectiveness of this subpart in improving students' reading and in holding grant and subgrant recipients accountable for their results.

“(4) To provide assistance to States and local educational agencies in selecting or developing effective instructional materials, programs, and strategies to implement methods that have been proven to prevent or remediate reading failure within a State or States.

“(5) To strengthen coordination among schools, early literacy programs, and family literacy programs in order to improve reading achievement for all children.

“SEC. 1222. FORMULA GRANTS TO STATES; COMPETITIVE SUBGRANTS TO LOCAL AGENCIES.

“(a) In General.—In the case of each State that in accordance with section 1224 submits to the Secretary an application for a 5-year period, the Secretary, subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d). The grant shall consist of the allotment determined for the State under subsection (b).

“(b) Determination of Amount of Allotment.—

“(1) In general.—From the total amount made available to carry out this subpart for any fiscal year and not reserved under section 1225, the Secretary shall allot 75 percent under this section among each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(2) State allotments.—The Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the amount all local educational agencies in a State would receive under section 1124.

“(3) Reallotment.—If any State does not apply for an allotment under this section for any fiscal year, or if the State's application is not approved, the Secretary shall reallot such amount to the remaining States in accordance with paragraph (2).

“(c) Subgrants to Local Educational Agencies.—

“(1) Distribution of subgrants.—The Secretary may make a grant to a State under this section only if the State agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with this subsection, competitive subgrants to eligible local educational agencies.

“(2) Notice.—A State receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

“(3) Local application.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

“(4) Definition of eligible local educational agency.—In this subpart the term ‘eligible local educational agency’ means a local educational agency that—

“(A) has a high percentage of students in grades kindergarten through 3 reading below grade level; and

“(B) has—

“(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

“(ii) jurisdiction over at least 1 school that is identified for school improvement under section 1116(c); or

“(iii) a high percentage of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

“(5) State requirement.—In distributing subgrant funds to local educational agencies, a State shall provide the funds in sufficient amounts to enable local educational agencies to improve reading, as measured by scores on rigorous diagnostic reading assessments.

“(6) Local priority.—In distributing subgrant funds under this subsection a local educational agency shall give priority to providing the funds to schools that—

“(A) have a high percentage of students in grades kindergarten through 3 reading below grade level;

“(B) are identified for school improvement under section 1116(c); or

“(C) have a high percentage of children counted under section 1124(c).

“(7) Local uses of funds.—Subject to paragraph (8), a local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

“(A) Selecting or developing, and administering, a rigorous diagnostic reading assessment.

“(B) Selecting or developing, and implementing, a program or programs of reading instruction grounded on scientifically based reading research that—

“(i) includes the major components of reading instruction; and

“(ii) provides such instruction to all children, including children who—

“(I) may have reading difficulties;

“(II) are at risk of being referred to special education based on these difficulties;

“(III) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, and have not been identified as being a child with a disability (as defined in section 602 of such Act);

“(IV) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of such Act) related to reading; or

“(V) are identified as having limited English proficiency (as defined in section 3501).

“(C) Procuring and implementing instructional materials grounded on scientifically based reading research.

“(D) Providing professional development for teachers of grades kindergarten through 3 that—

“(i) will prepare these teachers in all of the major components of reading instruction;

“(ii) shall include—

“(I) information on instructional materials, programs, strategies, and approaches grounded on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

“(II) instruction in the use of rigorous diagnostic reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and “(iii) may be provided by eligible professional development providers or otherwise.

“(E) Promoting reading and library programs that provide access to engaging reading material.

“(F) Providing training to individuals who volunteer to be reading tutors for students to enable the volunteers to support instructional practices that are based on scientific reading research and being used by the student's teacher.

“(G) Assisting parents, through the use of materials, programs, strategies and approaches, that are based on scientific reading research, to help support their children's reading development.

“(H) Collecting and summarizing data from rigorous diagnostic reading assessments—

“(i) to document the effectiveness of this subpart in individual schools and in the local educational agency as a whole; and

“(ii) to stimulate and accelerate improvement by identifying the schools that produce the significant gains in reading achievement.

“(I) Reporting data in the same manner as data is reported under section 1116(c).

“(9) LOCAL PLANNING AND ADMINISTRATION.—A local educational agency that receives a subgrant under this subsection may use not more than 5 percent of the funds provided under the subgrant for planning and administration.

“(d) OTHER STATE USES OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section may expend not more than a total of 20 percent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

“(2) PRIORITY.—A State shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

“(3) PROFESSIONAL DEVELOPMENT.—A State that receives a grant under this section may expend not more than 15 percent of the amount of the funds provided under the grant to develop and implement a program of professional development for teachers of grades kindergarten through 3 that—

“(A) will prepare these teachers in all of the major components of reading instruction;

“(B) shall include—

“(i) information on instructional materials, programs, strategies, and approaches grounded on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

“(ii) instruction in the use of rigorous diagnostic reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

“(C) may be provided by eligible professional development providers or otherwise.

“(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.—A State that receives a grant under this section may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following authorized State activities:

“(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a program under this subpart, including—

“(i) selecting and implementing a program or programs of reading instruction grounded on scientifically based reading research;

“(ii) selecting or developing rigorous diagnostic reading assessments; and

“(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in subparagraphs (A) and (B).

“(B) Providing expanded opportunities to students in grades kindergarten through 3 within eligible local educational agencies for receiving reading assistance from alternative providers that includes—

“(i) a rigorous diagnostic reading assessment; and

“(ii) instruction in the major components of reading that is based on scientific reading research.

“(3) PLANNING, ADMINISTRATION, AND REPORTING.—

“(A) IN GENERAL.—A State that receives a grant under this section shall expend not more than 5 percent of the amount of the funds provided under the grant for the activities described in this paragraph.

“(B) PLANNING AND ADMINISTRATION.—A State that receives a grant under this section may expend funds made available under subparagraph (A) for planning and administration relating to the State uses of funds authorized under this subpart, including the following:

“(i) Administering the distribution of competitive subgrants to local educational agencies under sections 1222 and 1223.

“(ii) Collecting and summarizing data from rigorous diagnostic reading assessments—

“(I) to document the effectiveness of this subpart in individual local educational agencies and in the State as a whole; and

“(II) to stimulate and accelerate improvement by identifying the local educational agencies that produce significant gains in reading achievement.

“(C) ANNUAL REPORTING.—

“(i) IN GENERAL.—A State that receives a grant under this section shall expend funds provided under the grant to provide the Secretary annually with a report on the implementation of this subpart. The report shall include evidence that the State is fulfilling its obligations under this subpart. The report shall also include the data required under subsection (c)(7)(H) to be reported to the State by local educational agencies. The report shall include a specific identification of those local educational agencies that report significant gains in reading achievement overall and such gains based on disaggregated data, reported in the same manner as data is reported under section 1116(c).

“(ii) PRIVACY PROTECTION.—Data in the report shall be reported in a manner that protects the privacy of individuals.

“(iii) CONTRACT.—To the extent practicable, a State shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the State in producing the reports required to be submitted under this subparagraph.

“SEC. 1223. COMPETITIVE GRANTS TO STATES; COMPETITIVE SUBGRANTS TO LOCAL AGENCIES.

“(a) IN GENERAL.—In the case of a State that in accordance with section 1224 submits to the Secretary an application, the Secretary may award a grant, on a competitive basis, to the State for the use specified in subsection (c). The grant shall consist of the allotment determined for the State under subsection (b).

“(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

“(1) IN GENERAL.—From the total amount made available to carry out this subpart for any fiscal year referred to in subsection (a) that is neither used under section 1222 nor reserved under section 1225, the Secretary may allot such remaining amount under this section among each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(2) STATE ALLOTMENTS.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Secretary shall allot such funds to those States that demonstrate the most effective implementation of this subpart, as determined by the peer review panel convened under section 1224 based upon the application contents described in subparagraph (B).

“(B) APPLICATION CONTENTS.—A State that desires to receive a grant under this section shall include in its application the following:

“(i) Evidence that the State has carried out its obligations under this subpart.

“(ii) Evidence that the State has increased significantly the percentage of students reading at grade level or above by the end of the third grade.

“(iii) Evidence that the State has been successful in reducing the reading deficit in terms of the percentage of students in ethnic, racial, and low-income populations who are reading at grade level or above by the end of the third grade.

“(iv) The amount of funds being requested by the State and a description of the criteria the State intends to use in distributing subgrants to local educational agencies under this section to continue or expand activities under this subpart.

“(v) Any additional evidence that demonstrates success in the implementation of this subpart.

“(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—The Secretary may make a grant to a State under this section only if the State agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to local educational agencies.

“(2) NOTICE.—A State receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

“(3) APPLICATION.—To apply for a subgrant under this subsection, an eligible local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

“(4) DISTRIBUTION.—A State shall distribute funds under this section, on a competitive basis, based on the following criteria:

“(A) Evidence that a local educational agency has carried out its obligations under this subpart.

“(B) Evidence that a local educational agency has increased significantly the percentage of students reading at grade level or above by the end of the third grade.

“(C) Evidence that a local educational agency has been successful in reducing the reading deficit in terms of the percentage of students in ethnic, racial, and low-income populations who are reading at grade level or above by the end of the third grade.

“(D) The amount of funds being requested by a local educational agency in its application under paragraph (3) and the description in such application of how such funds will be used to support the continuation or expansion of the agency's programs under this subpart.

“(E) Evidence that the local educational agency will work with other eligible local educational agencies in the State who have not received a subgrant under this subsection to assist such nonreceiving agencies in increasing the reading achievement of students.

“(F) Any additional evidence in a local educational agency's application under paragraph (3) that demonstrates success in the implementation of this subpart.

“(5) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the activities described in subparagraphs (A) through (G) of section 1222(c)(7).

“SEC. 1224. STATE APPLICATIONS.

“(a) IN GENERAL.—A State that desires to receive a grant under this subpart shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b).

“(b) CONTENTS.—An application under this section shall contain the following:

“(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

“(A) coordinated the development of the application; and

“(B) will assist in the oversight and evaluation of the State's activities under this subpart.

“(2) A description of a strategy to expand, continue, or modify activities commenced under part C of title II of this Act (as such part was in effect on the day before the date of the enactment of the Better Education for Students and Teachers Act).

“(3) An assurance that the State will submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a State plan containing a description of the following:

“(A) How the State will assist local educational agencies in identifying rigorous diagnostic reading assessments.

“(B) How the State will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, grounded on scientifically based reading research, including early intervention and reading remediation materials, programs and approaches.

“(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under this subpart are—

“(i) coordinated with other State and local level funds and used effectively to improve instructional practices for reading; and

“(ii) based on scientifically based reading research.

“(D) How the activities assisted under this subpart will address the needs of teachers and other instructional staff in schools receiving assistance under this subpart and will effectively teach students to read.

“(E) The extent to which the activities will prepare teachers in all the major components of reading instruction.

“(F) How subgrants made by the State educational agency under this subpart will meet the requirements of this subpart, including how the State educational agency will ensure that local educational agencies receiving subgrants under this subpart will use practices based on scientifically based reading research.

“(G) How the State educational agency will, to the extent practicable, make grants to subgrantees in both rural and urban areas.

“(H) How the State educational agency—

“(i) will build on, and promote coordination among, literacy programs in the State (including federally funded programs such as the Adult Education and Family Literacy Act and the Individuals with Disabilities Education Act), in order to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program; and

“(ii) will assess and evaluate, on a regular basis, local educational agency activities assisted under this subpart, with respect to whether they have been effective in achieving the purposes of this subpart.

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall approve an application of a State under this section only if such application meets the requirement of this section.

“(2) PEER REVIEW.—

“(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

“(i) 3 individuals selected by the Secretary;

“(ii) 3 individuals selected by the National Institute for Literacy;

“(iii) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

“(iv) 3 individuals selected by the National Institute of Child Health and Human Development.

“(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, and experts who provide professional development to other instructional staff, based on scientifically based reading research.

“(C) RECOMMENDATIONS.—The panel shall recommend grant applications from States under this section to the Secretary for funding or for disapproval.

“(d) READING AND LITERACY PARTNERSHIPS.—

“(1) REQUIRED PARTICIPANTS.—In order for a State to receive a grant under this subpart, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership consisting of at least the following participants:

“(A) The Governor of the State.

“(B) The chief State school officer.

“(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

“(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one local educational agency that is eligible to receive a subgrant under section 1222.

“(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

“(F) State directors of appropriate Federal or State programs with a strong reading component.

“(G) A parent of a public or private school student or a parent who educates their child or children in their home, selected jointly by the Governor and the chief State school officer.

“(H) A teacher who successfully teaches reading and an instructional staff member, selected jointly by the Governor and the chief State school officer.

“(I) A family literacy service provider selected jointly by the Governor and the chief state school officer.

“(2) OPTIONAL PARTICIPANTS.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

“(A) an institution of higher education operating a program of teacher preparation based on scientifically based reading research in the State;

“(B) a local educational agency;

“(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

“(D) an adult education provider;

“(E) a volunteer organization that is involved in reading programs; or

“(F) a school library or a public library that offers reading or literacy programs for children or families.

“(3) PREEXISTING PARTNERSHIP.—If, before the date of the enactment of the Better Education for Students and Teachers Act, a State established a consortium, partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on the day before the date of the enactment of the Better Education for Students and Teachers Act), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subpart notwithstanding that it does not satisfy the requirements of paragraph (1).

“SEC. 1225. RESERVATIONS FROM APPROPRIATIONS.

“From the amounts appropriated to carry out this subpart for a fiscal year, the Secretary—

“(1) may reserve not more than 1 percent to carry out section 1226 (relating to national activities); and

“(2) shall reserve $5,000,000 to carry out section 1227 (relating to information dissemination).

“SEC. 1226. NATIONAL ACTIVITIES.

“From funds reserved under section 1225(1), the Secretary—

“(1) through grants or contracts, shall conduct an evaluation of the program under this subpart using criteria recommended by the peer review panel convened under section 1224; and

“(2) may provide technical assistance in achieving the purposes of this subpart to States, local educational agencies, and schools requesting such assistance.

“SEC. 1227. INFORMATION DISSEMINATION.

“(a) IN GENERAL.—From funds reserved under section 1225(2), the National Institute for Literacy, in collaboration with the Departments of Education and Health and Human Services, including the National Institute for Child Health and Human Development, shall—

“(1) disseminate information on scientifically based reading research pertaining to children, youth, and adults;

“(2) identify and disseminate information about schools, local educational agencies, and States that effectively developed and implemented reading programs that meet the requirements of this subpart, including those effective States, local educational agencies, and schools identified through the evaluation and peer review provisions of this subpart; and

"(3) support the continued identification of scientifically based reading research that can lead to improved reading outcomes for children, youth, and adults through evidenced-based assessments of the scientific research literature.

"(b) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate such information to recipients of Federal financial assistance under titles I and III, the Head Start Act, the Individuals With Disabilities Education Act, and the Adult Education and Family Literacy Act. In carrying out this section, the National Institute for Literacy shall, to the extent practicable, utilize existing information and dissemination networks developed and maintained through other public and private entities.

"(c) USE OF FUNDS.—The National Institute for Literacy may use not more than 5 percent of the funds made available under section 1225(2) for administrative purposes directly related to carrying out of activities authorized by this section.

"SEC. 1228. DEFINITIONS.

"For purposes of this subpart:

"(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers that is based on scientifically based reading research.

"(2) INSTRUCTIONAL STAFF.—The term 'instructional staff'—

"(A) means individuals who have responsibility for teaching children to read; and

"(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

"(3) MAJOR COMPONENTS OF READING INSTRUCTION.—The term 'major components of reading instruction' means systematic instruction that includes—

"(A) phonemic awareness;

"(B) phonics;

"(C) vocabulary development;

"(D) reading fluency; and

"(E) reading comprehension strategies.

"(4) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

"(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

"(B) The ability to decode unfamiliar words.

"(C) The ability to read fluently.

"(D) Sufficient background information and vocabulary to foster reading comprehension.

"(E) The development of appropriate active strategies to construct meaning from print.

"(F) The development and maintenance of a motivation to read.

"(5) RIGOROUS DIAGNOSTIC READING ASSESSMENT.—The term 'rigorous diagnostic reading assessment' means a diagnostic reading assessment that—

"(A) is valid, reliable, and grounded in scientifically based reading research;

"(B) measures progress in phonemic awareness and phonics, vocabulary development, reading fluency, and reading comprehension; and

"(C) identifies students who may be at risk for reading failure or who are having difficulty reading.

"(6) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.".

SEC. 122. EARLY READING INITIATIVE.

Part B of title I (20 U.S.C. 6361 et seq.) is amended further by adding at the end the following:

"Subpart 3—Early Reading First

"SEC. 1241. PURPOSES.

"The purposes of this subpart are as follows:

"(1) To support local efforts to enhance the school readiness of young children, particularly those from low-income families, through scientific, research-based strategies and professional development that are designed to enhance the early language and literacy development of children aged 3 through 5.

"(2) To provide children aged 3 through 5 with cognitive learning opportunities in high-quality language and literature-rich environments, so that they can attain the fundamental knowledge necessary for optimal reading development in kindergarten and beyond.

"(3) To integrate these learning opportunities with family literacy services.

"(4) To demonstrate research-based language and literacy activities, which can be integrated with existing preschool programs, that support the age-appropriate development of letter knowledge, letter sounds and blending of sounds, words, the use of books, and the understanding and use of an increasingly complex and rich spoken vocabulary, developed in part through teacher-read stories, as well as other activities that build a strong foundation for learning to read.

"SEC. 1242. LOCAL EARLY READING FIRST GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(3), the Secretary shall award grants, on a competitive basis, for periods of not more than 4 years, to eligible applicants to enable the eligible applicants to carry out activities that are consistent with the purposes of this subpart.

"(b) DEFINITION OF ELIGIBLE APPLICANT.—In this subpart the term 'eligible applicant' means—

"(1) one or more local educational agencies that are eligible to receive a subgrant under subpart 2;

"(2) one or more public or private organizations, acting on behalf of 1 or more programs that serve preschool age children (such as a program at a Head Start center or a family literacy program), which organizations shall be located in a community served by a local educational agency described in paragraph (1); or

"(3) one or more local educational agencies described in paragraph (1) in collaboration with one or more organizations described in paragraph (2).

"(c) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary which shall include a description of—

"(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the children enrolled in the programs;

"(2) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy and prereading activities using scientifically based research, for children ages 3 through 5;

"(3) how the proposed project will provide services and utilize materials that are based on scientifically based research on early language acquisition, prereading activities, and the development of spoken vocabulary skills;

"(4) how the proposed project will help staff in the programs to meet the diverse needs of children in the community better, including children with limited English proficiency, disabilities, or other special needs;

"(5) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and literacy skills, to make the transition from preschool to formal classroom instruction in school;

"(6) if the eligible applicant has received a subgrant under subpart 2, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 2 at the kindergarten through third-grade level;

"(7) how the proposed project will determine the success of the activities supported under this subpart in enhancing the early language and literacy development of children served by the project; and

"(8) such other information as the Secretary may require.

"(d) APPROVAL OF APPLICATIONS.—The Secretary shall select applicants for funding under this subpart on the basis of the quality of the applications, in consultation with the National Institute for Child Health and Human Development, the National Institute for Literacy, and the National Academy of Sciences. The Secretary shall select applications for approval under this subpart on the basis of a peer review process.

"(e) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

"SEC. 1243. FEDERAL ADMINISTRATION.

"The Secretary shall consult with the Secretary of Health and Human Services in order to coordinate the activities undertaken under this subpart with early childhood programs administered by the Department of Health and Human Services.

"SEC. 1244. INFORMATION DISSEMINATION.

"From the funds the National Institute for Literacy receives under section 1227, the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.

"SEC. 1245. REPORTING REQUIREMENTS.

"Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart.

"SEC. 1246. EVALUATIONS.

"From the total amount appropriated under section 1002(b)(3) for the period beginning October 1, 2002 and ending September

30, 2008, the Secretary shall reserve not more than $5,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

"SEC. 1247. ADDITIONAL RESEARCH.

"From the amount appropriated under section 1002(b)(3) for each of the fiscal years 2002 through 2006, the Secretary shall reserve not more than $3,000,000 to conduct, in consultation with National Institute for Child Health and Human Development, the National Institute for Literacy, and the Department of Health and Human Services, additional research on language and literacy development for children aged 3 through 5.".

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;";

(3) in paragraph (5) (as so redesignated), by striking "and" after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.".

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "a comprehensive" and all that follows through "1306;" and inserting "the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;";

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under subpart 1 of part A of title III;"; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

"(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

"(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

"(B) in a format and language understandable to the parents;".

SEC. 133. COMPREHENSIVE PLAN.

(a) Comprehensive Plan.—Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "the Goals 2000: Educate America Act,"; and

(B) by striking "14306" and inserting "5506"; and

(2) in subparagraph (B), by striking "14302;" and inserting "5502, if—

"(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

"(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

"(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;".

(b) Authorized Activities.—Section 1306(b)(3) (20 U.S.C. 6396(b)(3)) is amended by inserting ", and shall meet the special educational needs of migrant children before using funds under this part for schoolwide programs under section 1114" before the period.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Access to Information on Migrant Students.—

"(1) Information system.—(A) The Secretary shall establish an information system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information may include—

"(i) immunization records and other health information;

"(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

"(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

"(iv) eligibility for services under the Individuals with Disabilities Education Act.

"(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

"(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Better Education for Students and Teachers Act.

"(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

"(2) Report to congress.—(A) Not later than April 30, 2003, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

"(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.".

(2) in subsection (c), by striking "$6,000,000" and inserting "$10,000,000";

(3) in subsection (d)(1), by striking "$1,500,000" and inserting "$3,000,000"; and

(4) by adding at the end the following:

"(e) Data Collection.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.".

PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH

SEC. 141. INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

"PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

"Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

"SEC. 1401. PURPOSE; PROGRAM AUTHORIZED.

"(a) Purpose.—It is the purpose of this subpart—

"(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

"(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(b) Program Authorized.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

"(a) Agency Subgrants.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

"(b) Local Subgrants.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"Chapter 1—State Agency Programs

"SEC. 1411. ELIGIBILITY.

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children and youth;

"(2) attending community day programs for neglected or delinquent children and youth; or

"(3) in adult correctional institutions.

"SEC. 1412. ALLOCATION OF FUNDS.

"(a) Subgrants to State Agencies.—

"(1) In general.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1411 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children and youth; or

"(II) in community day programs for neglected or delinquent children and youth; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this chapter shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 1413. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this chapter for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 5506.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1431;

"(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) DURATION OF THE PLAN.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

"(6) describes how the agency will carry out evaluation activities and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 4;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

"SEC. 1415. USE OF FUNDS.

"(a) USES.—

"(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

"(A) are consistent with the State plan under section 1414(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) PROGRAMS AND PROJECTS.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1416, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

"(iii) afford such children and youth an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part H of title I; and

"(D) may include the costs of evaluation activities.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

"SEC. 1416. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.

"If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than 1 year, the State educational agency may approve the State agency's application for a subgrant under this chapter for a period of not more than 3 years.

"SEC. 1418. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this chapter for any fiscal year to support projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children and youth in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Chapter 2—Local Agency Programs

"SEC. 1421. PURPOSE.

"The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds made available under section 1412(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

"SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 1424. USES OF FUNDS.

"Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

"Each correctional facility having an agreement with a local educational agency under section 1423(2) to provide services to youth under this chapter shall—

"(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

"(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

"(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

"(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

"(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

"(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"SEC. 1426. ACCOUNTABILITY.

"The State educational agency may—

"(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Chapter 3—General Provisions

"SEC. 1431. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 1432. DEFINITIONS.

"In this subpart:

"(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) AT-RISK YOUTH.—The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

"(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

"(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

"(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

"(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.".

PART E—21st CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM; SCHOOL DROPOUT PREVENTION

SEC. 151. 21st CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part F as part I;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

"PART F—21st CENTURY COMMUNITY LEARNING CENTERS

"SEC. 1601. SHORT TITLE.

"This part may be cited as the '21st Century Community Learning Centers Act'.

"SEC. 1602. PURPOSE.

"The purpose of this part is to provide opportunities to communities to establish or expand activities in community learning centers that—

"(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student performance standards in core academic subjects, such as reading and mathematics;

"(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

"(3) offer families of students enrolled in community learning centers opportunities for lifelong learning and literacy development.

"SEC. 1603. DEFINITIONS.

"In this part:

"(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' is an entity that—

"(A)(i) assists students to meet State content and student performance standards in core academic subjects, such as reading and mathematics, by primarily providing to the students, during non-school hours or periods when school is not in session, tutorial and other academic enrichment services in addition to other activities (such as youth development activities, drug and violence prevention programs, art, music, and recreation programs, technology education programs, and character education programs) that reinforce and complement the regular academic program of the students; and

"(ii) offers families of students enrolled in such center opportunities for lifelong learning and literacy development; and

"(B) is operated by 1 or more local educational agencies, community-based organizations, units of general purpose local government, or other public or private entities.

"(2) COVERED PROGRAM.—The term 'covered program' means a program for which—

"(A) the Secretary made a grant under part I of title X (as in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(B) the grant period had not ended on that date of enactment.

"(3) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means—

"(A) a local educational agency, a community-based organization, a unit of general purpose local government, or another public or private entity; or

"(B) a consortium of entities described in subparagraph (A).

"(4) STATE.—The term 'State' means the State educational agency of a State (as defined in section 3).

"(5) UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.—The term 'unit of general purpose local government' means any city, town, township, parish, village, or other general purpose political subdivision.

"SEC. 1604. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to States to make awards to eligible organizations to plan, implement, or expand community learning centers that serve—

"(1) students who primarily attend—

"(A) schools eligible for schoolwide programs under section 1114; or

"(B) schools that serve a high percentage of students from low-income families; and

"(2) the families of students described in paragraph (1).

“SEC. 1605. ALLOTMENTS TO STATES.

“(a) RESERVATION.—From the funds appropriated under section 1002(g) for any fiscal year, the Secretary shall reserve—

“(1) such amount as may be necessary to make continuation awards for covered programs to grant recipients under part I of title X (under the terms of those grants), as in effect on the day before the effective date of the Better Education for Students and Teachers Act;

“(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to organizations carrying out programs under this part or conducting a national evaluation; and

“(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the areas and the Bureau to carry out the objectives of this part.

“(b) STATE ALLOTMENTS.—

“(1) DETERMINATION.—

“(A) BASIS.—From the funds appropriated under section 1002(g) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except as provided in subparagraph (B).

“(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than ½ of 1 percent of the total amount allotted under subparagraph (A) for a fiscal year.

“(2) DEFINITION.—In this subsection, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“SEC. 1606. STATE PLANS.

“Each State seeking a grant under this part shall submit to the Secretary a plan, which may be submitted as part of a State's consolidated plan under section 5502, at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, the plan shall—

“(1) describe how the State will use funds received under this part, including funds reserved for State-level activities;

“(2) contain an assurance that the State will make awards under this part for eligible organizations only to eligible organizations that propose to serve—

“(A) students who primarily attend—

“(i) schools eligible for schoolwide programs under section 1114; or

“(ii) schools that serve a high percentage of students from low-income families; and

“(B) the families of students described in subparagraph (A);

“(3) describe the procedures and criteria the State will use for reviewing applications and awarding funds to eligible organizations on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed center will help participating students meet local content and performance standards by increasing their academic performance and achievement;

“(4) describe how the State will ensure that awards made under this part are—

“(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

“(B) in amounts that are consistent with section 1608(b);

“(5) contain an assurance that the State—

“(A) will not make awards for programs that exceed 4 years;

“(B) will ensure an equitable distribution of awards among urban and rural areas of the State; and

“(C) will require each eligible organization seeking such an award to submit a plan describing how the center to be funded through the award will continue after funding under this part ends;

“(6) describe the State's performance measures for programs carried out under this part, including measures relating to increased academic performance and achievement, and how the State will evaluate the effectiveness of those programs;

“(7) contain an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part; and

“(8) contain an assurance that the State will require eligible organizations to describe in their applications under section 1609 how the transportation needs of participating students will be addressed.

“SEC. 1607. STATE-LEVEL ACTIVITIES.

“(a) IN GENERAL.—A State that receives an allotment under section 1605 for a fiscal year shall use not more than 6 percent of the funds made available through the allotment for State-level activities described in paragraphs (1) and (2) of subsection (b).

“(b) ACTIVITIES.—

“(1) PLANNING, PEER REVIEW, AND SUPERVISION.—The State may use not more than 3 percent of the funds made available through the allotment to pay for the costs of—

“(A) establishing and implementing a peer review process for applications described in section 1609 (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities);

“(B) supervising the awarding of funds to eligible organizations (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities);

“(C) planning and supervising the use of funds made available under this part, and processing the funds; and

“(D) monitoring activities.

“(2) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—The State may use not more than 3 percent of the funds made available through the allotment to pay for the costs of—

“(A) comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities provided under this part; and

“(B) providing training and technical assistance to eligible organizations who are applicants or recipients of awards under this part.

“SEC. 1608. AWARDS TO ELIGIBLE ORGANIZATIONS.

“(a) AWARDS.—A State that receives an allotment under section 1605 for a fiscal year shall use not less than 94 percent of the funds made available through the allotment to make awards on a competitive basis to eligible organizations.

“(b) AMOUNTS.—The State shall make the awards in amounts of not less than $50,000.

“SEC. 1609. LOCAL APPLICATION.

“(a) APPLICATION.—To be eligible to receive an award under this part, an eligible organization shall submit an application to the State at such time, in such manner, and including such information as the State may reasonably require. Each such application shall include—

“(1) an evaluation of the needs, available resources, and goals and objectives for the proposed community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families); and

“(2) a description of the proposed community learning center, including—

“(A) a description of how the eligible organization will ensure that the program proposed to be carried out at the center will reinforce and complement the instructional programs of the schools that students served by the program attend;

“(B) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program in order to make the most effective use of public resources;

“(C) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

“(D) evidence that the eligible organization has experience, or demonstrates promise of success, in providing educational and related activities that will complement and enhance the students' academic performance and achievement and positive youth development;

“(E) an assurance that the program will take place in a safe and easily accessible school or other facility;

“(F) a description of how students participating in the program carried out by the center will travel safely to and from the center and home;

“(G) a description of how the eligible organization will disseminate information about the program to the community in a manner that is understandable and accessible; and

“(H) a description of a preliminary plan for how the center will continue after funding under this part ends.

“(b) PRIORITY.—In making awards under this part, the State shall give equal priority to applications—

“(1) submitted jointly by schools receiving funding under part A and community-based organizations or other eligible organizations;

“(2) submitted by such schools or consortia of such schools; and

“(3) submitted by community-based organizations or other eligible organizations serving communities in which such schools are located.

“(c) APPROVAL OF CERTAIN APPLICATIONS.—The State may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school, only if the program—

“(1) will be accessible to the students proposed in the application to be served; and

“(2) will be as effective as the program would be if the program were located in such a school.

“PART G—COMPREHENSIVE SCHOOL REFORM

“SEC. 1701. PURPOSE.

“The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and scientifically based research programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

‘‘SEC. 1702. PROGRAM AUTHORIZATION.

‘‘(a) PROGRAM AUTHORIZED.—

‘‘(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1701.

‘‘(2) ALLOTMENTS.—

‘‘(A) RESERVATIONS.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

‘‘(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part; and

‘‘(ii) not more than 1 percent to conduct national evaluation activities described in section 1707.

‘‘(B) IN GENERAL.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

‘‘(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

‘‘SEC. 1703. STATE APPLICATIONS.

‘‘(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

‘‘(b) CONTENTS.—Each such application shall describe—

‘‘(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

‘‘(2) how the State educational agency will ensure that only comprehensive school reforms that are based on promising and effective practices and scientifically based research programs receive funds under this part;

‘‘(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and scientifically based research programs;

‘‘(4) how the State educational agency will evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

‘‘(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

‘‘SEC. 1704. STATE USE OF FUNDS.

‘‘(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A.

‘‘(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

‘‘(1) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency or consortium;

‘‘(2) in an amount not less than $50,000 for each participating school; and

‘‘(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

‘‘(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

‘‘(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

‘‘(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

‘‘(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

‘‘(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

‘‘(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

‘‘(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, and a description of the comprehensive school reform model selected and used.

‘‘SEC. 1705. LOCAL APPLICATIONS.

‘‘(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

‘‘(b) CONTENTS.—Each such application shall—

‘‘(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

‘‘(2) describe the promising and effective practices and scientifically based research programs that such schools will implement;

‘‘(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and scientifically based research school reforms selected by such schools; and

‘‘(4) describe how the local educational agency or consortium will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

‘‘SEC. 1706. LOCAL USE OF FUNDS.

‘‘(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

‘‘(1) employing innovative strategies for student learning, teaching, and school management that are based on promising and effective practices and scientifically based research programs and have been replicated successfully in schools with diverse characteristics;

‘‘(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

‘‘(3) providing high quality and continuous teacher and staff professional development;

‘‘(4) the inclusion of measurable goals for student performance;

‘‘(5) support for teachers, principals, administrators, and other school personnel staff;

‘‘(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

‘‘(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

‘‘(8) evaluating school reform implementation and student performance; and

‘‘(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the school reform effort.

‘‘(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Secretary, but may develop the school's own comprehensive school reform programs for schoolwide change as described in subsection (a).

‘‘SEC. 1707. NATIONAL EVALUATION AND REPORTS.

‘‘(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

‘‘(b) EVALUATION.—The national evaluation shall—

‘‘(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

‘‘(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

‘‘(c) REPORTS.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

"PART H—SCHOOL DROPOUT PREVENTION

"SEC. 1801. SHORT TITLE.

"This part may be cited as the 'Dropout Prevention Act'.

"SEC. 1802. PURPOSE.

"The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

"(1) challenge all children to attain their highest academic potential; and

"(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

"Subpart 1—Coordinated National Strategy

"SEC. 1811. NATIONAL ACTIVITIES.

"(a) In General.—The Secretary is authorized—

"(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

"(2) to establish and to consult with an interagency working group that shall—

"(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

"(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title; and

"(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, including programs under this title, programs under subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

"(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

"(b) Recognition Program.—

"(1) National guidelines.—The Secretary shall develop uniform national guidelines for the recognition program that shall be used to recognize schools from nominations submitted by State educational agencies.

"(2) Eligible schools.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

"(3) Support.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

"(c) Capacity Building.—

"(1) In general.—The Secretary, through a contract with a non-Federal entity, may conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

"(2) Number and duration.—

"(A) Number.—The Secretary may award not more than 5 contracts under this subsection.

"(B) Duration.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

"(d) Support for Existing Reform Networks.—

"(1) In general.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this chapter.

"(2) Definition of eligible entity.—In this subsection, the term 'eligible entity' means an entity that, prior to the date of enactment of the Dropout Prevention Act—

"(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

"(B) developed and published a specific educational program or design for use by the schools.

"Subpart 2—National School Dropout Prevention Initiative

"SEC. 1821. PROGRAM AUTHORIZED.

"(a) Grants.—

"(1) Discretionary grants.—If the sum appropriated under section 1002(i) for a fiscal year is less than $250,000,000, then the Secretary shall use such sum to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award grants under subsection (b).

"(2) Formula.—If the sum appropriated under section 1002(i) for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such sum to make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under part A for the preceding fiscal year bears to the amount received by all States under such part for the preceding fiscal year.

"(3) Definition of state.—In this subpart, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) Grants.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools that serve students in grades 6 through 12, that have school dropout rates that are the highest of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

"(1) professional development;

"(2) obtaining curricular materials;

"(3) release time for professional staff;

"(4) planning and research;

"(5) remedial education;

"(6) reduction in pupil-to-teacher ratios;

"(7) efforts to meet State student achievement standards;

"(8) counseling and mentoring for at-risk students; and

"(9) comprehensive school reform models.

"(c) Amount.—

"(1) In general.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, based on factors such as—

"(i) school size;

"(ii) costs of the model or set of prevention and reentry strategies being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) Increases.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(d) Duration.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1827(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 1822. STRATEGIES AND CAPACITY BUILDING.

"Each school receiving a grant under this subpart shall implement scientifically based research, sustainable, and widely replicated strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes, such as—

"(A) effective early intervention programs designed to identify at-risk students;

"(B) effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

"(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"SEC. 1823. SELECTION OF SCHOOLS.

"(a) School Application.—

"(1) In general.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) Contents.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of coordination with existing resources;

"(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds available for dropout prevention programs;

"(G) describe how the activities to be assisted conform with scientifically based research knowledge about school dropout prevention and reentry; and

"(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

"(b) State Agency Review and Award.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) Eligibility.—A school is eligible to receive a grant under this subpart if the school is—

"(1) a public school (including a public alternative school)—

"(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, or a charter school; and

"(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

"(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(2) participating in a schoolwide program under section 1114 during the grant period.

"(d) Community-Based Organizations.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 122 of the Workforce Investment Act of 1998.

"(e) Coordination.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

"SEC. 1824. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this part shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 1825. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funds to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 1826. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 1827. REPORTING AND ACCOUNTABILITY.

"(a) Reporting.—To receive funds under this subpart for a fiscal year after the first fiscal year that a school receives funds under this subpart, the school shall provide, on an annual basis, to the Secretary and the State educational agency a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1811(a) (such as dropout rates), and a certification of progress from the eligible entity whose strategies the school is implementing.

"(b) Accountability.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 1828. STATE RESPONSIBILITIES.

"(a) Uniform Data Collection.—Within 1 year after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1811(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(b) Attendance-Neutral Funding Policies.—Within 2 years after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(2) specific incentives for retaining enrolled students throughout each year.

"(c) Suspension and Expulsion Policies.—Within 2 years after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall develop uniform, long-term suspension and expulsion policies (that in the case of a child with a disability are consistent with the suspension and expulsion policies under the Individuals with Disabilities Education Act) for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

"(d) Regulations.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 1831. DEFINITIONS.

"In this part:

"(1) Low-income.—The term 'low-income', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5).

"(2) School dropout.—The term 'school dropout' means a youth who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.".

PART F—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 161. STATEMENT OF POLICY.

Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431(3)) is amended by striking "should not be" and inserting "is not".

SEC. 162. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting "and" after "Samoa,"; and

(ii) by striking ", and Palau" and all that follows through "Palau)"; and

(B) in paragraph (3)—

(i) by inserting "or" after "Samoa,"; and

(ii) by striking ", or Palau";

(2) in subsection (e), by adding at the end the following:

"(3) Prohibition on Segregating Homeless Students.—In providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child or youth's status as homeless, except as provided in section 723(a)(2)(B)(ii).";

(3) by amending subsection (f) to read as follows:

"(f) Functions of the Office of Coordinator.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth;

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

"(A) educators, including child development and preschool program personnel;

"(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

"(C) local educational agency liaisons for homeless children and youth; and

"(D) community organizations and groups representing homeless children and youth and their families; and

"(6) provide technical assistance to local educational agencies in coordination with local liaisons established under this subtitle, to ensure that local educational agencies comply with the requirements of section 722(e)(3)."; and

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking "the report" and inserting "the information"; and

(II) by striking "(f)(4)" and inserting "(f)(3)"; and

(ii) by amending subparagraph (H) to read as follows:

"(H) contain assurances that—

"(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

"(ii) local educational agencies serving school districts in which homeless children and youth reside or attend school will—

"(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters and soup kitchens); and

"(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.";

(B) by amending paragraph (3) to read as follows:

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the duration of their homelessness;

"(II) if the child becomes permanently housed, for the remainder of the academic year; or

"(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, doing so is contrary to the youth's wish; and

"(ii) provide a written explanation to the homeless child's or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.

"(C) ENROLLMENT.—

"(i) DOCUMENTATION.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

"(ii) SPECIAL RULE.—The enrolling school immediately shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer the child or youth to the appropriate authorities for such immunizations.

"(iii) DISPUTES.—If a dispute arises over school selection or enrollment in a school, the child or youth shall be admitted immediately to the school in which the parent or guardian (or in the case of an unaccompanied youth, the youth) seeks enrollment pending resolution of the dispute.

"(D) DEFINITION OF SCHOOL OF ORIGIN.—For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(E) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.";

(C) by amending paragraph (6) to read as follows:

"(6) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).

"(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that homeless children and youth have access to available education and related support services; and

"(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in shelters and other challenges associated with homeless children and youth.";

(D) by amending paragraph (7) to read as follows:

"(7) LIAISON.—

"(A) IN GENERAL.—Each local liaison for homeless children and youth designated pursuant to paragraph (1)(H)(ii)(II) shall ensure that—

"(i) homeless children and youth enroll, and have a full and equal opportunity to succeed, in the schools of the local educational agency;

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

"(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

"(iv) public notice of the educational rights of homeless children and youth is posted where such children and youth receive services under this Act (such as family shelters and soup kitchens).

"(B) INFORMATION.—State coordinators in States receiving assistance under this subtitle and local educational agencies receiving assistance under this subtitle shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons for homeless children and youth.

"(C) LOCAL AND STATE COORDINATION.—Liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

"(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local liaison for homeless children and youth shall provide resource information and assist in resolving a dispute under this subtitle if such a dispute arises."; and

(E) by striking paragraph (9).

SEC. 163. LOCAL EDUCATIONAL AGENCY GRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a), by amending paragraph (2) to read as follows:

"(2) SERVICES.—

"(A) IN GENERAL.—Services provided under paragraph (1)—

"(i) may be provided through programs on school grounds or at other facilities;

"(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals; and

"(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

"(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

"(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to clause (ii); and

"(ii) shall not provide services in settings within a school that segregates homeless children and youth from other children and youth, except as is necessary for short periods of time—

"(I) for health and safety emergencies; or

"(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) an assessment of the educational and related needs of homeless children and youth in the school district (which may be undertaken as a part of needs assessments for other disadvantaged groups);"; and

(C) in paragraph (4) (as so redesignated), by striking "(9)" and inserting "(8)"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The State educational agency, in accordance with the requirements of this subtitle and from amounts made available to the State educational agency under section 726, shall award grants, on a competitive basis, to local educational agencies that submit applications under subsection (b). Such grants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the local educational agency's needs assessment under subsection (b)(1) and the likelihood that the program to be assisted will meet the needs;

"(B) the types, intensity, and coordination of services to be assisted under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the local educational agency's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services;

"(G) the extent to which the local educational agency provides case management or related services to homeless children and youth who are unaccompanied by a parent or guardian; and

"(H) such other measures as the State educational agency determines indicative of a high-quality program.".

SEC. 164. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) in subsection (a), by striking "the State educational" and inserting "State educational";

(2) by striking subsection (f);

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

"(c) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Better Education for Students and Teachers Act, school enrollment guidelines for States with respect to homeless children and youth. The guidelines shall describe—

"(1) successful ways in which a State may assist local educational agencies to enroll immediately homeless children and youth in school; and

"(2) how a State can review the State's requirements regarding immunization and medical or school records and make revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youth in school more quickly."; and

(5) by adding at the end the following:

"(g) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary, directly or through grants, contracts, or cooperative agreements, shall periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services homeless children and youth receive;

"(C) the extent to which the needs of homeless children and youth are met; and

"(D) such other data and information as the Secretary determines necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) REPORT.—Not later than 4 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall prepare and submit to the President and the appropriate committees of the House of Representatives and the Senate a report on the status of the education of homeless children and youth, which shall include information regarding—

"(1) the education of homeless children and youth; and

"(2) the actions of the Department of Education and the effectiveness of the programs supported under this subtitle.".

SEC. 165. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) the terms 'local educational agency' and 'State educational agency' have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965;".

SEC. 166. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $70,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.".

SEC. 167. CONFORMING AMENDMENTS.

(a) GRANTS FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)(1), by striking "section 724(c)" and inserting "section 724(d)"; and

(2) in subsection (g)(2), by striking "paragraphs (3) through (9)" and inserting "paragraphs (3) through (8)".

(b) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended by striking "paragraphs (3) through (9) of section 722(g)" and inserting "paragraphs (3) through (8) of section 722(g)".

(c) SECRETARIAL RESPONSIBILITIES.—Section 724(f) of such Act (as amended by section 164(3)) is amended by striking "subsection (d)" and inserting "subsection (e)".

TITLE II—TEACHERS

SEC. 201. TEACHER QUALITY.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHERS

"PART A—TEACHER QUALITY

"SEC. 2101. PURPOSE.

"The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

"(1) increase student academic achievement and student performance through such strategies as improving teacher quality and increasing the number of highly qualified teachers in the classroom;

"(2) hold local educational agencies and schools accountable so that all teachers teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified; and

"(3) hold local educational agencies and schools accountable for improvements in student academic achievement and student performance.

"SEC. 2102. DEFINITIONS.

"In this part:

"(1) ALL STUDENTS.—The term 'all students' means students from a broad range of backgrounds and circumstances, including economically disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students.

"(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5120.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

"(4) HIGHLY QUALIFIED.—The term 'highly qualified' means—

"(A) with respect to an elementary school teacher, a teacher—

"(i)(I) with an academic major in the arts and sciences; or

"(II) who can demonstrate competence through a high level of performance in core academic subjects; and

"(ii) who is certified or licensed by the State involved, except for a teacher in a charter school in a State that has a charter school law that exempts such a teacher from State certification and licensing requirements;

"(B) with respect to a secondary school teacher hired before the date of enactment of the Better Education for Students and Teachers Act, a teacher—

"(i)(I) with an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the teacher teaches or a related field;

"(II) who can demonstrate a high level of competence through rigorous academic subject tests and achievement of a high level of competence as described in subclause (III); or

"(III) who can demonstrate a high level of competence through a high level of performance in the academic subjects that the teacher teaches, based on a high and objective uniform standard that is—

"(aa) set by the State for both grade appropriate academic subject knowledge and teaching skills;

"(bb) the same for all teachers in the same academic subject and same grade level throughout the State; and

"(cc) a written standard that is developed in consultation with teachers, parents, principals, and school administrators and made available to the public upon request; and

"(ii) who is certified or licensed by the State, except for a teacher in a charter school in a State that has a charter school law that exempts such a teacher from State certification and licensing requirements; and

"(C) with respect to a secondary school teacher hired after the date of enactment of the Better Education for Students and Teachers Act, a teacher that meets the requirements of subclause (I) or (II) of subparagraph (B)(i).

"(5) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965.

"(7) OUT-OF-FIELD TEACHER.—The term 'out-of-field teacher' means a secondary school teacher who is teaching an academic subject for which the teacher is not highly qualified.

"(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

"(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

"(A) are an integral part of broad schoolwide and districtwide educational improvement plans;

"(B) enhance the ability of teachers and other staff to—

"(i) help all students meet challenging State and local content and student performance standards;

"(ii) improve understanding and use of student assessments by the teachers and staff;

"(iii) improve classroom management skills; and

"(iv) as appropriate, integrate technology into the curriculum;

"(C) are sustained, intensive, and school-embedded;

"(D) are aligned with—

"(i) State content standards, student performance standards, and assessments; and

"(ii) the curricula and programs tied to the standards described in clause (i);

"(E) are of high quality and sufficient duration to have a positive and lasting impact on classroom instruction, and are not one-time workshops; and

"(F) are based on the best available research on teaching and learning.

"(10) TEACHER MENTORING.—The term 'teacher mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

"(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

"(ii) as part of a multiyear, developmental induction process—

"(I) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) $3,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 (other than subsection (f)) $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"Subpart 1—Grants to States

"SEC. 2111. ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

"(b) DETERMINATION OF ALLOTMENTS.—

"(1) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for payments to the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary, for activities authorized under this part relating to teacher quality, including professional development and teacher hiring; and

"(ii) ½ of 1 percent for payments to the Secretary of the Interior for activities described in clause (i) in schools operated or funded by the Bureau of Indian Affairs.

"(B) LIMITATION.—In reserving an amount for the purposes described in clauses (i) and (ii) of subparagraph (A) for a fiscal year, the Secretary shall not reserve more than the total amount the outlying areas and the schools operated or funded by the Bureau of Indian Affairs received for fiscal year 2001 under—

"(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under the authorities described in paragraph (1)(B).

"(ii) RATABLE REDUCTION.—If the total amount appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for the fiscal year, the Secretary shall ratably reduce such amounts for the fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount appropriated under section 2103(a) and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2001 under the authorities described in paragraph (1)(B), the Secretary shall allot to each of those States the sum of—

"(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

"(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

"SEC. 2112. STATE APPLICATIONS.

"(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall include the following:

"(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"(2) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with State content standards, student performance standards, and assessments.

"(3) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

"(4) A description of how the State educational agency will use funds made available under this part to improve the quality of the State's teaching force and the educational opportunities for students.

"(5) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

"(A) title I, part C of this title, part A of title III, and title IV; and

"(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(6) A description of how the activities to be carried out by the State educational agency under this subpart will be developed collaboratively based on the input of teachers, paraprofessionals, administrators, other school personnel, and parents.

"(7) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

"(8) A description of the State educational agency's annual measurable performance objectives under section 2141.

"(9) A plan to ensure that all local educational agencies in the State are meeting the performance objectives established by the State under section 2142(a)(1) so that all teachers in the State who are teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act).

"(10) An assurance that the State educational agency will consistently monitor the progress of each local educational agency and school in the State in achieving the purpose of this part and meeting the performance objectives described in section 2142.

"(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, a description of the basis for the exemption.

"(c) APPROVAL.—The Secretary shall approve a State application submitted to the Secretary under this section unless the Secretary makes a written determination, within 90 days after receiving the application, that the application does not meet the requirements of this Act.

"SEC. 2113. STATE USE OF FUNDS.

"(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

"(1) reserve 2 percent of the funds made available through the grant for State activities described in subsection (b);

"(2) reserve 95 percent of the funds to make subgrants to local educational agencies as described in subpart 2; and

"(3) reserve 3 percent of the funds to make subgrants to local partnerships as described in subpart 3.

"(b) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds reserved under subsection (a)(1) to carry out 1 or more of the following activities:

"(1) Reforming teacher certification (including recertification) or licensing requirements to ensure that—

"(A) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

"(B) the requirements are aligned with challenging State content standards; and

"(C) teachers have the subject matter knowledge and teaching skills necessary to help students meet challenging State student performance standards.

"(2) Carrying out programs that provide support during the initial teaching experience, such as programs that provide teacher mentoring, team teaching, reduced schedules, and intensive professional development.

"(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

"(4) Providing assistance to teachers to enable teachers to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year described in section 2112(b)(9).

"(5) Supporting activities to encourage and support teachers seeking national board certification from the National Board for Professional Teaching Standards or other recognized entities.

"(6) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals.

"(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States.

"(8) Testing new teachers for subject matter knowledge, and testing the teachers for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

"(9) Supporting activities that ensure that teachers are able to use State content standards, student performance standards, and assessments to improve instructional practices and improve student achievement and student performance.

"(10) Establishing teacher compensation systems based on merit and proven performance.

"(11) Reforming tenure systems.

"(c) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 202.

"Subpart 2—Subgrants to Local Educational Agencies

"SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—A State that receives a grant under section 2111 shall use the funds reserved under section 2113(a)(2) to make subgrants to eligible local educational agencies to carry out the activities specified in section 2123. Each subgrant shall consist of the allocation determined for a local educational agency under subsection (b).

"(b) DETERMINATION OF ALLOCATIONS.—From the total amount made available through the grant, the State shall allocate to each of the eligible local educational agencies the sum of—

"(1) an amount that bears the same relationship to 25 percent of the total amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

"(2) an amount that bears the same relationship to 75 percent of the total amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

"SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

"(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

"(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

"(i) State content standards, performance standards, and assessments; and

"(ii) the curricula and programs tied to the standards described in clause (i).

"(B) A description of how the activities will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and student performance and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

"(3) An assurance that the local educational agency will target funds to schools served by the local educational agency that—

"(A) have the lowest proportions of highly qualified teachers;

"(B) are identified for school improvement under section 1116(c); or

"(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

"(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided under other Federal, State, and local programs, including those authorized under—

"(A) title I, part C of this title, part A of title III, and title IV; and

"(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(5) A description of how the local educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart.

"(6) A description of the professional development (including teacher mentoring) activities that will be made available to teachers under this subpart.

"(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

"(8) A description of the results of the needs assessment described in subsection (c).

"(9) A description of how the local educational agency will address the ongoing professional development (including teacher mentoring) needs of teachers and administrators.

"(10) A description of local performance objectives established under section 2142(a)(2).

"(c) NEEDS ASSESSMENT.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

"(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers receiving assistance under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers and, where appropriate, administrators, the means, including subject matter knowledge and teaching skills, to provide students with the opportunity to meet challenging State and local student performance standards.

"SEC. 2123. LOCAL USE OF FUNDS.

"(a) SPECIAL RULE.—

"(1) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 may use the amount described in paragraph (2), of the funds made available through the subgrant, to carry out activities described in section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

"(2) AMOUNT.—The amount referred to in paragraph (1) is the amount received by the agency under that section 306.

"(b) LOCAL USE OF FUNDS.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out 1 or more of the following activities:

"(1) Providing professional development activities that improve the knowledge of teachers concerning—

"(A) 1 or more of the core academic subjects that the teachers teach;

"(B) effective instructional strategies, methods, and skills for improving student academic achievement and student performance; and

"(C) effective use of State content standards, student performance standards, and assessments to improve instructional practices and improve student achievement and student performance.

"(2) Teacher mentoring.

"(3) Providing teachers and principals with opportunities for professional development through institutions of higher education.

"(4) Providing induction and support for teachers during their first 3 years of teaching.

"(5) Recruiting (including recruiting through the use of scholarships, signing bonuses, or other financial incentives, as well as accelerated paraprofessional-to-teacher training programs and programs that attract mid-career professionals from other professions), hiring, and training regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children, and may include recruiting and hiring certified or licensed teachers to reduce class size), and teachers of special needs children, who are highly qualified.

"(6) Carrying out programs and activities related to—

"(A) reform of teacher tenure systems;

"(B) provision of merit pay for teachers; and

"(C) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

"Subpart 3—Subgrants to Eligible Partnerships

"SEC. 2131. SUBGRANTS.

"(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate) shall use the funds reserved under section 2113(a)(3) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2133.

"(b) DISTRIBUTION.—The State agency for higher education shall ensure that—

"(1) such subgrants are equitably distributed by geographic area within a State; or

"(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

"(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

"SEC. 2132. APPLICATIONS.

"To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

"SEC. 2133. USE OF FUNDS.

"(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2131 shall use the funds made available through the subgrant for—

"(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach; and

"(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

"(A) ensure that the individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

"(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school.

"(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.

"SEC. 2134. DEFINITION.

"In this subpart, the term 'eligible partnership' means an entity that—

"(1) shall include—

"(A) a private or State institution of higher education and the division of the institution that prepares teachers;

"(B) a school of arts and sciences; and

"(C) a high need local educational agency; and

"(2) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

"Subpart 4—Accountability

"SEC. 2141. STATE PERFORMANCE OBJECTIVES AND ACCOUNTABILITY.

"(a) REQUIRED ACTIVITIES.—Each State educational agency receiving a grant under this part shall establish for the State annual measurable performance objectives, with respect to teachers teaching in the State, that, at a minimum—

"(1) shall include an annual increase in the percentage of highly qualified teachers, to ensure that all teachers teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act);

"(2) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development (including teacher mentoring); and

"(3) may include incremental increases in teacher performance.

"(b) RULE OF APPLICATION.—For purposes of determining whether teachers in a State meet the criteria specified in the performance objectives referred to in subsection (a), the requirements of subsection (a) shall not apply to teachers in charter schools in the State if the State has a charter school law that exempts such teachers from State certification and licensing requirements.

"(c) REPORTS.—

"(1) INITIAL REPORTS.—Not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), each State educational agency receiving a grant under this part shall prepare and submit to the Secretary an initial report describing the State's progress with respect to the performance objectives described in this section.

"(2) SUBSEQUENT REPORTS.—

"(A) STATES SUBJECT TO SANCTIONS.—The State educational agency for a State that has received sanctions under subsection (d) shall annually prepare and submit to the Secretary a report describing such progress, until the State is no longer subject to the sanctions.

"(B) STATES NOT SUBJECT TO SANCTIONS.—A State educational agency that is not required to submit annual reports under subparagraph (A) shall periodically prepare and submit to the Secretary a report describing such progress, to ensure that the State is in compliance with the requirements of this section.

"(d) ACCOUNTABILITY.—

"(1) REDUCTION OF FUNDS.—

"(A) FOURTH YEAR.—If the Secretary determines that the State educational agency has failed to meet the performance objectives established under subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), by the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), the Secretary shall withhold 15 percent of the amount of funds that the State may reserve for State administration under this part for the fifth year for which the State receives such funds.

"(B) FIFTH OR SIXTH YEAR.—If the Secretary determines that the State educational agency has failed to meet the performance objectives established under subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), by the end of the fifth or sixth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), the Secretary shall withhold 20 percent of the amount of funds that the State may reserve for State administration under this part for the sixth or seventh year, respectively, for which the State receives such funds.

"(2) EXEMPTION.—After making a determination for a year under paragraph (1), the Secretary may provide the State 1 additional year to meet the performance objectives described in subsection (a) or make such adequate yearly progress, before using a sanction described in paragraph (1), if the State demonstrates that exceptional or uncontrollable circumstances have occurred, such as—

"(A) a natural disaster; or

"(B) a situation in which—

"(i) a significant number of teachers has resigned, with insufficient notice, from employment with a local educational agency in the State that has historically had difficulty recruiting and hiring teachers; and

"(ii) the remaining local educational agencies in the State, collectively, have met the performance objectives described in subsection (a) and have made such adequate yearly progress by the end of the year for which the Secretary makes the determination.

"SEC. 2142. LOCAL PERFORMANCE OBJECTIVES AND ACCOUNTABILITY.

"(a) REQUIRED ACTIVITIES.—

"(1) ESTABLISHMENT BY STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall establish for local educational agencies in the State annual measurable performance objectives, with respect to teachers serving the local educational agencies, that, at a minimum—

"(A) shall include the increases described in paragraphs (1) and (2) of section 2141(a); and

"(B) may include the increases described in section 2141(a)(3).

"(2) ESTABLISHMENT BY LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under this part—

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing teacher retention among teachers in the first 3 years of their teaching careers; and

"(B) may establish other annual measurable performance objectives.

"(b) REPORTS.—Each local educational agency receiving a subgrant under this part shall annually prepare and submit to the State educational agency a report describing the progress of the local educational agency toward achieving the purpose of this part and meeting the performance objectives described in subsection (a).

"(c) TECHNICAL ASSISTANCE.—If a State educational agency determines that a local educational agency in the State has failed to make substantial progress toward achieving the purpose and meeting the performance objectives described in subsection (a) and has failed to make adequate yearly progress as described under section 1111(b)(2) for 2 consecutive years for which the local educational agency receives funds under this part (as amended by the Better Education for Students and Teachers Act), the State educational agency shall provide technical assistance—

"(1) to the local educational agency; and

"(2) if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to achieve the purpose and meet the performance objectives.

"(d) ACCOUNTABILITY.—If the State educational agency determines that the local educational agency has failed to make substantial progress toward achieving the purpose and meeting the performance objectives described in subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), for 3 consecutive years for which the local educational agency receives funds under this part (as amended by the Better Education for Students and Teachers Act), the State educational agency shall—

"(1) withhold the allocation described in section 2121(b) from the local educational agency for 2 fiscal years; and

"(2) use the funds to carry out programs to assist the local educational agency to achieve the purpose and meet the performance objectives

"SEC. 2143. GENERAL ACCOUNTING OFFICE STUDY.

"Not later than January 1, 2005, the Comptroller General of the United States shall prepare and submit to Congress a report setting forth information regarding—

"(1) the progress of the States in achieving compliance concerning increasing the percentage of highly qualified teachers, for fiscal years 2001 through 2003, so that, not later than the end of the fourth year for which the States receive funds under this part (as amended by the Better Education for Students and Teachers Act), all teachers teaching core academic subjects in public elementary schools or secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified;

"(2) any significant obstacles that States face in achieving that compliance, such as teacher shortages in particular academic subjects, grade levels, or geographic areas, district-to-district pay differentials, and particular provisions of collective bargaining agreements; and

"(3) the approximate percentage of Federal, State, and local resources being expended to carry out activities to provide professional development for teachers, and recruit and retain highly qualified teachers, especially in geographic areas and core academic subjects in which a shortage of such teachers exists, so that, not later than the end of the fourth year for which the States receive funds under this part (as amended by the Better Education for Students and Teachers Act), all teachers teaching core academic subjects in public elementary schools or secondary schools, in which not less than 50 percent of the students qualify for free or reduced price lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), are highly qualified.

"Subpart 5—National Programs

"SEC. 2151. NATIONAL PROGRAMS OF DEMONSTRATED EFFECTIVENESS.

"(a) IN GENERAL.—The Secretary shall use funds made available under section 2103(b) to carry out each of the activities described in subsections (b) through (e).

"(b) SCHOOL LEADERSHIP.—The Secretary shall award grants to entities that are State educational agencies, local educational agencies, institutions of higher education, or nonprofit educational organizations, and consortia of such entities, to enable such entities and consortia to recruit and train school leaders (including principals and assistant principals), provide mentorship for new school leaders, and provide ongoing professional development to develop or enhance the leadership skills of school leaders.

"(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

"(1) IN GENERAL.—The Secretary shall support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

"(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to the National Board for Professional Teaching Standards, State educational agencies, local educational agencies, or other recognized entities, to promote outreach, teacher recruitment, teacher subsidy, or teacher support programs related to teacher certification by the National Board for Professional Teaching Standards and other nationally recognized certification organizations.

"(d) TROOPS-TO-TEACHERS PROGRAM.—

"(1) PURPOSE.—The purpose of this subsection is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000).

"(2) TRANSFER OF FUNDS FOR ADMINISTRATION OF PROGRAM.—To the extent that funds are made available under this Act to the Secretary for the Troops-to-Teachers Program, the Secretary shall use the funds to enter into a contract with the Defense Activity for Non-Traditional Education Support of the Department of Defense. The Defense Activity shall use the amounts made available through the contract to perform the actual administration of the Troops-to-Teachers Program, including the selection of participants in the program under section 1704 of the Troops-to-Teachers Program Act of 1999. The Secretary may retain a portion of the funds to identify local educational agencies with concentrations of children from low-income families or with teacher shortages and States with alternative certification or licensure requirements, as required by section 1702 of such Act.

"(e) TRANSITION TO TEACHING.—The Secretary shall provide assistance for activities to support the development and implementation of national or regional programs to—

"(1) recruit, prepare, place, and support mid-career professionals who have knowledge and experience that will help the professionals become highly qualified teachers, through alternative routes to certification, for high need local educational agencies; and

"(2) help retain the professionals as classroom teachers serving the local educational agencies for more than 3 years.

"(f) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—

"(1) Grant.—The Secretary shall award a grant, on a competitive basis, to a single national coalition of teacher and media organizations, including the National Teacher Recruitment Clearinghouse, to enable such organizations to jointly conduct a national public service campaign as described in paragraph (2).

"(2) Use of funds.—A coalition that receives a grant under paragraph (1) shall use amounts made available under the grant to conduct a national public service campaign concerning the resources for and routes to entering the field of teaching. In conducting the campaign, the coalition shall focus on providing information both to a national audience and in specific media markets, and shall specifically expand on, promote, and link the coalition's outreach efforts to, the information referral activities and resources of the National Teacher Recruitment Clearinghouse.

"(3) Application.—To be eligible to receive a grant under this subsection, a coalition shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $3,000,0000 for fiscal year 2002 and each of the 6 succeeding fiscal years.

"PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS

"SEC. 2201. PURPOSE.

"The purpose of this part is to improve the performance of students in the areas of mathematics and science by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

"(1) upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

"(2) focus on education of mathematics and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

"(3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated laboratory equipment and space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the schools; and

"(4) develop more rigorous mathematics and science curricula that are aligned with State and local standards and with the standards expected for postsecondary study in mathematics and science, respectively.

"SEC. 2202. DEFINITIONS.

"In this part:

"(1) Eligible partnership.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) a State educational agency;

"(ii) a mathematics or science department of an institution of higher education; and

"(iii) a local educational agency; and

"(B) may include—

"(i) another mathematics, science, or teacher training department of an institution of higher education;

"(ii) another local educational agency, or an elementary school or secondary school;

"(iii) a business; or

"(iv) a nonprofit organization of demonstrated effectiveness, including a museum.

"(2) High need local educational agency.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(3) Summer workshop or institute.— The term 'summer workshop or institute' means a workshop or institute, conducted during the summer, that—

"(A) is conducted during a period of not less than 2 weeks;

"(B) provides for a program that provides direct interaction between students and faculty; and

"(C) provides for followup training during the academic year that—

"(i) except as provided in clause (ii) or (iii), shall be conducted in the classroom for a period of not less than 3 days, which may or may not be consecutive;

"(ii) if the program described in subparagraph (B) is for a period of not more than 2 weeks, shall be conducted for a period of more than 3 days; or

"(iii) if the program is for teachers in rural school districts, may be conducted through distance education.

"Subpart 1—Grants to Partnerships

"SEC. 2211. GRANTS AUTHORIZED.

"(a) In General.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in section 2213. .

"(b) Duration.—The Secretary shall award grants under this section for a period of 5 years.

"(c) Federal Share.—

"(1) In general.—The Federal share of the costs of the activities assisted under this subpart shall be—

"(A) 75 percent of the costs for the first year an eligible partnership receives a grant payment under this subpart;

"(B) 65 percent of the costs for the second such year; and

"(C) 50 percent of the costs for each of the third, fourth, and fifth such years.

"(2) Non-federal share.—The non-Federal share of the costs may be provided in cash or in kind, fairly evaluated.

"(d) Priority.—In awarding grants under this subpart the Secretary shall give priority to partnerships that include high need local educational agencies.

"SEC. 2212. APPLICATION REQUIREMENTS.

"(a) In General.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) Contents.—Each such application shall include—

"(1) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of mathematics and science;

"(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State and local standards and with other educational reform activities that promote student achievement in mathematics and science;

"(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of mathematics and science instruction; and

"(4) a description of—

"(A) how the eligible partnership will carry out the authorized activities described in section 2213; and

"(B) the eligible partnership's evaluation and accountability plan described in section 2214.

"SEC. 2213. AUTHORIZED ACTIVITIES.

"An eligible partnership shall use the grant funds provided under this subpart for 1 or more of the following activities related to elementary schools or secondary schools:

"(1) Developing or redesigning more rigorous mathematics and science curricula that are aligned with State and local standards and with the standards expected for postsecondary study in mathematics and science, respectively.

"(2) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of mathematics and science teachers.

"(3) Recruiting mathematics and science majors to teaching.

"(4) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods into the curriculum.

"(5) Establishing mathematics and science summer workshops or institutes (including followup training) for teachers, using curricula that are experiment-oriented, content-based, and grounded in research that is current as of the date of the workshop or institute involved.

"(6) Establishing distance learning programs for mathematics and science teachers using curricula that are experiment-oriented, content-based, and grounded in research that is current as of the date of the program involved.

"(7) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

"(8) Designing programs to bring teachers into contact with working scientists.

"SEC. 2214. EVALUATION AND ACCOUNTABILITY PLAN.

"Each eligible partnership receiving a grant under this subpart shall develop an evaluation and accountability plan for activities assisted under this subpart that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) improved student performance on State mathematics and science assessments or the Third International Math and Science Study assessment;

"(2) increased participation by students in advanced courses in mathematics and science;

"(3) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively; and

"(4) increased numbers of mathematics and science teachers who participate in content-based professional development activities.

"SEC. 2215. REPORT; REVOCATION OF GRANT.

"(a) Report.—Each eligible partnership receiving a grant under this subpart annually shall report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in section 2214.

"(b) REVOCATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in section 2214 by the end of the third year of a grant under this subpart, the grant payments shall not be made for the fourth and fifth year of the grant.

"Subpart 2—Eisenhower Clearinghouse for Mathematics and Science Education

"SEC. 2221. CLEARINGHOUSE.

"(a) GRANT OR CONTRACT.—

"(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to an entity to continue the operation of the Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as the 'Clearinghouse'). The Secretary shall award the grant or contract on a competitive basis, on the basis of merit.

"(2) DURATION.—The grant or contract awarded under paragraph (1) shall be awarded for a period of 5 years.

"(b) CLEARINGHOUSE.—

"(1) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use the funds made available through the grant or contract to—

"(A) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary schools and secondary schools, including middle schools;

"(B) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(C) disseminate instructional materials, programs, and information to the public and dissemination networks, including information on model engineering, science, technology, and mathematics teacher mentoring programs;

"(D) coordinate activities with entities operating identifiable databases containing mathematics and science instructional materials and programs, including Federal, non-Federal, and, where feasible, international, databases;

"(E) gather qualitative and evaluative data on submissions to the Clearinghouse;

"(F)(i) solicit and gather (in consultation with the Department, national teacher associations, professional associations, and other reviewers and developers of instructional materials and programs) qualitative and evaluative materials and programs, including full text and graphics, for the Clearinghouse;

"(ii) review the evaluation of the materials and programs, and rank the effectiveness of the materials and programs on the basis of the evaluations, except that nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the materials or programs; and

"(iii) distribute to teachers, in an easily accessible manner, the results of the reviews (in a short, standardized, and electronic format that contains electronic links to an electronic version of the qualitative and evaluative materials and programs described in clause (i)), excerpts of the materials and programs, links to Internet-based sites, and information regarding on-line communities of persons who use the materials and programs; and

"(G) develop and establish an Internet-based site offering a search mechanism to assist site visitors in identifying information available through the Clearinghouse on engineering, science, technology, and mathematics education instructional materials and programs, including electronic links to information on classroom demonstrations and experiments, to teachers who have used materials or participated in programs, to vendors, to curricula, and to textbooks.

"(2) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such materials or programs.

"(3) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(4) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright. The Clearinghouse, in carrying out this subsection, shall ensure compliance with title 17, United States Code.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant or contract under subsection (a) to operate the Clearinghouse, an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—The Secretary shall establish a peer review process to review the applications and select the recipient of the award under subsection (a).

"(d) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State educational agencies, local educational agencies, and institutions of higher education. The information disseminated shall include examples of exemplary national programs in mathematics and science instruction and information on necessary technical assistance for the establishment of similar programs.

"(e) REPORT.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the National Academy of Sciences, in conjunction with appropriate related associations and organizations, shall—

"(1) conduct a study on the Clearinghouse to evaluate the effectiveness of the Clearinghouse in conducting the activities described in subsection (b)(1); and

"(2) submit to Congress a report on the results of the study, including any recommendations of the Academy regarding the Clearinghouse.

"Subpart 3—Preparing Tomorrow's Teachers To Use Technology

"SEC. 2231. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to meet challenging State and local content and student performance standards.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office of Educational Technology, is authorized to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to pay for the Federal share of the cost of assisting applicants in carrying out projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

"(2) PERIOD OF AWARDS.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 5 years.

"SEC. 2232. ELIGIBILITY.

"(a) ELIGIBLE APPLICANTS.—In order to receive an award under this subpart, an applicant shall be a consortium that includes—

"(1) at least 1 institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

"(2) at least 1 State educational agency or local educational agency; and

"(3) 1 or more entities consisting of—

"(A) an institution of higher education (other than the institution described in paragraph (1));

"(B) a school or department of education at an institution of higher education;

"(C) a school or college of arts and sciences at an institution of higher education;

"(D) a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs.

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use advanced technology to create learning environments conducive to preparing all students, including girls and students who have economic and educational disadvantages, to meet challenging State and local content and student performance standards;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

"(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project;

"(3) a description of how each member of the consortium will be included in project activities;

"(4) a description of how the proposed project will be continued after Federal funds are no longer awarded under this subpart; and

"(5) a plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this subpart may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

“SEC. 2233. USE OF FUNDS.

‘‘(a) Required Uses.—A recipient of an award under this subpart shall use funds made available under this subpart for—

‘‘(1) a project that creates programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students, including girls and students who have economic and educational disadvantages, to meet challenging State and local content and student performance standards; and

‘‘(2) evaluating the effectiveness of the project.

‘‘(b) Permissible Uses.—The recipient may use funds made available under this subpart for activities, described in the application submitted by the recipient under this subpart, that carry out the purpose of this subpart, such as—

‘‘(1) developing and implementing high-quality teacher preparation programs that enable educators to—

‘‘(A) learn the full range of resources that can be accessed through the use of technology;

‘‘(B) integrate a variety of technologies into the classroom in order to expand students' knowledge;

‘‘(C) evaluate educational technologies and their potential for use in instruction; and

‘‘(D) help students develop their technical skills and digital learning environments;

‘‘(2) developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators;

‘‘(3) developing performance-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms;

‘‘(4) providing technical assistance to entities carrying out other teacher preparation programs;

‘‘(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and

‘‘(6) subject to section 2232(c)(2), acquiring equipment, networking capabilities, and infrastructure to carry out the project.

“Subpart 4—General Provisions

“SEC. 2241. CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.

‘‘In carrying out the activities authorized by this part, the Secretary shall consult and coordinate activities with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops or institutes provided by the eligible partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

“SEC. 2242. AUTHORIZATION OF APPROPRIATIONS.

‘‘(a) Grants.—There are authorized to be appropriated to carry out subpart 1 $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

‘‘(b) Clearinghouse.—There are authorized to be appropriated to carry out subpart 2 $5,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

‘‘(c) Technology Preparation.—There are authorized to be appropriated to carry out subpart 3 $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“PART C—STATE AND LOCAL PROGRAMS FOR TECHNOLOGY USE IN CLASSROOMS

“SEC. 2301. PURPOSE; GOAL.

‘‘(a) Purpose.—The purpose of this part is to support a comprehensive system to effectively use technology in elementary and secondary schools to improve student academic achievement and performance.

‘‘(b) Goal.—A goal of this part shall also be to assist every student in crossing the digital divide by ensuring that every child is technologically literate by the time the child finishes the 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability.

“SEC. 2302. DEFINITIONS.

‘‘In this part:.

‘‘(1) Adult education.—The term 'adult education' has the meaning given the term in section 312(2) of the Adult Education Act (20 U.S.C. 1201a(2)).

‘‘(2) All students.—The term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students.

‘‘(3) Child in poverty.—The term 'child in poverty' means a child from a family with a family income below the poverty line (as defined in section 2102).

‘‘(4) Information infrastructure.—The term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States.

‘‘(5) Interoperable; interoperability.—The terms 'interoperable' and 'interoperability' mean the ability to exchange data easily with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users.

‘‘(6) Public telecommunications entity.—The term 'public telecommunications entity' has the meaning given the term in section 397(12) of the Communications Act of 1934 (47 U.S.C. 397(12)).

‘‘(7) State educational agency.—The term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part.

‘‘(8) State library administrative agency.—The term 'State library administrative agency' has the meaning given the term in section 213(5) of the Library Services and Technology Act (20 U.S.C. 9122(5)).

“SEC. 2303. ALLOTMENT AND REALLOTMENT.

‘‘(a) Limitation.—From funds appropriated under this part, the Secretary shall first reserve such sums as may be necessary for grants awarded under section 3136 prior to the date of enactment of the Better Education for Students and Teacher Act.

‘‘(b) Allotment.—

‘‘(1) In general.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this part for a fiscal year in an amount which bears the same relationship to the amount made available under section 2310 for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

‘‘(2) Minimum.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than ½ of 1 percent of the amount made available under section 2310 for such year.

‘‘(c) Reallotment of Unused Funds.—

‘‘(1) In general.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year which the State determines will not be required for such fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (b) for such year, but with such proportionate amount for any of such other State educational agencies being reduced to the extent such amount exceeds the sum the State estimates such State needs and will be able to use for such year.

‘‘(2) Other reallotments.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agency's allotment under subsection (b) for such year.

“SEC. 2304. TECHNOLOGY GRANTS.

‘‘(a) Grants to States.—

‘‘(1) In general.—From amounts made available under section 2303, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 2305.

‘‘(2) Use of grants.—

‘‘(A) Award to agencies.—Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 2306.

‘‘(B) Sufficiency.—In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

‘‘(C) Priority.—In awarding the grants, each State educational agency shall give priority to the local educational agencies serving the school districts that have the highest number or percentage of children in poverty.

‘‘(D) Distribution.—In awarding the grants, each State educational agency shall assure an equitable distribution of assistance under this part among urban and rural areas of the State, according to the demonstrated need of the local educational agencies serving the areas.

‘‘(b) Technical Assistance.—Each State educational agency receiving a grant under subsection (a) shall—

‘‘(1) identify the local educational agencies served by the State educational agency that—

‘‘(A) have the highest number or percentage of children in poverty; and

‘‘(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under 2307; and

‘‘(2) offer such technical assistance to such local educational agencies.

“SEC. 2305. STATE APPLICATION.

‘‘To receive a grant under this part, each State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including a systemic statewide educational technology plan that—

“(1) outlines the long-term strategies for improving student performance and student academic achievement through the effective use of technology in classrooms throughout the State;

“(2) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan; and

“(3) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to improve student academic achievement and student performance.

“SEC. 2306. LOCAL USES OF FUNDS.

“(a) IN GENERAL.—Each local educational agency, to the extent possible, shall use the funds made available under section 2304(a)(2) for—

“(1) developing, adapting, or expanding existing and new applications of technology to support the school reform effort to improve student academic achievement and student performance;

“(2) providing ongoing professional development in the integration of quality educational technologies into school curriculum;

“(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student academic achievement and student performance;

“(4) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries;

“(5) providing educational services for adults and families; and

“(6) repairing and maintaining school technology equipment.

“(b) SPECIAL RULE.—A local educational agency receiving a grant under this part shall use at least 30 percent of allocated funds for professional development.

“SEC. 2307. LOCAL APPLICATION.

“(a) APPLICATION.—Each local educational agency desiring assistance from a State educational agency under section 2304(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall include an updated version of a strategic, long-range plan (3 to 5 years) that includes—

“(1) a description of how the activities to be carried out by the local educational agency under this part will be based on a review of relevant research and an explanation of why the activities are expected to improve student achievement;

“(2) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency improve student academic achievement, student performance, and teaching;

“(3) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

“(4) an explanation of how programs will be developed in collaboration with existing adult literacy service providers to maximize the use of such technologies;

“(5) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the effective use of technology in the classroom or library media center, including a list of those entities that will partner with the local educational agency in providing ongoing sustained professional development;

“(6) a description of the supporting resources, such as services, software, and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this part;

“(7) the projected cost of technologies to be acquired and related expenses needed to implement the plan;

“(8) a description of how the local educational agency will coordinate the technology provided pursuant to this part with other grant funds available for technology from other Federal, State, and local sources;

“(9) a description of a process for the ongoing evaluation of how technologies acquired under this part will be integrated into the school curriculum; and will affect student academic achievement and student performance as related to challenging State content standards and State student performance standards in all subjects; and

“(10) a description of the evaluation plan that the local educational agency will carry out pursuant to section 2308(a).

“(b) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

“(c) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, the State educational agency may approve such plan, or a component of such plan if the State educational agency determines that such approval would further the purposes of this part.

“SEC. 2308. ACCOUNTABILITY.

“(a) EVALUATION PLAN.—Each local educational agency receiving funds under this part shall establish and include in the agency's application submitted under section 2307 an evaluation plan that requires evaluation of the agency and the schools served by the agency with respect to strong performance objectives and other measures concerning—

“(1) increased professional development in the effective use of technology in educating students with the goal of improving student academic achievement and student performance;

“(2) increased access to technology in the classroom, especially in low-income schools; and

“(3) other indicators reflecting increased student academic achievement or student performance.

“(b) REPORT.—Each local educational agency receiving a grant under this part shall annually prepare and submit to the State educational agency a report regarding the progress of the local educational agency and the schools served by the local educational agency toward achieving the purposes of this part and meeting the performance objectives and measures described in this section.

“(c) SANCTION.—If after 3 years, the local educational agency does not show measurable improvements in all of the areas, the local educational agency shall not receive funds for the remaining grant years.

“(d) ASSISTANCE.—The State educational agency shall provide technical assistance to the local educational agency to assist them in meeting the performance objectives and measures described in this section.

“SEC. 2309. NATIONAL EDUCATION TECHNOLOGY PLAN.

“(a) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Secretary shall prepare the national long-range plan that supports the overall national technology policy. The Secretary shall update such plan periodically when appropriate.

“(b) CONSULTATION.—In preparing the plan described in subsection (a), the Secretary shall consult with other Federal departments or agencies, State and local education practitioners, and policymakers, including teachers, principals, and superintendents, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications ,partnerships receiving assistance under the Star Schools Act or the Technology Challenge Fund program, and providers of technology services and products.

“(c) SUBMISSION; PUBLICATION.—Upon completion of the plan described in subsection (a), the Secretary shall—

“(1) submit such plan to the President and to the appropriate committees of Congress; and

“(2) publish such plan in a form that is readily accessible to the public, including on the Internet.

“(d) CONTENT OF THE PLAN.—The plan described in subsection (a) shall describe the following:

“(1) EFFECTIVE USE.—The plan shall describe the manner in which the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State academic content standards and challenging State student performance standards, especially through programs administered by the Department.

“(2) JOINT ACTIVITIES.—The plan shall describe joint activities in support of the overall national technology policy to be carried out with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

“(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

“(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible.

“(3) COLLABORATION.—The plan shall describe the manner in which the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector, including the Universal Service Administrative Company, to facilitate the effective use of technology in education.

“(4) PROMOTING ACCESS.—The plan shall describe the manner in which the Secretary will promote—

“(A) higher academic achievement and performance of all students through the integration of technology into the curriculum;

“(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

“(C) the use of technology to assist in the implementation of State systemic reform strategies;

“(D) the application of technological advances to use in improving educational opportunities;

“(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

“(F) increased opportunities for the professional development of teachers in the use of new technologies.

“(5) GUIDELINES.—The plan shall describe the manner in which the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in improving educational opportunities.

“(6) EXCHANGE.—The plan shall describe the manner in which the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in improving educational opportunities.

“(7) GOALS.—The plan shall describe the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

“SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(b) LIMITATION.—Not more than 5 percent of the funds made available to a recipient under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.”.

SEC. 202. TEACHER MOBILITY.

(a) SHORT TITLE.—This section may be cited as the “Teacher Mobility Act”.

(b) PORTABILITY OF TEACHER PENSIONS AND CREDENTIALS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 201, is further amended by adding at the end the following:

“PART D—PORTABILITY OF TEACHER PENSIONS AND CREDENTIALS

“SEC. 2401. DEFINITION.

“In this part, the term ‘pension’ means a pension provided under an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974.

“SEC. 2402. NATIONAL PANEL ON PORTABILITY OF TEACHER PENSIONS AND CREDENTIALS.

“(a) ESTABLISHMENT.—There is established a panel to be known as the National Panel on Portability of Teacher Pensions and Credentials (referred to in this section as the ‘panel’).

“(b) MEMBERSHIP.—The panel shall be composed of 9 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher pensions and credentials, such as pension managers, teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

“(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

“(d) DUTIES.—

“(1) STUDY.—The panel shall study various options for increasing the reciprocity of recognition of teacher credentials, and the portability of teacher pensions, between States.

“(2) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

“(e) POWERS.—

“(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this section.

“(2) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this section. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

“(3) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(f) PERSONNEL.—

“(1) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(g) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002.

“(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.”.

TITLE III—MOVING LIMITED ENGLISH PROFICIENT STUDENTS TO ENGLISH FLUENCY

SEC. 301. BILINGUAL EDUCATION.

Title III (20 U.S.C. 6511 et seq.) is amended to read as follows:

“TITLE III—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

“PART A—BILINGUAL EDUCATION

“SEC. 3001. SHORT TITLE.

“This part may be cited as the ‘Bilingual Education Act’.

“SEC. 3002. PURPOSE.

“The purpose of this part is to help ensure that limited English proficient students master English and meet the same rigorous standards for academic performance as all children and youth are expected to meet, including meeting challenging State content standards and challenging State student performance standards in academic subjects by—

“(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;

“(2) developing bilingual skills and multicultural understanding;

“(3) developing the English of limited English proficient children and youth and, to the extent possible, the native language skills of such children and youth;

“(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

“(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient students; and

“(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient students.

“SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.

“(a) BILINGUAL EDUCATION.—There are authorized to be appropriated to carry out this part $700,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(b) STATE AND LOCAL GRANTS.—Notwithstanding subsection (a), for any fiscal year for which the amount of funds appropriated under subsection (a) is not less than $700,000,000, the funds shall be used to carry out part D.

“SEC. 3004. NATIVE AMERICAN CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or

Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

"(2) DEFINITIONS.—In this section:

"(A) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(B) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(i) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(ii) any nonprofit institution or organization that is—

"(I) chartered by the governing body of an Indian tribe to operate any school operated predominately for Indian children and youth or otherwise to oversee the delivery of educational services to members of that tribe; and

"(II) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.

"SEC. 3005. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.

"For the purpose of carrying out programs under this part in the outlying areas, the term 'local educational agency' includes public institutions or agencies whose mission is the preservation and maintenance of native languages.

"Subpart 1—Bilingual Education Capacity and Demonstration Grants

"SEC. 3101. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3102 and 3103, to—

"(1) develop and enhance their capacity to provide high-quality instruction through bilingual education or special alternative instruction programs to children and youth of limited English proficiency; and

"(2) help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards as all children and youth are expected to meet under section 1111(b).

"SEC. 3102. PROGRAM ENHANCEMENT PROJECTS.

"(a) PURPOSE.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b).

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3104 to enable such entities to carry out activities described in paragraph (2).

"(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

"(2) AUTHORIZED ACTIVITIES.—

"(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

"(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities related to the purpose of this part as the Secretary may approve.

"(c) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

"(1) serves a school district—

"(A) that has a total district enrollment that is less than 10,000 students; or

"(B) with a large percentage or number of limited English proficient students; and

"(2) has limited or no experience in serving limited English proficient students.

"(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) 1 or more local educational agencies;

"(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

"(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instructional programs that supplement the educational services provided by a local educational agency.

"SEC. 3103. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under this title, for children and youth of limited English proficiency;

"(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

"(3) to improve, reform, and upgrade relevant instructional programs and operations, carried out by schools and local educational agencies, that serve significant percentages of students of limited English proficiency or significant numbers of such students.

"(b) AUTHORIZED ACTIVITIES.—

"(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 3104 to enable such entities to carry out activities described in paragraphs (2) and (3).

"(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

"(A) improving instructional programs for limited English proficient students by acquiring and upgrading curricula and related instructional materials;

"(B) aligning the activities carried out under this section with State and local school reform efforts;

"(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

"(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

"(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

"(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

"(G) providing services to meet the full range of the educational needs of limited English proficient students;

"(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

"(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

"(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

"(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

"(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

"(C) implementing scientifically based research programs to meet the needs of limited English proficient students;

"(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

"(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

"(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

"(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

"(H) assisting limited English proficient students with disabilities;

"(I) developing and implementing programs to help all students become proficient in more than 1 language; and

"(J) carrying out such other activities related to the purpose of this part as the Secretary may approve.

"(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

"(c) AVAILABILITY OF APPROPRIATIONS.—

"(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

"(A) COVERED GRANT.—In this paragraph, the term 'covered grant' means a grant—

"(i) that was awarded under section 7114 or 7115 (as such sections were in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(ii) for which the grant period has not ended.

"(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3003 and made available for carrying out this section.

"(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

"(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3003 that is made available for carrying out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

"(A) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

"(B) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

"(d) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means—

"(1) 1 or more local educational agencies; or

"(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

"SEC. 3104. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

"(b) STATE REVIEW AND COMMENTS.—

"(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

"(2) COMMENTS.—

"(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

"(i) submit to the Secretary written comments regarding all such applications; and

"(ii) submit to each eligible entity the comments that pertain to such entity.

"(B) SUBJECT.—For purposes of this subpart, such comments shall address—

"(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and

"(ii) how the grant application is consistent with the State plan required under section 1111.

"(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

"(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

"(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3124, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

"(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

"(1) the applicant has the qualified personnel required to develop, administer, and implement, the program proposed in the application; and

"(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

"(g) CONTENTS.—

"(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

"(A) A description of the need for the proposed program, including—

"(i) data on the number of limited English proficient students in the school or school district to be served;

"(ii) information on the characteristics of such students, including—

"(I) the native languages of the students;

"(II) the proficiency of the students in English and their native language;

"(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

"(aa) reading or language arts (in English and in the native language, if applicable); and

"(bb) mathematics;

"(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

"(V) the previous schooling experiences of the students;

"(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

"(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient students.

"(B) A description of the program to be implemented and how such program's design—

"(i) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served;

"(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;

"(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

"(iv) involves the parents of the children and youth of limited English proficiency to be served;

"(v) ensures accountability in achieving high academic standards; and

"(vi) promotes coordination of services for the children and youth of limited English proficiency to be served and their families.

"(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education or special alternative instruction programs if the applicant receives an award under this subpart.

"(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

"(i) English, with respect to written, as well as oral, communication skills; and

"(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English.

"(F) A budget for the grant funds.

"(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3103 shall—

"(A) describe—

"(i) current services (as of the date of submission of the application) the applicant provides to children and youth of limited English proficiency;

"(ii) what services children and youth of limited English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited English proficiency;

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

"(B) provide assurances that—

"(i) the program funded with the grant will be integrated with the overall educational program of the students served through the proposed program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such program.

"(h) Approval of Applications.—An application for a grant under this subpart may be approved only if the Secretary determines that—

"(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

"(A) taken into account the needs of children in nonprofit private elementary schools and secondary schools; and

"(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

"(3)(A) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students; and

"(B) limited English proficient students with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

"(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

"(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

"(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient students; and

"(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

"(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

"(i) Priorities and Special Rules.—

"(1) Priority.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

"(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

"(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

"(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

"(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

"(E) serves a school district with a large number or percentage of limited English proficient students.

"(2) Consideration.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses.

"(3) Due consideration.—In determining whether to approve an application under this subpart, the Secretary shall give due consideration to an application that—

"(A) provides for training for personnel participating in or preparing to participate in the program that will assist such personnel in meeting State and local certification requirements; and

"(B) to the extent possible, describes how credit at an institution of higher education will be awarded for such training.

"SEC. 3105. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited English proficiency after Federal assistance is reduced or eliminated.

"SEC. 3106. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under this subpart that serve Native American children (including Native American Pacific Islander children), and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this subpart, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited Spanish proficiency, except that 1 outcome of such programs serving Native American children shall be increased English proficiency among such children.

"SEC. 3107. EVALUATIONS.

"(a) Evaluation.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

"(b) Use of Evaluation.—Such evaluation shall be used by the grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) Evaluation Report Components.—In preparing the evaluation reports, the recipient shall—

"(1) use the data provided in the application submitted by the recipient under section 3104 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

"(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

"(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement concerning—

"(A) reading and language arts;

"(B) English proficiency;

"(C) mathematics; and

"(D) the native language of the students if the program develops native language proficiency;

"(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

"(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

"(6) include such other information as the Secretary may require.

"SEC. 3108. CONSTRUCTION.

"Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Subpart 2—Research, Evaluation, and Dissemination

"SEC. 3121. AUTHORITY.

"(a) In General.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited English proficiency.

"(b) Competitive Awards.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

"(c) Administration.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of Bilingual Education and Minority Language Affairs.

"SEC. 3122. RESEARCH.

"(a) Administration.—The Secretary shall conduct research activities authorized by this subpart through the Office of Educational Research and Improvement in coordination and collaboration with the Office of Bilingual Education and Minority Language Affairs.

"(b) Requirements.—Such research activities—

"(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient students and their families;

"(2) may include research on effective instructional practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child or youth in the teacher's or staff member's classroom;

"(3) may include establishing (through the National Center for Education Statistics in consultation with experts in bilingual education, second language acquisition, and English-as-a-second-language) a common definition of 'limited English proficient student' for purposes of national data collection; and

"(4) shall be administered by individuals with expertise in bilingual education and the needs of limited English proficient students and their families.

"(c) Field-Initiated Research.—

"(1) In general.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of students or teachers into bilingual education, monitoring the education of such students from entry into bilingual education through secondary school completion.

"(2) Applications.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded 2 or more of such grants.

"(d) Consultation.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners, to identify areas of study and activities to be funded under this section.

"(e) Data Collection.—The Secretary shall provide for the collection of data on limited English proficient students as part of the data systems operated by the Department.

"SEC. 3123. ACADEMIC EXCELLENCE AWARDS.

"(a) Authority.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

"(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

"(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

"(b) Applications.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3124(e).

"SEC. 3124. STATE GRANT PROGRAM.

"(a) State Grant Program.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) Payments.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $200,000.

"(c) Use of Funds.—

"(1) In general.—A State educational agency shall use funds awarded under this section to—

"(A) assist local educational agencies in the State with activities that—

"(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

"(ii) are aligned with State reform efforts; and

"(B) collect data on the State's limited English proficient populations and document the services available to all such populations.

"(2) Training.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children and youth.

"(3) Special rule.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) State Consultation.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children or youth to ensure that such funds are used in a manner consistent with the requirements of this subpart.

"(e) Applications.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(f) Supplement Not Supplant.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

"(g) Report to the Secretary.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.

"SEC. 3125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) Establishment.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) Functions.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

"(3) develop a database management and monitoring system for improving the operation and effectiveness of federally funded bilingual education programs;

"(4) develop, maintain, and disseminate a listing, by geographical area, of education professionals, parents, teachers, administrators, community members, and others, who are native speakers of languages other than English, for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs; and

"(5) publish, on an annual basis, a list of grant recipients under this subpart.

"SEC. 3126. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"(a) In General.—The Secretary may make grants for the development, publication, and dissemination of high-quality instructional materials—

"(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instructional materials are not readily available; and

"(2) in other low-incidence languages in the United States for which instructional materials are not readily available.

"(b) Priority.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

"(1) to develop instructional materials in languages indigenous to the United States or the outlying areas; and

"(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with voluntary national content standards and challenging State content standards.

"Subpart 3—Professional Development

"SEC. 3131. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve the educational services for limited English proficient children and youth by supporting professional development programs and the dissemination of information on appropriate instructional practices for such children and youth.

"SEC. 3132. TRAINING FOR ALL TEACHERS PROGRAM.

"(a) Purpose.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into preservice and inservice professional development programs for individuals who are teachers, pupil services personnel, administrators, or other education personnel in order to prepare such individuals to provide effective services to limited English proficient students.

"(b) Authorization.—

"(1) Authority.—The Secretary may award grants under this section to—

"(A) local educational agencies; or

"(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

"(2) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) Authorized Activities.—

"(1) Professional development activities.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

"(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

"(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students of limited English proficiency;

"(C) coordinating activities with entities carrying out other programs, such as other programs carried out under this title, title II, and the Head Start Act;

"(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

"(E) establishing and maintaining local professional networks;

"(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

"(G) carrying out such other activities as are consistent with the purpose of this section.

"(2) Permissible activities.—Grants awarded under this section may be used to conduct activities that include the development of training programs in collaboration with entities carrying out other programs, such as other programs authorized under this title, title II, and the Head Start Act.

"SEC. 3133. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

"(a) Purpose.—The purpose of this section is to provide for—

"(1) preservice and inservice professional development for bilingual education teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and

"(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.

"(b) Program Authorized.—

"(1) Grants to institutions of higher education.—The Secretary is authorized to award grants for a period of not more than 5 years to institutions of higher education, in consortia with State educational agencies or local educational agencies, to achieve the purpose of this section.

"(2) Grants to State and local educational agencies.—The Secretary is authorized to award grants for a period of not more than 5 years to State educational agencies and local educational agencies, for inservice professional development programs.

"(c) Priority.—The Secretary shall give priority in awarding grants under this section to institutions of higher education, in consortia with State educational agencies or local educational agencies, that offer degree programs that prepare new bilingual education teachers for teaching in order to increase the availability of teachers to provide high-quality education to limited English proficient students.

"SEC. 3134. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

"(a) Purpose.—The purpose of this section is—

"(1) to upgrade the qualifications and skills of noncertified educational personnel, especially educational paraprofessionals, to enable the personnel to meet high professional standards, including standards for certification and licensure as bilingual education teachers or for other types of educational personnel who serve limited English proficient students, through collaborative training programs operated by institutions of higher education and State educational agencies and local educational agencies; and

"(2) to help recruit and train secondary school students as bilingual education teachers and other types of educational personnel to serve limited English proficient students.

"(b) Authorization.—

"(1) In general.—The Secretary is authorized to award grants for bilingual education career ladder programs to institutions of higher education, in consortia with State educational agencies or local educational agencies, which consortia may include community-based organizations or professional education organizations.

"(2) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) Permissible Activities.—Grants awarded under this section may be used—

"(1) for the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants involved;

"(2) to provide assistance for stipends and costs related to tuition, fees, and books for enrolling in courses required to complete the degree, and certification or licensing requirements for bilingual education teachers; and

"(3) for programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities assisted under this section.

"(d) Special Consideration.—In awarding the grants, the Secretary shall give special consideration to an applicant proposing a program that provides for—

"(1) participant completion of teacher education programs for a baccalaureate or master's degree, and certification requirements, which programs may include effective employment placement activities;

"(2) development of teacher proficiency in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts;

"(3) coordination with the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, programs under title I of the National and Community Service Act of 1990, and other programs for the recruitment and retention of bilingual students in secondary and postsecondary programs to train the students to become bilingual educators; and

"(4) the applicant's contribution of additional student financial aid to participating students.

"SEC. 3135. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

"(a) Authorization.—

"(1) In general.—The Secretary may award fellowships for master's, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(2) Information.—The Secretary shall include information on the operation of, and the number of fellowships awarded under the fellowship program in the evaluation required under section 3138.

"(b) Fellowship Requirements.—

"(1) In general.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as an activity authorized under this part, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) Regulations.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary determines to be reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"(c) Priority.—In awarding fellowships under this section the Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients to find employment in the field of bilingual education.

"SEC. 3136. APPLICATION.

"(a) In General.—

"(1) Secretary.—To receive an award under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) Consultation and assessment.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine such schools' need for, and the design of, the program for which funds are sought.

"(3) Special rule.—

"(A) Training practicum.—An eligible entity who proposes to conduct a master's- or doctoral-level program with funds received under this subpart shall submit an application under this section that contains an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

"(B) Waiver.—A recipient of a grant under this subpart for a program may waive the requirement that a participant in the program participate in the training practicum, for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.

"(4) State educational agency.—An eligible entity that submits an application under this section, with the exception of a school funded by the Bureau of Indian Affairs, shall submit a copy of the application to the appropriate State educational agency.

"(b) State Review and Comments.—

"(1) Deadline.—The State educational agency, not later than 45 days after receipt of such application, shall review the application and transmit such application to the Secretary.

"(2) COMMENTS.—

"(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

"(i) submit to the Secretary written comments regarding all such applications; and

"(ii) submit to each eligible entity the comments that pertain to such entity.

"(B) SUBJECT.—For purposes of this subpart, comments shall address—

"(i) how the activities to be carried out under the award will further the academic achievement and English proficiency of limited English proficient students served under the award; and

"(ii) how the application is consistent with the State plan required under section 1111.

"(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

"(d) COMMENT CONSIDERATION.—In making awards under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

"(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3124, particularly such agency's ability to carry out data collection efforts, and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

"(f) SPECIAL RULE.—

"(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions in activities under this subpart.

"(2) DISTRIBUTION RULE.—In making awards under this subpart, the Secretary, consistent with subsection (d), shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience concerning the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 3137. STIPENDS.

"The Secretary shall provide, for persons participating in training programs under this subpart, for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate.

"SEC. 3138. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

"(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

"(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

"(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.

"SEC. 3139. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

"Awards under this subpart may be used to develop a program participant's competence in a second language for use in instructional programs.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 3202. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary school and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than ¾ of the funds appropriated under section 3205 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 3205 to evaluate the efficacy of programs under this part.

"SEC. 3203. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning;

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

"(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

"(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

"(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

"SEC. 3204. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 3205 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language not less than 4 days per week throughout an academic year.

"SEC. 3205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 3204.

"PART C—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 3301. PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the education of our Nation's children and youth is 1 of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services;

"(3) in the case of Plyler v. Doe, 457 U.S. 202 (1982), the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 3302. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis) of the amount allocated to such agency under section 3304 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 3303. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 3304. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3301.

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary schools or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to 1 or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

"(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3307.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 3305. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 3301 and 3307, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act, and other Acts as appropriate;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

"(4) provide assurances that such payments, with the exception of payments reserved under section 3304(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3304(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

"(8) provide that funds reserved under section 3304(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

"(9) provide an assurance that State educational agencies and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) APPLICATION REVIEW.—

"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

“SEC. 3306. ADMINISTRATIVE PROVISIONS.

“(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3305 of the amount of such agency's allocation under section 3304 for the succeeding year.

“(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in nonpublic elementary schools and secondary schools, as required by section 3305(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

“SEC. 3307. USES OF FUNDS.

“(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

“(6) such other activities, related to the purpose of this part, as the Secretary may authorize.

“(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with 1 or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

“(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

“(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 3308. REPORTS.

“(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

“(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part.

“SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“PART D—STATE AND LOCAL GRANTS FOR LANGUAGE MINORITY STUDENTS

“SEC. 3321. POLICY AND PURPOSE.

“(a) POLICY.—It is the policy of the United States that, in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

“(1) assist States and, through the States, local educational agencies and schools to build their capacity to establish, implement, and sustain programs of instruction and English language development for limited English proficient students;

“(2) hold States and, through the States, local educational agencies and schools accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

“(3) promote parental and community participation in programs for limited English proficient students.

“(b) PURPOSES.—The purposes of this part are—

“(1) to assist all limited English proficient students, including recent immigrant students, to attain English proficiency as quickly and as effectively as possible;

“(2) to assist all limited English proficient students, including recent immigrant students, to achieve at high levels in the core academic subjects so that those students can meet the same challenging State content and student performance standards as all students are expected to meet, as required by section 1111(b)(1); and

“(3) to provide the assistance described in paragraphs (1) and (2) by—

“(A) streamlining language instruction educational programs into a program carried out through performance-based grants for State and local educational agencies to help limited English proficient students, including recent immigrant students, develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(B) requiring States and, through the States, local educational agencies and schools to—

“(i) demonstrate improvements in the English proficiency of limited English proficient students each fiscal year; and

“(ii) make adequate yearly progress with limited English proficient students, including recent immigrant students, as described in section 1111(b)(2); and

“(C) providing State educational agencies and local educational agencies with the flexibility to implement the instructional programs, tied to scientifically based research, that the agencies believe to be the most effective for teaching English.

“SEC. 3322. DEFINITIONS.

“Except as otherwise provided, in this part:

“(1) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ has the meaning given the term in section 2102.

“(2) IMMIGRANT CHILDREN AND YOUTH.—The term ‘immigrant children and youth’ means individuals who—

“(A) are aged 3 through 21;

“(B) were not born in any State; and

“(C) have not been attending 1 or more schools in any 1 or more States for more than 3 full academic years.

“(3) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term ‘language instruction educational program’ means an instructional course—

“(A) in which a limited English proficient student is placed for the purpose of developing proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1); and

“(B) which may make instructional use of both English and a student's native language to develop English proficiency as quickly and as effectively as possible, and may include the participation of English proficient students if such course is designed to enable all participating students to become proficient in English and a second language.

“(4) LIMITED ENGLISH PROFICIENT STUDENT.—The term ‘limited English proficient student’ means an individual—

“(A) who is aged 3 through 21;

“(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

“(C)(i) who was not born in the United States or whose native language is a language other than English;

“(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

“(II) who comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

“(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

“(D) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual—

“(i) the ability to meet the State's proficient level of performance on State assessments described in section 1111(b)(3);

“(ii) the opportunity to learn successfully in classrooms where the language of instruction is English; or

“(iii) the opportunity to participate fully in society.

“(5) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ includes a consortium of such agencies.

“(6) NATIVE LANGUAGE.—The term ‘native language’, used with reference to a limited English proficient student, means the language normally used by the parents of the student.

“(7) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’, used with respect to an activity or program authorized under this part, means an activity or program based on specific strategies and implementation of such strategies that, based on sound educational theory, research, and an evaluation (including a comparison of program characteristics), are effective in improving student achievement and performance and other program objectives.

"(8) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means a local educational agency in a State that does not participate in a program under this part for a fiscal year.

"(9) STATE.—The term 'State' means each of the 50 States of the United States and the District of Columbia.

"SEC. 3323. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3325(c), to enable the State to help limited English proficient students become proficient in English.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under 3003(b) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs;

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities, approved by the Secretary, consistent with this part;

"(C) ½ of 1 percent of such amount for payments to the Commonwealth of Puerto Rico, for activities, approved by the Secretary, consistent with this part;

"(D) 6 percent of such amount to carry out national activities under section 3332; and

"(E) such sums as may be necessary to make continuation awards under paragraph (4).

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under 3003(b) for any fiscal year that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3325(c)—

"(i) an amount that bears the same relationship to 67 percent of the remainder as the number of limited English proficient students in the State bears to the number of such students in all States; and

"(ii) an amount that bears the same relationship to 33 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States.

"(B) MINIMUM ALLOTMENTS.—No State shall receive an allotment under this paragraph that is less than ½ of 1 percent of the amount available for allotments under this paragraph.

"(3) DATA.—For purposes of paragraph (2), for the purpose of determining the number of limited English proficient students in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such students, which may include—

"(A) data available from the Bureau of the Census; or

"(B) data submitted to the Secretary by the States.

"(4) CONTINUATION AWARDS.—

"(A) IN GENERAL.—Before making allotments to States under paragraph (2) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(E) to make continuation awards to recipients who received grants or fellowships for the fiscal year before the first fiscal year described in section 3003(b) under—

"(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the effective date of the Better Education for Students and Teachers Act); or

"(ii) subparts 1 and 3 of part A.

"(B) USE OF FUNDS.—The Secretary shall make the grants in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.

"(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

"(1) NONPARTICIPATING STATE.—If a State educational agency chooses not to participate in a program under this part for a fiscal year, or fails to submit an approvable application under section 3325 for a fiscal year, a specially qualified agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

"(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under this part and having an application approved under section 3325(c).

"(3) ADMINISTRATIVE FUNDS.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for a fiscal year for the administrative costs of carrying out this part.

"(d) REALLOTMENT.—Whenever the Secretary determines that any amount of a payment made to a State or specially qualified agency under this part for a fiscal year will not be used by the State or agency for the purpose for which the payment was made, the Secretary shall, in accordance with such rules as the Secretary determines to be appropriate, make such amount available to other States or specially qualified agencies for carrying out that purpose.

"SEC. 3324. WITHIN-STATE ALLOCATIONS.

"(a) GRANT AWARDS.—Each State educational agency receiving a grant under this part for a fiscal year shall use a portion equal to at least 95 percent of the agency's allotment under section 3323(b)(2)—

"(1) to award grants, from allocations under subsection (b), to local educational agencies in the State to carry out the activities described in section 3327(b); and

"(2) to make grants under subsection (c) to local educational agencies in the State that are described in that subsection to carry out the activities described in section 3327(c).

"(b) ALLOCATION FORMULA.—

"(1) IN GENERAL.—After making the reservations under subsection (c), each State educational agency receiving a grant under section 3323(b)(2) shall award grants for a fiscal year by allocating to each local educational agency in the State having a plan approved under section 3326 an amount that bears the same relationship to the portion described in subsection (a)(1) and remaining after the reservations as the population of limited English proficient students in schools served by the local educational agency bears to the population of limited English proficient students in schools served by all local educational agencies in the State.

"(2) AMOUNT OF GRANTS.—A State shall not award a grant from an allocation made under this subsection in an amount of less than $10,000.

"(c) RESERVATIONS.—

"(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES THAT EXPERIENCE SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

"(A) IN GENERAL.—A State educational agency receiving a grant under this part for a fiscal year shall reserve a portion equal to not more than 15 percent of the agency's allotment under section 3323(b)(2) to award grants to local educational agencies in the State that experience a substantial increase in the number of immigrant children and youth enrolled in public elementary schools and secondary schools under the jurisdiction of the agencies.

"(B) SUBSTANTIAL INCREASE.—For the purpose of this paragraph, the term 'substantial increase', used with respect to the number of immigrant children and youth enrolled in schools for a fiscal year, means—

"(i) an increase of not less than 20 percent, or of not fewer than 50 individuals, in the number of such children and youth so enrolled, relative to the preceding year; or

"(ii) an increase of not less than 20 percent in such number, relative to the preceding year, in the case of a local educational agency that has limited or no experience in serving limited English proficient students.

"(2) STATE ACTIVITIES.—Each State educational agency receiving a grant under this part may reserve not more than 5 percent of the agency's allotment under section 3323(b)(2) to carry out State activities described in the State plan submitted under section 3325.

"(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the State activities described in the State plan and providing grants to local educational agencies.

"SEC. 3325. STATE AND SPECIALLY QUALIFIED AGENCY PLANS.

"(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this part shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS.—Each plan submitted under subsection (a) shall—

"(1) describe how the State or specially qualified agency will establish standards and benchmarks for English language proficiency that are derived from the 4 recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the State content and student performance standards described in section 1111(b)(1);

"(2) contain an assurance that the—

"(A) State educational agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and second language acquisition specialists, in setting the performance objectives; or

"(B) specially qualified agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and second language acquisition specialists, in setting the performance objectives described in section 3329;

"(3) describe how—

"(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

"(i) meeting all performance objectives described in section 3329;

“(ii) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(iii) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1); and

“(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for—

“(i) meeting all performance objectives described in section 3329;

“(ii) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(iii) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(4) in the case of a specially qualified agency, describe the activities for which assistance is sought, and how the activities will increase the effectiveness with which students develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach limited English proficient students—

“(A) using a language instruction curriculum that is tied to scientifically based research and has been demonstrated to be effective; and

“(B) in the manner the local educational agencies determine to be the most effective; and

“(6) describe how—

“(A) in the case of a State educational agency, the State educational agency will, if requested—

“(i) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing language instruction educational programs and curricula that are tied to scientifically based research;

“(ii) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of helping limited English proficient students meet the same challenging State content standards and challenging State student performance standards as all students are expected to meet;

“(iii) provide technical assistance to local educational agencies and elementary schools and secondary schools to identify or develop and implement measures of English language proficiency; and

“(iv) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of promoting parental and community participation in programs that serve limited English proficient students; and

“(B) in the case of a specially qualified agency, the specially qualified agency will—

“(i) provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing programs and curricula that are tied to scientifically based research; and

“(ii) provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes described in clauses (ii), (iii), and (iv) of subparagraph (A).

“(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purposes described in section 3321(b).

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

“(A) remain in effect for the duration of the State educational agency's or specially qualified agency's participation under this part; and

“(B) be periodically reviewed and revised by the State educational agency or specially qualified agency, as necessary, to reflect changes to the State's or specially qualified agency's strategies and programs carried out under this part.

“(2) ADDITIONAL INFORMATION.—

“(A) SIGNIFICANT CHANGES.—If the State educational agency or specially qualified agency makes significant changes to the plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit information regarding the significant changes to the Secretary.

“(B) APPROVAL.—The Secretary shall approve such changes to an approved plan, unless the Secretary determines that the changes will not result in the State or specially qualified agency meeting the requirements, or fulfilling the purposes, of this part.

“(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5502.

“(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English language development standards and English language proficiency assessments.

“SEC. 3326. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3324 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(b) CONTENTS.—Each plan submitted under subsection (a) shall—

“(1) describe how the local educational agency will use the grant funds to meet all performance objectives described in section 3329;

“(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for—

“(A) meeting the performance objectives;

“(B) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(C) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(3) describe how the local educational agency will promote parental and community participation in programs for limited English proficient students;

“(4) contain an assurance that the local educational agency consulted with teachers (including second language acquisition specialists), school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing the local educational agency plan;

“(5) describe how the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the adequate yearly progress necessary to ensure that limited English proficient students attending the schools will meet the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act; and

“(6) describe how language instruction educational programs will ensure that limited English proficient students being served by the programs develop English language proficiency as quickly and as effectively as possible.

“SEC. 3327. USES OF FUNDS.

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving grant funds under section 3324(b) for a fiscal year may use, from those grant funds, not more than 1 percent of the grant funds the agency receives under section 3324 for the fiscal year for the cost of administering this part.

“(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3324(b)—

“(1) shall use the grant funds that are not used under subsection (a)—

“(A) to increase limited English proficient students' proficiency in English by providing high-quality language instruction educational programs that are—

“(i) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

“(ii) tied to scientifically based research demonstrating the effectiveness of the programs in increasing student performance in the core academic subjects; and

“(B) to provide high-quality professional development activities for teachers of limited English proficient students, including teachers in classroom settings that are not the settings of language instruction educational programs, that are—

“(i) designed to enhance the ability of the teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

“(ii) tied to scientifically based research demonstrating the effectiveness of those activities in increasing students' English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of those teachers; and

“(iii) of sufficient intensity and duration (not to include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this clause shall not apply to an activity that is 1 component described in a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local educational agency; and

"(2) may use the grant funds that are not used under subsection (a) to provide parental and community participation programs that are designed to improve language instruction educational programs for limited English proficient students.

"(c) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—Each local educational agency receiving grant funds under section 3324(c)(1) shall use the grant funds to pay for activities that provide enhanced instructional opportunities for such children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) payment of salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with the grant involved; and

"(5) basic instructional services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition, or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services.

"(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

"SEC. 3328. PROGRAM REQUIREMENTS.

"(a) PROHIBITION.—In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating limited English proficient students.

"(b) TEACHER ENGLISH FLUENCY.—Each local educational agency receiving grant funds under section 3324 shall certify to the State educational agency that all teachers in any language instruction educational program for limited English proficient students funded under this part are fluent in English and any other language used for instruction.

"SEC. 3329. PERFORMANCE OBJECTIVES.

"(a) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under this part shall develop annual measurable performance objectives that are research-based, and age- and developmentally appropriate, with respect to helping limited English proficient students develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1). For each annual measurable performance objective, the agency shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years (after the first fiscal year) for which the agency receives a grant under this part, relative to the preceding fiscal year, including increases in the number of limited English proficient students demonstrating an increase in performance on annual assessments.

"(b) ACCOUNTABILITY.—

"(1) FOR STATES.—Each State educational agency receiving a grant under this part shall be held accountable for meeting the annual measurable performance objectives under this part and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B). Any State educational agency that fails to meet the annual performance objectives shall be subject to sanctions under section 6202.

"(2) FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall be held accountable for meeting annual measurable performance objectives, be held accountable for making yearly progress, and be subject to sanctions, in a manner that the Secretary determines is appropriate and comparable to the manner used for State educational agencies specified in paragraph (1).

"SEC. 3330. REGULATIONS AND NOTIFICATION.

"(a) REGULATION RULE.—In developing regulations under this part, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient students.

"(b) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Each local educational agency participating in a language instruction educational program under this part shall notify parents of a student participating in the program of—

"(A) the student's level of English proficiency, how that level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, grade promotion, and graduation;

"(B)(i) the programs that are available to meet the student's educational strengths and needs, and how those programs differ in content and instructional goals from other language instruction educational programs that serve limited English proficient students; and

"(ii) in the case of a student with a disability who participates in the language instruction educational program, how the program meets the objectives of the individualized education program of the student;

"(C)(i) the instructional goals of the language instruction educational program in which the student participates, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation;

"(ii) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

"(iii) the reasons the student was identified as being in need of a language instruction educational program; and

"(D) how parents can participate and be involved in the language instruction educational program in order to help their children achieve.

"(2) OPTION TO DECLINE.—

"(A) IN GENERAL.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of the student in a language instruction educational program, and shall be given an opportunity to decline that enrollment if the parent so chooses.

"(B) OBLIGATIONS.—A local educational agency shall not be relieved of any of the agency's obligations under title VI of the Civil Rights Act of 1964 because a parent chooses not to enroll a student in a language instruction educational program.

"(3) RECEIPT OF INFORMATION.—A parent described in paragraph (1) shall receive the information required by this subsection in a manner and form understandable to the parent including, if necessary and to the extent feasible, receiving the information in the language normally used by the parent. The parent shall receive—

"(A) timely information about programs funded under this part; and

"(B) notice of opportunities, if applicable, for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

"(4) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

"(5) LIMITATIONS ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, elementary school's, or secondary school's specific challenging English language development standards or assessments, curriculum, or program of instruction, as a condition of eligibility to receive grant funds under this part.

"SEC. 3331. ADMINISTRATION.

"(a) STATE AND LOCAL PROGRAMS.—This part shall be in effect only in a fiscal year described in section 3003(b).

"(b) OTHER LAW.—In such a fiscal year—

"(1) parts A, C, D (other than section 3404) and E shall not be in effect; and

"(2) section 3404 shall apply only with respect to grants provided and activities carried out under part B and this part.

"(c) REFERENCES.—In such a fiscal year, references in Federal law to part A shall be considered to be references to this part.

"SEC. 3332. NATIONAL LEADERSHIP ACTIVITIES TO ENSURE EDUCATIONAL EXCELLENCE FOR LIMITED ENGLISH PROFICIENT STUDENTS.

"(a) IN GENERAL.—The Secretary shall use funds made available under section 3323(b)(1)(D) to carry out each of the activities described in subsections (b) and (c).

"(b) NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.—The Secretary shall award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient students and assist educational personnel working with such students to meet high professional standards, including standards for certification and licensure as bilingual education teachers. Grants awarded under this subsection may be used—

"(1) for inservice professional development programs that serve teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, a language instruction educational program;

"(2) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

"(3) for the development of curricula appropriate to the needs of the consortia participants involved; and

"(4) for financial assistance and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, and meet certification or licensing requirements for bilingual education teachers.

“(c) National Clearinghouse.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about second language acquisition programs for limited English proficient students, and related programs. The National Clearinghouse shall—

“(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Office of Educational Research and Improvement;

“(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

“(3) develop a database management and monitoring system for improving the operation and effectiveness of federally funded language instruction educational programs;

“(4) disseminate information on best practices related to—

“(A) the development of accountability systems that monitor the academic progress of limited English proficient students in language instruction educational programs; and

“(B) the development of standards and English language proficiency assessments for language instruction educational programs;

“(5) develop, maintain, and disseminate a listing, by geographical area, of education professionals, parents, teachers, administrators, community members, and others, who are native speakers of languages other than English, for use as a resource by local educational agencies and schools in the development and implementation of language instruction educational programs; and

“(6) publish, on an annual basis, a list of grant recipients under this section.

“PART E—ADMINISTRATION

“SEC. 3401. RELEASE TIME.

“The Secretary shall allow entities carrying out professional development programs funded under part A to use funds provided under part A for professional release time to enable individuals to participate in programs assisted under part A.

“SEC. 3402. EDUCATION TECHNOLOGY.

“Funds made available under part A may be used to provide for the acquisition or development of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

“SEC. 3403. NOTIFICATION.

“The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under part A is made to an eligible entity within the State.

“SEC. 3404. CONTINUED ELIGIBILITY.

“Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title, the Secretary shall take into consideration the applicant's record of accomplishments under previous grants under this title.

“SEC. 3405. COORDINATION AND REPORTING REQUIREMENTS.

“(a) Coordination With Related Programs.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient students and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office and relevant programs operated by the Department, including programs under this title and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited English proficient students.

“(b) Data.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient students.

“(c) Publication of Proposals.—The Secretary shall publish and disseminate all requests for proposals for programs funded under part A.

“(d) Report.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary and to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce of the House of Representatives a report on—

“(1) the activities carried out under this title and the effectiveness of such activities in improving the education provided to limited English proficient children and youth;

“(2) a critical synthesis of data reported by the States pursuant to section 3124;

“(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding 5 fiscal years;

“(4) the major findings of research carried out under this title; and

“(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited English proficient students.

“PART F—GENERAL PROVISIONS

“SEC. 3501. DEFINITIONS.

“Except as otherwise provided, in this title:

“(1) Bilingual education program.—The term ‘bilingual education program’ means an educational program for limited English proficient students that—

“(A) makes instructional use of both English and a student's native language;

“(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards;

“(C) may also develop the native language skills of limited English proficient students, or ancestral language skills of American Indians (within the meaning of part A of title VII), Alaska Natives (as defined in section 7306), Native Hawaiians (as defined in section 7207), and native residents of the outlying areas; and

“(D) may include the participation of English proficient students if such program is designed to enable all enrolled students to become proficient in English and a second language.

“(2) Children and youth.—The term ‘children and youth’ means individuals aged 3 through 21.

“(3) Community-based organization.—The term ‘community-based organization’ means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority (as such terms are defined in section 3004) that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes Native Hawaiian organizations including Native Hawaiian Educational Organizations as such term is defined in section 4009 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

“(4) Community college.—The term ‘community college’ means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled College or University Assistance Act of 1978.

“(5) Director.—The term ‘Director’ means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 209 of the Department of Education Organization Act.

“(6) Family education program.—

“(A) In general.—The term ‘family education program’ means a bilingual education or special alternative instructional program that—

“(i) is designed—

“(I) to help limited English proficient adults and out-of-school youths achieve proficiency in the English language; and

“(II) to provide instruction on how parents and family members can facilitate the educational achievement of their children;

“(ii) when feasible, uses instructional programs such as the models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and

“(iii) gives preference to participation by parents and immediate family members of children attending school.

“(B) Instruction for higher education and employment.—Such term may include programs that provide instruction to facilitate higher education and employment outcomes.

“(7) Immigrant children and youth.—The term ‘immigrant children and youth’ means individuals who—

“(A) are aged 3 through 21;

“(B) were not born in any State; and

“(C) have not been attending 1 or more schools in any 1 or more States for more than 3 full academic years.

“(8) Limited English proficiency and limited English proficient.—The terms ‘limited English proficiency’ and ‘limited English proficient’, when used with reference to an individual, mean an individual—

“(A)(i) who was not born in the United States, or whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

"(ii) who is a Native American or Alaska Native, or is a native resident of the outlying areas, and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in society.

"(9) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the meanings given such terms in section 103 of the Native American Languages Act.

"(10) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization's educational programs and with not less than 5 years successful experience in providing educational services in traditional Native American languages.

"(11) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(12) OFFICE.—The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

"(13) OTHER PROGRAMS FOR PERSONS OF LIMITED ENGLISH PROFICIENCY.—The term 'other programs for persons of limited English proficiency' means any other programs administered by the Secretary that serve persons of limited English proficiency.

"(14) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

"(15) SPECIAL ALTERNATIVE INSTRUCTIONAL PROGRAM.—The term 'special alternative instructional program' means an educational program for limited English proficient students that—

"(A) utilizes specially designed English language curricula and services but does not use the student's native language for instructional purposes;

"(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards; and

"(C) is particularly appropriate for schools where the diversity of the limited English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

"SEC. 3502. REGULATIONS AND NOTIFICATION.

"(a) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

"(b) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of children and youth participating in programs assisted under part A shall be informed of—

"(A) a student's level of English proficiency, how such level was assessed, the status of a student's academic achievement, and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a student with a disability, how the program meets the objectives of a student's individualized education program; and

"(C) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited English proficient student acquire English and meet age-appropriate standards for grade promotion and graduation, including—

"(i) the benefits, nature, and past academic results of the bilingual educational program and of the instructional alternatives; and

"(ii) the reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—

"(A) IN GENERAL.—Such parents shall also be informed that such parents have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to so decline if such parents so choose.

"(B) CIVIL RIGHTS OBLIGATIONS.—A local educational agency shall not be relieved of any of its obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in programs carried out under part A.

"(3) RECEIPT OF INFORMATION.—Such parents shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under part A; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) SPECIAL RULE.—Students shall not be admitted to or excluded from any federally assisted education program merely on the basis of a surname or language-minority status.".

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"PART A—STATE GRANTS

"SEC. 4001. SHORT TITLE.

"This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"Congress makes the following findings:

"(1) Every student should attend a school in a drug- and violence-free learning environment.

"(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(4) Drug and violence prevention programs are most effective when implemented within a scientifically based research, drug and violence prevention framework of proven effectiveness.

"(5) Research clearly shows that community contexts contribute to substance abuse and violence.

"(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

"(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

"SEC. 4003. PURPOSE.

"The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities; and

“(4) public and private nonprofit organizations to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

“SEC. 4004. FUNDING.

“There are authorized to be appropriated—

“(1) $700,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for State grants under subpart 1;

“(2) $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for national programs under subpart 2;

“(3) $75,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for the National Coordinator Initiative under section 4122; and

“(4) $5,000,000 for each of fiscal years 2002 through 2004 to carry out section 4125.

“Subpart 1—State Grants for Drug and Violence Prevention Programs

“SEC. 4111. RESERVATIONS AND ALLOTMENTS.

“(a) Reservations.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

“(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

“(b) State Allotments.—

“(1) In general.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

“(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

“(2) Minimum.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(3) Reallotment.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

“(4) Definitions.—In this subsection:

“(A) State.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) Local educational agency.—The term ‘local educational agency’ includes educational service agencies and consortia of such agencies.

“(c) Limitation.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

“SEC. 4112. STATE APPLICATIONS.

“(a) In General.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

“(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

“(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other scientifically based research variables in the school and community;

“(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

“(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organizations, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

“(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

“(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

“(A) be focused on student behavior and attitudes and be derived from the needs assessment;

“(B) include targets and due dates for the attainment of such performance measures; and

“(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

“(8) includes any other information the Secretary may require.

“(b) State Educational Agency Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

“(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116;

“(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

“(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

“(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

“(c) Governor's Funds.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

“(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

“(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

“(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

“(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities;

“(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

“(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

“(d) Peer Review.—The Secretary shall use a peer review process in reviewing State applications under this section.

“(e) Interim Application.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

“SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

“(a) Use of Funds.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

“(b) State Level Programs.—

“(1) In general.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

“(A) voluntary training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

“(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

“(C) making available to local educational agencies cost effective scientifically based research programs for youth violence and drug abuse prevention;

“(D) demonstration projects in drug and violence prevention, including service-learning projects;

“(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

“(F) training, technical assistance and demonstration projects to address the impact of family violence on school violence and substance abuse;

“(G) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

“(H) the evaluation of activities carried out within the State under this part.

“(2) Special rule.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) State Administration.—

“(1) In general.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) Uniform management information and reporting system.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) Local Educational Agency Programs.—

“(1) In general.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) Distribution.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) Enrollment and combination approach.—Of the amount distributed under paragraph (1), a State educational agency shall distribute—

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(I) to each local educational agency in an amount determined appropriate by the State educational agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

“(B) Competitive and need approach.—Of the amount distributed under paragraph (1), a State educational agency shall distribute—

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

“(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local educational agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

“(3) Consideration of objective data.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

“(A) high or increasing rates of alcohol or drug use among youth;

“(B) high or increasing rates of victimization of youth by violence and crime;

“(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

“(D) the extent of illegal gang activity;

“(E) high or increasing incidence of violence associated with prejudice and intolerance;

“(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

“(G) high or increasing rates of referrals of youths to juvenile court;

“(H) high or increasing rates of expulsions and suspensions of students from schools;

“(I) high or increasing rates of reported cases of child abuse and domestic violence; and

“(J) high or increasing rates of drug related emergencies or deaths. .

“(e) Reallocation of Funds.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

“(f) Return of Funds to State Educational Agency; Reallocation.—

“(1) Return.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

“(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

“(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

“(2) Reallocation.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

“(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

“(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

“SEC. 4114. GOVERNOR'S PROGRAMS.

“(a) Use of Funds.—

“(1) In general.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

“(2) Administrative costs.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

“(b) State plan.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence, or protective factors, buffers or assets or other scientifically based research variables in schools and communities in the State;

“(3) a description of the scientifically based research strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program;

“(B) a specification for how risk factors, if any, which have been identified will be targeted through scientifically based research programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through scientifically based research programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved; and

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

“(c) Programs Authorized.—

“(1) In general.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

“(A) children and youth who are not normally served by State or local educational agencies; or

“(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

“(2) Peer review.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

“(d) Authorized Activities.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

“(1) disseminating information about drug and violence prevention;

“(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), domestic violence and child abuse education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

“(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, family violence prevention, community service, service-learning, mentoring, and other appropriate services;

“(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

“(5) activities to protect students traveling to and from school;

“(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

“(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

“(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

“(9) developing and implementing activities to prevent and reduce dating violence;

“(10) developing and implementing strategies to prevent illegal gang activity;

“(11) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

“(12) service-learning projects that encourage drug- and violence-free lifestyles;

“(13) evaluating programs and activities assisted under this section;

“(14) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence; and

“(15) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies.

“SEC. 4115. LOCAL APPLICATIONS.

“(a) Application Required.—

“(1) In general.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

“(2) Development.—

“(A) Consultation.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

“(B) Duties of advisory council.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

“(i) disseminate information about scientifically based research drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

“(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities;

“(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

“(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

“(b) Contents of Applications.—An application under this section shall contain—

“(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

“(2) an analysis, based on data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence, or protective factors, buffers or assets or other scientifically based research variables in the school and community;

“(3) a description of the scientifically based research strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

“(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

“(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

“(ii) specific reductions in the prevalence of identified risk factors;

“(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

“(iv) other scientifically based research goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

“(B) a specification for how risk factors, if any, which have been identified will be targeted through scientifically based research programs; and

“(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through scientifically based research programs;

“(4) a specification for the method or methods by which measurements of program goals will be achieved;

“(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

“(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

“(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

“(B) security procedures at school and while students are on the way to and from school;

“(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

“(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

“(7) such other information and assurances as the State educational agency may reasonably require.

“(c) Review of Application.—

“(1) In general.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

“(2) Considerations.—

“(A) In general.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements scientifically based research programs that have been shown to be effective and meet identified needs.

"(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and school employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

"(3) implement activities which shall include—

"(A) a thorough assessment of the substance abuse violence problem, using objective data and the knowledge of a wide range of community members;

"(B) the development of measurable goals and objectives;

"(C) the implementation of scientifically based research programs that have been shown to be effective and meet identified goals; and

"(D) an evaluation of program activities; and

"(4) implement prevention programming activities within the context of a scientifically based research prevention framework.

"(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and scientifically based research drug and violence prevention program carried out under this subpart may include—

"(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), domestic violence and child abuse education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug or violence prevention;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

"(i) family counseling; and

"(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, domestic violence and child abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

"(A) metal detectors;

"(B) electronic locks;

"(C) surveillance cameras; and

"(D) other drug and violence prevention-related equipment and technologies;

"(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(9) other scientifically based research prevention programming that is—

"(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

"(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

"(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

"(10) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

"(11) community involvement activities including community mobilization;

"(12) voluntary parental involvement and training;

"(13) the evaluation of any of the activities authorized under this subsection;

"(14) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

"(15) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

"(16) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

"(A) to have responsibility for the safety or well-being of children;

"(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

"(C) to otherwise be employed at all by the local educational agency.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.

"SEC. 4117. EVALUATION AND REPORTING.

"(a) IMPACT EVALUATION.—

"(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

"(A) whether funded community and local education agency programs—

"(i) provided a thorough assessment of the substance abuse and violence problem;

"(ii) used objective data and the knowledge of a wide range of community members;

"(iii) developed measurable goals and objectives;

"(iv) implemented scientifically based research programs that have been shown to be effective and meet identified needs; and

"(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

"(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

"(i) scientifically based research variables that are predictive of drug use or violence;

"(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

"(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

"(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

"(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

"(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data to determine the incidence and prevalence of social disapproval of drug use and violence in elementary and secondary schools in the States.

"(3) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

"(b) STATE REPORT.—

"(1) IN GENERAL.—By December 1, 2002, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

"(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—

"(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

"(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

"(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

"(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative' strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

"(5) program evaluations that address issues not addressed under section 4117(a);

"(6) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

"(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(10) the implementation of innovative activities, such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

"(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

"(13) other activities that meet unmet national needs related to the purposes of this title.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

"(a) IN GENERAL.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

"(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

"SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

"(A) consult with the Secretary under subsection (b);

"(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

"(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

"(D) provide technical assistance and training for safe and drug free school- and community-based programs;

"(E) provide for the diffusion of scientifically based research safe and drug free school- and community-based programs; and

"(F) review other regulations and standards developed under this title.

"(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

"(A) the Department of Education;

"(B) the Centers for Disease Control and Prevention;

"(C) the National Institute on Drug Abuse;

"(D) the National Institute on Alcoholism and Alcohol Abuse;

"(E) the Center for Substance Abuse Prevention;

"(F) the Center for Mental Health Services;

"(G) the Office of Juvenile Justice and Delinquency Prevention;

"(H) the Office of National Drug Control Policy; and

"(I) State and local governments, including education agencies.

"(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

"(b) PROGRAMS.—

"(1) IN GENERAL.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

"(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and nonprofit private organizations and individuals or through agreements with other Federal agencies.

"(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

"(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

"(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

"(i) provide a thorough assessment of the substance abuse and violence problem;

"(ii) utilize objective data and the knowledge of a wide range of community members;

"(iii) develop measurable goals and objectives; and

"(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

"(B) the provision of technical assistance and training to foster program accountability;

"(C) the diffusion and dissemination of best practices and programs;

"(D) the development of core data sets and evaluation tools;

"(E) program evaluations;

"(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

"(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

"SEC. 4124. HATE CRIME PREVENTION.

"(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"(b) USE OF FUNDS.—

"(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

"(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

"(A) a request for funds for the purposes described in this section;

"(B) a description of the schools and communities to be served by the grants; and

"(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

"(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(B) a description of the program to be developed or augmented by such Federal and matching funds;

"(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(D) procedures for the proper and efficient administration of such program; and

"(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(c) AWARD OF GRANTS.—

"(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

"(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

"SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools that work with experts to enable the elementary schools and secondary schools—

"(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

"(B) to provide educational programming to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

"(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

"(D) to develop and implement school system policies regarding appropriate, safe responses identification and referral procedures for students who are experiencing or witnessing domestic violence.

"(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

"(A) on a competitive basis; and

"(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

"(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of domestic violence and the impact of experiencing or witnessing domestic violence on children.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or witness or experience family violence, and the impact of such violence on the students.

"(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To develop and implement elementary school and secondary school system policies regarding appropriate, safe responses, identification and referral procedures for students who are experiencing or witnessing domestic violence and to develop and implement policies on reporting and referral procedures for these students.

“(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert.

“(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships and witness domestic violence, and the impact of the violence described in this paragraph on the children.

“(6) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

“(c) Confidentiality.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

“(d) Application.—

“(1) In general.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

“(2) Contents.—Each application submitted under paragraph (1) shall—

“(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

“(B) describe how the experts shall work in consultation and collaboration with the elementary school or secondary school;

“(C) provide measurable goals for and expected results from the use of the funds provided under the grant or contract; and

“(D) incorporate appropriate remuneration for collaborating partners.

“(e) Applicability.—The provisions of this part (other than this section) shall not apply to this section.

“(f) Definitions.—In this section:

“(1) Domestic violence.—The term ‘domestic violence’ has the meaning given that term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2)).

“(2) Experts.—The term ‘experts’ means—

“(A) experts on domestic violence, sexual assault, and child abuse from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields; and

“(B) State and local domestic violence coalitions and community-based youth organizations.

“(3) Witness domestic violence.—

“(A) In general.—The term ‘witness domestic violence’ means to witness—

“(i) an act of domestic violence that constitutes actual or attempted physical assault; or

“(ii) a threat or other action that places the victim in fear of domestic violence.

“(B) Witness.—In subparagraph (A), the term ‘witness’ means to—

“(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

“(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

“Subpart 3—General Provisions

“SEC. 4131. DEFINITIONS.

“In this part:

“(1) Community-based organization.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

“(2) Drug and violence prevention.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

“(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

“(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(3) Hate crime.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(4) Nonprofit.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(5) Objectively measurable goals.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

“(6) Protective factor, buffer, or asset.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

“(7) Risk factor.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

“(8) School-aged population.—The term ‘school-aged population’ means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

“(9) School personnel.—The term ‘school personnel’ includes teachers, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

“SEC. 4132. MATERIALS.

“(a) ‘Illegal and Harmful’ Message.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

“(b) Curriculum.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

“SEC. 4133. PROHIBITED USES OF FUNDS.

“No funds under this part may be used for—

“(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

“(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

“SEC. 4134. QUALITY RATING.

“(a) In General.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

“(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

“(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

“(b) Criteria.—The standard referred to in subsection (a) shall address, at a minimum—

“(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

“(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

“(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

“(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

“(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

“(c) Request for Quality Program School Designation.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

“(d) Public Notification.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the

State that has received a quality program school designation in accordance with this section.".

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"PART B—GUN POSSESSION

"SEC. 4201. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This part may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

"(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

"(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the type of weapons concerned.

"(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

"SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

"(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the meanings given the terms in section 921(a) of title 18, United States Code.".

SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.

(a) IN GENERAL.—Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART C—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Subject to this title, and subpart 4 of part B of title V, funds made available under this title and such subpart may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) the identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative scientifically based research delinquency and violence prevention programs, including—

"(A) school antiviolence programs; and

"(B) mentoring programs;

"(4) comprehensive security assessments;

"(5) in accordance with section 4116(c), the purchase of school security equipment and technologies such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, scientifically based research violence prevention and intervention programs for school-aged children;

"(7) providing assistance to States, local education agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.

"SEC. 4302. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this part shall be construed to prohibit any State, local education agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Subject to this title and subpart 4 of part B of title V, funds provided under this title and such subpart may be used for establishing a uniform policy.

"SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.".

(b) BACKGROUND CHECKS.—Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—.

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 404. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART D—ENVIRONMENTAL TOBACCO SMOKE

"SEC. 4401. SHORT TITLE.

"This part may be cited as the 'Pro-Children Act of 2001'.

"SEC. 4402. DEFINITIONS.

"As used in this part:

"(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

"(A) that are funded, after the date of enactment of the Better Education for Students and Teachers Act, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

"(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

"(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

"(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

"(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

"(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 4403. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

"(a) PROHIBITION.—After the date of enactment of the Better Education for Students and Teachers Act, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

"(b) ADDITIONAL PROHIBITION.—

"(1) IN GENERAL.—After the date of enactment of the Better Education for Students and Teachers Act, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

"(2) Exception.—Paragraph (1) shall not apply to—

"(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(B) any private residence.

"(c) Federal Agencies.—

"(1) Kindergarten, elementary, or secondary education or library services.—After the date of enactment of the Better Education for Students and Teachers Act, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

"(2) Health or day care or early childhood development services.—

"(A) In general.—After the date of enactment of the Better Education for Students and Teachers Act, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

"(B) Exception.—Subparagraph (A) shall not apply to—

"(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(ii) any private residence.

"(3) Application of provisions.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

"(d) Notice.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the Better Education for Students and Teachers Act, whichever occurs first.

"(e) Civil Penalties.—

"(1) In general.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

"(2) Administrative proceeding.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

"(3) Circumstances affecting penalty or order.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

"(C) such other matters as justice may require.

"(4) Modification.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

"(5) Petition for review.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

"(6) Failure to comply.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

"SEC. 4404. PREEMPTION.

"Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.".

TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

SEC. 501. PUBLIC SCHOOL CHOICE AND FLEXIBILITY.

Title V (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

"PART A—PUBLIC SCHOOL CHOICE

"Subpart 1—Charter Schools

"SEC. 5111. PURPOSE.

"It is the purpose of this subpart to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the planning, program design and initial implementation of charter schools;

"(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents; and

"(3) expanding the number of high-quality charter schools available to students across the Nation.

"SEC. 5112. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5113 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

"(b) Special Rule.—If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5113, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5113(c).

"(c) Program Periods.—

"(1) Grants to states.—Grants awarded to State educational agencies under this subpart shall be awarded for a period of not more than 3 years.

"(2) Grants to eligible applicants.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design;

"(B) not more than 2 years for the initial implementation of a charter school; and

"(C) not more than 2 years to carry out dissemination activities described in section 5114(f)(6)(B).

"(d) Limitation.—A charter school may not receive—

"(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

"(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

"(e) Priority Treatment.—

"(1) In general.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5121, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

"(2) Review and evaluation priority criteria.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

"(3) Priority criteria.—The criteria referred to in paragraph (1) are the following:

"(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.

"(B) The State—

"(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

"(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

"(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

"(f) Amount Criteria.—In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.

"SEC. 5113. APPLICATIONS.

"(a) Applications From State Agencies.—Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) Contents of a State Educational Agency Application.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

"(2) describe how the State educational agency—

"(A) will inform each charter school in the State regarding—

"(i) Federal funds that the charter school is eligible to receive; and

"(ii) Federal programs in which the charter school may participate;

"(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

"(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this subpart;

"(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

"(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 5112(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

"(N) such other information and assurances as the Secretary and the State educational agency may require.

"(c) Contents of Eligible Applicant Application.—Each eligible applicant desiring a grant pursuant to section 5112(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) Contents of Application.—Each application submitted pursuant to subsection (c) shall contain—

"(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears; and

"(2) assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 5114(e).

"SEC. 5114. ADMINISTRATION.

"(a) Selection Criteria for State Educational Agencies.—The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5113(b), after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the strategy for assessing achievement of those objectives;

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

"(6) the number of high quality charter schools created under this subpart in the State; and

"(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 5112(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

"(b) Selection Criteria for Eligible Applicants.—The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5113(c), after taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the strategy for assessing achievement of those objectives;

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

"(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 5112(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

“(c) Peer Review.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.

“(d) Diversity of Projects.—The Secretary and each State educational agency receiving a grant under this subpart, shall award subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—

“(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

“(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

“(e) Waivers.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5120(1), if—

“(1) the waiver is requested in an approved application under this subpart; and

“(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(f) Use of Funds.—

“(1) State educational agencies.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

“(2) Eligible applicants.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.

“(3) Allowable activities.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—

(A) post-award planning and design of the educational program, which may include—

“(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

“(ii) professional development of teachers and other staff who will work in the charter school; and

“(B) initial implementation of the charter school, which may include—

“(i) informing the community about the school;

“(ii) acquiring necessary equipment and educational materials and supplies;

“(iii) acquiring or developing curriculum materials; and

“(iv) other initial operational costs that cannot be met from State or local sources.

“(4) Administrative expenses.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

“(5) Revolving loan funds.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

“(6) Dissemination.—

“(A) In general.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

“(i) substantial progress in improving student achievement;

“(ii) high levels of parent satisfaction; and

“(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

“(B) Activities.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

“(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

“(ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

“(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

“(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

“(g) Tribally Controlled Schools.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

“(1) the eligibility of the school to receive any other Federal, State, or local aid; or

“(2) the amount of such aid.

“SEC. 5115. NATIONAL ACTIVITIES.

“(a) In General.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

“(1) To provide charter schools, either directly or through State educational agencies, with—

“(A) information regarding—

“(i) Federal funds that charter schools are eligible to receive; and

“(ii) other Federal programs in which charter schools may participate; and

“(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

“(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

“(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

“(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

“(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

“(4) To provide—

“(A) information to applicants for assistance under this subpart;

“(B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5113;

“(C) assistance in the planning and startup of charter schools;

“(D) training and technical assistance to existing charter schools; and

“(E) for the dissemination to other public schools of best or promising practices in charter schools.

“(5) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

“(b) Construction.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a)..

“SEC. 5116. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

“(a) In General.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

“(b) Adjustment and Late Openings.—

“(1) In general.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

“(2) Rule.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

"SEC. 5117. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

"To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

"SEC. 5118. RECORDS TRANSFER.

"State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 5119. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

"SEC. 5120. DEFINITIONS.

"In this subpart:

"(1) CHARTER SCHOOL.—The term 'charter school' means a public school that—

"(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements;

"(K) operates in accordance with State law; and

"(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

"(2) DEVELOPER.—The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this subpart.

"(4) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

"SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $190,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"Subpart 2—Magnet Schools Assistance

"SEC. 5131. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

"(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

"(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

"(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and nonminority students as well as among students of different minority groups.

"(b) STATEMENT OF PURPOSE.—The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

"(3) the development and design of innovative educational methods and practices;

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

"(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

"(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5132. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this subpart, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5133. DEFINITION.

"For the purpose of this subpart, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5134. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this subpart to carry out the purposes of this subpart if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5135. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this subpart will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this subpart is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this subpart cannot be continued without the use of funds under this subpart;

"(D) how funds under this subpart will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 5506; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

"(2) assurances that the applicant will—

"(A) use funds under this subpart for the purposes specified in section 5131(b);

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this subpart to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5136. PRIORITY.

"In approving applications under this subpart, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

"(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

"SEC. 5137. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this subpart may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this subpart;

"(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

"(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

"(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

"(b) SPECIAL RULE.—Grant funds under this subpart may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

"SEC. 5138. PROHIBITION.

"Grants under this subpart may not be used for transportation or any activity that does not augment academic improvement.

"SEC. 5139. LIMITATIONS.

"(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this subpart for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

"(c) AMOUNT.—No local educational agency or consortium awarded a grant under this subpart shall receive more than $4,000,000 under this subpart in any 1 fiscal year.

"(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than June 1 of the applicable fiscal year.

"SEC. 5140. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5134 to enable such agencies or consortia to conduct innovative programs that—

"(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

"(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

"(3) include innovative educational methods and practices that—

"(A) are organized around a special emphasis, theme, or concept; and

"(B) involve extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 5131(b), 5132, 5135, 5136, and 5137, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5142(a) for each fiscal year to award grants under this section.

"SEC. 5141. EVALUATIONS.

"(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 5142(a) for any fiscal year to carry out evaluations of projects assisted under this subpart and to provide technical assistance for grant recipients under this subpart.

"(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

"(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

"(5) the extent to which magnet school programs continue once grant assistance under this subpart is terminated.

"(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 5142. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this subpart, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

"Subpart 3—Public School Choice

"SEC. 5151. PUBLIC SCHOOL CHOICE.

"(a) ALLOTMENT TO STATE.—From the amount appropriated under subsection (e) for a fiscal year, the Secretary shall allot to each State an amount that bears the same relation to the amount as the amount the State received under section 1122 for the preceding year bears to the amount received by all States under section 1122 for the preceding year.

"(b) STATE USE OF FUNDS.—Each State receiving an allotment under subsection (a) shall use 100 percent of the allotted funds for allocations to local educational agencies to enable the local educational agencies to carry out school improvement under section 1116(c).

"(c) PUBLIC SCHOOL CHOICE.—Subject to subsection (d), each local educational agency receiving an allocation under subsection (b), and each local educational agency that is within a State that receives funds under part A of title I (other than a local educational agency within a State that receives a minimum grant under section 1124(d) or 1124A(a)(1)(B) of such Act), shall provide all students enrolled in a school identified under section 1116(c) and served by the local educational agency with the option to transfer to another public school within the school district served by the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c), unless such option to transfer is prohibited by State law or local law (which includes school board-approved local educational agency policy).

"(d) SPECIAL RULE.—If a local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school within the school district served by the local educational agency in accordance with subsection (c), and gives notice (consistent with State and local law) to the parents of children affected that it is not possible to accommodate the transfer request of every student, then the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school within such school district that has not been identified for school improvement under section 1116(c).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $225,000,000 for fiscal year 2002 and each of the 6 succeeding fiscal years.".

"PART B—FLEXIBILITY

"Subpart 1—Education Flexibility Partnerships

"SEC. 5201. SHORT TITLE.

"This subpart may be cited as the 'Education Flexibility Partnership Act of 2001'.

"SEC. 5202. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.—The terms 'eligible school attendance area' and 'school attendance area' have the meanings given the terms in section 1113(a)(2).

"(2) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

"SEC. 5203. EDUCATION FLEXIBILITY PARTNERSHIP.

"(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

"(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an 'Ed-Flex Partnership State'.

"(2) ELIGIBLE STATE.—For the purpose of this section the term 'eligible State' means a State that—

"(A) has—

"(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b), and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3); or

"(ii)(I) developed and implemented the content standards described in clause (i);

"(II) developed and implemented interim assessments; and

"(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

"(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4), and for engaging in technical assistance and corrective actions consistent with section 1116, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2); and

"(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

"(3) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

"(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

"(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

"(II) State statutory or regulatory requirements relating to education;

"(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

"(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

"(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b);

"(v) a description of how the State educational agency will evaluate, consistent with the requirements of title I, the performance of students in the schools and local educational agencies affected by the waivers; and

"(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

"(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

"(i) the eligibility of the State as described in paragraph (2);

"(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

"(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

"(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

"(I) are clear and have the ability to be assessed; and

"(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

"(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

"(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

"(4) LOCAL APPLICATION.—

"(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

"(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

"(ii) describe the purposes and overall expected results of waiving each such requirement;

"(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

"(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

"(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

"(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

“(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

“(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

“(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

“(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

“(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

“(i) has been inadequate to justify continuation of such waiver; or

“(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

“(5) OVERSIGHT AND REPORTING.—

“(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

“(B) STATE REPORTS.—

“(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

“(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

“(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

“(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

“(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

“(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

“(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of the Education Flexibility Partnership Act of 1999 and annually thereafter, shall—

“(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

“(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

“(6) DURATION OF FEDERAL WAIVERS.—

“(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

“(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

“(ii) has improved student performance.

“(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

“(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

“(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

“(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

“(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 2002 through 2008.

“(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

“(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

“(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

“(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

“(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

“(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

“(1) Title I (other than subsections (a) and (c) of section 1116, subpart 2 of part B, and part F).

“(2) Subparts 1, 2, and 3 of part A of title II.

“(3) Part C of title II.

“(4) Part C of title III.

“(5) Part A of title IV.

“(6) Subpart 4 of this part.

“(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

“(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

“(1) relating to—

“(A) maintenance of effort;

“(B) comparability of services;

“(C) equitable participation of students and professional staff in private schools;

“(D) parental participation and involvement;

“(E) distribution of funds to States or to local educational agencies;

“(F) serving eligible school attendance areas in rank order under section 1113(a)(3);

“(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

“(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

“(I) applicable civil rights requirements; and

“(2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

“(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

“(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) (as such provisions were in effect on the day before the date of enactment of the Better Education for Students and Teachers Act) for the duration of the waiver authority.

“(2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:

“(A) Section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act).

"(B) The proviso referring to such section 311(e) under the heading 'EDUCATION REFORM' in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

"(3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

"(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

"(4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after the date of enactment of the Better Education for Students and Teachers Act, the waiver authority to include programs under part C of title II.

"(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

"Subpart 2—Rural Education Initiative

"SEC. 5221. SHORT TITLE.

"This subpart may be cited as the 'Rural Education Achievement Program'.

"SEC. 5222. PURPOSE.

"It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

"(1) lack the personnel and resources needed to compete for Federal competitive grants; and

"(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

"SEC. 5223. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart—

"(1) $300,000,000 for fiscal year 2002, of which $150,000,000 shall be made available to carry out chapter 1; and

"(2) such sums as may be necessary for each of the 6 succeeding fiscal years.

"Chapter 1—Small, Rural School Achievement Program

"SEC. 5231. FORMULA GRANT PROGRAM AUTHORIZED.

"(a) ALTERNATIVE USES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out activities described in section 1114, 1115, 1116, 2123, or 4116.

"(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

"(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

"(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary, except that the Secretary may waive the School Locale Code requirement of this paragraph if the Secretary determines, based on certification provided by the local educational agency or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) APPLICABLE FUNDING.—In this section, the term 'applicable funding' means funds provided under each of titles II and IV, and subpart 4 of this part.

"(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

"(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

"(g) CONSTRUCTION.—Nothing in this chapter shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 5232. COMPETITIVE GRANT PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities described in section 1114, 1115, 1116, 2123, 2213, 2306, or 4116.

"(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—

"(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

"(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary, except that the Secretary may waive the School Locale Code requirement of this paragraph if the Secretary determines, based on certification provided by the local educational agency or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

"(c) AMOUNT.—

"(1) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 5231(c) for the fiscal year.

"(2) DETERMINATION.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

"(3) CENSUS DETERMINATION.—

"(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

"(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

"(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

"(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

"(f) CONSTRUCTION.—Nothing in this chapter shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

"SEC. 5233. ACCOUNTABILITY.

"(a) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 5231 or 5232 for a fiscal year shall—

"(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

"(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) Special rule.—Each local educational agency that uses or receives funds under section 5231 or 5232 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

“(b) State Educational Agency Determination Regarding Continuing Participation.—Each State educational agency that receives funding under the provisions of law described in section 5231(c) shall—

“(1) after the 3rd year that a local educational agency in the State participates in a program authorized under section 5231 or 5232 and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the 3rd year of the participation than the students performed on the assessments or tests after the 1st year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 3 years from the date of the determination.

“SEC. 5234. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

“(a) In General.—If the amount appropriated for any fiscal year and made available for grants under this chapter is insufficient to pay the full amount for which all agencies are eligible under this chapter, the Secretary shall ratably reduce each such amount.

“(b) Additional Amounts.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

“Chapter 2—Low-Income and Rural School Program

“SEC. 5241. DEFINITIONS.

“In this chapter:

“(1) Poverty line.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

“(2) Specially qualified agency.—The term ‘specially qualified agency’ means an eligible local educational agency, located in a State that does not participate in a program carried out under this chapter for a fiscal year, which may apply directly to the Secretary for a grant for such year in accordance with section 5242(b).

“SEC. 5242. PROGRAM AUTHORIZED.

“(a) Grants to States.—

“(1) In general.—From the sum appropriated under section 5223 for a fiscal year and made available to carry out this chapter, the Secretary shall award grants, from allotments made under paragraph (2), to State educational agencies that have applications approved under section 5244 to enable the State educational agencies to award grants to eligible local educational agencies for innovative assistance activities described in section 5331(b).

“(2) Allotment.—From the sum appropriated under section 5223 for a fiscal year and made available to carry out this chapter, the Secretary shall allot to each State educational agency an amount that bears the same ratio to the sum as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students at the schools served by eligible local educational agencies in all States for that fiscal year.

“(b) Direct Grants to Specially Qualified Agencies.—

“(1) Nonparticipating state.—If a State educational agency elects not to participate in the program carried out under this chapter or does not have an application approved under section 5244, a specially qualified agency in such State desiring a grant under this chapter shall apply directly to the Secretary under section 5244 to receive a grant under this chapter.

“(2) Direct awards to specially qualified agencies.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (a)(2) directly to specially qualified agencies in the State.

“(c) Administrative Costs.—A State educational agency that receives a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs.

“SEC. 5243. STATE DISTRIBUTION OF FUNDS.

“(a) In General.—A State educational agency that receives a grant under this chapter may use the funds made available through the grant to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 5331(b).

“(b) Local Awards.—

“(1) Eligibility.—A local educational agency shall be eligible to receive a grant under this chapter if—

“(A) 20 percent or more of the children age 5 through 17 that are served by the local educational agency are from families with incomes below the poverty line; and

“(B) all of the schools served by the agency are located in a community with a Locale Code of 6, 7, or 8, as determined by the Secretary of Education.

“(c) Award Basis.—The State educational agency shall award the grants to eligible local educational agencies—

“(1) on a competitive basis; or

“(2) according to a formula based on the number of students in average daily attendance at schools served by the eligible local educational agencies.

“SEC. 5244. APPLICATIONS.

“(a) In General.—Each State educational agency and specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) Contents.—At a minimum, such application shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

“(1) increased student academic achievement;

“(2) decreased student dropout rates; or

“(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

“SEC. 5245. ACCOUNTABILITY.

“(a) State Reports.—Each State educational agency that receives a grant under this chapter shall prepare and submit to the Secretary an annual report. The report shall describe—

“(1) the method the State educational agency used to award grants to eligible local educational agencies under this chapter;

“(2) how the local educational agencies used the funds provided under this chapter; and

“(3) the degree to which the State made progress toward meeting the goals and objectives described in the application submitted under section 5244.

“(b) Specially Qualified Agency Report.—Each specially qualified agency that receives a grant under this chapter shall prepare and submit to the Secretary an annual report. The report shall describe—

“(1) how such agency used the funds provided under this chapter; and

“(2) the degree to which the agency made progress toward meeting the goals and objectives described in the application submitted under section 5244.

“(c) Academic Achievement.—

“(1) In general.—Each local educational agency that receives a grant under this chapter for a fiscal year shall—

“(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

“(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) Special rule.—Each local educational agency that receives a grant under this chapter shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under this chapter.

“(d) State Educational Agency Determination Regarding Continuing Participation.—Each State educational agency that receives a grant under this chapter shall—

“(1) after the 3rd year that a local educational agency in the State participates in the program authorized under this chapter and on the basis of the results of the assessments or tests described in subsection (c), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the 3rd year of the participation than the students performed on the assessments or tests after the 1st year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program for a period of 3 years from the date of the determination.

“SEC. 5246. SUPPLEMENT NOT SUPPLANT.

“Funds made available under this chapter shall be used to supplement and not supplant any other Federal, State, or local education funds.

"SEC. 5247. SPECIAL RULE.

"No local educational agency may concurrently participate in activities carried out under chapter 1 and activities carried out under this chapter.

"Subpart 3—Waivers

"SEC. 5251. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) REQUEST FOR WAIVER.—

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction for students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) ADDITIONAL INFORMATION.—Such requests—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(3) GENERAL REQUIREMENTS.—

"(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(ii) submit the comments to the Secretary; and

"(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

"(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

"(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) use of Federal funds to supplement, not supplant, non-Federal funds;

"(5) equitable participation of private school students and teachers;

"(6) parental participation and involvement;

"(7) applicable civil rights requirements;

"(8) the requirement for a charter school under subpart 1 of part A;

"(9) the prohibitions regarding—

"(A) State aid in section 5; or

"(B) use of funds for religious worship or instruction in section 10; or

"(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b).

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 2002 and each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"Subpart 4—Innovative Education Program Strategies

"SEC. 5301. PURPOSE; STATE AND LOCAL RESPONSIBILITY.

"(a) PURPOSE.—The purpose of this subpart is—

"(1) to support local education reform efforts that are consistent with and support statewide education reform efforts;

"(2) to provide funding to enable State and local educational agencies to implement promising educational reform strategies;

"(3) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

"(4) to develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

"(b) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this subpart is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this subpart will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"SEC. 5302. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this subpart, there are authorized to be appropriated $850,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 2002, and ending

September 30, 2008, the Secretary, in accordance with the provisions of this subpart, shall make payments to State educational agencies for the purpose of this subpart.

"SEC. 5303. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.

"In this subpart the term 'effective schools program' means a school-based program that—

"(1) may encompass preschool through secondary school levels; and

"(2) has the objectives of—

"(A) promoting school-level planning, instructional improvement, and staff development for all personnel;

"(B) increasing the academic performance levels of all children and particularly educationally disadvantaged children; and

"(C) achieving as an ongoing condition in the school the following factors identified through effective schools research:

"(i) Strong and effective administrative and instructional leadership.

"(ii) A safe and orderly school environment that enables teachers and students to focus on academic performance.

"(iii) Continuous assessment of students and initiatives to evaluate instructional techniques.

"Chapter 1—State and Local Programs

"SEC. 5311. ALLOTMENT TO STATES.

"(a) Reservations.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not more than 1 percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) Allotment.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to ½ of 1 percent of such remainder.

"(c) Definitions.—In this chapter:

"(1) School-age population.—The term 'school-age population' means the population aged 5 through 17.

"(2) State.—The term 'State' includes the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 5312. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) Formula.—From the sums made available each year to carry out this subpart, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private elementary schools and secondary schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies serving the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) Calculation of Enrollments.—

"(1) In general.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this subpart, for the fiscal year preceding the fiscal year for which the determination is made.

"(2) Construction.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this subpart.

"(3) Adjustments.—

"(A) In general.—Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) Criteria.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under subparagraph (A) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) Payment of Allocations.—

"(1) Distribution.—From the funds paid to a State educational agency pursuant to section 5311 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 5333 the amount of such local educational agency's allocation as determined under subsection (a).

"(2) Additional funds.—

"(A) In general.—Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) Requirement.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) Construction.—The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"Chapter 2—State Programs

"SEC. 5321. STATE USES OF FUNDS.

"(a) Authorized Activities.—A State educational agency may use funds made available for State use under this subpart only for—

"(1) State administration of programs under this subpart, including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this subpart;

"(2) support for planning, designing, and initial implementation of charter schools as described in subpart 1 of part A;

"(3) support for designing and implementation of high-quality yearly student assessments;

"(4) support for implementation of State and local standards; and

"(5) technical assistance and direct grants to local educational agencies, and statewide education reform activities, including effective schools programs which assist local educational agencies to provide targeted assistance.

"(b) Limitations and Requirements.—Not more than 15 percent of funds available for State programs under this subpart in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 5322. STATE APPLICATIONS.

"(a) Application Requirements.—Any State which desires to receive assistance under this subpart shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this subpart;

"(2) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this subpart;

"(3) sets forth the allocation of such funds required to implement section 5342;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(5) provides assurances that, apart from technical and advisory assistance and monitoring compliance with this subpart, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 5333;

"(6) contains assurances that there is compliance with the specific requirements of this subpart; and

"(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

"(b) Period of Application.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) Audit Rule.—A local educational agency that receives less than an average of $10,000 under this subpart for 3 fiscal years shall not be audited more frequently than once every 5 years.

"Chapter 3—Local Innovative Education Programs

"SEC. 5331. TARGETED USE OF FUNDS.

"(a) General Rule.—Funds made available to local educational agencies under section 5312 shall be used for innovative assistance described in subsection (b).

"(b) Innovative Assistance.—

"(1) In general.—The innovative assistance programs referred to in subsection (a) include—

"(A) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, and other curricular materials;

"(B) programs to improve teaching and learning, including professional development activities, that are consistent with comprehensive State and local systemic education reform efforts;

"(C) activities that encourage and expand improvements throughout the local educational agency that are designed to advance student performance;

"(D) initiatives to generate, maintain, and strengthen parental and community involvement, including initiatives creating activities for school-age children and activities to meet the educational needs of children aged birth through 5;

"(E) programs to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size;

"(F) programs to improve the academic performance of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;

"(G) programs and activities that expand learning opportunities through best practice models designed to improve classroom learning and teaching;

"(H) programs to combat both student and parental illiteracy;

"(I) technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to effectively use technology in the classrooms and the school library media centers involved;

"(J) school improvement programs or activities under section 1116 or 1117;

"(K) programs to provide for the educational needs of gifted and talented children;

"(L) programs to provide same gender schools and classrooms, if equal educational opportunities are made available to students of both sexes, consistent with the Constitution of the United States of America;

"(M) service learning activities; and

"(N) school safety programs.

"(2) Requirements.—The innovative assistance programs referred to in subsection (a) shall be—

"(A) tied to promoting high academic standards;

"(B) used to improve student performance; and

"(C) part of an overall education reform strategy.

"SEC. 5332. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this subpart, each State or local educational agency may use funds made available under this subpart to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 5333. LOCAL APPLICATIONS.

"(a) Contents of Application.—A local educational agency or consortium of such agencies may receive an allocation of funds under this subpart for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 5331 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

"(B) sets forth the allocation of such funds required to implement section 5342;

"(2) describes how assistance under this subpart will contribute to improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this subpart, including the participation of children enrolled in private, nonprofit schools in accordance with section 5342;

"(4) provides an assurance that the local educational agency will keep such records, and provide such information to the State educational agency, as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State educational agency under this subpart; and

"(5) provides in the allocation of funds for the assistance authorized by this subpart, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this subpart (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) Period of Application.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) Local Educational Agency Discretion.—Subject to the limitations and requirements of this subpart, a local educational agency shall have complete discretion in determining how funds under this chapter shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this chapter carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Chapter 4—General Administrative Provisions

"SEC. 5341. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) Maintenance of Effort.—

"(1) In general.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this subpart for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) Reduction of funds.—The Secretary shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) Waivers.—The Secretary may waive, for 1 fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) Federal Funds Supplementary.—A State or local educational agency may use and allocate funds received under this subpart only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this subpart, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 5342. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) Participation on Equitable Basis.—

"(1) In general.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this subpart or which serves the area in which a program or project assisted under this subpart is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this subpart.

"(2) Other provisions for services.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this subpart.

"(3) Application of requirements.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this subpart by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) Equal Expenditures.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this subpart for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this subpart are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) Funds.—

"(1) Administration of funds and property.—The control of funds provided under this subpart, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this subpart, and a public agency shall administer such funds and property.

"(2) Provision of services.—The provision of services pursuant to this subpart shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this subpart shall not be commingled with State or local funds.

"(d) State Prohibition Waiver.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary schools and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) Waiver and Provision of Services.—

"(1) Failure to comply.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Withholding of allocation.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) Determination.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) Payment From State Allotment.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this subpart.

"(h) Review.—

"(1) Written objections.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) Court action.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) Remand to secretary.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Court review.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(i) Prior Determination.—Any bypass determination by the Secretary under chapter 2 of part I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this subpart, apply to programs under this subpart.

"SEC. 5343. FEDERAL ADMINISTRATION.

"(a) Technical Assistance.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this subpart.

"(b) Rulemaking.—The Secretary shall issue regulations under this subpart to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this subpart.

"(c) Availability of Appropriations.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this subpart shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"PART C—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 5401. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) Consolidation of Administrative Funds.—

"(1) In general.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) Applicability.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 3(10).

"(b) Use of Funds.—

"(1) In general.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) Additional uses.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this part, part D, and sections 3 through 17;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) Records.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) Review.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) Unused Administrative Funds.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"(f) Consolidation of Funds for Standards and Assessment Development.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act.

"SEC. 5402. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 5403. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) General Authority.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to the local educational agency under such covered programs.

"(b) State Procedures.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) Conditions.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) Uses of Administrative Funds.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 5401(b)(2).

"(e) Records.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 5404. ADMINISTRATIVE FUNDS STUDIES.

"(a) Federal Funds Study.—

"(1) In general.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

"(2) State data.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1903 that are expended for—

"(A) basic program operation and compliance monitoring;

"(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

"(C) technical assistance and other direct support to local educational agencies and schools.

"(3) Federal funds report.—The Secretary shall complete the study conducted under this section not later than July 1, 1997, and shall submit to the President and the appropriate committees of the Congress a report regarding such study within 30 days of the completion of such study.

"(4) Results.—Based on the results of the study described in subsection (a)(1), which may include collection and analysis of the data under paragraph (2) and section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall—

"(A) develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies; and

"(B) within one year of the completion of such study, promulgate final regulations or guidelines regarding the use of funds for administration under all programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

"(b) General Administrative Funds Study and Report.—Upon the date of completion of the pilot model data system described in section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

"(1) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

"(2) the potential usefulness of such data system to reduce such administrative expenses;

"(3) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(4) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 5405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) General Authority.—

"(1) Transfer.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VII of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) Agreement.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, and set forth performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) Administration.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 5406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"PART D—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 5501. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 5502. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) General Authority.—

"(1) Simplification.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) each of the covered programs in which the State participates; and

"(B) the additional programs described in paragraph (2).

"(2) Additional programs.—A State educational agency may also include in its consolidated State plan or consolidated State application—

"(A) the Even Start program under part B of title I;

"(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I; and

"(C) such other programs as the Secretary may designate.

"(3) Consolidated applications and plans.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

"(b) Collaboration.—

"(1) In general.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Contents.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) Necessary materials.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 5503. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) Assurances.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5502, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 5504. ADDITIONAL COORDINATION.

"(a) ADDITIONAL COORDINATION.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

"(b) REPORT.—The Secretary shall report to the relevant committees 6 months after the date of enactment of the Improving America's Schools Act of 1994.

"SEC. 5505. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 5502 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 5506. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 5504, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

"PART E—ADVANCED PLACEMENT PROGRAMS

"SEC. 5601. SHORT TITLE.

"This part may be cited as the 'Access to High Standards Act'.

"SEC. 5602. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

"(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

"(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

"(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

"(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

"(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards both for students participating in such programs and for other children taught by teachers who are involved in advanced placement courses, and have shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

"(b) PURPOSES.—The purposes of this part are—

"(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

"(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

"(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

‘‘(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

‘‘(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

‘‘(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

‘‘(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

‘‘(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

‘‘SEC. 5603. FUNDING DISTRIBUTION RULE.

‘‘From amounts appropriated under section 5608 for a fiscal year, the Secretary shall give first priority to funding activities under section 5606, and shall distribute any remaining funds not so applied according to the following ratio:

‘‘(1) Seventy percent of the remaining funds shall be available to carry out section 5604.

‘‘(2) Thirty percent of the remaining funds shall be available to carry out section 5605.

‘‘SEC. 5604. ADVANCED PLACEMENT PROGRAM GRANTS.

‘‘(a) Grants Authorized.—

‘‘(1) In general.—From amounts appropriated under section 5608 and made available under section 5603(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

‘‘(2) Duration and payments.—

‘‘(A) Duration.—The Secretary shall award a grant under this section for a period of 3 years.

‘‘(B) Payments.—The Secretary shall make grant payments under this section on an annual basis.

‘‘(3) Definition of eligible entity.—In this section, the term ‘eligible entity’ means a State educational agency or a local educational agency in the State.

‘‘(b) Priority.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

‘‘(1) a pervasive need for access to advanced placement incentive programs;

‘‘(2) the involvement of business and community organizations in the activities to be assisted;

‘‘(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

‘‘(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

‘‘(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

‘‘(i) local educational agencies serving schools with a high concentration of low-income students; or

‘‘(ii) schools with a high concentration of low-income students; or

‘‘(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

‘‘(c) Authorized Activities.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

‘‘(1) teacher training;

‘‘(2) preadvanced placement course development;

‘‘(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

‘‘(4) curriculum development;

‘‘(5) books and supplies; and

‘‘(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

‘‘(d) Application.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

‘‘(e) Data Collection and Reporting.—

‘‘(1) Data collection.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

‘‘(A) the number of students taking advanced placement courses who are served by the eligible entity;

‘‘(B) the number of advanced placement tests taken by students served by the eligible entity;

‘‘(C) the scores on the advanced placement tests; and

‘‘(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

‘‘(2) Report.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

‘‘SEC. 5605. ONLINE ADVANCED PLACEMENT COURSES.

‘‘(a) Grants Authorized.—From amounts appropriated under section 5608 and made available under section 5603(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with online advanced placement courses.

‘‘(b) State Educational Agency Applications.—

‘‘(1) Application required.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

‘‘(2) Award basis.—The Secretary shall award grants under this section on a competitive basis.

‘‘(c) Grants to Local Educational Agencies.—Each State educational agency receiving a grant under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

‘‘(1) serve high concentrations of low-income students;

‘‘(2) serve rural areas; and

‘‘(3) the State educational agency determines will not have access to online advanced placement courses without assistance provided under this section.

‘‘(d) Contracts.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the online advanced placement courses, including contracting for necessary support services.

‘‘(e) Uses.—Grant funds provided under this section may be used to purchase the online curriculum, to train teachers with respect to the use of online curriculum, and to purchase course materials.

‘‘SEC. 5606. ADVANCED PLACEMENT INCENTIVE PROGRAM.

‘‘(a) Grants Authorized.—From amounts appropriated under section 5608 and made available under section 5603 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

‘‘(1) are enrolled in an advanced placement class; and

‘‘(2) plan to take an advanced placement test.

‘‘(b) Award Basis.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

‘‘(c) Information Dissemination.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

‘‘(d) Applications.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

‘‘(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

‘‘(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

‘‘(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

‘‘(e) Additional Uses of Funds.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

“(1) the enrollment of low-income individuals in advanced placement courses;

“(2) the participation of low-income individuals in advanced placement courses; and

“(3) the availability of advanced placement courses in schools serving high-poverty areas.

“(f) Supplement, Not Supplant.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

“(g) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

“(h) Report.—Each State educational agency annually shall report to the Secretary information regarding—

“(1) the number of low-income individuals in the State who received assistance under this section; and

“(2) any activities carried out pursuant to subsection (e).

“(i) Definitions.—In this section:

“(1) Advanced placement test.—The term ‘advanced placement test’ includes only an advanced placement test approved by the Secretary for the purposes of this section.

“(2) Low-income individual.—The term ‘low-income individual’ has the meaning given the term in section 402A(g)(2) of the Higher Education Act of 1965.

“SEC. 5607. DEFINITIONS.

“In this part:

“(1) Advanced placement incentive program.—The term ‘advanced placement incentive program’ means a program that provides advanced placement activities and services to low-income individuals.

“(2) Advanced placement test.—The term ‘advanced placement test’ means an advanced placement test administered by the College Board or approved by the Secretary.

“(3) High concentration of low-income students.—The term ‘high concentration of low-income students’, used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

“(4) Low-income individual.—The term ‘low-income individual’ means, other than for purposes of section 5606, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

“(5) Institution of higher education.—The term ‘institution of higher education’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965.

“(6) State.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

“PART F—PERFORMANCE AGREEMENTS

“SEC. 5701. SHORT TITLE.

“This part may be cited as the ‘Performance Agreements Act’.

“SEC. 5702. PURPOSE.

“The purpose of this part is to create options for selected State educational agencies and local educational agencies—

“(1) to improve the academic achievement of all students served by State educational agencies and local educational agencies, and to focus the resources of the Federal Government on that achievement;

“(2) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

“(3) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students’ academic achievement and implement education reforms in their schools;

“(4) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of equality of opportunity for all students and accountability for student progress;

“(5) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

“(6) to narrow achievement gaps between the lowest and highest performing groups of students, particularly low-income and minority students, so that no child is left behind.

“SEC. 5703. PROGRAM AUTHORITY; SELECTION OF STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.

“(a) Program Authority.—

“(1) In general.—Except as otherwise provided in this part, the Secretary shall enter into performance agreements—

“(A) with State educational agencies and local educational agencies that submit approvable performance agreement proposals and are selected under paragraph (2); and

“(B) under which the agencies may consolidate and use funds as described in section 5705.

“(2) Selection of State educational agencies and local educational agencies for participation.—

“(A) In general.—Subject to subparagraphs (C) and (D), the Secretary shall select not more than 7 State educational agencies and 25 local educational agencies to enter into performance agreements under this part. The State educational agencies and local educational agencies shall be selected from among those State educational agencies and local educational agencies that—

“(i) demonstrate, to the satisfaction of the Secretary, that the proposed performance agreement of the agency—

“(I) has substantial promise of meeting the requirements of this part; and

“(II) describes a plan to combine and use funds (as described in section 5705(a)(1)) under the agreement to exceed, by a statistically significant amount, the State’s definition of adequate yearly progress (as described in subparagraph (B)) while meeting the requirements of sections 1111 and 1116;

“(ii) have developed, and are administering, the assessments described in section 1111(b)(3);

“(iii) provide information in the proposed performance agreement regarding how the State educational agency—

“(I) has notified the local educational agencies within the State of the State educational agency’s intent to submit a proposed performance agreement; and

“(II) consulted with the Governor of the State about the terms of the proposed performance agreement;

“(iv) consulted and involved parents and educators in the development of the proposal; and

“(v) provide such other information, at such time and in such manner, as the Secretary may reasonably require.

“(B) Definition of adequate yearly progress.—In this part the term ‘adequate yearly progress’ means the adequate yearly progress determined by the State pursuant to section 1111(b)(2)(B).

“(C) Geographic distribution.—If more than 7 State educational agencies or 25 local educational agencies submit approvable performance agreements under this part, then the Secretary shall select agencies for performance agreements under this part in a manner that ensures, to the greatest extent possible, an equitable geographic distribution of such agencies selected for performance agreements. In addition, if more than 25 local educational agencies submit approvable performance agreements under this part, then the Secretary shall select local educational agencies for performance agreements under this part in a manner that ensures an equitable distribution of such agencies selected for performance agreements among such agencies serving urban and rural areas.

“(D) Local educational agency participation.—

“(i) In general.—If a local educational agency is located in a State that does not enter into a performance agreement under subparagraph (A), then the local educational agency may be selected to enter into a performance agreement with the Secretary under subparagraph (A), but only if the local educational agency—

“(I) meets the requirements of this part that are applicable to the local educational agency pursuant to clause (iii), except as provided under clause (v);

“(II) notifies the State educational agency of the local educational agency’s intent to enter into a performance agreement under this part; and

“(III) notifies the Governor of the State regarding the terms of the proposed performance agreement.

“(ii) Prohibition.—In the event that a local educational agency enters into a performance agreement under this part, the State educational agency serving the State in which the local educational agency is located may not enter into a performance agreement under this part unless—

“(I) the State educational agency has consulted the local educational agency; and

“(II) the term of the local educational agency’s original performance agreement has ended.

“(iii) Applicability.—Except as provided in clauses (iv) and (v), each requirement and limitation under this part that is applicable to a State educational agency with respect to a performance agreement under this part shall be applicable to a local educational agency with respect to a performance agreement under this section, to the extent the Secretary determines appropriate.

“(iv) Local educational agency waiver.—

“(I) Waiver.—If a local educational agency does not wish to participate in the State educational agency's performance agreement, then the local educational agency shall apply to the State educational agency for a waiver within 45 days of notification from the State educational agency of the State educational agency's desire to participate in a performance agreement.

"(II) RESPONSE.—A State educational agency that receives a waiver application under subclause (I) shall respond to the waiver application within 45 days of receipt of the application. In order to obtain the waiver, the local educational agency shall reasonably demonstrate to the State educational agency that the local educational agency would be better able to exceed adequate yearly progress by opting out of the performance agreement and remaining subject to the requirements of the affected Federal programs. If the State educational agency denies the waiver, the State educational agency shall explain to the local educational agency the State educational agency's reasons for the denial.

"(III) APPLICABILITY.—If a local educational agency receives a waiver under this clause, then the agency shall receive funds and be subject to the provisions of Federal law governing each Federal program included in the State educational agency's performance agreement.

"(v) INAPPLICABILITY.—The following provisions shall not apply to a local educational agency with respect to a performance agreement under this part:

"(I) The provisions of section 5703(a)(2)(A)(iii) relating to State educational agency information.

"(II) The provisions of section 5704(a)(3)(B) limiting the use of funds other than those funds provided under part A of title I.

"(III) The provisions of section 5705(b), to the extent that those provisions permit the consolidation of funds that are awarded by a State on a competitive basis.

"(IV) The provisions relating to distribution of funds under section 5706.

"(V) The provisions limiting State use of funds for administrative purposes under section 5708(a).

"(VI) The provisions of section 5709(e)(1) regarding State sanctions.

"(b) ED-FLEX PROHIBITION.—Each State or local educational agency that enters into a performance agreement under this part shall be ineligible to receive a waiver under part B for the term of the performance agreement.

"SEC. 5704. PERFORMANCE AGREEMENT.

"(a) TERMS OF PERFORMANCE AGREEMENT.—

"(1) REQUIRED PROVISIONS.—Each performance agreement entered into by the Secretary and a State educational agency or a local educational agency under this part shall—

"(A) be for a term of 5 years, except as provided in section 5709(a);

"(B) provide that no requirements of any program described in section 5705(b) and included in the scope of the agreement shall apply, except as otherwise provided in this part;

"(C) list which of the programs described in section 5705(b) are included in the scope of the performance agreement;

"(D) contain a 5-year plan describing how the State educational agency will—

"(i) ensure compliance with sections 1003, 1111 (other than subsections (c) (3) and (10)), 1112 (other than subsections (b) (3) and (9), (c) (5), (7), and (9), and (d)(3)), 1114, 1115, 1116, 1117, and 1118 (c), (d), and (e) (1), (3), and (7), except that section 1114(a)(1) shall be applied substituting '35 percent' for '40 percent';

"(ii) address professional development under the performance agreement;

"(iii) combine and use the funds from programs included in the scope of the performance agreement to exceed, by a statistically significant amount, the State's definition of adequate yearly progress;

"(iv) if title II is included in the performance agreement, ensure compliance with sections 2141(a) and 2142(a), as applicable; and

"(v) if title III is included in the performance agreement, ensure compliance with section 3329;

"(E) contain an assurance that the State educational agency has provided parents, teachers, schools, and local educational agencies in the State, with notice and an opportunity to comment on the proposed terms of the performance agreement, including the distribution and use of funds to be consolidated, in accordance with State law;

"(F) provide that the State educational agency will use fiscal control and fund-accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the performance agreement;

"(G) contain an assurance that the State educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the performance agreement and in consolidating and using the funds under the performance agreement;

"(H) require that, in consolidating and using funds under the performance agreement, the State educational agency will comply with the equitable participation requirements described in section 5705(c);

"(I) provide that the State educational agency will, for the duration of the performance agreement, use funds consolidated and used under section 5705 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds and used under section 5705, and not to supplant those funds;

"(J) contain an assurance that the State educational agency will comply with the maintenance of effort requirements of paragraph (2);

"(K) provide that, not later than 1 year after the date on which the Secretary and the State educational agency enter into the performance agreement, and annually thereafter during the term of the agreement, the State educational agency will disseminate widely to parents (in a format and, to the extent practicable, in a language the parents can understand) and the general public, transmit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

"(i) the data as described in section 1111(j);

"(ii) a detailed description of how the State educational agency used the funds consolidated under the performance agreement to exceed, by a statistically significant amount, its definition of adequate yearly progress; and

"(iii) whether the State educational agency has met the teacher quality goals established under title II; and

"(L) in the case of an agency that includes subpart 1 of part A of title IV in its performance agreement, contain an assurance that—

"(i) the agency will not diminish its ability to provide a drug and violence free learning environment as a result of entering into the performance agreement, except that nothing in this clause shall be construed to limit the ability of the agency to participate in a program under title IV due to an unforeseen event involving drugs or violence;

"(ii) the agency will prepare the needs assessment described in section 4112(a)(2) and the report described in section 4117 (b) and (c), as appropriate, for each school year; and

"(iii) the agency will use the information in the assessment and report described in clause (ii) to ensure compliance with clause (i).

"(2) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

"(A) IN GENERAL.—Each State entering into a performance agreement under this part shall not reduce the amount of State financial support for education for a fiscal year below the amount of such support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN EFFORT.—The Secretary shall reduce the allotment of funds to a State pursuant to the terms of the performance agreement for any fiscal year following a fiscal year in which the State fails to comply with subparagraph (A) by the same amount by which the State fails to meet the requirements of subparagraph (A).

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), then the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

"(3) MAINTENANCE OF LOCAL FINANCIAL SUPPORT.—

"(A) IN GENERAL.—Each local educational agency entering into a performance agreement under this part shall not reduce the amount of local educational agency financial support for education for a fiscal year below 90 percent of the amount of that support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the amount made available to a local educational agency under a performance agreement under this part for any fiscal year following the fiscal year in which the local educational agency fails to comply with subparagraph (A) by the same amount by which the local educational agency fails to meet the requirements of subparagraph (A).

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a local educational agency if the Secretary determines that granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, or to permit the local educational agency to adjust for changes in student population within the schools served by the local educational agency.

"(D) SUBSEQUENT YEARS.—If, for any year, a local educational agency fails to meet the requirement of subparagraph (A), including any year for which the local educational agency is granted a waiver under subparagraph (C), then the financial support required of the local educational agency in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the local educational agency's support.

"(4) Program-Specific Provisions.—

"(A) Part A of Title I Funds.—If part A of title I is included in the scope of the performance agreement, the performance agreement shall provide that sections 1113, and 1124 through 1127, shall apply to the allocation of funds under such part, unless the State educational agency demonstrates, to the satisfaction of the Secretary and prior to approval of the performance agreement, that the State educational agency will use an alternative allocation method that will better target poverty or educational need. Any alternative method shall result in the percentage of such funds allocated to each local educational agency served by the State educational agency that meets the eligibility criteria for a concentration grant according to section 1124A exceeding the percentage of such funds allocated to such local educational agency under part A of title I. Such alternative allocation methods may include implementation of a State's weighted formula, use of a State's most current census data to better target poor children, or a State setting higher thresholds for poverty so that funding is more targeted to schools with higher concentrations of poverty.

"(B) Nontitle I Funds.—The performance agreement shall provide that, for funds other than those under part A of title I that are consolidated and used under section 5705(b), the State educational agency will demonstrate, to the satisfaction of the Secretary and prior to approval of the performance agreement, that the State educational agency will allocate the funds in a manner that, each year, allocates funds to serve high concentrations of children from low-income families at a level proportional to or higher than the level that would occur without such consolidation or use.

"(b) Approval of Performance Agreement.—

"(1) In General.—Subject to section 5703(a), not later than 90 days after the deadline established by the Secretary for receipt of a complete proposed performance agreement, the Secretary shall approve the performance agreement, or provide the State educational agency with a written explanation for not approving the performance agreement.

"(2) Peer Review.—The Secretary shall—

"(A) establish a peer review process to assist in the review of proposed performance agreements under this part; and

"(B) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.

"(c) Amendment to Performance Agreement.—

"(1) In General.—Not later than 1 year after entering into a performance agreement under this part, a State educational agency may amend its agreement to—

"(A) remove from the scope of the agreement any program described in section 5705(b); or

"(B) include in the scope of the agreement any additional program described in section 5705(b), or any additional achievement indicators for which the State educational agency will be held accountable.

"(2) Approval of Amendment.—

"(A) In General.—Not later than 90 days after the receipt of a complete proposed amendment described in paragraph (1), the Secretary shall approve the amendment unless the Secretary, by that deadline, provides the State educational agency with a written determination that the plan, as amended, would no longer have substantial promise of meeting the requirements of this part and meeting the State educational agency's objective to exceed adequate yearly progress.

"(B) Treatment as Approved.—Each amendment for which the Secretary fails to take the action required under subparagraph (A) in the time period described in that subparagraph shall be considered to be approved.

"(3) Additional Amendments.—In addition to the amendments described in paragraph (1), the State educational agency, at any time, may amend its performance agreement if the State educational agency demonstrates, to the satisfaction of the Secretary, that—

"(A) the plan, as amended, will continue to have substantial promise of meeting the requirements of this part; and

"(B) the amendment sought by the State will not substantially alter the original agreement.

"(4) Treatment of Program Funds Withdrawn From Agreement.—The addition, or removal, of a program to or from the scope of a performance agreement under paragraph (1) shall take effect with respect to the participating agency's use of funds made available under that program beginning on the first day of the first full academic year following the approval of the amendment.

"SEC. 5705. CONSOLIDATION AND USE OF FUNDS.

"(a) In General.—

"(1) Authority.—Under a performance agreement entered into under this part, a State educational agency may consolidate, subject to subsection (c), Federal funds made available to the State educational agency under the provisions listed in subsection (b) and use those funds for any purpose or use permitted under any of the eligible programs listed in section 5705(b), subject to paragraph (3).

"(2) Program Requirements.—Except as otherwise provided in this part, a State educational agency may use funds under paragraph (1) notwithstanding the requirements of the program under which the funds were made available to the State educational agency.

"(3) Continuation Awards.—A State educational agency shall make continuation awards for the duration of the grants to recipients of multiyear competitive grants under any of the programs described in subsection (b) that were initially awarded prior to entering into the performance agreement, and shall not consolidate any funds under subsection (b) for any year until after those continuation awards are made.

"(b) Eligible Programs.—Only funds made available for fiscal year 2002 or any succeeding fiscal year to State educational agencies under programs under any of the following provisions of law may be consolidated and used under subsection (a):

"(1) Part A (other than section 1003), subpart 1 of part B, part F or G, or subpart 2 of part H (but only if appropriations for such subpart exceed $250,000,000 and the program becomes a State formula grant program), of title I.

"(2) Subpart 1 or 2 of part A, or part C, of title II.

"(3) Part A or D, as appropriate, of title III (other than grant funds made available under section 3324(c)(1)).

"(4) Subpart 1 of part A of title IV.

"(5) Subpart 3 of part A, or subpart 4 of part B, of title V.

"(6) Any appropriation subsequent to fiscal year 2001 for the purposes described in section 310 of the Department of Education Appropriations Act, 2000.

"(7) Any appropriation subsequent to fiscal year 2001 for the purposes described in section 321(b)(2) of the Department of Education Appropriations Act, 2001.

"(8) Any other program under this Act that is enacted after the date of enactment of the Better Education for Students and Teachers Act under which the Secretary provides grants to State educational agencies to assist elementary and secondary education on the basis of a formula.

"(c) Equitable Participation Requirements.—If a State educational agency or local educational agency includes in the scope of its performance agreement programs described in subsection (b) that have requirements relating to the equitable participation of private schools, then—

"(1) each local educational agency in the State, or the local educational agency, as appropriate, shall determine the amount of consolidated funds to be used for services and benefits for private school students and teachers by—

"(A) calculating separately the amount of funds for services and benefits for private school students and teachers under each program that is consolidated and to which those requirements apply; and

"(B) totaling the amounts calculated under subparagraph (A);

"(2) except as described in paragraph (3), all equitable participation requirements, including any bypass requirements, applicable to the program that is consolidated shall continue to apply to the funds consolidated under the agreement from that program; and

"(3) the agency may use the amount of funds determined under paragraph (1) only for those services and benefits for private school students and teachers in accordance with any of the consolidated programs to which the equitable participation requirements apply, but may not provide any additional benefits or services beyond those allowable under the applicable equitable participation requirements under this Act.

"SEC. 5706. STATE RESERVATION FOR STATE-LEVEL ACTIVITIES.

"(a) State-Level Activities.—In order to carry out State-level activities under the purposes described in section 5705(a)(1) to exceed, by a statistically significant amount, the State's definition of adequate yearly progress, a State educational agency that—

"(1) includes part A of title I in the scope of its performance agreement, may reserve not more than 5 percent of the funds under that part to carry out such activities; and

"(2) includes programs other than part A of title I in the scope of its performance agreement, may reserve not more than 10 percent of the funds under those other programs to carry out such activities.

"(b) Distribution of Remainder.—A State educational agency shall distribute the consolidated funds not used under subsection (a) to local educational agencies in the State in a manner determined by the State educational agency in accordance with section 5707.

"SEC. 5707. DISTRIBUTION OF FUNDS UNDER AGREEMENT.

"The distribution of funds consolidated under a performance agreement shall be determined by the State educational agency in consultation with the Governor of the State, subject to the requirements of this part.

"SEC. 5708. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.

"(a) STATE EDUCATIONAL AGENCY.—Subject to section 5709(e)(1), each State educational agency that has entered into a performance agreement under this part may reserve for administrative purposes not more than 1 percent of the total amount of funds made available to the State educational agency under the programs included in the scope of the performance agreement.

"(b) LOCAL EDUCATIONAL AGENCY.—Subject to section 5709(e)(2), each local educational agency that has entered into a performance agreement with the Secretary under this part may use for administrative purposes not more than 4 percent of the total amount of funds made available to the local educational agency under the programs included in the scope of the performance agreement.

"SEC. 5709. PERFORMANCE REVIEW AND PENALTIES.

"(a) EARLY TERMINATION OF AGREEMENT.—

"(1) PERFORMANCE GOAL FAILURE.—Beginning with the first full academic year after a State educational agency enters into a performance agreement under this part, and after providing the State educational agency with notice and an opportunity for a hearing (including the opportunity to provide information as provided in paragraph (3)), if the State educational agency fails to meet its definition of adequate yearly progress for 2 consecutive years, or fails to exceed, by a statistically significant amount, its definition of adequate yearly progress for 3 consecutive years, then the Secretary shall terminate promptly the performance agreement.

"(2) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided in paragraph (3)), terminate a performance agreement if there is evidence that the State educational agency has failed to comply with the terms of the performance agreement.

"(3) INFORMATION.—If a State educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

"(b) NO RENEWAL IF PERFORMANCE UNSATISFACTORY.—If, at the end of the 5-year term of a performance agreement entered into under this part, a State educational agency has not substantially met the State's definition of adequate yearly progress, then the Secretary shall not renew the agreement under section 5710.

"(c) TWO-YEAR WAIT-OUT PERIOD.—A State educational agency whose performance agreement was terminated under subsection (a), or was not renewed in accordance with subsection (b), may not enter into another performance agreement under this part until after the State educational agency meets its definition of adequate yearly progress for 2 consecutive years following the termination or nonrenewal.

"(d) PROGRAM REQUIREMENTS IN EFFECT AFTER TERMINATION OR NONRENEWAL OF THE AGREEMENT.—Beginning on the first day of the first full academic year following the end of a performance agreement under this part (including through termination under subsection (a)) the State educational agency shall comply with each of the program requirements in effect on that date for each program included in the performance agreement.

"(e) SANCTIONS.—

"(1) STATE SANCTIONS.—If, beginning with the first full academic year after a State educational agency enters into a performance agreement under this part—

"(A) the Secretary determines, on the basis of data from the State assessment system described in section 1111 and data from State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills, for 2 consecutive years, that—

"(i) the State educational agency has failed to exceed, by a statistically significant amount, the State's definition of adequate yearly progress; and

"(ii) students who are racial and ethnic minorities, and economically disadvantaged students, in the State failed to make statistically significant progress in the academic subjects for which the State has developed State content and student performance standards,

then the amount that the State educational agency may use for administrative expenses in accordance with section 5708 shall be reduced by 30 percent;

"(B) the Secretary determines that a State educational agency which included title II in its performance agreement failed to comply with section 2141(a), then the Secretary shall withhold funds as described in section 2141(d); and

"(C) the Secretary determines that a State educational agency which included title III in its performance agreement failed to comply with section 3329, then the Secretary shall withhold funds as described in section 3329(b).

"(2) LOCAL EDUCATIONAL AGENCIES.—If, beginning with the first full academic year after a local educational agency enters into a performance agreement under this part, the Secretary determines, on the basis of data from the State assessment system described in section 1111 that a local educational agency failed to exceed, by a statistically significant amount, the State's definition of adequate yearly progress for 2 consecutive years, then the amount that the local educational agency may use for administrative expenses in accordance with section 5708 shall be reduced by 30 percent.

"SEC. 5710. RENEWAL OF PERFORMANCE AGREEMENT.

"(a) IN GENERAL.—Except as provided in section 5709 (a) and (b), and in accordance with this section, the Secretary shall renew for 1 additional 5-year term a performance agreement under this part if the Secretary determines, on the basis of the information reported under section 5704(a)(1)(K), that the adequate yearly progress described in the performance agreement has been exceeded by a statistically significant amount.

"(b) NOTIFICATION.—The Secretary shall not renew a performance agreement under this part unless the State educational agency seeking the renewal notifies the Secretary of the agency's intention to renew the performance agreement not less than 6 months prior to the end of the original term of the performance agreement.

"(c) EFFECTIVE DATE.—A renewal under this section shall be effective at the end of the original term of the performance agreement or on the date on which the State educational agency provides to the Secretary all data and information required under the performance agreement, whichever is later, except that in no case may there be a renewal under this section unless that data and information is provided to the Secretary not later than 60 days after the end of the original term of the performance agreement.

"SEC. 5711. EVALUATION.

"(a) STUDY.—The Secretary is authorized to award a grant to the Comptroller General to conduct a study examining the effectiveness of the demonstration program under this part. The study shall examine—

"(1) the performance of the disaggregated groups of students described in section 1111(b)(3)(J) prior to entering into the performance agreement as compared to the performance of such groups after completion of the performance agreement on State assessments and the National Assessment of Educational Progress;

"(2) the dropout data (as required by section 1111(j)) prior to entering into the performance agreement as compared to the dropout data after completion of the performance agreement;

"(3) the ways in which the State educational agencies and local educational agencies entering into performance agreements distributed and used Federal education resources as compared to the ways in which such agencies distributed and used Federal education resources prior to entering the performance agreement;

"(4) a comparison of the data described in paragraphs (1), (2), and (3) between State educational agencies and local educational agencies entering into performance agreements compared to other State educational agencies and local educational agencies to determine the effectiveness of the program; and

"(5) any other factors that are relevant to evaluating the effectiveness of the program.

"(b) REPORT.—The Secretary shall make public the results of the evaluation carried out under subsection (a) and shall report the results of the study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

"SEC. 5712. TRANSMITTAL OF REPORTS TO CONGRESS.

"Not later than 60 days after the Secretary receives an annual report described in section 5704(a)(1)(K), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.".

TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

SEC. 601. PARENTAL INVOLVEMENT AND ACCOUNTABILITY.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

"PART A—PARENTAL ASSISTANCE

"SEC. 6101. PARENTAL INFORMATION AND RESOURCE CENTERS.

"(a) PURPOSE.—The purpose of this part is—

"(1) to provide leadership, technical assistance, and financial support to nonprofit organizations and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

"(2) to strengthen partnerships among parents (including parents of preschool age children), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

"(3) to develop and strengthen the relationship between parents and the school;

“(4) to further the developmental progress primarily of children assisted under this part; and

“(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide training, information, and support to—

“(A) parents of children enrolled in elementary schools and secondary schools;

“(B) individuals who work with the parents described in subparagraph (A); and

“(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations), and other organizations that carry out parent education and family involvement programs.

“(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

“SEC. 6102. APPLICATIONS.

“(a) GRANTS APPLICATIONS.—

“(1) IN GENERAL.—Each nonprofit organization or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

“(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

“(A)(i) be governed by a board of directors the membership of which includes parents; or

“(ii) be an organization or consortium that represents the interests of parents;

“(B) establish a special advisory committee the membership of which includes—

“(i) parents described in section 6101(b)(1)(A);

“(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

“(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

“(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

“(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

“(E) serve both urban and rural areas;

“(F) design a center that meets the unique training, information, and support needs of parents described in section 6101(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

“(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

“(H) network with—

“(i) local educational agencies and schools;

“(ii) parents of children enrolled in elementary schools and secondary schools;

“(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

“(iv) clearinghouses; and

“(v) other organizations and agencies;

“(I) focus on serving parents described in section 6101(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

“(J) use part of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs;

“(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance; and

“(L) work with State and local educational agencies to determine parental needs and delivery of services.

“(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

“SEC. 6103. USES OF FUNDS.

“(a) IN GENERAL.—Grant funds received under this part shall be used—

“(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

“(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

“(B) to provide followup support for their children's educational achievement;

“(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

“(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

“(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

“(F) to participate in State and local decisionmaking; and

“(G) to train other parents;

“(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

“(3) to help the parents learn and use the technology applied in their children's education;

“(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal programs that serve their children or their families; and

“(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant.

“(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

“(1) developing and implementing their plans or activities under sections 1118 and 1119; and

“(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

“(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

“(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

“(5) providing training, information, and support to—

“(A) State educational agencies;

“(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

“(C) organizations that support family-school partnerships.

“(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act) for the duration of the grant or contract award.

“SEC. 6104. TECHNICAL ASSISTANCE.

“The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

“SEC. 6105. REPORTS.

“(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

“(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

“(2) the types and modes of training, information, and support provided under this part;

“(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

“(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

“(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

“(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

“SEC. 6106. GENERAL PROVISIONS.

“Notwithstanding any other provision of this part—

“(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

“(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

"SEC. 6107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART B—IMPROVING ACADEMIC ACHIEVEMENT

"SEC. 6201. EDUCATION AWARDS.

"(a) Achievement in Education Awards.—

"(1) In general.—The Secretary may make awards, to be known as 'Achievement in Education Awards', using a peer review process, to the States that, beginning with the 2002–2003 school year, make the most progress in improving educational achievement.

"(2) Criteria.—

"(A) In general.—The Secretary shall make the awards on the basis of criteria consisting of—

"(i) the progress of economically disadvantaged students and of students who are racial and ethnic minorities—

"(I) in meeting the State's student performance standards as measured by the assessments described in section 1111(b)(3); and

"(II) beginning with the 2nd year for which data are available for all States, on State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills;

"(ii) overall improvement in student achievement by the State's students on the assessments required by section 1111, and (beginning with the 2nd year for which data are available for all States) on the assessments described in clause (i)(II);

"(iii) the progress of the State in improving the English proficiency of students who enter school with limited English proficiency;

"(iv) the progress of the State in increasing the percentage of students who graduate from secondary school; and

"(v) the progress of the State in increasing the percentage of students who take advanced coursework, such as advanced placement and international baccalaureate courses, and who pass advanced placement and international baccalaureate tests.

"(B) Weight.—In applying the criteria described in subparagraph (A), the Secretary shall give the greatest weight to the criterion described in subparagraph (A)(i).

"(b) Assessment Completion Bonuses.—The Secretary may make 1-time bonus payments to States that complete the development of assessments required by section 1111 in advance of the schedule specified in such section.

"(c) No Child Left Behind Awards.—The Secretary may make awards, to be known as 'No Child Left Behind Awards' to the schools that—

"(1) are nominated by the States in which the schools are located; and

"(2) have made the greatest progress in improving the educational achievement of economically disadvantaged students.

"(d) Fund To Improve Education Achievement.—The Secretary may make awards for activities other than the activities described in subsections (a) through (c), such as character education, that are designed to promote the improvement of elementary and secondary education nationally.

"SEC. 6202. LOSS OF ADMINISTRATIVE FUNDS.

"(a) 2 Years of Insufficient Progress.—

"(1) Reduction.—If the Secretary makes the determinations described in paragraph (2) for 2 consecutive years, the Secretary shall reduce, by not more than 30 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"(2) Determinations.—The determinations referred to in paragraph (1) are determinations, made on the basis of data from the State assessment system described in section 1111 and data from State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills, that—

"(A) the State has failed to make adequate yearly progress as defined under section 1111; and

"(B) students who are racial and ethnic minorities, and economically disadvantaged students, in the State failed to make statistically significant progress in the academic subjects for which the State has developed State content and student performance standards.

"(b) 3 or More Years of Insufficient Progress.—If the Secretary makes the determinations described in subsection (a)(2) for a third or subsequent consecutive year, the Secretary shall reduce, by not more than 75 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

"(a) State Assessment Grants.—For the purpose of developing and implementing the standards and assessments required under section 1111, there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) National Assessment of Educational Progress.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $110,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) Education Awards.—For the purpose of carrying out section 6201, there are authorized to be appropriated $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.".

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 701. PROGRAMS.

Title VII (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"SEC. 7101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve the standards described in subparagraph (A); and

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 7102. PURPOSE.

"(a) Purpose.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

"(b) Programs.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 7111. PURPOSE.

"The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students to meet those standards.

"SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) In General.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

"(b) Local Educational Agencies.—

"(1) Enrollment requirements.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 7117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) Exclusion.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(c) Indian Tribes.—

"(1) In general.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 7114(c)(4), an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 7114.

"(2) Special rule.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 7114(c)(4) (relating to a parent committee), section 7118(c) (relating to maintenance of effort), or section 7119 (relating to State review of applications).

"SEC. 7113. AMOUNT OF GRANTS.

"(a) Amount of Grant Awards.—

"(1) In general.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 7117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) Reduction.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

"(b) Schools Operated or Supported by the Bureau of Indian Affairs.—

"(1) In general.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) Special rule.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 7114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 7114(c)(4), 7118(c), or 7119.

"(c) Ratable Reductions.—If the sums appropriated for any fiscal year under section 7162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

"(d) Minimum Grant.—

"(1) In general.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 7112(b)) that is eligible for a grant under section 7112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) Consortia.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) Increase.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

"(e) Definition.—In this section, the term 'average per-pupil expenditure', for a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

"SEC. 7114. APPLICATIONS.

"(a) Application Required.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) Comprehensive Program Required.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

"(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 7115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) Assurances.—Each application submitted under subsection (a) shall include assurances that—

"(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this subpart; and

"(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

"(ii) if appropriate, Indian students attending secondary schools of the agency;

"(B) a majority of whose members are parents of Indian children;

"(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program carried out in accordance with section 7115(c), that has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

"(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7111, for services and activities that—

"(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114;

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103–239 and Public Law 88–210, including programs for tech-prep, mentoring, and apprenticeship activities;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 7111;

"(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

"(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

"(11) family literacy services.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 7114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purpose described in section 7111.

"(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

"SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.

"(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

"(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

"(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

"(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

"(9) be approved by a parent committee formed in accordance with section 7114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

"(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

"(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

"(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

"(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Department of Education, in the case of any other applicant.

"(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency for a demonstration project shall include—

"(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) REPORT REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

"(2) REPORT INFORMATION.—Such report format shall require that the reports shall—

"(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

"(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

"(3) Record information.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

"(j) No Reduction in Amounts.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) Interagency Fund Transfers Authorized.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

"(l) Administration of Funds.—

"(1) In general.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

"(2) Separate records not required.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) Overage.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

"(n) Fiscal Accountability.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) Report on Statutory Obstacles to Program Integration.—

"(1) Preliminary report.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

"(2) Final report.—Not later than 5 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

"(p) Definition.—In this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 7117. STUDENT ELIGIBILITY FORMS.

"(a) In General.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) Forms.—

"(1) In general.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 7161(3)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

"(B) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) Minimum information.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 7113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as so defined) with respect to which the child claims membership; and

"(C) the dated signature of the parent or guardian of the child.

"(3) Failure.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of computing the amount of a grant award made under section 7113.

"(c) Statutory Construction.—Nothing in this section shall be construed to affect a definition contained in section 7161.

"(d) Forms and Standards of Proof.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish eligibility under this subpart; and

"(2) to meet the requirements of subsection (a).

"(e) Documentation.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) Monitoring and Evaluation Review.—

"(1) In general.—

"(A) Review.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

"(B) Exception.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) False information.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds from the grant that have not been expended.

"(3) Excluded children.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 7113.

"(g) Tribal Grant and Contract Schools.—Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 7113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:

"(1) A count, certified by the Bureau, of the number of students in the school.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 7113 (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 7118. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 7113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 7113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

"(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.

"(3) WAIVER.—

"(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"SEC. 7119. STATE EDUCATIONAL AGENCY REVIEW.

"Before submitting an application to the Secretary under section 7114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally disadvantaged children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

"(K) family literacy services; or

"(L) other services that meet the purpose described in subsection (a)(1).

"(2) PRE-SERVICE OR IN-SERVICE TRAINING.—Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.

"(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) PROGRESS.—The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

"(2) DISSEMINATION GRANTS.—

"(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

"(i) has been adequately reviewed;

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) Application.—

"(A) In general.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Contents.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) Administrative Costs.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

"SEC. 7122. PROFESSIONAL DEVELOPMENT.

"(a) Purposes.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) Eligible Entities.—In this section, the term 'eligible entity' means a consortium of—

"(1) a State or local educational agency; and

"(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

"(c) Program Authorized.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

"(d) Authorized Activities.—

"(1) In general.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) Special rules.—

"(A) Type of training.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be in-service or pre-service training.

"(B) Program.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

"(e) Application.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(f) Special Rule.—In awarding grants under subsection (c), the Secretary—

"(1) shall consider the prior performance of an eligible entity; and

"(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) Grant Period.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

"(h) Service Obligation.—

"(1) In general.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received for the training.

"(2) Reporting.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement. described in paragraph (1).

"(i) Inservice Training for Teachers of Indian Children.—

"(1) Grants authorized.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

"(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

"(B) a consortium of—

"(i) a tribal college;

"(ii) an institution of higher education that awards a degree in education; and

"(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

"(2) Use of funds.—

"(A) In-service training.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

"(B) Components.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

"(3) Preference for indian applicants.—In applying section 7153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

"SEC. 7123. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) Fellowships.—

"(1) Authority.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) Requirements.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

"(b) Stipends.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) Payments to Institutions in Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

"(d) Special Rules.—

"(1) In general.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

"(2) Written notice.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the funding for the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) Priority.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) Service Obligation.—

"(1) In general.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives the assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) Reporting.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(f) Administration of Fellowships.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 7124. GIFTED AND TALENTED INDIAN STUDENTS.

"(a) Program Authorized.—The Secretary is authorized to—

"(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) Eligible Entities.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

"(1) 2 tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

"(B) are fully accredited; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) Use of Funds.—

"(1) In general.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) Subcontracts.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

"(3) Demonstration projects.—Demonstration projects assisted under subsection (b) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) identifying the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) carrying out mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

"(4) Application.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) Additional Grants.—

"(1) In general.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a 'Bureau school') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) Applications.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(3) Special rule.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) Requirements.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) Grant period.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) Dissemination.—

"(A) Cooperative efforts.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(B) Report.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

"(7) Evaluation costs.—

"(A) Division.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

"(B) Grants and contracts.—If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) Information Network.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

"SEC. 7125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

"(a) In General.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) Period of Grant.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) Application for Grant.—

"(1) In general.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) Contents.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

"(3) Approval.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

``(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

``(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

``(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

``(d) Restriction.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

``(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2002 through 2008.

“Subpart 3—Special Programs Relating to Adult Education for Indians

“SEC. 7131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

``(a) In General.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

``(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

``(2) to assist in the establishment and operation of programs that are designed to stimulate—

``(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

``(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

``(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

``(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

``(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

``(b) Educational Services.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

``(c) Information and Evaluation.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

``(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

``(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

``(d) Applications.—

``(1) In general.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

``(2) Contents.—Each application described in paragraph (1) shall contain—

``(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

``(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

``(3) Approval.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

``(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

``(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

``(4) Priority.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

``(e) Administrative Costs.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.

“Subpart 4—National Research Activities

“SEC. 7141. NATIONAL ACTIVITIES.

``(a) Authorized Activities.—The Secretary may use funds made available under section 7162(b) for each fiscal year to—

``(1) conduct research related to effective approaches for the education of Indian children and adults;

``(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

``(3) collect and analyze data on the educational status and needs of Indians; and

``(4) carry out other activities that are consistent with the purpose of this part.

``(b) Eligibility.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

``(c) Coordination.—Research activities supported under this section—

``(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

``(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

``(d) Administrative Costs.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

“Subpart 5—Federal Administration

“SEC. 7151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

``(a) Membership.—There is established a National Advisory Council on Indian Education (referred to in this section as the ‘Council’), which shall—

``(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

``(2) represent different geographic areas of the United States.

``(b) Duties.—The Council shall—

``(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

``(A) with respect to which the Secretary has jurisdiction; and

``(B)(i) that includes Indian children or adults as participants; or

``(ii) that may benefit Indian children or adults;

``(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

``(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

``(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

``(B) recommendations concerning the funding of any program described in subparagraph (A).

“SEC. 7152. PEER REVIEW.

``The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

“SEC. 7153. PREFERENCE FOR INDIAN APPLICANTS.

``In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

“SEC. 7154. MINIMUM GRANT CRITERIA.

``The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

``(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

``(2) based on relevant research findings.

“Subpart 6—Definitions; Authorizations of Appropriations

“SEC. 7161. DEFINITIONS.

``In this part:

``(1) Adult.—The term ‘adult’ means an individual who—

``(A) has attained age 16; or

``(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 7306); or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

"SEC. 7162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $93,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $20,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 7201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 7202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

"(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

"(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

"(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

"(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(12) The United States has recognized and reaffirmed that—

"(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

"(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

"(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai'i;

"(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

"(E) the aboriginal, indigenous people of the United States have—

"(i) a continuing right to autonomy in their internal affairs; and

"(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

"(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

"(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

"(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

``(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

``(i) late or no prenatal care;

``(ii) high rates of births by Native Hawaiian women who are unmarried; and

``(iii) high rates of births to teenage parents;

``(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

``(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

``(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

``(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

``(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

``(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

``(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

``(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

``(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

``(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

``(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

``(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

``(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

``(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

``(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

``(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

``(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

``(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

"SEC. 7203. PURPOSES.

``The purposes of this part are to—

``(1) authorize and develop innovative educational programs to assist Native Hawaiians;

``(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

``(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

``(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

``(a) Establishment of Native Hawaiian Education Council.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

``(b) Composition of Education Council.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

``(c) Conditions and Terms.—

``(1) Conditions.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

``(2) Appointments.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

``(3) Terms.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

``(4) Council determinations.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

``(d) Native Hawaiian Education Council Grant.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

``(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

``(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

``(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

``(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

``(e) Additional Duties of the Education Council.—

``(1) In general.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (1), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

``(2) Annual report.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

``(3) Island council support and assistance.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

``(f) Establishment of Island Councils.—

``(1) In general.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

``(A) Hawai'i.
``(B) Maui.
``(C) Moloka'i.
``(D) Lana'i.
``(E) O'ahu.
``(F) Kaua'i.
``(G) Ni'ihau.

``(2) Composition of island councils.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

``(g) Administrative Provisions Relating to Education Council and Island Councils.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 7205. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

"(A) Native Hawaiian educational organizations;

"(B) Native Hawaiian community-based organizations;

"(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

"(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

"(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

"(A) beginning reading and literacy among students in kindergarten through third grade;

"(B) the needs of at-risk children and youth;

"(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

"(D) the use of the Hawaiian language in instruction.

"(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

"(B) the operation of family-based education centers that provide such services as—

"(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

"(ii) preschool programs for Native Hawaiians; and

"(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

"(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(i) the identification of such students and their needs;

"(ii) the provision of support services to the families of those students; and

"(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

"(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

"(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

"(G) professional development activities for educators, including—

"(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

"(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

"(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

"(i) preschool programs;

"(ii) after-school programs; and

"(iii) vocational and adult education programs;

"(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

"(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

"(ii) family literacy services;

"(iii) counseling and support services for students receiving scholarship assistance;

"(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

"(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

"(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

"(K) other research and evaluation activities related to programs carried out under this part; and

"(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

"(4) SPECIAL RULE AND CONDITIONS.—

"(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai‘i from receiving a scholarship pursuant to paragraph (3)(I).

"(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 7206. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

"SEC. 7207. DEFINITIONS.

"In this part:

"(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai‘i, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama‘aina (long-term community residents) verification; or

"(iii) certified birth records.

"(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

"(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organization;

"(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

"(D) has demonstrated expertise in the education of Native Hawaiian youth; and

"(E) has demonstrated expertise in research and program development.

"(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

"(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

"(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

"PART C—ALASKA NATIVE EDUCATION

"SEC. 7301. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

"SEC. 7302. FINDINGS.

"Congress finds the following:

"(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 7303. PURPOSES.

"The purposes of this part are to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement programs and authorities in the area of education to further the objectives of this part; and

"(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 7304. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purposes of this part.

"(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family literacy services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs carried out under this part; and

"(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"SEC. 7305. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

"(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

"SEC. 7306. DEFINITIONS.

"In this part:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policymaking positions within the organization.".

SEC. 702. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking "section 9308" and inserting "section 7306"; and

(2) in paragraph (3), by striking "section 9212" and inserting "section 7207".

(b) PUBLIC LAW 88-210.—Section 116 of Public Law 88-210 (as added by section 1 of Public Law 105-332 (112 Stat. 3076)) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section

116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking "section 9212" and all that follows and inserting "section 7207 of the Native Hawaiian Education Act".

(d) Museum and Library Services Act.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(e) Act of April 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the "Johnson-O'Malley Act") (88 Stat. 2213; 25 U.S.C. 456) is amended by striking "section 9104(c)(4)" and inserting "section 7114(c)(4)".

(f) Native American Languages Act.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))" and inserting "section 7161(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))" and inserting "section 7207 of the Elementary and Secondary Education Act of 1965".

(g) Workforce Investment Act of 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking "paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(h) Assets for Independence Act.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

TITLE VIII—REPEALS

SEC. 801. REPEALS.

(a) Elementary and Secondary Education Act of 1965.—Titles IX through XIV (20 U.S.C. 7801 et seq., 8801 et seq.) are repealed.

(b) Goals 2000: Educate America Act.—The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. INDEPENDENT EVALUATION.

The Act (20 U.S.C. 6301 et seq.) (as amended by section 801(a)) is amended further by adding at the end the following:

"TITLE IX—MISCELLANEOUS PROVISIONS

"PART A—INDEPENDENT EVALUATION

"SEC. 9101. IN GENERAL.

"The Secretary is authorized to award a grant to the Board on Testing and Assessment of the National Research Council of the National Academy of Sciences to enable the Board to conduct, in consultation with the Department (and others that the Board determines appropriate), an ongoing evaluation, not to exceed 4 years in duration, of a representative sample of State and local educational agencies regarding high stakes assessments used by the State and local educational agencies. The evaluation shall be based on a research design determined by the Board, in consultation with others, that includes existing data, and the development of new data as feasible and advisable. The evaluation shall address, at a minimum, the 3 components described in section 9102.

"SEC. 9102. COMPONENTS EVALUATED.

"The 3 components of the evaluation described in section 9101 are as follows:

"(1) Students, teachers, parents, families, schools, and school districts.—The intended and unintended consequences of the assessments on individual students, teachers, parents, families, schools, and school districts, including—

"(A) overall improvement or decline in what students are learning based on independent measures;

"(B) changes in course offerings, teaching practices, course content, and instructional material;

"(C) measures of teacher satisfaction with the assessments;

"(D) changes in rates of teacher and administrator turnover;

"(E) changes in dropout, grade retention, and graduation rates for students;

"(F) the relationship of student performance on the assessments to school resources, teacher and instructional quality, or such factors as language barriers or construct-irrelevant disabilities;

"(G) changes in the frequency of referrals for enrichment opportunities, remedial measures, and other consequences;

"(H) changes in student post-graduation outcomes, including admission to, and signs of success (such as reduced need for remediation services) at, colleges, community colleges, or technical school training programs;

"(I) cost of preparing for, conducting, and grading the assessments in terms of dollars expended by the school district and time expended by students and teachers;

"(J) changes in funding levels and distribution of instructional and staffing resources for schools based on the results of the assessments;

"(K) purposes for which the assessments or components of the assessments are used beyond what is required under part A of title I, and the consequences for students and teachers because of those uses;

"(L) differences in the areas studied under this section between high poverty and high concentration minority schools and school districts, and schools and school districts with lower rates of poverty and minority students; and

"(M) the level of involvement of parents and families in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"(2) Students with disabilities.—The intended and unintended consequences of the assessments for students with disabilities, including—

"(A) the overall improvement or decline in academic achievement for students with disabilities;

"(B) the numbers and characteristics of students with disabilities who are excluded from the assessments, and the number and type of modifications and accommodations extended;

"(C) changes in the rate of referral of students to special education;

"(D) changes in attendance patterns and dropout, retention, and graduation rates for students with disabilities;

"(E) changes in rates at which students with disabilities are retained in grade level;

"(F) changes in rates of transfers of students with disabilities to other schools or institutions; and

"(G) the level of involvement of parents and families of students with disabilities in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"(3) Low socio-economic students, limited English proficient students, and minority students.—The intended and unintended consequences of the assessments for low socio-economic status students, limited English proficient students, and racial and ethnic minority students, independently and as compared to middle or high socio-economic status students, nonlimited English proficient students, and white students, including—

"(A) the overall improvement or decline in academic achievement for such students;

"(B) the numbers and characteristics of such students excused from taking the assessments, and the number and type of modifications and accommodations extended to such students;

"(C) changes in the rate of referral of such students to special education;

"(D) changes in attendance patterns and dropout and graduation rates for such students;

"(E) changes in rates at which such students are retained in grade level;

"(F) changes in rates of transfer of such students to other schools or institutions; and

"(G) the level of involvement of parents and families of low socio-economic students, limited English proficient students, and racial and ethnic minority students in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"SEC. 9103. REPORTING.

"The Secretary shall make public annually the results of the evaluation carried out under this part and shall report the findings of the evaluation to Congress and to the States not later than 2 months after the completion of the evaluation.

"SEC. 9104. DEFINITIONS.

"In this part:

"(1) High stakes assessment.—The term 'high stakes assessment' means a standardized test that is one of the mandated determining factors in making decisions concerning a student's promotion, graduation, or tracking.

"(2) Standardized test.—The term 'standardized test' means a test that is administered and scored under conditions uniform to all students so that the test scores are comparable across individuals.

"SEC. 9105. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $4,000,000 for fiscal year 2002. Such funds shall remain available until expended.".

SA 359. Ms. COLLINS proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 177, strike lines 1 through 6, and insert the following:

"(3) To provide assistance to States and local educational agencies in selecting or developing screening instruments, rigorous diagnostic reading assessments, and classroom-based instructional assessments.

On page On page 177, line 19, insert "educational agency" after "State".

On page 178, strike lines 3 through 8, and insert the following:

"(1) In general.—From the total amount made available to carry out this subpart for any fiscal year and not reserved under section 1226, the Secretary shall allot among each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, in accordance with paragraph (2)—

"(A) 100 percent of such remaining amount for each of the fiscal years 2002 and 2003; and

"(B) 75 percent of such remaining amount for each of the fiscal years 2004 through 2008.

On page 179, line 19, insert "number or" after "high".

On page 180, line 7, insert "number or" after "high".

On page 180, strike lines 11 through 20, and insert the following:

"(5) STATE REQUIREMENT.—In distributing subgrant funds to local educational agencies, a State shall—

"(A) provide the funds in sufficient amounts to enable the local educational agencies to improve reading; and

"(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

"(6) LOCAL ELIGIBILITY.—In distributing subgrant funds under this subsection, a local educational agency shall provide funds only to schools that—

On page 181, line 9, strike "a" and insert "screening instruments,"

On page 181, lines 9 and 10, strike "assessment" and insert "assessments, and classroom-based instructional assessments".

On page 183, line 14, strike "may" and insert "shall".

On page 183, lines 15 and 16, strike "or otherwise".

On page 184, line 2, insert "(including family literacy services)" after "approaches".

On page 184, line 7, strike "from rigorous diagnostic reading assessments".

On page 184, line 14, strike "the".

On page 184, strike lines 16 and 17, and insert the following:

"(I) Reporting data for all students and categories of students identified under section 1111(b)(2)(B)(v).

On page 184, line 24, insert "educational agency" after "State".

On page 185, line 9, strike "that receives a grant under this section".

On page 185, line 10, strike "15" and insert "100".

On page 185, line 11, strike "provided under the grant" and insert "made available under paragraph (1)".

On page 186, line 4, strike "may" and insert "shall".

On page 186, line 5, strike "or otherwise".

On page 186, line 7, strike "that".

On page 186, line 8, strike "receives a grant under this section".

On page 186, lines 9 and 10, strike "5 percent of the amount of the funds provided under the grant" and insert "25 percent of the amount of the funds made available under paragraph (1)".

On page 187, line 13, strike "(3)" and insert "(5)".

On page 187, lines 15 and 16, strike "that receives a grant under this section shall" and insert "may".

On page 187, lines 15 and 16, strike "5 percent of the amount of the funds provided under the grant" and insert "25 percent of the amount of the funds made available under paragraph (1)".

On page 188, lines 5 and 6, strike "from rigorous diagnostic reading assessments".

On page 188, line 24, strike "subsection (c)(7)(H)" and insert "subsections (c)(7) (H) and (I)".

On page 189, line 7, strike "section 1116(c)" and insert "subsection (c)(7)(I)".

On page 189, beginning with line 20, strike all through page 190, line 18, and insert the following:

"(a) IN GENERAL.—For fiscal year 2004 and each succeeding fiscal year the Secretary is authorized to award grants, on a competitive basis according to the criteria described in subsection (b) (2) or (3), to any State educational agency that received a grant under section 1222, for the use specified in subsection (c).

"(b) AMOUNT AVAILABLE FOR GRANTS; CRITERIA FOR GRANTS.—

"(1) AMOUNT.—From the total amount made available to carry out this subpart for fiscal year 2004 or any succeeding fiscal year that is not used under section 1222 or reserved under section 1226, the Secretary shall award grants under this section according to the criteria described in paragraph (2) or (3).

"(2) CRITERIA FOR AWARDING COMPETITIVE GRANTS TO STATES.—In carrying out this section, the Secretary shall award grants to those State educational agencies that—

"(A) for 2 consecutive years, make or exceed adequate yearly progress in reading for all third graders, in the aggregate, who attend schools served by the local educational agencies receiving funding under this subpart;

"(B) for each of the same such consecutive 2 years, demonstrate that an increasing percentage of third graders in each of the groups described in section 1111(b)(2)(B)(v)(II) in the schools served by the local educational agencies receiving funds under this subpart are reaching the proficient level in reading; and

"(C) for each of the same such consecutive 2 years, demonstrate that schools receiving funds under this subpart are improving the reading skills of students in the first and second grades based on screening, diagnostic, or classroom-based instructional assessments.

"(3) INTERIM CRITERIA FOR AWARDING COMPETITIVE GRANTS TO STATES.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the Secretary shall award grants to such State educational agency on the basis of evidence supplied by the State that, for 2 consecutive years, increasing percentages of students are reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

"(4) CONTINUATION OF PERFORMANCE AWARDS.—For any State that receives a competitive grant under this section, the Secretary shall make an award for each of the following, consecutive years that the State demonstrates it is continuing to meet the criteria described in paragraph (2) or (3).

"(5) DISTRIBUTION OF PERFORMANCE GRANTS.—The Secretary shall make a grant to each State with an application approved under this section in proportion to the number of poor children determined under section 1124(c)(1)(A) for the State as compared to the number of such poor children in all States with applications approved in that year.

On page 190, line 21, strike "include in its application" and insert "submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include".

On page 191, beginning with line 1, strike all through page 191, line 10, and insert the following:

"(ii) Evidence that the State has met the criteria described in paragraph (2) or (3).

On page 191, line 11, strike "(iv)" and insert "(iii)".

On page 191, line 17, strike "(v)" and insert "(iv)".

Beginning on page 192, strike line 19 and all that follows through line 3 on page 193, and insert the following:

"(B) Evidence that a local educational agency has, for 2 consecutive years, made or exceeded adequate yearly progress in reading for all third graders, in the aggregate, who attend schools receiving funds under this subpart.

"(C) Evidence that a local educational agency has, for each of the same such consecutive 2 years, demonstrated that an increasing percentage of the third graders in each of the groups described in section 1111(b)(2)(B)(v)(II) in schools receiving funds under this subpart are reaching the proficient level in reading.

"(D) Evidence that a local educational agency has, for each of the same such consecutive 2 years, demonstrated that schools receiving funds under this subpart are improving the reading skills of students in the first and second grades based on screening, diagnostic, or classroom-based instructional assessments.

On page 193, between lines 19 and 20, insert the following:

"(5) INTERIM CRITERIA FOR DISTRIBUTING FUNDS.—If a State has not defined adequate yearly progress or implemented an assessment of reading in grade 3 as required under subsection 1111(b), then such State shall award grants, on a competitive basis according to the criteria described in paragraphs (4) (A), (E), (F), and (G), to local educational agencies that for 2 consecutive years increased the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

On page 194, strike lines 2 and 3, and insert the following:

"(a) APPLICATIONS.—

"(1) IN GENERAL.—A State educational agency that desires to receive a grant under section 1222 shall submit an application to

On page 194, between lines 6 and 7, insert the following:

"(2) SPECIAL APPLICATION PROVISIONS.—For those States that have received a grant under part C of title II (as such part was in effect on the day preceding the date of enactment of the Better Education for Students and Teachers Act), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such States.

On page 195, line 17, insert "Federal," after "other".

On page 201, between lines 13 and 14, insert the following:

"SEC. 1225. ACCOUNTABILITY FOR RESULTS.

"(a) STATE ACCOUNTABILITY.—

"(1) REDUCTIONS.—If the Secretary makes the determination described in paragraphs (2) or (3) for 2 consecutive years, then the Secretary shall reduce the size of a State's grant under this subpart for the subsequent fiscal year.

"(2) DETERMINATION.—The determination referred to in paragraph (1) is the determination, made on the basis of data from the State assessment system described in section 1111, that a State—

"(A) failed to make adequate yearly progress in reading (as defined in the State's plan under section 1111) for all third graders, in the aggregate, who attend schools receiving funds under this subpart; and

“(B) failed to increase the percentage of third graders within each of the groups described in section 1111(b)(2)(B)(v)(II) who attend schools receiving funds under this subpart in reaching the proficient level in reading as compared to the previous school year.

“(3) Interim criteria for determination.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the determination referred to in paragraph (1) is the determination that such State failed to increase the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

“(4) Continued reductions.—If the Secretary makes the determination described in paragraph (2) or (3) for a third or subsequent consecutive year, then the Secretary shall continue to reduce a States's grant under this subpart in each such consecutive year.

“(b) Local Educational Agency Accountability.—

“(1) Reductions.—If the State educational agency makes the determination described in paragraph (2) or (3) for a local educational agency receiving funds under this subpart for 2 consecutive years, then the State shall make that local educational agency a priority for professional development and technical assistance provided under section 1222(d) (3) and (4).

“(2) Determination.—The determination referred to in paragraph (1) is the determination, made on the basis of data from the State assessment system described in section 1111, that a local educational agency—

“(A) failed to make adequate yearly progress in reading (as defined in the State plan under section 1111) for all third graders, in the aggregate, who attend schools that are served by the agency and receive funds under this subpart; and

“(B) failed to increase the percentage of third graders, within each of the groups described in section 1111(b)(2)(B)(v)(II), who attend schools that are served by the agency and receive funds under this subpart, reaching the proficient level in reading as compared to the previous school year.

“(3) Interim criteria for determination.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the determination referred to in paragraph (1) is the determination that a local educational agency failed to increase the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

“(4) Continued reductions.—If the State makes the determination described in paragraph (2) for a third or subsequent consecutive year, then the State shall continue to provide professional development and technical assistance and may require the local educational agency to institute a new reading curriculum that has demonstrated success in improving the reading skills of students in kindergarten through third grade, replace school district or school staff involved in the planning or implementation of the reading curriculum, or take some other action or actions to address the cause or causes for such failure to demonstrate progress. If the local educational agency refuses to take such action, then the State may reduce or eliminate the grant to that local educational agency.

On page 201, line 14, strike “1225” and insert “1226”.

On page 201, line 18, strike “1226” and insert “1227”.

On page 201, line 21, strike “1227” and insert “1228”.

On page 201, line 22, strike “1226” and insert “1227”.

On page 201, line 23, strike “1225” and insert “1226”.

On page 202, line 4, strike “and”.

On page 202, line 8, strike the period and insert “; and”.

On page 202, between lines 8 and 9, insert the following:

“(3) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to and eligibility for special education services under the Individuals with Disabilities Education Act (based on their difficulties learning to read).

On page 202, line 9, strike “1227” and insert “1228”.

On page 202, line 11, strike “1225” and insert “1226”.

On page 203, line 15, insert “, including through the Department and the National Center for Family Literacy” after “entities”.

On page 203, line 11, strike “1228” and insert “1229”.

On page 205, line 22, strike “and” and insert “or”.

SA 360. Mr. HARKIN (for himself, Mr. Hagel, Mr. Jeffords, Mr. Kennedy, Ms. Stabenow, Mr. Dodd, Mr. Reed, Mr. Wellstone, Mr. Levin, Mr. Kohl, Ms. Mikulski, Mr. Breaux, Ms. Collins, Mr. Chafee, and Mr. Johnson) proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end of title IX, add the following:

SEC. ___. HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) Findings.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for *Retarded Children* vs. *Commonwealth of Pennsylvania* (334 F. Supp. 1247)(E. Dist. Pa. 1971), and *Mills* vs. *Board of Education of the District of Columbia* (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as “IDEA”) (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅕ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) Local Educational Agency Eligibility.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

“(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 55 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for fiscal year 2001, except where a local educational agency shows that it is meeting the requirements of this part, the local educational agency may petition the State to waive, in whole or in part, the 55 percent cap under this clause.

“(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.”.

(c) Funding.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

“(j) Funding.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

"(1) $8,823,685,000 for fiscal year 2002;
"(2) $11,323,685,000 for fiscal year 2003;
"(3) $13,823,685,000 for fiscal year 2004;
"(4) $16,323,685,000 for fiscal year 2005;
"(5) $18,823,685,000 for fiscal year 2006;
"(6) $21,067,600,000 for fiscal year 2007;
"(7) $21,742,019,000 for fiscal year 2008;
"(8) $22,423,068,000 for fiscal year 2009;
"(9) $23,095,622,000 for fiscal year 2010; and
"(10) $23,751,456,000 for fiscal year 2011.".

SA 361. Mr. JEFFORDS (for himself and Mr. BOND) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 47, beginning with line 13, strike all through page 48, line 14, and insert the following:

"(i) a State may defer the commencement, or suspend the administration, of the assessments described in this paragraph, that were not required prior to the date of enactment of the Better Education for Students and Teachers Act, for 1 year, for each year for which the amount appropriated for grants under section 6203(a) is less than—

"(I) $370,000,000 for fiscal year 2002;
"(II) $380,000,000 for fiscal year 2003;
"(III) $390,000,000 for fiscal year 2004;
"(IV) $400,000,000 for fiscal year 2005;
"(V) $410,000,000 for fiscal year 2006;
"(VI) $420,000,000 for fiscal year 2007; and
"(VII) $430,000,000 for fiscal year 2008; and

"(ii) the Secretary may permit a State to commence the assessments, that were required by amendments made to this paragraph by the Better Education for Students and Teachers Act, in school year 2006–2007, if the State demonstrates to the Secretary that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous or unforeseen decline in the financial resources of the local educational agency or school, prevent full implementation of the assessments in school year 2005–2006 and that the State will administer such assessments during school year 2006–2007.

On page 778, strike lines 5 through 10, and insert the following:

"(a) GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.—

"(1) STATE GRANTS AUTHORIZED.—From amounts appropriated under paragraph (3) the Secretary shall award grants to States to enable the States to pay the costs of—

"(A) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act; and

"(B) other activities described in this part or related to ensuring accountability for results in the State's public elementary schools or secondary schools, and local educational agencies, such as—

"(i) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

"(ii) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

"(2) ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—From the amount appropriated to carry out this subsection for any fiscal year, the Secretary shall first allocate $3,000,000 to each State.

"(B) REMAINDER.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

"(C) DEFINITION OF STATE.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

SA 362. Mr. TORRICELLI (for himself and Mr. FITZGERALD) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 794, after line 7, add the following:

SEC. 902. MICROBIOLOGICAL PERFORMANCE STANDARDS FOR MEAT AND POULTRY FOR SCHOOL NUTRITION PROGRAMS.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

"(4) MICROBIOLOGICAL PERFORMANCE STANDARDS FOR MEAT AND POULTRY FOR SCHOOL NUTRITION PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall ensure that all meat and poultry purchased for a program carried out under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) meets performance standards for microbiological hazards, as determined by the Secretary.

"(B) BASIS.—The standards shall be based on and comparable to the stringent requirements used by national purchasers of meat and poultry (including purchasers for fast food restaurants), as determined by the Secretary.

"(C) REVIEW.—The Secretary shall periodically review the standards to determine the impact of the standards on reducing human illness.".

SA 363. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 67, line 18, strike "and".

On page 67, line 21, strike all after "1118" and insert "; and".

On page 67, between lines 21 and 22, insert the following:

"(11) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools.";

On page 161, between lines 9 and 10, insert the following:

SEC. 120D. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

"(a) FINDINGS.—Congress finds that—

"(1) the length of the academic year at most elementary and secondary schools in the United States consists of approximately 175 to 180 academic days, while the length of the academic years at elementary and secondary schools in a majority of the other industrialized countries consists of approximately 190 to 240 academic days;

"(2) eighth-grade students from the United States have scored lower, on average, in mathematics than students in Japan, France, and Canada;

"(3) various studies indicate that extending the length of the academic year at elementary and secondary schools results in a significant increase in actual student learning time, even when much of the time in the extended portion of the academic year is used for increased teacher training and increased parent-teacher interaction;

"(4) in the final 4 years of schooling, students in schools in the United States are required to spend a total of 1,460 hours on core academic subjects, which is less than half of the 3,528 hours so required in Germany, the 3,280 hours so required in France, and the 3,170 hours so required in Japan;

"(5) American students' lack of formal schooling is not counterbalanced with more homework as only 29 percent of American students report spending at least 2 hours on homework per day compared to half of all European students;

"(6) extending the length of the academic year at elementary and secondary schools will lessen the need for review, at the beginning of an academic year, of course material covered in the previous academic year; and

"(7) in 1994, the Commission on Time and Learning recommended that school districts keep schools open longer to meet the needs of children and communities.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency may use funds received under this part to—

"(A) to extend the length of the school year to 210 days, including necessary increases in compensation to employees;

"(B) study the feasibility of an effective method for extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(C) conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year; and

"(D) research, develop, and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year.

"(2) DEFINITION.—In this section, the term 'common core learning time' means high-quality, engaging instruction in challenging content in the core academic subjects of English, mathematics, science, reading, foreign languages, civics and government, economics, arts, history, and geography.

"(c) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

"(1) the activities to be carried out under this section;

"(2) any study or other information-gathering project for which funds will be used;

"(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

"(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.

"(e) Collective Bargaining Agreements.—Nothing in this section shall be construed to permit a local educational agency to carry out programs or activities that conflict with or otherwise supersede the provision of any collective bargaining agreement, memoranda of understanding, or other agreement between employees and the local educational agency.".

SA 364. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 893, after line 14, add the following:

SEC. 902. CAMPUS FIRE SAFETY.

(a) Short Title.—This section may be cited as the "Campus Fire Safety Right to Know Act".

(b) Disclosure of Fire Safety Standards and Measures With Respect to Campus Student Housing Facilities.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) Disclosure of Fire Safety Standards and Measures.—

"(1) Fire safety reports required.—Each eligible institution participating in any program under this title shall, beginning in academic year 2002-2003, and each academic year thereafter, prepare, publish, and distribute, through appropriate publications, including the Internet, or mailings, to all current students and employees, and upon request to any applicant for enrollment or employment, an annual fire safety report containing at least the following information with respect to the fire safety practices and standards of that institution:

"(A) A statement that identifies each campus student housing facility of the institution, and whether each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

"(B) Statistics concerning the occurrence at campus student housing facilities, during the 2 preceding academic years for which data are available, of fires and false fire alarms.

"(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

"(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols, rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety with regard to campus student housing facilities.

"(E) Information about fire safety education and training provided to students, faculty, and staff, including the percentage of students, faculty, and staff who have participated in such education and training.

"(F) Information concerning fire safety at housing facilities owned or controlled by student fraternities and sororities that are recognized by the institution, including—

"(i) information reported to the institution under paragraph (5); and

"(ii) a statement concerning whether and how the institution works with recognized student fraternities and sororities to make housing facilities owned or controlled by such fraternities or sororities more fire safe.

"(2) Rule of construction.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(3) Reports.—Each institution participating in any program under this title shall make timely reports to the campus community on fires at campus student housing facilities that are reported to local fire departments and the incidence of false fire alarms at such facilities. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

"(4) Logs.—Each institution participating in any program under this title shall make, keep, and maintain a log, written in a form that can be easily understood, recording all fires at campus student housing facilities reported to local fire departments, including the nature, date, time, and general location of each fire, and all false fire alarms. All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law, be open to public inspection.

"(5) Fraternities and sororities.—Each institution participating in a program under this title shall request each fraternity and sorority that is recognized by the institution to collect and report to the institution the information described in subparagraphs (A) through (E) of paragraph (1), as applied to the fraternity or sorority, for each student housing facility owned or controlled by the fraternity or sorority, respectively.

"(6) Reports to secretary.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of fires in campus student housing facilities.

"(7) Definition of campus student housing facility.—In this subsection, the term 'campus student housing facility' means any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution for student housing.".

(c) Report to Congress by Secretary of Education.—Not later than 1 year after the date of enactment of this section, the Secretary of Education shall prepare and submit to Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university campus student housing facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming campus student housing facilities up to current building codes or life safety codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university campus student housing facilities, including recommendations for methods to fund such costs.

SA 365. Mr. DODD (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. BINGAMAN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CORZINE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, Mrs. CLINTON, Mr. JEFFORDS, and Mr. KENNEDY) proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 32, strike lines 2 through 6, and insert the following:

"(a) Local Educational Agency Grants.—

"(1) Short title.—This subsection may be cited as the 'Equal Educational Opportunity Act'.

"(2) Authorization.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated—

"(A) $15,000,000,000 for fiscal year 2002;

"(B) $18,240,000,000 for fiscal year 2003;

"(C) $21,480,000,000 for fiscal year 2004;

"(D) $24,720,000,000 for fiscal year 2005;

"(E) $27,960,000,000 for fiscal year 2006;

"(F) $31,200,000,000 for fiscal year 2007;

"(G) $34,440,000,000 for fiscal year 2008;

"(H) $37,680,000,000 for fiscal year 2009;

"(I) $40,920,000,000 for fiscal year 2010; and

"(J) $44,164,000,000 for fiscal year 2011.

SA 366. Mr. CAMPBELL (for himself, Mr. Grassley, Mr. Akaka, Mr. Inouye, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill S. 1; to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENIOR OPPORTUNITIES.

(a) Twenty-First Century Community Learning Centers.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) a description of how the organization will encourage and use appropriately qualified seniors as volunteers in activities carried out through the center.".

(b) Safe and Drug-Free Schools and Communities; Governor's Programs.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking "and" after the semicolon;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.".

(c) Safe and Drug-Free Schools and Communities; Local Drug and Violence Prevention Programs.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring"; and

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" after the semicolon;

(ii) in clause (ii), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;";

(2) in paragraph (4)(C), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring programs"; and

(3) in paragraph (8), by inserting ", which may involve appropriately qualified seniors working with students" after "settings".

(d) Safe and Drug-Free Schools and Communities; Federal Activities.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting ", including projects and activities that promote the interaction of youth and appropriately qualified seniors" after "responsibility"; and

(2) in paragraph (13), by inserting ", including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering" after "title".

(e) Indian, Native Hawaiian, and Alaska Native Education; Formula Grants.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.".

(f) Indian, Native Hawaiian, and Alaska Native Education; Special Programs and Projects.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking "or" after the semicolon;

(2) in subparagraph (L), by striking "(L)" and inserting "(M)"; and

(3) by inserting after subparagraph (K) the following:

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or".

(g) Indian, Native Hawaiian, and Alaska Native Education; Professional Development.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting ", and may include programs designed to train tribal elders and seniors.".

(h) Indian, Native Hawaiian, and Alaska Native Education; Native Hawaiian Programs.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking "and" after the semicolon;

(2) in clause (iii), by inserting "and" at the end; and

(3) by adding at the end the following:

"(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;".

(i) Indian, Native Hawaiian, and Alaska Native Education; Alaska Native Programs.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking "and" after the semicolon;

(2) in clause (ii), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;".

SA 367. Mrs. FEINSTEIN (for herself, Mr. Voinovich, Mr. Baucus, Ms. Landrieu, and Mrs. Murray) submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 893, after line 14, add the following:

SEC. . LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) Short Title.—This section may be cited as the "Loan Forgiveness for Head Start Teachers Act of 2001".

(b) Head Start Teachers.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078-10) is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

"(1)(A) has been employed—

"(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(B)(i) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

"(ii) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

"(iii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(2) in subsection (g), by adding at the end the following:

"(3) Head Start.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001."; and

(3) by adding at the end the following:

"(i) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).".

(c) Conforming Amendments.—Section 428J of such Act (20 U.S.C. 1078-10) is amended—

(1) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(2) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)";

(3) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(4) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

(d) Direct Student Loan Forgiveness.—

(1) In general.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by amending subparagraph (A) to read as follows:

"(A)(i) has been employed—

"(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(ii)(I) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

"(II) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

"(III) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(B) in subsection (g), by adding at the end the following:

"(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001."; and

(C) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).".

(2) CONFORMING AMENDMENTS.—Section 460 of such Act (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)(I)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)(I)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

SA 368. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 383, after line 21, add the following:

SEC. ___. MASTER TEACHER DEMONSTRATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

(2) MASTER TEACHER.—The term "master teacher" means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Not later than July 1, 2002, the Secretary shall conduct a demonstration project under which the Secretary shall award competitive grants to local educational agencies to increase teacher salaries and employee benefits for teachers who enter into contracts with the local educational agencies to serve as master teachers.

(2) REQUIREMENTS.—In awarding grants under the demonstration project, the Secretary shall—

(A) ensure that grants are awarded under the demonstration project to a diversity of local educational agencies in terms of size of school district, location of school district, ethnic and economic composition of students, and experience of teachers; and

(B) give priority to local educational agencies in school districts that have schools with a high proportion of economically disadvantaged students.

(c) APPLICATIONS.—In order to receive a grant under the demonstration project, a local educational agency shall submit an application to the Secretary that contains—

(1) an assurance that funds received under the grant will be used in accordance with this section; and

(2) a detailed description of how the local educational agency will use the grant funds to pay the salaries and employee benefits for positions designated by the local educational agency as master teacher positions.

(d) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under the demonstration project unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly, through the State, or through a combination thereof) in non-Federal contributions an amount equal to the amount of the grant awarded to the agency.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress analyzing the results of the demonstration project conducted under this section.

(2) CONTENTS OF REPORT.—The report shall include—

(A) an analysis of the results of the project on—

(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding—

(i) continuing or terminating the demonstration project; and

(ii) establishing a grant program to expand the project to additional local educational agencies and school districts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000, for the period of fiscal years 2002 through 2006.

SA 369. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 137, between lines 3 and 4, insert the following:

SEC. ___. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATIONS ON FUNDS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, a local educational agency shall use funds received under this subpart only to provide academic instruction and services directly related to the instruction of students in preschool through grade 12 to assist eligible children to improve their academic achievement and to meet achievement standards established by the State.

"(b) PERMISSIBLE AND PROHIBITED ACTIVITIES.—In this section, the term 'academic instruction'—

"(1) includes—

"(A) the implementation of instructional interventions and corrective actions to improve student achievement;

"(B) the extension of academic instruction beyond the normal school day and year, including during summer school;

"(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

"(D) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

"(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

"(F) the development and administration of curricula, educational materials, and assessments; and

"(G) the transportation of students to assist the students in improving academic achievement; and

"(2) does not include—

"(A) the purchase or lease of privately owned facilities;

"(B) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(C) the construction of facilities;

"(D) the acquisition of real property;

"(E) the payment of costs for food and refreshments;

"(F) the payment of travel and attendance costs at conferences or other meetings; or

"(G) the purchase or lease of vehicles.".

SA 370. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 302, between lines 7 and 8, insert the following:

Part School Construction

SEC. 01. SHORT TITLE.

This part may be cited as the "Excellence in Education Act of 2001".

SEC. 02. DEFINITIONS.

In this part:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "construction" means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) SCHOOL FACILITY.—The term "school facility" means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

SEC. 03. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $1,000,000,000 for each of the fiscal years 2002 through 2006.

SEC. 04. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

SEC. 05. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

SEC. 06. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this part;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

SA 371. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 572, line 2, insert ", or to have possessed a weapon at a school," after "to a school".

On page 572, line 7, insert before the period the following: "if such modification is in writing".

On page 573, line 3, strike "and".

On page 573, line 9, strike "and".

On page 573, line 10, strike the period and insert "; and".

On page 573, between lines 10 and 11, insert the following:

"(D) the level of education of the students expelled from such school; and

"(E) a description of each modification of expulsion permitted under subsection (b)(1) with respect to such school; and

"(3) a description of all incidents involving weapons at local educational agency schools.".

On page 573, between lines 13 and 14, insert the following:

"(f) DEFINITION.—In this section, the term 'school' means any setting that is under the control and supervision of the local education agency.

"(g) EXCEPTION.—Nothing in this section shall apply to a weapon if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.".

On page 573, line 20, strike "brings a firearm or weapon to a school" and insert "brings a weapon to a school, or is found to have possessed a weapon at a school,".

On page 573, strike lines 22 through 25, and insert the following:

"(b) DEFINITIONS.—For the purpose of this section:

"(1) SCHOOL.—The term 'school' has the meaning given to such term by section 921(a) of title 18, United States Code.

"(2) WEAPON.—The term 'weapon' has the meaning given such term in section 4101(b)(3).".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 9, 2001, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Francis S. Blake to be the Deputy Secretary of the Department of Energy, Robert Gordon Card to be the Under Secretary of the Department of Energy, Bruce Marshall Carnes to be the Chief Financial Officer for the Department of Energy, and David Garman to be the Assistant Secretary for Energy Efficiency and Renewable Energy for the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 10, 2001, immediately following a hearing by the Subcommittee on National Parks, Historic Preservation, and Recreation scheduled at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on H.R. 880, a bill to provide for all right, title, and interest in certain property in Washington County, UT, to be vested in the United States.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224–9607.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings entitled "Cross Border Fraud: Improving Transnational Law Enforcement." The upcoming hearings will examine the nature and scope of cross-border fraud problems and the state of binational U.S.-Canadian law enforcement coordination, and will explore what steps can be taken to fight such crime in the future.

The hearings will take place on Thursday, June 14 and Friday, June 15, 2001, at 9:30 a.m., each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Christopher A. Ford of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2001, at 9:30 a.m., in open and closed sessions to receive testimony on the lessons learned from the attack on U.S.S. *Cole*, on the Report of the Crouch/Gehman Commission and on the Navy's Judge Advocate General manual investigation into the attack, including a review of appropriate standards of accountability for our military service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 3, 2001, at 9:30 a.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 3 at 2:30 p.m., to conduct an oversight hearing. The committee will review FERC's April 26, 2001, order addressing wholesale electricity prices in California and the Western United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations be authorized to meet during the session of the Senate on Thursday, May 3 at 9:30 a.m., to conduct a joint oversight hearing. The committee will receive testimony on the state of the nuclear power industry and the future of the industry in a comprehensive energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 3, 2001, at 10 a.m., for an oversight hearing on Federal election practices and procedures.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 3, 2001, at 10 a.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, May 3, 2001, from 2:30 p.m.–5 p.m, in Dirksen 608 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, May 3, 2001, at 2 p.m., in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Frances Coleman and Andrew Hartman, both assigned to my staff, be granted the privilege of the floor during consideration of S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Tuesday, May 15, 2001. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, D.C. 20510.

All Senators' reports will be made available simultaneously on Thursday, June 14th. Any questions regarding the availability of reports should be directed to the Public Records office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Calendar Nos. 46, 66, 67, 68, 69, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the record, the President be immediately notified of the Senate's action, and the Senate then return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF DEFENSE

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.

DEPARTMENT OF COMMERCE

Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce.

Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce.

DEPARTMENT OF TRANSPORTATION

Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) David R. Nicholson, 0216
Rear Adm. (lh) Ronald F. Silva, 1219

PN193. Coast Guard nominations (167) beginning Quincey N. Adams, and ending Kathryn L. Wunderlich, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2001.

PN203. Coast Guard nominations (236) beginning Benes Z. Aldana, and ending Marshall E. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN223. Coast Guard nominations (112) beginning Pauline F. Cook, and ending Tarik L. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

NOMINATION OF CHARLES S. ABELL

Mr. WARNER. Mr. President, it is with mixed emotions that I come before my colleagues today to express my profound congratulations to Mr. Charles S. Abell on the occasion of his confirmation by the Senate as Assistant Secretary of Defense for Force Management Policy. I have had the great pleasure and distinct honor to work with Charlie Abell for the past 8 years, during his service as a professional staff member on the Senate Armed Services Committee. While we are all extremely proud of him, it is difficult to see him go.

Charlie Abell began his service to country with a distinguished 26-year career in the U.S. Army. Charlie enlisted in the Army in 1966, and retired as a lieutenant colonel in 1992. During his military career, he served as both an infantry officer as well as a Cobra attack helicopter pilot. He was a highly decorated officer who led an infantry platoon, an infantry company, and attack helicopter units during two combat tours in Vietnam. Charlie has always been at the "scene of action."

Mr. Abell's decorations include the Legion of Merit, four Meritorious Service Medals, the Purple Heart, two bronze stars for Valor, 14 Air Medals, two for valor, the Army Commendation Medal for valor and the Combat Infantryman's Badge.

Following his successful Army career, Charlie joined the Senate Armed Services Committee staff. He has been a most valued member of our "team". Charlie has been the lead staff member for the Personnel Subcommittee for the past eight years, and has been responsible for a wide range of issues concerning military personnel and quality of life. His expertise and counsel have been invaluable to the members of the Armed Services Committee—and indeed the Senate as a whole—as we have worked over the past several years to reform the military retirement system, enhance military pay, improve the military health care system, and honor our commitment to all military retirees to provide health care for life. Charlie's achievements with our Committee have truly touched the lives of all members of the military services—Active Duty, Reserve Components and retirees—and their families as well. I offer my sincere gratitude for his outstanding work in these endeavors on behalf of myself and all of the members and staff of the Committee on Armed Services.

Today, Charlie Abell was confirmed by the U.S. Senate to serve in the position of Assistant Secretary of Defense for Force Management Policy. While it is difficult for us to lose such a valuable member of our committee staff, we are all very proud of Charlie and know that he will be a very important addition to Secretary Rumfeld's staff. We will miss his professionalism, his depth of knowledge, his humility, and most of all his friendship. Charlie is a true professional and will continue to serve his country, and the Department of Defense with honor and distinction. I wish he and his wife, Cathy, fair winds and following seas, and will truly miss daily interactions with this dear friend and outstanding American.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 82 submitted by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 82) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs and representation by the Senate Legal Counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR FRIDAY, MAY 4, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, May 4. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1, the education bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. For the information of all Senators, the Senate will resume the education bill tomorrow morning at 10 a.m. The next two amendments in order will be a Craig amendment and an amendment offered by Senator KENNEDY or his designee. Votes ordered on those amendments will be stacked to occur on Tuesday morning. On Monday, the Senate will consider the budget conference report beginning at 10 a.m. Monday afternoon the Senate will consider the Bolton nomination with both votes scheduled to occur in a stacked sequence beginning at 9:30 a.m. on Tuesday. The order of the votes on Tuesday morning is as follows: confirmation of the Bolton nomination; adoption of the budget conference report; the Craig amendment regarding ESEA funding; and the Kennedy or designee amendment. No votes will occur on Friday or Monday.

ADJOURNMENT

Mr. JEFFORDS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:48 p.m., adjourned until Friday, May 4, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 2001:

DEPARTMENT OF DEFENSE

CHARLES S. ABELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF COMMERCE

BRENDA L. BECKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THEODORE WILLIAM KASSINGER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

MICHAEL P. JACKSON, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) DAVID R. NICHOLSON, 0216
REAR ADM. (LH) RONALD F. SILVA, 1219

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING QUINCEY N. ADAMS, AND ENDING KATHRYN L. WUNDERLICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2001.

COAST GUARD NOMINATIONS BEGINNING BENES Z. ALDANA, AND ENDING MARSHALL E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2001.

COAST GUARD NOMINATIONS BEGINNING PAULINE F. COOK, AND ENDING TARIK L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 2001.

HOUSE OF REPRESENTATIVES—*Thursday, May 3, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Dr. Lloyd J. Ogilvie, Chaplain, U.S. Senate, offered the following prayer:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word Sovereign, we echo Washington, Jefferson, Madison and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one Nation under You, Dear God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation.

Give us courage to be accountable to You and to Your Commandments. We repent for the pride, selfishness, and prejudice that often contradict Your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us here in the Congress. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger may sweep across this Nation.

Hear our prayers, the prayers of Your people, and continue to bless America.

In Your Holy Name, Amen.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BONIOR moves that the House do now adjourn.

The SPEAKER pro tempore. This motion is not debatable.

The question is on the motion to adjourn offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 157, nays 250, not voting 24, as follows:

[Roll No. 97]

YEAS—157

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (OK)
Clayton
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Reyes
Ross
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Weiner
Wexler
Woolsey
Wynn

NAYS—250

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (IN)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hunter
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Wu

NOT VOTING—24

Armey
Clay
Coyne
Davis (FL)
Davis, Tom
Delahunt
DeLay
Emerson
Houghton
Hulshof
Hutchinson
Hyde
Kilpatrick
Largent
McGovern
Moakley
Murtha
Nussle
Ortiz
Sessions
Tauzin
Wicker
Young (AK)
Young (FL)

□ 1028

Messrs. MCKEON, KENNEDY of Minnesota, THUNE, and CANTOR changed their vote from "yea" to "nay."

Messrs. SANDERS, HILLIARD, REYES, and LEWIS of Georgia changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CLAY. Mr. Speaker, this morning I was testifying before the Senate Government Affairs Committee and missed rollcall 97. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GREEN of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

□ 1029

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman from California (Mr. SCHIFF) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 30 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1133

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 o'clock and 33 minutes a.m.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

CONFERENCE REPORT (H. REPT. 107-55)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.
Sec. 103. Reconciliation in the Senate.
Sec. 104. Reconciliation in the House.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Restrictions on advance appropriations in the House.
Sec. 202. Restrictions on advance appropriations in the Senate.
Sec. 203. Mechanism for implementing increase of fiscal year 2002 discretionary spending limits.
Sec. 204. Compliance with section 13301 of the Budget Enforcement Act of 1990.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.
Sec. 212. Reserve fund for Family Opportunity Act.
Sec. 213. Reserve fund for agriculture.
Sec. 214. Reserve fund for additional tax cuts and debt reduction.
Sec. 215. Technical reserve fund for student loans.
Sec. 216. Reserve fund for health insurance for the uninsured.
Sec. 217. Reserve fund for defense in the Senate.
Sec. 218. Strategic reserve fund in the House.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

Sec. 301. Sense of the Senate on conservation.
Sec. 302. Sense of the Senate on aids and other infectious diseases.
Sec. 303. Sense of the Senate on consolidated health centers.
Sec. 304. Funding for Department of Justice programs for State and local law enforcement assistance.
Sec. 305. Sense of the Senate regarding United States Coast Guard fiscal year 2002 funding.
Sec. 306. Strengthening our national food safety infrastructure.
Sec. 307. Sense of the Senate with respect to increasing funds for renewable energy research and development.

Subtitle B—Sense of the Congress

Sec. 311. Asset building for the working poor.
Sec. 312. Federal fire prevention assistance.
Sec. 313. Funding for graduate medical education at children's teaching hospitals.
Sec. 314. Concurrent retirement and disability benefits to retired members of the Armed Forces.
Sec. 315. Federal employee pay.
Sec. 316. Sales tax deduction.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,630,462,000,000.
Fiscal year 2002: $1,653,202,000,000.
Fiscal year 2003: $1,706,044,000,000.
Fiscal year 2004: $1,780,310,000,000.
Fiscal year 2005: $1,852,646,000,000.
Fiscal year 2006: $1,901,304,000,000.

Fiscal year 2007: $1,994,674,000,000.
Fiscal year 2008: $2,089,726,000,000.
Fiscal year 2009: $2,193,954,000,000.
Fiscal year 2010: $2,318,055,000,000.
Fiscal year 2011: $2,436,550,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2001: $0.
Fiscal year 2002: −$50,286,000,000.
Fiscal year 2003: −$76,067,000,000.
Fiscal year 2004: −$84,025,000,000.
Fiscal year 2005: −$97,124,000,000.
Fiscal year 2006: −$138,279,000,000.
Fiscal year 2007: −$141,081,000,000.
Fiscal year 2008: −$153,084,000,000.
Fiscal year 2009: −$166,162,000,000.
Fiscal year 2010: −$171,247,000,000.
Fiscal year 2011: −$191,343,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,653,681,000,000.
Fiscal year 2002: $1,525,948,000,000.
Fiscal year 2003: $1,668,530,000,000.
Fiscal year 2004: $1,733,617,000,000.
Fiscal year 2005: $1,814,079,000,000.
Fiscal year 2006: $1,866,139,000,000.
Fiscal year 2007: $1,945,112,000,000.
Fiscal year 2008: $2,025,075,000,000.
Fiscal year 2009: $2,102,398,000,000.
Fiscal year 2010: $2,186,341,000,000.
Fiscal year 2011: $2,277,143,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,600,529,000,000.
Fiscal year 2002: $1,491,841,000,000.
Fiscal year 2003: $1,641,515,000,000.
Fiscal year 2004: $1,709,251,000,000.
Fiscal year 2005: $1,790,389,000,000.
Fiscal year 2006: $1,837,846,000,000.
Fiscal year 2007: $1,912,602,000,000.
Fiscal year 2008: $1,994,838,000,000.
Fiscal year 2009: $2,071,497,000,000.
Fiscal year 2010: $2,154,203,000,000.
Fiscal year 2011: $2,243,394,000,000.

(4) Surpluses.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $29,933,000,000.
Fiscal year 2002: $161,361,000,000.
Fiscal year 2003: $64,529,000,000.
Fiscal year 2004: $71,059,000,000.
Fiscal year 2005: $62,257,000,000.
Fiscal year 2006: $63,458,000,000.
Fiscal year 2007: $82,072,000,000.
Fiscal year 2008: $94,888,000,000.
Fiscal year 2009: $122,457,000,000.
Fiscal year 2010: $163,852,000,000.
Fiscal year 2011: $193,156,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,660,699,000,000.
Fiscal year 2002: $5,603,812,000,000.
Fiscal year 2003: $5,654,952,000,000.
Fiscal year 2004: $5,700,089,000,000.
Fiscal year 2005: $5,751,561,000,000.
Fiscal year 2006: $5,803,295,000,000.
Fiscal year 2007: $5,832,676,000,000.
Fiscal year 2008: $5,847,714,000,000.
Fiscal year 2009: $5,988,315,000,000.
Fiscal year 2010: $6,343,661,000,000.
Fiscal year 2011: $6,720,963,000,000.

(6) Debt held by the public.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,243,211,000,000.
Fiscal year 2002: $2,924,234,000,000.
Fiscal year 2003: $2,691,176,000,000.
Fiscal year 2004: $2,437,771,000,000.
Fiscal year 2005: $2,170,550,000,000.
Fiscal year 2006: $1,882,764,000,000.
Fiscal year 2007: $1,555,637,000,000.
Fiscal year 2008: $1,194,633,000,000.
Fiscal year 2009: $939,000,000,000.
Fiscal year 2010: $878,000,000,000.
Fiscal year 2011: $818,000,000,000.

(7) Social security.—

(A) Social security revenues.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $504,109,000,000.
Fiscal year 2002: $532,308,000,000.
Fiscal year 2003: $560,938,000,000.
Fiscal year 2004: $588,674,000,000.
Fiscal year 2005: $620,060,000,000.
Fiscal year 2006: $649,221,000,000.
Fiscal year 2007: $679,935,000,000.
Fiscal year 2008: $712,454,000,000.
Fiscal year 2009: $746,439,000,000.
Fiscal year 2010: $782,029,000,000.
Fiscal year 2011: $819,185,000,000.

(B) Social security outlays.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $343,562,000,000.
Fiscal year 2002: $356,646,000,000.
Fiscal year 2003: $369,521,000,000.
Fiscal year 2004: $382,488,000,000.
Fiscal year 2005: $394,844,000,000.
Fiscal year 2006: $407,020,000,000.
Fiscal year 2007: $419,285,000,000.
Fiscal year 2008: $432,293,000,000.
Fiscal year 2009: $448,317,000,000.
Fiscal year 2010: $465,780,000,000.
Fiscal year 2011: $483,963,000,000.

(C) Social security administrative expenses.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:
(A) New budget authority, $3,431,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2002:
(A) New budget authority, $3,579,000,000.
(B) Outlays, $3,525,000,000.
Fiscal year 2003:
(A) New budget authority, $3,695,000,000.
(B) Outlays, $3,655,000,000.
Fiscal year 2004:
(A) New budget authority, $3,819,000,000.
(B) Outlays, $3,763,000,000.
Fiscal year 2005:
(A) New budget authority, $3,939,000,000.
(B) Outlays, $3,881,000,000.
Fiscal year 2006:
(A) New budget authority, $4,064,000,000.
(B) Outlays, $4,004,000,000.
Fiscal year 2007:
(A) New budget authority, $4,194,000,000.
(B) Outlays, $4,132,000,000.
Fiscal year 2008:
(A) New budget authority, $4,331,000,000.
(B) Outlays, $4,267,000,000.
Fiscal year 2009:
(A) New budget authority, $4,471,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2010:
(A) New budget authority, $4,619,000,000.
(B) Outlays, $4,551,000,000.
Fiscal year 2011:
(A) New budget authority, $4,773,000,000.
(B) Outlays, $4,702,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $316,873,000,000.
(B) Outlays, $302,371,000,000.
Fiscal year 2002:
(A) New budget authority, $324,832,000,000.
(B) Outlays, $319,137,000,000.
Fiscal year 2003:
(A) New budget authority, $333,646,000,000.
(B) Outlays, $326,643,000,000.
Fiscal year 2004:
(A) New budget authority, $342,294,000,000.
(B) Outlays, $335,184,000,000.
Fiscal year 2005:
(A) New budget authority, $350,876,000,000.
(B) Outlays, $347,073,000,000.
Fiscal year 2006:
(A) New budget authority, $359,807,000,000.
(B) Outlays, $353,482,000,000.
Fiscal year 2007:
(A) New budget authority, $369,023,000,000.
(B) Outlays, $359,774,000,000.
Fiscal year 2008:
(A) New budget authority, $378,505,000,000.
(B) Outlays, $372,416,000,000.
Fiscal year 2009:
(A) New budget authority, $388,323,000,000.
(B) Outlays, $382,242,000,000.
Fiscal year 2010:
(A) New budget authority, $398,338,000,000.
(B) Outlays, $392,227,000,000.
Fiscal year 2011:
(A) New budget authority, $408,821,000,000.
(B) Outlays, $402,579,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,424,000,000.
(B) Outlays, $19,670,000,000.
Fiscal year 2002:
(A) New budget authority, $23,214,000,000.
(B) Outlays, $19,082,000,000.
Fiscal year 2003:
(A) New budget authority, $23,750,000,000.
(B) Outlays, $19,554,000,000.
Fiscal year 2004:
(A) New budget authority, $24,214,000,000.
(B) Outlays, $20,164,000,000.
Fiscal year 2005:
(A) New budget authority, $24,911,000,000.
(B) Outlays, $20,431,000,000.
Fiscal year 2006:
(A) New budget authority, $25,504,000,000.
(B) Outlays, $20,900,000,000.
Fiscal year 2007:
(A) New budget authority, $26,107,000,000.
(B) Outlays, $21,494,000,000.
Fiscal year 2008:
(A) New budget authority, $26,482,000,000.
(B) Outlays, $22,031,000,000.
Fiscal year 2009:
(A) New budget authority, $26,937,000,000.
(B) Outlays, $22,650,000,000.
Fiscal year 2010:
(A) New budget authority, $27,458,000,000.
(B) Outlays, $23,235,000,000.
Fiscal year 2011:
(A) New budget authority, $28,065,000,000.
(B) Outlays, $23,766,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,043,000,000.
(B) Outlays, $19,612,000,000.
Fiscal year 2002:
(A) New budget authority, $21,583,000,000.
(B) Outlays, $20,725,000,000.
Fiscal year 2003:

(A) New budget authority, $22,055,000,000.
(B) Outlays, $21,361,000,000.
Fiscal year 2004:
(A) New budget authority, $22,379,000,000.
(B) Outlays, $21,945,000,000.
Fiscal year 2005:
(A) New budget authority, $22,839,000,000.
(B) Outlays, $22,429,000,000.
Fiscal year 2006:
(A) New budget authority, $23,323,000,000.
(B) Outlays, $22,847,000,000.
Fiscal year 2007:
(A) New budget authority, $23,812,000,000.
(B) Outlays, $23,280,000,000.
Fiscal year 2008:
(A) New budget authority, $24,303,000,000.
(B) Outlays, $23,743,000,000.
Fiscal year 2009:
(A) New budget authority, $24,816,000,000.
(B) Outlays, $24,239,000,000.
Fiscal year 2010:
(A) New budget authority, $25,335,000,000.
(B) Outlays, $24,749,000,000.
Fiscal year 2011:
(A) New budget authority, $25,879,000,000
(B) Outlays, $25,274,000,000.
(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,225,000,000.
(B) Outlays, −$115,000,000.
Fiscal year 2002:
(A) New budget authority, $1,360,000,000.
(B) Outlays, −$19,000,000.
Fiscal year 2003:
(A) New budget authority, $1,328,000,000.
(B) Outlays, −$72,000,000.
Fiscal year 2004:
(A) New budget authority, $1,309,000,000.
(B) Outlays, −$120,000,000.
Fiscal year 2005:
(A) New budget authority, $1,254,000,000.
(B) Outlays, −$91,000,000.
Fiscal year 2006:
(A) New budget authority, $1,336,000,000.
(B) Outlays, −$3,000,000.
Fiscal year 2007:
(A) New budget authority, $1,411,000,000.
(B) Outlays, $71,000,000.
Fiscal year 2008:
(A) New budget authority, $1,882,000,000.
(B) Outlays, $440,000,000.
Fiscal year 2009:
(A) New budget authority, $1,998,000,000.
(B) Outlays, $579,000,000.
Fiscal year 2010:
(A) New budget authority, $2,021,000,000.
(B) Outlays, $703,000,000.
Fiscal year 2011:
(A) New budget authority, $1,990,000,000.
(B) Outlays, $691,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,833,000,000.
(B) Outlays, $26,361,000,000.
Fiscal year 2002:
(A) New budget authority, $30,381,000,000.
(B) Outlays, $28,652,000,000.
Fiscal year 2003:
(A) New budget authority, $31,263,000,000.
(B) Outlays, $30,368,000,000.
Fiscal year 2004:
(A) New budget authority, $32,249,000,000.
(B) Outlays, $31,506,000,000.
Fiscal year 2005:
(A) New budget authority, $33,091,000,000.
(B) Outlays, $32,365,000,000.
Fiscal year 2006:
(A) New budget authority, $33,965,000,000.
(B) Outlays, $33,281,000,000.
Fiscal year 2007:
(A) New budget authority, $34,767,000,000.
(B) Outlays, $34,126,000,000.
Fiscal year 2008:
(A) New budget authority, $35,691,000,000.
(B) Outlays, $34,903,000,000.
Fiscal year 2009:
(A) New budget authority, $37,064,000,000.
(B) Outlays, $36,194,000,000.
Fiscal year 2010:
(A) New budget authority, $38,111,000,000.
(B) Outlays, $37,190,000,000.
Fiscal year 2011:
(A) New budget authority, $39,137,000,000.
(B) Outlays, $38,190,000,000.
(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $31,790,000,000.
(B) Outlays, $29,154,000,000.
Fiscal year 2002:
(A) New budget authority, $26,265,000,000.
(B) Outlays, $24,593,000,000.
Fiscal year 2003:
(A) New budget authority, $26,507,000,000.
(B) Outlays, $24,924,000,000.
iscal year 2004:
(A) New budget authority, $26,562,000,000.
(B) Outlays, $25,120,000,000.
Fiscal year 2005:
(A) New budget authority, $26,406,000,000.
(B) Outlays, $24,915,000,000.
Fiscal year 2006:
(A) New budget authority, $25,452,000,000.
(B) Outlays, $23,853,000,000.
Fiscal year 2007:
(A) New budget authority, $24,083,000,000.
(B) Outlays, $22,509,000,000.
Fiscal year 2008:
(A) New budget authority, $22,723,000,000.
(B) Outlays, $21,134,000,000.
Fiscal year 2009:
(A) New budget authority, $21,921,000,000.
(B) Outlays, $20,441,000,000.
Fiscal year 2010:
(A) New budget authority, $21,553,000,000.
(B) Outlays, $20,174,000,000.
Fiscal year 2011:
(A) New budget authority, $21,703,000,000.
(B) Outlays, $20,319,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $2,516,000,000.
(B) Outlays, −$771,000,000.
Fiscal year 2002:
(A) New budget authority, $10,174,000,000.
(B) Outlays, $6,587,000,000.
Fiscal year 2003:
(A) New budget authority, $11,394,000,000.
(B) Outlays, $5,952,000,000.
Fiscal year 2004:
(A) New budget authority, $16,042,000,000.
(B) Outlays, $11,733,000,000.
Fiscal year 2005:
(A) New budget authority, $16,163,000,000.
(B) Outlays, $12,387,000,000.
Fiscal year 2006:
(A) New budget authority, $16,138,000,000.
(B) Outlays, $11,790,000,000.
Fiscal year 2007:
(A) New budget authority, $16,245,000,000.
(B) Outlays, $12,061,000,000.
Fiscal year 2008:
(A) New budget authority, $16,404,000,000.
(B) Outlays, $11,894,000,000.
Fiscal year 2009:
(A) New budget authority, $16,479,000,000.
(B) Outlays, $11,934,000,000.
Fiscal year 2010:
(A) New budget authority, $16,597,000,000.
(B) Outlays, $11,889,000,000.
Fiscal year 2011:
(A) New budget authority, $16,714,000,000.
(B) Outlays, $11,915,000,000.
(8) Transportation (400):
Fiscal year 2001:
(A) New budget authority, $62,130,000,000.
(B) Outlays, $51,681,000,000.
Fiscal year 2002:
(A) New budget authority, $64,965,000,000.
(B) Outlays, $56,167,000,000.
Fiscal year 2003:
(A) New budget authority, $62,392,000,000.
(B) Outlays, $60,521,000,000.
Fiscal year 2004:
(A) New budget authority, $64,154,000,000.
(B) Outlays, $62,662,000,000.
Fiscal year 2005:
(A) New budget authority, $65,907,000,000.
(B) Outlays, $64,225,000,000.
Fiscal year 2006:
(A) New budget authority, $67,794,000,000.
(B) Outlays, $65,702,000,000.
Fiscal year 2007:
(A) New budget authority, $69,637,000,000.
(B) Outlays, $66,577,000,000.
Fiscal year 2008:
(A) New budget authority, $71,490,000,000.
(B) Outlays, $67,775,000,000.
Fiscal year 2009:
(A) New budget authority, $73,377,000,000.
(B) Outlays, $69,221,000,000.
Fiscal year 2010:
(A) New budget authority, $76,412,000,000.
(B) Outlays, $70,588,000,000.
Fiscal year 2011:
(A) New budget authority, $78,652,000,000.
(B) Outlays, $72,183,000,000.
(9) Community and Regional Development (450):
Fiscal year 2001:
(A) New budget authority, $11,225,000,000.
(B) Outlays, $11,366,000,000.
Fiscal year 2002:
(A) New budget authority, $11,892,000,000.
(B) Outlays, $11,730,000,000.
Fiscal year 2003:
(A) New budget authority, $12,067,000,000.
(B) Outlays, $11,731,000,000.
Fiscal year 2004:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,967,000,000.
Fiscal year 2005:
(A) New budget authority, $12,664,000,000.
(B) Outlays, $11,913,000,000.
Fiscal year 2006:
(A) New budget authority, $12,933,000,000.
(B) Outlays, $11,936,000,000.
Fiscal year 2007:
(A) New budget authority, $13,198,000,000.
(B) Outlays, $12,181,000,000.
Fiscal year 2008:
(A) New budget authority, $13,476,000,000.
(B) Outlays, $12,444,000,000.
Fiscal year 2009:
(A) New budget authority, $13,759,000,000.
(B) Outlays, $12,696,000,000.
Fiscal year 2010:
(A) New budget authority, $14,048,000,000.
(B) Outlays, $12,962,000,000.
Fiscal year 2011:
(A) New budget authority, $14,340,000,000.
(B) Outlays, $13,233,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2001:
(A) New budget authority, $76,951,000,000.
(B) Outlays, $69,850,000,000.
Fiscal year 2002:
(A) New budget authority, $81,234,000,000.
(B) Outlays, $76,742,000,000.
Fiscal year 2003:
(A) New budget authority, $82,805,000,000.
(B) Outlays, $81,479,000,000.
Fiscal year 2004:
(A) New budget authority, $84,386,000,000.
(B) Outlays, $83,574,000,000.
Fiscal year 2005:
(A) New budget authority, $87,122,000.000.
(B) Outlays, $85,819,000,000.
Fiscal year 2006:
(A) New budget authority, $89,233,000,000.
(B) Outlays, $87,924,000,000.

Fiscal year 2007:
(A) New budget authority, $91,327,000,000.
(B) Outlays, $89,955,000,000.
Fiscal year 2008:
(A) New budget authority, $93,501,000,000.
(B) Outlays, $92,115,000,000.
Fiscal year 2009:
(A) New budget authority, $95,780,000,000.
(B) Outlays, $94,341,000,000.
Fiscal year 2010:
(A) New budget authority, $98,113,000,000.
(B) Outlays, $96,654,000,000.
Fiscal year 2011:
(A) New budget authority, $100,517,000,000.
(B) Outlays, $99,017,000,000.
(11) Health (550):
Fiscal year 2001:
(A) New budget authority, $180,104,000,000.
(B) Outlays, $173,012,000,000.
Fiscal year 2002:
(A) New budget authority, $198,775,000,000.
(B) Outlays, $196,668,000,000.
Fiscal year 2003:
(A) New budget authority, $221,150,000,000.
(B) Outlays, $219,770,000,000.
Fiscal year 2004:
(A) New budget authority, $235,474,000,000.
(B) Outlays, $234,672,000,000.
Fiscal year 2005:
(A) New budget authority, $242,661,000,000.
(B) Outlays, $241,084,000,000.
Fiscal year 2006:
(A) New budget authority, $259,125,000,000.
(B) Outlays, $257,594,000,000.
Fiscal year 2007:
(A) New budget authority, $278,882,000,000.
(B) Outlays, $276,575,000,000.
Fiscal year 2008:
(A) New budget authority, $299,116,000,000.
(B) Outlays, $297,091,000,000.
Fiscal year 2009:
(A) New budget authority, $320,791,000,000.
(B) Outlays, $319,017,000,000.
Fiscal year 2010:
(A) New budget authority, $345,380,000,000.
(B) Outlays, $343,729,000,000.
Fiscal year 2011:
(A) New budget authority, $372,407,000,000.
(B) Outlays, $370,945,000,000.
(12) Medicare (570):
Fiscal year 2001:
(A) New budget authority, $217,531,000,000.
(B) Outlays, $217,708,000,000.
Fiscal year 2002:
(A) New budget authority, $229,179,000,000.
(B) Outlays, $229,121,000,000.
Fiscal year 2003:
(A) New budget authority, $244,838,000,000.
(B) Outlays, $244,596,000,000.
Fiscal year 2004:
(A) New budget authority, $271,378,000,000.
(B) Outlays, $271,579,000,000.
Fiscal year 2005:
(A) New budget authority, $306,158,000,000.
(B) Outlays, $306,079,000,000.
Fiscal year 2006:
(A) New budget authority, $326,564,000,000.
(B) Outlays, $326,298,000,000.
Fiscal year 2007:
(A) New budget authority, $363,686,000,000.
(B) Outlays, $363,901,000,000.
Fiscal year 2008:
(A) New budget authority, $393,686,000,000.
(B) Outlays, $393,578,000,000.
Fiscal year 2009:
(A) New budget authority, $424,278,000,000.
(B) Outlays, $423,993,000,000.
Fiscal year 2010:
(A) New budget authority, $458,957,000,000.
(B) Outlays, $459,194,000,000.
Fiscal year 2011:
(A) New budget authority, $497,379,000,000.
(B) Outlays, $497,366,000,000.
(13) Income Security (600):
Fiscal year 2001:
(A) New budget authority, $255,942,000,000.
(B) Outlays, $256,932,000,000.
Fiscal year 2002:
(A) New budget authority, $273,840,000,000.
(B) Outlays, $272,122,000,000.
Fiscal year 2003:
(A) New budget authority, $283,864,000,000.
(B) Outlays, $282,611,000,000.
Fiscal year 2004:
(A) New budget authority, $295,030,000,000.
(B) Outlays, $293,420,000,000.
Fiscal year 2005:
(A) New budget authority, $309,192,000,000.
(B) Outlays, $307,667,000,000.
Fiscal year 2006:
(A) New budget authority, $316,761,000,000.
(B) Outlays, $315,312,000,000.
Fiscal year 2007:
(A) New budget authority, $324,056,000,000.
(B) Outlays, $322,627,000,000.
Fiscal year 2008:
(A) New budget authority, $338,278,000,000.
(B) Outlays, $336,950,000,000.
Fiscal year 2009:
(A) New budget authority, $349,561,000,000.
(B) Outlays, $347,987,000,000.
Fiscal year 2010:
(A) New budget authority, $360,308,000,000.
(B) Outlays, $358,600,000,000.
Fiscal year 2011:
(A) New budget authority, $371,593,000,000.
(B) Outlays, $369,419,000,000.
(14) Social Security (650):
Fiscal year 2001:
(A) New budget authority, $9,805,000,000.
(B) Outlays, $9,805,000,000.
Fiscal year 2002:
(A) New budget authority, $11,004,000,000.
(B) Outlays, $11,003,000,000.
Fiscal year 2003:
(A) New budget authority, $11,733,000,000.
(B) Outlays, $11,733,000,000.
Fiscal year 2004:
(A) New budget authority, $12,496,000,000.
(B) Outlays, $12,496,000,000.
Fiscal year 2005:
(A) New budget authority, $13,308,000,000.
(B) Outlays, $13,308,000,000.
Fiscal year 2006:
(A) New budget authority, $14,207,000,000.
(B) Outlays, $14,207,000,000.
Fiscal year 2007:
(A) New budget authority, $15,168,000,000.
(B) Outlays, $15,168,000,000.
Fiscal year 2008:
(A) New budget authority, $16,241,000,000.
(B) Outlays, $16,241,000,000.
Fiscal year 2009:
(A) New budget authority, $17,483,000,000.
(B) Outlays, $17,483,000,000.
Fiscal year 2010:
(A) New budget authority, $18,878,000,000.
(B) Outlays, $18,878,000,000.
Fiscal year 2011:
(A) New budget authority, $20,388,000,000.
(B) Outlays, $20,388,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2001:
(A) New budget authority, $46,675,000,000.
(B) Outlays, $45,926,000,000.
Fiscal year 2002:
(A) New budget authority, $51,512,000,000.
(B) Outlays, $50,921,000,000.
Fiscal year 2003:
(A) New budget authority, $53,801,000,000.
(B) Outlays, $53,408,000,000.
Fiscal year 2004:
(A) New budget authority, $56,161,000,000.
(B) Outlays, $55,744,000,000.
Fiscal year 2005:
(A) New budget authority, $60,317,000,000.
(B) Outlays, $59,847,000,000.
Fiscal year 2006:
(A) New budget authority, $59,863,000,000.
(B) Outlays, $59,368,000,000.
Fiscal year 2007:
(A) New budget authority, $59,345,000,000.
(B) Outlays, $58,853,000,000.
Fiscal year 2008:
(A) New budget authority, $63,407,000,000.
(B) Outlays, $62,971,000,000.
Fiscal year 2009:
(A) New budget authority, $64,981,000,000.
(B) Outlays, $64,570,000,000.
Fiscal year 2010:
(A) New budget authority, $66,973,000,000.
(B) Outlays, $66,555,000,000.
Fiscal year 2011:
(A) New budget authority, $69,063,000,000.
(B) Outlays, $68,632,000,000.
(16) Administration of Justice (750):
Fiscal year 2001:
(A) New budget authority, $30,577,000,000.
(B) Outlays, $30,003,000,000.
Fiscal year 2002:
(A) New budget authority, $32,431,000,000.
(B) Outlays, $31,436,000,000.
Fiscal year 2003:
(A) New budget authority, $32,545,000,000.
(B) Outlays, $32,809,000,000.
Fiscal year 2004:
(A) New budget authority, $35,330,000,000.
(B) Outlays, $35,543,000,000.
Fiscal year 2005:
(A) New budget authority, $36,420,000,000.
(B) Outlays, $36,347,000,000.
Fiscal year 2006:
(A) New budget authority, $37,466,000,000.
(B) Outlays, $37,036,000,000.
Fiscal year 2007:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $38,013,000,000.
Fiscal year 2008:
(A) New budget authority, $39,665,000,000.
(B) Outlays, $39,152,000,000.
Fiscal year 2009:
(A) New budget authority, $40,822,000,000.
(B) Outlays, $40,292,000,000.
Fiscal year 2010:
(A) New budget authority, $42,021,000,000.
(B) Outlays, $41,483,000,000.
Fiscal year 2011:
(A) New budget authority, $43,284,000,000.
(B) Outlays, $42,728,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $16,307,000,000.
(B) Outlays, $16,065,000,000.
Fiscal year 2002:
(A) New budget authority, $16,496,000,000.
(B) Outlays, $16,193,000,000.
Fiscal year 2003:
(A) New budget authority, $16,651,000,000.
(B) Outlays, $16,493,000,000.
Fiscal year 2004:
(A) New budget authority, $17,082,000,000.
(B) Outlays, $16,978,000,000.
Fiscal year 2005:
(A) New budget authority, $17,560,000,000.
(B) Outlays, $17,201,000,000.
Fiscal year 2006:
(A) New budget authority, $18,068,000,000.
(B) Outlays, $17,641,000,000.
Fiscal year 2007:
(A) New budget authority, $18,609,000,000.
(B) Outlays, $18,144,000,000.
Fiscal year 2008:
(A) New budget authority, $18,791,000,000.
(B) Outlays, $18,445,000,000.
Fiscal year 2009:
(A) New budget authority, $19,377,000,000.
(B) Outlays, $18,882,000,000.
Fiscal year 2010:
(A) New budget authority, $19,968,000,000.
(B) Outlays, $19,437,000,000.
Fiscal year 2011:
(A) New budget authority, $20,599,000,000.

(B) Outlays, $20,048,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $275,467,000,000.
(B) Outlays, $275,467,000,000.
Fiscal year 2002:
(A) New budget authority, $259,162,000,000.
(B) Outlays, $259,162,000,000.
Fiscal year 2003:
(A) New budget authority, $252,364,000,000.
(B) Outlays, $252,364,000,000.
Fiscal year 2004:
(A) New budget authority, $247,310,000,000.
(B) Outlays, $247,310,000,000.
Fiscal year 2005:
(A) New budget authority, $240,115,000,000.
(B) Outlays, $240,115,000,000.
Fiscal year 2006:
(A) New budget authority, $235,642,000,000.
(B) Outlays, $235,642,000,000.
Fiscal year 2007:
(A) New budget authority, $232,136,000,000.
(B) Outlays, $232,136,000,000.
Fiscal year 2008:
(A) New budget authority, $227,484,000,000.
(B) Outlays, $227,484,000,000.
Fiscal year 2009:
(A) New budget authority, $221,933,000,000.
(B) Outlays, $221,933,000,000.
Fiscal year 2010:
(A) New budget authority, $214,899,000,000.
(B) Outlays, $214,899,000,000.
Fiscal year 2011:
(A) New budget authority, $207,328,000,000.
(B) Outlays, $207,328,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $84,528,000,000.
(B) Outlays, $84,697,000,000.
Fiscal year 2002:
(A) New budget authority, −$103,548,000,000.
(B) Outlays, −$99,379,000,000.
Fiscal year 2003:
(A) New budget authority, −$6,115,000,000.
(B) Outlays, −$5,222,000,000.
Fiscal year 2004:
(A) New budget authority, −$6,268,000,000.
(B) Outlays, −$5,912,000,000.
Fiscal year 2005:
(A) New budget authority, −$6,423,000,000.
(B) Outlays, −$6,263,000,000.
Fiscal year 2006:
(A) New budget authority, −$6,580,000,000.
(B) Outlays, −$6,503,000,000.
Fiscal year 2007:
(A) New budget authority, −$6,744,000,000.
(B) Outlays, −$6,665,000,000.
Fiscal year 2008:
(A) New budget authority, −$6,908,000,000.
(B) Outlays, −$6,828,000,000.
Fiscal year 2009:
(A) New budget authority, −$7,079,000,000.
(B) Outlays, −$6,994,000,000.
Fiscal year 2010:
(A) New budget authority, −$7,251,000,000.
(B) Outlays, −$7,165,000,000.
Fiscal year 2011:
(A) New budget authority, −$7,429,000,000.
(B) Outlays, −$7,340,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, −$38,265,000,000.
(B) Outlays, −$38,265,000,000.
Fiscal year 2002:
(A) New budget authority, −$38,803,000,000.
(B) Outlays, −$38,803,000,000.
Fiscal year 2003:
(A) New budget authority, −$49,508,000,000.
(B) Outlays, −$49,508,000,000.
Fiscal year 2004:
(A) New budget authority, −$56,315,000,000.
(B) Outlays, −$56,315,000,000.
Fiscal year 2005:
(A) New budget authority, −$46,463,000,000.
(B) Outlays, −$46,463,000,000.
Fiscal year 2006:
(A) New budget authority, −$50,461,000,000.
(B) Outlays, −$50,461,000,000.
Fiscal year 2007:
(A) New budget authority, −$48,179,000,000.
(B) Outlays, −$48,179,000,000.
Fiscal year 2008:
(A) New budget authority, −$49,141,000,000.
(B) Outlays, −$49,141,000,000.
Fiscal year 2009:
(A) New budget authority, −$50,203,000,000.
(B) Outlays, −$50,203,000,000.
Fiscal year 2010:
(A) New budget authority, −$51,778,000,000.
(B) Outlays, −$51,778,000,000.
Fiscal year 2011:
(A) New budget authority, −$53,287,000,000.
(B) Outlays, −$53,287,000,000.

SEC. 103. RECONCILIATION IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), the Committee on Finance of the Senate shall report to the Senate a reconciliation bill not later than May 18, 2001 that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,250,000,000,000 for the period of years 2001 through 2011 and the total level of outlays may be increased by not more than $100,000,000,000 for the period of fiscal years 2001 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that of the total amount reconciled in subsection (a), $100,000,000,000 will be for an economic stimulus package over the next 2 years.

SEC. 104. RECONCILIATION IN THE HOUSE.

(a) IN GENERAL.—Subject to subsection (b), the Committee on Ways and Means of the House of Representatives shall report to the House of Representatives a reconciliation bill not later than May 18, 2001 that consists of changes in laws within its jurisdiction sufficient * * *

reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2003 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Budget Enforcement Act of 1990 should be amended to address procedures for advance appropriations for fiscal years beginning with fiscal year 2003.

SEC. 203. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2002 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2002 (as set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) Except for a necessary adjustment included in function 920 (to comply with section 312(b) of the Congressional Budget Act of 1974), the functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2002 as follows:

(A) For the discretionary category: $659,540,000,000 in new budget authority and $647,780,000,000 in outlays.

(B) For the highway category: $28,489,000,000 in outlays.

(C) For the mass transit category: $5,275,000,000 in outlays.

(D) For the conservation category: $1,760,000,000 in new budget authority and $1,232,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 1st Session of the 107th Congress in a timely fashion, it is imperative that the Senate consider legislation which establishes appropriate discretionary spending limits for fiscal year 2002 through 2006 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2002 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the Senate shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) SENATE DEFENSE FIREWALL.—

(1) DEFINITION.—In this subsection, for purposes of enforcement in the Senate for fiscal year 2002, the term "discretionary spending limit" means—

(A) for the defense category, $325,070,000,000 in new budget authority; and

(B) for the nondefense category, $336,230,000,000 in new budget authority.

(2) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Committee on Appropriations is made pursuant to subsection (b) and except as provided in subparagraph (B), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this subsection.

(B) EXCEPTION.—This paragraph shall not apply if a declaration of war by Congress is in effect.

(3) WAIVER AND APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

SEC. 204. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House of Representatives, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

(a) MEDICARE REFORM AND PRESCRIPTION DRUGS.—If the Committee on Finance of the Senate or the Committee on Ways and Means or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $0 for fiscal year 2002, $59,100,000,000 for the period of fiscal years 2002 through 2006, and $300,000,000,000 for the period of fiscal years 2002 through 2011.

(b) MEDICARE PAYMENTS TO HOME HEALTH AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Senate Committee on Finance or the House Committee on Ways and Means or Committee on Energy and Commerce report a bill, or if an amendment thereto is offered or a conference report thereon is submitted, that repeals the 15 percent reduction in payments under the medicare program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the appropriate chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee and other appropriate budgetary aggregates and levels by the amount the amount provided by that measure for that purpose, but not to exceed $0 in new budget authority and outlays in 2002, $4,000,000,000 for the period 2002 through 2006, and $13,700,000,000 for the period 2002 through 2011.

(2) SURPLUS.—Legislation described in paragraph (1) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to subsection (a)), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 212. RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the "Family Opportunity Act of 2001"), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $227,000,000 in new budget authority and $180,000,000 in outlays for fiscal year 2002, $3,035,000,000 in new budget authority and $2,724,000,000 in outlays for the period of fiscal years 2002 through 2006, and $8,337,000,000 in new budget authority and $7,867,000,000 in outlays for the period of fiscal years 2002 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 213. RESERVE FUND FOR AGRICULTURE.

(a) IN GENERAL.—(1) Subject to subsection (b), if the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on Agriculture of the House of Representatives reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, to reauthorize the Federal Agriculture Improvement Act of 1996, title I of that Act, and other appropriate agricultural production legislation, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal years 2003 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $66,150,000,000 in new budget authority and outlays for fiscal years 2003 through 2011.

(2) In the House of Representatives, if an adjustment is made under paragraph (1), the Chairman of the Committee on the Budget may adjust the fiscal year 2002 level by an amount not to exceed the adjustment that is made for fiscal year 2003 (and reduce the adjustment made for fiscal year 2003 by that amount).

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 214. RESERVE FUND FOR ADDITIONAL TAX CUTS AND DEBT REDUCTION.

If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2002 through 2011), estimates an on-budget surplus for any of fiscal years 2001 through 2011 that exceeds the estimated on-budget surplus set forth in the Congressional Budget Office's January 2001 budget and economic outlook for such fiscal year, the chairman of the Committee on the Budget of the House may, in an amount not to exceed the increase in such surplus for that fiscal year—

(1) reduce the recommended level of Federal revenues and make other appropriate adjustments (including the reconciliation instructions) for that fiscal year;

(2) reduce the appropriate level of the public debt, increase the amount of the surplus, and make other appropriate adjustments for that fiscal year; or

(3) any combination of paragraphs (1) and (2).

SEC. 215. TECHNICAL RESERVE FUND FOR STUDENT LOANS.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, or the Committee on Education and the Workforce of the House of Representatives reports a bill, or an amendment is offered, or a conference report is submitted, that provides additional resources for legislation that repeals the replacement interest rate structure for student loans scheduled to occur on July 1, 2003, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to the appropriate committee—

(1) for fiscal years 2001 and 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $110,000,000 in new budget authority and $100,000,000 outlays;

(2) for fiscal years 2001 through 2006 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $3,440,000,000 in new budget authority and $2,840,000,000 outlays; and

(3) for fiscal years 2001 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $7,665,000,000 in new budget authority and $6,590,000,000 outlays.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 216. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce or Committee on Ways and Means of the House of Representatives report a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $28,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011 or $28,000,000,000 in revenues for the period of fiscal years 2002 through 2011 or any combination of budget authority and outlays or revenues as long as the sum of all revisions does not exceed $28,000,000,000. This resolutions allows these funds to be spent over the time period of fiscal years 2002 through 2004.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 217. RESERVE FUND FOR DEFENSE IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), if the President submits a budget amendment and the Committee on Appropriations or the Committee on Armed Services of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides additional resources for defense spending in response to the recommendations of the President's National Defense Review, the Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal year 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 218. STRATEGIC RESERVE FUND IN THE HOUSE.

(a) ADJUSTMENTS.—In the House of Representatives, the chairman of the Committee on the Budget may adjust the appropriate aggregates and committee allocations of new budget authority (and outlays flowing therefrom) for fiscal year 2002 for a bill making appropriations for the Department of Defense and, for fiscal years 2002 through 2011, a bill making authorizations for the Department of Defense, a bill providing a prescription drug benefit, and any other appropriate legislation. The chairman may also make adjustments for amendments to or conference reports on such bills. In making adjustments under this subsection, the chairman shall consider, as appropriate, the recommendations of the President's National Defense Review and any statement of administrative policy or supplemental budget request relating to any legislation referred to in this subsection.

(b) LIMITATIONS.—(1) The adjustments for any bill referred to in subsection (a) shall be in an amount not to exceed the amount by which such bill breaches the applicable allocation or aggregate.

(2) Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—

(1) IN GENERAL.—In the House of Representatives, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2002 and the total for fiscal year 2002 and the four ensuing fiscal years.

(2) APPROPRIATE LEVELS.—For purposes of enforcement of the Congressional Budget Act of 1974 in the House of Representatives, the appropriate levels of total new budget authority and total budget outlays for fiscal years 2002 through 2011 prescribed by this resolution pursuant to section 301(a)(1) of such Act shall be based upon the table entitled "Conference Report Fiscal Year 2002, Budget Resolution Total Spending and Revenues" in conjunction with the provisions of title II of this resolution.

(e) ENFORCEMENT IN THE SENATE.—The Senate, for purposes of enforcement of the Congressional Budget Act of 1974 and this resolution, measures discharged pursuant to Senate Resolution 8 shall be considered as if the measure had been reported from the committee of jurisdiction.

SEC. 222. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

SEC. 301. SENSE OF THE SENATE ON CONSERVATION.

It is the sense of the Senate that conservation funding is a priority of the One Hundred Seventh Congress.

SEC. 302. SENSE OF THE SENATE ON AIDS AND OTHER INFECTIOUS DISEASES.

Notwithstanding any other provision of this resolution, it is the sense of the Senate that:

(1) FINDINGS.—The Senate finds the following:

(A) HIV/AIDS, having already infected over 58 million people worldwide, is devastating the health, economies, and social structures in dozens of countries in Africa, and increasingly in Asia, the Caribbean and Eastern Europe.

(B) AIDS has wiped out decades of progress in improving the lives of families in the developing world. As the leading cause of death in Africa, AIDS has killed 17 million and will claim the lives of one quarter of the population, mostly productive adults, in the next decade. In addition, 13 million children have been orphaned by AIDS—a number that will rise to 40 million by 2010.

(C) The Agency for International Development, along with the Centers for Disease Control, Department of Labor, and Department of Defense have been at the forefront of the international battle to control HIV/AIDS, with global assistance totaling $330,000,000 from the United States Agency for International Development and $136,000,000 from other agencies in fiscal year 2001, primarily focused on targeted prevention programs.

(D) While prevention is key, treatment and care for those affected by HIV/AIDS is an increasingly critical component of the global response. Improving health systems, providing home-based care, treating AIDS-associated diseases like tuberculosis, providing for family support and orphan care, and making antiretroviral drugs against HIV available will reduce social and economic damage to families and communities.

(E) Pharmaceutical companies recently dramatically reduced the prices of antiretroviral drugs to the poorest countries. With sufficient resources, it is now possible to improve treatment options in countries where health systems are able to deliver and monitor the medications.

(F) The United Nations AIDS program estimates it will cost at least $3,000,000,000 for basic AIDS prevention and care services in Sub-Saharan Africa alone, and at least $2,000,000,000 more if antiretroviral drugs are provided widely. In Africa, only $500,000,000 is currently available from all donors, lending agencies and African governments themselves.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the spending levels in this budget resolution shall be increased by $200,000,000 in fiscal year 2002 and by $500,000,000 in 2003 and for each year thereafter for the purpose of helping the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated infectious diseases.

SEC. 303. SENSE OF THE SENATE ON CONSOLIDATED HEALTH CENTERS.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health services at community, migrant, homeless, and public housing health centers.

SEC. 304. FUNDING FOR DEPARTMENT OF JUSTICE PROGRAMS FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

It is the sense of the Senate that the levels in this resolution assume increased funding for fiscal year 2002 for the Department of Justice State and local law enforcement grant programs.

SEC. 305. SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counter narcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

SEC. 306. STRENGTHENING OUR NATIONAL FOOD SAFETY INFRASTRUCTURE.

(a) FINDING.—The Senate finds that the United States food supply is one of the safest in the world, but in order to maintain the integrity of our food supply in the face of emerging threats, we must make the necessary investments now, in a time of surplus.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the appropriate amount should be invested at the Food and Drug Administration and the Center for Disease Control food activities next year in order to strengthen our national food safety infrastructure by—

(1) increasing the number of inspectors within the Food and Drug Administration to enable the Food and Drug Administration to inspect high-risk sites at least annually;

(2) supporting research that enables us to meet emerging threats;

(3) improving surveillance to identify and trace the sources and incidence of food-borne illness;

(4) otherwise maintaining at least current funding levels for food safety initiatives in the Food and Drug Administration and the United States Department of Agriculture; and

(5) providing additional funds should such needs arise due to emerging food safety threats.

SEC. 307. SENSE OF THE SENATE WITH RESPECT TO INCREASING FUNDS FOR RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

It is the sense of the Senate that the Senate recognizes the importance of renewable energy resources and that providing for such technologies should be increased by at least $450,000,000 for fiscal year 2002 and at a rate in excess of inflation in subsequent years.

Subtitle B—Sense of the Congress

SEC. 311. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress find the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small business.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 312. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should support the core operations of the Federal Emergency Management Agency by providing needed fire grant programs to assist our firefighters and rescue personnel as they respond to more than 17,000,000 emergency calls annually. To accomplish this task, Congress supports preservation of the Assistance to Firefighters grant program. Continued support of the Assistance to Firefighters grant program will enable local firefighters to adequately protect the lives of countless Americans put at risk by insufficient fire protection.

SEC. 313. FUNDING FOR GRADUATE MEDICAL EDUCATION AT CHILDREN'S TEACHING HOSPITALS.

It is the sense of Congress that:

(1) Function 550 includes an appropriate level of funding for graduate medical education conducted at independent children's teaching hospitals in order to ensure access to care by millions of children nationwide.

(2) An emphasis should be placed on the role played by community health centers in underserved rural and urban communities.

(3) Funding under function 550 should also reflect the importance of the Ryan White CARE Act to persons afflicted with HIV/AIDS.

SEC. 314. CONCURRENT RETIREMENT AND DISABILITY BENEFITS TO RETIRED MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that the Secretary of Defense is the appropriate official for evaluating the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should report not later than 180 days after the date of adoption of this resolution to the congressional committees of jurisdiction on the provision of concurrent retirement and disability benefits to retired members of the Armed Forces;

(2) the report should address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation, the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees, the applicability of this policy to prevailing private sector standards, the number of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance, and alternative initiatives that would accomplish the same end as concurrent receipt of military retired pay and disability compensation;

(3) the Secretary of Defense should submit legislation that he considers appropriate;

(4) upon receiving such report, the committees of jurisdiction, working with the Committees on the Budget of the House and Senate, should consider appropriate legislation; and

(5) CBO and OMB should report not later than 30 days after the date of adoption of this resolution to the Committees on the Budget on the risk that provision of full concurrent receipt of military retired pay and disability compensation would reduce the surplus below the level of the Medicare Hospital Insurance Trust Fund.

SEC. 315. FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—Congress finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2002 includes a 4.6 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2002 budgets with a 3.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 316. SALES TAX DEDUCTION.

(a) FINDINGS.—Congress finds that—

(1) in 1986 the ability to deduct State sales taxes was eliminated from the Federal tax code;

(2) the States of Tennessee, Texas, Wyoming, Washington, Florida, Nevada, and South Dakota have no State income tax;

(3) the citizens of those seven States continue to be treated unfairly by paying significantly more in taxes to the Government than taxpayers with an identical profile in different State because they are prohibited from deducting their State sales taxes from their Federal income taxes in lieu of a State income tax;

(4) the design of the Federal tax code is preferential in its treatment of States with State income taxes over those without State income taxes;

(5) the current Federal tax code infringes upon States' rights to tax their citizens as they see fit in that the Federal tax code exerts unjust influence on States without State income taxes to impose one their citizens;

(6) the current surpluses that our Government holds provide an appropriate time and opportunity to allow taxpayers to deduct either their State sales taxes or their State income taxes from their Federal income tax returns; and

(7) over 50 Members of the House of Representatives have cosponsored legislation to restore the sales tax deduction option to the Federal tax code.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Committee on Ways and Means and the Committee on Finance should consider legislation that makes State sales tax deductible against Federal income taxes.

JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 83), setting forth the congressional budget for the United States for fiscal years 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 2009, 2010 and 2011 submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck all out of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

DISPLAYS AND AMOUNTS

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise indicated.

House Resolution.—The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment.—The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, Section 102 of the Senate amendment includes advisory levels on debt held by the public.

Conference Agreement.—The Conference Agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

AGGREGATES AND FUNCTION LEVELS

FUNCTION SUMMARY – HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	324.563	333.273	342.578	352.184	362.095	372.224	382.734	393.539	404.535	416.303	1714.693	3684.028
	OT	300.591	319.252	325.548	334.048	347.175	354.571	361.909	375.622	386.526	397.616	409.246	1680.594	3611.513
Discretionary	BA	311.051	324.947	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1715.787	3686.121
	OT	301.318	319.659	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1681.735	3613.685
Mandatory	BA	-0.723	-0.384	-0.167	-0.198	-0.173	-0.172	-0.219	-0.201	-0.202	-0.187	-0.190	-1.094	-2.093
	OT	-0.727	-0.407	-0.175	-0.204	-0.178	-0.177	-0.224	-0.207	-0.209	-0.194	-0.197	-1.141	-2.172
150 - International Affairs	BA	22.424	23.866	23.885	24.493	25.367	26.165	26.932	27.447	28.036	28.422	29.595	123.776	264.208
	OT	19.670	19.560	19.864	20.419	20.780	21.395	22.141	22.826	23.583	24.161	24.997	102.018	219.726
Discretionary	BA	22.641	23.858	23.847	24.502	25.186	25.925	26.622	27.295	27.991	28.427	29.600	123.318	263.253
	OT	23.259	23.205	23.536	23.977	24.265	24.879	25.562	26.210	26.891	27.416	28.288	119.862	254.229
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.197	22.633	23.109	23.645	24.295	24.947	25.588	26.240	26.654	27.752	115.879	247.060
	OT	19.612	21.043	21.900	22.584	23.174	23.719	24.309	24.925	25.564	26.086	26.868	112.420	240.172
Discretionary	BA	20.901	22.034	22.454	23.072	23.607	24.256	24.907	25.548	26.199	26.612	27.709	115.423	246.398
	OT	19.562	20.968	21.787	22.440	23.013	23.612	24.250	24.886	25.524	26.045	26.827	111.820	239.352
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	0.835	0.760	0.912	0.899	1.023	1.103	2.196	2.290	2.267	2.191	4.429	14.476
	OT	-0.115	-0.234	-0.531	-0.590	-0.496	-0.354	-0.248	0.385	0.784	0.955	0.927	-2.205	0.598
Discretionary	BA	3.132	2.783	2.730	2.973	3.084	3.203	3.284	3.985	4.045	4.081	4.120	14.773	34.288
	OT	3.104	2.926	2.766	2.873	3.016	3.128	3.235	3.576	3.916	4.046	4.108	14.709	33.590
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	26.700	26.837	27.716	27.938	27.954	28.624	29.349	30.620	31.173	32.417	137.145	289.328
	OT	26.361	26.403	26.951	27.467	27.666	27.815	28.266	28.774	29.888	30.525	31.509	136.302	285.264
Discretionary	BA	28.740	26.404	26.463	27.192	27.389	27.387	28.130	28.842	29.683	30.154	31.387	134.835	283.031
	OT	26.358	26.158	26.588	27.021	27.212	27.332	27.726	28.279	29.018	29.603	30.575	134.311	279.512
Mandatory	BA	0.093	0.296	0.374	0.524	0.549	0.567	0.494	0.507	0.937	1.019	1.030	2.310	6.297
	OT	0.003	0.245	0.363	0.446	0.454	0.483	0.540	0.495	0.870	0.922	0.934	1.991	5.752
350 - Agriculture	BA	26.290	19.144	18.610	18.482	18.337	17.888	16.520	15.648	15.836	15.894	16.123	92.461	172.482
	OT	23.654	17.500	16.981	17.072	16.852	16.288	14.946	14.062	14.359	14.533	14.725	84.693	157.318
Discretionary	BA	4.791	4.834	5.193	5.154	5.298	5.451	5.597	5.742	5.890	5.982	6.230	25.930	55.371
	OT	4.669	4.765	5.070	5.113	5.232	5.375	5.521	5.663	5.813	5.914	6.127	25.555	54.593
Mandatory	BA	21.499	14.310	13.417	13.328	13.039	12.437	10.923	9.906	9.946	9.912	9.893	66.531	117.111
	OT	18.985	12.735	11.911	11.959	11.620	10.913	9.425	8.399	8.546	8.619	8.598	59.138	102.725

FUNCTION SUMMARY – HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.715	8.450	14.120	12.730	12.660	13.533	13.851	14.267	18.724	13.519	56.675	130.569
	OT	0.229	5.657	3.078	9.885	9.013	8.365	9.223	9.308	9.609	12.834	9.807	35.998	86.779
Discretionary	BA	1.363	-0.234	-0.234	-0.520	-0.642	-0.593	0.269	0.530	0.976	5.421	0.217	-2.223	5.190
	OT	2.008	0.127	-0.274	-0.622	-0.815	-0.805	0.194	0.292	0.613	3.972	1.017	-2.389	3.699
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.415**	**8.550**	**12.820**	**12.730**	**12.660**	**13.533**	**13.851**	**14.267**	**18.724**	**13.519**	**54.175**	**128.069**
	OT	**-0.771**	**4.357**	**3.178**	**8.585**	**9.013**	**8.365**	**9.223**	**9.308**	**9.609**	**12.834**	**9.807**	**33.498**	**84.279**
Discretionary	**BA**	**1.363**	**-0.234**	**-0.234**	**-0.520**	**-0.642**	**-0.593**	**0.269**	**0.530**	**0.976**	**5.421**	**0.217**	**-2.223**	**5.190**
	OT	**2.008**	**0.127**	**-0.274**	**-0.622**	**-0.815**	**-0.805**	**0.194**	**0.292**	**0.613**	**3.972**	**1.017**	**-2.389**	**3.699**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	60.991	58.721	59.219	59.720	60.276	60.800	61.314	61.843	62.194	63.056	298.927	608.134
	OT	51.681	55.615	58.299	60.233	61.955	63.709	64.922	66.374	68.007	69.301	71.198	299.811	639.613
Discretionary	BA	18.964	16.199	16.554	17.017	17.483	17.992	18.469	18.934	19.414	19.710	20.517	85.245	182.289
	OT	49.680	53.871	56.215	58.177	59.937	61.747	62.981	64.366	65.972	67.319	69.159	289.947	619.744
Mandatory	BA	43.166	44.792	42.167	42.202	42.237	42.284	42.331	42.380	42.429	42.484	42.539	213.682	425.845
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	10.120	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	53.168	113.885
	OT	11.366	11.422	10.961	10.660	10.354	10.262	10.460	10.757	11.038	11.309	11.606	53.659	108.829
Discretionary	BA	11.577	10.089	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	53.120	113.614
	OT	12.048	11.740	11.460	11.073	10.841	10.777	10.986	11.292	11.585	11.869	12.181	55.891	113.804
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.886	82.134	82.013	83.888	87.345	90.205	92.846	95.701	98.444	100.510	104.626	425.585	917.712
	OT	69.790	76.220	81.671	82.281	84.831	87.685	90.364	92.962	95.910	98.366	101.360	412.688	891.650
Discretionary	BA	61.189	65.322	65.577	67.565	69.473	71.539	73.462	75.557	77.488	78.704	81.957	339.476	726.644
	OT	54.012	59.658	65.362	65.959	67.606	69.578	71.592	73.442	75.591	77.211	79.355	328.163	705.354
Mandatory	BA	15.697	16.812	16.436	16.323	17.872	18.666	19.384	20.144	20.956	21.806	22.669	86.109	191.068
	OT	15.778	16.562	16.309	16.322	17.225	18.107	18.772	19.520	20.319	21.155	22.005	84.525	186.296
550 - Health	BA	182.604	203.966	229.688	246.548	253.794	266.790	286.985	307.625	329.698	354.229	382.408	1200.786	2861.731
	OT	175.512	201.117	225.847	244.687	251.455	264.574	284.223	305.213	327.566	352.522	380.214	1187.680	2837.418
Discretionary	BA	38.771	41.005	45.488	46.966	48.456	50.050	51.362	52.646	53.956	54.808	56.909	231.965	501.646
	OT	33.770	38.124	41.540	44.682	46.503	48.115	49.635	50.966	52.270	53.401	54.782	218.964	480.018
Mandatory	BA	143.833	162.961	184.200	199.582	205.338	216.740	235.623	254.979	275.742	299.421	325.499	968.821	2360.085
	OT	141.742	162.993	184.307	200.005	204.952	216.459	234.588	254.247	275.296	299.121	325.432	968.716	2357.400

FUNCTION SUMMARY – HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	BA	3.357	3.449	3.448	3.545	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	271.512	281.824	293.331	308.066	315.915	323.428	337.855	349.303	359.890	371.642	1470.648	3212.766
	OT	256.932	272.093	282.335	292.461	306.673	314.382	321.895	336.473	347.618	358.217	369.424	1467.944	3201.571
Discretionary	BA	39.454	42.836	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	230.884	500.042
	OT	43.974	45.879	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	238.842	507.490
Mandatory	BA	216.488	228.676	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1239.764	2712.724
	OT	212.958	226.214	235.101	244.915	258.158	264.714	270.889	284.018	293.878	303.292	312.902	1229.102	2694.081
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	BA	9.805	11.005	11.733	12.497	13.308	14.207	15.168	16.241	17.482	18.877	20.387	62.750	150.905
	OT	9.805	11.004	11.733	12.497	13.308	14.207	15.168	16.241	17.482	18.877	20.387	62.749	150.904
Discretionary	BA	0.017	0.019	0.019	0.020	0.020	0.021	0.021	0.022	0.022	0.023	0.024	0.099	0.211
	OT	0.017	0.018	0.019	0.020	0.020	0.021	0.021	0.022	0.022	0.023	0.024	0.098	0.210
Mandatory	BA	9.788	10.986	11.714	12.477	13.288	14.186	15.147	16.219	17.460	18.854	20.363	62.651	150.694
	OT	9.788	10.986	11.714	12.477	13.288	14.186	15.147	16.219	17.460	18.854	20.363	62.651	150.694
700 - Veterans Benefits and Services	BA	46.675	52.261	53.033	55.270	59.329	58.807	58.138	61.998	63.354	64.740	67.114	278.700	594.044
	OT	45.926	51.595	52.778	54.884	58.881	58.325	57.668	61.590	62.975	64.394	66.674	276.463	589.764
Discretionary	BA	22.512	24.215	23.447	24.124	24.800	25.541	26.234	26.919	27.606	27.942	29.217	122.127	260.045
	OT	22.062	23.850	23.493	23.958	24.591	25.297	25.975	26.642	27.324	27.690	28.872	121.189	257.692
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	30.870	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	166.641	359.308
	OT	30.003	30.328	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	166.467	356.838
Discretionary	BA	29.987	29.726	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	158.386	338.599
	OT	29.335	29.530	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	158.251	336.804
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY – HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
900 on-budget	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
920 - Allowances	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	6.626	6.773	6.986	22.405	55.502
Discretionary	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	6.626	6.773	6.986	22.405	55.502
Mandatory	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
950 on-budget	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
Discr.	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mand.	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**

FUNCTION SUMMARY – HOUSE PASSED RESOLUTION
($ billions)

Function			2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total		BA	1907.181	1977.284	2035.745	2112.813	2200.869	2264.582	2344.090	2437.775	2532.815	2634.089	2743.581	10591.293	23283.643
		OT	1856.739	1941.185	2007.430	2085.852	2175.783	2236.279	2312.943	2409.800	2505.856	2609.682	2718.328	10446.529	23003.138
Discr.		BA	635.434	660.788	678.553	697.415	716.781	736.931	758.157	779.678	801.380	823.630	846.928	3490.468	7500.241
		OT	645.308	683.655	707.627	725.080	747.918	765.754	784.661	809.485	832.307	855.817	878.303	3630.034	7790.607
Mand.		BA	1271.747	1316.496	1357.192	1415.398	1484.088	1527.651	1585.933	1658.097	1731.435	1810.459	1896.653	7100.825	15783.402
		OT	1211.431	1257.530	1299.803	1360.772	1427.865	1470.525	1528.282	1600.315	1673.549	1753.865	1840.025	6816.495	15212.531
Total on-budget		**BA**	**1557.188**	**1613.649**	**1660.452**	**1723.275**	**1800.098**	**1851.451**	**1918.415**	**1998.625**	**2077.292**	**2161.555**	**2252.834**	**8648.925**	**19057.646**
		OT	**1508.806**	**1579.785**	**1634.539**	**1698.529**	**1777.324**	**1825.553**	**1889.868**	**1973.636**	**2053.589**	**2139.911**	**2230.245**	**8515.730**	**18802.979**
Discr.		**BA**	**632.003**	**657.287**	**675.054**	**693.816**	**713.082**	**733.123**	**754.248**	**775.667**	**797.267**	**819.452**	**842.579**	**3472.362**	**7461.575**
		OT	**641.937**	**680.199**	**704.149**	**721.526**	**744.271**	**762.001**	**780.807**	**805.530**	**828.250**	**851.692**	**874.018**	**3612.146**	**7752.443**
Mand.		**BA**	**925.185**	**956.362**	**985.398**	**1029.459**	**1087.016**	**1118.328**	**1164.167**	**1222.958**	**1280.025**	**1342.103**	**1410.255**	**5176.563**	**11596.071**
		OT	**866.869**	**899.586**	**930.390**	**977.003**	**1033.053**	**1063.552**	**1109.061**	**1168.106**	**1225.339**	**1288.219**	**1356.227**	**4903.584**	**11050.536**
Revenues			2128.788	2168.069	2259.955	2344.414	2436.749	2521.375	2628.575	2754.151	2889.595	3038.582	3206.212	11730.562	26247.677
Revenues on-budget			**1624.679**	**1635.761**	**1699.017**	**1755.74**	**1816.689**	**1872.154**	**1948.64**	**2041.697**	**2143.156**	**2256.553**	**2387.027**	**8779.361**	**19556.434**
Surplus			272.049	226.884	252.525	258.562	260.966	285.096	315.632	344.351	383.739	428.900	487.884	1284.033	3244.539
	On-budget		115.873	55.976	64.478	57.211	39.365	46.601	58.772	68.061	89.567	116.642	156.782	263.631	753.455
	Off-budget		156.176	170.908	188.047	201.351	221.601	238.495	256.860	276.290	294.172	312.258	331.102	1020.402	2491.084

FUNCTION SUMMARY – SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	334.514	333.428	342.728	352.292	362.163	372.279	382.774	393.559	404.547	416.308	1725.125	3694.592
	OT	300.591	326.813	325.703	334.198	347.283	354.639	361.964	375.662	386.546	397.628	409.251	1688.636	3619.687
Discretionary	BA	311.051	334.801	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1725.641	3695.975
	OT	301.318	327.123	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1689.199	3621.149
Mandatory	BA	-0.723	-0.287	-0.012	-0.048	-0.065	-0.104	-0.164	-0.161	-0.182	-0.175	-0.185	-0.516	-1.383
	OT	-0.727	-0.310	-0.020	-0.054	-0.070	-0.109	-0.169	-0.167	-0.189	-0.182	-0.192	-0.563	-1.462
150 - International Affairs	BA	22.424	24.116	24.435	24.543	25.417	26.215	26.982	27.497	28.086	28.472	29.645	124.726	265.408
	OT	19.670	19.793	20.414	20.469	20.830	21.445	22.191	22.876	23.633	24.211	25.047	102.951	220.909
Discretionary	BA	22.641	24.108	24.397	24.552	25.236	25.975	26.672	27.345	28.041	28.477	29.650	124.268	264.453
	OT	23.259	23.438	24.086	24.027	24.315	24.929	25.612	26.260	26.941	27.466	28.338	120.795	255.412
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.798	21.852	22.307	22.859	23.493	24.122	24.741	25.370	25.769	26.829	113.309	240.140
	OT	19.612	21.201	21.059	21.825	22.380	22.925	23.496	24.091	24.707	25.211	25.966	109.390	232.861
Discretionary	BA	20.901	22.635	21.673	22.270	22.821	23.454	24.082	24.701	25.329	25.727	26.786	112.853	239.478
	OT	19.562	21.126	20.946	21.681	22.219	22.818	23.437	24.052	24.667	25.170	25.925	108.790	232.041
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.676	0.965	1.117	1.104	1.228	1.308	2.401	2.495	2.472	2.396	6.090	17.162
	OT	-0.116	0.018	-0.266	-0.355	-0.291	-0.149	-0.043	0.590	0.989	1.160	1.132	-1.043	2.785
Discretionary	BA	3.132	3.588	2.935	3.178	3.289	3.408	3.489	4.190	4.250	4.286	4.325	16.398	36.938
	OT	3.104	3.178	3.031	3.106	3.221	3.333	3.440	3.781	4.121	4.251	4.313	15.871	35.777
Mandatory	BA	-1.907	-1.912	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.308	-19.776
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	29.644	27.390	28.169	28.392	28.408	29.074	29.799	31.070	31.623	32.867	142.003	296.436
	OT	26.361	29.252	27.480	27.913	28.118	28.268	28.735	29.231	30.338	30.975	31.958	141.031	292.268
Discretionary	BA	28.740	28.998	26.663	27.292	27.489	27.487	28.230	28.942	29.783	30.254	31.487	137.929	286.625
	OT	26.358	28.660	26.788	27.121	27.312	27.432	27.826	28.379	29.118	29.703	30.675	137.313	283.014
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	35.290	26.189	25.655	25.527	25.382	23.933	22.565	20.693	19.881	18.939	19.168	126.686	227.932
	OT	32.654	24.541	24.026	24.117	23.897	22.333	20.991	19.107	18.404	17.578	17.770	118.914	212.764
Discretionary	BA	4.791	4.879	5.238	5.199	5.343	5.496	5.642	5.787	5.935	6.027	6.275	26.155	55.821
	OT	4.669	4.806	5.115	5.158	5.277	5.420	5.566	5.708	5.858	5.959	6.172	25.776	55.039
Mandatory	BA	30.499	21.310	20.417	20.328	20.039	18.437	16.923	14.906	13.946	12.912	12.893	100.531	172.111
	OT	27.985	19.735	18.911	18.959	18.620	16.913	15.425	13.399	12.546	11.619	11.598	93.138	157.725

FUNCTION SUMMARY – SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.994	8.503	14.189	12.800	12.729	13.598	13.918	14.332	18.793	13.587	57.215	131.443
	OT	0.229	5.759	3.131	9.954	9.083	8.434	9.288	9.375	9.674	12.903	9.875	36.361	87.476
Discretionary	BA	1.363	-0.022	-0.181	-0.451	-0.572	-0.524	0.334	0.597	1.041	5.490	0.285	-1.750	5.997
	OT	2.008	0.229	-0.221	-0.553	-0.745	-0.736	0.259	0.359	0.678	4.041	1.085	-2.026	4.396
Mandatory	BA	2.153	9.016	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.965	125.446
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.694**	**8.603**	**12.889**	**12.800**	**12.729**	**13.598**	**13.918**	**14.332**	**18.793**	**13.587**	**54.715**	**128.943**
	OT	**-0.771**	**4.459**	**3.231**	**8.654**	**9.083**	**8.434**	**9.288**	**9.375**	**9.674**	**12.903**	**9.875**	**33.861**	**84.976**
Discretionary	**BA**	**1.363**	**-0.022**	**-0.181**	**-0.451**	**-0.572**	**-0.524**	**0.334**	**0.597**	**1.041**	**5.490**	**0.285**	**-1.750**	**5.997**
	OT	**2.008**	**0.229**	**-0.221**	**-0.553**	**-0.745**	**-0.736**	**0.259**	**0.359**	**0.678**	**4.041**	**1.085**	**-2.026**	**4.396**
Mandatory	**BA**	**1.153**	**7.716**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.465**	**122.946**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	62.156	64.751	66.248	67.741	69.347	70.953	72.578	74.248	75.759	77.835	330.243	701.616
	OT	51.681	56.082	58.952	60.797	62.549	64.303	65.535	67.008	68.664	69.976	71.900	302.683	645.766
Discretionary	BA	18.964	17.089	17.135	17.619	18.069	18.594	19.094	19.581	20.084	20.395	21.240	88.506	188.900
	OT	49.680	54.338	56.868	58.741	60.531	62.341	63.594	65.000	66.629	67.994	69.861	292.819	625.897
Mandatory	BA	43.166	45.067	47.616	48.629	49.672	50.753	51.859	52.997	54.164	55.364	56.595	241.737	512.716
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.228	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	54.276	114.993
	OT	11.366	11.560	11.088	10.780	10.408	10.179	10.325	10.507	10.783	11.048	11.345	54.015	108.023
Discretionary	BA	11.577	11.197	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	54.228	114.722
	OT	12.048	11.878	11.640	11.343	11.091	10.937	11.096	11.292	11.585	11.869	12.181	56.889	114.912
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.552	-0.563	-0.683	-0.758	-0.771	-0.785	-0.802	-0.821	-0.836	-2.874	-6.889
500 - Education, Training, Employment, and Social Services	BA	76.886	111.857	98.870	105.875	113.361	120.752	127.924	134.409	143.285	149.583	159.533	550.715	1265.449
	OT	69.790	79.353	94.064	100.270	107.509	115.992	123.602	130.230	140.009	146.697	156.324	497.188	1194.050
Discretionary	BA	61.189	74.921	66.234	68.252	70.189	72.286	74.240	76.365	78.329	79.577	82.864	351.882	743.257
	OT	54.012	61.111	65.955	66.648	68.284	70.285	72.330	74.210	76.390	78.042	80.219	332.283	713.474
Mandatory	BA	15.697	36.936	32.636	37.623	43.172	48.466	53.684	58.044	64.956	70.006	76.669	198.833	522.192
	OT	15.778	18.242	28.109	33.622	39.225	45.707	51.272	56.020	63.619	68.655	76.105	164.905	480.576
550 - Health	BA	182.604	216.052	242.906	260.309	257.859	271.154	291.758	312.905	335.471	360.544	389.308	1248.280	2938.268
	OT	175.512	213.242	239.126	258.514	255.591	269.004	289.047	310.457	333.359	358.901	387.174	1235.477	2914.415
Discretionary	BA	38.771	46.131	50.108	52.296	54.286	56.410	58.292	60.176	62.156	63.738	66.599	259.231	570.192
	OT	33.770	43.242	46.160	50.012	52.333	54.475	56.565	58.496	60.470	62.331	64.472	246.222	548.556
Mandatory	BA	143.833	169.921	192.798	208.013	-203.573	214.744	233.466	252.729	273.315	296.806	322.709	989.049	2368.074
	OT	141.742	170.000	192.966	208.502	203.258	214.529	232.482	251.961	272.889	296.570	322.702	989.255	2365.859

FUNCTION SUMMARY – SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	BA	3.357	3.449	3.448	3.545	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	278.801	281.124	292.431	307.066	314.915	322.128	336.555	348.003	358.590	370.342	1474.337	3209.955
	OT	256.932	274.943	281.660	291.586	305.698	313.407	320.620	335.198	346.343	356.942	368.149	1467.294	3194.546
Discretionary	BA	39.454	46.306	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	234.354	503.512
	OT	43.974	49.349	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	242.312	510.960
Mandatory	BA	216.488	232.495	236.653	246.244	259.111	265.480	271.282	284.311	294.235	303.502	313.130	1239.983	2706.443
	OT	212.958	225.594	234.426	244.040	257.183	263.739	269.614	282.743	292.603	302.017	311.627	1224.982	2683.586
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**10.865**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.457**	**139.961**
	OT	**9.805**	**10.864**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.456**	**139.960**
Discretionary	**BA**	**0.017**	**0.019**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.099**	**0.211**
	OT	**0.017**	**0.018**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.098**	**0.210**
Mandatory	**BA**	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
	OT	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
700 - Veterans Benefits and Services	BA	46.675	53.789	54.088	56.024	60.007	59.395	58.637	62.418	63.767	65.075	67.366	283.303	600.566
	OT	45.926	53.060	53.771	55.641	59.567	58.929	58.180	62.020	63.396	64.736	66.931	280.968	596.231
Discretionary	BA	22.512	26.150	25.165	25.842	26.518	27.259	27.952	28.637	29.324	29.660	30.935	130.934	277.442
	OT	22.062	25.688	25.120	25.655	26.297	27.015	27.693	28.360	29.042	29.408	30.590	129.775	274.868
Mandatory	BA	24.163	27.639	28.923	30.182	33.489	32.136	30.685	33.781	34.443	35.415	36.431	152.369	323.124
	OT	23.864	27.372	28.651	29.986	33.270	31.914	30.487	33.660	34.354	35.328	36.341	151.193	321.363
750 - Administration of Justice	BA	30.577	32.370	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	168.141	360.808
	OT	30.003	31.828	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	167.967	358.338
Discretionary	BA	29.987	31.226	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	159.886	340.099
	OT	29.335	31.030	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	159.751	338.304
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY – SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
900 on-budget	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
920 - Allowances	BA	80.528	-6.056	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-6.214	-15.909
	OT	80.697	-8.600	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.831	-23.114
Discretionary	BA	-0.472	-5.376	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-5.534	-15.229
	OT	-0.303	-7.920	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.151	-22.434
Mandatory	BA	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
	OT	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function			2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total		BA	1999.071	2051.127	2083.837	2160.372	2245.076	2309.659	2397.848	2494.731	2595.204	2699.859	2815.397	10850.072	23853.110
		OT	1948.629	1979.210	2046.077	2123.297	2209.414	2270.710	2355.346	2454.495	2555.608	2661.707	2776.016	10628.709	23431.880
Discretionary a/		BA	635.434	688.397	681.319	699.582	718.949	739.098	760.320	781.843	803.543	825.797	849.094	3527.345	7547.942
		OT	645.308	698.629	710.759	727.602	750.327	768.081	786.934	811.650	834.470	857.984	880.469	3655.398	7826.905
Mandatory		BA	1363.637	1362.730	1402.518	1460.790	1526.127	1570.561	1637.528	1712.888	1791.661	1874.062	1966.303	7322.727	16305.168
		OT	1303.321	1280.581	1335.318	1395.695	1459.087	1502.629	1568.412	1642.845	1721.138	1803.723	1895.547	6973.311	15604.975
Total on-budget		**BA**	**1649.078**	**1687.350**	**1708.118**	**1770.170**	**1843.352**	**1895.312**	**1970.680**	**2054.006**	**2138.019**	**2225.603**	**2322.897**	**8904.303**	**19615.507**
		OT	**1600.696**	**1617.668**	**1672.760**	**1735.310**	**1810.002**	**1858.768**	**1930.778**	**2016.756**	**2101.679**	**2190.214**	**2286.180**	**8694.509**	**19220.115**
Discretionary		**BA**	**632.003**	**684.896**	**677.820**	**695.983**	**715.250**	**735.290**	**756.411**	**777.832**	**799.430**	**821.619**	**844.745**	**3509.239**	**7509.276**
		OT	**641.937**	**695.173**	**707.281**	**724.048**	**746.680**	**764.328**	**783.080**	**807.695**	**830.413**	**853.859**	**876.184**	**3637.510**	**7788.741**
Mandatory		**BA**	**1017.075**	**1002.454**	**1030.298**	**1074.187**	**1128.102**	**1160.022**	**1214.269**	**1276.174**	**1338.589**	**1403.984**	**1478.152**	**5395.064**	**12106.231**
		OT	**958.759**	**922.495**	**965.479**	**1011.262**	**1063.322**	**1094.440**	**1147.698**	**1209.061**	**1271.266**	**1336.355**	**1409.996**	**5056.999**	**11431.374**
Revenues			2134.399	2177.131	2283.552	2380.422	2473.967	2564.678	2675.782	2807.658	2953.339	3102.648	3279.146	11879.750	26698.323
Revenues on-budget			**1630.290**	**1644.823**	**1722.614**	**1791.748**	**1853.907**	**1915.457**	**1995.847**	**2095.204**	**2206.900**	**2320.619**	**2459.961**	**8928.549**	**20007.080**
Surplus			185.770	197.921	237.475	257.125	264.553	293.968	320.436	353.163	397.731	440.941	503.130	1251.041	3266.443
	On-budget		29.594	27.155	49.854	56.438	43.905	56.689	65.069	78.448	105.221	130.405	173.781	234.040	786.965
	Off-budget		156.176	170.766	187.621	200.687	220.648	237.279	255.367	274.715	292.510	310.536	329.349	1017.001	2479.478

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

FUNCTION SUMMARY – CONFERENCE REPORT
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	316.873	324.832	333.646	342.294	350.876	359.807	369.023	378.505	388.323	398.338	408.821	1711.455	3654.465
	OT	302.371	319.137	326.643	335.184	347.073	353.482	359.774	372.416	382.242	392.227	402.579	1681.519	3590.758
Discretionary	BA	317.596	325.070	333.707	342.418	351.006	359.950	369.231	378.695	388.520	398.516	409.005	1712.151	3656.118
	OT	303.098	319.396	326.712	335.314	347.208	353.630	359.987	372.612	382.446	392.412	402.770	1682.262	3592.490
Mandatory	BA	-0.723	-0.238	-0.061	-0.124	-0.130	-0.143	-0.208	-0.190	-0.197	-0.178	-0.184	-0.696	-1.653
	OT	-0.727	-0.261	-0.069	-0.130	-0.135	-0.148	-0.213	-0.196	-0.204	-0.185	-0.191	-0.743	-1.732
150 - International Affairs	BA	22.424	23.214	23.750	24.214	24.911	25.504	26.107	26.482	26.937	27.458	28.065	121.593	256.642
	OT	19.670	19.082	19.554	20.164	20.431	20.900	21.494	22.031	22.650	23.235	23.766	100.131	213.307
Discretionary	BA	22.641	23.206	23.712	24.223	24.730	25.264	25.797	26.330	26.892	27.463	28.070	121.135	255.687
	OT	23.259	22.727	23.226	23.722	23.916	24.384	24.915	25.415	25.958	26.490	27.057	117.975	247.810
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	21.583	22.055	22.379	22.839	23.323	23.812	24.303	24.816	25.335	25.879	112.179	236.324
	OT	19.612	20.725	21.361	21.945	22.429	22.847	23.280	23.743	24.239	24.749	25.274	109.307	230.592
Discretionary	BA	20.901	21.420	21.876	22.342	22.801	23.284	23.772	24.263	24.775	25.293	25.836	111.723	235.662
	OT	19.562	20.650	21.248	21.801	22.268	22.740	23.221	23.704	24.199	24.708	25.233	108.707	229.772
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.360	1.328	1.309	1.254	1.336	1.411	1.882	1.998	2.021	1.990	6.587	15.889
	OT	-0.115	-0.019	-0.072	-0.120	-0.091	-0.003	0.071	0.440	0.579	0.703	0.691	-0.305	2.179
Discretionary	BA	3.132	3.308	3.298	3.370	3.439	3.516	3.592	3.671	3.753	3.835	3.919	16.931	35.701
	OT	3.104	3.141	3.225	3.343	3.421	3.479	3.554	3.631	3.711	3.794	3.872	16.609	35.171
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	30.381	31.263	32.249	33.091	33.965	34.767	35.691	37.064	38.111	39.137	160.949	345.719
	OT	26.361	28.652	30.368	31.506	32.365	33.281	34.126	34.903	36.194	37.190	38.190	156.172	336.775
Discretionary	BA	28.740	29.735	30.536	31.372	32.188	33.044	33.923	34.834	35.777	36.742	37.757	156.875	335.908
	OT	26.358	28.060	29.676	30.714	31.559	32.445	33.217	34.051	34.974	35.918	36.907	152.454	327.521
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	31.790	26.265	26.507	26.562	26.406	25.452	24.083	22.723	21.921	21.553	21.703	131.192	243.175
	OT	29.154	24.593	24.924	25.120	24.915	23.853	22.509	21.134	20.441	20.174	20.319	123.405	227.982
Discretionary	BA	4.791	4.955	5.090	5.234	5.367	5.515	5.660	5.817	5.975	6.141	6.310	26.161	56.064
	OT	4.669	4.858	5.013	5.161	5.295	5.440	5.584	5.735	5.895	6.055	6.221	25.767	55.257
Mandatory	BA	26.999	21.310	21.417	21.328	21.039	19.937	18.423	16.906	15.946	15.412	15.393	105.031	187.111
	OT	24.485	19.735	19.911	19.959	19.620	18.413	16.925	15.399	14.546	14.119	14.098	97.638	172.725
370 - Commerce and Housing Credit	BA	3.516	11.474	11.294	17.342	16.163	16.138	16.245	16.404	16.479	16.597	16.714	72.411	154.850
	OT	0.229	7.887	5.852	13.033	12.387	11.790	12.061	11.894	11.934	11.889	11.915	50.949	110.642
Discretionary	BA	1.363	2.525	2.610	2.702	2.791	2.885	2.981	3.083	3.188	3.294	3.412	13.513	29.471
	OT	2.008	2.357	2.500	2.526	2.559	2.620	3.032	2.878	2.938	3.027	3.125	12.562	27.562
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080

FUNCTION SUMMARY – CONFERENCE REPORT
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 on-budget	**BA**	**2.516**	**10.174**	**11.394**	**16.042**	**16.163**	**16.138**	**16.245**	**16.404**	**16.479**	**16.597**	**16.714**	**69.911**	**152.350**
	OT	**-0.771**	**6.587**	**5.952**	**11.733**	**12.387**	**11.790**	**12.061**	**11.894**	**11.934**	**11.889**	**11.915**	**48.449**	**108.142**
Discretionary	**BA**	**1.363**	**2.525**	**2.610**	**2.702**	**2.791**	**2.885**	**2.981**	**3.083**	**3.188**	**3.294**	**3.412**	**13.513**	**29.471**
	OT	**2.008**	**2.357**	**2.500**	**2.526**	**2.559**	**2.620**	**3.032**	**2.878**	**2.938**	**3.027**	**3.125**	**12.562**	**27.562**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	64.965	62.392	64.154	65.907	67.794	69.637	71.490	73.377	76.412	78.652	325.212	694.780
	OT	51.681	56.167	60.521	62.662	64.225	65.702	66.577	67.775	69.221	70.588	72.183	309.277	655.621
Discretionary	BA	18.964	19.652	20.215	20.797	21.364	21.961	22.577	23.217	23.874	24.551	25.257	103.989	223.465
	OT	49.680	54.423	58.437	60.606	62.207	63.740	64.636	65.767	67.186	68.606	70.144	299.413	635.752
Mandatory	BA	43.166	45.313	42.177	43.357	44.543	45.833	47.060	48.273	49.503	51.861	53.395	221.223	471.315
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.962	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.892	12.067	12.350	12.664	12.933	13.198	13.476	13.759	14.048	14.340	61.906	130.727
	OT	11.366	11.730	11.731	11.967	11.913	11.936	12.181	12.444	12.696	12.962	13.233	59.277	122.793
Discretionary	BA	11.577	11.861	12.109	12.370	12.626	12.892	13.157	13.433	13.714	14.002	14.292	61.858	130.456
	OT	12.048	12.048	12.230	12.380	12.400	12.451	12.707	12.979	13.243	13.522	13.808	61.509	127.768
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.951	81.234	82.805	84.386	87.122	89.233	91.327	93.501	95.780	98.113	100.517	424.780	904.018
	OT	69.850	76.742	81.479	83.574	85.819	87.924	89.955	92.115	94.341	96.654	99.017	415.538	887.620
Discretionary	BA	61.189	64.377	65.734	67.063	68.375	69.747	71.133	72.537	73.979	75.442	76.963	335.296	705.350
	OT	54.012	60.140	64.780	66.472	67.774	69.067	70.458	71.865	73.277	74.734	76.227	328.233	694.794
Mandatory	BA	15.762	16.857	17.071	17.323	18.747	19.486	20.194	20.964	21.801	22.671	23.554	89.484	198.668
	OT	15.838	16.602	16.699	17.102	18.045	18.857	19.497	20.250	21.064	21.920	22.790	87.305	192.826
550 - Health	BA	180.104	198.775	221.150	235.474	242.661	259.125	278.882	299.116	320.791	345.380	372.407	1157.185	2773.761
	OT	173.012	196.668	219.770	234.672	241.084	257.594	276.575	297.091	319.017	343.729	370.945	1149.788	2757.145
Discretionary	BA	38.771	39.827	40.725	41.634	42.536	43.479	44.439	45.412	46.426	47.449	48.523	208.201	440.450
	OT	33.770	37.688	39.238	40.409	41.345	42.229	43.167	44.119	45.098	46.098	47.128	200.909	426.519
Mandatory	BA	141.333	158.948	180.425	193.840	200.125	215.646	234.443	253.704	274.365	297.931	323.884	948.984	2333.311
	OT	139.242	158.980	180.532	194.263	199.739	215.365	233.408	252.972	273.919	297.631	323.817	948.879	2330.626

FUNCTION SUMMARY – CONFERENCE REPORT
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.179	244.838	271.378	306.158	326.564	363.686	393.686	424.278	458.957	497.379	1378.117	3516.103
	OT	217.708	229.121	244.596	271.579	306.079	326.298	363.901	393.578	423.993	459.194	497.366	1377.673	3515.705
Discretionary	BA	3.357	3.500	3.640	3.783	3.933	4.095	4.275	4.476	4.688	4.908	5.149	18.951	42.447
	OT	3.269	3.462	3.629	3.745	3.892	4.052	4.228	4.424	4.632	4.852	5.089	18.780	42.005
Mandatory	BA	214.174	225.679	241.198	267.595	302.225	322.469	359.411	389.210	419.590	454.049	492.230	1359.166	3473.656
	OT	214.439	225.659	240.967	267.834	302.187	322.246	359.673	389.154	419.361	454.342	492.277	1358.893	3473.700
600 - Income Security	BA	255.942	273.840	283.864	295.030	309.192	316.761	324.056	338.278	349.561	360.308	371.593	1478.687	3222.483
	OT	256.932	272.122	282.611	293.420	307.667	315.312	322.627	336.950	347.987	358.600	369.419	1471.132	3206.715
Discretionary	BA	39.454	44.845	46.511	47.886	49.081	50.281	51.474	52.667	54.026	55.506	57.163	238.604	509.440
	OT	43.974	45.828	47.485	48.480	49.484	50.573	51.713	52.907	54.084	55.283	56.492	241.850	512.329
Mandatory	BA	216.488	228.995	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1240.083	2713.043
	OT	212.958	226.294	235.126	244.940	258.183	264.739	270.914	284.043	293.903	303.317	312.927	1229.282	2694.386
650 - Social Security	BA	435.181	457.324	479.853	503.978	529.413	556.082	584.363	615.054	649.872	686.642	725.901	2526.650	5788.482
	OT	433.121	455.079	477.432	501.752	527.095	553.672	581.756	612.060	646.606	683.864	723.230	2515.030	5762.546
Discretionary	BA	3.448	3.597	3.714	3.838	3.959	4.085	4.215	4.353	4.494	4.643	4.798	19.193	41.696
	OT	3.388	3.542	3.674	3.782	3.901	4.025	4.153	4.289	4.428	4.575	4.727	18.924	41.096
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**11.004**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.748**	**150.906**
	OT	**9.805**	**11.003**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.747**	**150.905**
Discretionary	**BA**	**0.017**	**0.018**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.097**	**0.212**
	OT	**0.017**	**0.017**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.096**	**0.211**
Mandatory	**BA**	**9.788**	**10.988**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
	OT	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
700 - Veterans Benefits and Services	BA	46.675	51.512	53.801	56.161	60.317	59.863	59.345	63.407	64.981	66.973	69.063	281.654	605.423
	OT	45.926	50.921	53.408	55.744	59.847	59.368	58.853	62.971	64.570	66.555	68.632	279.288	600.869
Discretionary	BA	22.512	23.465	24.215	25.015	25.788	26.597	27.441	28.328	29.233	30.175	31.166	125.081	271.424
	OT	22.062	23.176	24.123	24.818	25.557	26.340	27.160	28.023	28.919	29.851	30.830	124.014	268.797
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	32.431	32.545	35.330	36.420	37.466	38.543	39.665	40.822	42.021	43.284	174.192	378.527
	OT	30.003	31.436	32.809	35.543	36.347	37.036	38.013	39.152	40.292	41.483	42.728	173.171	374.839
Discretionary	BA	29.987	31.287	32.209	33.180	34.131	35.130	36.159	37.231	38.334	39.477	40.680	165.937	357.818
	OT	29.335	30.638	32.171	33.267	34.045	34.834	35.758	36.844	37.934	39.065	40.249	164.955	354.805
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034
800 - General Government	BA	16.307	16.496	16.651	17.082	17.560	18.068	18.609	18.791	19.377	19.968	20.599	85.857	183.201
	OT	16.065	16.193	16.493	16.978	17.201	17.641	18.144	18.445	18.882	19.437	20.048	84.506	179.462
Discretionary	BA	14.028	14.622	15.091	15.599	16.084	16.590	17.126	17.676	18.249	18.836	19.459	77.986	169.332
	OT	13.795	14.330	14.939	15.320	15.761	16.206	16.686	17.201	17.758	18.327	18.931	76.556	165.459
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003

FUNCTION SUMMARY – CONFERENCE REPORT
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
900 - Net Interest	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
900 on-budget	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
920 - Allowances	BA	84.528	9.047	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-16.340	-51.750
	OT	84.697	11.310	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-12.589	-47.581
Discretionary	BA	-0.472	-5.953	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-31.340	-66.750
	OT	-0.303	-3.690	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-27.589	-62.581
Mandatory	BA	85.000	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	15.000	15.000
	OT	85.000	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	15.000	15.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**

FUNCTION SUMMARY – CONFERENCE REPORT
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total	BA	2003.674	2005.203	2049.949	2129.714	2221.841	2286.679	2378.718	2472.687	2566.898	2668.427	2777.954	10693.386	23558.071
	OT	1948.462	1966.945	2020.513	2103.122	2195.832	2255.976	2343.601	2439.456	2532.731	2633.511	2741.534	10542.388	23233.221
Discretionary a/	BA	641.979	661.300	678.877	696.558	713.777	731.734	750.208	769.114	788.819	809.022	830.330	3482.246	7429.739
	OT	647.088	682.776	707.084	725.949	746.329	761.752	777.511	799.616	819.686	840.153	861.470	3623.890	7722.326
Mandatory	BA	1361.695	1343.903	1371.072	1433.157	1508.064	1554.945	1628.510	1703.573	1778.080	1859.405	1947.624	7211.140	16128.332
	OT	1301.374	1284.169	1313.429	1377.174	1449.503	1494.224	1566.089	1639.840	1713.045	1793.359	1880.064	6918.498	15510.895
Total on-budget	**BA**	**1653.681**	**1641.488**	**1674.452**	**1739.937**	**1820.798**	**1873.245**	**1952.694**	**2033.133**	**2110.910**	**2195.318**	**2286.618**	**8749.920**	**19328.594**
	OT	**1600.529**	**1605.474**	**1647.437**	**1715.571**	**1797.107**	**1844.952**	**1920.184**	**2002.896**	**2080.009**	**2163.180**	**2252.869**	**8610.541**	**19029.679**
Discretionary	**BA**	**638.548**	**657.721**	**675.182**	**692.739**	**709.838**	**727.670**	**746.014**	**764.783**	**784.348**	**804.403**	**825.557**	**3463.150**	**7388.255**
	OT	**643.717**	**679.251**	**703.429**	**722.186**	**742.448**	**757.748**	**773.379**	**795.349**	**815.281**	**835.602**	**856.768**	**3605.062**	**7681.441**
Mandatory	**BA**	**1015.133**	**983.767**	**999.270**	**1047.199**	**1110.960**	**1145.575**	**1206.680**	**1268.350**	**1326.563**	**1390.915**	**1461.061**	**5286.770**	**11940.339**
	OT	**956.812**	**926.223**	**944.008**	**993.386**	**1054.659**	**1087.204**	**1146.804**	**1207.547**	**1264.728**	**1327.579**	**1396.101**	**5005.479**	**11348.238**
Revenues		2134.571	2185.510	2266.982	2368.984	2472.706	2550.525	2674.609	2802.180	2940.393	3100.084	3255.735	11844.707	26617.708
Revenues on-budget		**1630.462**	**1653.202**	**1706.044**	**1780.310**	**1852.646**	**1901.304**	**1994.674**	**2089.726**	**2193.954**	**2318.055**	**2436.550**	**8893.506**	**19926.465**
Surplus		186.109	218.565	246.469	265.862	276.874	294.549	331.008	362.724	407.662	466.573	514.201	1302.319	3384.487
	On-budget	29.933	47.728	58.607	64.739	55.539	56.352	74.490	86.830	113.945	154.875	183.681	282.965	896.786
	Off-budget	156.176	170.837	187.862	201.123	221.335	238.197	256.518	275.894	293.717	311.698	330.520	1019.354	2487.701
Debt Held by the Public		3243.211	3037.867	2810.731	2563.647	2303.144	2022.464	1702.918	1349.973	947.307	878.000	818.000		
Accumulated Excess Cash		0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	392.678	843.560		

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The Conference Agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Economic and Budget Outlook: Fiscal Years 2002–2011" (January 2001).

House Resolution.—CBO's economic assumptions were used.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS
(By calendar years)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2011
Percent change, year over year:												
Real GDP Growth	2.4	3.4	3.3	3.0	3.0	3.0	3.0	3.0	3.0	3.1	3.1	3.1
Consumer Price Index	2.8	2.8	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.6
GDP Price Index	2.3	2.1	2.0	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
Percent, annual average:												
Unemployment Rate	4.4	4.5	4.5	4.7	4.8	4.9	5.0	5.1	5.2	5.2	5.2	4.9
Three-Month Treasury Bill Rate	4.8	4.9	5.0	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9
Ten-Year Treasury Note Rate	4.9	5.3	5.5	5.6	5.7	5.8	5.8	5.8	5.8	5.8	5.8	5.7

FUNCTIONS AND REVENUES

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the Conference Agreement for each major budget function are discussed in the following section. The Conference Agreement provides aggregate discretionary spending in 2002 of $661.3 billion in budget authority (BA) and $682.8 billion in outlays.

These two aggregate numbers are allocated to the Appropriations Committees to be suballocated to their 13 individual appropriation subcommittees. For the purposes of presentation in this Conference Agreement, functional discretionary numbers are set at fiscal year 2002 Congressional Budget Office baseline estimates, and do not reflect any specific policy orientation except for the defense function, which assumes President Bush's budget authority request for fiscal year 2002. For years beyond 2002 this report assumes that the 2002 discretionary function levels grow by inflation.

The only specific discretionary policy decision inherent in this resolution is a $661.3 billion discretionary budget authority allocation. The Appropriations Committees are responsible for allocating this budget authority to their subcommittees to address specific policy priorities.

FUNCTION 050: NATIONAL DEFENSE

Major Programs in Function.—Under current law, spending for Function 050, National Defense, will total $310.3 billion in BA and $300.6 billion in outlays for 2001. This function includes funding for the Department of Defense (about 95% of the function), the defense activities of the Department of Energy (about 5% of the function), and other defense activities in other departments and agencies, including the Department of Transportation, the Department of Justice, the General Services Administration, and the Selective Service (less than 1% of the function).

House Resolution.—The resolution establishes levels of $324.6 billion in budget authority [BA] and $319.3 billion in outlays in fiscal year 2002, an increase of 4.5 percent in BA compared with fiscal year 2001. The function totals are $1.71 trillion in BA and $1.68 trillion in outlays over 5 years, and $3.68 trillion in BA and $3.61 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to increase military pay and other compensation by $1.4 billion in 2002. The resolution also assumes an additional $400 million to improve the quality of housing for military personnel and their families, and $3.9 billion for the first year of expanded health benefits for over-65 military retirees (Tricare for Life). In addition, the resolution accommodates the President's proposed $2.6-billion initiative ($20 billion over 5 years) to fund research and development of new technologies. The Department of Defense intends to apply this funding to create new capabilities to defend against projected future threats, following a comprehensive review by the Secretary of Defense to assess national security needs. To potentially augment the levels in this function, the resolution creates two reserve funds that could accommodate additional defense spending: one, in fiscal year 2001, to eliminate Department of Defense shortfalls; and a second, in fiscal year 2002, for possible legislation pursuant to the President's defense review. See also section 1218A.

Senate Amendment.—The Senate amendment provides $334.5 billion in BA and $326.8 billion in outlays in 2002, and $3.69 trillion in BA and $3.62 trillion in outlays over 2002–2011. These amounts include full funding for the President's request, which for 2002 constitutes a $14.3. billion increase in BA over 2001–a 4.6 percent nominal increase—and which in 2002 accommodates increases of $1.4 billion in BA for military personnel pay and retention, $0.4 billion for military housing, $2.6 billion for research and development for missile defense and "transformation," and $3.9 billion for the Tricare for Life program enacted in the 106th Congress. The President's request also incorporated reductions below inflated baseline levels for the Department of Energy defense activities (subfunction 053) and other defense-related activities in subfunction 054, amounting to approximately $1 billion per year over 2002–2011.

The Senate amendment includes the President's proposal to make the Radiation Exposure Compensation Trust Fund a mandatory program and to delay payments to certain beneficiaries pending the scientific findings of a study by the National Institute of Occupational Safety and Health.

The Senate amendment also encompasses increases directed by certain amendments adopted by the Senate for 2002. These include an amendment adding $8.5 billion in BA and $6.5 billion in outlays to redress serious and pressing Defense Health Program shortfalls ($3.1 billion), unfunded Department of Energy non-proliferation and "Stockpile Stewardship" activities ($900 million), and readiness shortages ($4.5 billion). Another floor amendment added $1.0 billion in additional BA and $0.7 billion in outlays for the Department of Energy's Environmental Management program.

Conference Agreement.—For 2001, the Conferees adopted $316.9 billion in BA and $302.4 billion in outlays. This is an increase of $6.5 billion in BA over previously enacted—appropriations for 2001. For 2002, the Conferees adopted. $324.8 billion in BA and $319.1 billion in outlays. This is an increase of $14.5 billion above levels enacted to date for 2001. For 2002–2011, the Conference Agreement totals $3.65 trillion in BA and $3.59 trillion in outlays.

Regarding discretionary spending, the Conferees adopted the House amendment with certain understandings and alterations. Among the understandings, the primary ones are to redress shortfalls in the National Defense budget function for 2001 and 2002 regarding the Defense Health Program, readiness, and certain Department of Energy defense activities. The key alteration is a revised mechanism to accommodate the as yet unspecified additional funding needed for the results of the President's Defense Review to adjust U.S. national security strategy and defense programs to the requirements twenty-first century.

To redress shortfalls in 2001, the Conferees have revised the Section 302(a) allocation up to the level of the statutory cap for 2001 to accommodate a 2001 supplemental for the Department of Defense totaling $6.5 billion in BA and $1.8 billion in outlays. The Conferees assume and urge in the strongest possible terms that this budget authority be used, in the amounts specified, exclusively for urgent shortfalls in the Defense Health Program ($1.4 billion) and immediate readiness needs, including spare parts, training, depot and other maintenance, fuel and energy costs, and base operations ($5.1 billion).

For discretionary spending in 2002, the Conferees adopted $325.1 billion in BA and $319.4 billion in outlays. These totals match the President's request as scored by CBO, together with the outlays estimated by CBO from the 2001 supplemental allocation described above. In addition, the Conferees adopted reserve funds, described more fully in the discussion of Title II, to accommodate a Presidential budget amendment in response to the President's Defense Review.

The Conferees assume that, taken together, the National Defense budget as originally submitted by the President and the subsequent budget amendment will fully fund the "transformation" initiatives recommended by the President and the Secretary of Defense and all pre-existing priority national security programs in the Department of Defense and the Department of Energy. The Conferees are particularly concerned that the amended budget request fully address all shortfalls that have heretofore been identified for 2002, including those in the Defense Health Program (up to $3.1 billion), activities where readiness has in recent years fallen below optimal levels (totaling several billions of dollars), and essential national security programs in the Department of Energy, including Stockpile Stewardship ($800 million), non-proliferation activities ($100 million), and Environmental Management programs (up to $1 billion, which could occur in the fiscal year deemed most appropriate, 2001 or 2002). The Conferees agree that it is essential for the National Defense budget as amended, to fully fund each of these concerns respecting both shortfalls and "transformation."

Regarding mandatory spending, the Conferees adopted the Senate amendment concerning the Radiation Exposure Compensation Trust Fund, revised to reflect more recent CBO scoring. This updated scoring amounts to $172 million in 2002 and $655 million for 2002–2011 with an offsetting reduction of expenses in the Energy Occupation Illness Compensation fund that brings net costs to $146 million in 2002 and $440 million for 2002–2011.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function.—Under current law, spending for Function 150, International Affairs, will total $22.4 billion in BA and $19.7 billion in outlays for 2001. This function includes funding for the operation of the foreign affairs establishment including embassies and other diplomatic missions abroad, foreign aid loan and technical assistance activities in developing countries, security assistance to foreign governments, activities of the Foreign Military Sales Trust Fund, U.S. contributions to international financial institutions and the United Nations, the Export-Import Bank and other trade promotion activities, and refugee assistance.

House Resolution.—The resolution fully funds the President's requested levels of $23.9 billion in budget authority [BA] and $19.6 billion in outlays in fiscal year 2002, an increase of 6.4 percent in BA compared with fiscal year 2001. The function totals are $123.8 billion in BA and $102.0 billion in outlays over 5 years, and $264.2 billion in BA and $219.7 billion in outlays over 10 years. The levels fully fund the President's request and accommodate his proposal to increase the Administration of Foreign Affairs funding by $888 million above the 2001 level to a total of $5.7 billion for fiscal year 2002, and his request to increase military assistance to Israel by $60 million. In addition, to maintain and expand programs to stem the flow of cocaine and heroin from Colombia and its Andean neighbors, the budget assumes the President's $624-million increase for international narcotics control and law enforcement. The resolution also assumes sufficient resources for the Tropical Forest Conservation Act [TTCA].

Senate Amendment.—The Senate amendment provides $24.1 billion in BA and $19.8 billion in outlays in 2002, and $265.4 billion in BA and $220.9 billion in outlays over 2002-2011. These amounts include full funding for the President's request, which for 2002 constitutes a $1.5 billion increase in BA over 2001—a 6.7 percent nominal increase. The Senate amendment also reflects the Senate's adoption of a floor amendment to increase the President's request by $200 million in BA in 2002 and by $500 million in BA in 2003—with commensurate outlays—for the purpose of assisting the response of needy countries to the international HIV/AIDS pandemic. The Senate also adopted an amendment regarding conservation that affected several budget functions, including the addition of $50 million in BA in every year over the 2002-2011 period in Function 150.

Conference Agreement.—The Conference Agreement totals $23.2 billion in BA and $19.1 billion in outlays for 2002. For 2002–2011, the Conference Agreement totals $256.6 billion in BA and $213.3 billion in outlays, a reduction of $7.6 billion in BA below the request and the House Amendment. The BA and outlays for International Affairs equal the amounts of CBO's inflated baseline for 2002–2011, plus the outlays needed in 2002 to address the payment of arrearages to the UN discussed below.

Regarding discretionary spending, the Conferees strongly support Secretary of State Powell's proposals to reinvigorate the US foreign policy establishment and to expand some international programs. The Senate expressed this support in the form of expanding even further proposed programs to address the HIV/AIDS epidemic in regions, such as Africa.

Regarding the payment of arrearages to the United Nations, the conferees recognize that Congress has appropriated funds for the payment of arrears to the UN and related agencies in 1999 and 2000. Those funds have not been obligated because not all of the reforms required by authorizing statute have been met, in particular the requirement that the United States' assessment for contributions to international peacekeeping activities be reduced to no more than 25 percent of the total. Recognizing the substantial reforms that have been negotiated, the President has proposed legislation, not subject to PAYGO, that would release the funds for obligation. The legislative proposal would increase outlays by $582 million in 2001 and $244 million in 2002. This resolution accommodates the increased spending in its estimates of outlays from prior year's appropriations. The conferees direct that if the legislative proposal is included in authorizing legislation, the cost of such legislation up to the amounts included in the fiscal year 2001 and 2002 allocations of the appropriations committee shall not be charged against the allocation of the authorizing committee for purposes of enforcing this resolution.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

Major Programs in Function.—Under current law, spending for Function 250, General Science, Space and Technology, will total $21.0 billion in BA and $19.7 billion in outlays for 2001. The General Science, Space and Technology function consists of funds in two major categories: general science and basic research, and space flight, research, and supporting activities. The general science component includes the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE]. The largest component of the function, nearly two thirds of the total, is for space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA] (except for NASA's air transportation programs, which are included in Function 400).

House Resolution.—The resolution establishes levels of $22.2 billion in budget authority [BA] and $21.0 billion in outlays in fiscal year 2002, an increase of 5.7 percent in BA compared with fiscal year 2001. The function totals are $115.9 billion in BA and $112.4 billion in outlays over 5 years, and $247.1 billion in BA and $240.2 billion in outlays over 10 years. The resolution assumes $4.5 billion for the National Science Foundation [NSF], a $56-million increase from 2001. It assumes $14.5 billion for the National Aeronautics and Space Administration [NASA], a 2-percent increase over 2001. This total allows for the President's recommendations, including increased funds for International Space Station development and operations; a 64-percent increase over 2001 for NASA's Space Launch Initiative; six space shuttle flights a year; and continued funding for safety improvements in NASA.

Senate Amendment.—The Senate amendment sets forth $22.8 billion in BA and $21.2 billion in outlays in 2002, and $240.1 billion in BA and $232.9 billion in outlays over 2002–2011. The total spending within Function 250 was amended by the following two amendments:

The Senate adopted an amendment that added $1.441 billion in BA and $530 million in outlays in 2002 to the function total proposed by President Bush. The amendment assumed an increase of $674 million for NSF in 2002. The increase is intended to provide additional funding for NSF along a doubling path similar to that of the National Institutes of Health. NASA would also receive an increase of $518 million, and DOE science would increase by $469 million in 2002. The amendment would allow funding for all of the President's initiatives in Function 250, as well as address other needs within scientific community. The total assumed increase above the 2001 appropriated level is $1.661 billion.

The Senate also adopted an amendment related to global climate changes that affected several functional categories, including Function 150, 250, 270, 300, and 350. In this function, the amendment reflected an increase in BA of $50 million each year for 10 years, for a total increase of $500 million in BA from FY2002–2011.

Conference Agreement.—The Conference Agreement assumes $21.6 billion in BA and $20.7 billion in outlays in 2002, and $236.3 billion in BA and $230.6 billion in outlays over the 2002–2011 period.

FUNCTION 270: ENERGY

Major Programs in Function.—Under current law, spending for Function 270 Energy, will total $1.2 billion in BA and −$0.1 billion in outlays for 2001. This Function includes civilian activities of the Department of Energy, the Rural Utilities Service, the power programs of the Tennessee Valley Authority (TVA), and the Nuclear Regulatory Commission (NRC). Mandatory spending in this function contains large levels of offsetting receipts, resulting in net mandatory spending of −$1.9 billion in BA and −$3.2 billion in outlays for 2001. Congress provided $3.1 billion in discretionary BA for 2001.

House Resolution.—The resolution establishes levels of $835, million in budget authority [BA] and −$234 million in outlays in fiscal year 2002, a decrease of 33 percent in BA compared with fiscal year 2001. The 5-year function totals are $4.4 billion in BA and −$2.2 billion in outlays; and the 10-year totals are $14.5 billion in BA and $598 million in outlays. The resolution assumes the President's proposed $1.4 billion over 10 years (a $120-million increase) for the Department of Energy's Weatherization Assistance Program to help low-income families who live in poorly insulated housing or have insufficient heating or cooling systems. It also assumes a total of $8 million to support the Northeast Heating Oil Reserve that was established because of low heating oil stocks. Finally, in light of past management and security problems, the resolution accommodates the President's efforts to reform the Department of Energy.

Senate Amendment.—The Senate amendment sets forth $1.676 billion in BA and $.018 billion in outlays in 2002, and $17.162 billion in BA and $2.785 billion in outlays over the 2002–2011 period. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $205 million in BA each year over the 2002–2011 period to reduce greenhouse gas emissions, $450 million in BA in 2002 for Renewable Energy R&D, and $150 million in BA in 2002 for Fossil Energy R&D. The Senate amendment does not assume the President's proposal for the Arctic National Wildlife Refuge (ANWR).

Conference Agreement.—The Conference Agreement assumes $1.36 billion in BA and −$0.02 in outlays in 2002 and $15.9 billion in BA and $2.2 billion in outlays over the 2002–2011 period.

FUNCTION 300: NATURAL RESOURCES AND THE ENVIRONMENT

Major Programs in Function.—Under current law, spending for Function 300 Natural Resources and the Environment, will total $28.8 billion in BA and $26.4 billion in outlays for 2001. This Function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major program activities within the Function include the Environmental Protection Agency (EPA), the Army Corps of Engineers, the National Oceanic and Atmospheric Administration (NOAA), the Forest Service (within the Department of Agriculture), and the Department of the Interior, including the National Park Service, the Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management and the Bureau of Reclamation, among others.

House Resolution.—The resolution establishes levels of $26.7 billion in budget authority [BA] and $26.4 billion in outlays in fiscal year 2002, a decrease of 7.3 percent in BA compared with fiscal year 2001. The 5-year function totals are $137.1 billion in BA and $136.3 billion in outlays; and the 10-year totals are $289.3 billion in BA and $285.3 billion in outlays. The resolution accommodates the President's recommendation to fully fund the Land and Water Conservation [LWC] Fund at $900 million starting in 2002, an increase of $356 million over 2001. It also provides for an addition of $440 million in 2002 as a down payment on eliminating the National Park Service's deferred maintenance backlog currently pegged at $4.9 billion. In addition, it assumes more than $1 billion in EPA grants for States and tribes to administer environmental programs, and a total of $3.7 billion in funding for the EPA's Operating Program, which comprises the agency's core regulatory, research, and enforcement activities. The resolution would support substantially reducing the backlog of school repairs and maintenance in the Bureau of Indian Affairs, with the goal of eliminating the backlog within 5 years, and assumes increased funding for the Army Corps of Engineers program evaluating proposed development in wetlands. The resolutions also accepts administration's proposed extension of user fee pilot programs in the Forest Service and the National Park Service, but does not include increase in Corps of Engineers recreation fees.

Senate Amendment.—The Senate amendment sets forth $29.6 billion in BA and $29.3 billion in outlays in 2002, and $296.4 billion in BA and $292.3 billion in outlays over 2002–2011. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $250 million in BA and $199 million in outlays in 2002 to fully fund the Conservation Spending Cap, $44 million in BA in 2002 for water system improvements, $1.3 billion in BA and outlays in 2002 for agriculture conservation programs, $100 million in BA in 2002 to reduce greenhouse gases, $800 million in BA in 2002 for wastewater infrastructure improvements, and $100 million in BA in 2002 for the Bureau of Reclamation construction account.

The Senate amendment assumes mandatory spending of $350 million in BA and outlays each year over the 2003–2011 period to address agricultural conservation needs.

Conference Agreement.—The Conference Agreement assumes $30.4 billion in BA and $28.7 billion in outlays in 2002, and $345.7 billion in BA and $336.8 billion in outlays over the 2002–2011 period. The Conference Agreement accepts the Senate position on the extension of the recreational fee demonstration program. The Conference Agreement assumes mandatory agriculture spending of $350 million in BA and outlays in 2002. It also assumes a reserve fund of $350 million per year in BA and outlays over the 2003–2011 period to be allocated to the Agriculture Committee for conservation programs.

FUNCTION 350: AGRICULTURE

Major Programs in Function.—Under current law, spending for Function 350 Agriculture, is estimated to total $26.3 billion in budget authority (BA) and $23.7 billion in outlays for FY 2001. This Function includes funding for federal programs intended to promote the economic stability of agriculture through direct assistance and loans to food and fiber producers; provide regulatory, inspection and reporting services for agricultural markets; and promote research as well as education in agriculture and nutrition.

House Resolution.—The resolution establishes levels of $19.1 billion in budget authority [BA] in fiscal year 2002, and $17.5 billion in outlays. The 5-year function totals are $92.5 billion in BA and $84.7 billion in outlays; and the 10-year totals are $172.5 billion in BA and $157.3 billion in outlays. The resolution accommodates the President's recommendations, including: support of United States Department of Agriculture [USDA] food safety activities, including providing 7,600 meat and poultry inspectors; allocation of conservation assistance to 650,000 landowners, farmers, and ranchers; maintaining funding for priority activities in the Forest Service's wildland fire management plan, including hazardous fuels reduction; redirecting USDA research to provide new emphasis in key areas such as biotechnology, the development of new agricultural products, and improved protection against emerging exotic plant and animal diseases as well as crop and animal pests; and expanding overseas markets for American agricultural products by strengthening USDA's market intelligence capabilities and the Department's expertise for resolving technical trade issues with foreign trading partners. The resolution contains two reserve funds that would accommodate additional agricultural needs: a fiscal year 2001 reserve fund that could be used for emergency Agricultural Market Transition payments; and a fiscal year 2002 reserve fund that could accommodate a reauthorization of the Federal Agricultural Improvement and Reform Act or additional emergency relief.

Senate Amendment.—The Senate amendment revises the 2001 spending levels. It increases BA and outlays by $9 billion to $35.3 and $32.7 respectively. For 2002, the Senate assumes $26.2 billion in BA and $24.5 billion in outlays. Over the 10-year period 2002–2011, the Senate assumes a total of $227.9 billion in BA and $212.8 billion in outlays. The Senate adopted mandatory amendments which increased CCC spending by $9 billion in BA and outlays in 2001 and a total of $55 billion in BA and outlays over the 2002–2011 period. The Senate adopted a discretionary amendment which added $0.045 billion in BA and $0.041 billion in outlays in 2002 and $0.45 billion in BA and $0.446 billion in outlays over the 10-year period 2002–2011.

Conference Agreement.—The Conference Agreement revises the 2001 spending levels. It increases both BA and outlays by $5.5 billion to $31.8 billion and $29.2 billion respectively. For 2002, the Conference Agreement assumes $26.3 billion in BA and $24.6 billion in outlays. Over the ten-year period 2002–2011, the agreement assumes a total of $243.2 billion in BA and $228.0 billion in outlays. The 2001 and 2002 levels assume $12.5 billion of new mandatory BA and outlays. This money would be allocated to the Senate and House agriculture authorizing committees. It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today. For 2003 to 2011, the Conference Agreement assumes increased mandatory BA and outlays totaling $63 billion to be made available for the extension and revision of the Federal Agriculture Improvement and Reform Act of 1996, which expires in 2002. Fiscal Year 2003 monies may be made available for 2002 crop year support. The money would be placed in a reserve fund for the authorizing committees. This function assumes the necessary funding for the modernization plan of USDA's National Animal Disease Center and National Veterinary Services Laboratory in Ames, IA.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function.—Under current law, spending for Function 370, Commerce and Housing Credit, will total about $3.5 billion in BA and $0.2 billion in outlays for 2001. Function 370 includes both on-budget and an off-budget (Postal Service) components, but the budget resolution text includes only the on-budget portion. Both on-budget and total spending are shown, however, in the summary tables contained in this Conference Agreement. This budget function includes funding for discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; off-budget net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the census, and small business; and mandatory spending for deposit insurance activities related to banks, savings and loans, and credit unions.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $7.4 billion in budget authority [BA] and $4.4 billion in outlays in fiscal year 2002, an increase of 195 percent in BA compared with fiscal year 2001. The on-budget function totals are $54.2 billion in BA and $33.5 billion in outlays over 5 years, and $128.1 billion in BA and $84.3 billion in outlays over 10 years. The resolution assumes the President's recommendation that premiums for specified Federal Housing Administration [FHA] programs, such as condominiums, rehabilitation loans, and multifamily loans, are to be increased so that all single-family FHA borrowers pay the same premiums, and that the programs operate without the need for a subsidy.

Senate Amendment.—The Senate amendment does not revise the levels for 2001. For 2002, the resolution provides $7.7 billion in BA and $4.5 billion in outlays. Over 10 years, the resolution provides $128.9 billion in BA and $85.0 billion in outlays. The Senate amendment does not include the House's assumption of a reduction in fees charged by the Securities and Exchange Commission. Because of an amendment adopted by the Senate that dropped the President's proposal to charge exam fees for state-chartered banks, the Senate amendment is now comparable to the House resolution in this regard. Further, the Senate amendment reflects the Senate's adoption of an amendment to increase spending on the International Trade Administration by $655 million over 2002–2011 and of another amendment to restore $264 million in funding in 2002 for programs of the Small Business Administration to offset cuts that had been proposed in the President's budget.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, the resolution provides $10.2 billion in BA and $6.6 billion in outlays. Over 10 years, it provides $152.4 billion in BA and $108.1 billion in outlays.

FUNCTION 400: TRANSPORTATION

Major Programs in Function.—Under current law, spending for Function 400, Transportation, will total $62.1 billion in BA and $51.7 billion in outlays for 2001. The function primarily comprises funding for the Department of Transportation, including ground transportation programs, such as the federal-aid highway program, mass transit, motor carrier safety, and the National Rail Passenger Corporation (Amtrak); air transportation through the Federal Aviation Administration (FAA) airport improvement program, facilities and equipment program, research, and operation of the air traffic control system; water transportation through the Coast Guard and Maritime Administration; the Surface Transportation Board; the National Transportation Safety Board; and related transportation safety and support activities within the Department of Transportation. In addition, funds for air transportation programs under the auspices of NASA are included within this function.

House Resolution.—The resolution establishes levels of $61.0 billion in BA and $55.6 in outlays in fiscal year 2002; $298.9 billion in BA and $299.8 billion in outlays over 5 years; and $608.1 billion in BA and $639.6 billion in outlays over 10 years. The resolution accommodates the President's proposal to fully fund the authorized levels provided for highways ($32.3 billion) and transit ($6.7 billion) under the Transportation Equity Act for the

21st Century and for the Federal Aviation Administration's operating ($6.9 billion), capital ($2.9 billion), and airport grants ($3.3 billion) programs under the Aviation Investment and Reform Act for the 21st Century. To assist Americans with disabilities in overcoming transportation barriers to work, the resolution assumes the President's $145-million proposal to fund two new programs under his New Freedom Initiative to increase the ability of individuals with disabilities to integrate into the workforce. The resolution also assumes an increase in Coast Guard operating expenses of $250 million above the fiscal year 2002 level recommended by the President for fiscal year 2002 and subsequent years. This increase is provided to eliminate Coast Guard vessel and aircraft spare parts problems, to improve personnel training, to fund new Department of Defense entitlements, and to operate drug interdiction assets at optimal levels. (The resolution acknowledged that the Office of Management and Budget's budget submission contained recently identified errors, and indicated conferees would seek to address them.)

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution provides $62.2 billion in BA and $56.1 billion in outlays. Over 10 years, the resolution provides $701.6 billion in BA and $645.8 billion in outlays. The Senate amendment assumes the President's budget plus a Senate adopted amendment to add $250 million in BA and outlays for the Coast Guard in 2002.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $65.0 billion in BA and $56.2 billion in outlays. Over 10 years, it provides $694.8 billion in BA and $655.6 billion in outlays.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—Under current law, spending for Function 450, Community and Regional Development, will total $11.2 billion in BA and $11.4 billion in outlays for 2001. This function reflects programs that provide Federal funding for economic and community development in both urban and rural areas. Funding for disaster relief, and insurance—including activities of the Federal Emergency Management Agency—also is provided in this function.

House Resolution.—The resolution establishes levels of $10.1 billion in budget authority [BA] and $11.4 billion in outlays in fiscal year 2002, a decrease of 9.8 percent in BA compared with fiscal year 2001. The 5-year totals are $53.2 billion in BA and $53.7 billion in outlays; and the 10-year totals are $113.9 billion in BA and $108.8 billion in outlays. Consistent with the President's recommendations, the budget assumes continuation of Community Development Block Grant [CDBG] formula funding at the 2001 level. It also assumes that the Rural Housing and Economic Development Program, begun in 1999, will be terminated due to its duplication of other programs, such as CDBGs.

Senate Amendment.—For 2002, the Senate amendment sets forth $11.2 billion in BA and $11.6 billion in outlays. Over the 2002–2011 ten year period, it assumes $115.0 billion in BA and $108.0 billion in outlays. The Senate adopted an amendment to increase by $108 million Federal Emergency Management Agency (FEMA) funds in 2002. Also adopted was an amendment to increase clean water grants by $1.0 billion in 2002.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, it sets forth $11.9 billion in BA and $11.7 billion in outlays. Over the 2002–2011 ten year period, it sets forth $130.7 billion in BA and $122.8 billion in outlays.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES

Major Programs in Function.—Under current law, spending for Function 500, Education, Training, Employment and Social Services, will total $76.9 billion in BA and $69.8. billion in outlays for 2001. This function includes funding for elementary and secondary, vocational, and higher education; education research and other education activities; job training and employment services; aging services; children and families services; adoption and foster care assistance; and funding for the arts and humanities.

House Resolution.—The resolution establishes levels of $82.1 billion in budget authority [BA] and $76.2 billion in outlays in fiscal year 2002, an increase of 6.8 percent in BA compared with fiscal year 2001. The 5-year function totals are $425.6 billion in BA and $412.7 billion in outlays; and the 10-year totals are $917.7 billion in BA and $891.7 billion in outlays.

The resolution assumes the President's proposal to redirect the $1.2 billion provided for school renovation, first funded in 2001, allowing States to reallocate the 2001 funds among school renovation, technology, or special education. For 2002, the budget assumes States can use this funding stream for priorities such as special education, help for low-perfoming schools, or accountability reforms.

The resolution also accommodates the President's proposed increase in program spending of the Department of Education by $4.6 billion, or 11.5 percent, in fiscal year 2002. It provides sufficient funding in elementary and secondary education for the President's "No Child Left Behind" education reform plan. Key initiatives include the following:

—A tripling of reading education funds, to $900 million in 2002, and a total increase in reading education spending of $5 billion over 5 years.

—The provision of $2.6 billion for States to improve teacher quality through high-quality professional development, recruitment and retention activities.

—A total of $320 million to help States to develop annual assessments of students, and to establish strong accountability systems; and $69 million to expand State participation in the National Assessment of Education Progress, so that parents, teachers and policymakers can ensure that students are improving.

—Consolidation and streamlining of existing Federal elementary and secondary education programs.

The resolution also assumes the following recommendations by the President: an increase of $137 million for the Impact Aid construction program, which currently receives only $12.8 million; consolidation and increased funding for teacher training and recruiting; a slim of $175 million to help charter schools acquire, construct, or renovate facilities; an increase for "character education" from $9.3 million to $25 million; an increase for the Troops to Teachers program to $30 million; an expansion of the teacher student loan forgiveness program by increasing the loan forgiveness limit from $5,000 to $17,500 for math and science majors who teach those subjects in high-need schools for 5 years.

To provide fiscal assistance to low-income college students, the budget accommodates the President's proposal to increase the Pell Grant program by $1 billion. This will increase the maximum award for all qualifying students to $3,850.

The budget also assumes an increase of 6.4 percent in funding for historically black colleges and graduate institutions, and Hispanic serving institutions, with a goal of increasing these programs 30 percent by 2005. The resolution also accommodates the President's proposed expansion of programs to protect abused and neglected children under the Safe and Stable Families Act, and provision of education or training vouchers to children aging out of foster care.

The resolution creates a $1.25-billion reserve fund for the Individuals with Disabilities Education Act [IDEA] Part B grants to States.

Senate Amendment.—The Senate Amendment does not revise the 2001 levels. For 2002, the Senate provides $111.9 billion in BA and $79.4 billion in outlays. Over the ten-year period 2002–2011, the Senate provides a total of $1,265.4 billion in BA, and $1,194.1 billion in outlays.

The Senate adopted the following amendments to the President's budget:

—For unspecified education funding, an amendment adding $8.3 billion in discretionary BA and $1.0 billion in outlays in 2002, and adding $242.0 billion in mandatory BA and $223.6 billion in outlays over the period 2003–2011.

—For IDEA (special education), an amendment adding $70.0 billion in mandatory BA and $70.0 billion in outlays over the ten-year period 2002–2011.

—For the Social Services Block Grant, an amendment adding $680 million in mandatory BA and outlays in 2002.

—For education technology, an amendment adding $628 million in discretionary BA and $35 million in outlays in 2002.

—For Impact Aid, an amendment adding $300 million in discretionary BA and $150 million in outlays in 2002.

—For children's services, an amendment adding $271 million in discretionary BA and $243 million in outlays in 2002.

—For American history education, an amendment adding $100 million in discretionary BA and $25 million in outlays in 2002.

Conference Agreement.—The Conference Agreement revises 2001 levels to $77.0 billion in BA and $69.9 billion in outlays. For 2002, the Conference Agreement provides $81.2 billion in BA and $76.7 billion in outlays. Over the ten-year period 2002–2011, the Conference Agreement provides a total of $904.0 billion in BA and $887.6 billion in outlays. The Conferees assume that within these aggregate numbers, the Grants to States program under the Individuals with Disabilities Education Act (IDEA) will receive funds of at least $7.59 billion in 2002, and that further additional resources for education should be focused on this program.

FUNCTION 550: HEALTH

Major Programs in Function.—Under current law, spending for Function 550, Health, will total $180.1 billion in BA and $173.0 billion in outlays for 2001. The major programs in this function include Medicaid, the State Children's Health Insurance Program, health benefits for federal workers and retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources Services Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration.

House Resolution.—The resolution establishes levels of $204.0 billion in BA and $201.1 billion in outlays in fiscal year 2002, an increase of 11.7 percent in BA compared with fiscal year 2001.

The function totals are $1.20 trillion in BA and $1.19 trillion in outlays over 5 years, and $2.86 trillion in BA and $2.84 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to double the National Institutes of Health [NIH] 1998 funding level of $13.6 billion by 2003. To accomplish this, the 2002 budget assumes $23.1 billion for NIH, a $2.8 billion increase above the 2001 level. To strengthen the health care safety net, the budget assumes the President's $124-million increase for community health centers. The budget also assumes $8.3 billion over 10 years for the enactment of H.R. 600, the Family Opportunity Act of 2001. Under the Act, States would have the option to expand Medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

Finally, Function 550 assumes $43.1 billion (fiscal years 2002-2005) of the President's proposed Medicare reform, including the Immediate Helping Hand Prescription Drug Plan. (The costs for fiscal years 2006 through 2011 are reflected in Function 570.) The resolution also assumes the outlay effect of the President's proposed refundable health care tax credits, and the impact of the extension of an OBRA 1990 provision limiting Department of Veterans Affairs [VA] pensions for Medicaid recipients in nursing homes.

Senate Amendment.—The Senate amendment revises 2001 BA and outlays by $2.5 billion for the President's Immediate Helping Hand prescription drug program for seniors. The amendment sets forth $216.1 billion in BA and $213.2 billion in outlays in 2002, and $2,938.3 billion in BA and $2,914.4 billion in outlays over 2002–2011.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. For mandatory spending, an additional $28 billion was added over 2002–2004 for health spending for the uninsured. A reserve fund of $200 million in 2002 and $7.9 billion over 10 years was included for the Family Opportunity Act. In discretionary spending, an additional $700 million was assumed for NIH spending in 2002. The Indian Health Service was increased by $67.3 billion over 10 years. Budget authority for the FDA was increased by $40 million in 2002 and $400 million over 10 years. Amendments were adopted to increase funding for graduate medical education at children's hospitals by $50 million in 2002 and to provide an additional $136 million in 2002 for both graduate medical education and consolidated health centers.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $198.8 billion in BA and $196.7 billion in outlays. Over 10 years, it provides $2,773.8 billion in BA and $2,757.1 billion in outlays.

Under the Conference Agreement, funding for the President's Immediate Helping Hand prescription drug proposal ($43.1 billion over 2002–2005 plus an additional $2.5 billion in 2001) was moved to Function 570 (Medicare). The Conference Agreement includes a reserve fund for the Family Opportunity Act of $227 million in 2002 and $8.3 billion over 10 years. The function totals also include a reserve fund of $28 billion over 10 years for additional health spending for the uninsured; the budget levels and aggregates in this function assume that these funds will be spent over the 2002–2004 period. This reserve fund can be used for either direct spending or revenue changes associated with legislation to improve health insurance coverage. The Conference Agreement also assumes Medicaid Upper Payment Limit savings of $11.7 billion over 10 years.

FUNCTION 570: MEDICARE

Major Programs in Function—Under current law, spending for Function 570, Medicare, will total $217.5 billion in BA and $217.7 billion in outlays for 2001. Medicare provides health insurance coverage for persons over age 65 and qualified disabled workers.

House Resolution—The resolution establishes levels of $229.1 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 5.3 percent in BA compared with fiscal year 2001. The function totals are $1.34 trillion in BA and $1.33 trillion in outlays over 5 years, and $3.31 trillion in BA and outlays over 10 years. As proposed in the President's budget, the budget resolution assumes $153 billion over 10 years for Medicare Reform, including the Immediate Helping Hand Prescription Drug Plan. This total is shared by Function 550 and Function 570; Function 570 incorporates $109.9 billion of the total over 10 years. The budget is consistent with the provisions of the Social Security and Medicare Lock-Box Act of 2001, which stipulates that the Medicare Hospital Insurance [HI] surplus can be used only for debt reduction or Medicare reform. The resolution establishes a reserve fund that could be used to accommodate a more expanded Medicare reform/prescription drug proposal. It also establishes a general purpose reserve fund that could address Medicare initiatives.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the amendment provides $229.1 billion in BA and outlays. Over 10 years, the amendment provides $3,308.0 billion in BA and $3,307.6 billion in outlays for this function, the same as the House resolution.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. A reserve fund was adopted that allows for additional spending for Medicare reform and prescription drugs that goes beyond the $153 billion over 10 years already included in the functional totals and budget aggregates. (This amount includes $43.1 billion in Function 550 and $109.9 billion in Function 570.) The amount allocated from the reserve fund will be determined by the Chairman of the Senate Budget Committee using a Congressional Budget Office cost estimate of the President's Medicare reform proposal or a comparable proposal submitted by the Committee on Finance. In no case will the amount exceed $300 billion over 10 years (including the $153 already reflected in the budget totals). The Senate amendment also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $229.2 billion in BA and $229.1 billion in outlays. Over 10 years, the resolution provides $3,516.1 billion in BA and $3,515.7 billion in outlays for this function.

The Conference Agreement includes a reserve fund of up to $300 billion for Medicare reform and a prescription drug benefit. The amount allocated from the reserve fund will be determined by the Chairmen of the Budget Committees of the House and Senate. The resolution also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending. This reserve fund is to be used to finance the repeal of the 15% reduction in Medicare home health payments, currently scheduled to take effect on October 1, 2002.

FUNCTION 600: INCOME SECURITY

Major Programs in Function—Under current law, spending for Function 600, Income Security, will total $255.9 billion in BA and $256.9 billion in outlays for 2001. This function contains: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and Veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. This last category includes Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), and spending for the refundable portion of the Earned Income Credit (EIC).

House Resolution—The resolution establishes levels of $271.5 billion in budget authority [BA] and $272.1 billion in outlays in fiscal year 2002, an increase of 6 percent in BA compared with fiscal year 2001. The function totals are $1.47 trillion in BA and outlays over 5 years, and $3.21 trillion in BA and $3.20 trillion in outlays over 10 years. Consistent with the President's budget, the resolution accommodates continued State innovation, and the mobilization of private-sector, corporate, and faith-based sources, for addressing the needs of low-income Americans—a process that began with the historic 1996 welfare reform law. In particular, the budget proposes a number of initiatives to encourage more charitable giving to community organizations that are effectively helping disadvantaged Americans to improve their lives and increase their families' well-being. Other initiatives are intended to strengthen low-income families and to address the needs of children caught in the Nation's foster care system. The budget provides sufficient funding to renew all expiring public housing contracts, and adds funding for 34,000 new section 8 vouchers. Additionally, the budget provides new funding to increase home-ownership among low-income families. Beyond these priorities, the focus in fiscal year 2002 will be to improve management of HUD's programs, several of which have been designated among the General Accounting Office's "High Risk" programs, vulnerable to substantial amounts of fraud and mismanagement.

Other assumptions of the resolution are the following:

—Providing $1.4 billion for Low-Income Home Energy Assistance Program [LIHEAP] funding to help low-income families heat their homes.

—Funding the Special Supplemental Nutrition Program for Women, Infants and Children [WIC] at 7.25 million individuals per month, maintaining current program level.

—Maintaining current law policies for the Food Stamp Program, which will result in $20 billion in outlays for benefits and program administration in fiscal year 2002.

The resolution also accommodates the outlay effects related to the President's refundable tax proposals.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the resolution provides $278.8 billion in BA and $274.9 billion in outlays. Over 10 years, the resolution provides $3,210.0 billion in BA and $3,194.5 billion in outlays. The Senate adopted three amendments to the President's budget. In mandatory funds for 2002, the Senate amendment includes $319 million to extend TANF supplemental grants. In discretionary funds for 2002, the Senate amendment includes an additional $2.6 billion for Low Income Home Energy Assistance and $870 million for child care. The remaining difference between the House resolution and the Senate amendment is due to the Senate's treatment of advance appropriations and the greater amount of BA and outlays provided in the House resolution for the refundable portion of tax credits.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $273.8 billion in BA and $272.1 billion in outlays. Over 10 years, it provides $3,222.5 billion in BA and $3,206.7 billion in outlays. The Conference Agreement adopts the Senate amendment regarding TANF supplemental grants.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Under current law, spending for Function 650, Social Security, will total $435.2 billion in BA and $433.1 billion in outlays for 2001. This function includes Social Security benefits and administrative expenses. Under provisions of the Budget Enforcement Act, Social Security trust funds are off-budget. The figures below reflect the on budget portions of this function, primarily payments from the general fund to the trust funds to credit the trust funds for income taxes collected on Social Security benefits. Both on-budget and off-budget spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $11.0 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 12.2 percent in BA compared with fiscal year 2001. The on-budget function totals are $62.8 billion in BA and $62.7 billion in outlays over 5 years, and $150.9 billion in BA and outlays over 10 years. The resolution supports the President's approach to Social Security reform through the following specific measures:

—It assumes provisions of the Social Security and Medicare Lock-Box Act of 2001 (H.R. 2), recently passed by the House, which prohibits using Social Security surpluses for any purpose other than debt reduction or Social Security reform.

—It assumes the President's proposal to provide $7.7 billion for the SSA, an increase of $456 million, or 6.3 percent, above fiscal year 2001. The increase will allow SSA to process 100,000 more initial disability claims in 2002 than in 2001.

—It makes no changes in current Social Security benefits or taxes.

Senate Amendment.—The Senate amendment does not revise 2001 on-budget totals of $9.8 billion in BA and outlays. For 2002, the resolution assumes $10.9 billion in both BA and outlays. Over 10 years, the resolution provides $140.0 billion in both BA and outlays.

The President's budget assumes no changes to Social Security benefits. Indirectly, however, the tax cut proposal would decrease both on-budget spending and the trust fund surplus. The President's tax proposal would reduce marginal income rates, thereby decreasing the amount of income taxes paid on Social Security benefits. This reduces on-budget payments from the general fund to the trust funds to credit the trust funds for income taxes paid on Social Security benefits by $11 billion over 10 years. The difference between the House resolution and the Senate amendment is that the House holds the Social Security trust funds harmless for the impact of the tax cut.

Conference Agreement.—The Conference Agreement does not revise 2001 on-budget totals. The Senate recedes to the House and agrees to hold the trust funds harmless for the impact of any tax cuts resulting from this agreement. For 2002, the Conference Agreement assumes $11.0 billion in both BA and outlays. Over 10 years, it provides $150.9 billion in BA and $150.9 billion in outlays.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

Major Programs in Function.—Under current law, spending for Function 700 Veterans Benefits and Services, will total $46.7 billion in BA and $45.9 billion in outlays for 2001. This budget function includes income security needs of disabled veterans, indigent veterans, and survivors of deceased veterans through compensation benefits, pensions, and life insurance programs. Major education, training, and rehabilitation and readjustment programs include the Montgomery GI Bill, the Veterans Educational Assistance program, and the Vocational Rehabilitation and Counseling program. Veterans can also receive guarantees on home loans. Roughly half of all spending in this function is for the Veterans Health Administration, which is comprised of hospitals, nursing homes, domiciliaries, and outpatient clinics.

House Resolution.—The resolution establishes levels of $52.3 billion in BA and $51.6 billion in outlays in fiscal year 2002, an increase of 12 percent in BA compared with fiscal year 2001. The function totals are $278.7 billion in BA and $276.5 in outlays over 5 years, and $594.0 billion in BA and $589.8 billion in outlays over 10 years.

The budget assumes the enactment of veterans' burial benefits enhancements in H.R. 801, the Veterans' Opportunity Act of 2001. It also assumes increases in mandatory spending for Montgomery GI Bill education benefits improvements. The budget assumes the permanent extension of several expiring provisions of existing law pertaining to veterans benefits. These. include IRS income verification for means-tested veterans and survivor benefits; limiting VA pension to Medicaid recipients in nursing homes; and continuing current housing loan fees.

Senate Amendment.—The Senate amendment assumes $53.8 billion ifi BA and $53.1 billion in outlays in 2002, and $600.6 billion in BA and $596.2 billion in outlays over 2002–2011. The Senate adopted two amendments to increase funding for Veterans Medical Care. The first amendment added $1.718 billion in BA each year from 2002 to 2011 and the second amendment added, $967 million in BA for 2002.

Conference Agreement.—For 2002, it sets forth $51.5 billion.in BA and $50.9 billion in outlays. Over 10 years, it provides $605.4 billion in BA and $600.9 billion in outlays.

The agreement also assumes an increase in funding in mandatory spending for improvements to the Montgomery GI Bill and veterans burial, benefits. The agreement also assumes an extension of several expiring provisions of the Omnibus Budget Reconciliation Act of 1990.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—Under current law, spending for Function 750, Administration of Justice, will total $30.6 billion in BA and $30.0 billion in outlays for 2001. This function provides funding for federal law enforcement activities. These activities include criminal investigations by the Federal Bureau of Investigation and the Drug Enforcement Administration, and border enforcement and the control of illegal immigration by the Customs Service and the Immigration and Naturalization Service. Also funded through this function are the federal courts, federal prison operation and construction, and criminal justice assistance.

House Resolution.—The resolution establishes levels of $30.9 billion in budget authority [BA] and $30.3 billion in outlays in 2002, an increase of 1.0 percent in BA compared with fiscal year 2001. The function totals are $166.6 billion in BA and $166.5 billion in outlays over 5 years, and $359.3 billion in BA and $356.8 billion in outlays over 10 years. The resolution accommodates the President's proposals to increase funding for the Drug Enforcement Agency by 9 percent; the Federal Bureau of Investigation by 8 percent; the Federal Bureau of Prisons by 8 percent; the U.S. Attorneys by 7 percent; and to hire and train 550 new Border Control agents.

Senate Amendment.—For 2002, the resolution sets forth $32.4 billion in BA and $31.8 billion in outlays. Over the 2002–2011 ten year period, it sets forth $360.8 billion in BA and $358.3 billion in outlays. These levels reflect adoption of an amendment to increase Department of Justice state and local law enforcement assistance grant programs by $1.5 billion in 2002.

Conference Agreement.—The Conference Agreement sets forth $32.4 billion in BA and $31.4 billion in outlays for 2002. Over the 2002–2011 10 year period, the agreement sets forth $378.5 billion in BA and $374.8 billion in outlays.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—Under current law, spending for Function 800 General Government, will total $16.3 billion in BA and $16.1 billion in outlays for 2001. This function consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories.

House Resolution.—The resolution establishes levels of $16.7 billion in budget authority [BA] and $16.3 billion in outlays in fiscal year 2002, an increase of 2.2 percent in BA compared with fiscal year 2001. The function totals are $84.2 billion in BA and $83.0 billion in outlays over 5 years, and $176.7 billion in BA and $173.4 billion in outlays over 10 years.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution assumes $16.6 billion in BA and $16.3 outlays. Over 10 years, the resolution provides $176.7 billion in BA and $173.4 billion in outlays.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the Conference Agreement assumes $16.5 billion in both BA and $16.2 billion outlays. Over 10 years, it provides $183.2 billion in BA and $179.5 billion in outlays.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Under current law, on-budget spending for Function 900, Net Interest, will total $254.8 billion in BA and outlays for 2002. Net interest is the interest paid for the federal government's borrowing minus the interest income received by the federal government. Net interest includes both on-budget and an off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total interest spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement. Interest is a mandatory payment, with no discretionary component.

House Resolution.—The accounting of net interest in the budget includes only the on-budget component of interest spending. This spending declines at a relatively steady but moderate pace from $274 billion in 2001 to $219 billion in 2011. But even this decline understates—by significant amounts—the benefits to taxpayers of the debt reduction incorporated in this budget. When off-budget interest is taken into account (the increasing Federal credit accruing to the Social Security Trust Fund surplus in the form of government IOUs, and entered as negative spending), the overall net interest spending of the Federal Government is being virtually eliminated. It declines from $205 billion in 2001 to just $21 billion. in 2011.

Senate Amendment.—The Senate amendment revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.7 billion in BA and outlays. Over 10 years, it provides on-budget amounts of $2,440.3 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.2 billion. in BA and outlays. Over 10 years, it provides on-budget amounts of $2,425.7 billion in BA and outlays.

FUNCTION 920: ALLOWANCES

Major Programs in Function—Under current law, spending for Function 920, Allowances, will total -$0.5 billion in BA and -$0.3 billion in outlays for 2001. This function usually displays the budgetary effects of proposals that cannot be easily distributed across other budget functions. In the case of 2001, it reflects the 0.22% across-the-board cut.that was enacted in the Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 2001. But CBO could not display those cuts by account and by function until the Administration could display how the cuts would be implemented in the release of the full President's budget request.

In past years, Function 920 has also included total savings or costs from proposals associated with emergency spending or proposals contingent on possible future events that have uncertain chances of occurring. Most recently, in the Senate amendment and Conference Agreement on budget resolutions for both 2001 and 2002, the figures expressed in the budget resolution text (as well as the summary tables) for all other budget functions reflect the total level of discretionary spending contemplated by the budget resolution (e.g., as described in section 203 of the Conference Agreement on the 2002 budget). These levels are higher than the statutory cap on discretionary spending in.place for those years. But because a budget resolution would be out of order in the Senate if it contains a level of discretionary spending higher than the statutory cap, the figures in the budget resolution text in Function 920 have had to reflect a negative entry that reduces the net level of discretionary spending from the contemplated level (as aggregated across all other budget functions) to the statutory level. The summary tables, however, omit this negative entry for Function 920 so that their aggregates reflect the levels ultimately intended by the resolution.

House Resolution—For discretionary spending, the budget resolution calls for $5.0 billion in budget authority [BA] and $1.8 billion in outlays in fiscal year 2002. The 5-year spending totals are $29.1 billion in BA and $22.4 billion in outlays; and the 10-year totals are $64.0 billion in BA and $55.5 billion outlays. There is no mandatory spending in this function.

The funds identified constitute primarily a set-aside fund for unanticipated emergency needs during the fiscal

Senate Amendment.—The Senate amendment revises the 2001 levels to $80.5 billion in BA and $80.7 billion in outlays in 2001, reflecting the Senate's adoption of an amendment to further increase a tax refund for that year. For 2002, the resolution sets forth -$6.1 billion in BA and -$8.6 billion in outlays. The resolution provides -$15.9 billion in BA and -$23.1 billion in outlays over 2002-2010. These figures (as shown in the summary tables) reflect the effect of 13 amendments adopted by the Senate that sought to suggest an increase in spending in other functions and that appeared to "offset" such increased spending by bookkeeping the same amount with a negative value in Function 920. These figures do not include the entry necessary to reduce the overall discretionary level to the statutory cap.

Conference Agreement.—The Conference Agreement revises the 2001. levels to $84.5 billion in BA and $84.7 billion in outlays. For 2002, the resolution provides -$0.7 billion in BA and -$0.6 billion in outlays. Over 10 years, it provides -$7.2 billion in BA and -$7.7 billion in 23 outlays. Regarding the language adopted by the Senate amendment (included in the resolution text setting forth levels for this function) that directed how the tax rebate for 2001 was to be provided, the Senate receded to the House.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Under current law, receipts in Function 950, Undistributed Offsetting Receipts, will total about $46.2 billion (negative BA and outlays) for 2001. Function 950 includes both on-budget and off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total receipts are shown, however, in the summary tables contained in this Conference Agreement. This function records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as "undistributed" in this. function are: the payments federal agencies make to retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House Resolution.—The resolution calls for -$42.3 billion in budget authority [BA] and outlays in fiscal year 2002, a decrease of 10.6 percent in BA compared with fiscal year 2001, (or an increase of 10.6 percent in receipts compared with fiscal year 2001). The 5-year function totals are -$239.8 billion in BA and outlays; and the 10-year totals are -$492.3 billion in BA and outlays.

These totals comprise entirely of mandatory spending. There is no discretionary spending in this function.

The resolution does not assume lease bonuses from the Arctic National Wildlife Refuge or an analog spectrum license fee or other spectrum offsets. It also assumes permanent extension of the Balanced Budget Act [BBA] provision that increased, by 1.51 percentage points, Federal agency contributions to the Civil Service Retirement and Disability Trust Fund [CSRDF] on behalf of their CSRS-participant employees. That provision had been scheduled to sunset after fiscal year 2002.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution provides -$38.8 billion in BA and outlays. Over 10 years, the resolution provides -$495.7 billion in BA and outlays. The Senate amendment is the same as the House resolution, except that it reflects both the President's proposals to delay certain spectrum auctions and to impose a fee on broadcasters using spectrum channels for analog broadcasts to encourage the transition to digital television.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides -$38.8 billion in BA and outlays. Over 10 years, it provides -$494.1 billion in BA and outlays. The conferees agree to the President's proposal to delay certain spectrum auctions that was assumed in the Senate amendment, but do not agree to the President's proposal for an analog lease fee.

REVENUES

Federal revenues are taxes and other collections from the public that result from the government's sovereign or governmental powers. Federal revenues include individual income taxes, corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, customs duties and miscellaneous receipts (which include deposits of earnings by the Federal Reserve System, fines, penalties, fees for regulatory services, and others).

Under current law, federal tax collections are projected to total $28 trillion over the next ten years. This year, total revenues are projected to equal 20.7 percent of GDP, slightly below the World War II record level of 20.9 percent. Over the projection period 2002-2011, under current law, total revenues are projected to average 20.3 percent of GDP, far above historical averages for any time period, including times of war.

House Resolution.—The House resolution for $1.62 trillion in tax reduction over the next 10 years. This level would accommodate the President's priority tax cut proposals: reducing marginal tax rates, doubling the per-child tax credit; providing relief from the marriage penalty, and providing death tax relief. It also provides for additional tax reduction, subject to the discretion of the Committee on Ways and Means. Such measures might include charitable deduction expansion; refundable tax credits for private health insurance; Education Savings Account expansion and other education provisions; Individual Retirement Account [IRA] increases and other pension reform; and permanent extension of the research and development [R&D] tax credit. (The refundable elements of the President's tax proposals, which are treated as spending, appear in the functional areas to which they apply.) It also assumes, but does not reconcile, the revenue effect of a proposed reduction in fees levied by the Securities and Exchange Commission, and a requirement that the Federal Reserve pay interest on deposits at the Reserve. The resolution also establishes a reserve fund for further tax reduction should the Congressional Budget Office's summer update indicate additional non-Social Security surpluses. The reserve fund could allow for measures such as extension of Medical Savings Accounts, repeal of transportation deficit reduction fuel taxes, and reduction of the capital gains rate.

Senate Amendment.—The Senate amendment revises the 2001 on-budget revenue level to $1,630.3 billion. It sets forth on-budget revenues of $1,644.8 billion in 2002, and $20,007.1 billion over the ten years 2002–2011. The Senate amendment assumes a tax reduction, relative to the CBO baseline, of $1,188.1 billion over the period 2002–2011, about $450 billion less than the tax relief assumed in the House resolution. The Senate amendment includes an allowance (in Function 920) for a surplus refund of up to $85 billion in 2001. The refund represents about 88 percent of the $96 billion non-Social Security, non-Hospital Insurance surplus projected under current law for 2001. The tax relief assumed in the Senate amendment represents just four percent of all projected revenues over the next 10 years, and less than one percent of GDP over the next 10 years.

Conference Agreement.—The Conference Agreement includes language for reconciliation of tax relief including a surplus refund of $1,350 billion over the period 2001–2011. In addition, the Conference Agreement accepts the House position to assume a 1-year extension of tax provisions expiring in 2001, legislation to reduce SEC fees, and legislation to permit the Federal Reserve System to pay interest on reserve balances. These three provisions would not be reconciled, and are assumed to reduce revenues by $19 billion over ten years. The total amount of tax relief, surplus refund, and other revenue changes assumed in the Conference Agreement, both reconciled and non reconciled, is $1,369 billion over the 2001–2011 period.

DEBT LEVELS

Debt held by the public peaked at $3.773 trillion in 1997. At the end of 2001, debt held by the public is projected to be $3.243 trillion, $530 billion lower than just 4 years ago. This is a reduction of 14 percent from peak levels.

The table on the following page shows the levels of debt held by the public resulting from the policies assumed in the Conference Agreement. The policies assumed in the Conference Agreement result in a reduction in debt in every year through 2011 and total debt reduction of $2.425 trillion from the end of 2001 through the end of 2011. Debt held by the public falls to 4.8 percent of GDP, its lowest level since 1916, prior.to World War 1.

The Conference Agreement proposals result in retiring the maximum amount of public debt that can reasonably be retired. Under the budget resolution, the debt remaining in 2010 and 2011 is considered (by CBO's estimates) to be the minimum debt level. It consists mostly of marketable bonds that will not have matured and that will be too expensive to buy back, savings bonds, and special bonds for State and local governments.

2002 BUDGET RESOLUTION

[$ billions]

Debt Held by the Public; 2001—3,243.2, 2002—3,037.9; 2003—2,810.7; 2004—2,563.6; 2005—2,303.1; 2006—2,022.5; 2007—1,702.9; 2008—1,350.0; 2009—947.3; 2010—878.0; 2011—818.0.

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in spending or revenues. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in sections 310 and 313 of the Budget Act.

House resolution

Section 4 provides for five different reconciliation bills. It contains directives to the Ways and Means Committee to report three tax-only bills to the floor by May 2d, May 23rd, and June 20th of fiscal year 2001. Additional directives to the Ways and Means and the Energy and Commerce Committees are designed to allow those committees to reform the Medicare program and provide a prescription drug benefit. The Medicare-related legislation must be submitted to the House Budget Committee no later than July 24, 2001. An additional omnibus bill will be composed of submissions from six different committees that will contain both spending and revenue changes. These Committees are required to submit their recommendations to the Budget Committee by September 11, 2001.

Senate amendment

The Senate amendment provides a reconciliation instruction to the Senate Committee on Finance to reduce revenues for the period of fiscal years 2001 through 2011 by not more than the amount of revenue reductions set out in the revenue aggregates in the resolution. It also instructs the Committee on Finance to increase outlays by not more than $60 billion for the period of fiscal years 2001 through 2011. This reconciliation instruction was added by an amendment offered by Senator Domenici. The reduction in the revenue aggregates plus the $60 billion in outlays would permit up to $1.248 trillion in "tax relief" over this 11-year period.

Conference agreement

The Conference Agreement provides a reconciliation instruction to the House Committee on Ways and Means and to the Senate Committee on Finance to report, by May 18, 2001, legislation to reduce revenues by not more than $1,250 billion for the period of fiscal years 2001 through 2011. It also instructs the House Committee on Ways and Means and the Senate Committee on Finance to report, by May 18, 2001, legislation to increase outlays by not more than $100 billion for the period of fiscal years 2001 through 2011. The total reconciliation instruction to both the House Committee on Ways and Means and the Senate Committee on Finance is for $1,350 billion including a $100 billion economic stimulus package to be distributed over the next two years.

ALLOCATIONS

As required in section 302 of the Budget Act, the joint statement of the managers includes an allocation, based on the Conference Agreement, of total budget authority and total budget outlays among each of the appropriate House and Senate committees.

The allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

(In millions of dollars)

		2001	2002
General Purpose *	BA	641,979	659,540
	OT	615,529	647,780
Highways *	BA		
	OT	26,920	28,489
Mass Transit *	BA		
	OT	4,639	5,275
Conservation *	BA		1,760
	OT		1,232
Total Discretionary Action	BA	641,979	661,300
	OT	647,088	682,776
Current Law Mandatory	BA	332,768	357,786
	OT	316,432	350,418

* - Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

													Total	
		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2006	2002-2011
Agriculture Committee														
Current Law	BA	21,035	14,020	3,570	3,436	3,486	3,537	3,580	3,362	3,855	3,997	4,062	28,049	46,905
	OT	17,238	10,701	67	-11	-8	33	38	-284	361	720	830	10,782	12,447
Discretionary Action	BA	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
	OT	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
Reauthorizations	BA	0	0	30,479	31,321	31,777	31,732	30,897	30,574	31,331	31,972	32,579	125,309	282,662
	OT	0	0	29,137	31,222	31,690	31,654	30,825	30,507	31,268	31,918	32,533	123,703	280,754
Total	BA	26,535	21,370	34,049	34,757	35,263	35,269	34,477	33,936	35,186	35,969	36,641	160,708	336,917
	OT	22,738	18,051	29,204	31,211	31,682	31,687	30,863	30,223	31,629	32,638	33,363	141,835	300,551
Armed Services Committee														
Current Law	BA	50,884	52,630	59,578	61,763	63,987	66,156	68,382	70,624	72,894	75,262	77,684	304,114	668,960
	OT	50,761	52,536	59,494	61,675	63,905	66,070	68,293	70,535	72,806	75,177	77,599	303,680	668,090
Discretionary Action	BA	0	146	106	74	43	29	11	11	5	9	6	398	440
	OT	0	146	106	74	43	29	11	11	5	9	6	398	440
Total	BA	50,884	52,776	59,684	61,837	64,030	66,185	68,393	70,635	72,899	75,271	77,690	304,512	669,400
	OT	50,761	52,682	59,600	61,749	63,948	66,099	68,304	70,546	72,811	75,186	77,605	304,078	668,530
Financial Services Committee														
Current Law	BA	9,629	6,697	6,978	6,404	6,189	5,904	5,833	5,668	5,637	5,737	5,865	32,172	60,912
	OT	4,149	1,366	1,228	763	187	-710	-886	-1,092	-1,147	-1,196	-1,245	2,834	-2,732
Committee on Education and the Workforce														
Current Law	BA	5,408	5,698	4,774	4,123	5,099	5,302	5,396	5,498	5,624	5,752	5,867	24,996	53,133
	OT	4,544	5,049	4,627	4,137	4,519	4,844	4,901	4,997	5,116	5,236	5,342	23,176	48,768
Discretionary Action	BA	5	5	5	5	7	10	10	10	10	10	10	32	82
	OT	5	5	5	5	7	10	10	10	10	10	10	32	82
Reauthorizations	BA	0	305	305	757	774	793	3,640	3,731	3,820	3,914	4,012	2,934	22,051
	OT	0	58	244	669	772	790	2,789	3,622	3,794	3,887	3,984	2,533	20,609
Total	BA	5,413	6,008	5,084	4,885	5,880	6,105	9,046	9,239	9,454	9,676	9,889	27,962	75,266
	OT	4,549	5,112	4,876	4,811	5,298	5,644	7,700	8,629	8,920	9,133	9,336	25,741	69,459
Energy and Commerce Committee														
Current Law	BA	1,852	9,774	11,636	16,674	17,773	17,853	18,852	13,903	13,891	13,928	13,967	73,710	148,251
	OT	3	9,660	10,240	16,538	17,592	17,687	17,867	17,189	17,594	14,925	13,919	71,717	153,211
Discretionary Action	BA	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
	OT	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
Reauthorizations	BA	0	0	0	0	0	0	0	5,000	5,000	5,000	5,000	0	20,000
	OT	0	0	0	0	0	0	0	893	833	3,721	4,993	0	10,440
Total	BA	1,852	12,461	13,561	12,632	15,760	12,759	17,672	17,628	17,514	17,438	17,352	67,173	154,777
	OT	3	12,347	12,165	12,496	15,579	12,593	16,687	16,807	17,050	17,156	17,297	65,180	150,177

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES
Committees Other than Appropriations

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	
													2002-2006	2002-2011
Government Reform Committee														
Current Law	BA	60,669	62,982	65,455	68,016	70,498	73,038	75,736	78,477	81,347	84,403	87,520	339,989	747,472
	OT	59,270	61,610	64,142	66,808	69,358	71,963	74,709	77,574	80,423	83,676	86,797	333,881	737,060
Discretionary Action	BA	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
	OT	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
Total	BA	60,669	62,982	64,959	67,493	69,997	72,563	75,290	78,064	80,969	84,063	87,221	337,994	743,601
	OT	59,270	61,610	63,646	66,285	68,857	71,488	74,263	77,161	80,045	83,336	86,498	331,886	733,189
Committee on House Administration														
Current Law	BA	112	87	89	86	87	87	87	88	88	88	88	436	875
	OT	68	33	60	252	42	27	59	221	88	70	64	414	916
International Relations Committee														
Current Law	BA	11,390	11,727	11,813	11,829	12,114	12,369	12,694	12,661	12,607	12,586	12,629	59,852	123,029
	OT	10,463	10,482	10,599	10,838	11,039	11,281	11,607	11,817	11,935	12,005	12,078	54,239	113,681
Resources Committee														
Current Law	BA	2,682	2,742	2,552	2,291	2,324	2,363	2,507	2,512	2,624	2,728	2,691	12,272	25,334
	OT	2,551	2,636	2,662	2,354	2,312	2,330	2,455	2,443	2,550	2,656	2,614	12,294	25,012
Discretionary Action	BA	0	0	87	89	93	96	0	0	0	0	0	365	365
	OT	0	-3	-58	4	56	89	149	88	31	0	-1	88	355
Total	BA	2,682	2,742	2,639	2,380	2,417	2,459	2,507	2,512	2,624	2,728	2,691	12,637	25,699
	OT	2,551	2,633	2,604	2,358	2,368	2,419	2,604	2,531	2,581	2,656	2,613	12,382	25,367
Judiciary Committee														
Current Law	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Total	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Transportation and Infrastructure Committee														
Current Law	BA	52,510	54,581	51,787	10,815	10,930	11,154	11,273	11,890	12,198	12,437	12,798	139,267	199,863
	OT	9,662	9,781	9,901	9,868	9,643	9,545	9,487	9,967	10,194	10,378	10,690	48,738	99,454
Reauthorizations	BA	0	0	0	42,665	43,420	44,663	45,843	47,007	48,188	50,491	51,970	130,748	374,247
	OT	0	0	0	86	307	495	569	601	620	633	639	888	3,950
Total	BA	52,510	54,581	51,787	53,480	54,350	55,817	57,116	58,897	60,386	62,928	64,768	270,015	574,110
	OT	9,662	9,781	9,901	9,954	9,950	10,040	10,056	10,568	10,814	11,011	11,329	49,626	103,404
Science Committee														
Current Law	BA	158	192	213	72	74	77	78	80	81	84	85	628	1,036
	OT	66	104	147	179	197	145	97	79	80	83	83	772	1,194
Small Business Committee														
Current Law	BA	-375	0	0	0	0	0	0	0	0	0	0	0	0
	OT	-475	-100	-100	0	0	0	0	0	0	0	0	-200	-200

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total 2002-2006	Total 2002-2011
Veterans' Affairs Committee														
Current Law	BA	1,249	1,356	1,358	1,365	1,356	1,349	1,344	1,335	1,301	1,271	1,243	6,784	13,278
	OT	1,041	1,195	1,220	1,259	1,262	1,274	1,300	1,303	1,277	1,261	1,240	6,210	12,591
Discretionary Action	BA	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
	OT	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
Reauthorizations	BA	0	445	1,035	1,641	2,431	2,888	3,211	4,012	4,644	5,294	5,963	8,440	31,564
	OT	0	407	985	1,590	2,355	2,798	3,111	3,960	4,591	5,240	5,907	8,135	30,944
Total	BA	1,249	2,065	2,872	3,767	4,603	5,122	5,508	6,355	6,539	7,205	7,893	18,429	51,929
	OT	1,041	1,866	2,684	3,610	4,433	4,957	5,364	6,271	6,462	7,141	7,834	17,550	50,622
Ways and Means Committee														
Current Law	BA	697,787	684,366	680,440	697,193	718,687	729,999	752,688	771,900	791,581	810,744	831,149	3,510,685	7,468,747
	OT	696,886	684,537	679,418	695,843	716,988	728,179	751,350	770,209	789,680	809,335	829,471	3,504,965	7,455,010
Reauthorizations	BA	0	285	19,793	19,994	20,001	20,007	20,014	20,022	20,036	20,045	20,053	80,080	180,250
	OT	0	208	20,036	20,913	21,121	21,227	21,284	21,342	21,356	21,365	21,373	83,505	190,225
Discretionary Action	BA	85,000	16,360	3,089	2,834	3,879	4,247	4,984	4,983	4,945	4,902	4,862	30,409	55,085
	OT	85,000	15,900	3,060	2,867	3,950	4,292	5,019	4,998	4,960	4,907	4,867	30,069	54,820
Total	BA	782,787	701,011	703,322	720,021	742,567	754,253	777,686	796,905	816,562	835,691	856,064	3,621,174	7,704,082
	OT	781,886	700,645	702,514	719,623	742,059	753,698	777,653	796,549	815,996	835,607	855,711	3,618,539	7,700,055

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2001
(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		640,803	617,507	0	0
Memo:	*on-budget*	*637,372*	*614,136*		
	off-budget	*3,431*	*3,371*		
Highways		0	26,920	0	0
Mass Transit		0	4,639	0	0
Mandatory		332,768	316,432	0	0
Total		973,571	965,498	0	0
Agriculture, Nutrition, and Forestry		26,339	22,544	29,963	12,133
Armed Services		50,881	50,764	54	54
Banking, Housing and Urban Affairs		11,512	4,075	0	0
Commerce, Science, and Transportation		394	-3,472	751	749
Energy and Natural Resources		2,691	2,609	40	51
Environment and Public Works		39,185	1,838	0	0
Finance		793,558	790,942	169,158	169,328
Foreign Relations		11,369	10,433	0	0
Governmental Affairs		60,669	59,270	0	0
Judiciary		5,064	4,847	264	264
Health, Education, Labor, and Pensions		9,726	8,740	1,852	1,851
Rules and Administration		112	68	0	0
Veterans' Affairs		1,249	1,245	23,556	23,465
Indian Affairs		267	233	0	0
Small Business		-375	-475	0	0
Unassigned to Committee		-330,341	-313,341	0	0
TOTAL		1,655,871	1,605,818	225,638	207,895

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2002
(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		546,945	537,091	0	0
Memo:	*on-budget*	*543,366*	*533,566*		
	off-budget	*3,579*	*3,525*		
Highways		0	28,489	0	0
Mass Transit		0	5,275	0	0
Conservation		1,760	1,232		
Mandatory		358,567	350,837	0	0
Total		907,272	922,924	0	0
Agriculture, Nutrition, and Forestry		21,175	17,856	22,293	13,209
Armed Services		53,053	52,964	54	54
Banking, Housing and Urban Affairs		8,417	1,273	0	0
Commerce, Science, and Transportation		13,452	9,630	805	801
Energy and Natural Resources		2,543	2,435	40	56
Environment and Public Works		41,494	1,799	0	0
Finance		714,700	714,169	185,672	185,713
Foreign Relations		11,706	10,454	0	0
Governmental Affairs		62,982	61,610	0	0
Judiciary		5,195	4,669	264	264
Health, Education, Labor, and Pensions		10,179	9,419	1,804	1,822
Rules and Administration		87	33	0	0
Veterans' Affairs		1,620	1,622	26,902	26,762
Indian Affairs		272	280	0	0
Small Business		0	-100	0	0
Unassigned to Committee		-329,947	-320,947	0	0
TOTAL		1,524,200	1,490,090	237,834	228,681

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

5-YEAR TOTAL: 2002-2006

(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	69,640	52,349	106,745	71,186
Armed Services	305,980	305,551	274	274
Banking, Housing and Urban Affairs	59,463	2,355	0	0
Commerce, Science, and Transportation	72,789	50,419	4,493	4,468
Energy and Natural Resources	11,145	10,947	200	230
Environment and Public Works	181,030	8,380	0	0
Finance	3,755,350	3,752,604	1,086,697	1,086,656
Foreign Relations	59,747	54,108	0	0
Governmental Affairs	337,994	331,886	0	0
Judiciary	22,667	22,405	1,320	1,320
Health, Education, Labor, and Pensions	48,155	46,411	8,972	8,995
Rules and Administration	436	414	0	0
Veterans' Affairs	9,989	9,964	148,529	147,804
Indian Affairs	1,103	1,116	0	0
Small Business	0	-200	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2002-2011
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	114,692	80,210	225,304	156,220
Armed Services	671,521	670,656	549	549
Banking, Housing and Urban Affairs	132,028	-3,390	0	0
Commerce, Science, and Transportation	164,611	118,775	10,178	10,292
Energy and Natural Resources	22,064	21,882	400	430
Environment and Public Works	371,833	15,995	0	0
Finance	8,276,320	8,269,702	2,663,216	2,662,654
Foreign Relations	122,819	113,442	0	0
Governmental Affairs	743,601	733,189	0	0
Judiciary	45,724	44,848	2,640	2,640
Health, Education, Labor, and Pensions	102,173	97,860	17,950	17,973
Rules and Administration	875	916	0	0
Veterans' Affairs	19,277	19,318	317,909	316,669
Indian Affairs	2,112	2,108	0	0
Small Business	0	-200	0	0

The Conferees agree that it would be ideal to enforce this resolution using CBO's best cost estimates based on its most recent baseline. Typically, CBO prepares a preliminary baseline published in January and then a revised baseline in March that incorporates information CBO learns in reestimating the President's budget, which is usually released in early February. Almost always, the budget resolution is based on CBO's revised baseline. This year, however, the President's budget was not released until April 9, so CBO will not release its full analysis of the President's budget and accompanying revised baseline until May 18. Thus, this budget resolution is still based on CBO's preliminary baseline. Therefore the Conferees intend that the Chairmen of the Committees on the Budget may make necessary adjustments only after CBO publishes its analysis of the President's budgetary proposals for fiscal year 2002 including its revised baseline and only to reflect the revised baseline, and may use CBO's estimates (that are consistent with the revised baseline) for purposes of enforcing the budget resolution.

The Conferees also agree that transfers from non-budgetary governmental entities such as the Federal Reserve Bank shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has been long the view of both Committees on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall on 1999. The Conferees agree to a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate paygo points of order.

RULEMAKING AND BUDGETARY PROCEDURES

ENFORCEMENT PROCEDURES

The Budget Act contains procedures for the enforcement of the levels contained therein. In addition, many budget resolutions have contained additional enforcement procedures. In general enforcement is accomplished by setting forth new scoring rules or new points of order which can be raised by any member of either House. Subtitle A of title II of the Conference Agreement contains 4 such provisions.

House resolution

Section 5: Reserve Fund for Emergencies

Section 5 modifies Congressional procedures related to emergency spending in fiscal year 2001. It establishes a separate allocation to the Appropriations Committee for emergencies of $5.6 billion. In lieu of the current practice of automatically increasing the appropriate levels in the budget resolution for designated emergencies, it permits the Appropriations Committee to make such adjustments only if emergency-designated appropriations meet a statutory definition of an emergency and key disaster accounts have been fully funded.

Section 13: Restrictions on Advance Appropriations

Section 13 establishes a scoring rule and budgetary control designed to limit advance appropriations. It provides that for purposes of enforcing the budget resolution, advance appropriations are to be scored in the year in which they are enacted. Under current scorekeeping conventions, appropriations are scored in the year in which they are available for obligation. An exception is provided for programs for which advance appropriations do not exceed a specified level that will be identified in the joint statement of managers.

Section 12: Compliance with Section 13301

Section 12 provides the House the authority to include the administrative expenses related to Social Security in the 302(a) allocation to the Appropriations Committee. As part of an agreement between the House and Senate Budget Committees in 2000, the administrative expenses of the Social Security trust funds are no longer included in the budget resolution. The Budget Committees, however, continue to include these expenses in the 302(a) allocations of the Appropriations Committee because they are controlled through the annual appropriations process. Absent the authority provided under section 12, these expenses could not be included in the 302(a) allocations because the allocations must be consistent with the amounts set forth in the budget resolution.

Senate amendment

Section 201: Restrictions on Advance Appropriations

The Senate amendment contains a new scoring rule with respect to advance appropriations. The new rule provides that both the BA and the outlays for an advance appropriation will be scored for the budget year regardless of the fiscal year in which the funds actually become available for obligation. An exception is provided for advance appropriations which provide full funding for a capital project. The exception is intended to apply to the federal buildings fund within the General Services Administration and not as a means of providing incremental funding to other federal acquisitions.

Section 202: Mechanism for implementing increase of fiscal year 2002 discretionary spending limits

The Senate amendment contains a mechanism virtually identical to that which was included in section 206 of the fiscal year 2001 budget resolution. The Senate amendment provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. Such adjustment is limited to the levels set forth in the mechanism. As passed the Senate, the allocation may be adjusted up to $689.2 billion in BA and $666.5 in outlays for the general discretionary category, $28.5 billion in outlays for the highway category, $5.3 billion in outlays for the mass transit category, and $1.76 billion in BA and $1.38 in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Senate-passed resolution in compliance with section 312(b) of the Budget Act) these numbers are intended to reflect the sum of the functional totals. However due to mathematical inconsistency within some of the amendments adopted during the Senate debate of the resolution, this may not be the case.

Section 207: Limitation on consideration of amendments under reconciliation and a budget resolution

The Senate amendment contains language which modifies the time for debate on budget resolutions, reconciliation bills, and amendments thereto. The language was added by an amendment offered by Senator Byrd. The Senate amendment modifies the procedural rules as follows: (1) limits overall debate time (including the offering of amendments) for both budget resolutions and reconciliation bills to 50 hours (current rules permit 50 hours for budget resolutions and 20 for reconciliation bills); (2) eliminates the non-debatable motion to reduce the time, so that time may only be reduced by unanimous consent; (3) reduces time on 1st degree amendments from 2 hours to 1 hour, and reduce time on amendments to amendments (and debatable motions and appeals) from 1 hour to 30 minutes; (4) requires that 1st degree amendments be offered or filed with the Clerk prior to the end of the 10th hour of consideration and that 2nd degree amendments be offered or filed with the Clerk prior to the end of the 20th hour of consideration; (5) requires that after 40 hours of consideration, the resolution be set aside for 1 calendar day; (6) provides that waiver or appeal from these new rules requires 60 votes in the Senate.

Conference Agreement

Section 201: Restrictions on Advance Appropriations—House

Section 201 of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. Unlike last year's resolution, the same rule will govern in the House of Representatives. The Conference Agreement prohibits any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriations bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

- Commerce, Justice, State
  - Patent and Trademark Office (13 1006 01 376)
  - Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
  - U.S. Trustee System (15 5073 02 752)
  - Federal Trade Commission (29 0100 01 376)
- Interior
  - Elk Hills (89 5428 02 271)
- Labor, Health and Human Services, Education
  - Employment and Training Administration (16 0174 01 504)
  - Health Resources (75 0350 01 551)
  - Low Income Home Energy Assistance Program (75 1502 01 609)
  - Child Care Development Block Grant (75 1515 01 709)
  - Elementary and Secondary Education [reading excellence] (91 0011 01 501)
  - Education for the disadvantaged (91 0900 01 501)
  - School Improvement (91 1000 01 501)
  - Children and Family Services [head start] (75 1536 01 506)
  - Special Education (91 0300 01 501)
  - Vocational and Adult Education (91 0400 01 501)
- Treasury, General Government
  - Payment to Postal Service (18 1001 01 372)
  - Federal Building Fund (47 4542 04 804)
- Veterans, Housing and Urban Development
  - Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of "advance appropriation" that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the House of Representatives). Both the overall cap for fiscal year 2002 (with the specified accounts) and the prohibition (and single exception) for subsequent fiscal years will be enforced in the house by points of order. This limitation is enforced by points of order, which may be raised against advance appropriations not falling within the exception. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 202: Restrictions on Advance Appropriations—Senate

Section 201(a) of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. The Conference Agreement prohibits any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

- Commerce, Justice, State
  - Patent and Trademark Office (13 1006 01 376)
  - Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
  - U.S. Trustee System (15 5073 02 752)
  - Federal Trade Commission (29 0100 01 376)
- Interior
  - Elk Hills (89 5428 02 271)
- Labor, Health and Human Services, Education
  - Employment and Training Administration (16 0174 01 504)
  - Health Resources (75 0350 01 551)
  - Low Income Home Energy Assistance Program (75 1502 01 609)
  - Child Care Development Block Grant (75 1515 01 609)
  - Elementary and Secondary Education [reading excellence] (91 0011 01 501)
  - Education for the disadvantaged (91 0900 01 501)
  - School Improvement (91 1000 01 501)
  - Children and Family Services [head start] (75 1536 01 506)
  - Special Education (91 0300 01 501)
  - Vocational and Adult Education (91 0400 01 501)
- Treasury, General Government
  - Payment to Postal Service (18 1001 01 372)
  - Federal Building Fund (47 4542 04 804)
- Veterans, Housing and Urban Development
  - Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of "advance appropriation" that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the Senate). Both the overall cap on advanced appropriations for fiscal year 2002 for the specified accounts and the prohibition for subsequent fiscal years will be enforced in the Senate by a 60 vote point of order. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 203: Mechanism for Implementing Increase of Fiscal Year 2002 Discretionary Spending Limits

Section 203 of the Conference Agreement retains the language from section 202 of the Senate amendment. Virtually identical language was included in section 206 of last year's budget resolution. It provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. The Conference Agreement permits the allocation to be adjusted up to $659.850 billion in BA and $647.780 in outlays for the general discretionary category, $28.489 billion in outlays for the highway category, $5,275 billion in outlays for the mass transit category, and $1.760 billion in BA and $1.232 in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Conference Agreement in to compliance with section 312(b) of the Budget Act), the functional totals of this Conference Agreement reflect a level of discretionary spending equal to the levels provided in this section.

Section 203 of the Conference Agreement also includes a mechanism for establishing a budget authority firewall in the Senate with respect to defense and nondefense discretionary spending. This firewall would be enforced by a 60-vote point of order only after the section 251 discretionary spending limit for 2002 has been amended. Similar language was included in section 207 of last year's budget resolution. The Conferees feel that a firewall is necessary to add credibility to the total level of discretionary spending provided for in this resolution given the additional authority set out in section 218 of the resolution to increase the section 302(a) allocation to the Committee on Appropriations for additional defense spending. The Conferees stress the need for the President to transmit to Congress a amendment requesting additional resources for defense after the completion of the President's National Defense Review prior to the Chairman of the Budget Committee considering any increase in the 302(a) allocation pursuant to section 218.

Section 204: Compliance with Section 13301 of the Budget Enforcement Act of 1990

Section 204 of the Conference Agreement retains the language of section 12 of the House Resolution regarding the budgetary treatment in the House of discretionary spending for the Social Security Administration. Similar language was included in section 231 of last year's resolution.

Other issues

The Conference Agreement does not include any language reflecting section 206 of the Senate amendment which provided limitations on consideration of amendments to budget resolutions and reconciliation bills in the Senate.

Senate Pay-as-you-go Point of Order

For convenience, and in keeping with previous years, the text of the Senate's current Pay-go point of order (see Section 207 of H. Con. Res. 68 (106th Cong. 1st Sess.) and the starting balances for the Senate pay-go scorecard are set out below. The starting balance represents the Congressional Budget Office's baseline estimate of the on-budget surpluses over the ten-year period. The Conferees note that the levels of spending and revenue reductions set out in the Conference Agreement, if enacted, would not result in a violation of the Senate pay-as-you-go point of order.

SEC. . PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSES.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For the purposes of this subsection the term "applicable time period" means any one of the three following time periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affect the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget, and

(B) be calculated under the requirements of subsection (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or cause an on-budget deficit when taken individually, then it must also increase the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instruction included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the

Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of H. Con. Res. 218 (103rd Cong.) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

2002 BUDGET RESOLUTION

($ billions)

Baseline on-budget surpluses: 2002—142.097; 2003—171.286; 2004—195.686; 2005—211.605; 2006—266.799; 2007—316.203; 2008—359.195; 2009—416.669; 2010—484.265; 2011—558.187.

RESERVE FUNDS

Reserve funds are special procedures which permit the consideration of specified legislation by making available the resources that are assumed within the aggregate levels of the budget resolution, but are not initially allocated to the appropriate committee of jurisdiction. In general, such provisions provide that upon the reporting of the legislation by the appropriate committee, the Chairmen of the Committees on the Budget may adjust the appropriate allocations to accommodate the legislation provided that all the terms of the reserve fund have been satisfied. The Chairmen intend to make reserve fund adjustments only for legislation reported by the appropriate committee. Subtitle B of Title II of the Conference Agreement contains nine reserve funds.

House resolution

Section 6: Strategic Reserve

Section 6 establishes a reserve fund for Department of Defense spending following the President's National Defense Review and a potential reauthorization of the Federal Agriculture Improvement Act of 1996. It could also accommodate other legislation. In order to be eligible for adjustments under this section, the legislation must be reported before July 11, 2001.

Section 7: Supplemental Reserve for Medicare

Section 7 establishes a reserve fund to accommodate a potentially more expensive Medicare bill than was reflected in the budget resolution. The Budget Committee chairman is authorized to make the adjustment for reconciliation legislation that provides for Medicare reform and prescription drug coverage. The Budget Committee chairman may increase the 302(a) allocations to the appropriate committees of jurisdiction by the amount of the Congressional Budget Office [CBO] reestimate of the cost of the President's Medicare plan or an alternative plan submitted by the Ways and Means and Commerce Committees. As a further limit on the cost of the bill, the adjustment under this section may not cause the on-budget surplus in the budget resolution to be less than $36 billion in fiscal year 2002 and comparable levels in fiscal years 2003 through 2010.

Section 8: Reserve for FY 2001

Section 8 establishes a reserve fund for fiscal year 2001. The Chairman of the Budget Committee is authorized to make adjustments for Department of Defense shortfalls, emergency agricultural assistance, and other measures. It also limits the amount of the adjustments to the amount the bill exceeds the Committee's allocation. The adjustments may also not cause the on-budget surplus to be less than $29 billion in fiscal year 2001.

Section 9: Reserve for Education

Section 9 establishes a reserve fund to allow additional spending for programs authorized by the Individuals with Disabilities Education Act (IDEA) in fiscal year 2001. It permits the Budget Committee chairman to increase the allocation when an appropriation increases spending for IDEA above the baseline level of $6.37 billion. The adjustment may not exceed $1.25 billion.

Section 10: Reserve for Additional Tax Cuts and Debt Reduction

Section 10 permits the budget resolution to be adjusted to accommodate a larger tax cut or debt reduction if the surplus estimates increase in the Congressional Budget Office update of its budget and economic forecast for any fiscal years 2001 through 2011. If the estimate of the on-budget surplus increases, the chairman of the Budget Committee may increase the tax cut or reduce the debt levels by up to the amount of the increase in the surplus.

Senate amendment

Section 203: Reserve fund for prescription drugs and Medicare reform in the Senate

The Senate amendment contains language creating a reserve fund for Medicare reform and a prescription drug benefit. This reserve fund replaced the language in the initial substitute amendment offered by Senator Domenici and was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that reforms Medicare and improves access to prescription drugs for beneficiaries. The adjustments may not exceed the Congressional Budget Offices's cost estimate of either a plan submitted by the President or a comparable plan submitted by the Chairman of the Committee on Finance and in no case may total spending exceed $300 billion for the period of fiscal years 2002 through 2011. Note that the aggregates and function levels in the Senate amendment assume only $153 billion (of the potential $300 billion) over ten years.

Section 206: Reserve fund for Medicare payments to home health agencies

The Senate amendment contains language creating a reserve fund to restore Medicare payments to home health agencies. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that repeals the scheduled 15% reduction in home health payments. Adjustments may not exceed $4 billion for the period of fiscal years 2002 through 2006 and $13.7 billion for the period of fiscal years 2002 through 2011. In addition, no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the on-budget surplus before the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution. Note that the function levels and aggregates in the Senate amendment assume the reductions would have gone into effect.

Section 208: Reserve fund for the payment of retired pay and compensation to disabled military retirees

The Senate amendment contains language creating a reserve fund to provide for the payment of retired pay and veterans' disability benefits to disabled military retirees. This reserve fund was added by an amendment offered by Senator Reid. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Armed Services (and the appropriate committee of the House of Representatives) that funds the payment of full retired pay and veterans' disability benefits to disabled military retirees. The amendment does not, however, make any provision for the additional $14.4 billion in discretionary spending that the Congressional Budget Office has estimated would also be required to fully fund these benefits. Adjustments may not exceed $2.9 billion for fiscal year 2002 or $40 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 209: Reserve fund for refundable tax credits

The Senate, amendment contains language which in effect provides "fungibility" between outlays and revenues in a reconciliation tax legislation. This provision was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels, committee allocation, and reconciliation instruction to be adjusted for legislation reported from the Senate Committee on Finance that provides refundable tax credits. Adjustments are limited such that the sum of the spending increase and revenue reductions must not exceed the total amount of the reconciliation instruction. This will have the same effect as the "fungibility" language set out in section 310(c) of the Budget Act—and is superfluous in this case since the reconciliation instruction in the Senate amendment to Senate Finance contains an outlay component.

Section 212: Reserve fund for Family Opportunity Act

The Senate amendment contains a reserve fund to facilitate the consideration of the Family Opportunity Act in the Senate. This reserve fund was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $200 million for fiscal year 2002 or $7.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 213: Reserve fund for Veterans' education

The Senate amendment contains a reserve fund to provide additional resources for veterans' education benefits. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Veterans' Affairs (and the appropriate committee of the House of Representatives) that increases the basic monthly benefit under the G.I. bill. Adjustments may not exceed $775 million for fiscal year 2002 or $4.3 billion for the period of fiscal years 2002 through 2066 or $.9.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 214: Reserve fund for payments in lieu of taxes

The Senate amendment contains a reserve fund to provide additional resources for payments in lieu of taxes and for refuge revenue sharing. This reserve fund was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Energy and Natural Resources that fully funds payments in lieu of taxes for entitlement lands under chapter 69 of title 31 of the U.S. Code. Adjustments may not exceed $3.53 million for fiscal year 2002 or $3.709 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce, the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Conference agreement

Section 211: Medicare Reserve Fund

Section 211 of the Conference Agreement is in two parts. Section (a) retains the language from the House and Senate resolutions to accommodate Medicare reform and prescription drug legislation. The language is modeled on section 203 of the Senate Amendment. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committee report legislation providing for Medicare reform and a prescription drug benefit provided that the cost of such legislation does not exceed $59.1 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $300 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

The Conferees note that it would be appropriate for the cost of such legislation (but no other legislation) to be funded in whole or in part from the surpluses of the Hospital Insurance Trust Fund.

Section 211(b) of the Conference Agreement retains the language of section 206 of the Senate Amendment which provides a reserve fund for legislation regarding payments under Medicare to home health providers—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (or for amendments thereto or conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that repeals the scheduled 15% reduction in home health payments. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. Adjustments may not exceed $4 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $13.7 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Subsection (b) provides, however, that no adjustments may be made if the cost of such legislation taken together with all previously enacted legislation, would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 212: Reserve Fund for the Family Opportunity Act

Section 212 of the Conference Agreement retains the language of section 212 of the Senate Amendment which provides a reserve fund for legislation to enable the expansion of Medicaid coverage for children with special needs to permit their parents to purchase such coverage—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from. the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $227 million in BA and $180 million. in outlays for fiscal year 2002, $3.035 billion in BA and $2.724 billion in outlays for the period of fiscal years 2002 through 2006 and $8.337 billion in BA and $7.867 billion in outlays for the period of fiscal years 2002 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the Function 550 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 213: Reserve Fund for Agriculture

Section 213 of the Conference Agreement includes a new reserve fund for legislation reauthorizing the Federal Agriculture Improvement and Reform (FAIR) Act of 1996, Title I of such act, and other appropriate agriculture production legislation. Funding for agriculture was assumed in the budget totals but not the allocation. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Committee on Agriculture, Nutrition and Forestry and the House Committee on Agriculture if the committees report such legislation. Adjustments may not exceed $66.15 billion in BA and outlays for the period of fiscal years 2003 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the levels for Function 300 and 350 and within the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 214: Reserve Fund for Additional Tax Cuts and Debt Reduction

Section 214 of the Conference Agreement retains the language of Section 10 of the House Resolution, which provides a mechanism by which the assumed tax cuts or debt levels may be adjusted by an increase in CBO's mid session update of the surplus. Similar language was included in section 213 of last year's budget resolution.

Section 215: Technical Reserve Fund for Student Loans

Section 215 of the Conference Agreement includes a new technical reserve for legislation that permanently retains the interest rate schedule currently in effect for student loans and that repeals the switch to a replacement interest rate structure scheduled to occur under current law on July 1, 2003. This technical reserve would permit extension of the overwhehningly bipartisan agreement reached in the Higher Education. Amendments of 1998 to support the interest rate structure of the student loan programs as it operates today.

The Conference Agreement permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation (reported from the Senate Committee on Health, Education, Labor and Pensions and within the jurisdiction of House Committee on Education and the Workforce) that repeals an provision (from 1993,) that, if left in place, would dismantle the existing interest rate structure for student loans starting July 1, 2003. The adjustment may not exceed $110 million in BA and $100 million in outlays for the combined period 2001–2002, nor may it exceed $3.440 billion in BA and $2.840 billion in outlays for the combined period 2001–2006, nor may it exceed $7.665 billion in BA and $6.590 billion in outlays over the 2001–2011 period. The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

Section 216: Reserve Fund for the Purchase of Health Insurance by the Uninsured

Section 216 of the Conference Agreement includes a reserve fund for legislation which provides resources to facilitate the purchase of health insurance for the uninsured. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations (including the revenue aggregates) for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that enables the uninsured to purchase health insurance. The aggregate level of spending for such legislation has been assumed within the Function 550 levels and the spending aggregates in the Conference Agreement, but will not be allocated to the committees. The budget levels and aggregates in Function 550 assume that the $28 billion is spent over the 2002-2004 period. Adjustments may not exceed $28 billion in BA and outlays or $28 billion in revenues or any combination of spending and revenues for the period of fiscal years 2002 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. The Conferees intend, however, to provide complete flexibility to the authorizing committees to draft such legislation providing spending or tax changes. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 217: Reserve Fund for Defense in the Senate

Section 217 of the Conference Agreement includes a mechanism in the Senate to increase the section 302(a) allocation (and other appropriate budgetary aggregates) to the Committee on Appropriations and the Committee on Armed Services of the Senate for 2002 in order to make additional resources available in response to the President's National Defense Review. The Conference Agreement permits the Chairman of the Committee on the Budget to increase the 302(a) allocation only when two requirements are satisfied. First, the President must submit a specific budget amendment to the Congress requesting additional funding for fiscal year 2002 in response to the National Defense Review. Second, the Committee on Appropriations must have reported an appropriations measure which provides funding for such budget amendment.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that neither the Function 050 levels nor the aggregates of the resolution contain any additional resources for this National Defense Review. Therefore, any adjustments made pursuant to the authority in this section will reduce the surplus aggregates contained in the resolution. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce, the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 218: Strategic Reserve Fund In The House

Section 218 of the Conference Agreement establishes a reserve in the House of Representatives for authorizing or appropriations measures for the Department of Defense, following the President's National Defense Review; it also may be used for legislation that would provide for a prescription drug benefit, or for other appropriate legislation. The adjustment may only be made for the amount that the relevant legislation exceeds the applicable committee's allocation or the aggregate provided for in the budget resolution. The reserve fund is further limited in that the adjustment may not be made if it would cause the on-budget surplus to be less than an amount equal to the Medicare Hospital Insurance Trust Fund.

Additional items

The Conferees note that the Conference Agreement does not include any reserve fund language from section 9 of the House resolution regarding additional discretionary funding for programs authorized in the Individuals with Disabilities Act.

The Conferees note that the Conference Agreement does not include any reserve fund language from section 208 of the Senate Amendment regarding the payment of retired pay and veterans' disability benefits to disabled military retirees. The Conference Agreement does however retain the Sense of the Congress language from section 19 of the House Resolution which is set out in section 314.

The conference report includes a sense of the Congress directing the Secretary of Defense to report within 180 days after the adoption of this Conference Agreement to the relevant congressional defense committees and to the House and Senate Budget Committees on the provision of concurrent retirement and disability benefits for retired members of the Armed Forces. The report shall address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation under the proposed legislation (S.170 in the Senate and H.R. 303 in the House of Representatives); the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees; the comparability of this proposed policy to prevailing private sector standards; the numbers of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance; and alternative initiatives that would accomplish the same result as concurrent receipt of military retired pay and disability compensation at different levels of cost. The Secretary of Defense may submit legislation that he considers appropriate.

Section 314 of the Conference Agreement also includes a Sense of Congress requesting the Congressional Budget Office and the Office of Management and Budget to report to the Budget Committees within 30 days after the adoption of this conference report on the risk that providing full concurrent receipt of military retired pay and disability compensation under the proposed legislation identified above could reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund.

The Conferees also note that the Conference Agreement does not include any reserve fund language from section 209 of the Senate Amendment which purported to provide "fungibility" between outlays and revenues in reconciliation tax legislation. Given the language in section 310(c) of the Budget Act which statutorily provides for "fungibility," the language from section 209 was superfluous.

The Conference Agreement does not include the language from section 213 of the Senate Amendment regarding increased funding for veterans' education benefits. Instead the Conferees agreed to include the funding within the Function 700 levels, the resolution aggregates, and the allocation to the appropriate authorizing committees of the House of Representatives and the Senate.

The Conference Agreement does not include the language from section 214 of the Senate Amendment regarding additional resources for payments in lieu of taxes and for refuge revenue sharing.

MISCELLANEOUS PROVISIONS

In addition to enforcement provisions and reserve funds, budget resolutions may contain miscellaneous provisions which may effect the level of spending, provide additional enforcement mechanisms or additional guidance in interpreting the resolution. Subtitle C of Title II of the Conference Agreement contains two of these provisions.

House resolution

Section 11. Application and effect of changes in allocations and aggregates

Section 11 establishes the procedures for making adjustments pursuant to the reserve funds included in this resolution. It provides that the adjustments may only be made during the interval that the legislation is under consideration and do not take effect until the legislation is actually enacted. It also requires the Budget Committee chairman to submit any revisions in the budget resolution pursuant to the reserves for printing in the Congressional Record.

Senate amendment

Section 204: Application and effect of changes in allocations and aggregates

The Senate amendment contains language which is similar to the language found in section 222 of the fiscal year 2001 budget resolution and clarifies the application and effectiveness of the adjustments made by the Chairman of the Committee on the Budget pursuant to the "reserve funds" set out in the resolution.

Section 205: Exercise of rulemaking powers

The Senate amendment contains language identical to section 234 of the fiscal year 2001 budget resolution and states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the resolution.

Section 210: Additional Revenue reductions

The Senate amendment contains a provision which states that revenue reductions set out in the underlying resolution should be increased by an additional $69 billion for the period of fiscal years 2002 through 2011—in order to provide marriage penalty relief. The language was added by an amendment offered by Senator Hutchison (TX).

Section 211: Increase funding for IDEA

The Senate amendment contains a provision that states that the revenue reductions set out in the underlying resolution should be reduced by $70 billion for the period of fiscal years 2002 through 2011 and an additional $70 billion in BA and outlays should be added to Function 500 (Education) over that same time period—in order to provide additional resources to IDEA. This language was added by an amendment offered by Senator Breaux.

Conference agreement

Section 221: Application and Effect of Changes in Allocations and Aggregates

Section 221 of the Conference Agreement retains the language of section 11 of the House Resolution (which is virtually identical to Section 204 of the Senate Amendment) clarifying the process for implementing any adjustment made pursuant to the reserve funds and the status of these adjusted levels. It further clarifies that the Budget Committee determines scoring for purposes of points of order. This section also makes clear that levels in the joint statement will be used for purposes of budget enforcement rather than the levels in the conference report. Finally the Budget Committee chairmen are given the authority to score legislation for enforcement purposes based on CBO's updated baseline.

Section 222: Exercise of Rulemaking Powers

Section 222 of the Conference Agreement retains the language of section 205 of the Senate Amendment It states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the budget resolution. An identical provision was included in section 234 of last year's budget resolution.

The Conference Agreement does not include the language from either section 210 or 211 of the Senate Amendment because all assumptions regarding revenues are taken into account within the actual revenue aggregates set out in the Conference Agreement. In addition, the issue of the level of funding for programs authorized in the Individuals with Disabilities Education Act is taken into account within the levels for Function 500, the spending aggregates and the reserve fund set out in section 216 of the Conference Agreement.

SENSE OF CONGRESS, HOUSE AND SENATE PROVISIONS

House resolution

The House budget resolution contains the following Senses of the House or Congress that have no legal force but reflect the Congress' views on a variety of budget-related issues. The section numbers and section headings of these reserve funds are as follows:

Section 14 states a Sense of the House concerning Federal pay.

Section 15 states a Sense of Congress relating to Individual Development Accounts and the working poor.

Section 16 provides a Sense of Congress relating to Federal fire prevention assistance.

Section 17 states a Sense of the House regarding the deduction of state sales tax from Federal income taxes.

Section 18 states a Sense of Congress regarding funding for Graduate Medical Education.

Senate amendment

The Senate amendment contains the following Sense of the Senate provisions:

Section 301 Sense of the Senate on Debt Reduction.

Section 302 Sense of the Senate on AIDS and Other Infectious Diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development.

Conference agreement

The Conference Agreement contains the following Sense of the Senate and Sense of Congress provisions:

Subtitle A.

Section 301 Sense of the Senate on conservation.

Section 302 Sense of the Senate on AIDS and other infectious diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development

Subtitle B.

Section 311 Asset building for the working poor.

Section 312 Federal Fire prevention assistance.

Section 313 Funding for graduate medical, education at children's teaching hospitals.

Section 314 Concurrent retirement and disability benefits to retired members of the armed forces.

Section 315 Federal Employee Pay.

Section 316 Sales tax deduction.

JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.

PETE DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER BOND,
Managers on the Part of the Senate.

MOTION TO ADJOURN

Mr. CAPUANO. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. Capuano moves that the House do now adjourn.

The SPEAKER pro tempore. This motion is not debatable.

The question is on the motion to adjourn offered by the gentleman from Massachusetts (Mr. CAPUANO).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CAPUANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the time for an electronic vote on the question of approval of the Journal immediately following the vote on adjournment, if decided in the negative.

The vote was taken by electronic device, and there were—yeas 171, nays 239, not voting 22, as follows:

[Roll No. 98]

YEAS—171

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NAYS—239

Aderholt
Akin
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fattah

Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McHugh
McInnis
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—22

Ackerman
Armey
Becerra
Boucher
Callahan
Edwards
Filner
Gordon
Grucci
Hefley
Hinojosa
Hulshof
Johnson, Sam
Jones (NC)
Largent
McCarthy (MO)
McCrery
Moakley
Sensenbrenner
Stark
Taylor (NC)
Weldon (PA)

☐ 2356

Mr. CRAMER changed his vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 98, due to official duties in my district related to California's electricity crisis, I missed this vote. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal on which the yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 299, nays 107, not voting 25, as follows:

[Roll No. 99]

YEAS—299

Akin
Andrews
Baca
Baker
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—107

Abercrombie
Aderholt
Allen
Bachus
Baird
Baldacci
Barrett
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clement
Condit
Conyers
Costello
Crane
Crowley
Davis (IL)
DeFazio
Delahunt
Dicks
Dingell
Doggett
Engel
English
Farr
Frost
Gephardt
Gonzalez
Gutierrez
Gutknecht
Hastings (FL)
Hill
Hilleary
Hilliard
Hinchey
Hooley
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Latham
Lee
Levin
Lewis (GA)
LoBiondo
Matheson
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Miller, George
Moore
Neal
Oberstar
Obey
Olver
Pallone
Pastor
Peterson (MN)
Phelps
Pomeroy
Ramstad
Sabo
Sanchez
Schaffer
Schakowsky
Scott
Sherman
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Weiner
Weller
Wicker
Wu

NOT VOTING—25

Ackerman
Armey
Becerra
Boucher
Callahan
DeLay
Edwards
Filner
Gordon
Grucci
Hefley
Hinojosa
Hulshof
Johnson, Sam
Jones (NC)
Largent
McCarthy (MO)
McCrery
Moakley
Sensenbrenner
Slaughter
Stark
Taylor (NC)
Turner
Weldon (PA)

☐ 0008

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated Against:

Mr. FILNER. Mr. Speaker, on rollcall No. 99, due to official duties in my district related to California's electricity crisis, I missed this vote. Had I been present, I would have voted "nay."

RECESS

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 8 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0156

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 56 minutes a.m.

AMENDMENT PROCESS FOR H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT FISCAL YEARS 2002 AND 2003

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of May 7 to grant a rule which may limit the amendment process on H.R. 1646, the Foreign Relations Authorization Act for fiscal years 2002 and 2003. The bill was ordered reported by the Committee on International Relations yesterday, and therefore is expected to be filed tomorrow.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation to the Committee on Rules in room H–312 in the Capitol no later than noon on Tuesday, May 8.

Amendments should be drafted to the text of H.R. 1646 as ordered reported by the Committee on International Relations. That text is available at the Committee on International Relations and will be posted on its Web site tomorrow.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–56) on the resolution (H.Res. 131) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, MAY 7, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FRANK. Mr. Speaker, reserving the right to object, we have been here for a very long time for what is no longer today, but yesterday and today. We have been told we were going to have the budget. Members have been around since about 10:30 or 11 this morning when we had a vote. We were told we were going to have a budget. It does seem to me that minimal respect for the opinion of mankind would call for some explanation of why we are, having spent the day doing nothing, why we are now going to end it by waiting until Monday.

I would be glad to yield to the gentleman from Florida, or anyone else, not what happened, but what did not happen, why it did not happen, and what might happen on Monday or Tuesday.

Mr. Speaker, I would yield to the gentleman.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for yielding, and I would inform the gentleman from Massachusetts that we are all saddened that we have not been able to complete all of the business we had originally anticipated for today because of the complexity of the business, and the procedures for working out conference reports with our colleagues in the other body.

These matters require a great deal of observation of the technical rules involving conference reports, and that process has taken longer than expected.

Mr. FRANK. Mr. Speaker, I am sorry that the gentleman is saddened. I hate to see my colleague's discountenance. There are a few other people not too thrilled about spending about 15 hours here while people fiddled with this thing.

I was struck by his telling us there is a complexity here. In the first year of the gentleman being in the majority, I would have understood that, but at this point, was there any unexpected complexity? We had a budget and a conference committee. It is very hard to understand what new complexity suddenly descended upon you which left you unable to cope with what has heretofore been a fairly routine set of procedures. Perhaps there is some new show on which the ship of state might be sailing that has resulted. This has not happened in my experience, this sort of nonperformance.

Mr. Speaker, I would yield to the gentleman. Would you tell us what this complexity was? Was there something new that happened?

☐ 0200

Mr. GOSS. I thank the gentleman for yielding. I think that the complexity of a conference report is well known because we are dealing with another body and there are different points of view that need to be accommodated which is, of course, the purpose of a conference report and getting all of the exact language spelled out properly and out in time to accommodate all of the other schedule that we have to do here.

Mr. FRANK. Could I ask the gentleman, was it the other body that lost the two pages that resulted in our not being here or who lost the two pages, I would ask the gentleman?

I do not mean the human pages, I mean the paper pages. I want to assure all parents that all pages are present and accounted for. It is pages from the conference report that apparently were too complex for the majority to keep track of.

Mr. GOSS. I believe that those are somewhat complicated pages that were very carefully negotiated in the conference report and certainly to get them exactly correct, they have not been lost, actually if the gentleman has them, he has found them.

Mr. FRANK. No, I was waving some whip notice just for the heck of it. That was purely a dramatic gesture. Nobody on our side has seen the budget, including the missing pages.

Mr. GOSS. Actually the Committee on Rules has seen them.

Mr. FRANK. I apologize. A half-hour ago the Committee on Rules got to see the budget that we were supposed to have voted on 10 or 12 hours ago.

I would just say to the gentleman, I think we ought to be clear. We have here a problem not of complexity but of basic physics. The majority has, as many of us have been saying for some time, constructed a budget in which the whole is significantly smaller than the sum of the parts and in the process of trying to jam those parts into that small hole, apparently things came apart. It is unfortunate that Members' time was so wasted all day and that we have accomplished nothing and we have to come back next week. I hope you find the pages, I hope you master the complexity and I hope that this kind of performance is not again repeated.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

Mr. POMEROY. Mr. Speaker, reserving the right to object, not being a member of the Committee on Rules, I want to verify that the information that we heard from the Committee on Rules is indeed correct. That it was not possible to proceed tonight because the report filed around midnight which had earlier been promised to be delivered sometime this morning representing the budget of the United States to be agreed upon by this House today was missing two critical pages, in fact the pages, the instructions on reconciliation, and that is why we could not proceed further for final disposition on this matter this evening.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Florida.

Mr. GOSS. It is my understanding that two pages were inadvertently omitted from the filing process and when that was discovered the Committee on Rules tried to find a way to remedy that issue and we decided that the fairest way to do it and working within the complexity of the conference procedure was to take the course of action that we have suggested.

Mr. POMEROY. Continuing my reservation, it is my understanding that indeed upon ascertaining that critical pages were missing from the report that was belatedly filed, an effort was made to track down the required Senators whose signatures needed to be affixed to the document for purposes of bringing it into conformance with all appropriate requirements and that indeed because the Senate had left, these signatures could not be obtained.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I would simply say that there are all kinds of rumors circulating about what may or may not have taken place. We all acknowledge that there were in fact two pages that mistakenly were not included in the conference report. For that reason, we made a decision that because Members had been here very late, we in the Committee on Rules met first at 8:30 yesterday morning, and we have decided that we will file this rule as the gentleman from Florida (Mr. GOSS) has just done, we will in fact reconvene Tuesday afternoon, and we will allow for a full debate and full consideration of these measures.

Mr. POMEROY. Reclaiming my time under my reservation, Mr. Speaker, I very much appreciate the gentleman's participation in the explanation. Far beyond actually trying to simply obtain information about how the wheels fell off our proceeding tonight, it would have been much preferable had we had actually the document which would have let us evaluate the numbers behind the budget brought forward for our voting. Indeed, the numbers were not handed to us as part of this agreement literally until midnight.

Mr. DREIER. If the gentleman will yield, we now have until Tuesday.

Mr. POMEROY. Mr. Speaker, I still have the time under my reservation. I will yield to the gentleman in a moment. That is how you have chosen to proceed. It is certainly in vast contrast to any parliamentary proceeding I have ever been a part of in my years in a legislative body. Be that as it may, I do not think that it is too much to ask for a very detailed explanation of why then the about face by the Committee on Rules and the majority in terms of why we cannot further proceed tonight.

My question therefore would be, were indeed Senate signatures required that could not be obtained?

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Iowa, the chairman of the Committee on the Budget, although the question is more of a rules one on this point.

Mr. NUSSLE. Mr. Speaker, maybe I can expedite this. Maybe it is my upbringing or whatever it is, but I have a difficult time having my friends from the Committee on Rules trying to sweep under the rug or cover for mistakes that I am responsible for. I am the chairman of the Committee on the Budget. This is a conference report that at least from the House perspective I am responsible to file and file correctly. That was not done. That is my responsibility. Two pages were missing. I am not exactly sure I can tell you precisely how those two pages were missing. The fact is they were missing when they were filed. Upon discovery of that mistake, a decision had to be made how to proceed. We had a couple of choices. One is to continue this. Now it is 2 o'clock. Right or wrong, I do not think probably it is the best way to proceed to just continue this. What we thought we would do is to, now that of course you have a copy of the budget, with the two pages, you have got now until Tuesday, I think, to take a look at this. Certainly that will be a new opportunity that both sides would probably enjoy. And then we will have an opportunity in the light of day to have a good debate and discussion on that budget and pass it. But as far as all of the discussion about whose responsibility it is and the joking and everything else, the buck stops here. It was my responsibility to do it. You can blame everything from computers to staff, it does not matter, it was my responsibility, and I am the person.

First of all I would apologize to the Members. I can give you all sorts of great rationalizations and excuses, but it is my responsibility. I apologize to the body for that. I would like and my recommendation is that we take the opportunity that has been given to us to read it carefully and then debate it carefully on Tuesday and to move forward.

Mr. POMEROY. Reclaiming my time, under my reservation, I would just note for the chairman of the Committee on the Budget, it is slightly incongruous to me that he would at this point note with great relief for both sides the opportunity to actually study this budget for several days before having the opportunity to vote on it. He as the budget chairman was obviously deeply involved in a procedure that was going to bring it to the floor in a very different manner, filing after midnight for a vote after the budget on the minority side had had 1 hour to review the budget, and you would have proceeded with this plan as I understand it correctly but for your inadvertent error in bringing it to the Committee on Rules in a manner that was so flawed, so screwed up that he could not proceed. He apologizes to the body for the error on the two pages. I am sorry that the gentleman has left the floor. I think the apology to this body ought to be for the overall process, bringing a budget of this country to the floor with no minority input, with no adequate time for minority review. What a sad thing. It would take sheer incompetence of the majority as opposed to legislative decency to give the minority the time to adequately review the document as certainly would comport with any fair-minded view of legislative process in the first place.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I will simply say that again, mistakes were made. The chairman of the Committee on the Budget has raised that. We will in fact on Tuesday have a full and very rigorous debate, as I can tell it has begun right now, on Tuesday over this budget as well as your interpretation of the process. We are complying with the rules of the House and we are doing everything that we possibly can to ensure for a full and fair debate from the Committee on Rules and we will look forward to that opportunity if we can move ahead and allow our colleagues who are here at 2:10 this morning to have the chance to go home, get some rest, go to their districts over the weekend and then be raring to go as we begin this debate on Tuesday.

I thank my friend for yielding.

Mr. POMEROY. Reclaiming my time, and I appreciate the comments of the gentleman. His comments, like the comments of the chairman of the Committee on the Budget, now in appreciation for a full opportunity to vigorously debate this important matter, should have been a part of the process from the very beginning, not only a consequence of incompetence in your failure to execute the plan you had to shut out the minority from meaningful participation. That is the point I would like to make.

Mr. DREIER. That was not our plan at all. We do not believe that we have done that at all. We have had a lot of input that has come from a wide range of the members of the minority.

Mr. POMEROY. I reclaim my time on that. I would just note that after the convening of the conference committee, there was no further input by the minority whatsoever. I have been told by our ranking member of the Committee on the Budget, repeated calls went unanswered, repeated requests for information were denied, and indeed he was not given the numbers to the budget that we were to vote on in the wee hours of the morning until after midnight of this night and that was a procedure that the chairman of the Committee on Rules was advancing in his role and it was only come on strong because of the incompetence of the Committee on the Budget in missing a couple of critical pages.

I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. Maybe the absence of that two pages has created an opportunity for my friend to spend the weekend studying this budget. And then when we convene on Tuesday, he will have had several days during which time he will have been able to consider all of these proposals, and I will assure him that when the debate begins on Tuesday afternoon on this issue, there will be an ample opportunity during the debate on the rules that are considered as well as the conference report itself for the gentleman to raise his concerns and talk about the process as he sees fit. I am just saying that I hope very much the House will allow these unanimous consent requests to be agreed to so that Members can go home and begin studying this budget.

I thank my friend for yielding.

Mr. POMEROY. Reclaiming my time, yes, Mr. Speaker, the gentleman is my friend.

Mr. DREIER. We will continue to work together on financial literacy.

Mr. POMEROY. Reclaiming my time, and I will finish. I will spend time this weekend studying this budget. And I appreciate the opportunity afforded me by the majority for that purpose. But I would have appreciated it much more had it been as a deliberate role by the majority affording the minority appropriate input in review of the budget before we are asked to vote for it instead of as a consequence of the majority incompetence at executing a strategy that represented a shredding of any fair-minded legislative process.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. NADLER. Mr. Speaker, reserving the right to object, the gentleman from California (Mr. DREIER) has stated that we cannot take up the budget tonight because of this mistake or inadvertence or incompetence by somebody in failing to file these two papers. In your judgment will the failure of our taking up this budget document tonight because of that inadvertence, will that do any danger to the well-being of the United States? The delay until Tuesday?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. DREIER. I certainly hope not.

Mr. NADLER. And you believe not?

Mr. DREIER. I hope not.

Mr. NADLER. You hope not. I thank the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. NADLER. I thank you for thanking me for yielding. Reclaiming my time, Mr. Speaker, this just illustrates the fraud and the sham that we have been subjected to all of today and tonight, or yesterday and last night and this morning. Because of the incompetence or inadvertence or mistake of somebody in not filing something properly, we do not take up the budget tonight, we wait until Tuesday. Thank God. If it had not been for that mistake, they would have rammed through this budget tonight with no input from the minority and the bipartisanship is a sham and a fraud because the minority had no input into this. Nobody on the minority side would have seen the budget or saw the budget in fact with the numbers until an hour ago.

□ 0215

We were then expected to debate and vote it tonight, not having had an opportunity to read it.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I will not yield for the moment.

Mr. DREIER. I just want to explain the request to the gentleman.

Mr. NADLER. In order to produce that travesty of a procedure, the Committee on Rules with malice aforethought yesterday produced the rule that waived the rule of the House that demands that any bill lay on the floor for a day so people can read it and consult with other people and say what do you think and make judgments and perhaps prepare amendments. But because of some presumed emergency, some presumed necessity for the welfare presumably of the country, the Rules of the House that provide for the opportunity for Members of the House to read what is before them, what they are going to be asked to vote for, the Rules of the House that provide an opportunity for the press to tell the people and the country what we are going to vote for so maybe they can call up their Member of the House and say vote yes, vote no, introduce an amendment, that had to be waived because of some emergency or some necessity which we are now told by the distinguished chairman of the Committee on Rules is no emergency and no necessity; the fact that this can be put off until Tuesday will not harm anybody's interest. But they wanted to ram it through with less than an hour for us to look at this. I say, thank God, for the incompetence or the mistake or the inadvertence or whatever it was that will now allow us to read this budget, will allow the people at home to read the budget over a weekend so that people can react intelligently, as the Rules of the House always provided and contemplated that they should.

The fact that the Committee on Rules came in and that the majority in this House voted on a party line vote for a rule that waived the ability of anybody who was not privy to private negotiations, of anybody in the public, anybody in the minority side of the House, waived the ability of those people, all of us, to see what we are going to be asked to vote for, to be able to read it to vote on more than a basic outline that maybe our leadership could provide us on an hour's notice, that was what was voted for. That is what was tried to be perpetrated on this House, and the only reason it did not succeed is because somebody made a mistake in filing papers. I say whoever that person was, God bless him. He did a great service to this country.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to ask, is my friend going to be voting in favor or against this budget as it comes forward?

Mr. NADLER. I have not read it yet. How do I know?

Mr. DREIER. I just wondered if he has made any tentative decision.

Mr. NADLER. Reclaiming my time, I have not had a chance to read the budget. It was just shown to us an hour ago.

Mr. DREIER. We have provided now an opportunity of 4 days to go home and study that. The gentleman from New York (Mr. NADLER) and the gentleman from North Dakota (Mr. POMEROY) can spend time together working on it.

Mr. NADLER. The gentleman has not provided us with 4 days. That is a misstatement of fact. The inadvertence of someone who made a mistake against the will of the gentleman has provided us and the American people with that opportunity.

All I am saying is that it is a travesty and it is wrong that the House is run in such a fashion that the only reason we have the ability to read the budget before we vote on it, the only reason that people at home have the ability to take a look at it and read in the paper and suggest to their Congressman how we should vote, is because someone made a mistake and they did not file the papers on time. If the gentleman had his way and done what the gentleman wanted to do, what he tried to do, what he voted to do, nobody would have that opportunity and that is wrong.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, we actually have three unanimous consent resolutions. This is the first one. If we could actually do the first two and then hang on to the third one and conduct this dialogue, at least we would be two-thirds home.

Mr. NADLER. Reclaiming my time, I am just about finished now. I have made the points I wanted to make about the sham of the procedure, about the sham of the bipartisanship notion, about the luck of the country in having this inadvertence so that this ramming through of a budget unseen, unread, unknown, could not proceed. But I think we ought to finish this point because whether we do three points one, two, three, or two, three, one, what is the difference?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 8, 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday May 7, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, May 8, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FRANK. Mr. Speaker, reserving the right to object for a legitimate scheduling question here.

Nothing about today has struck me as being remotely legitimate, except that it is the day in which incompetence came to the rescue of democracy. We will all remember that.

I would like to ask the gentleman from Florida (Mr. GOSS), we have had some concern here, does that mean that votes will still be at 6:00? There was some suggestion that votes might be earlier. Will we still have a 6:00 p.m. vote at the earliest on Tuesday?

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, it is my understanding that the plan at this time is that votes are still scheduled not before 6:00, but that is subject to change.

Mr. FRANK. I appreciate it. When we say not before 6:00, not like today, that will not mean, we hope, at 3:00 in the morning, but in fact 6:00 p.m., and I appreciate that.

I just also want to say to my friend, the gentleman from California (Mr. DREIER), who appears to be keeping track, that he should put me down as leaning against on the budget.

Mr. DREIER. I thank the gentleman very much. I will put that on the whip count.

Mr. FRANK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF DIRECTORS OF VIETNAM EDUCATION FOUNDATION

The SPEAKER pro tempore. Without objection, pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (P.L. 106–554), and upon recommendation of the minority leader, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Directors of the Vietnam Education Foundation:

Mr. GEORGE MILLER of California.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of personal reasons.

Mr. GRUCCI (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today on account of illness in the family.

Mr. ARMEY (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes a.m.), under its previous order, the House adjourned until Monday, May 7, 2001, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2001, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for a miscellaneous group in connection with official foreign travel during the first quarter of 2001 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank R. Wolf	1/7	1/14	Africa		619.00						619.60
Commercial airfare							8,515.82				8,515.82
Carol Murphy	1/3	1/6	China		828.00						828.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/6	1/10	Vietnam		808.00						808.00
	1/10	1/14	Thailand		928.00						928.00
Commercial airfare							5,212.80				5,212.80
Hon. Kay Granger	12/28	1/1	Spain		562.50						562.50
										752.00	752.00
Commercial airfare							7,074.00				7,074.00
John T. Blazey	12/28	1/1	Spain		562.50						562.50
									$847.00		$847.00
Commercial airfare							5,287.00				5,287.00
Elizabeth Dawson	12/27	1/1	Spain		1,314.50						1,314.50
Commercial airfare							5,397.17				5,397.17
Hon. C.W. Bill Young	1/22	1/26	Turkey		985.00						985.00
	1/26	1/26	Belgium								
							(3)				
Hon. Rodney P. Frelinghuysen	1/22	1/26	Turkey		985.00						985.00
	1/26	1/26	Belgium								
							(3)				
Hon. Douglas Gregory	1/22	1/26	Turkey		985.00						985.00
	1/26	1/26	Belgium								
							(3)				
Charles O. Flickner	1/24	2/2	India		830.00						830.00
Commercial airfare							6,379.63				6,379.63
Valerie Baldwin	1/26	1/29	Belgium		774.00						774.00
	1/29	2/2	Italy		1,042.00						1,042.00
	2/2	2/3	Turkey		205.00						205.00
	2/3	2/6	Germany		225.00						225.00
Commercial airfare							5,372.00				5,372.00
Frank M. Cushing	1/26	1/29	Belgium		861.00						861.00
	1/29	2/2	Italy		1,042.00						1,042.00
	2/2	2/3	Turkey		205.00						205.00
	2/3	2/4	Germany		75.00						75.00
Commercial airfare							5,405.10				5,405.10
Elizabeth Dawson	1/26	1/29	Belgium		861.00						861.00
	1/29	2/01	Italy		837.00						837.00
Commercial airfare							4,967.82				4,967.82
Hon. John P. Murtha	2/9	2/11	Germany		250.85						250.85
	2/11	2/12	England		699.15						699.15
	2/12	2/12	Belgium								
							(3)				
Scott Lilly	2/9	2/11	Germany		250.85						250.85
	2/11	2/11	France		22.00						22.00
	2/11	2/12	England		275.31						275.31
									118.56		118.56
							(3)				
Hon. Kay Granger	2/16	2/17	Curacao		307.00						307.00
	2/17	2/19	Colombia		542.00						542.00
	2/19	2/20	Honduras		245.00						245.00
	2/20	2/23	Bolivia		510.00						510.00
Part commercial airfare							855.95				855.95
							(4)				
Christopher J. Walker	2/16	2/18	Curacao		614.00						614.00
	2/18	2/19	Colombia		271.00						271.00
	2/19	2/20	Honduras		245.00						245.00
	2/20	2/21	Bolivia		310.00						310.00
Part commercial airfare							1,893.08				1,893.08
							(4)				
Hon. Marcy Kaptur	2/18	2/19	Russia		326.50						326.50
	2/19	2/23	Ukraine		1,076.00						1,076.00
	2/23	2/24	Russia		326.50						326.50
							(3)				
Tim Peterson	3/22	3/27	Chile		1,023.00						1,023.00
Commercial airfare							5,423.11				5,423.11
Hon. Jim Kolbe	3/22	3/23	El Salvador								
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00		(3)				210.00
Hon. Sam Farr	3/22	3/23	El Salvador		222.00						222.00
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
							(3)				
Hon. Dan Miller	3/22	3/23	El Salvador		222.00						222.00
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
							(3)				
Hon. John W. Olver	3/22	3/23	El Salvador								
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
							(3)				
Charles Flickner	3/22	3/23	El Salvador		222.00						222.00
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
							(3)				
Alice Grant	3/22	3/23	El Salvador		222.00						222.00
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
					(3)						
Mark Murray	3/22	3/23	El Salvador		222.00						222.00
	3/23	3/26	Colombia		663.00						663.00
	3/26	3/27	Ecuador		210.00						210.00
							(3)				
Total					$30,049.66		$61,783.48		$1,717.56		$93,550.70
Committee on Appropriations, Surveys and Investigations Staff:											
Norman H. Gardner	3/23	3/27	India		949.50		7,470.39		48.86		8,468.75
	3/28	3/30	Pakistan		514.25						514.25
	3/30	4/04	England		1,505.00						1,505.00
Carroll L. Hauver	3/25	3/29	England		992.50		7,420.45		203.48		8,616.43
James H. Higham	3/23	3/27	India		949.50		7,470.39		106.53		8,526.42
	3/28	3/30	Pakistan		514.25						514.25
	3/30	4/04	England		1,505.00						1,505.00
R.W. Vandergrift, Jr.	3/30	4/05	England		1,542.75		7,202.62		195.74		8,941.11
T. Peter Wyman	3/23	3/27	India		949.50		7,470.39		128.56		8,548.45

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	3/28	3/30	Pakistan		514.25						514.25
	3/30	4/04	England		1,505.00						1,505.00
H.C. Young	3/25	3/29	England		992.50		7.420.45		146.00		8,558.95
Total					12,434.00		44,454.69		829.17		57,717.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Partial military air transportation.

BILL YOUNG, Chairman, Apr. 26, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, Apr. 2, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, Apr. 2, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Bernard Sanders	1/22	1/25	Italy		966.00		(3)				
	1/25	1/27	Greece		376.00		(3)				
	1/27	1/28	Israel		523.00		(3)				
	1/28	1/30	Ireland		472.00		(3)				
Total					2,337.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Apr. 27, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Constance A. Morella	1/22	1/25	Italy		966.00						
	1/25	1/27	Greece		376.00						
	1/27	1/28	Israel		523.00						
	1/28	1/30	Ireland		472.00						
Hon. Stephen Horn	1/22	1/25	Italy		966.00						
	1/25	1/27	Greece		376.00						
	1/27	1/28	Israel		523.00						
	1/28	1/30	Ireland		472.00						
Hon. Benjamin Gilman	2/16	2/17	Netherlands Antilles		307.00						
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/10	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Hon. Mark E. Souder	2/16	2/17	Netherlands Antilles		307.00						
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Sharon Pinkterton	2/16	2/17	Netherlands Antilles		307.00						
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Chris Donesa	2/16	2/17	Netherlands Antilles		307.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Hon. John L. Mica	2/16	2/17	Netherlands Antilles		307.00						
	2/17	2/19	Colombia		271.00		2,398.50		1,014.50		
	2/19	2/20	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Charley Diaz	2/16	2/17	Netherlands Antilles		307.00						
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Honduras		96.00						
	2/20	2/23	Bolivia		511.50		23.30		1,341.40		
Kevin Long	2/16	2/18	Netherlands Antilles		307.00						
	2/18	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Colombia		272.00		2,229.08				
	2/21	2/23	Bolivia		345.00		23.30		1,341.40		
Gil Macklin	2/16	2/18	Netherlands Antilles		307.00						
	2/18	2/19	Colombia		271.00		2,398.50		1,014.20		
	2/19	2/20	Colombia		272.00		2,682.68				
	2/21	2/23	Bolivia	345.00			23.30		1,341.40		
Hon. Mark E. Souder	1/21	1/22	Guatamala		190.00						
	1/22	1/24	Ecuador		422.00						
	1/24	1/25	El Salvador		222.00						
Christopher Shays	2/19	2/24	Italy		1,670.00		3,829.29				
Larry Halloran	2/19	2/24	Italy		1,670.00		3,999.29				
Nicholas Palarino	2/19	2/24	Italy		1,670.00		3,999.29				
Kevin Long	1/29	2/4	Colombia		1,402.00		1,555.60				
Gil Macklin	1/31	2/4	Colombia		1,402.00		1,778.60				
Dave Rapallo	1/29	2/4	Colombia		1,402.00		1,555.60				
Janice Schakowsky	2/17	2/18	Colombia		345.00						
Dave Rapallo	2/17	2/18	Colombia		345.00						
Total					24,917		41,003.83		18,845.10		84,765.93

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Apr. 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expeditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

— — —, Apr. 4, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	1/21	1/22	Guatemala		160.00		(3)				160.00
	1/22	1/24	Ecuador		392.00		(3)				392.00
	1/24	1/25	El Salvador		192.00		(3)				192.00
	2/17	2/19	Egypt		346.00						346.00
	2/19	2/23	Israel		1,248.00						1,248.00
	2/23	2/26	Jordan		555.00						555.00
Round-trip comm. airfare	2/16	2/26					5,867.79				5,867.79
Hon. Cass Ballenger	1/21	1/22	Guatemala		174.50		(3)				174.50
	1/22	1/24	Ecuador		422.00		(3)		[4] 1,027.67		1,449.67
	1/24	1/25	El Salvador		199.83		(3)		[4] 611.39		811.22
	3/8	3/9	Canada		150.84						150.84
Round-trip comm. airfare	3/8	3/9					1,270.49				1,270.49
Paul Berkowitz	1/23	1/25	Italy		644.00		(3)				644.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/29	Ireland		268.50		(3)				268.50
Comm. airfare from/to U.S.	1/22	1/29					5,794.19				5,794.19
Nancy Bloomer	1/22	1/25	Itlay		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		371.00		(3)				371.00
Comm. airfare return	1/28	1/28					2,965.80				2,965.80
Deborah Bodlander	1/22	1/25	Italy		891.00		(3)				891.00
	1/25	1/27	Greece		316.00		(3)				316.00
	1/27	1/28	Israel		425.00		(3)				425.00
	1/28	1/30	Ireland		427.00		(3)				427.00
	2/17	2/19	Egypt		364.00						346.00
	2/19	2/23	Israel		1.148.00						1,148.00
	2/23	2/26	Jordan		517/00						517.00
Round-trip committee airfare	2/16	2/26					5,867.79				5,867.79
Ted Brennan	3/7	3/9	Canada		327.84						327.84
Round-trip committee airfare	3/7	3/9					753.25				753.25
Hon. Steven Chabot	3/26	3/27	The Netherlands		213.00						213.00
Round-trip committee airfare	3/25	3/27					5,937.14				5,937.14
Hon. William Delahunt	1/21	1/22	Guatemala		190.00		(3)				190.00
	1/22	1/24	Ecuador		422.00		(3)				422.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/24	1/25	El Salvador		222.00		(3)				222.00
Adolfo Franco	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		371.00		(3)				371.00
Committee airfare return	1/28	1/28					3,031.80				3,031.80
Richard Garon	1/24	1/25	Italy		322.00		(3)				322.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/30	Ireland		472.00		(3)				472.00
Committee airfare to Italy	1/23	1/24					2,988.25				2,988.25
Hon. Benjamin Gilman	1/22	1/25	Italy		966.00		(3)		[4] 13,979.00		14,945.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/30	Ireland		472.00		(3)				472.00
Hon. Alcee Hastings	2/21	2/24	Austria		462.00						462.00
Round-trip community airfare	2/20	2/24					6,039.23				6,039.23
Hon. Amo Houghton	1/13	1/18	Chile		1,480.00				[4] 3,066.49		4,546.49
Round-trip committee airfare											
Hon. Joseph Hoeffel	2/18	2/21	Russia		1,025.00		(3)				1,025
	2/21	2/22	Moldova		225.00		(3)				225.00
Committee airfare return	2/22	2/22			1,284.37						1,284.37
Hon. Peter King	1/27	1/30	Ireland		566.78		(3)				566.78
Commercial airfare to Ireland	1/26	1/27					2,692.80				2,692.80
John Mackey	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/30	Ireland		796.78		(3)				796.78
Commercial airfare to Ireland	1/27	1/27			767.54		(3)				767.54
	2/16	2/17	Netherlands Antilles		307.00		(3)				307.00
	2/17	2/19	Colombia		271.00		(3)				271.00
	2/19	2/20	Honduras		107.61		(3)				107.61
	2/20	2/23	Bolivia		510.00		(3)				510.00
Parker Brent Moore	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/30	Ireland		472.00		(3)				472.00
Joan O'Donnell	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/30	Ireland		472.00		(3)				472.00
Grover Joseph Rees	3/26	3/30	Switzerland		1,192.00						1,192.00
Round-trip commercial airfare	3/25	3/30	Switzerland				5,762.14				5,762.14
Total					32,796.05		49,738.21		18,684.55		101,218.81

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation

[4] Indicates delegation costs.

HENRY HYDE, Chairman, Apr. 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Schaffer	2/18	2/20	Russia		653.00		(3)				653.00
	2/20	2/23	Ukraine		720.50		210.00				930.50
	2/23	2/24	Russia		326.50		(3)				326.50
Hon. Donna Christian-Christensen	3/30	4/2	Barbados/Dominica		1,452.00		(3)				1,452.00
Total					3,152.00		210.00				3,362.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation provided by Military Airlift Support.

JAMES V. HANSEN, Chairman, Apr. 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nick Lampson	3/27	3/29	Netherlands		67.00		[3] 6,079.14				6,146.14
Richard Oberman	3/10	3/16	Spain		765.00		[3] 6,459.05				7,224.05
Total					832.00		12,538.19				13,370.19

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial airfare.

SHERWOOD L. BOEHLERT, Chairman, Apr. 17, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, Apr. 9, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Apr. 3, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		1/20	United States				5,538.00				5,538.00
	1/21	4/13	Austria		15,427.00						15,427.00
Total					15,427.00		5,538.00				20,965.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James P. McGovern	2/17	2/18	Colombia	382,971.60	171.00					382,971.60	171.00
Total					342.00						342.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Apr. 30, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1693. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerances [OPP-301116; FRL-6778-5] (RIN: 2070-AB78) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1694. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances [OPP-301117; FRL-6778-8] (RIN: 2070-AB78) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1695. A letter from the the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 2001, pursuant to 2 U.S.C. 685; (H. Doc. No. 107-65); to the Committee on Appropriations and ordered to be printed.

1696. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1697. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of the Air Force Reserve Command is initiating a multi-function cost comparison of the Base Operating Support functions at March Air Reserve Base, California, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

1698. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Nebraska [Region 7 Tracking No. 0124-1124 (b); FRL-6968-5] received April 18, 2001, pursuant to 5 U,S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1699. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Idaho [ID-01-01; FRL-6962-1] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1700. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA191-0278a; FRL-6963-1] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1701. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and Imperial County Air Pollution Control District [CA 241-0274a; FRL-6954-8] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1702. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Post 96 Rate of Progress Plan, Motor Vehicle Emissions Budgets (MVEB) and Contingency Measures for the Houston Galveston (HGA) Ozone Nonattainment Area [TX-101-1-7394a; FRL-6969-3] received April 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1703. A letter from the General Counsel, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1704. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Addition to the Procurement List—received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1705. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1706. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1707. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1708. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1709. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1710. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1711. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1712. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1713. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1714. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1715. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1716. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1717. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1718. A letter from the Deputy General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1719. A letter from the Acting Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1720. A letter from the Acting Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1721. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a letter to provide additional information supporting the National Ignition Facility certification package; jointly to the Committees on Armed Services and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 83. Resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107-55). Ordered to be printed.

May 4 (legislative day of May 3), 2001

Mr. GOSS: Committee on Rules. House Resolution 131. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-56). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HALL of Texas (for himself, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Barcia, Mr. Etheridge, Mr. Udall of Colorado, Mr. Larson of Connecticut, Mr. Gordon, Mr. Costello, Ms. Rivers, Ms. Jackson-Lee of Texas, Mr. Baca, Mr. Lampson, Mr. Matheson, Mr. Hoeffel, and Mr. Israel):

H.R. 1693. A bill to improve science, mathematics, and technology education in elementary and secondary schools, advance knowledge on the effective uses of information technologies in education, increase participation in science, mathematics, and engineering careers by groups underrepresented in those fields, provide for more effective coordination of public and private sector efforts to improve science, mathematics, and technology education, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. Paul, Mr. Ehrlich, Mr. Shadegg, Mr. Jones of North Carolina, Mr. Scarborough, Mr. Chabot, Mr. Taylor of North Carolina, Mr. McHugh, Mr. Bonilla, Mr. Radanovich, Mr. Ose, and Mr. Thornberry):

H.R. 1694. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; to the Committee on Ways and Means.

By Mr. POMBO (for himself, Mrs. Bono, Mr. Herger, Mr. Radanovich, Mr. Cunningham, Mr. Hayworth, Mr. Gary G. Miller of California, Mr. Schaffer, Mr. Gibbons, Mr. Doolittle, Mr. Hunter, and Mr. Hostettler):

H.R. 1695. A bill to amend section 211 of the Clean Air Act to prohibit the use of certain fuel additives; to the Committee on Energy and Commerce.

By Mr. STUMP (for himself, Mr. Skelton, Mr. Smith of New Jersey, Mr. Evans, Mr. Hansen, Mr. Rahall, Mr. Hyde, Ms. Kaptur, Mr. Spence, Mr. Dingell, Mr. Hall of Texas, Mr. Houghton, Mr. Skeen, Mr. Regula, Mr. Gilman, Mr. Ballenger, Mr. Burton of Indiana, Mr. Hefley, Mr. Callahan, Mr. Everett, and Ms. Lofgren):

H.R. 1696. A bill to expedite the construction of the World War II memorial in the District of Columbia; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. Cannon, Mr. Nadler, and Mr. Issa):

H.R. 1697. A bill to amend the Clayton Act to ensure the application of the antitrust laws to local telephone monopolies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. Conyers, Mr. Issa, and Mr. Nadler):

H.R. 1698. A bill to ensure the application of the antitrust laws to local telephone monopolies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. LoBiondo, and Ms. Brown of Florida):

H.R. 1699. A bill to authorize appropriations for the Coast Guard for fiscal year 2002;

to the Committee on Transportation and Infrastructure.

By Mr. McGOVERN (for himself, Mrs. Emerson, Mr. Hall of Ohio, Mr. Johnson of Illinois, Ms. Kaptur, Mr. Leach, Mrs. Clayton, Mr. Manzullo, Mr. Nethercutt, Mr. Thune, Mr. Boswell, Mr. Green of Wisconsin, Mr. Barrett, and Ms. Baldwin):

H.R. 1700. A bill to establish an international food for education and infant and child nutrition program to be carried out under section 416(b) of the Agricultural Act of 1949; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. Maloney of Connecticut, Mr. Frost, Mr. Boehner, Mr. Jefferson, Mr. Kanjorski, Mr. Watts of Oklahoma, Mr. Ross, Mr. Ford, Mr. Sessions, Mr. Sandlin, Mr. Wamp, Mr. Baker, and Mr. Isakson):

H.R. 1701. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Financial Services.

By Mr. WELLER (for himself, Mr. Cardin, Mrs. Johnson of Connecticut, Mr. Crane, and Mr. Foley):

H.R. 1702. A bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants; to the Committee on Ways and Means.

By Mr. WU (for himself, Mr. Isakson, Mr. Pomeroy, Ms. McCollum, and Mr. Weldon of Florida):

H.R. 1703. A bill to amend the Elementary and Secondary Education Act of 1965 to provide technology for tomorrow's teachers; to the Committee on Education and the Workforce.

By Mr. ARMEY (for himself, Mr. Moran of Virginia, and Mr. Cox):

H.R. 1704. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Financial Services.

By Mr. BEREUTER (for himself and Mr. Langevin):

H.R. 1705. A bill to amend title 32, United States Code, to authorize members and units of the National Guard to conduct and participate in athletic competitions and small arms competitions in conjunction with required training, and for other purposes; to the Committee on Armed Services.

By Mr. BEREUTER:

H.R. 1706. A bill to amend the Water Resources Development Act of 1992 to authorize the Secretary of the Army to reimburse non-Federal interests for managing recreation facilities and natural resources at water resource development projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself and Mr. Rohrabacher):

H.R. 1707. A bill to provide that the Secretary of Commerce has jurisdiction over exports of commercial satellites and related items, to provide certain procedures for exports of commercial satellites and related items, and for other purpose; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. Berry, Mr. Stark, Mr. Allen, Mr. Sanders, Mr. Bonior, Ms. Lee, Mr. LaTourette, Mr. Wynn, Mr. Langevin, Mr. Davis of Illinois, Mr. Barrett, Mr. Baldacci, Ms. Schakowsky, Mr. Green of Texas, Mrs. Jones of Ohio, Mr. Nadler, Mr. Lewis of Georgia, Mr. George Miller of California, and Mr. DeFazio):

H.R. 1708. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 1710. A bill to ensure the orderly development of coal, coalbed methane, natural gas, and oil in common areas of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. Tanner, Mr. Herger, and Mr. Matsui):

H.R. 1711. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 1712. A bill to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mrs. Morella, Mr. Menendez, Ms. Solis, Mrs. Napolitano, Mr. LaFalce, Ms. Velázquez, Mr. Rangel, Mr. Rodriguez, Mr. Dooley of California, Mr. Serrano, Ms. Sanchez, Ms. Roybal-Allard, Mr. Baca, and Mr. Reyes):

H.R. 1713. A bill to amend the Immigration and Nationality Act to restore the scope of eligibility for adjustment of status under section 245(i) of that Act to that in effect before November 1997; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mr. McInnis, and Mr. Schaffer):

H.R. 1714. A bill to authorize the Secretary of the Interior to enter into contracts for the use of excess storage and conveyance capacity in certain east slope facilities of the Fryingpan-Arkansas Project, Colorado, and to conduct studies for the enlargement of Pueblo Dam and Reservoir and Sugar Loaf Dam and Turquoise Lake, Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1715. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Cesar E. Chavez Post Office Building"; to the Committee on Government Reform.

By Mr. KIRK (for himself, Mr. Larsen of Washington, Mrs. Jo Ann Davis of Virginia, Mrs. Davis of California, Mr. Schrock, Mr. McHugh, Mr. Thompson of California, Mr. Saxton, Mr. Oberstar, Mr. Green of Wisconsin, Mr. Filner, Mr. Simmons, Mr. Rush, Mr. Platts, Mr. Costello, Mrs. Emerson, Mr. Phelps, Mr. Honda, Mr. Rodriguez, Mr. Peterson of Minnesota, Mr. Edwards, and Mr. McIntyre):

H.R. 1716. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Education and the Workforce.

By Mr. KLECZKA:

H.R. 1717. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEWIS of Georgia (for himself, Mr. Watts of Oklahoma, Mr. Gephardt, Mr. Armey, Mr. Frost, Mr. Bonior, Mr. Rangel, Mr. Hoyer, Mr. LaHood, Mr. Frank, Mr. McDermott, Mr. Etheridge, Mr. Lampson, Mr. Borski, Mr. Matheson, Mr. Stark, Mr. Davis of Illinois, Mr. Sanders, Mr. Honda, Mr. Tom Davis of Virginia, Mr. Pascrell, Ms. Kaptur, Mr. Houghton, Mr. Lucas of Oklahoma, Mr. Bishop, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Fattah, Mr. Ford, Mr. Hastings of Florida, Mr. Hilliard, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick, Ms. Lee, Ms. McKinney, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rush, Mr. Thompson of Mississippi, Mr. Towns, Ms. Waters, Mr. Watt of North Carolina, Mr. McIntyre, Mr. Johnson of Illinois, Mr. Barrett, and Mr. Lantos):

H.R. 1718. A bill to establish the National Museum of African American History and Culture within the Smithsonian Institution; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1719. A bill to amend the Internal Revenue Code of 1986 to exclude United States savings bond income from gross income if used to pay long-term care expenses; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 1720. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the Medicare Program for bone mass measurements; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 1721. A bill to amend the Consolidated Farm and Rural Development Act to enable farmers and ranchers to obtain farm ownership loans for the purpose of refinancing loans; to the Committee on Agriculture.

By Ms. LOFGREN:

H.R. 1722. A bill to amend the Internal Revenue Code of 1986 to increase the amount excluded from gain on the sale of a principal residence for both single and joint filers to $1,000,000; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mrs. Myrick):

H.R. 1723. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mr. Oberstar):

H.R. 1724. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. Fattah, and Mrs. Morella):

H.R. 1725. A bill to authorize an annual Federal contribution to the District of Columbia to reimburse the District for the costs incurred in providing public safety services for demonstrations and other activities which occur in the District of Columbia because the District is the seat of the Federal Government; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 1726. A bill to provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 1727. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1728. A bill to amend the Internal Revenue Code of 1986 to repeal the personal holding company tax; to the Committee on Ways and Means.

By Ms. SANCHEZ:

H.R. 1729. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1730. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. Hall of Texas, Mr. Weldon of Florida, and Mr. Doolittle):

H.R. 1731. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. SHERMAN:

H.R. 1732. A bill to require the Securities and Exchange Commission to review the annual reports of accounting standards-setting bodies; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Rangel, Mr. George Miller of California, Mr. McDermott, Mrs. Thurman, Mr. Brown of Ohio, Mr. Coyne, Mr. Conyers, Mr. Frank, Mr. Tierney, Ms. Jackson-Lee of Texas, Mr. Kucinich, and Mr. LaFalce):

H.R. 1733. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. Dingell, Mr. Crowley, Ms. Lee, Mr. DeFazio, Mr. McHugh, Mr. Frank, Mr. Gilman, Mr. McNulty, Mr. Moore, Ms. Slaughter, Mrs. Kelly, Ms. DeLauro, Mr. LaFalce, Mr. English, Mr. Baldacci, Mr. Terry, Mr. Ney, Mr. Udall of Colorado, Mr. Nadler, Mr. Hinchey, Mr. Kanjorski, Mrs. Lowey, Mr. Larson of Connecticut, Mr. Filner, and Mrs. Mink of Hawaii):

H.R. 1734. A bill to amend title 49, United States Code, to establish consumer protections for airline passengers, to promote air carrier competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself and Mr. Upton):

H.R. 1735. A bill to amend the Communications Act of 1934 to improve operations of the Telecommunications Development Fund; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 1736. A bill to require that a commemorative postage stamp be issued recognizing the courage of the American Indian at the Battle of the Little Big Horn; to the Committee on Government Reform.

By Mr. TRAFICANT:

H.R. 1737. A bill to amend title 18, United States Code, to provide that witnesses at Federal grand jury proceedings have the right to the assistance of counsel; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 1738. A bill to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1739. A bill to require the Council on Environmental Quality to conduct a study on urban sprawl and smart growth, and to ensure the consideration by Federal agencies of urban sprawl in the preparation of their environmental reviews under the National Environmental Policy Act of 1969; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1740. A bill to repeal the wool and mohair subsidy provided in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001; to the Committee on Agriculture.

By Mr. WEINER:

H.R. 1741. A bill to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H. Con. Res. 123. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Mr. DeLay, Mr. Armey, Mr. Rush, Mr. Shaw, Mr. Terry, Mr. Smith of Texas, and Mr. Ryun of Kansas):

H. Con. Res. 124. Concurrent resolution promoting national unity and family renewal; to the Committee on Government Reform.

By Mr. DREIER (for himself and Mr. Lantos):

H. Con. Res. 125. Concurrent resolution recognizing the founding of the Alliance for Reform and Democracy in Asia, and for other purposes; to the Committee on International Relations.

By Mr. DUNCAN:

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress that the United States Trade Representative should investigate whether any price control program governing the cost of medication in Mexico or Canada violates any trade agreement; to the Committee on Ways and Means.

By Mr. RANGEL:

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Roy Campanella, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. CAPUANO (for himself, Mr. Doyle, Mr. Neal of Massachusetts, Mr. Borski, Mr. King, Mr. McGovern, Mr. McNulty, Mr. Pallone, Mr. Crowley, and Mr. Gilman):

H. Res. 132. A resolution recognizing the historical significance of the sacrifices made by the Irish Republican hunger strikers of 1981 and the subsequent political impact their actions had on the Northern Ireland peace process; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON of Indiana introduced a bill (H.R. 1709) for the relief of Adela T. and Darryl Bailor; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Ehrlich.

H.R. 25: Mr. Serrano.

H.R. 36: Mr. Terry, Mr. Castle, Mr. Boehlert, and Mr. Weller.

H.R. 60: Ms. Waters, Mr. Hilliard, Mr. Filner, and Mrs. Christensen.

H.R. 72: Mr. DAVIS of Illinois.

H.R. 73: Mrs. MCCARTHY of New York and Mr. TRAFICANT.

H.R. 75: Ms. WOOLSEY.

H.R. 100: Mrs. CLAYTON.

H.R. 101: Mrs. CLAYTON.

H.R. 102: Mrs. CLAYTON.

H.R. 123: Mr. ADERHOLT and Mr. LINDER.

H.R. 169: Ms. WATERS.

H.R. 179: Mr. MASCARA and Mr. YOUNG of Alaska.

H.R. 184: Mr. LANGEVIN.

H.R. 185: Mr. GONZALEZ.

H.R. 225: Mr. LANGEVIN.

H.R. 238: Mr. GALLEGLY.

H.R. 250: Mr. MOAKLEY, Mr. PLATTS, Mr. OTTER, Mr. TANCREDO, Mr. FERGUSON, Mr. ROGERS of Kentucky, and Mr. KENNEDY of Minnesota.

H.R. 267: Mr. OLVER.

H.R. 280: Mr. BURR of North Carolina.

H.R. 285: Ms. WATERS and Mrs. LOWEY.

H.R. 311: Mr. PLATTS.

H.R. 320: Mrs. MALONEY of New York.

H.R. 325: Mrs. MINK of Hawaii and Mr. THOMPSON of California.

H.R. 336: Mrs. MALONEY of New York.

H.R. 346: Mr. SANDLIN.

H.R. 380: Mr. PHELPS.

H.R. 436: Mr. SHERWOOD and Mr. CRANE.

H.R. 440: Mr. WATKINS.

H.R. 442: Mr. RODRIGUEZ, Ms. NORTON, and Mr. KUCINICH.

H.R. 481: Ms. RIVERS.

H.R. 482: Mr. SHADEGG, Mr. CRANE, and Mr. PITTS.

H.R. 488: Mr. LEACH, Mr. LOBIONDO, Ms. VELÁZQUEZ, and Ms. SOLIS.

H.R. 491: Mr. RANGEL and Ms. LOFGREN.

H.R. 527: Mr. EHRLICH.

H.R. 548: Ms. ROYBAL-ALLARD, Mr. DIAZ-BALART, Mr. HOLDEN, Mr. PLATTS, Mr. MASCARA, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. BOEHNER, Mr. STUPAK, Mr. HOEFFEL, Mr. OLVER, Mr. ALLEN, Mr. LUCAS of Kentucky, Mr. SCHAFFER, MR. DEUTSCH, Mr. GILLMOR, Mrs. JO ANN DAVIS of Virginia, Ms. BROWN of Florida, Mr. PUTNAM, Mr. SPENCE, Mr. CLEMENT, Mr. JENKINS, Mr. ADERHOLT, Mr. BARR of Georgia, Mr. ENGEL, Mr. MCGOVERN, Mr. RODRIGUEZ, and Mr. BAKER.

H.R. 555: Ms. NORTON and Mr. EVANS.

H.R. 598: Mr. WAMP, Mr. DEUTSCH, Mr. QUINN, Mr. WELLER, Mr. FOSSELLA, Mr. SESSIONS, Mr. ENGEL, Mr. MCNULTY, Mr. WICKER, Mr. WATTS of Oklahoma, Mr. ENGLISH, and Mr. SOUDER.

H.R. 612: Mr. LUCAS of Kentucky, Mr. VITTER, and Mr. BURR of North Carolina.

H.R. 622: Mr. BARCIA.

H.R. 634: Mr. HOSTETTLER.

H.R. 635: Mr. BORSKI, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. FATTAH, and Mr. PETERSON of Pennsylvania.

H.R. 638: Mr. HOLT.

H.R. 647: Mr. GILLMOR.

H.R. 656: Mr. CRANE.

H.R. 660: Mr. FROST and Mr. TIERNEY.

H.R. 674: Mr. HONDA.

H.R. 676: Mr. SIMMONS, Mr. SHAYS, Mr. LEACH, and Mr. NUSSLE.

H.R. 755: Ms. MILLENDER-MCDONALD, Ms. MCCOLLUM, and Mr. CARDIN.

H.R. 760: Mr. KANJORSKI.

H.R. 770: Mrs. THURMAN.

H.R. 776: Mr. BEREUTER.

H.R. 777: Mr. BEREUTER.

H.R. 782: Mr. CASTLE.

H.R. 822: Mrs. WILSON.

H.R. 827: Ms. VELÁZQUEZ.

H.R. 868: Mr. KINGSTON, Mr. KENNEDY of Minnesota, Mr. PASCRELL, Mr. PETERSON of Pennsylvania, Mr. KERNS, Mr. PASTOR, Mr. WELDON of Pennsylvania, Mrs. MALONEY of New York, Ms. JACKSON-LEE of Texas, Mr. RYAN of Wisconsin, Mr. CHAMBLISS, Mr. UDALL of New Mexico, and Mr. FLAKE.

H.R. 885: Mrs. THURMAN.

H.R. 898: Mr. BOUCHER, Mr. GEORGE MILLER of California, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLT, Mr. BLUMENAUER, Mr. FROST, Mr. ABERCROMBIE, Mr. RAHALL, Ms. DELAURO, Mr. TOWNS, Mr. WYNN, Mr. DEFAZIO, Ms. RIVERS, Mr. PALLONE, Mr. GREEN of Texas, Mr. BALDACCI, Mr. BENTSEN, and Mr. FILNER.

H.R. 909: Mr. CARDIN, Mr. HAYWORTH, and Mr. BRADY of Texas.

H.R. 912: Mr. BOYD and Mr. JOHNSON of Illinois.

H.R. 918: Mr. COSTELLO, Mr. LATOURETTE, Mr. FERGUSON, Mr. HUTCHINSON, Mr. GREEN of Wisconsin, Ms. BERKLEY, Mr. ROTHMAN, Mr. RAHALL, Mr. GONZALEZ, Mr. SCHIFF, and Mr. SCHAFFER.

H.R. 940: Mr. CUNNINGHAM.

H.R. 951: Mr. COOKSEY, Mr. GREENWOOD, Mr. MATSUI, Mr. MCINNIS, Mr. KANJORSKI, Mr. TOM DAVIS of Virginia, Mr. CAPUANO, Mr. GEKAS, and Mr. LANGEVIN.

H.R. 968: Mr. COX, Mr. MCGOVERN, Ms. RIVERS, and Mr. FLETCHER.

H.R. 969: Mr. TIAHRT.

H.R. 994: Mr. CROWLEY and Mr. LEWIS of Georgia.

H.R. 1001: Ms. HART.

H.R. 1003: Mr. KOLBE and Mr. NETHERCUTT.

H.R. 1020: Mr. SCARBOROUGH, Mr. PHELPS, Mr. BLUMENAUER, Mr. SIMMONS, Mrs. CAPITO, Mr. BONIOR, Mr. PASTOR, Mr. MOLLOHAN, Mr. GRAVES, Mr. ROGERS of Michigan, Mr. BARCIA, and Mr. COOKSEY.

H.R. 1032: Mr. KIRK and Mr. LAFALCE.

H.R. 1037: Mr. FOSSELLA.

H.R. 1060: Mr. KILDEE.

H.R. 1089: Mr. CAMP.

H.R. 1096: Mr. BARCIA.

H.R. 1110: Mr. JONES of North Carolina.

H.R. 1140: Mr. VITTER, Mrs. NORTHUP, Mr. DIAZ-BALART, Mr. CANTOR, Mrs. JOHNSON of Connecticut, Mr. CANNON, Mr. SHERMAN, Mr. LARSON of Connecticut, Mr. DOGGETT, and Mr. MEEHAN.

H.R. 1167: Mr. SIMMONS, Mrs. CLAYTON, Ms. SCHAKOWSKY, Mr. BONIOR, Mr. UDALL of New Mexico, Mr. SPRATT, Mr. BLAGOJEVICH, Mr. DEUTSCH, Mr. GRUCCI, Mr. GEORGE MILLER of California, Mr. INSLEE, Mr. TOWNS, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. WALSH, Mr. BENTSEN, Mr. DICKS, Ms. SANCHEZ, Mr. RUSH, Mr. WYNN, Ms. LEE, Ms. SLAUGHTER, and Mr. WEXLER.

H.R. 1168: Mr. SIMMONS, Mrs. CLAYTON, Ms. SCHAKOWSKY, Mr. BONIOR, Mr. UDALL of New Mexico, Mr. SPRATT, Mr. BLAGOJEVICH, Mr. DEUTSCH, Mr. GRUCCI, Mr. GEORGE MILLER of California, Mr. INSLEE, Mr. TOWNS, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. WALSH, Mr. BENTSEN, Mr. DICKS, Mr. RUSH, Mr. SABO, Mr. SPENCE, Ms. SLAUGHTER, Mr. WEXLER, Mr. ISAKSON, Ms. HOOLEY of Oregon, Mr. BAIRD, Mr. TOM DAVIS of Virginia, Mr. JEFFERSON, Ms. BALDWIN, and Ms. LEE.

H.R. 1170: Mr. ETHERIDGE, Mr. RAHALL, Mr. PRICE of North Carolina, Mr. LANGEVIN, and Mr. ABERCROMBIE.

H.R. 1191: Mr. REYES.

H.R. 1198: Mr. KERNS.

H.R. 1199: Mr. WATT of North Carolinia.

H.R. 1203: Mr. HASTINGS of Washington, Mr. REHBERG, and Mr. YOUNG of Alaska.

H.R. 1230: Mr. BLUMENAUER, Mr. BONIOR, and Mr. ABERCROMBIE.

H.R. 1232: Mr. RANGEL.

H.R. 1238: Mrs. THURMAN.

H.R. 1242: Mr. GILCHREST.

H.R. 1255: Ms. SANCHEZ.

H.R. 1266: Ms. ESHOO, Ms. HART, Mr. RODRIGUEZ, and Ms. SANCHEZ.

H.R. 1280: Mr. SANDERS, Mrs. DAVIS of California, Mr. RANGEL, and Mr. UDALL of New Mexico.

H.R. 1287: Mr. DIAZ-BALART.

H.R. 1291: Mr. MCGOVERN.

H.R. 1293: Mr. HILLIARD, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, and Mr. MEEKS of New York.

H.R. 1296: Ms. SANCHEZ, Ms. GRANGER, Mr. CLEMENT, Mr. GOODE, Mr. SCHROCK, Mr. OTTER, and Mr. ROSS.

H.R. 1306: Mr. RANGEL.

H.R. 1307: Mr. ANDREWS, Mr. RUSH, Mr. BERMAN, Mr. COSTELLO, Mr. PASTOR, and Mr. EVANS.

H.R. 1329: Mr. PAUL, Mr. GREEN of Wisconsin, Mr. SMITH of Texas, Mr. FERGUSON, Mrs. MORELLA, Mr. EHLERS, Mr. ROHRABACHER, Mrs. MINK of Hawaii, Mr. SESSIONS, Mr. CUNNINGHAM, Mr. FROST, Mr. CALVERT, and Mr. GONZALEZ.

H.R. 1330: Mr. PENCE.

H.R. 1339: Mr. HUTCHINSON, Mr. SHOWS, Mr. ROSS, Mrs. EMERSON, and Mr. BOSWELL.

H.R. 1342: Mr. SAM JOHNSON of Texas and Mr. RADANOVICH.

H.R. 1344: Mr. GEORGE MILLER of California and Mr. ANDREWS.

H.R. 1354: Ms. CARSON of Indiana.

H.R. 1357: Mr. CROWLEY and Mr. CARDIN.

H.R. 1360: Ms. ESHOO, Mr. WYNN, Mr. HILLIARD, Mrs. JONES of Ohio, and Mr. MOORE.

H.R. 1366: Ms. ESHOO and Mr. THOMPSON of California.

H.R. 1375: Mr. OTTER and Mr. MORAN of Kansas.

H.R. 1377: Mr. SHIMKUS, Mr. BRADY of Texas, Mr. SHOWS, Mr. ENGLISH, Mr. HALL of Texas, and Mr. BONILLA.

H.R. 1398: Mr. MCGOVERN.

H.R. 1401: Mr. SCHAFFER, Mr. COSTELLO, Mr. FROST, Mr. GREEN of Texas, Mr. FRANK, and Mr. BALDACCI.

H.R. 1405: Ms. ESHOO.

H.R. 1407: Mr. BLUMENAUER.

H.R. 1408: Mr. CANTOR and Mr. HOBSON.

H.R. 1429: Ms. JACKSON-LEE of Texas.

H.R. 1431: Mr. UDALL of Colorado, Mr. HASTINGS of Florida, and Mr. SIMPSON.

H.R. 1434: Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. NEAL of Massachusetts, and Mr. ACEVEDO-VILA.

H.R. 1438: Mr. HAYWORTH and Mr. HULSHOF.

H.R. 1441: Mr. SMITH of Michigan.

H.R. 1455: Mrs. CUBIN, Mr. BONILLA, Mr. PETRI, Mr. GIBBONS, Mr. DEAL of Georgia, Mr. STUMP, Mr. OTTER, and Mr. RAHALL.

H.R. 1464: Mr. JONES of North Carolina, Mr. CALVERT, and Mr. SHOWS.

H.R. 1465: Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. STARK.

H.R. 1469: Ms. CARSON of Indiana, Mr. WYNN, Mr. SANDERS, Mr. FRANK, and Mr. ENGLISH.

H.R. 1474: Mr. PICKERING.

H.R. 1481: Mr. RAMSTAD.

H.R. 1484: Mr. RAHALL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. WAXMAN, Mr. EVANS and Mr. PASCRELL.

H.R. 1487: Mr. EVANS, Mr. FOSSELLA, Mr. WAXMAN, and Mr. MCGOVERN.

H.R. 1507: Mr. STUMP and Mr. EHRLICH.

H.R. 1522: Ms. RIVERS, Mr. MCGOVERN, Mr. RAHALL, and Mr. BERMAN.

H.R. 1553: Mr. SMITH of Washington, Mr. REYNOLDS, Mr. SESSIONS, and Ms. ESHOO.

H.R. 1567: Mr. LAFALCE and Mr. RUSH.

H.R. 1581: Mr. SANDLIN.

H.R. 1585: Mr. PAYNE, Mr. KUCINICH, Ms. BROWN of Florida, Mr. FATTAH, Ms. NORTON, Mrs. CLAYTON, and Mr. FRANK.

H.R. 1592: Mrs. EMERSON.

H.R. 1598: Ms. SLAUGHTER, Mr. MCINNIS, Ms. KILPATRICK, Mr. BLAGOJEVICH, and Mr. FROST.

H.R. 1600: Mr. COLLINS, Mr. MCINNIS, Mr. CAMP, and Mrs. MORELLA.

H.R. 1601: Mr. ROSS.

H.R. 1620: Mrs. LOWEY.

H.R. 1631: Mr. MEEKS of New York.

H.R. 1632: Mr. CROWLEY and Mr. TANCREDO.

H.R. 1642: Mr. CROWLEY, Mr. PAYNE, Ms. KAPTUR, Mr. HILLIARD, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CONYERS, Mr. WYNN, Ms. CARSON of Indiana, Mrs. CLAYTON, Ms. BALDWIN, Ms. NORTON, Mr. NADLER, Mr. FILNER, Mr. CLYBURN, Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. MCKINNEY, Mr. STARK, Mr. RANGEL, Mr. CLAY, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. RAHALL, Ms. JACKSON-LEE of Texas, and Mr. EVANS.

H.R. 1643: Mr. CANTOR, Mr. NADLER, Mr. CROWLEY, and Mr. HOEFFEL.

H.R. 1644: Mr. KUCINICH, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. KERNS, Mr. ADERHOLT, Mr. PITTS, Mr. RYUN of Kansas, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. DEMINT, Mr. VITTER, Mr. TIAHRT, Mr. WOLF, Mr. SMITH of Texas, and Ms. HART.

H.R. 1657: Mr. KENNEDY of Minnesota, Mr. OSE, and Mr. NEAL of Massachusetts.

H.R. 1683: Ms. BERKLEY.

H.J. Res. 13: Ms. SANCHEZ and Ms. NORTON.

H.J. Res. 36: Mr. KENNEDY of Minnesota and Mrs. NORTHUP.

H.J. Res. 38: Mr. AKIN.

H. Con. Res. 5: Mr. FROST, Mr. FILNER, and Mr. GONZALEZ.

H. Con. Res. 54: Mr. BOYD, Mr. LAHOOD, and Mr. BERRY.

H. Con. Res. 56: Mr. FROST, Mr. BALDACCI, Mr. JOHNSON of Illinois, Mr. BRYANT, Mr. HOSTETTLER, Mr. SCHAFFER, and Mr. ROHRABACHER.

H. Con. Res. 58: Mr. EVANS.

H. Con. Res. 68: Mr. SMITH of New Jersey.

H. Con. Res. 73: Mr. LATOURETTE and Mr. FLAKE.

H. Con. Res. 97: Mr. MATSUI.

H. Con. Res. 106: Mr. COSTELLO, Mr. PASTOR, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. MCNULTY, Mr. FOSSELLA, and Mr. ETHERIDGE.

H. Res. 99: Mr. ROTHMAN, Mr. MOORE, Mr. ROSS, Mr. THOMPSON of California, Mr. BERRY, Mr. BACA, Mr. KING, Mr. HOYER, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. WU, Ms. BALDWIN, Mr. PALLONE, Mr. RANGEL, Mr. PAYNE, Mr. FORD, Mr. ANDREWS, Mr. RODRIGUEZ, Ms. VELÁZQUEZ, Mr. ENGEL, Mr. BALDACCI, Mr. PASCRELL, Mr. MOLLOHAN, Mr. TURNER, Mr. MEEKS of New York, Mr. LANGEVIN, Ms. SLAUGHTER, Mr. MCGOVERN, and Mrs. MALONEY of New York.

H. Res. 116: Mr. CALVERT, Ms. GRANGER, Mr. LAHOOD, Mr. NEY, Mr. SABO, Ms. SANCHEZ, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. TANCREDO, Mrs. THURMAN, and Mr. WATT of North Carolina.

H. Res. 120: Ms. JACKSON-LEE of Texas.

EXTENSIONS OF REMARKS

H.R. 1658: THE BURLEY BUYOUT ACT OF 2001

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HILL. Mr. Speaker, I am proud to rise today to introduce H.R. 1658, the "Burley Buyout Act of 2001," a bill to buy out Burley tobacco farmers and end the Burley tobacco price support program and quota system. H.R. 1658 has been endorsed by the Indiana Tobacco Growers Association, which represents southern Indiana's 2,000 Burley tobacco farmers.

Burley tobacco has been growing in southern Indiana for almost two centuries. As farmers migrated westward from Virginia to Kentucky and southern Indiana in the early 1800s, they brought with them their native state's most important crop. A typical example of an early Indiana tobacco farmer was Thomas Lincoln, the father of Abraham Lincoln, who moved from Kentucky to Spencer County, Indiana, in 1816 and raised a small plot of tobacco on his farm.

Over the years, tobacco has continued to be an important part of the economy in our rural communities, and today there are 2,000 Burley tobacco farmers and 8,000 owners of tobacco quota in southern Indiana.

These farmers and quota owners are very familiar with the tobacco price support program, which the federal government created in the Agricultural Adjustment Act of 1938 to protect tobacco farmers from price volatility. The program guarantees a minimum price for the tobacco that farmers grow, so long as farmers agree to limit their tobacco production.

The tobacco price support program worked well for many years, but now the program is no longer protecting farmers' incomes. Since the mid-1990s, Burley tobacco quotas have been cut in half. In 1997, the tobacco quota was 705 million pounds. This year, the quota is 332 million pounds. In other words, tobacco farmers can only grow 47% of the amount they could produce five years ago. The result is that their farm incomes have been cut in half over the last five years.

To make matters worse, both U.S. and foreign tobacco companies are buying an increasing amount of their tobacco from foreign producers that are not subject to the U.S. quota and price support system. The percentage of imported Burley tobacco used in U.S. tobacco products has risen from around 20% in the early 1980s to almost 40% today. At the same time, the U.S. share of world burley tobacco exports is steadily declining.

In addition, because so much of the tobacco quota is now owned by non-growers, tobacco farmers have to include significant quota rental expenses into their production costs. The University of Kentucky's Will Snell estimates that quota rental rates averaged around 40 cents a pound in the 1990s, which means that quota rental payments make up about 20–25% of a tobacco farmer's production costs.

A consequence of declining quotas and high tobacco production costs has been that the government has directly subsidized tobacco growers over the past several years. For many years, the tobacco industry proudly insisted that the government tobacco program operated at "no cost" to taxpayers, since the tobacco stabilization cooperatives always repaid the money borrowed from the CCC with interest. In 1999 and 2000, however, the federal government distributed almost $700 million in Tobacco Loss Assistance Payments (TLAP). In addition, in the year 2000, Congress forgave $500 million in loans that cooperatives owed the CCC and assigned 220 million pounds of the Burley pool stocks to the CCC.

The tobacco price support program is no longer offering tobacco growers the economic stability they used to enjoy. The statistics clearly show that the price support system is no longer guaranteeing farmers a good living. Furthermore, the tobacco program can do little or nothing to counter the long-term economic forces that are challenging tobacco growers.

For this reason, I am proposing that the federal government buy Burley tobacco farmers and quota holders out of the price support program. Ending the tobacco program gets the government out of a costly agricultural production control program that is no longer working and allows farmers who want to stay in the tobacco business to be more competitive in the world market.

My bill, H.R. 1658, the Burley Buyout Act of 2001, immediately terminates the tobacco program and:

(1) Compensates all quota holders with the fair market value of the property right their quota represents. It would pay all quota owners a one-time payment of $8 per pound for the average number of quota pounds they have owned over the last ten years.

(2) Provides transition payments of $1.50 per pound for the next five years to active tobacco producers to help them move from the price support program to other activities, including growing tobacco in the open market. These payments will be based on the average number of quota pounds tobacco farmers have grown over the last three years.

(3) Provides $50 million each year in grants for the next five years to help communities that are heavily dependent on tobacco to adjust to the economic changes that might be caused by ending the price support program.

As Congress prepares to write the next Farm Bill, my colleagues on the House Committee on Agriculture and I have an opportunity to review the laws and programs that affect most farmers. This opportunity only comes around about once every five years. For this reason, I believe it's appropriate for us to review the tobacco price support program too, and I feel strongly that it is time to make significant changes and end the program.

I urge my colleagues to support and adopt H.R. 1658, the Burley Buyout Act of 2001.

AUTOCRATIC LEADERS IN CENTRAL ASIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BURTON of Indiana. Mr. Speaker, I would like to submit this recent Washington Post editorial regarding autocratic leaders in Central Asia. The editorial draws particular attention to President Nursultan Nazarbayev of Kazakhstan and his intolerance of free speech and rigid control of independent expression. For those Members of Congress who are interested in the true nature of Nazarbayev regime, I highly commend this editorial.

[From the Washington Post, May 1, 2001]

A CHOICE FOR DEMOCRACY

Russian President Vladimir Putin is not alone in the post-Soviet world in his assault on a free press, environmental organizations and other independent voices. In the five republics of Central Asia, autocratic leaders also are cracking down. Because their countries did not benefit from the years of relative freedom that Russia enjoyed under former president Boris Yeltsin, Central Asia's potentates tend to meet with less resistance, though everywhere some brave people resist. A case in point, both sad and inspiring, is Kazakhstan, after Russia the largest republic of the former Soviet Union.

President Nursultan Nazarbayev, who made an effortless transition from Communist boss, was seen in the early years of independence as a potential moderate. Over the years, though, he has grown less tolerant of dissent or pluralism, even as stories of corruption at the highest levels multiply in his oil-rich republic. His decade in power has been marked "by rigid control of independent expression," the nonprofit Committee to Protect Journalists noted recently. Prosecutors routinely harass and investigate newspapers that dare a smidgen of independent reporting. "Infringement of the honor and dignity of the president" is a crime. Only the biggest television stations are not bothered, but this is small comfort because, as the Committee to Protect Journalists noted, "the most influential stations are under the direct or indirect control of the president's family."

This spring the official crackdown has extended to many nongovernmental organizations in addition to the press. These groups helped organize opposition to a new law on the media that will further tighten government control over Internet sites and small broadcast outlets. Grass-roots opposition managed to delay, though not prevent, adoption of the law, mustering an impressive number of petitions and public meetings. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

retribution, prosecutors and tax police have raided groups, forced them to shut down and seized documents and equipment, according to Eric Kessler, a staffer with the U.S.-based National Democratic Institute.

The institute, like other pro-democracy organizations, has helped Kazakhstan's small civic groups, often with small grants from the U.S. government. Resistance to the media law shows that their work is not in vain. But overall the fight for democracy is not succeeding, and America's split personality on the subject may be one reason. While backing democracy in a small way, the Clinton administration was more than willing to welcome and forgive Mr. Nazarbayev, because he controls substantial oil and gas wealth, and because his country's independence is seen as a check to potential Russian expansionism from the north or Chinese pushiness from the east.

Mr. Nazarbayev may expect the Bush administration, with its concern for expanding sources of oil and gas, to be even friendlier. But President Bush and his team also have stressed the importance of values in foreign policy, particularly the values of freedom and free markets—neither of which is embraced in Kazakhstan. Mr. Nazarbayev's strategy of hoarding power and oil wealth for a small elite is not a recipe for long-term stability. The Bush administration ought to help those inside Kazakhstan who continue to struggle for a different kind of future.

AN INCOMPLETE INVESTIGATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. FRANK. Mr. Speaker, on Tuesday of this week I expressed my strong disapproval of the Navy policy of scheduling potentially dangerous military events solely for edification of those civilians that the Navy is seeking to turn into lobbyists for the budget, and I also expressed my disappointment at the failure of the House so far to hold the Navy—and the rest of the Pentagon—to a reasonable standard of behavior in this regard. Subsequent to my statement I came across the accompanying editorial from the New York Times, appropriately entitled An Incomplete Investigation. In the editorial the Times notes "testimony indicated that the only reason the ship went to sea that day was to entertain sixteen civilian guests as part of a Navy program aimed at cultivating good will. One of the shortcomings of the Navy's public court of inquiry was that none of these civilians was summoned to testify . . . the civilians might well be asked to appear at any court martial, and their testimony in turn could discredit the civilian visitor program." The Navy has refused to deal honestly with the role of these civilians in this terrible tragedy, and has announced that it intends to continue this program without any correction. We in the House have a responsibility not to allow this to happen. And I ask that the very thoughtful editorial from the New York Times on this subject be printed here.

AN INCOMPLETE INVESTIGATION

Unless Adm. Thomas Fargo decides otherwise, the Navy's investigation into the collision of an American submarine with a Japanese vessel near Honolulu in February is likely to end on a premature and unsatisfactory note. A report by Elaine Sciolino in Sunday's Times quoted senior Pentagon officials as saying that the public court of inquiry into the incident had recommended that the submarine's skipper, Cmdr. Scott Waddle, not be tried by a court-martial. Instead the commander would receive some lesser punishment, like a reprimand, that would effectively end his career but spare him the military equivalent of a criminal trial.

The final decision rests with Admiral Fargo. The officials cited in the Times report said that he was unlikely to act against the panel's recommendations. Nevertheless, we urge him to consider a court-martial. We have no wish to prejudge the outcome. A court-martial affords defendants a chance to explain their behavior and to present mitigating evidence. In this instance, a court-martial is also justified by the nature of the case.

Nine people were killed in the accident, which triggered widespread resentment in Japan that could well flare up again. According to testimony presented to the court of inquiry, the operations of the submarine, the Greeneville, were riddled with mistakes and violations of safety rules. Commander Waddle himself testified that he had cut short or omitted several safety precautions, failed to reassign duties to compensate for the absence of a third of his normal crew and rushed the periscope search conducted just before the surfacing drill that caused the accident. The testimony also identified serious mistakes by a petty officer who failed to notify the commander that the Greeneville was dangerously close to the Japanese ship.

The testimony indicated that the only reason the ship went to sea that day was to entertain 16 civilian guests as part of a Navy program aimed at cultivating public good will. One of the shortcomings of the Navy's public court of inquiry was that none of these civilians were summoned to testify, though they could have been. The civilians might well be asked to appear in any court-martial, and their testimony in turn could discredit the civilian visitor program. Three of the civilians were seated at controls on the submarine at the time of the collision.

This has not been an easy time for the Navy, and it has been a grievously difficult time for Commander Waddle. But the fundamental issue here is accountability—the commander's, his crew's and the Navy's. A truncated inquiry cannot inspire the public confidence that would come with a full court-martial proceeding.

HONORING ANNA M.H. VERHESEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize an outstanding woman of my district, Anna M.H. Verhesen. Ann was awarded the Key to the Golden Door Award by Toledo's International Institute on March 31, 2001. This award is given to a naturalized citizen who has made a significant contribution to the betterment of people. I join with people from throughout my community in congratulating Ann on her receipt of this award.

A dedicated and tireless advocate for the poor, unrecognized, and underserved, Ann's passion was grown in her while a very young child as she and her family protected many people fleeing Nazi persecution in Holland. Born to Hendrikus and Henrika (Kluesssjen) Verhesen in 1932, Ann began her career in service while still in the Netherlands and employed as a child care and social worker until emigrating to Canada with her family in 1959. While in Canada, Ann took her vows as a Grey Nun. In 1968, she came to the United States, serving in child care at the St. Lawrence Home in Massachusetts. A 1970 fire burned her very badly, and that accident brought her to Toledo, to the St. Vincent Hospital Burn Unit for healing. After her release, she was a counselor for substance abuse and mental health patients, and she created the Tennyson Center, the hospital's substance abuse detoxification and treatment unit. She subsequently returned to Massachusetts continuing her social work, and serving as vocation director for the Grey Nuns until 1979. She returned to St. Vincent's in 1981 and was the coordinator of community services for the next decade. During her tenure she established the Open Door, a men's half-way house for alcoholics and its counterpart for women, Harbor House, and David's House for people with AIDS. She became a vocal advocate for the homeless among us. Even while actively engaged in this work Ann pursued her studies, receiving her undergraduate degree in 1981 and her Master's in 1992. She left the Grey Nuns in the latter 1990s and now counsels in private practice. She was sworn in as a United States citizen in 1994.

Even before Pope Paul VI voiced, "If you want peace, work for justice" Ann Verhesen lived this creed. The International Institute perfectly explains her avocation in awarding the honor, "A model of gentle yet persistent advocacy for the outcast, Ann has reached out to those whom society has no time or interest in assisting. She has challenged hospitals to address their services to those who are addicted, while simultaneously challenging those who are addicted to change their lives. Ann is often the silent force behind change." This is a truly fitting tribute to a most remarkable yet humblest of women.

OUR VETERANS DESERVE BETTER ACCESS TO PRESCRIPTION MEDICATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation to permit veterans to obtain prescription medications from Veterans Affairs (VA) hospitals by using prescriptions written by their family doctor.

Our nation's veterans are entitled to seek care at VA facilities for illnesses incurred not only during their active duty service but also for post-service conditions. Because the VA recognizes that some veterans have more acute illnesses or injuries, all veterans seeking care are placed in one of seven priority categories, with veterans suffering from severe service-connected disabilities receiving higher priority and immediate attention, and those veterans in generally good health and with income exceeding a certain threshold receiving a lower priority for scheduling of care.

Presently, veterans without severe service-connected disabilities and whose income is above the level that makes them eligible for free care may obtain needed medications at VA facilities for the very reasonable cost of $2 per prescription per 30-day supply. However, VA facilities only dispense prescription medications to veterans who have received prescriptions from VA physicians after an outpatient visit. While I have heard from many veterans who would like to take advantage of reduced-cost prescription medications, those who are not severely disabled, poor, or suffering from service-connected ailments are faced with waiting periods for the necessary outpatient visits that stretch from several months to over a year. This places an unnecessary financial burden upon our veterans who may be forced to pay retail prices for prescription drugs in the months before they can get in to see a VA primary care physician. This policy can also impose a health burden, as this extensive wait sometimes discourages veterans from seeking VA medication treatment altogether.

My legislation would allow veterans immediate access to prescription medications offered through the VA by allowing our veterans to use prescriptions written by their family physician to receive the VA's reduced-cost prescription drugs.

Not only will this facilitate timely access to needed medications, but this bill would reduce the caseload of outpatient visits that health care personnel at VA facilities must cope with daily in the delivery of care to our veterans. The effect of this legislation would be to permit VA facilities to devote more time and resources to assisting those veterans who require inpatient care.

I urge my colleagues to cosponsor this important legislation to give our nation's veterans prompt access to the prescription medications that they need and have earned.

PRE-PEACHTREE ROAD RACE TRAINING CAMP FOR WHEELCHAIR ATHLETES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BARR of Georgia. Mr. Speaker, Anytime a world-class sporting event is hosted in an area, the community benefits. Georgia's annual Peachtree Road Race is no exception. Athletes of every skill level come from all around the world to participate in the 10 kilometer race and sports exposition. Once again, the city of Cedartown, Georgia, is carrying on a tradition of sports excellence by hosting the second annual Cedartown Pre-Peachtree Training Camp for the world's premier wheelchair athletes.

This event, hosted by Cedartown's own Krige Schabort, 2000 Olympic marathon silver medalist, will bring championship wheelchair racers from many countries to the camp, scheduled for the week of June 26, 2001. Not only will these top athletes be able to train in conditions that simulate the Peachtree Road Race, but they will have the opportunity to compete in front of the community in two organized race events.

Athletics enrich our lives and serve to bring our communities together. In recent years, Georgia has become known as one of the top sports centers in the world. I am proud to say the city of Cedartown is contributing to that sports reputation with the Pre-Peachtree Training Camp for wheelchair athletes. I join in welcoming these world-class athletes to Georgia's Seventh District.

BACK TO HEALTH MONTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mrs. MALONEY of New York. Mr. Speaker, back pain will affect eight out of ten Americans at some point in their lives, and is the second most common reason that people visit a physician. For this reason, I rise today to draw attention to a national campaign which recently concluded: "Back to Health" Month.

Launched by the North American Spine Society (NASS), April served as Back to Health Month. In reality, if you are one of the millions who suffer from back pain, this is an issue of importance all year. NASS seeks to raise awareness of the impact of back pain on the lives of the American public and steps we all can take to maintain a strong and healthy back. Back pain represents a serious quality of life issue that is an all too common reality for many Americans, Mr. Speaker. Back problems also bring major economic consequences as well. Each year, back pain results in more lost days from work than any other ailment, except general bone and joint "problems." In fact, there are more back injuries and disorders per 10,000 U.S. workers than any other musculoskeletal condition.

In the month of April, Mr. Speaker, the North American Spine Society sponsored regional events around the country to highlight the importance of a healthy back, including "Back to Health Day" on Capitol Hill on April 24th.

I encourage my colleagues to share this information with their constituents. Back pain is a problem which affects nearly all of us, but it is a problem that can be properly treated. I applaud NASS' efforts to get America "Back to Health."

HONORING DOCTOR GUNVANTRAY B. MEHTA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize an outstanding man in my district, Gunvantray B. Mehta, MD. Dr. Mehta was awarded the Key to the Golden Door Award by Toledo's International Institute on March 31, 2001. This award is given to a naturalized citizen who has made a significant contribution to the betterment of people. I join with people from throughout my community in congratulating Dr. Mehta on his receipt of this award.

Born in Gujarat, India, Dr. Mehta first traveled to New York in 1972 for advanced medical study in Radiology at the Nassau County Medical Center. He arrived in Toledo later in that decade, where he joined X-Ray Associates in 1978. Initially drawn to Toledo to be nearer family, Dr. Mehta was soon immersed in its vibrant and active Indian community. As a strong leader in that community, Dr. Mehta has long been involved in its signature events including productions of Ramayan and Shakunthla. He organized a memorable seven day celebration culminating in the 1989 opening of Toledo's Hindu Temple and served as its first president. Dr. Mehta is also a leader in the medical community, and is an active participant in several local, state, and national professional organizations. He is currently the president of X-Ray Associates. Married to I'la, the couple has two children, daughter Dr. Minal and son Sandip.

The International Institute's tribute notes, "When asked who was the one person who made the greatest impact on his life, Dr. Mehta quickly answers his mother. From her, he learned that helping people should become second nature, and without having to think about it, a way of life. She motivated him to strive for excellence." I have known Dr. Mehta for many years. He is a caring, generous, and deeply committed man. While putting the American Dream into action, he never lost touch with his ancestry, his faith, or his country of origin. He is an ambassador in the truest sense of the word. How fortunate our community has been to have the Mehta family a part of us.

COMMUNITY CARE FOR THE ELDERLY RECOGNIZED FOR TEN YEARS OF SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KLECZKA. Mr. Speaker, on May 15th, 2001 Community Care for the Elderly (CCE) will celebrate 10 years of providing quality care and opportunities to improve the quality of life for Milwaukee's low-income elderly through the Program of All-inclusive Care for the Elderly (PACE). During the past 10 years PACE has helped over a thousand vulnerable seniors avoid nursing home placement and maintain their quality of life. PACE is a shining example of excellence in elderly health care.

Milwaukee's CCE Program for All-inclusive Care for the Elderly is the fourth site of its kind in the United States. Milwaukee's PACE site is staffed by an extremely dedicated group who also work to assist elderly care providers around the nation to implement this innovative health care delivery system.

Community Care's PACE site provides comprehensive case management and access to a multi-disciplinary team of health care providers that includes primary care physicians; registered nurses; nurse practitioners; personal care workers; rehabilitation and recreational therapists; nutritional services staff and social workers.

PACE enables the frail elderly to remain in their homes as a viable alternative to nursing home placement. Many seniors they serve only need assistance with household and personal tasks, along with monitored health-care, to allow them to stay in their neighborhoods and connected to the people and places they love.

Because of PACE, over 1,300 Milwaukee County elderly residents have been able to avoid nursing home stays and remain in their communities, serving as role models and inspiration to younger generations. These individuals have been able to participate in community life and serve as living keepers of our city's stories and history.

And so it is with great pride that I congratulate the Community Care Organization's Program for All-inclusive Care for the Elderly on their 10th anniversary, serving Milwaukee County's elderly community.

COLONEL J. DAVID NORWOOD

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BARR of Georgia. Mr. Speaker, I would like to take a moment to extend my utmost appreciation of Colonel J. David Norwood, District Engineer, U.S. Army Corps of Engineers, Mobile District. Colonel Norwood deserves special recognition for the hard work and dedication he demonstrated during the past three years; balancing a multitude of competing needs along federal waterways in the Southeast during one of the longest droughts on record.

The drought conditions began in the Southeast just prior to Colonel Norwood assuming command of the Mobile District. One of the most critical waterways within the Mobile District is the Apalachicola-Chattahoochee-Flint, which begins in north Georgia at Lake Sidney Lanier and terminates in Apalachicola Bay in Florida. Along this waterway are a multitude of competing interests. These interests include recreation, municipal and industrial water supply including the City of Atlanta, hydropower, environmental, flood control and navigation.

As you can imagine, meeting these needs with a decreasing water supply due to the drought required a monumental effort. Colonel Norwood and his staff were very proactive in keeping all users informed through numerous public meetings and information sessions, the development of a special drought internet site, press releases and personal communication.

Colonel Norwood worked with the Southeastern Power Administration (SEPA) to reduce the necessity of using waters from the four reservoirs with hydropower capability to reduce water usage. He personally participated in every decision involving supplying water for navigation, and kept the usage of water to a minimum in order to conserve as much as possible.

In addition to operating the ACF system to meet these competing needs, Colonel Norwood also had to factor in the ongoing negotiations between the States of Alabama, Florida and Georgia in their Compact negotiations for future water usage.

This particular attention to the Southeast drought and the managing of water, one of our nation's most precious resources, under these conditions was exceptional. It becomes even more so when you look at the full scope of the Mobile District mission, which includes civil works in four states and military programs in five states and Central and South America.

I would like to personally thank Colonel Norwood and his staff for their dedication and commitment to all the various publics they serve in the Southeast and particularly in Georgia.

I and everyone else affected by the Southeast drought extend our sincere appreciation for a difficult job well done.

SIBLINGS DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to acknowledge the importance of Siblings Day, a day to honor our sisters and brothers for the many ways in which they have enriched our lives. This celebration gives us the opportunity to show our appreciation for our siblings, much the same way that Mother's Day and Father's Day are celebrated. Founded by a Manhattan constituent, Claudia Evart, Ms. Evart has worked tirelessly to encourage everyone to honor their siblings on April 10th.

Siblings make an important contribution to who we are. Often, when our parents are gone, our siblings are our only remaining family. And sometimes, as in the case of my constituent Claudia Evart, Siblings Day will help us remember siblings who we have lost at an early age.

April 10th marks the birthday of Claudia's sister Lisette, who died tragically in 1972 at age 19 in a car accident that also killed their father. An additional tragedy struck in 1987, when Ms. Evart's older brother, Alan, died in an accident at his home. He was 36 years old.

This holiday was recently marked, according to the Siblings Day Foundation, in 20 states (Arkansas 'Colorado, Connecticut, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia and Wisconsin); each of the 20 governors proclaiming the 10th of April as Siblings Day.

I call on the Congress to recognize the importance of family members by recognizing the contributions made by our siblings. I applaud the work of Claudia Evart, who has created a loving tribute to her deceased siblings by her work to establish Siblings Day. Her inspired work should serve as a lesson to us all.

HONORING THE ACADEMY OF MEDICINE OF TOLEDO AND LUCAS COUNTY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the sesquicentennial of the Academy of Medicine of Toledo and Lucas County in my district. The organization celebrates this anniversary on June 22, 2001.

Eight Toledo physicians originally came together in 1851 to form the Toledo Medical Association, founded "for the cultivation of the science of medicine and the promotion of public health, the advancement of the character and honor of the profession, and the elevation of the standards of the medical education." From the outset, the organization was aggressive in its efforts to raise the standard of medicine. This goal was accomplished by fighting quackery, stopping advertising by physicians, introducing professional standards and across-the-board fees for physicians, sharing knowledge of difficult cases and medicate advancements, and improving the quality of medical education by promoting a medical school. The Toledo Medical Society played an integral role in the development, birth, and growth of the former Toledo Medical College which was established in 1882.

Following the Civil War, the Toledo Medical Association pioneered efforts in the new field of public health. The association worked to insure a safe milk and water supply, advocated for state-of-the-art treatment of tuberculosis, and promoted immunizations against devastating contagious disease. During this time the organization also helped the establishment of Toledo's hospitals.

As the Toledo metropolitan area grew by the turn of the century, the Toledo Medical Association merged with the Lucas County Medical Society to form the current Academy of Medicine of Toledo and Lucas County. This combined organization enabled the medical profession to unite in a larger, more effective, political force and stronger advocates.

As physicians in record numbers enlisted in the battle of World War I, the Academy supported their families and maintained their practices. At the end of the war during the influenza epidemic of 1918, many Academy members lost their lives including its first President, Dr. Julius Jacobson. In the decades between the two World Wars, the Academy continued to expand its outreach, forming a physician answering service—the first medical society to do so—and further developing effort to address diseases scourging the population like tuberculosis. Many society members answered the call during World War II, and in response to the Cold War which followed the Academy aided in the area's civil defense response. Public health initiatives continued, with the Academy focusing on public education in the 1960s and 1970s.

As the nation reached a critical shortage of physicians in the 1970s, the Academy again spearheaded the establishment of a medical school. The Medical College of Ohio was established in Toledo in 1976 and trains physicians yet today. The Academy provides financial scholarships to outstanding students, and more than one-third of the school's graduates remain in the Toledo area.

Meeting the challenges of the times, the Academy has been a driving force behind HIV/AIDS education, smoking prevention and cessation programs, childhood immunization programs, the battle against environmental degradation, and it has sought to find a role in the development of HMOs and other government health initiatives. Even while serving the Toledo area population, the Academy has also sponsored several medical missions promoting international health to the most impoverished of our world.

From its beginning 150 years ago, the Academy of Medicine has been an organization at the forefront of quality health care, evolving as the times demand so that the organization and its members remain effective. I know it will continue to be a viable force for decades to come. I join with our community in recognizing the Academy of Medicine's achievements in the past 150 years, and look forward with anticipation to its future. No community in America could be served by a finer organization than ours. Onward.

IN HONOR OF ROBERT M. BECK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor a courageous man for his commitment to labor, the community and his concern for protecting the lives of others. Cleveland State of Israel Bonds is honoring Robert M. Beck, the President of Cleveland Police Patrolmen's Association.

Officer Beck is an outstanding role-model not only for his fellow law enforcers, but for the entire community as well. Prior to Robert Beck's presidency of the Cleveland Police Patrolmen's Association, he fulfilled numerous professional capacities. He served first as a patrol officer and then spent 13 years in the Third District Detective Bureau and Strike Force Unit. In 1980, Officer Robert Beck assumed his first elected position as a shift director. After years of hard work and on-going dedication, he was elected to his present position.

From a very young age Robert Beck knew his career goal. Although his father thought that Robert would enroll in the family business, he truly wanted to become a police officer. Even with several adjustments, rigors and pitfalls, such as being injured in the line of duty, Officer Robert Beck has upheld his honor and dignity throughout all occasions.

Presently, he is the elected first vice-president of the Cleveland Police Credit Union, chairman of the board of the Ohio Police and Fire Pension Fund and area vice-president of Cleveland AFL–CIO. In recognition of his consistent determination, Officer Beck has been honored with various awards. He is the recipient of the 1985 Rotary Valor Award, the 1986 Exchange Club Police Officer of the Year and the 1990 Five Year Distinguished Service Award.

Despite Officer Beck's many achievements, he still has an overwhelming passion for protecting the lives of others. My fellow colleagues, join me in saluting Officer Robert M. Beck for his continual dedication to the Cleveland community.

STATEMENT ON INTRODUCTION OF H.R. 1693 THE SCIENCE EDUCATION FOR THE 21ST CENTURY ACT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HALL of Texas. Mr. Speaker, today I am introducing legislation that will help to improve K–12 science and mathematics education in the nation's schools. The Science Education for the 21st Century Act authorizes a range of activities to increase the numbers and enhance the capabilities of science and math teachers, to advance knowledge on the most effective uses of educational technologies, to increase participation in science and technology careers by women and minorities, and to provide more effective coordination of public and private sector efforts to improve science and math education.

I want particularly to acknowledge the assistance and contributions of several of my Science Committee colleagues in the development of this legislation. The bill incorporates Rep. EDDIE BERNICE JOHNSON's provision to establish school/business partnerships to improve science and math education and to support students in pursuing undergraduate degrees in science and engineering; Rep. LYNN WOOLSEY's Go Girl Grants to encourage girls and young women to study math, science and engineering; Rep. JIM BARCIA's provision to establish an educational technology extension service to support K–12 schools; Rep. MARK UDALL's scholarships for science, math and engineering students willing to become certified and to serve as science teachers; Rep. JOHN LARSON's provisions on assessing the means for deployment of broadband networks for schools and libraries and on demonstrating educational applications for such networks; and Reps. BOB ETHERIDGE's and JOE BACA's provisions on improving the preparation and in-service professional development of science and math teachers.

The importance of providing all students with a sound grounding in science, math and technology education is evident. Looking at the overall economy, worker skill level correlates directly with productivity growth. More than one quarter of the growth in labor productivity during the boom years of the 1990s is attributed to increases in worker skills, as measured by education and work experience. The Department of Labor estimates that a 1% increase in worker skill level has the same effect on output and productivity growth as a 1% increase in hours worked.

Moreover, national economic, policy and cultural matters are increasingly influenced by science and technology. Having a basic grounding in science and technology is necessary for individuals to make informed judgments about public policy issues and to lead fulfilling lives. Unfortunately, it is clear that we have problems both in the quality of K–12 science and math education and in attracting students to careers in science, engineering and technology.

The National Assessment of Educational Progress, the national report card, reveals that fewer than one third of 4th, 8th and 12th grade students attain proficiency in science and math. International comparisons of math and science skills show the performance of U.S. students declining with years in the school system, and falling below that of students from most of our economic competitors. Poor preparation in elementary and secondary schools is reflected in the findings that over 40% of freshmen at public 2-year colleges are enrolled in remedial classes. Even at private 4-year colleges, 13% of students are enrolled in such classes. Moreover, approximately 35% of companies provide remedial math education for their employees.

Although college attendance is increasing, relatively fewer students than in the past are pursuing undergraduate degrees in science, math and engineering. From peak levels in the mid-1980s, engineering majors have declined by 30%, and math majors by 45%, relative to other fields of study.

One reason that the pool of scientists and engineers is growing more slowly is simply that the group traditionally most likely to enter these fields, white males, is declining as a percentage of new workers. At present, white males constitute a little over 40% of the workforce and nearly 70% of scientists and engineers. In contrast, white females are about 35% of the workforce and only 15% of scientists and engineers. The corresponding figures for African Americans and Hispanics are each about 10% of the workforce and 2% of scientists and engineers.

Clearly, we must do a better job of attracting women and minorities to science and preparing them to pursue postsecondary studies in science, math and engineering.

The Department of Labor projects that new jobs requiring science, engineering and technical training will increase by 51% between 1998 and 2008—roughly four times higher than average job growth nationally. The changing economy will not only require more scientists and engineers, but will require most workers to have increased skills. Sixty percent of all new jobs will require at least a high school education, and only 12% of new jobs will be filled by those with less than a high school education, and the number of such jobs will continue to decline.

These trends suggest the need to improve K–12 science and math education, both to prepare more students to pursue science and engineering studies in college and to raise the skill levels for all students, who will find themselves in an increasingly technological workplace.

The Science Education for the 21st Century Act will establish a range of education programs, primarily at the National Science Foundation, to address key factors that affect the quality of science and math education, as well as the associated problem of attracting individuals to careers in science, engineering and technology.

First, the bill establishes programs to improve the training and professional development of science and math teachers, including incentives for science and engineering students to become science and math teachers. Clearly, an essential first step in improving science and math education in the schools is having teachers with both a sound knowledge of their subject and effective teaching skills.

Next, the bill will institute programs to explore ways to use information technologies effectively in the classroom. Computers and communications networks have revolutionized the workplace, but have yet to reach their potential for educational applications. The emphasis will be on quantifying the techniques and approaches for employing technology that will lead to improved student performance, so that schools will know which approaches actually work and are worth the substantial investments needed to implement them.

In addition, the bill authorizes programs to encourage the interest of women and minorities in science and math, and to help prepare them academically to pursue careers in science, math and engineering. The changing composition of the nation's workforce makes it essential that the talents of all segments of society are fully developed and utilized.

And, finally, the bill establishes mechanisms to improve the coordination among the federal agencies that support K–12 science and math education activities. The federal resources available for this purpose are limited. Therefore, it is imperative that the resources be used for maximum benefit in helping the states and local school system that are engaged in reform of science and math education.

Mr. Speaker, improvement of K–12 science and math education is one of the most critical problems facing the nation. It is central to meeting the workforce needs of the information age economy and thereby maintaining the nation's economic strength. The Science Education for the 21st Century Act offers initiatives and programs that will help to meet this need. I commend the measure to my colleagues and ask for their support.

SUMMARY

Science Education for the 21st Century Act

TITLE I. PRE-SERVICE TRAINING AND PROFESSIONAL DEVELOPMENT FOR SCIENCE TEACHERS

SECTION 101. SCIENCE TEACHER SCHOLARSHIPS FOR SCIENTISTS AND ENGINEERS

Establishes 1 year, $7500 scholarships for science, math and engineering students, or baccalaureate degree holders in these fields, to enable them to take courses necessary to become certified as K–12 science teachers ("science teacher" in the bill means K–12 science, math or technology teacher). Individuals receiving scholarships are required to work as a K–12 teacher for a minimum of 2 years. NSF is authorized $20 million per year for FY 2002 through 2004 to make competitive grant awards to institutions of higher education, which will administer the scholarships.

SECTION 102. COLLABORATIONS FOR IMPROVING SCIENCE TEACHER EDUCATION

Establishes a competitive grant program for collaborations of education, math and science faculty at institutions of higher education to develop courses and curriculum for pre-service science teacher education and for in-service professional development of science teachers (in-service courses must be offered by awardees). Emphasis is placed on developing educational materials and instructional techniques consistent with hands-on, inquiry-based teaching and incorporating innovative uses of information technology. Proposals must show evidence of a strong commitment by the home institutions to institute rewards and incentives for maintaining faculty participation among the various departments and schools and also must include a plan for continuation of the collaboration beyond the period of the award. NSF is authorized $25 million per year for FY 2002 through FY 2004.

SECTION 103. MASTER SCIENCE TEACHERS

Establishes a competitive grant award program for state or local educational agencies to implement a plan for the development and use of master science teachers for grades K–8. The proposals must include a detailed plan describing certification and ongoing professional development requirements for master teachers, job responsibilities, and the relationship of the master teachers to school administrators and other teachers. Grant funds may be used for professional development activities, support for participation by master teachers in summer research projects, acquisition of educational materials and equipment, and computers and networking access for master teachers to allow for collaboration with colleagues and access to online materials and content experts. NSF is required to give priority in making awards to schools with a low proportion of certified science teachers and to put in place means to assess the effectiveness of the program in terms of trends in student performance. NSF is authorized $25 million per year for FY 2002 through FY 2004.

SECTION 104. ASSESSMENT OF IN-SERVICE TEACHER PROFESSIONAL DEVELOPMENT PROGRAMS

Requires NSF to review all in-service teacher professional development programs to determine (1) the amount of attention given to training teachers to use technology in the classroom, and (2) the level of resources for school-building and district-level professional development activities. NSF is directed to ensure that the programs are adjusted as needed to emphasize both areas and to report to Congress on any proposed changes to the programs.

TITLE II. EDUCATIONAL TECHNOLOGY

SECTION 201. RESEARCH ON EFFECTIVE EDUCATIONAL TECHNOLOGIES

Establishes a competitive, merit-based research program at NSF and the Department of Education to conduct large-scale experiments to assess quantitatively the educational effectiveness, in terms of student outcomes, of promising educational approaches and techniques that incorporate information technologies. The experiment will involve a wide range of educational settings and track the progress of a substantial number of students over time. Part of the research will involve developing appropriate metrics to assess student performance, and the results of the experiments will be widely disseminated. The program is authorized at $50 million for FY 2002, $75 million for FY 2003, and $150 million for FY 2004.

SECTION 202. EDUCATIONAL TECHNOLOGY UTILIZATION EXTENSION ASSISTANCE

Establishes an educational technology extension service for K–12 schools composed of regional centers based at intermediate school districts, regional education service agencies, or institutions of higher education. The centers will advise schools on the adoption and requirements for support of new technologies, assist and train teachers in the integration of technology into classroom instruction, and provide general support services for teachers, administrators and local school authorities in the acquisition, utilization and support of educational technologies. NSF is authorized $7 million for FY 2002, $8.5 million for FY 2003, and $9.5 million for FY 2004.

SECTION 203. NATIONAL SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION DIGITAL LIBRARY

The National SMET Education Digital Library is an ongoing component of the interagency digital library initiative. The digital library initiative is developing the means for searching, retrieving, organizing and preserving large collections of digitized information in distributed locations, including presentation tools and interfaces. The National SMET Education Digital Library is a particular application of these technologies that encompasses all education levels. It is now funded primarily by NSF at $25 million per year. A supplemental authorization is provided of $10 million for FY 2002, $15 million for FY 2003, and $17.5 million for FY 2004 for activities focused on

SECTION 204. STUDY OF BROADBAND NETWORK ACCESS FOR SCHOOLS AND LIBRARIES

Requires NSF to prepare a report, in consultation with other agencies, on the current status of school and library access to high bandwidth Internet connections, on uses of such high bandwidth connections, and on options for and factors involved in acquiring and maintaining high bandwidth connections.

SECTION 205. BROADBAND DEMONSTRATION PROJECTS

Under the Next Generation Internet (NGI) portion of the High Performance Computing Act of 1991, broadband Internet connections to K–12 schools are authorized in order to allow for demonstration projects testing the uses and effectiveness of such capability for science, math and technology education. The demonstration projects must be carried out in coordination with the experiments authorized under section 201. NGI agencies are authorized $7 million for FY 2002, $8.5 million for FY 2003, and $9.5 million for FY 2004.

TITLE III. INCREASING PARTICIPATION BY UNDERREPRESENTED GROUPS IN SCIENCE AND ENGINEERING

SECTION 301. MATHEMATICS AND SCIENCE PROFICIENCY PARTNERSHIPS

Establishes a grant program at NSF for local educational agencies to establish partnerships with private sector entities to strengthen science and math education in the participating schools and attract students to pursue science and engineering baccalaureate degrees. The federal funds are available for curriculum improvement and associated materials and equipment and for teacher professional development. The private sector funding, which must be available as a condition for the awards, will provide undergraduate scholarships, summer internships and support the acquisition of computer equipment. The program is targeted for schools with a high proportion of students from low-income families. This is conceived as a demonstration program to see if substantial private sector funding can be leverages. NSF is required to track the progress of the program and to assess its effectiveness. NSF is authorized $5 million per year for FY 2002 through FY 2004.

SECTION 302. GO GIRL GRANTS

Establishes a grant program at NSF for local educational agencies and institutions of higher education to stimulate the interest of girls in science, math and technology and to attract them to careers in those fields. The grants may provide for such activities as tutoring, after school activities, summer programs, internships, and field trips. NSF is authorized $10 million per year for FY 2002 through FY 2004.

SECTION 303. ARTICULATION PARTNERSHIPS BETWEEN COMMUNITY COLLEGES AND SECONDARY SCHOOLS

A provision of the Scientific and Advanced Technology Act of 1992 authorizes NSF to make grants to community colleges to enter into partnerships with secondary schools to improve math and science education in those schools, to encourage student interest in pursing careers in science and engineering, and to help ensure that students satisfy college entrance and course requirements for science, math and engineering majors. This section directs NSF to give priority for these awards to proposals that involve secondary schools with majority minority student populations and to waive matching requirement for these cases. NSF is authorized $5 million per year for FY 2002 through FY 2004.

TITLE IV. COORDINATION OF SCIENCE EDUCATION PROGRAMS

SECTION 401. INTERAGENCY COORDINATION COMMITTEE

The director of the Office of Science and Technology Policy (OSTP) is required to establish an interagency committee to coordinate federal programs that are targeted on improving K–12 science education. The committee is charged to catalog federal programs, determine the balance of funding among types of activities, assess the relevance of the programs to assist states and local school systems to implement standards-based reform of science and math education, evaluate the adequacy of procedures used by agencies to assess whether the goal of the programs are being met, and identify ways to streamline application procedures and requirements across agency programs.

SECTION 402. EXTERNAL REVIEW

Requires NSF to task the Nation Research Council to review federal K–12 science education programs, similar to the tasking to the committee under section 401.

SECTION 403. EDUCATION PLAN

Requires the OSTP director through the interagency committee, and in consultation with appropriate state and private sector entities, to prepare a plan for federal K–12 science education programs that will delineate a strategy to increase the effectiveness of federal programs in assisting localities engaged in standards-based reform efforts, to identify best practices for use of information technologies in classroom instruction, and to replicate programs identified as being effective.

SECTION 404. SCIENCE, MATH, ENGINEERING, AND TECHNOLOGY BUSINESS EDUCATION CONFERENCE

Requires NSF to convene annual K–12 science education conferences to provide a forum for information sharing and to help coordinate school reform efforts among the federal government, state and local education agencies, teachers, and the private sector. NSF is authorized $0.3 million for FY 2003, and $0.2 million for FY 2004.

SECTION 405. REPORTS

Specifies that the OSTP director shall provide annual reports on the development of the education plan required under section 403 and on its implementation. NSF is required to provide annual reports on the results of the conferences established under section 404.

PAYING TRIBUTE TO ANITA COVERT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Anita Covert on being named Michigan's Small Business Person of the Year by the United States Small Business Administration.

In 1982 Anita Covert realized her dream of owning a small business by opening her first quilt shop in Eaton Rapids, Michigan, Today, Anita maintains four quilt shops located in east Lansing, Flint, Jackson and Owosso, Michigan with 60 total employees. Anita has always maintained a commitment to her staff, even helping employees achieve the American dream by starting their own small business.

Anita Covert's business, Country Stitches, Ltd., is the third largest dealer of high-quality Viking Sewing Machines and has become the eighth largest Pfaff Sewing Machine dealer in the nation. Country Stitches has also been honored as one of the top ten quilt shops in the nation by Better Homes and Gardens.

Since 1982, Anita Covert has served as a job provider and community leader. I commend her for her commitment to mid-Michigan and wish her continued success. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Anita Covert for being named Small Business Person of the Year by the United States Small Business Administration.

HONORING NANCY ATKINS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the career of service of Nancy Atkins from Toledo, Ohio. Nancy is retiring on May 1, 2001 after twenty years at the helm of Toledo Metropolitan Mission (TMM), a faith-based agency dedicated to uplifting the underserved. Concurrently, she led the metro Toledo Churches United (MeTCU) for the past fifteen of those years. The last ten years also found her leading these organizations' umbrella agency, Toledo Ecumenical Area Ministries.

Thomas Paine said, "I believe that religious duties consist in doing justice, loving mercy, and endeavoring to make our fellow creatures happy." This sentiment has been the guiding principle behind these organizations' development under Nancy's ever-present leadership. Nancy's leadership positioned TMM as the strongest advocate for the weakest among us, influencing or developing programs for poor people, children, struggling women, homeless people, and older people. TMM has weighed in heavily on issues affecting these disaffected groups of people, from housing to health care to the impact of welfare reform. TMM and MeTCU are respected as voices of true compassion, never forgetting Christ's admonition, "Whatever you do to the least of my brethren, that you do unto me." Nancy has empowered TMM to lead the charge for the rights of those most vulnerable and yet ignored. Her guidance saw TMM develop more than a dozen programs to address those rights, forged coalitions of agencies committed to those rights, and nurtured in many the growth of self-advocacy for those rights.

A member of more than fifteen community, social justice, and inter-religious organizations, Nancy Atkins has galvanized the role of TMM in bringing the rights of all to the table and ensuring that no one is left out of the discussion. She has fostered a spirit of cooperation while working together toward common goals and practical solutions. Truly, her contribution to the success of TMM and its mission cannot be underestimated.

Mindful of Dr. Martin Luther King's creed that "Injustice anywhere is a threat to justice everywhere" Nancy Atkins' leadership these past two decades has been the embodiment of social justice. If the measure of a person is her legacy, then Nancy Atkins' legacy thus far is beyond measure. Her daily presence at TMM will be sorely missed, but her imprimatur is there, it will not fade. She will remain a vibrant contributor to its mission for she will always be a part of our community. We wish her well in retirement, and hope she is able to spend time doing all those things she most enjoys.

IN HONOR OF DAVID P. BYRNES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor David Byrnes for his years of service and dedication to the greater Cleveland community, and his distinguished service to the Fire Fighters of Northern Ohio.

Mr. Byrnes represents the very best of Cleveland, dedicating his career to helping others. Since 1985, Mr. Byrnes has served as the distinguished President of the Northern Ohio Fire Fighters Union representing fifty-three International Associations of Fire Fighters' Local Unions in Northeast Ohio with over 2700 active members. During his tenure as president Mr. Byrnes has helped solidify and protect the union of some of Ohio's greatest civil servants. Mr. Byrnes' sixteen years of service to this vital union deserves the highest of praise.

Mr. Byrnes' dedication to the Cleveland community extends beyond his service to the Fire Fighters. Since 1997, Mr. Byrnes has stood up for the rights of working men and women as Vice President of the Cleveland Federation of Labor, AFL–CIO, representing almost 140,000 active and retired union members. In addition to his service to the AFL–CIO and fire fighters, Mr. Brynes currently is Chairperson of the Board of Trustees of Cuyahoga Community College, in the Cleveland area.

Mr. Byrnes has received countless awards for his dedication to the community including being recognized by the Cleveland AFL–CIO, Warrensville, Ohio Mayor Fudge, and former Ohio Governor George Voinovich to name a few.

Mr. Speaker, I ask my colleagues to join me in rising to honor one of Ohio's finest. A man who has tireless dedicated his career to helping others and making our Cleveland community better. Mr. Speaker, Mr. Byrnes' service to the greater Cleveland Community is an example for all of us to follow.

IMPACT AID

HON. SUSAN DAVIS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 3, 2001

Mrs. DAVIS of California. Mr. Speaker, I am proud that my district is home to over 80 military installations and over 25,000 military families. Along with most other San Diegans, I am honored to have military families living in our neighborhoods and sending their children to our schools.

Impact Aid is vital to communities in the San Diego area who have a high proportions of military families. In my district, the City of Coronado is a prime example. Coronado has a population of 29,229 and is home to the North Island Naval Air Station. During a recent visit to the Coronado Public Schools, it was brought to my attention that school administrators are having difficulty receiving the impact aid they deserve and counting on the impact aid they need. While students from military families regularly make up 41% of pupils, in a given year, the district can receive as little as $400,000 or as much as $1 million in impact aid funding. Anyone who's ever created a budget knows you can't operate with that kind of insecurity.

Impact Aid is a matter of fairness to the school districts like Coronado and San Diego Unified which educate children of the military. Property taxes and state taxes fund our schools along with some federal funding targeted to particular needs. However, military bases and military-owned housing are not on the property tax roles to contribute their share of local taxes to fund education. Budgets of those districts are stressed by large and often changing numbers of military children. In some cases, parents of special needs students are purposely assigned to bases in districts where these services will be readily available.

For over fifty years, the federal government has offset this missing revenue source to the impacted districts. However, the funds are authoried annually, and the formula has not been fully funded for the last thirty years. The bill which I have co-authorized with Representative KIRK and which has been introduced today will assure that this funding will be in every year's budget.

Schools are entitled to this money to educate the children of our military residents. We are proud to have them in our schools. The federal government should make this commitment permanent.

HONORING FRANCINE LEVIEN

HON. LYNN C. WOOLSEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 3, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Francine Levien. Francine Levien was a model in our community for the value of activism. Diagnosed with breast cancer in 1995, Francine founded Marin Breast Cancer Watch to investigate possible causes for the epidemic of this disease in Marin County.

As a long-time advocate of safe and nutritious foods, Francine was aware of the potential negative health consequences of various substances in our environment. With Marin's breast cancer rate the highest in the nation, Francine pioneered a movement here that has spread through the Bay Area and beyond. Her work also explored the links between toxins and other illnesses, and her interest in human rights led to concern for people with breast cancer world-wide.

Mr. Speaker, Francine was instrumental in securing federal funding for a breast cancer study in Marin. Her spirit and vision will continue to inspire not only the search for a cause and a cure for this disease but also the focus on a healthier environment for all of us. She will be sorely missed.

IN SUPPORT OF THE COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT (H.R. 10)

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 2, 2001

Mr. CRENSHAW. Mr. Speaker, yesterday, I was proud to lend my strong support to critical tax relief legislation, the Comprehensive Retirement Security and Pension Reform Act.

The American personal savings rate is negative for the first time in over 65 years. More than half of all workers have no idea how much money they and their families will need to live comfortably in retirement. Regrettably, many believe that Social Security is enough. But, it is not, and it was never meant to be.

When Social Security was established, in the 1930s, it was meant to be one of three legs in a stool representing responsible retirement savings. A second leg was employer-provided pensions and the final leg was personal savings. In 2000, the average monthly Social Security benefit was $804. Social Security pays the average retiree only about 40% of pre-retirement earnings. Experts estimate that you need 70–90% of your pre-retirement earnings to maintain your standard of living—with lower-income workers represented at the high end of that range.

Clearly, we need to do more to prepare for our futures. IRAs, 401(k)s, and other tax-favored retirement plans are one way to do so. But, it's been more than 20 years since we increased the cap on how much money individuals can contribute to these accounts. We should do all we can to encourage people to take full advantage of this saving mechanism.

H.R. 10 will gradually increase the annual IRA contribution limits to $5,000, increase the annual limit on salary contributions to 401(k) plans, and provide catch-up provisions so that those over 50—who will retire shortly—could begin to take these steps even sooner. Furthermore, H.R. 10 modernizes and simplifies pension laws so that small businesses can provide pension coverage for their employees. Currently, only one in five offers such a benefit, leaving many employees and their families without even an opportunity to save in this way.

It's not every day that Congress conducts debate on such a commonsense measure. The broad bipartisan support this bill received in this body and amongst interested organizations is a testament to that fact. I encourage my colleagues in the Senate to vote in favor of this bill and to help workers all across the nation prepare reponsiby for their retirement.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 2, 2001

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act. This comprehensive legislation is an excellent first step toward rectifying the severe retirement savings shortfall in this country.

At present, half of our nation's workforce—75 million Americans—lack access to a 401(k)-type plan or any kind of pension. Further, contribution limits on pensions and IRAs have been frozen at their current levels since 1981. As a result, individuals could invest more in a 401(k) plan in the early 1980s than they can today, and of all retirement savings plans, only the IRA limit has never been indexed for inflation.

H.R. 10 would allow individuals to set aside more money by increasing the current $2,000 IRA contribution limit for both traditional and Roth IRAs to $5,000 over a three-year period. Additionally, it would reduce regulatory burdens on plan sponsors, enabling small businesses to offer retirement plans. Finally, this legislation would allow for greater portability between plans, strengthen legal protections for pension participants, offer quicker vesting and include "catch-up" provisions to make up for earlier missed contributions by reaching out to women reentering the workplace and workers over fifty.

As traditional, employer-funded benefit pension plans continue to shift toward contribution plans funded by workers, retirees need to have the tools to better manage their assets during the savings phase and ensure that they do not outlive their income during retirement.

Current statistics indicate that one-fifth of today's 35-year-olds who reach retirement can expect to live into their 90s—evidence that many Americans will outlive their retirement savings. Therefore, it is absolutely critical that Congress ensure that Americans have the resources necessary to achieve a financially secure retirement.

I would urge my colleagues to support this landmark legislation that would expand access to private pensions and increase flexibility for families to save for retirement.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2001

Mr. PITTS. Mr. Speaker, I am pleased that H.R. 10, The Comprehensive Retirement Security and Pension Reform Act, is before the House today.

I applaud Congressmen PORTMAN and CARDIN for creating this package that will allow Americans to set more aside in IRA or 401(k)-type plans, modernize pension laws, and provide regulatory relief to encourage more small businesses to offer retirement plans.

This fair, bipartisan plan will help millions of Americans.

Mr. Speaker, I am also pleased the Ways and Means Committee included an amendment offered by my colleague PHIL ENGLISH that will improve the retirement options available to the Amish.

This amendment corrects a line in the tax code that excludes Amish from deducting contributions to Keogh, SEP, or Simple IRA retirement plans.

In 1989, Congress passed a law permitting self-employed members of certain religious faiths, like the Amish, to treat their self-employed earnings as eligible income, even though they are exempt from self-employment tax. This was done to allow these individuals to deduct contributions to IRAs from their taxes.

However, Congress didn't change the sections of the code which apply to SEP, Keogh, and Simple IRA plans.

As a result, Amish members have been able to deduct contributions to IRAs, but cannot deduct contributions to Keogh and SEP, and Simple IRA plans.

Mr. Speaker, this was clearly an oversight made in 1989.

With the inclusion of Mr. ENGLISH's amendment, Amish will now be able to deduct their contributions to all of these plans.

On behalf of the Amish, I wish to thank Chairman THOMAS, Mr. PORTMAN, and Mr. ENGLISH for working hard to include this technical yet important, provision for the Amish.

RECOGNIZING THE NATIONAL GROUND WATER ASSOCIATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. TIBERI. Mr. Speaker, it is a pleasure for me to recognize the efforts of the National Ground Water Association, which is headquartered in my district in Westerville, Ohio. NGWA is sponsoring National Ground Water Awareness Week, which begins May 6.

Each spring, NGWA sponsors Ground Water Awareness Week to educate the public about this precious national resource. Ground water is not only the source for much of our drinking water, but is also utilized in agriculture, commercial and industrial production and thermoelectric energy generation. It is also the single biggest source of water for irrigation in our country.

The National Ground Water Association is a not-for-profit professional society and trade organization representing all segments of the groundwater industry. Its over 16,000 members include the world's leading ground water scientists and engineers, drilling contractors, manufacturers and suppliers.

Association members will be using Ground Water Awareness Week to participate in a variety of activities and events. I want to thank them for their efforts to preserve, protect and safely utilize this most valuable resource.

HONORING THE MEMORY OF RICHARDSON PREYER, FORMER MEMBER OF THE HOUSE

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 25, 2001

Mr. SENSENBRENNER. Madam Speaker, it is with sadness that I note the death of a former colleague and a great North Carolinian, Mr. Lunsford Richardson Preyer, who died of cancer on April 3 at the age of 82.

Born in Greensboro, North Carolina, Rich attended college at Princeton University and law school at Harvard. He served honorably in World War II, earning a Bronze Star from the Navy for his courage at Okinawa. It was this courage and his absolute respect for the law and for people that caught the eye of President John F. Kennedy, who named him to a U.S. District Court judgeship in 1961.

In 1968, Rich successfully ran for Congress, where he served until 1980. Although my time with him in the House was brief, I know that Rich served the people of North Carolina's 6th District with distinction. He lived during a tumultuous time in our nation's history when racial discrimination was widespread. African Americans were frequently subjected to legal, social and economic oppression. However, Rich emerged through all that by displaying a remarkable moral integrity, tolerance, and support for racial diversity and human rights.

As a member of Congress, Rich won the respect of both Republicans and Democrats for his dignity, intelligence, and integrity. He chaired the House Select Committee on Ethics, crafting the Congressional code of ethics. He also served on the House Select Committee on Assassinations, helping to investigate the deaths of President Kennedy and Martin Luther King, Jr.

Two years after my election to Congress, Rich left the House. He and his wife Emily—who passed away in 1999—returned to Greensboro where they both continued to touch the lives of their many friends and neighbors in the community.

Our nation lost a caring and visionary legislator with the death of Rich, and it is fitting that we pay tribute to his life and legacy today. My wide Cheryl and I would like to express our condolences to Rich's surviving family in this time of sorrow and sadness, and they will be in our prayers.

IN HONOR OF CLAIR DUCKHAM AND THE DAYTON CYCLING CLUB

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HALL of Ohio. Mr. Speaker, April 28 marked the 95th birthday of Dayton Cycling Club co-founder Clair Duckham of Dayton, Ohio. Mr. Duckham still rides his bike 44 miles every Sunday from his Dayton home to Troy, where he dines with his friends, the "Gray Wolves."

2001 marks the 40th anniversary year of the Dayton Cycling Club, founded in 1961 by Mr. Duckham and Horace Huffman. Today, the Dayton Cycling Club has over 700 members, and schedules rides for almost every day of the year.

I would like to salute Mr. Duckham on his birthday. His energy and vitality serve as an inspiration to all.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. STARK. Mr. Speaker, I join my colleagues Representatives Charlie Rangel, George Miller, Jim McDermott, John Conyers, Barney Frank, Sherrod Brown, John Tierney, Sheila Jackson-Lee, Dennis Kucinich, William Coyne, Karen Thurman, and John LaFalce today to introduce the MediKids Health Insurance Act of 2001, which would provide universal health for our nation's children through a new Medicare-like national program with benefits tailored toward children. Senator Rockefeller is introducing a companion bill in the Senate.

Children are the least expensive segment of our population to insure, and maintaining their health is integral to the future of our society. We can not allow children to go without basic health care because they are uninsured. They will be more likely to require both avoidable hospitalizations and emergency care. In addition, lack of health care as a child can lead to the need for more intensive and unnecessarily costly care later in life. Providing health care coverage to children impacts much more than just their health—it impacts their ability to learn, their ability to thrive, and their ability to become productive members of our society.

In the past several years, we have achieved a remarkable consensus to address the millions of children without health insurance in America. The result has been the expansion of Medicaid and the implementation of S–CHIP. But, despite these efforts, there are still over 10 million uninsured children. Clearly, much more can and should be done to guarantee the coverage of all children in the United States. It is unconscionable for our society to allow children to go without health care coverage because the are stuck in the gap between being eligible for public programs like Medicaid and their parents' being able to afford reliable coverage.

MediKids will provide health insurance for all children in the United States regardless of family income. The program is modeled after Medicare, but the benefits are tailored toward children. MediKids is financed like the Medicare Part B program with families paying a premium of 25% of the value of the program and the rest financed through general revenues. Premiums for MediKids would be collected each year when their parents' file their taxes. There is also a generous low-income subsidy for families phasing out at 300% of poverty.

Parents who have other coverage for their children—employer sponsored, individual marketplace, S–CHIP, Medicaid or whatever, could maintain that coverage. But, if something happens and that coverage is no longer available, their children could always rely on MediKids for coverage. If the family moves, MediKids follows the children across state lines. And, no longer would kids get caught with no health insurance coverage if their parents are climbing out of welfare.

Enrollment in MediKids is simple with no complicated paperwork or re-determination hoops to jump through. When children are born or immigrate to this country, the parents are automatically given a MediKids insurance card and information on the benefits. For those children who are already born, the bill authorizes presumptive eligibility and enrollment at outstationed sites such as Disproportionate Share Hospitals and Federally Qualified Health Centers to simplify outreach efforts. Once the program is fully phased in no outreach will be needed because enrollment into the program will be automatic.

Our legislation is supported by both children's advocates and the doctors who care for children. Groups that support the legislation include: the American Academy of Pediatrics, the Children's Defense Fund, the American Academy of Child and Adolescent Psychiatry, Consumers Union, Families USA, the March of Dimes, the National Association of Community Health Centers, the National Association of Public Hospitals and Health Systems, the National Health Law Program, and NETWORK: a Catholic Social Justice Lobby. These providers and children's advocacy groups are united around the concept that children deserve access to continuous health insurance. MediKids meets that goal.

It's time we make this investment in the future of America by guaranteeing to all children the health coverage they need to make a healthy start in life. In a country awash in surplus, there is no excuse for any of our children to grow up without health care coverage. A small investment in our children's health will go much further than a huge tax break for those who are already well off. I look forward to working with my colleagues and supporting organizations for the passage of the MediKids Health Insurance Act of 2001.

Below is a short summary of the legislation:

ENROLLMENT

Every child born after 2002 is automatically enrolled in MediKids, and those children already born are enrolled over a 5-year phase-in as described below. Children who immigrate to this country are enrolled when they receive their immigration card. Materials describing the program's benefits, along with the MediKids insurance card, are issued to the parent(s) or legal guardian(s) of each child. Once enrolled, children remain enrolled in MediKids until they reach the age of 23.

Parents may choose to enroll their children in private plans or government programs such as Medicaid or SCHIP. During periods of equivalent alternative coverage, the MediKids premium is waived. However, if a lapse in other coverage occurs, MediKids automatically covers the children's health insurance needs (and a premium will be owed for those months).

PHASE-IN

Year 1 (2003)=the child has not attained age 6

Year 2 (2004)=the child has not attained age 11

Year 3 (2005)=the child has not attained age 16

Year 4 (2006)=the child has not attained age 21

Year 5 (2007)=the child has not attained age 23

BENEFITS

The benefit package is based on the Medicare and the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children, and includes prescription drugs. The benefits will be reviewed annually and updated by the Secretary of Health and Human Services to reflect age-appropriate benefits as needed with input from the pediatric community.

PREMIUMS, DEDUCTIBLES, AND COPAYS

Families up to 150 percent of poverty pay no premiums or copays. Families between 150 percent and 300 percent of poverty pay a graduated premium up to 5 percent of their income and receive a graduated refundable tax credit for cost sharing. Parents above 300 percent of poverty are responsible for a small premium, one-fourth of the annual average cost per child. Premiums are collected at income tax filing. There is no cost sharing for preventive and well childcare for any children.

FINANCING

Congress would need to determine initial funding. In future years, the Secretary of Treasury would develop a package of progressive, gradual tax changes to fund the program, as the number of enrollees grows.

STATES

Medicaid and S-CHIP are not altered by MediKids. These programs remain the safety net for children until MediKids is fully implemented and appropriately modified to best serve our nation's children. Once MediKids is fully operational, Congress can revisit the role of these programs in covering children.

To the extent the states save money from the enrollment of children into MediKids, states are required to maintain those funding levels in other programs and services directed at the Medicaid and S-CHIP populations. This can include expanding eligibility for Medicaid or offering additional services. For example, states could expand eligibility for parents and single individuals, increase payment rates to providers, or enhance quality in nursing homes.

INTRODUCTION OF THE DISTRICT OF COLUMBIA PUBLIC SAFETY REIMBURSEMENT ACT OF 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. NORTON. Mr. Speaker, today I reintroduce the District of Columbia Public Safety Reimbursement Act of 2001 with some urgency. The city has become the focal point not only of the large number of standard national events that come annually, but of an ever-increasing number of volatile, even violent and disruptive events. The District, which has recently revived from a serious fiscal crisis, will be seriously disadvantaged by the federal government itself if the city must continue to take on the financial burden of the national demonstrations of people who come to this city because of the federal presence. The bill is strongly supported by the District, especially by D.C. Police Chief Charles Ramsey, whose officers are deflected from fighting serious crime, and by Mayor Tony Williams, who must also commit the resources of many other agencies when national events occur here.

The annual contribution authorized by this bill would reimburse the District for the considerable services the Metropolitan Police Department (MDP) and other D.C. agencies provide every year to cover the many national events and activities that occur here because the District is the national seat of government. One need only consider some of the events and demonstrations held in recent years to understand what offloading similar federal costs would do to any large city. Examples are too numerous to detail, but here are some examples. Of the cities where the International Monetary Fund (IMF) demonstrations were held, the District was the only one where significant violence and disruptions did not occur. Last year, Congress was so impressed and relieved about the city's handling of the IMF demonstrations that it passed a version of the bill I am introducing today on a one-time basis and awarded the District $4.4 million that partially reimbursed the city. Another prominent example points up how the cost of federal events has been transferred to the taxpayers of the District of Columbia. A ragtag gang of racists and anti-Semites calling themselves the American Nationalist Party (ANP) came to Washington in August 1999. The District government was left to pick up the tab of

$500,000 for police protection for the demonstrators and for the pro-human rights groups who rallied against the ANP on the Mall as well as at another location to counter the Nazis. The enormous expense had to be incurred because of the huge reaction to the announcement of the NAZI demonstration, even though only a half-dozen actually showed up. City police and agencies had to spend local taxpayer dollars in any case.

From the Million Man March to the federal Millennium event at the Lincoln Memorial, similar events, large and small, of every variety occur with great frequency and cannot proceed without the work of our police force and city agencies. The MPD is at the center, from the extensive logistical preparations to the on-duty time guarding and facilitating the event itself.

The right to assemble is a precious constitutional right. It is available to all and must be protected for all. However, those who come here seek the attention of the national government, not the D.C. government, and the cost should be borne, by American taxpayers, not D.C. taxpayers.

Further, residents see our police every time the President moves outside the White House complex because all traffic stops while our police line the streets to assure the President's safe passage. The Congress itself frequently uses our police department—from the annual State of the Union address, when officials and citizens converge on the Hill, to unusual events, such as the funeral following the tragic killing of the two Capitol Police officers almost three years ago. Cabinet officials, the President, and Members of the House and Senate, not to mention other federal officials and agencies all use the MPD as if it were a hometown police force they had bought and paid for. Actually they pay nothing. In countless ways on a daily basis, federal officials and tourists alike get excellent D.C. police protection free of charge. The District cannot continue to plan for ever larger numbers of demonstrations on an ad hoc basis with insufficient funds. The Congress needs to award the funds in advance to assure that the District budgets sufficient funds in advance to manage these events safely and professionally.

The bill I introduce today places financial responsibility where it belongs. There are two important grounds for this bill, one statutory and the other historical precedent. The statutory basis is the 1997 Revitalization Act, where the District of Columbia traded the federal payment for a much larger federal assumption of stat costs. However, the Congress nevertheless preserved the right of the District to receive a federal contribution. The Act provides: "The unique status of the District of Columbia as the seat of the government . . . imposes unusual costs and requirements which are not imposed on other jurisdictions and many of which are not reimbursed by the federal government." The Revitalization Act (Section 11601) therefore allows "for each subsequent fiscal year [after FY 1998], such amount as may be necessary for such contribution."

The second basis for a designated public safety contribution is historical precedent. Separate from the annual federal payment, the Congress has traditionally appropriated to the District additional funds for public safety purposes. Amounts have ranged from five million dollars to 30 million dollars, depending on the need and public safety issues arising in the particular year. Such funds have been appropriated for national events in other jurisdictions as well. Two years ago, Congress included five million dollars to help cover police costs during the WTO meeting in Seattle. Here in the District, there has always been a consistent congressional understanding that police work in the nation's capital necessarily involves the federal and national interest and deserves special and unique support. Thus, I am asking the Congress to return to its original understanding of its responsibility for a share of public safety in this city, specifically for police protection for national and federal events by reimbursing the city for the cost of police protection. The bill requires the District's Chief Financial Officer to submit receipts for the cost of such protection to the D.C. Appropriations Subcommittee at the end of each fiscal year.

I want to emphasize that I do not introduce this bill simply to get extra money from the federal government, as desirable as that would be. I introduce this bill because these cost are beyond the control of the District and therefore create mounting pressures on the city's budget. It will be years before the District has a tax base of residents and businesses adequate to support the city through good, moderate, and bad economic times. The D.C. Public Safety Reimbursement Act builds on cost justification the Congress itself has long accepted. The annual amounts would be small and would not be a gift from the federal government. They would be payment for services rendered to the President, Congress and the federal government by the Metropolitan Police Department and the agencies of the D.C. government.

The matter has now become urgent. The District must be able to plan its budget as the Congress expects. This planning cannot be done if the Congress itself does not include an annual mechanism for reimbursement to the city for services rendered to protect the federal presence.

NATIONAL NURSES WEEK 2001: NURSES ARE THE TRUE SPIRIT OF CARING

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mrs. MCCARTHY OF NEW YORK. Mr. Speaker, National Nurses Week is an established recognition event created to honor the nurses who give care to millions of patients daily. It is celebrated every year beginning May 6 and ending May 12, Florence Nightingale's birthday. The theme for Nurses Week 2001 is "Nurses are the True Spirit of Caring," which is incredibly appropriate given the role nurses play in the medical community.

As a nurse, I am lucky to be part of such a caring group of professionals. I think that many people used to look at nursing as if it was a "runner-up" profession. As if those who became nurses were the ones who couldn't "cut it" as doctors. Today we know that is not the case. Nursing care is just as important as physician care, and I feel like the American public finally recognizes is as such.

Yet nurses have another battle on their hands: the fight to become a financially competitive profession. A prominent national issue is the growing nursing shortage. There are various new career options for healthcare professionals today, prompting nurses to gradually move away from patient care and into fields with better pay, benefits and hours, and often less stress.

It is vital for the health of this nation that nursing field continue attracting experienced and educated candidates. In this day and age, positive recognition needs to be coupled with competitive salaries and benefits. That is why I have cosponsored H.R. 1436, the Nurse Reinvestment Act of 2001. This legislation amends the Public Health Service Act, the Social Security Act, and the Internal Revenue Code of 1986 to alleviate the nursing profession shortage.

Being a nurse takes heart. I think the last line of the Florence Nightingale pledge says it best: "With loyalty will I . . . devote myself to the welfare of those committed to my care." It's a tough job, day in and day out, one that requires attention to others before attention to oneself. Whether you work in a hospital emergency room, a free inner-city clinic, or a small-town doctor's office, there is always one common bond: the commitment to provide the best possible care for your patients. Nurses are there to help the sick get better and to make sure the healthy stay that way.

Every month, I honor someone as Citizen of the Month for the Fourth Congressional District. This month, May 2001, I name all the nurses in Nassau County as Citizens of the Month. Representing Nassau nurses is Fran Heslin of Nassau University Medical Center.

Fran has been a valued member of the surgical intensive care unit since her graduation from Nassau Community College in 1985 with a degree in Nursing. She is an excellent example of the competency, care and respect exuded by nurses. Fran is married to William Helsin, and they have three children, Tara, Ryan and Erin. I congratulate Fran and her family, and all of Nassau's nurses on being named Citizens of the Month.

NATIONAL PARK OF AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to make minor adjustments to the boundary of the National Park of American Samoa.

The U.S. territory of American Samoa is located approximately 2,400 miles southwest of Hawaii, and the National Park of American Samoa is located on three separate islands: Tutuila, Ofu and Ta'u. The Islands of Ofu and Olosega, portions of which would be added to the park under this legislation, are small islands which lie adjacent to each other, and are connected by a short bridge.

In 1998, I received requests from village chiefs from the Villages of Sili and Olosega, on the Island of Olosega, to include portions of their village lands within the National Park. The chiefs noted the important role the Park plays in preserving the natural and cultural resources of the territory, and indicated that the village councils believe there are significant cultural resources on village lands which warrant consideration for addition to the park.

I asked the National Park Service to conduct a study to determine if there were in fact resources on the island which warranted inclusion in the park. The Park Service completed a reconnaissance survey of the Island of Olosega and of a portion of the Island of Ofu, and reported on both. The Service concluded in part:

> "The archaeological significance of [Olosega Island] cannot be understated. Sites on the ridgeline and terraces may offer an important opportunity for the study and interpretation of ancient Samoa. The number and density of star mounds (31), the great number of modified terraces (46) and home sites (14), the subsistence system, and the artifacts available are all important findings. This is particularly significant in that they were recorded in only 3 days of visual surveys on only a portion of the island."

The National Park of American Samoa is continuing to develop. Established in 1988 by Public Law 100–571, the Park took several years to become operational. Today, however, tourists are visiting and school teachers are using the Park as an educational resource to help the students learn more about Samoan history and culture, the environment, and ecological conservation. The Park is preserving the area within its boundaries, but as the population grows (there was an estimated 41 percent increase from 1990 to 2000), considerable pressure is being placed on those undeveloped areas. The additions proposed by the legislation I am introducing today will preserve important sections of the remaining natural cultural resources. Timing is important, and I hope to see this legislation enacted into law in the near future.

HONORING DR. MUNR KAZMIR

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his life to charity and selfless devotion to others. Mr. Speaker, I rise to honor my good friend, Munr Kazmir of Fort Lee, New Jersey, who is being honored by the Rabbinical College of America with an honorary law degree.

As CEO of Quality Health Care and Direct Meds, success has followed Munr to every project he has embarked upon. And he has shared his success with others in the Jewish community both in the United States and throughout the world.

There is only one word that can be used to describe how my friend Munr lives his life, and it is a word that has a different meaning to each who speaks it. The word is "tzedakah."

Giving tzedakah is considered in the Jewish tradition to be a religious obligation, a mitzvah. When it comes to defining this word, I agree with Rabbi Avi Weinstein, who said, "Tzedakah, the Jewish term for helping the poor, is often translated as 'charity.' However, the Hebrew root 'tzedek' is more closely translated as 'justice' or 'fairness.'"

What I have found most touching about Dr. Munr Kazmir is that in everything he does, there is always a sense of justice and fairness that shines through. His work is truly extraordinary and stretches form our home state to our homeland. He is active in the UJA Federation of Bergen County and North Hudson, and he has also worked tirelessly for the Aleh Foundation which benefits the disabled children of Israel and Lubavitch Chabad houses around the world. He has also as many of you know supported and counseled countless numbers of community leaders on the local, state, national, and international level. He has been honored throughout the New York Metropolitan area, in Washington and Tel Aviv.

Munr is also a forward-thinking person who never loses sight of the future: our young people. Born into a culture where he did not have the opportunity to receive a Jewish education, he has been a tireless advocate to make sure other children have the chance to learn about their Jewish heritage.

Mr. Speaker, I am proud to congratulate my dear friend Munr Kazmir, on the occasion of this well deserved tribute from the Rabbinical College of America, and wish him long life, good health and happiness in the years to come.

STATEMENT IN HONOR OF THE LATE ROBERT E. BURTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to Robert E. Burton. Bob's family and friends will gather on Friday to remember him, and it is with great sadness and deep respect that I share with my colleagues the following words from his obituary in the San Francisco Chronicle:

> Robert E. Burton, a prison teacher, public servant, sailor and middle brother in San Francisco's most powerful political dynasty, died Sunday at California Pacific Medical Center at the age of 72.
>
> From the time Mr. Burton entered the Navy at the close of World War II, he almost never stopped working for the public. He was a merchant seaman, a teacher at San Quentin prison for nearly two decades and a member of various state boards and commissions.
>
> But among the three Burton brothers who shaped California politics for several decades, he was the least publicly visible and the least involved in the machinery of politics.
>
> Mr. Burton's older brother, Phillip Burton, was a powerful U.S. representative and legendary political tactician who died in 1983. His younger brother—whom Mr. Burton still called "the kid" even into his 60s—is Senate President Pro Tem John Burton, D-San Francisco, the state's most powerful lawmaker.
>
> "Everyone used to say he was the nice brother," Sen. Burton said yesterday. "And I think innately he was the smartest of the three of us."
>
> Mr. Burton was born in 1928 and lived much of his life in the same Sloat Boulevard house in which he was raised. But friends said his greatest memory was somewhere else: a sailing trip across the Pacific in a 30-foot boat, which he took with three friends after he left the Navy in 1947.
>
> "He was fearless," Sen Burton said. "It was a hell of an adventure."
>
> When he returned from Tahiti, Mr. Burton joined the merchant marine as an able-bodied seaman, then got a degree in history from San Francisco State College when he decided to settle back in the city.
>
> Mr. Burton then took a job teaching in the loneliest, most dangerous place in the state—the bowels of San Quentin State Prison. It was there that he often divided his time between African American militants and white supremacists, teaching them how to read and write.
>
> "He would tell people stories and start with, 'When I was in the joint,' like he had done 20 years of hard time," Sen. Burton said. "I guess at the time there weren't many jobs, so he took it. He just loved it, and the cons loved him."
>
> When Mr. Burton retired from the prison in 1976, members from both militant groups told him there was a "hit" out on him. But this was a good thing, he was informed: Anyone threatening or harming Mr. Burton would face their wrath. He was protected.
>
> "He connected with the guys, and they connected with him," said Bill O'Brien of San Francisco, a longtime friend. "It was a passion for him. He wanted them to learn; It really wasn't about having a job."
>
> Mr. Burton was a lifelong Democrat and founding member of the San Francisco Democratic League. He was co-chairman of the voter registration efforts for the California Democratic Party from 1962 to 1982.
>
> At the time of his death, Mr. Burton was a commissioner on the Workers' Compensation Appeals Board and a member of the City College of San Francisco Board of Trustees.
>
> He also had served for 15 years on the prison Industry Board and on two parole boards for the state. Former Gov. Jerry Brown appointed him to the adult parole board in 1976, after two commissioners were removed for voting to release Robert Kennedy's killer, Sirhan Sirhan.
>
> Friends said Mr. Burton loved the San Francisco Giants, gambling and playing bridge. Ken Harrington of San Francisco, a longtime friend, said he "didn't know a single person when you mentioned Bob Burton who didn't get a smile on their face."
>
> "He was, at least, the most outwardly compassionate of the three brothers," Harrington said. "John doesn't want anyone to know his soft spots, but Bob kind of wore it on his sleeve."
>
> Mr. Burton is survived by his brother, Sen. John Burton, and a niece, San Francisco Public Defender Kimiko Burton-Cruz. His wife of more than four decades, Shirley Burton, preceded him in death.

Bob Burton was a man of the people. He never asked for recognition or reward for his work and was rarely in the public eye, but his life touched the lives of so many others. Bob joined his brothers Phillip and John in typifying the true Burton tradition of helping the disadvantaged. It is my honor to pay tribute to Bob and to express my appreciation for his life of service and for his friendship. My thoughts and prayers are with his brother, John, and niece, Kimi.

TRIBUTE TO MARY HOLDSAMBECK OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize the accomplishments and honor Mrs. Mary Holdsambeck on the receipt of the Madison County Democratic Women's Division, "Joan Carpenter Cashin Lifetime Achievement Award." Today's recognition sheds light on the years of good deeds Mary has accomplished.

She has been a vital leader in the Madison County Democratic Women since she moved to Huntsville. She has served two terms as Chairman of the group and has been involved in state politics as a member of the State Coalition for passing the Equal Rights Amendment and in the current Alabama Constitutional Reform Movement. She has even been a candidate, running in a special election for the State of Alabama House of Representatives.

However, Mary's commitment to her community is not limited to the political arena. She played a pivotal role in helping to organize Hope Place, now Crisis Services, serving abused women and families. She has also contributed her time and manifold talents to Trinity United Methodist Church, the Wesley Foundation and the American Association of University Women.

I believe this is a fitting honor for one who has given so much to the betterment of our community and our nation. I commend Mary for her lifetime of achievement and I want to express my sincere gratitude for her bold work for the Democratic Party and the patriotic ideals she believes in.

PERSONAL EXPLANATION

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. CLAY. Mr. Speaker, this morning I was testifying before the Senate Government Affairs Committee on the need for election reform and I was unable to reach the House floor in time for rollcall vote No. 97, a motion to adjourn. I would like to state that I intended to support this motion and would have voted 'yea.'

Also, I would like to take this opportunity to share my Senate testimony with my colleagues in the House.

STATEMENT TO SENATE COMMITTEE ON GOVERNMENT REFORM, MAY 3, 2001

Mr. Chairman, Senator LIEBERMAN and Distinguished members of the Committee. Thank you for allowing me this opportunity to detail the election problems that occurred in the City of St. Louis during the November 2000 Presidential Elections and to add my voice to those calling for meaningful and comprehensive election reform.

Last November's general election in the city of St. Louis exposed a voting system that is riddled with serious election procedural mistakes; major deficiencies in poll worker training; obsolete and inadequate equipment; and gross errors in maintaining accurate voter registers that resulted in the disenfranchisement of thousands of qualified voters in my district.

These factors led to an election conducted amid widespread voter chaos at polling places throughout the city—the result of a record voter turnout and the arbitrary and capricious removal—by the St. Louis Board of Elections—of over 50,000 qualified voters from the city's active voter register.

When these voters—most of whom were African American—arrived at the polls to cast their votes, they were told by election officials they were not on the active voter register and that they would not be allowed to vote at their normal voting precinct.

Due to inadequate communication between polling precincts and the Central Election office, election workers were unable to verify the eligibility of these voters.

Additionally, poll workers had not received training for dealing with these situations, so they ultimately directed all of the affected voters to go to the Central Election Board office downtown to verify their status.

The resulting confusion at the Central Election office led to a near riot as thousands of eligible voters attempted to cast their vote, some to no avail.

To make matters worse, while the Election Board was clearly unprepared for the massive voter turnout, they were also slow to react to the growing voter confusion they created as the day progressed.

An equally troubling was the Election Board officials' resistance to reasonable remedies designed to ensure that every qualified voter be afforded the opportunity to cast his or her vote without obstruction.

Clearly, such a situation cannot and must not be tolerated. Such conditions not only create confusion among voters; they also threaten the integrity of the Electoral process itself.

It is imperative that federal, state and local officials join in a common effort to reform how we conduct our elections. The nation should never again be subjected to the voting travesty of the last presidential election. The system is broken and it is time that we admit it and work towards common sense solutions.

First, we must take legislative action to provide the necessary funds for modern, state-of-the-art uniform voting equipment, paying particular attention to lower income communities that have long been burdened with outdated and obsolete voting equipment.

And to the maximum extent possible, we must mandate uniform ballot designs and eliminate the current 40-year old punchcard system.

We must also require that local election officials develop comprehensive training standards for their workers and hold them accountable for implementing such training.

Lastly, and most importantly, we must mandate election procedure reform to ensure that qualified voters are not arbitrarily or inadvertently removed from active voter rolls.

This was a major failure in the City of St. Louis and I suspect this situation is widespread across the country.

Voters should not continue to suffer disenfranchisement because election officials are unwilling or unable to safeguard their fundamental right to vote.

If we fail to act now, we will not only inflict further damage to the democratic process, we will also fail in our sworn duty to protect and defend the fundamental rights of every citizen.

RECOGNITION OF THE 100TH ANNIVERSARY INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 180

HON. GEORGE MILLER

OF CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. THOMPSON of California. Mr. Speaker, my colleague, Mr. GEORGE MILLER of California and I, rise today to recognize the International Brotherhood of Electrical Workers Local Union 180 as this organization celebrates its 100th anniversary.

One hundred years ago on May 6, 1901, Local 180 was chartered by the International Brotherhood of Electrical Workers.

Since its inception, Local 180 has been integrally connected to shipbuilding at the Mare Island Naval Shipyard in Vallejo. Electrical workers helped build the 513 ships, that were launched at Mare Island between 1859 and 1970, from the Saginaw, a wooden hulled steamer, to the Drum, a nuclear powered submarine.

When war was declared with Germany on April 6, 1917, union workers helped turn Mare Island and Vallejo into a commercial hub that could support the war effort.

In the years following World War I, no ships were launched at Mare Island and the workers turned to use their skills to help build the Carquinez Bridge.

In the 1930s, shipbuilding began again at Mare Island. The union shop was reestablished and wages and benefits that had been lost during the previous decade were renegotiated.

During World War II, shipbuilding and union activity at Mare Island escalated. Union members are proud that 95% of all electrical work that directly supported the war effort nationally was performed by the IBEW under union shop conditions.

In the second half of the 20th Century, Local 180 members helped construct Monticello Dam, the second Carquinez Bridge, the Exxon Refinery, the Benecia Industrial Park, and the Anheuser Busch Brewery as well as the country's nuclear submarine fleet at Mare Island.

Mr. Speaker, in honor of its rich history and traditions, it is appropriate that we acknowledge and honor today this pioneering union local and its members who have made an immeasurable difference in the lives of working families and the community in Napa and Solano Counties.

INTRODUCTION OF A BILL TO SIMPLIFY AND MAKE MORE EQUITABLE THE TAX TREATMENT OF SETTLEMENT TRUSTS ESTABLISHED PURSUANT TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. YOUNG of Alaska. Mr. Speaker, today, I am pleased to introduce a bill to simplify and make more equitable the tax treatment of settlement trusts established pursuant to the Alaska Native Claims Settlement Act (ANCSA).

This bill is the product of a unique bipartisan effort over the past two Congresses. Joining me as cosponsors of the bill are—the Chairman of the Committee on Resources, Congressman JAMES HANSEN, the Ranking Minority Member of the Committee, Congressman NICK RAHALL, and the former Ranking Minority Member of that Committee who cosponsored this legislation in the last Congress, Congressman GEORGE MILLER.

Additionally, I am honored to join with a number of other members of Congress in urging the enactment of this bill. The cosponsors include Ways and Means Committee Members, Subcommittee Chairman AMO HOUGHTON, Ways and Means Committee Ranking Minority Member CHARLES RANGEL, Rep. DAVE CAMP, Rep. J.D. HAYWORTH, Rep. SCOTT MCINNIS, and Rep. MARK FOLEY.

Colleagues from the Native American Caucus who are cosponsoring this bill are: the Cochair of the Caucus along with Mr. HAYWORTH, Rep. DALE KILDEE, Rep. NEIL ABERCROMBIE, Rep. ENI FALEOMAVAEGA, Rep. MARK UDALL, Rep. FRANK PALLONE, Rep. PATRICK KENNEDY, Mrs. BONO, Mr. FROST and Mr. STUPAK.

This bill would remedy several key deficiencies in the current settlement trust provision enacted in a 1987 amendment to ANCSA. That provision authorized Alaska Native Corporations organized pursuant to ANCSA to establish, from their own resources, settlement trust funds to "promote the health, education, and welfare . . . and preserve the heritage and culture of Natives." Unfortunately, the Settlement Trust tax provision in existing law poses several significant impediments to the establishment and long-term maintenance of Settlement Trusts, and therefore, to the fulfillment of their purposes under ANCSA.

A version of this bill was included by the Ways and Means Committee in legislation last Congress that was vetoed and a version of it passed the Senate as well. This current version of the bill we are introducing today has been vetoed over the past several years with the tax writing committees of Congress in the House and Senate, the Joint Committee on Taxation and the Department of Treasury. It addresses the key deficiencies in the current law. I urge that it be included in tax-related legislation considered by the House in this session of the 107th Congress and that our colleagues join the co-sponsors of the bill in supporting this meritorious legislation.

SENATE—*Friday, May 4, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, of St. Joseph's on Capitol Hill.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the book of Tobit we hear:

"Thank God! Give Him the praise and the glory. Before all living, acknowledge the many good things He has done for you, by blessing and extolling His name in song. Before all men, honor and proclaim God's deeds, and do not be slack in praising Him. A king's secret it is prudent to keep, but the works of God are to be declared and made known. Praise them with due honor. Do good, and evil will not find its way to you. Prayer and fasting are good, but better than either is almsgiving accompanied by righteousness. A little with righteousness is better than abundance with wickedness."

Let us pray:

Almighty God, we give You thanks for the many and varied ways You have blessed the men and women who serve in the Senate. We ask now Lord, that they may do Your will in all things and so remain close to You. Lord, Your presence is found where unity and love prevail; grant that they may strive to work together in harmony and peace.

We acknowledge that God is the strength and protector of His people; grant Lord to the Members of the Senate the strength and courage they need to serve the people of the United States.

Grant this through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

SCHEDULE

Mr. JEFFORDS. Mr. President, today the Senate will resume consideration of S. 1, the education bill. The first amendment will be an amendment offered by Senator CRAIG regarding ESEA funding. That amendment will be followed by an amendment by Senator KENNEDY or his designee. Any votes ordered on those amendments will be stacked to occur on Tuesday morning. Further amendments to the education bill may be offered during today's session. The Senate will conclude action on the budget conference report and the Bolton nomination during next week's session of the Senate.

I thank my colleagues for their attention.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, may I ask the Senator from Idaho if I may speak for 3 minutes before he speaks.

Mr. CRAIG. Mr. President, I do not object to that.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. This will come off leader time, Mr. President.

EDUCATION AND THE BUDGET

Mr. CONRAD. Mr. President, we are here discussing the education bill. Yesterday, the Senate passed a measure to increase funding for education over what is in the baseline by $150 billion. I supported that. But we have an incredible disconnect going on between what we are doing on the floor of the Senate and what we are about to do in the budget resolution. The budget resolution that has come out of the conference committee has no new money for education—none, zero. So we are all out here talking about education being the top priority—and, indeed, it is—but we have a budget resolution coming out of the conference committee that gives no priority to education—none, not one thin dime of additional resources to education. It is really an incredible disconnect—the difference between the rhetoric on the floor and the reality of this budget resolution.

The new President of the United States proposed a very modest increase in education over the so-called baseline. He proposed $13 billion of new money for education over the 10-year period. In the Democratic alternative budget, we proposed $139 billion of new money for education over the 10-year period. What passed on the floor of the Senate when we considered the budget resolution was an increase of $308 billion. We passed the Harkin amendment, which reduced the tax cut by $450 billion and allocated half to education and half to debt reduction. The Harkin amendment added $225 billion to education over the next 10 years. It went to conference committee to be worked out as to the differences between the House and Senate, and they came back with nothing, zero, no new money.

We passed on the floor of the Senate the Jeffords-Breaux amendment which added $70 billion to fund IDEA. That went to the conference committee and came back with zero—a big nothing. So there is no new money in this budget for education, and our colleagues ought to be aware of it as we consider the budget next week.

I thank the Chair and yield the floor.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1.

The assistant legislative clerk read as follows:

> A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

AMENDMENT NO. 372 TO AMENDMENT NO. 358

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG) proposes an amendment numbered 372.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment reads as follows:

(Purpose: To tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance)

On page 29, between lines 14 and 15, insert the following:

"SEC. 16. FUNDING RULE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Adjusted for inflation, the amount of money Federal, State, and local governments spend per public school student has nearly doubled over the past 30 years.

"(2) This doubling of real, per-pupil spending has had no effect on test scores.

"(3) In 1965, the Federal Government enacted title I of the Elementary and Secondary Education Act of 1965 to eradicate the achievement gap between economically disadvantaged students and their more advantaged peers.

"(4) In 2001 that achievement gap persists, unaffected by the $120,000,000,000 the Federal Government has spent on such title I.

"(5) In 1996 the Department of Education reported that 'The progress of [part A of title I] participants on standardized tests and on criterion-referenced tests was no better than that of nonparticipants with similar backgrounds and prior achievement'.

"(b) FUNDING RULE.—Notwithstanding any other provision of this Act, a State shall be eligible for an increase in the amount of funds made available under this Act from one fiscal year to the next fiscal year (after adjusting for increases in the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics) when the State meets the requirements for adequate yearly progress for the State under section 1111(b)(2) for the school year preceding the fiscal year for which the determination is made, except that nothing in this subsection shall be construed to provide funds to a State under this Act for any fiscal year in an amount that is less than the amount of funds provided to the State under this Act for fiscal year 2001.".

Mr. CRAIG. Mr. President, I come to the floor this morning to address the very issue my colleague has just talked about, the issue of spending and education. We have offered an amendment to curb the Federal Government's appetite to spend tax dollars. It will ensure that we no longer throw good money after bad programs. It will focus our Nation's educational bureaucracy on what should be its sole purpose: helping students learn.

Over the course of the last several days, we have been debating reauthorization of the Elementary and Secondary Education Act, or ESEA, and in that process we are adding by authorization a phenomenal amount of new money for the purpose of education.

We have heard a great deal in this Chamber about how much we need to spend to improve education for our young people. Every Senator clearly wants to improve the educational system to which we entrust our children's futures. Unlike the past, we are offering some very real reforms this time. But in a continuation of past practices, we also are offering a tremendous amount of new money.

Let me say very clearly that we have spent an awful lot of money on education in the past, and the record is very clear that money alone does not solve that problem. In fact, the additional money we have added to our educational system over the last 30 years has done nothing to improve education.

Over the past 30 years, the amount of money we have spent to educate our children has doubled; that is even after inflation. In other words, it is real money we're talking about here and a lot of it. It will cost taxpayers twice as much to educate my grandchildren in public schools as it did to educate my children in public schools.

We doubled the amount we spend on each student in the timespan of 30 years. Yet this huge increase in spending has brought us, as I just mentioned, nothing.

This is a chart that demonstrates that clearly. In spite of the fact that per-student spending has doubled and continues to climb, student achievement has stagnated. This is a line that demonstrates that major increase in spending over the timeframe I have mentioned through the seventies, the eighties, and the nineties. Look at the reading scores of the national assessment of 17-year-olds, 13-year-olds, and 9-year-olds. Somehow it does not seem to parallel the amount of money we have spent.

We doubled the resources, and yet somehow the system did not improve, and our children were shortchanged. Today's schoolchildren are entering an educational system that is no better than that in which their parents were educated. In fact, there are measurements to indicate it is worse.

This next chart shows that not only have reading scores stagnated over that 30-year period, but doubling education spending likewise has brought us no improvement in math and no improvement in science. Yet our young people, in a very integrated world where demand for math and science skills is higher than ever, must compete with students from around the world for jobs that in their very character are international. Yet our educational system, despite all the money we've poured into it, has produced stagnation in math and science achievement for the last 30 years.

The law we concern ourselves with today was passed in 1965. Its primary purpose is to close the achievement gap between poor students and nonpoor students. Since 1965, we have devoted some $120 billion to this goal. Yet as this chart demonstrates, $120 billion later, poor kids still lag behind in reading. In other words, poor kids are no better off today than they were 30 years ago. We have achieved nothing for them. Most important, we have allowed them not to achieve, and the taxpayers of this country have spent $120 billion in a failed attempt to close that gap.

Five years ago, the Department of Education conducted a review of this program for disadvantaged students known as title I and found:

> The progress of [title I, part A] participants on standardized tests and on criterion-referenced tests was no better than that of nonparticipants with similar backgrounds and prior achievement.

When tested, no difference could be found between those inside title I and those outside title I. I want to repeat that. The progress of the participants was no better inside the program than outside the program. In other words, we spent a lot of money on a program that did nothing to improve the situation of these poor children. One hundred twenty billion dollars and nothing to show for it.

How did we reward the system's failure? Of course, with more money. We allowed the establishment to design the system, and we fed the system money hoping that young people would improve, hoping that their scores in reading, math, and science would improve, and it did not happen.

Yes, children have been left behind for a good number of years. We have struggled mightily. Certainly the chairman and the Presiding Officer have struggled mightily to try to reform the primary and secondary education systems of our country. The establishment has fought them openly and aggressively.

Today we have some reform, but we are also putting in a phenomenal amount of new money through authorization with that reform. The question is, What will it yield?

It has been said that the definition of insanity is doing the same thing over and over and just hoping there will be a different result. That is exactly what we have been doing for 30 years.

This is a prescription for mediocrity.

The amendment I offer today will change the way the Federal Government deals with schools that fail to improve. It is a moderate amendment and, I believe, a compassionate amendment.

Decade after decade, as I have demonstrated, at least for the last three decades, schools have failed to improve, and decade after decade, with a wink and a smile, we tell the system: Don't worry about how many children you have left behind, we are still going to give you more money.

The amendment I offer today will stop handing out rewards for leaving children behind. Under this amendment, in order to receive a funding increase under this act, States would be required to make adequate yearly progress in boosting student achievement, as defined in the bipartisan agreement reached between my colleagues from Vermont and Massachusetts, the chairman of the committee and the ranking member.

This is a moderate measure. It will not cut educational spending. It guarantees that a State's funding level cannot fall below its current level but that a State that does not improve their children's achievement would forgo any reward from the Federal Government until they do.

This amendment even allows the act to adjust for inflation because if we did not, that would be a real cut.

What we have to say to the educational establishment of this country is: If you do not create a system that allows our children to achieve at ever improving rates, then we cannot reward you with more of the taxpayers' money.

Public education is critically important, and a strong public education system in our country has been the foundation of our Republic and, without question, the strength of our Republic.

This is a moderate and compassionate measure, and I believe it is necessary. We cannot reauthorize this act and say that without improvement, the taxpayers of this country will continue to reward the system.

Taxpayers historically have been very generous when it comes to education. Funding at the local and State level over the last several years across the country has rapidly increased. But it is also time to say, as we do with this amendment and with the reauthorization of ESEA, improvement is now a must; it must be measured, and if you do improve, we will reward you. But if you do not, we will no longer use taxpayers' hard earned dollars to buy mediocrity for the young people of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

BUDGET CONSIDERATION

Mr. CONRAD. Mr. President, next week we will be considering the budget of the United States. We have gone through sort of the "Perils of Pauline" here crafting the budget for the country. After much talk of bipartisanship, the other side locked out the Democrats from the conference committee. That is the meeting between the House and the Senate budget members to work out the differences between the two sides.

We were invited to the first meeting and told we would not be invited back, that the Republican majority was going to write this budget all on their own, which they have done. So much for bipartisanship.

That is unfortunate. I think we could have crafted a much better result if we would have had a chance to work together. We really had an unprecedented year working on the budget in which there was no markup in the Budget Committee, and now a conference committee to work out the differences between the House version of the budget and the Senate version of the budget completely excluding Democrats from the consideration.

As a result, I think we are going to get an unbalanced budget, a budget that threatens to put us back into deficit, back into debt, a budget that does not reflect the values of the American people, that does not put a priority on education when everybody is giving speeches about the critical importance of education.

I grew up in a family in which my parents were killed when I was young. My grandparents raised me. My grandmother was a schoolteacher. In our family, education was the priority. It was not just the first priority; it was the second priority; it was the third priority because my grandparents believed that education was what unlocked opportunity for every child. They just did not talk about it; they lived it.

My grandparents, who were successful people but not wealthy by any means, set aside a fund so every one of my brothers and cousins could go on to higher education. As a result, everyone in our family got an advanced degree. There were 13 cousins in my immediate family and everyone got an advanced degree—from a middle-class family. That was because my grandparents truly believed in the value of education. They were right. Those are the right values. Those are American values.

We hear a lot of Senate speeches about education being the priority. When they go to the back room and write a budget, all the speeches are right out the window. It is all hot air. It is all fluff. It does not mean a thing. It is all words—words and not deeds.

That is not right. In fact, it is misleading people to stand up and say they are for education and then go in a back room and cut out every penny of money to strengthen education. They ought to be ashamed of themselves.

We are going to have a real chance to compare votes on education in this Chamber with votes on the budget, and we are going to see how they match up. We are going to see who is being straight with the people they represent and who is not.

Here is what we have learned of this conference report. This is what the President's budget was. This is the Democratic alternative. This is what the Senate passed. This is what is coming out of the conference committee. It is very interesting.

The tax cut has gone up from what was passed in the Senate. But when you look at education—this is the education line. We passed $308 billion of funding for education, new money for education. What came out of the conference committee? Zero. No money.

It is not just there that this budget fails us. On the environment, the President proposed a huge cut. What came out of the Senate was a substantial cut but not as big as the President's. What has come out of the conference committee? Zero. No new money for protecting the environment.

It does not end there. On strengthening Social Security—to me, this is, along with education, the most valuable because we know—there is not a Senator who does not know we are headed for a crisis when the baby boomers retire.

We know that. This is not a projection. The baby boomers have been born. They are alive. They are going to retire. And they are going to dramatically increase the draw on the Federal Treasury and the programs of Social Security and Medicare.

The President has a big event at the White House saying he is for strengthening Social Security. Then when you go to match the words with the deeds and you look at the bill coming from the conference committee, do you know what you find that has been a set-aside to strengthen Social Security? Nothing. Zero. No money. It is all words about how education is a priority. It is all words about how strengthening Social Security is a priority because there is no new money for either one—nothing for education and nothing to deal with the long-term debt that is facing this country in Social Security.

I think we probably know, as I reviewed before and as this chart details, what happened in the Senate. In the Senate, we passed the Harkin amendment that provided $225 billion over 10 years to improve education in America, money that is desperately needed. My colleague from Idaho said money doesn't make a difference. It doesn't in and of itself solve the problem. We all understand that. It takes more than money to improve education. We will have a hard time getting the best people to be teachers in this country if we don't pay them decently.

What is happening all across America is that many of the best teachers are leaving education because they are not being fairly compensated. I have a cousin who was a teacher on an Indian reservation in North Dakota—a wonderful teacher, absolutely superb. But she was being paid so little money she really couldn't make ends meet. So she left to go to the private sector, started a store and became a small business person. That is terrific. But education lost a star performer.

It is just not here, but across America people are leaving education for higher paying jobs somewhere else, and we are losing some of the best.

We can either say it doesn't matter or we can respond. We have schools all across America that were built in the 1950s that are not prepared for the high-tech world of today. We turned our back on that and said: Well, tough luck, kids. You are not going to be educated for the world that is to come. We are going to leave you out of the high-technology workforce.

That is a mistake. We know that classrooms have too many students in them. We know that every objective standard has indicated that if you have smaller classrooms and fewer students, the individual student who gets more attention does better. It costs money.

Here is what we did in the Senate. We said we are going to put the money where our mouth is. We are going to put some money into education: $225 billion. We are going to reduce the tax cut by $450 billion. We are going to put half of it into education. We are going to put half of it into further debt reduction.

Look at what came out of the conference committee: Zero. They took out every dime of additional money for education. We passed in the Senate the Breaux-Jeffords amendment for IDEA funding. That is the disabilities act. Congress made a promise when it passed the disabilities act that they were going to fund 40 percent of the cost. They did not do it. We said: Let's provide the money to keep the promise. And we did it in the Senate.

It goes to the conference committee, and they come back with a big goose egg.

Why is this being done? I believe it is being done because the overall budget doesn't add up. It doesn't add up. If you include an education initiative, if you include the money that is being asked for by the Defense Department to strengthen America's defense, then you have a budget that doesn't add up. You have a budget at that point that is raiding the Medicare trust fund and the Social Security trust fund. Of course, everybody says they do not want to do that.

Our friends on the other side of the aisle have produced a budget that is kind of a hide-and-seek budget. It hides big chunks of spending that all of us know are going to occur.

For example, there appeared in USA Today on Friday, April 27, "Billions Sought For Arms. Secretary seeks to reduce role of ground troops," talking about the Secretary of Defense.

The story goes on to say, "As Defense Secretary, Donald Rumsfeld, nears the end of a top-to-bottom review of Pentagon, he is expected to seek a large boost in defense spending—$200 billion to $300 billion over the next 6 years."

Is that in the budget? Is that big defense buildup in the budget? No. None of it is in the budget. They do not have $200 billion to $300 billion of new money in the budget for defense. Why not? Because if they put it in before the tax cut passes, the budget doesn't add up. They are into the Medicare trust fund and the Social Security trust fund.

What is going on here is a giant scam. That is what is happening. It is a giant scam to mislead the American people—pass the tax cut, and then come back to Congress and say: Oh, by the way, we forgot about the money that we need for defense. We need $200 billion or $300 billion just for the next 6 years.

Remember, this is a 10-year plan on which we are working. They say they are going to need another $200 billion to $300 billion just for the next 6 years, only it is not in the budget that we are going to vote on next week. Not a penny of it is in there. Why? Because, if they put it in, the budget doesn't add up.

That is their problem. As soon as you are honest with people about the true costs of funding defense and of improving education, then you are raiding the Medicare trust fund, the Social Security trust fund, and doing it in a big way. These aren't the only items left out.

Let me conclude on the defense item. This is a story that ran in the Wall Street Journal. This was May 1st. "Pentagon plan sees 42 percent rise in the arms budget."

Is there a 42 percent rise in the budget we are going to vote on next week? No, there is no 42 percent rise. They have not put this money in the budget. They are going to announce the week after next, after we have passed the budget with the big tax cut in it, because they don't dare show the true budget, the true spending, or the true plan until they get their tax cut passed because if they show the try numbers, it doesn't add up. It doesn't come close to adding up.

They are raiding the Medicare trust fund to the tune of $250 billion. They are raiding the Social Security trust fund to the tune of $50 billion. That is what is really going on in this town.

It is a hide-and-seek budget. They are going to hide the true effects of this budget until after the tax cut passes. Then they are going to come back to us, and they are going to say: We have to do something more for defense. We have to do something more for education. We have to do something to fix this alternative minimum tax problem.

That is a big one they aren't talking about. The alternative minimum tax today affects about two million taxpayers. The Joint Tax Committee has told us that if we passed the Bush plan, 35 million people are going to be caught up in the alternative minimum tax.

Boy, they are in for a surprise. They thought they were going to get a tax cut. But instead, one in four American taxpayers will be caught up in the alternative minimum tax. They will be paying more. It costs $300 billion to fix it.

Do you see that anywhere in the budget? It is nowhere in the budget. They don't have a dime in this budget to fix the alternative minimum tax. They don't have a dime for this big defense buildup they are getting ready to announce. They don't have a dime of new money for education. Why? Because, if they did, they would have a budget that doesn't add up. It is right back into deficit. It is right back into the bad old days of deficits and debt and decline.

The harsh reality is, unlike the 1980s, if we go back to deficits and debt now, this is no time to recover, because the baby boomers start to retire in 11 years. Then all of this changes. We go from big surpluses today to massive deficits in that 10-year period.

That is the Comptroller General of the United States warning us of where we are headed. He says we face a demographic tidal wave that is unlike anything we have ever seen in this country. That is because the baby boomers are such a large group, when they retire, the number of people on Medicare and Social Security double in very short order.

We ought to be setting aside money today to deal with the problem we know is coming tomorrow. This budget does not do it. This budget does not set aside a dime to strengthen Social Security for the long term. There is no money in the budget for that.

In our budget, we propose setting aside $750 billion to strengthen Social Security for the long term. But the conference committee comes back and there is no money, just as they came back with no new money for education, no money for this big defense buildup they are going to be asking for week after next, no money for area after area that we know is going to be a real cost—no money to fix the alternative minimum tax. The reason is simple and clear: It is only by showing a false budget that they can get it to add up.

If they put the true costs in, if they put in the defense buildup, if they put in the cost of alternative minimum tax reform, if they put in new money for education, then they are heavily raiding the Medicare trust fund, heavily raiding the Social Security trust fund. That is the truth.

This is exactly how we get into trouble in the country: Betting on a 10-year forecast that even the people who made the forecast warn us is unlikely to come true. In fact, we have a projection of a $5.6 trillion surplus over the next 10 years—$5.6 trillion. But that is just a projection. That money is not in the bank.

In fact, the people who made the forecast said that number only has a 10-percent chance of coming true; a 45-percent chance there will be more money, a 45-percent chance there will be less money.

That forecast was made about 10 weeks ago now. What has happened in the interim? The economy has weakened. We have a jobless report today that suggests quite dramatic weakening in the economy. So do we bet there is going to be more money or less money? I would say all the signs are there is going to be less money. That puts us in grave danger of going back into deficit, going back to the bad old days of raiding every trust fund in sight.

I say to you, the thing that is most wrong about that approach is that in the 1980s we had time to recover. This time, if we get it wrong, there is no time to recover. The baby boomers start retiring in 11 years, and all of these things that have been working in our favor start to turn the other way. There is not a Member of this body who does not know that is true.

I just hope that before we vote on this budget, people will think carefully about the implications, and they will think carefully about the risks, and they will think carefully about the danger of going back into deficit, back into debt, just before the baby boomers start to retire; and we know these surpluses of today turn into massive deficits tomorrow. That would just be a serious mistake.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. GRAHAM. Mr. President, we have been receiving a disturbingly consistent and an increasingly high volume of bad economic news. Even what appeared to be good news at its base is bad news.

In today's Washington Post, is an article—and I ask unanimous consent that this and the other articles to which I will refer be printed in the RECORD immediately after my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. There was considerable enthusiasm a couple of weeks ago when the Federal Reserve Board reduced interest rates for short-term interbank borrowings by .5 percent. Today, we learn why the Federal Reserve Board acted in that manner in an unusual format between its regularly scheduled meetings.

The background is that the Federal Reserve Board Chairman, Alan Greenspan, had, for weeks, directed the Federal Reserve staff to closely track company earnings announcements and business executives' comments about their plans for such things as capital spending.

Staff members have been working the phones, asking companies specific questions about their future intentions. What the Federal officials and the staff found out by early April was a disturbingly sour attitude among corporate executives, suggesting that many of them were hunkering down, concentrating on cutting costs and slashing investment plans. The policy planners concluded that quick Federal Reserve Board action was needed to try to break the psychological mindset lest it undermine the drag we pick up in economic growth later this year. Many Federal officials are hoping there will be a turnaround and that this action was necessary in order to turn that hope into reality.

Unfortunately, today we have received some additional bad economic news. To quote from the report of the New York Times:

> The Nation's unemployment rate shot up by 4.5 percent in April, the highest level in 2.5 years. Businesses slashed their payrolls by the largest amount since the recession of 1991.

The Labor Department report of Friday—today—was the freshest evidence that the economy, which started to slow in the second half of the last year, continues to weaken. The increase of .2 percentage points in the unemployment rate marks the second straight month the jobless rate had gone up. In March, it had ticked up by 4.3 percent. April's rate was the highest since October of 1998 when unemployment also stood at 4.5 percent.

Similar reports are in today's online news reports from USA Today, the Washington Post, all of which I have submitted for the RECORD.

Nobody likes to talk about bad news. I think what we need to be talking about now is common sense.

What are likely to be the consequences of this accumulation of bad news? I am afraid the consequences will include a further assault upon consumer confidence, which has already declined precipitously, and a further assault on the willingness of consumers to undertake serious expenditures. We know that about two-thirds of our economy is predicated on consumer spending. As the willingness of consumers to spend is undermined by the kind of bad news they received this morning, that will have an immediate and significant adverse effect on our economy.

How have we been reacting—we Members of Congress and the new administration—to this bad news? In my judgment, we have been responding inadequately. We have been responding based on a denial of the changes that are occurring in our economy and an unwarranted commitment to pursue the ideas that were the product of a different economic era.

I believe we should be seriously looking—not only looking but acting—to provide new levels of economic assurance to the American people and the economic capability to take advantage of that reassurance. We should immediately institute a tax stimulus designed to encourage consumers to increase their spending and, therefore, begin to counter the softening consumer demand in our economy.

Unfortunately, the tax stimulus has been the stepchild of tax policy. Why has it been the stepchild? I think, first, it has been the stepchild because there has been an undue commitment to policies that were developed in another time.

I remember a statement made by President Bush, which was a statement made to indicate his constancy, his degree of unwavering support, for his $1.6 trillion tax plan. That statement started with the fact that the President indicated when he first announced his tax plan during the winter of 1999, in preparation for the 2000 Iowa caucus, that he first proclaimed his commitment to a $1.6 trillion plan and that commitment had continued throughout the Republican primary process, the Republican Convention, and the general election, and has continued until that date in February of 2001.

What has happened is that while the plan has continued to be the same from the winter of 1999 to the now almost summer of 2001, the economic stage has changed. Stagehands have come on the stage and removed the booming stock market, which in the winter of 1999 was giving us almost daily new highs in stock market prices. The stagehands have also removed what was almost an all-time low in unemployment and replaced it with the unemployment circumstance we find today, which is 4.5-percent unemployment, up three-tenths in just the last 60 days. We also have replaced the gross domestic product, which had been running at rates of 5 or 6 percent, with one in which we now are approaching an anemic 2-percent growth rate in our GDP.

The second stage, which began in the late winter of this year, was that at least we started with the rhetoric that we were interested in tax stimulus, but no change in the tax plan. We were saying the same plan that had been developed in the winter of 1999, which was defined as a plan to give a rebate, refund, to the American people for excessive taxes—that the same plan now was relabeled as being a tax stimulus.

There was a glimmer of hope. That glimmer of hope occurred just within the last few days when we heard that the conference committee that was working on the melding of the House and Senate budget resolutions was proposing that there be a $100 million tax stimulus and that that tax stimulus was to start immediately. That glimmer of hope was quickly shattered, because now we see that in the conference report on the budget resolution, there is no $100 billion for a tax stimulus—the $100 billion was folded into the $1.25 billion overall tax cut. A tax cut of $1.25 trillion over 10 years has now absorbed the $100 billion that was supposed to be the tax stimulus and has grown. So we have a tax reduction proposal in the budget resolution of $1.37 billion, but no specific tax stimulus.

Another source of disappointment is that in the budget resolution that passed the Senate, we were talking about two tax bills between now and October 1. There would be one in mid-May and another one prior to September 30. That raised the hope, and there was some public comment that that first tax bill would be the tax stimulus bill; it would be the means by which we would respond rather than passively observe that accumulation of very troubling economic news. That, too, has now been eliminated in that the budget resolution apparently will only call for a single tax bill. It is being suggested that tax bill should be basically the winter of 1999 tax bill with minor modifications.

I am discouraged and disappointed at the current state of affairs, but I am hopeful there will be a new day. Maybe that hope can be found in the fact that we learned late last night that the conference report on which the House was supposed to have voted and which we were assumedly going to be debating some today and again on Monday and vote on Tuesday was deficient; that there were, in fact, two pages of the conference report that were mysteriously missing.

The hope is those two pages are the two pages that contain some commitment toward an intelligent tax stimulative policy. If that is not the case, then it is incumbent on us to come to our senses and to take constructive action before it is too late.

I analogize the situation we are in to a business which has just learned there is going to be built in close proximity a gasoline tank farm. The business owner is looking at his insurance policy and asking the question: Given the fact that I am now going to have a heightened risk of a fire in the neighborhood in which my business is located, would it not be prudent to acquire some additional fire insurance?

We are getting the message that there is additional vulnerability in our economic neighborhood, and would it not be prudent under these circumstances for us to buy some additional insurance, an insurance policy against recession or an insurance policy against a deepened, prolonged recession?

I believe, just like the business person, yes, it would be prudent for us to do so. I suggest in doing so we should reexamine the proposal that will soon be before us and say, first, it is not prudent to be attempting to pass one gigantic tax bill, most of which benefits do not occur until 5 years from now; rather, what we should be doing is passing immediately an economic stimulus tax bill which will deal with the No. 1 economic challenge to this Nation and most of our people, and that is how to provide some additional economic encouragement and sense of hope for Americans at a time of a sliding economy, increasing unemployment, and declining gross domestic product.

I believe that first tax bill we pass should have the following characteristics: It should be an immediate tax bill. It should be front loaded with substantial benefits available immediately after enactment.

The President's original tax bill had only $187 million of tax benefits in the calendar year 2001. I believe we need to have a substantial tax cut of at least $60 billion in 2001 and in each successive year. We need to place that tax cut primarily in the hands of all American families through a reduction in their withholding tax. This would result in the greatest likelihood that tax cut would, in fact, be used to stimulate demand.

This plan needs to be simple. We are about to consider what will be a very complicated plan, a plan that will have multiple provisions, most of which will not have a significant economic impact until after the year 2005.

I believe we need to have a simple, straightforward plan which will have an impact immediately. The proposal Senator CORZINE and I have developed which we submit as meeting these characteristics will be accomplished by taking a recommendation of President Bush, which is that we add a new bracket to our income tax code, and that be a bracket at the 10-percent level—that the first taxable dollars earned by Americans would be at a 10-percent rather than a 15-percent level.

The President's suggestion should be modified in two regards. First, the 10-percent bracket, as he has suggested it, will not go into full effect until the year 2006. We suggest it ought to be in full effect as of January 1, 2001.

Second, his proposal is limited to the first $6,000 of earnings for an individual and the first $12,000 for a married couple. We increase those numbers to $9,500 for an individual and $19,000 for a married couple. The effect of that is to provide a $60 billion tax stimulus reflected through reductions in withholding taxes and immediately available to the American people.

We offer this as a commonsense solution to a very serious and disturbing set of economic changes that are occurring. We offer this as a means of providing to the American people the kind of support the Federal Government can and should be providing at this time. We offer it as a statement that we are not so disconnected from the lives of Americans that we are unable to appreciate the anxiety which many of our fellow citizens are suffering and the opportunity we have to provide a constructive and immediate source of relief.

I suggest that we, the Members of Congress, are about to be tested. Are we isolated, stuck on some plan that is now almost 2 years out of date, or are we engaged with the American people; that we appreciate the implications of the declining economy to their lives, and we are prepared to act in a way that will give them the confidence that will, in turn, be beneficial to all Americans because it is their confidence converted into actions in the marketplace which have the best chance of beginning to place some concrete under our economy and begin to lift us out of this series of declines.

We are going to be tested. Next week is going to be the testing date. I hope this Congress will receive positive grades on the report card we are going to be issued because if we fail to do so, and if that tank farm of declining economic statistics explodes this summer or fall, the question is going to be asked of us: What did you do when you had the opportunity to buy an economic insurance policy to help avoid this consequence? We do not want to say we were blind and deaf to the circumstances of the American people and failed to act.

I hope this news, as disappointing and distressing as it is, will serve as a shock signal to this Congress to act and next week we will show that we have heard the alarm.

I thank the Chair.

EXHIBIT NO. 1

[From the Washington Post, May 4, 2001]

FED'S LEGWORK LED TO QUICK RATE CUT

FIRMS SURVEYED BEFORE APRIL SURPRISE

(By John M. Berry)

When Federal Reserve policymakers surprise financial markets with an unexpected change in interest rates, investors and analysts often wonder, "What do they know that we don't?" Usually, the answer is nothing.

But when the Fed caught the markets off guard on April 18 with a half-percentage-point reduction in short-term interest rates, Fed Chairman Alan Greenspan and other central bank officials did have some vital, privately gathered information that convinced them an immediate rate cut was needed.

The chairman had expressed concern earlier this year that businesses, worried about falling profits in a sluggish economy, might cut their spending on new plants and equipment so much that they would prolong the slump and forestall an eventual rebound in growth. Anecdotal evidence reaching the Fed suggested that could be the case.

To get a better reading, Greenspan had for weeks directed Fed staff to closely track company earnings announcements and business executives' comments about their plans for such capital spending. Some staff members also had been working the phones, asking companies specific questions about their spending plans.

What Fed officials and the staff found by early April was a disturbingly sour attitude among corporate executives that suggested many of them were hunkering down, concentrating on cutting costs and slashing investment plans. The policymakers concluded that quick Fed action was needed to try to break that psychological mind-set lest it undermine the gradual pickup in economic growth later this year that many Fed officials expect. And the officials decided they could not wait until their next regular meeting, scheduled for May 15.

So on April 18, Greenspan convened an 8:30 a.m. conference-call meeting of the Federal Open Market Committee, the Fed's top policymaking group. That group lowered the Fed's target for overnight interest rates by half a percentage point, to 4.5 percent. In a separate action, the Fed board reduced the discount rate, the interest rate financial institutions pay when they borrow directly from one of the Fed's 12 regional reserve banks, by the same half-point.

This picture emerges from interviews with sources who spoke on the condition of anonymity, Wall Street analysts and public comments by several Fed officials.

The Fed's moves surprised financial markets, for two reasons.

First, the most recently published economic statistics suggested that, while the U.S. economy was still weak, some sectors had begun to improve. Some private forecasters had even begun to revise their predictions for growth upward modestly.

Second, several presidents of the regional Fed banks had made recent speeches noting the signs of improvement, which the markets interpreted as suggesting that urgent action on rates was not needed.

For some investors and analysts, the clincher came from William Poole, president of the St. Louis Federal Reserve Bank, on April 10. After a speech in Dyersburg, Tenn., Poole told reporters that the Fed's target for overnight rates should be changed only at the FOMC's eight regularly scheduled meetings each year, except in "compelling" circumstances.

"There are compelling times when quick action is necessary, but this is not one of them," Poole asserted.

Remarks the same day in a speech by Jack Guynn, Poole's counterpart at the Atlanta Federal Reserve Bank, also implied a desire to act at regularly scheduled meetings rather than at other times. And two weeks earlier, Anthony Santomero, president of the Philadelphia Fed, had said, "I do not think the Fed should routinely take policy actions for the sole purpose of boosting expectations or merely to affect confidence."

A few weeks earlier, at its March 20 meeting, the FOMC had cut its rate target by half a point and hinted clearly that it might cut rates again if necessary before the May meeting. In the statement, the committee said that, given the weak and uncertain economic outlook, "when the economic situation could be evolving rapidly, the Federal Reserve will need to monitor developments closely."

The FOMC had used similar wording in an announcement after its mid-December meeting, intending to signal that it would consider making a rate cut before its next regular meeting. But more market participants did not pick up that signal and were therefore very surprised when the Fed lowered its rate target by half a point on Jan. 3. The reappearance of that language in March initially convinced many investors and analysts that another reduction was likely during the long eight-week period between the March and May meetings.

But as April wore on, and the tone of new economic data improved a bit and some Fed officials suggested no Fed action was in the offering, market expectations for a rate cut evaporated.

So when the Fed moved on April 18, some analysts concluded that Fed officials must have decided that a rate cut would have a greater impact if it came as a surprise to investors and business executives. If that were the case, then the president's remarks must have been part of a coordinated plan intended to mislead market participants, the analysts said.

To most Fed officials, the notion of coordinating statements of all the policymakers is almost laughable. Public statements by one policymaker or another often leave others in the group shaking their heads. That clearly was the case when Poole so specifically ruled out an inter-meeting move.

Furthermore, historically there has always been a certain tension between Fed officials in Washington and the 12 Federal Reserve Bank presidents scattered across the country. Some of that tension has involved issues of who has what powers within the system, which is largely dominated by the chairman.

The bank presidents carefully guard their limited independence, even to the point of rarely conferring with one another on monetary policy outside of formal meetings. Some of the presidents do send drafts of the speeches to Washington, where the Fed board and staff read them and may make some suggestions for changes. But there is no attempt to coordinate statements and the presidents are free to ignore suggestions.

This geographic separation contrasts with the weekly Fed board meeting in Washington, usually on Monday mornings, at which reports on the state of the economy are presented by the staff and discussed by the board members. Fed officials would not discuss the extent to which the reserve banks' presidents were apprised of the board staff's findings as it gathered up details of corporate announcements and made telephone inquiries about business investment plans.

Nor has there been any public indication of whether there were any dissents registered during the April 18 conference call. The minutes of that meeting, along with those from the preceding regular FOMC session March 20, will be released two days after the upcoming May 15 meeting.

The Fed's announcement following last month's unexpected rate cut highlighted the policymakers' concerns about business attitudes and spending plans, and mentioned other uncertainties about consumer spending and the demand for U.S. exports. After noting some of the same positive economic signs the bank presidents had mentioned in their speeches, the FOMC said:

"Nonetheless, capital investment has continued to soften and the persistent erosion in current and expected profitability, in combination with rising uncertainty about the business outlook, seems poised to dampen capital spending going forward. This potential restraint, together with the possible effects of earlier reductions in equity wealth on consumption and the risk of slower growth abroad, threatens to keep the pace of economic activity unacceptably weak. As a consequence, the committee agreed that an adjustment in the stance of policy is warranted during this extending intermeeting period."

In addition to economic worries, the condition of the stock market likely helps explain some of the timing of the April rate cut.

While Greenspan and other Fed officials maintain they are not in the business of targeting stock prices, they readily acknowledge that the market can have a significant impact on the economy and that does concern them. For example, the weakness in the stock market over the past year is a factor in business investment decisions because the market can be a source of inexpensive funding for new plants and equipment.

But if investors were still driving stock prices downward—as appeared to be the case until the first part of April—a surprise rate cut might have had little impact on the market. Like an intervention in foreign exchange markets to affect the value of a currency, officials felt it would be better to wait until the market appeared to have hit bottom and was on its way up.

As the market began to improve during the week before the rate cut, another factor came into play—Easter. The market was to be closed on Friday, April 13, and was to close early the day before, and under such circumstances trading volume is usually low. So if one goal, likely a subsidiary one, was to give the market a boost, the following week was probably a better bet.

Now, of course, attention has turned to what the Fed will do May 15. Most analysts expect a further reduction in the target for overnight rates, by either a quarter of a point or a half-point. The latter would bring the rate target down to 4 percent, it lowest in seven years.

Some analysts think the Fed will stop at 4 percent, whether it gets there in one step or two. That could well be the case since a significant member of Fed officials believe economic growth will gradually improve in the second half of the year, though they generally stress the uncertainty of the outlook. A smaller group of analysts thinks the economy will prove stubbornly weak and that the target for overnight rates will bottom out at 3.5 percent.

But, with rates as low as they are likely to be after May 15 and only six weeks until the subsequent FOMC meeting in late June, a third surprise rate reduction between meetings this year can be only a very remote possibility.

[From the Washington Post, May 4, 2001]

WALL STREET FEELS LABOR PAIN

(By Jessica Doyle Belvedere)

The government released fresh evidence this morning the U.S. economy continues to weaken.

The April employment report handed Wall Street a bag of bad news. The labor market showed the steepest job losses in over a decade as the unemployment rate vaulted to a high not seen since October 1998.

Non-farm payroll jobs plunged 223,000, rebuffing expectations of a gain of 21,000 and pushing the unemployment rate to 4.5 percent, up from 4.3 percent in March. That is the highest jobless rate since October 1998 and higher than the consensus 4.4 percent forecast. Meanwhile, average hourly earnings rose 0.4 percent.

Manufacturing was the hardest hit sector of the economy, as employment fell 104,000 in the ninth consecutive monthly decline and the largest since August. The report also showed that job losses were widespread. However retail and government operations added to their payrolls.

Wall Street is particularly tuned into this morning's report since the labor market is a key driver of consumer confidence, which in turn impacts spending patterns. With the economy weakening since last summer, consumers may curtail spending, which accounts for two-thirds of economic activity. Thus far, consumer spending has been resilient and helped to buoy the overall economy.

The report also raises the stakes that the Federal Reserve will make another aggressive interest rate cut later this month. The Fed has acted four times this year to stimulate the flagging economy.

Gerald D. Cohen, Senior Economist at Merrill Lynch believes the Fed will cut rates by 50 basis points at its May 15th, and by August fed funds will stand at 3.5 percent. "We still don't think the economy is going into recession. Spending has softened but it will be ok. The Fed will help spur growth when the rate hikes come on line. And enough sectors are holding up that they will keep the economy from slipping into a recession."

Wall Street is bearing the brunt of the weaker-than-expected reading. As of 9:50 a.m. EDT, the Dow Jones industrial average had fallen 104 points or nearly 1 percent. Meanwhile, the Nasdaq dropped 48 points, or 2.19 percent, after losing 3.4 percent on Thursday.

The drumbeat of anemic labor data continued Thursday, prompting investors to question the odds of an economic rebound, and therefore an earnings rebound in the latter half of the year.

Thursday's report on the labor market showed new claims for unemployment benefits rose by 9,000 to 421,000 for the week of April 28. The report's 4-week moving average, with smoothes out statistical blips, rose to 405,000, the highest level of unemployment claims since October 1992. Additionally, a job-placement firm that tracks layoffs reported that businesses in April announced plans to eliminate 165,600 jobs, a record in the survey's 8-year history.

Another economic indicator proved troubling to investors. The non-manufacturing portion of National Association of Purchasing Management's monthly report fell to a reading of 47.1 percent in April from 50.3 percent in March. Any reading below the 50 percent benchmark signals economic contraction, and the gauge indicated that the economic downturn may be broadening.

[From the Wall Street Journal, May 3, 2001]

Fed Finds Slowdown Is Widespread in U.S.

(By Greg Ip)

WASHINGTON.—Despite a flurry of upbeat news, the economy's worst days may not be behind it after all.

The Federal Reserve's latest report on regional economic conditions offered little evidence that the slowdown is over. "Almost all districts report a slow pace of economic activity in March and early April," the Fed said yesterday. "Labor-market tightness has eased in almost every district."

The report, known as the beige book, summarizes economic conditions in the 12 Federal Reserve districts and is used by policy makers to determine monetary policy. the policy makers meet next on May 15.

To be sure, much of the news lately has been positive. The economy grew at a 2% annual rate in the first quarter, double expectations; in April, stocks had one of their best months in years; and the latest signs from manufacturing suggest the sector is bottoming out. Yesterday, the Commerce Department said factory orders rose 1.8% in March from February, seasonally adjusted, thanks mostly to transportation.

On closer inspection, however, the picture is less comforting. While consumer spending was surprisingly resilient in the first quarter, it weakened as the quarter progressed. In March and April, a key variable in the spending equation—employment—worsened.

Last Friday's report on first-quarter gross domestic product "is telling you what's going on outside your window over the past few months. It's not a good leading indicator," said Lakshman Achuthan, managing director at the Economic Cycle Research Institute in New York. By contrast, initial claims for unemployment insurance "are going the wrong way fast," he said. Claims topped 400,000 in late April, the highest in five years and up 44% from a year earlier.

Mr. Achuthan noted that while the National Association of Purchasing Management's index of manufacturing activity rose a touch in April from March, the employment portion fell. That suggests job cuts are broadening.

Yesterday's Fed report said that retail sales, after weakening in March, picked up in April. But this may have been due to "Eastern sales and better weather," according to businesses in the Dallas district. The beige book found housing demand remained firm, but auto sales were more mixed, "Almost across the board . . . districts note that higher gas prices appear to have reduced demand for new SUVs, luxury vehicles and trucks."

In the St. Louis district, layoffs have hit both the Old and New Economy alike: steel, timber, electronics, plastics and high-tech companies. In the Boston district, discount retailers said that "demand has softened because their lower-income customers are facing a fuel-price squeeze."

Still, the fact the economy grew as much as it did in the first quarter does suggest improved prospects for avoiding a recession, which is often defined as two consecutive quarters of declining GDP.

"Much of the inventory correction is behind us, as the ratio of real inventories to private final sales has now fallen back to the level of the first half of the last year," noted forecasting firm Marcoeconomic Advisers LLC of St. Louis, which said it is more comfortable with its relatively upbeat forecast. It also cited a number of positives: The Fed cut interest rates half a percentage point April 18; stocks are recovering; and a tax cut is more likely.

Federal Reserve Bank of San Francisco President Robert Parry said yesterday that he "seriously doubts" that the nation's economy will plunge into a recession, given the Fed's four rapid and aggressive rate cuts this year. Separately, the Federal Reserve Bank of Chicago said its gauge of business activity had improved to a level suggesting the likelihood of recession had fallen.

The economy has benefited from the fact that consumer spending held up while businesses slashed inventories. Consumer spending may weaken now, but inventory cutting is less likely to compound that. "Production and demand are kind of weaving around each other, and if you keep getting that you probably won't have a recession," said Edward McKelvey, senior economist at Goldman Sachs. "The bid intellectual battle is more, 'How firm a recovery can you expect?'" Stock and bond markets are anticipating a solid recovery, but "we think the economy is in for an extended period of sluggishness."

One of the factors likely to keep growth anemic is cuts to capital spending. Though business investment in equipment fell less than expected in the first quarter, there is no turnaround in sight. Technology shares have rallied, but more on hopes that the sector has hit bottom than actual signs of increased demand. Semiconductor prices, for example, have actually weakened in recent weeks, suggesting those hopes are premature.

FACTORY ORDERS

Here are the Commerce Department's latest figures for manufacturers in billions of dollars, seasonally adjusted:

	Mar. (p) 2001	Feb. (r) 2001	Percentage chg.
All industries	370.52	363.83	+1.8
Durable goods	206.29	199.37	+3.5
Nondurable goods	164.23	164.47	- 0.1
Capital-goods industries	72.57	65.70	+10.5
Nondefense	61.38	58.87	+4.3
Defense	11.20	6.83	+63.9
Total shipments	366.51	365.05	+0.4
Inventories	490.85	493.70	- 0.6
Backlog of orders	597.79	593.78	+0.7

p—Preliminary. r—Revised.

[From the New York Times, May 4, 2001]

Unemployment Rate Rises to 4.5% in April

WASHINGTON (AP).—The nation's unemployment rate shot up to 4.5 percent in April, the highest level in 2½ years. Businesses slashed their payrolls by the largest amount since the last recession in 1991.

The Labor Department report Friday was the freshest evidence that the economy—which started to slow in the second half of the last year—continues to weaken.

The increase of 0.2 percentage point in the unemployment rate marked the second straight month the jobless rate had gone up. In March, the jobless rate ticked up a notch to 4.3 percent. April's rate was the highest since October 1998, when unemployment also stood at 4.5 percent.

Both the increase in the unemployment rate and the cut in jobs surprised many analysts. They were predicting that the unemployment rate would rise to 4.4 percent and that businesses actually would add jobs during the month.

Businesses cut their payrolls in April by 223,000 jobs, the largest reduction since February 1991, when payrolls fell by 259,000. It was the second month in a row that businesses trimmed their payrolls. In March, payrolls fell by 53,000, according to revised figures, a smaller reduction than the government previously reported.

In April, job losses were widespread except in retail and government, which added to their payrolls.

The unemployment numbers follow the Federal Reserve's surprise interest rate cut by one-half point last month—the fourth reduction this year in the Fed's campaign to ward off recession. Analysts have said further rate cuts are likely at the central bank's May 15 meeting.

With unemployment expected to continue inching up, some economists worry that consumers might rein in spending and further weaken the struggling economy.

Consumer spending accounts for two-thirds of all economic activity and has helped buoy the economy during the downturn.

Some companies are coping by sharply cutting production, leading to reductions in workers' hours and overtime, and forcing thousands of layoffs.

The New York Times announced this week that it would cut 100 jobs after already laying off 100 people at its online unit and offering buyouts to other employees. That followed recent announcements at Morgan Stanley, Honeywell International Inc., LM Ericsson and Texas Instruments Inc.

Friday's report showed that manufacturing, which has been bearing the brunt of the economic slowdown, continued to hemorrhage, losing a huge 104,000 jobs last month. Declines since June have totaled 554,000 and two-thirds of those job losses have occurred in the past four months.

Construction, which had been adding jobs over the last several months, lost 64,000 jobs in April. The government said the drop may reflect in part heavy rains over part of the country. The construction and housing businesses have remained healthy during the economic slowdown—a key force in keeping the economy out of recession.

Business services cut 121,000 jobs in April. Temporary employment services experienced another sharp decline of 108,000 last month, and have lost 370,000 jobs since September.

Seasonal hiring in amusement and recreation services and hotels was well below normal last month, with unemployment declines of 30,000 and 13,000, respectively.

Average hourly earnings, a key gauge of inflation, rose by 0.4 percent in April to $14.22 an hour. That matched the gain in March. The length of the average workweek was unchanged at 34.3 hours in April.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will speak about the education bill.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. I yield to the Senator from West Virginia.

Mr. BYRD. About how long will the Senator speak, so I know when to return.

Mr. GREGG. I say to the Senator, I will probably speak 15 to 20 minutes.

Mr. BYRD. I thank the Senator.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

Mr. GREGG. Mr. President, we have discussed at considerable length the educational issues that have been brought forward by the BEST bill, which is the proposal that came out of the Health Committee I serve on, chaired by Senator JEFFORDS from Vermont, and ranking member Senator KENNEDY from Massachusetts. We talked a lot about policy and the fact this bill moves the policy forward to try to reform our school systems in a number of ways. It does not necessarily go as far as some Members would like, but it is progress in areas which are in significant need of progress.

I have had a chance to speak about the need for more choice, the need for basic themes such as being child centered, flexibility, has academic achievement as its goal especially for low-income kids, and it has accountability standards to make sure the academic standards are met.

I have spoken on a number of specific issues such as how to deal with teachers, how it improves the capacity of local school districts to do more to get and keep good teachers and hire good teachers.

I will speak about the issue of the funding in this bill and the funding question generally because there has been a lot of discussion especially from the other side of the aisle about how inappropriate the funding levels are that the President has proposed to support the educational reforms he has requested.

When I hear these representations from the other side of the aisle, I am not so sure they come to the table—not to be too aggressive—with clean hands on the issue. The issue of funding education in this country, especially things such as special education, has been debated for the last few years and it has been the Republican side of the aisle that has significantly increased the commitments to educational funding. I think it is appropriate to review the history of where we are in the area of funding.

First, it is most important to point out the equation for better education is not more dollars equal better education. Over and over again it has been shown, in study after study, that more dollars do not produce better education. The key to better education is a much more complex formula than some would have Members believe. Those who suggest we put more dollars in and we get better education are wrong. The key to education is a formula that involves, No. 1, parental involvement; No. 2, good teachers; No. 3, good principles; No. 4, local control over the curriculum and how the schools teach; and probably No. 5 on the list, dollars. It is a mixture of these factors and other factors, of course—facilities and things like that—but primarily it is a very complex formula. It is not just more dollars means better education.

A number of studies have shown this relative to local dollars and State dollars. Regarding Federal dollars spent, the statistics are especially startling. We have had a Federal program in place now for over 30 years, the purpose of which was to raise the level of academic achievement of especially low-income children. That is what we were focusing on as a Federal Government. Regrettably, our success in this area has been singularly poor. This chart reflects this. We have spent $120 billion on title I, which is directed at low-income children. Yet the score levels of our kids who meet this category of educational support has remained absolutely flat for all intents and purposes in reading and math. The spending has gone up dramatically, but the score levels of these children has been flat.

In fact, the average child who comes from a low-income family today, who is in the fourth grade, reads at two grade levels below a peer in that class. That is true not only for the fourth but fifth and sixth, and naturally they fall back as they go into the eighth, ninth, and tenth grade to the point where this group of kids, low-income families and especially minority families from urban areas, are graduating at less than a 50-percent rate from high school, even though we spent all this money.

One thing we know for sure is that putting money into the problem has not resolved it. The issue is, What should we do? We need to reform the system. That is what the President has suggested. Through a lot of hard negotiation and aggressive effort on the part of both sides of the aisle, with Senator KENNEDY and Senator JEFFORDS taking the lead, we have been successful coming forward with a bill which in some ways significantly reforms the system, although it leaves out key elements I would like to see, but it is still a major step in the right direction, especially once the bill is amended by the underlying agreement which was reached between the chairman and the ranking member and other people who negotiated.

Reform is critical if you get something for the dollars spent. Dollars are not the only issue.

Let me simply say the representation by the other side that this administration is not willing to commit the dollars to support reform is inconsistent with the history of what has happened over the last few years and who has been willing to fund what. If you look at the amount of funding which President Clinton suggested we put into the educational system over the 8 years of his administration, recognizing for the first 4 years of his administration he has the deficit, the average amount spent, the average increase, was about 3.3 percent. The biggest increase he suggested in any given year was 3 years ago when he suggested 8 percent. But generally, his increases have been proposed at around 4 percent, 3 percent, 2 percent in the area of spending for education.

President Bush has suggested an increase of 11 percent in his budget, twice, three times what President Clinton proposed in any budget over the last 8 years. He has suggested, and he has made an offer to the other side which would represent a 50-percent increase in spending in title I specifically, the single largest increase ever proposed in this program by a factor of 10, by my calculations.

The simple fact is that the President has been willing to come forward, subject to reform being put in place, and commit the dollars necessary to support those reforms. Remember something about the reform proposals brought forward, even as part of the agreement: There is a lead time to those reforms being put in place. They basically all key off of something called annual yearly progress, which keys off of a testing regime, and the testing regime is not presumed to be effective or completely in place for almost 3 years, probably 4 years. It is not expected, under this bill, that we will attain our goals because it takes so long to ramp up to this type of a situation, for 10 years. Thus, the money that is going into the program this year, the 50 percent increase which the President has been willing to propose, is a huge infusion of money upfront when the reforms are not in place. It is really a downpayment in anticipation of what will happen in reforms.

It is really a sign of good faith on his part to make that type of commitment. He is saying, as President, I am committed to these reforms. I know you have to make the reforms to get decent education and achieve improvement in our education. But I also understand money is going to have to be committed. Even though I am not going to get my reforms immediately, I am willing to put the money upfront, and a significant amount of money, a huge amount of money in the context of what has been done in this area for years.

So this argument from the other side that the money is not there, there is not any money there—I heard the ranking member of the Budget Committee come down this morning and give us an explanation of that—is simply inaccurate. Not only has the President proposed to increase his budget by 11 percent, not only was the budget reported out with an 11 percent increase in it, but he has gone much further and said, on the appropriating accounts, he is willing to make a much more significant increase. And the people on the other side who have been negotiating this matter know that. The President has agreed he will find those dollars within the contents of the budget that has been settled on, huge dollars of increase.

Let's take another subject in which we have heard a lot of talk about money, IDEA, special education. This is something I have been working on for a long time. The Senator in the chair has been working on it for a long time. The Senator from Vermont, the chairman of the committee, has been working on it for a long time. When I came to the Senate, the Federal Government was paying 6 percent of the cost of special education. It had agreed in 1976 that it would pay 40 percent of the cost. So the difference, the difference between 6 percent and 40 percent, was being picked up by the local communities through their tax base or States through their tax base. Essentially States and local communities were having to support the Federal obligation.

As a result, their resources were being skewed and sent places and being used to support Federal obligations when they might have wanted to use them to do something else at the State level. So a number of us made a conscious effort to change that, and we have made huge progress. We have gone from the Federal Government picking up 6 percent of the cost to the Federal Government today picking up almost 17 percent of the cost; and we are closing in on 20 percent of the cost.

But who is the energizer for this? Did it come from President Clinton? Did these additional efforts in the area of special education come from President Clinton? For 8 years in a row there was essentially no increase sent up here by the Democratic White House to increase special education funding of any significance. Only 1 year did they send anything up with any significance. In fact, in a number of years they essentially flat funded this account.

It was not until we got a Republican Congress that this issue was addressed and began to be addressed aggressively. I have a chart which reflects this rather dramatically. This is 1996, the year the Republican Congress came into being. The red accounts reflect the increase in IDEA funding since that period. As you can see from this bar chart, it has gone up every year since there has been a Republican Congress. In this period, of course, you had a Democratic President.

I suggest you go back and look at the budget submissions that came from the White House during this period. You will see no increase. If this were to track the budget submissions of the White House, those lines would be cut off right there. The increase in special education funding has come as a result of aggressive initiatives coming from this side of the aisle.

The President this year has put in his budget the single largest increase ever proposed by a White House in the area of special education—$1 billion. So we will now exceed $7 billion in funding for special education if we follow the President's proposal. Those are real dollars that will significantly relieve the burden of the local communities in the area of education and specifically in the area of special education.

So when we hear this patter from the other side of the aisle that the dollars are not there to support the initiatives which the President has talked about, it is simply inconsistent with the facts. There is no question but that the hundreds of billions of dollars that have been suggested on the other side of the aisle are not there because they were not responsible and they would not resolve the problem.

It was ironic, I have to admit, after 8 years of receiving essentially no increase or only marginal increases in title I funding from a White House controlled by the Democratic Party, that during the first few months, when the White House became controlled by the Republican Party, suddenly the Democratic Party decided they needed a 74 percent increase in funding in 1 year in this account. That was after 8 years of saying they did not really need any type of increase of funding in this account.

Could it be political? I don't think so. But the fact is, the request was made and so far we have heard from the other side that unless that request is met, we will be underfunding these accounts.

The President has proposed, as I said, in his budget and has supported in his budget an 11 percent increase overall in education funding. That is the single largest item of increase in his budget of any account, whether it is defense, NIH, whatever. He has put on the table an extra $1 billion for special ed funding. And he has made an offer on the appropriating side relative to title I, which would represent a 50 percent increase of title I funding in the first year—the first year, which is not 74 percent, but it is still a pretty darned big number.

My view is that the President has more than gone the distance in putting the money on the table necessary to address the reforms which are in this package. The reforms are good reforms.

Once again, let's remember these reforms have a lead-in time which is fairly significant. The money is actually going to be available before the reforms are in place. So I would say the President is showing really good faith in this exercise.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Craig amendment No. 372 is the pending business.

Mr. BYRD. So there is an amendment before the Senate?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent the pending amendment may be set aside temporarily and that I might offer an amendment and hopefully get it acted upon by voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 373 TO AMENDMENT NO. 358

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 373 to amendment No. 358.

Mr. BYRD. I ask unanimous consent further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance to local educational agencies to carry out activities to reduce underage alcohol abuse)

On page 586, between lines 18 and 19, insert the following:

SEC. 405. GRANTS TO REDUCE ALCOHOL ABUSE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART E—GRANTS TO REDUCE ALCOHOL ABUSE

"SEC. 4501. GRANTS TO REDUCE ALCOHOL ABUSE.

"(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the activities to be carried out under the grant;

"(2) an assurance that such activities will include 1 or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

"(3) an explanation of how activities to be carried under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

"(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

"(5) such other information as the Secretary determines appropriate.

"(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2002, and such sums as may be necessary in each of the 6 subsequent fiscal years.

"(2) RESERVATIONS.—

"(A) SAMHSA.—The Secretary shall reserve 20 percent of the amount appropriated for each fiscal year under paragraph (1) to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

"(B) LOW-INCOME AND RURAL AREAS.—The Secretary shall reserve 25 percent of the amount appropriated for each fiscal year under paragraph (1) to award grants under this section to low-income and rural local educational agencies.".

Mr. BYRD. Mr. President, the warm springtime weather brings to mind the words of Shakespeare:

> From you have I been absent in the spring,
> When proud-pied April, dress'd in all his trim,
> Hath put a spirit of youth in everything.

But, unfortunately, all is not well with many of our youth. While most of them are shedding their winter coats and playing in the warm sunshine, a shocking number are engaging in some very dangerous behavior, dangerous both to themselves and others. I am speaking of alcohol abuse.

When I say "dangerous behavior," I am talking about alcohol abuse.

According to a study by the National Institute on Alcohol Abuse and Alcoholism, and the Robert Wood Johnson Foundation, get this: The extent of alcohol consumption by children ages 9 to 15 is startling, and preventing it must become a national priority.

Consider these facts. Three million children ages 14 through 17 are regular drinkers. Twenty-four percent of eighth graders have used alcohol in the last 30 days.

Let me read that again.

Three million children ages 14 through 17 are regular drinkers.

Where are the parents? They aren't around.

Twenty-four percent of eighth graders have used alcohol in the last 30 days. More than 100,000 12- to 13-year-olds binge drink every month. More than 100,000 youngsters 12 to 13 years old binge drink every month.

Ninth graders who drink are almost twice as likely to attempt suicide than those who do not drink. Moreover, 40 percent of children who begin drinking before the age of 15 will become alcoholics at some point in their lives.

Let me say that again.

Forty percent of children who begin drinking before the age of 18 will become alcoholics at some point in their lives.

America has taken elaborate measures to combat the scourge of drugs. We have financed police and military attacks on the drug problem. But the most favored drug for Americans is alcohol. That is the most favored drug—alcohol. The most commonly abused drug is widely available, and it is cowardly promoted—alcohol. Walk into any liquor store, show your ID card—sometimes you don't even have to do that, I am told—and buy your poison. It is for sale.

On television, for those who watch it—I do very little of it. I watch television very seldomly. I watch it when public television has on a truly good informative movie, such as "Napoleon," or "The Ten Commandants." I believe I saw "The Ten Commandments." I know I saw it. But I believe it was on one of those very good programs on some other network, or a station other than public television. Of course, I don't ask everyone to do what I do or to follow me as an example. I am just saying that as far as television is concerned, I select very carefully the programs that I watch on television.

But on television, sports heroes debate whether a particular type of beer tastes great or less filling.

On television, sports heroes debate whether a particular type of beer tastes great or is less filling.

These commercials send a not-so-subtle message to our young people that drinking is what adults do, particularly adults who are popular—athletes, for example. Drinking is what adults do. So why don't you do it? If it is all right for adults, it is all right for you young people.

Comedians joke about drunks. But drinking is no joke. And we must make a greater effort to get the word out where it can have the greatest impact. Drinking is no joke.

Don't think that the crisis of youth violence is not connected with alcohol. We talk about alcohol abuse. I will just say alcohol, plain old alcohol. We tippy-toe around about it and call it alcohol abuse. Of course, it is alcohol abuse.

Let me say this in addition. There are many causes of youth violence. The people of this country are concerned about youth violence in the schools and elsewhere. There are many causes of youth violence. But judgment, which is not always very well developed in the young, is clearly impaired by alcohol.

My amendment would authorize $25 million, which is a very small sum for this purpose, for competitive grants to be awarded to local educational agencies for the purpose of assisting them with the implementation of innovative and effective alcohol abuse prevention programs targeted at children and particularly teenagers.

Out of this amendment, $5 million would be set aside for the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources to the local education agencies, as well as to assist them with the implementation of their program.

The U.S. Department of Education would work jointly with the Substance Abuse and Mental Health Services Administration to develop the grant application with special attention to the low-income and rural educational agencies.

This program is modeled on the National Awards Recognition Program. That program rewards colleges and universities for innovative and effective alcohol prevention initiatives. The difference, however, is that this amendment would create a program that gives funding to schools to create effective alcohol abuse prevention programs targeted towards high school students.

Now, this is the beautiful month of May. We are heading right into the time when there will be high school commencements all over the country. And all too often we read in the newspapers about what happens after high school commencements in some instances: An automobile full of young people, who have just graduated, perhaps from high school, go out for a drive, they drink, they have beer in the car—may have whiskey in the war—and they end up with their automobile wrapped around a tree. Many of those high school youngsters die on those occasions.

So let us take action now, so that springtimes for decades to come can be wholesomely enjoyed, and can orient our youth toward futures teeming with possibilities. I urge my colleagues to support this amendment.

Before my colleagues respond, my good friend—and he is my good friend—and he is my favorite Senator on this side of the aisle. I will not say today who my favorite Senator is on the other side of the aisle, but I have no problem doing that when the occasion arises. I have several favorite Senators, but Senator KENNEDY is my favorite of all favorites on this side of the aisle.

Now, you do not win friends by saying things like that, selecting another individual and saying he is your favorite. I like all my colleagues on this side of the aisle, but Senator KENNEDY and I have a long history and a long history of friendship. I have great admiration for him.

But in connection with this amendment, Senator KENNEDY asked me a few days ago, right out of the blue sky, to quote a certain poem. That tests your mettle when somebody asks you to quote a poem right in front of the television camera. And these poems are not easy to quote in situations like that. I am almost tempted, though, to quote that poem in connection with this amendment.

Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much.
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley."
"Oh, he's a fanatic," the others rejoined,
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works down in the valley?"
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.
Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
"To rescue the fallen is good, but 'tis best
To prevent other people from falling."
Better close up the source of temptation and crime
Than deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley."

That is what this amendment does. It helps—it is not enough—but it helps, it begins a program of putting a fence around the edge of a cliff to rescue these people, prevent their going to the dungeon or galley. I hope that my colleagues will support this amendment, that we might put up a strong fence around the edge of the cliff and keep some of these young people, hopefully, from bringing disaster upon themselves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just about a week ago, Senator BYRD was addressing the Senate on a matter of importance, and I took just a moment of his time to ask him if he could refresh our recollection of a poem that he previously recited about the fence and the ambulance down in the valley.

As things would have it, there was intervening business, and the good Senator was kind and patient enough to permit others to proceed. It was late in the afternoon, close to the evening, and Senator BYRD agreed to respond to my request for recitation of this poem at a later time.

Little did I know then that his presentation would have such meaning in connection with the amendment that he offers today, to try to strengthen the academic achievement of children in this country. His amendment is absolutely on point, in that it recognizes that investment in prevention is a much wiser investment than providing remedies after the fact.

Prevention is what the Senator's amendment is really all about. That is the central theme of the Senator's amendment today in terms of awakening awareness among our young people across this country about the extraordinary dangers and devastations of alcohol.

The good Senator from West Virginia is not a member of our Education Committee, but I am hopeful that in the remaining time the Senate considers the Elementary and Secondary Education Act, at some time the Senator will recall for us the importance of a quality education.

There is no one in this Chamber who can speak more eloquently or more passionately or more knowledgeably than he about the basic importance of starting a young person off on the right path towards academic achievement. And there is no one who can tell the story more effectively about the challenges that are presented to young people, and the resolve they must have in order to earn the legitimate scholarship that results from application of hard work in the development of one's academic abilities.

I do not think there is anyone I know who can remember the names of their third, fourth, and fifth grade teachers, as the Senator from West Virginia can, the subject matter that was taught, and the lessons learned in those classrooms many years ago. I know of no one who can make a more persuasive or passionate statement of support for the importance of a good education as a matter of national priority than the Senator from West Virginia.

I will certainly urge that his amendment be adopted. But more important, I hope that as this body is considering the Elementary and Secondary Education Act and as we get weighted down in the particulars of the legislation, at some time during this period, he might remind us all of the importance of education in a young life and the difference that makes.

He has a remarkable story. I can remember many of the good Senator's speeches. But his past speeches on the importance of a quality education is always one I remember with such clarity and such profundity. It is an extraordinary story. I hope at the end, or sometime during the debate that story of the early educational years of BOB

BYRD will remind us all about what we hope this legislation is really about.

We are talking about different features of the legislation this morning, as we did yesterday and we will next week. But Senator BYRD's story brings it all together.

I thank the Senator for bringing this amendment to our attention. I think it adds a very important dimension to this legislation. I hope it will be accepted at this time, if my good friend from Vermont believes it is appropriate to do so.

Mr. JEFFORDS. Again, I commend my good friend from West Virginia on a most eloquent statement. I shall in no way try to match or improve upon what he has said. I strongly believe in what he is trying to do.

Senator KENNEDY has most eloquently expressed his views and thoughts about not only the amendment but the Senator's past. I, for one, admire him every time I hear him speak. It always lifts my day a little bit.

I certainly would accept the amendment. I am checking now to find out from other Members to see if we can do that. We cannot do it at this time.

Mr. BYRD. Mr. President, I thank both Senators. I hope we can adopt this amendment today. I would be willing to do it on a voice vote if the Senators find it possible.

While I am on my feet, let me say, with the utmost sincerity and gratitude, that the words of my friend, Senator KENNEDY from Massachusetts, are words I shall always recall as long as I live. These words coming from him, and also the words of the Senator from Vermont, are most gratifying.

Senator KENNEDY has led in the fight for better legislation and for more appropriations for the education of our young people. He has been doing this for a long time. When I was majority leader of the Senate several years ago, Senator KENNEDY was one of those committee chairmen. He was almost unique, I would say, but there were one or two others: Scoop Jackson, who was a Senator, and when he came to the floor as chairman of the committee, he had done his homework; he was well prepared. He and Senator KENNEDY were two I can think quickly of as being Senators who turned out legislation which later became the law of the land.

I can remember those days when I would compliment Senator KENNEDY on the work he was doing, and I, from time to time, commented that the legislation he brought from his committee usually became a statute. I can't remember today any Senator who exceeded or who equals the Senator from Massachusetts, Mr. KENNEDY, in developing language for statutes; I can't think of any Senator who exceeds or even equals Senator KENNEDY in that respect.

It might surprise some people around here to know that in the time I have served, I have yet to find a statute which bears the name of Webster; I have yet to find a statute which is the Clay law; I have yet to find a statute that was authored by John C. Calhoun. Some people judge Senators by the number of laws that bear the Senators' names. That is not the proper standard. When I think of the three greatest Senators of all time, I think of Webster, Calhoun, and Clay because they were great Senators for many reasons. But I find that they were not great Senators because of statutes or laws that bear their name.

But I can find many statutes that became such because of Senator KENNEDY's leadership. And in no area of legislation should one be more proud than that of being a leader in promoting and developing and managing legislation that becomes law. There is nothing better than doing this in the field of education. Those are the best resources for our children.

I am going to accede to Senator KENNEDY's request, if I can, and try to develop a few words that will respond to his magnificent accolades. I certainly salute him as my leader in the field of education. I thank him for what he said today. I thank him for his service. I thank both Senators for their acceptance of this amendment. I hope we can pass it in the Senate today by a voice vote.

Mr. KENNEDY. Mr. President, again, I thank my friend and colleague for his kind words.

I am also grateful for the Senator's extraordinary service. I say to my colleagues, if they want to find out what a Senator's Senator is all about, travel to West Virginia with BOB BYRD. And if you want to know what the history of this body is, read his lengthy history of this institution.

There are many reasons we are indebted to his service in this institution. There is no one who fights to preserve the institution as Senator BYRD does, and to those of us who love and respect this institution, he stands as Number One. History will not show his equal.

Mr. President, now I want to take a few moments to review a very important aspect of this education debate, and that is the issue of funding for the educational reforms that are before us today.

I ask unanimous consent that this table describing the history of past efforts for funding Title I and other elementary and secondary education programs be printed in the RECORD in refutation of Senator GREGG's statement on education earlier this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESEA BUDGET REQUESTS VS. APPROPRIATIONS

Fiscal year	President's budget request (in thousands)	% Increase over previous year's appropriation	Appropriation (in thousands)	% Increase over previous year's appropriation
1994	$9,124,842	4.58	$8,776,528	0.59
1995	10,478,889	19.40	9,663,290	10.10
1996	10,258,296	6.44	9,495,162	−1.74
1997	10,439,200	9.94	10,620,080	11.85
1998	11,351,574	6.89	11,523,351	8.51
1999	13,333,192	15.71	13,851,297	20.20
2000	14,510,420	4.76	14,811,252	6.93
2001	18,114,500	22.30	18,411,464	24.31
Average Increase	1,058,716	8.67	1,099,980	9.06
Bush Budget FY 2002	669,000	3.60		

Mr. KENNEDY. On the education budget, I want to emphasize something that is enormously important and to which the American people must pay attention: this budget conference agreement, which arrived at 2 a.m. this morning, includes an outline of what will be invested in education over the next 10 years. This is the budget that has the support of some Republicans in Congress and the administration.

If we look at education and what the funding will be over the next 10 years, I hope our Members will look at the part of the budget—the reference is H1867, in yesterday's CONGRESSIONAL RECORD from the House. Look at the figures there.

Fiscal year 2001, budget authority of $76.9 billion, outlays of $69.850 billion; then for 2002, $81.234 billion in budget authority, $76.742 billion in outlays: that is about a 5-percent real increase after adjusting for inflation. The Department of Education's FY 2002 Budget Summary confirms, on page 2: "The President is requesting $44.5 billion in discretionary appropriations for the Department of Education in fiscal year 2002, . . . an increase of $2.5 billion or 5.9 percent over the 2001 program level."

Fiscal year 2003, the outlays go from $76 billion to $81 billion. Fiscal years 2004 to 2005, it goes from $81 billion to $83 billion; 2005, it goes from $83 billion to $85 billion; 2006, $87 billion; 2007, $89 billion; 2008, $92 billion; 2009, $94 billion; 2010, $96 billion; 2011, $99 billion. Flat funding for education for the next 10 years after accounting for inflation. This is the guidepost for educational funding for the next 10 years. Flat funding. No increase.

With respect to the priorities for this country, how do we reach the recognition that education is the No. 1 priority for this country when the administration and the Republican leadership in the House and the Senate have said no increase; none whatsoever. Flat funding in the area of education, not for next year or the year after, but flat funding over every one of the remaining 8 years of this decade, that is the guidepost in this budget proposal.

That is absolutely unacceptable, Mr. President. Unacceptable. How are we going to explain it? When are we going to hear the explanation from the budgeteers? What happened to the Senate vote on the Harkin amendment where, in a bipartisan way, the Senate voted to increase education investments by $250 billion over the next ten years. We wanted funding for Title I. We wanted funding for the Head Start Program. We wanted funding for the Child Care and Development Block Grant Program. We still want to fund an investment in children. Why? Because they are our future. We know if we do not invest in our children, they are not going to be able to fully participate in our society, in our economy, and be productive and creative members of society. That is what this debate is all about.

There is no issue that comes before us that more defines what we are about as a society than whether we are going to have a strong educational system.

What is Republicans' real message? On the one hand, we hear education is the No. 1 priority. Yet here's the budget, Mr. President, funding over the next 10 years. This is absolutely shocking. It certainly does not reflect the opinion of the Senate when yesterday the Senate responded to the superb amendment that was offered by Senator HAGEL, a Republican, Senator HARKIN, a Democrat, dealing with special needs of children and recognizing we made a commitment to the States that we were going to provide 40 percent of funding for special education. We are at about 15, 17 percent of the funding now. Yesterday, this body went on record saying, yes, we want to keep our promise to those children, families, and local communities.

In the evening yesterday, again in a bipartisan effort with Senator DODD and Senator COLLINS, the Senate voted overwhelmingly to provide full funding for the Title I program over the next 10 years. It provided a virtual doubling of the number of children who would be reached in the first year under Title I. It was adopted overwhelmingly last evening, Mr. President.

Nonetheless, we have in this budget flat funding for the next 10 years. Unacceptable, I say.

If we look further in the budget on pages H1868–69 of yesterday's House CONGRESSIONAL RECORD, the Republican budget says that $336.2 billion in non-defense discretionary spending will be available next year. But the Congressional Budget Office tells us that the amount of funding necessary to provide current services over the next year, including education, health, NIH, and assistance for Seniors under the Older Americans Act, is $343 billion. Just look here in chapter 4, of the Congressional Budget Office's Spending Outlook, Table 4–4: $343 billion will be necessary for all government non-defense discretionary spending in 2002. But look at what the budget says, it limits this to $336 billion. This means the budget provides $7 billion less, which will mean there will be cuts in education, health, the environment, or other essential government services.

These are the facts. We can talk about our priorities. We can talk about what the administration is thinking about, but this budget shows Republicans' true economic objectives. They focus on tax cuts for the super wealthy, period. This budget document says we will have in excess of a $1.2 trillion tax cuts going to some of the wealthiest individuals in our country and we will have flat funding in education.

I cannot understand how Members of this body can support this budget and say we give education a priority. This is so discouraging.

We have before us good education reform legislation as a result of a bipartisan effort to ensure we are going to combine robust resources and accountability to get constructive and productive results from schools.

While we work to make our education policy the best, under this budget, we effectively turn our backs on the needs of students across this country. It's a disgrace.

I take issue with comments made earlier about what has been happening in Title I. I heard we really don't need to fund Title I because it will take so long for the programs we are passing to be put into effect: It will take time to develop the tests; it will take time for the schools to allegedly fail over a period of time; it will take time before we need the resources. I question that. That is not my reading of the specific language.

This bill talks about school improvement for failing schools. We know today we have 10,000 failing schools. This particular legislation has approaches to help local communities and assist them to get out of the category of failing schools. That will take resources. We don't have to wait 2, 3, 4, 5 years. We don't have to do that. We know there are 10,000 failing schools in the country today. We know the average cost is $180,000 to turn around a failing school. There are some 57 research-based, comprehensive school reform models that have been identified by the New American Schools Corporation as proven and successful. School committees choose their preferred model. The decision is made locally.

For a $1.8 billion commitment, we could begin turning around every failing school tomorrow. We have not gotten that. That is what we want to try to do. People say, wait for the bill to go into effect. It will have to be in effect 3 or 4 or 5 years before we force action to turn around failing schools. But there are 10,000 failing schools that can be turned around now. The parents want them improved now. Why wait?

In the BEST bill, we seek to turn around those 10,000 needy schools now. Under the budget the administration suggested, we will be able to reach only 2,440 schools. This is a missed opportunity. It makes no sense. Do we want a $1.2 trillion tax cut or do we want to take a small percent of that, less than half of 1 percent that would fund these programs? We ought to have the vote on that. Should we have less than a one-half of 1 percent reduction in the tax program to try to turn around the schools, or shall we go ahead and give the tax cut?

The Budget Committees, that are the voice of the Republican majority, say we will shortchange the schools. We are resisting that. The Senate is resisting that in a bipartisan way. Those votes last night were bipartisan. That is a clear reflection of where we are. We are very hopeful of using those votes to try to persuade the Administration to make the kinds of investments in the children needed.

With all respect to those who spoke earlier today, I would like to review what has happened historically in terms of the NAEP test. The federal government contributes 6 or 7 cents out of every education dollar spent. Education is primarily the State and local responsibility. On the federal level, we try to target aid toward the neediest children. Fifteen percent of the children in this country are poor. You have to be desperately poor to qualify under Title I. There are some 10.3 million children we identify as needy for the purposes of Title I. But we provide enough funding to reach only 3.5 million of those children. We think we ought to fully fund Title I and really leave no child behind.

In recent years, we have seen NAEP achievement gains by needy children. They have been gradually going up with regard to white children, gradually going up with regard to Hispanics, gradually going up with regard to blacks. What is most encouraging, you can say look how little progress has been made, or you can say progress has been made. We are talking about the poorest of the poor, the neediest of the needy.

The fact we added 5 million disabled children, mainstreamed them, with physical and mental challenges, the fact we have had an explosion of homelessness, the fact we have had an explosion in the number of migrant children impacted, and we have had a dramatic increase in the immigrant children attending schools—all those have impacted achievement levels. We have had a very significant increase in those speaking different languages, foreign languages, and difficulties associated with that.

In spite of these new challenges, the achievement gap between children of different races and classes has been reduced. We see in 13-year-olds, in math, a 46-percent achievement gap reduced to a 32 percent gap, a 30-percent change. We are moving in the right direction.

The reduced achievement gap has come without the further improvements brought in this legislation—improvements that will strengthen the quality of education for the teachers, improve the curriculum, give the schools more authority, fund supplementary services in the afterschool programs, and come from an insistence on results.

We have seen even under the old system that we have been making some progress—not as much as any of us would like, but we have seen the lines moving in the right direction, which has to be a part of our national purpose and goal. In this case, it was for 13-year-olds in the area of math.

In reading, for 9-year-olds, there was a 44 percent gap in the 1970s, and a 29-percent gap in 1996. The best results show minority students are moving in the right direction—there has been a 34-percent change in the last 30 years. It is not a dramatic change, but when you look at the expansion of the student body and the significant expansion of students, poor children getting poorer, and all the other factors that impact children, it is still moving along—not as fast as any Members would like, but we are making some progress under the NAEP tests.

This chart shows for 17-year-olds, in reading, a 52-percent gap at the start of the program, down to a 29-percent gap at the present time; fairly flat at the top, and moving up with regard to minority students.

For the 9-year-old kids, in science, a 57-percent gap has been reduced to a 41-percent gap, a 28-percent change. Look at the gap in minority students. They have moved up in an important way.

We have made some progress. We spend $400 billion a year on K–12. The main federal program is only $8 billion, about 2 cents out of each dollar spent, and we are still making progress.

Yesterday, I used the example of the special situations where we had many of the programs we have supported and illustrated in this legislation that have resulted in dramatic improvements for children.

I will just mention a few.

Goethe Middle School, Sacramento, CA—With chronically low test scores across the curriculum, Geothe Middle School recently decided to attack its academic problems at their root: Many students had never learned to read well. Beginning with the 1997–98 school year, Goethe took a radical step. It trained all instructional staff in Corrective Reading and used fourth period for a mandatory reading class for virtually every student. Although this DI implementation is still too new to judge, preliminary data are encouraging. In the fall of 1997, only 11 percent of Goethe students could read above a sixth-grade level, while 12 percent were at a "high average" level for sixth grade. In other words, fewer than one in four students had much hope of keeping up with the reading assignments usually required of middle school students. By the end of the school year, the number of students reading at least at this basic level had more than doubled: 22 percent were at the "high average" level, 26 percent were above.

This legislation will expand that type of program.

Kalispell, MT—The only independent study of Early Steps was conducted in Kalispell, Montana, a small school district with many lower- and middle-class Caucasian families attending Title I schools. In general, the student selected into the study were among the most economically disadvantaged in the district. All students in the study were also performing in the lowest 20th percentile of their class in reading and on related tasks, such as alphabetic knowledge, spelling, word attack and recognition of words in context. Students were assigned to two matched groups, receiving different types of tutorial interventions. After one year, students who had been taught using Early Steps significantly outperformed their peers in reading assessments. In addition, 52 percent of the Early Steps students were found to be reading at or above grade level, compared to 23 percent of students in the control group.

We know that this program can work.

Cameron Elementary School, Fairfax County, VA—In Fairfax County, Cameron Elementary School's reading scores were below average, and well below those of many schools in the district. With as many as 40 percent of students suffering from low reading achievement, the school decided to implement ECRI as a summer school intervention. By the end of the summer, not only had students in the 4th and 6th grades increased their scores by 10 points, but they also ranked at or above the national average on standardized tests.

We have adopted the kinds of programs there which have been successful.

Arkansas—The state of Arkansas approved Reading Recovery for statewide use in 1988. From 1991 to 1994, 1,088 struggling students received the full RR program (defined as having received 60 lessons). Of those students, 940 (86 percent) attained grade level. Fifty-nine students who had successfully completed the program were followed for an additional two years. Compared to a random sample of non-RR students, the RR students tended to perform as well or better on measures of dictation, spelling and text reading in both the third and fourth grades.

Mr. President, we have many examples of improving academic achievement and the reading ability of the nation's schoolchildren. We can help children achieve. That is what this legislation is all about. We have the ability to do it. The real question is whether we aim to reach all of these children, or whether we aim to reach only one-third of them? That is the issue.

Earlier we heard a good deal about the improvements that were taking place in Houston, Texas. Secretary Paige is from Houston. All of the Houston's educational improvements that were highlighted earlier in this debate have come at a cost Houston has seen a 43 percent increase in education spending between 1995 and 2000. That is an investment in children. That is what we are asking for. We have seen it work in Houston.

In Dallas, too, we have seen results. Dallas has made academic gains. Since Dallas made an investment in their accountability system, between 1994 and 2000, they have seen a 21% increase in the number of students that are passing all portions of the TAAS. Before the Texas accountability system, Texas was spending $673 million in Dallas. Today, they spend $985 million. That is a 46 percent increase—$312 million.

These examples indicate real investments. Real money. We have the programs and the educational reforms. We know that when the reforms are in place, and when we have significant investments, we get results. We have a bill that contains the right programs, but now we need the resources.

AMENDMENT NO. 375 TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, I send an amendment to the desk. I ask the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 375 to amendment No. 358.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, title II of the Elementary and Secondary Education Act of 1965)

At the end, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate $3,000,000,000 for fiscal year 2002 to carry out part A title II of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to put a highly qualified teacher in every classroom in each school in which 50 percent or more of the children are from low income families, over the next 4 years;

(2) provide 125,000 new teachers with mentors and year-long supervised internships; and

(3) provide high quality pedagogical training for every teacher in every school.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out title II part A of the Elementary and Secondary Education Act of 1965—

(1) $3,500,000,000 for fiscal year 2003;
(2) $4,000,000,000 for fiscal year 2004;
(3) $4,500,000,000 for fiscal year 2005;
(4) $5,000,000,000 for fiscal year 2006;
(5) $5,500,000,000 for fiscal year 2007;
(6) $6,000,000,000 for fiscal year 2008.

Mr. KENNEDY. Mr. President, this legislation is focused on ensuring that there is a well-trained teacher in every classroom for all of the children. This amendment is also about providing teachers with opportunities for mentorship and other support services to create successful pathways toward academic achievement and accomplishment.

The BEST Act currently authorizes $3 billion professional development in the first fiscal year covered by the bill. The current authorization includes $1.6 billion previously authorized for class-size reduction, and about $500 million for the Eisenhower math-science professional development program.

What we are saying in this amendment is that we should give teacher training a special priority in future years as well. The amendment provides for a modest increase of $500 million more in authorized funding levels in each of the following years, for the next 6 years. This is a 7-year authorization bill. Title II, Part A will be used to support qualifying teachers, attract new teachers, and provide mentors for new teachers. That is what this amendment is about. At the end of the 7 years, we will have well-qualified teachers in virtually every high poverty classroom. Under current law, we would reach less than half that many in 7 years.

Having a qualified teacher in every classroom is the key to educational success. My friend from New Hampshire, Senator GREGG, mentioned four or five factors this morning that really strengthen education. Well-qualified teachers was one of those factors. Many believe it is most important. It is difficult to make a judgment about the most important factor influencing achievement, but quality teaching certainly, without question, is one of the most important.

Under current law, there is high-quality professional development for less than 5 percent of the Nation's teachers, approximately, 100,000 out of the current 2.8 million. There are more than 750,000 teachers in the high-poverty schools who do not have undergraduate degrees in their primary instruction.

This amendment provides an increased authorization for professional development for every teacher in high-poverty schools. It would positively impact virtually 50 percent of all teachers. In the first year alone, it would provide subject matter training to about 187,000 teachers in high poverty schools who do not have an undergraduate degree in their primary instructional field.

With the additional funding in the second year, we will get another quarter of the 750,000. We will not only do that, but we will also make sure that we provide mentoring support for 125,000 new teachers.

That is what we need—quality training for current teachers, mentors for new teachers, and continued and ongoing professional development. That is the way you ensure the atmosphere and the climate for learning. That is what we find in almost every study that has been done.

I hope those who are interested in this subject matter take a few moments to review this excellent report, "What Matters Most, Teaching for America's Future." It was published in 1996. It is the document recognized as the leading authority in terms of what is necessary in the classroom to help a child learn.

I will take a few moments to mention a few of the observations. This is on page 41.

Most U.S. teachers have almost no time to consult together or learn about new teaching strategies, unlike their peers in many European and Asian countries where teachers have substantial time to plan and study with one another. In Germany, Japan, and China, for example, teachers spend between 15 and 20 hours per week working with colleagues on developing curriculum, counseling students, and pursuing their own learning. They regularly visit and serve other school classrooms and attend seminars provided by university faculty and other teachers, conduct group research projects, and participate in teacher-led study groups. The result is a rich environment for continuous learning about teaching and the needs of students.

Instead of these ongoing learning opportunities, American teachers get a few brief workshops offering packaged programs from outside consultants and that contribute little to deepening their subject knowledge or teaching skills.

I couldn't say it better than that. We are trying to change that.

What about the importance of mentoring? The weight of accumulated evidence clearly shows that traditional sink-or-swim induction to teaching contributes to high attrition and lower levels of teacher effectiveness.

Sink or swim, put a new teacher with no seniority in the toughest class in America, and they don't last. Forty percent leave in the first 2 years. You put that teacher in the class with an experienced teacher and mentor a young teacher, and you find that you reduce the number of teachers that leave the profession by about 80 percent.

Supervised internships or residencies regularly provided for new entrants in other professions, such as architects, psychologists, nurses, doctors, and engineers, are rare in teaching, but they have proven to be quite effective where they exist. Some States have created programs for new teacher induction. Few have maintained the commitment required. With few exceptions, initiatives during the 1980s focused on evaluation and failed to fund mentoring programs. Again, the problem is not that we do not know how to support beginning teachers. The problem is that we have not yet developed the commitment to do so routinely.

We know what is necessary and what is needed. Again, work in the classroom, getting the well-trained teachers, getting the mentoring and doing it in a continuous way is absolutely key.

I again point out from this study, in addition, that investing in targeted recruitment preparation for teachers for high-need locations is a national need. That is why we believe we have a responsibility to move ahead in this area.

I will not take additional time in terms of the justification. It is all here in a very compelling way.

I say one additional thing about this at this time. We want to make sure in the legislation, in title II part A, that we set a strong definition for all qualified teachers who have an academic major in the arts and sciences, develop competence in a high-level of in-core academic subjects, and are certified and licensed by the States.

My amendment ensures that professional development and mentoring activities are research-based and of high quality. It requires professional development activities be an integral part of broad, school-wide improvement plans, are sustained, and of such high quality and sufficient duration to have a positive and lasting impact on classroom instruction.

My amendment does not promote the one-time workshops we have now but what the best available research tells us.

My amendment promotes mentoring activities that are multi-year and designed to help teachers continue to improve their practice of teaching and develop their instructional skills.

It ensures that professional development activities are aligned with State content standards, student performance standards, assessment, and the curriculum of programs tied to those standards.

We are trying to get well-qualified teachers in the classroom. We are promoting a high-grade curriculum, tests that are not going to be a quick, slick, or easy multiple-choice test, but a test that is really going to test the ability of the child to think through complex problems in math, science, literature, and be able to express them by writing in these areas.

We need all of these reforms. We need thoughtful tests that challenge children. We need strengthened curricula, and we need quality teaching.

We require in this legislation that all teachers in schools with 50 percent of poverty or higher are highly qualified in 4 years. I don't believe, quite frankly, under the bill that we can achieve that with the resources provided.

I think the additional funding that we provide in this amendment will move us on a pathway to being able to achieve that. Then we move ahead to the other parts.

Finally, I hope the Senate will not accept the Craig amendment that is before us. It would effectively undermine in a very significant and important way what we are really attempting to do. The Craig amendment is the wrong approach to improving education. The Craig amendment tells already failing schools that they have to improve achievement before receiving the additional resources. That is a recipe for failure.

The schools and children failing need additional resources in order to achieve the heightened standards we are demanding of them in this legislation.

Mr. President, we have a strong blueprint. We know that once this legislation is achieved it will trigger school improvement. And we have the ability to do so. For my money, we have a greater demand than there are the resources. But we have the ability to do so.

If we are not going to be able to show results by the range of different support that is available under this legislation, we will have a prescription for disaster in terms of addressing the real needs of children. It is counterintuitive to say to children that we are not going to give you what you know you need until you make progress.

So we will have a chance, I imagine, when the Senator from Idaho is present to get into greater debate. But it does seem to me that his amendment runs in conflict with the central thrust of this legislation. I hope the amendment is not adopted.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment by Senator KENNEDY.

In S. 1, we have combined the class size reduction program with the Eisenhower math and science program to create a single, substantial funding stream for staff development. Given the difficulty in finding teachers who have adequate pre-service training in reading, math, science, and special education, in-service professional development is critically important.

This amendment establishes a set of ambitious goals for the funding of title II of S. 1, much like the amendment of Senators DODD and COLLINS on title I.

If we are going to meet the goals established in this legislation—that every child reach proficiency—then we must upgrade the teaching force. This amendment sends the right signal.

I am pleased to join the Senator in this amendment. I shall work with him to get it adopted.

Seeing no other Senator asking for recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, we are debating the education reform act. Debate over this bill is increasingly boiling down to debate over one question: What is Congress' solution to the problems in our schools, specifically, lagging overall achievement and the fact that too many children are failed altogether?

Anyone watching this debate will realize there is a divide between those of us who believe that the solution lies in reform and those, on the other hand, who believe that the solution is to spend more of your money.

This morning, the Senator from New Hampshire was very clear in pointing out how the expenditure of billions and billions of dollars over the years has not resulted in any improvement in the test scores of our children, and, indeed, after the expenditure of over $120 billion for the last 30 years, our children are actually falling further behind than ever before.

Granted, those of us who advocate that reform have committed to significant funding increases. Again, as the Senator from New Hampshire noted earlier today, the budgets offered by President Bush and supported by the Republicans in the Senate have called for substantially increased spending on the education program. Of course, granted, most who focus on spending pay lipservice to the need for reform but just not too much of it. I think that is the fundamental divide in this debate.

I am concerned that as we proceed with amendments the spending side is making up a great deal of ground, while the reformers who are looking to change the system in order to help our kids are losing by contrast. Our achievements are looking very meager in contrast.

As politicians, we will likely benefit, at least in the short term, from producing a bill that gives the special interests a taxpayer-funded windfall, in exchange for a bare minimum of reform. But our political exercise will not serve America's children; 6 or 7 years from now, we will be making the same excuses to the taxpayers who were promised improvement.

We should stop making excuses for failure and begin by retiring the most tired excuse of all, which is that a lack of resources explains why our public education system is failing so many of our children—a lack of resources, of course, in the form of taxpayer dollars for education programs.

The education special interests may come up short in educating the children who most desperately need the help, but they are experts at excuses. Here are some in the education sector who have moved beyond excuses. This is a book called "No Excuses," by Samuel Casey Carter. It has lessons from 21 high-performing, high-poverty schools. It shows how these schools have implemented commonsense reforms and overcome the challenges that others use as excuses for failure.

The successes of these schools were not achieved by the expenditure of large quantities of new funding but by the innovations of caring people. Most of the programs are in very poor areas, minority areas, and the schools that have some of the best achievements are either charter public schools or private schools. They have overcome modest budgets, typically budgets more modest than many public schools have. They have overcome the psychological and material impediments to learning, which many young people suffer from today. In short, they have overcome big excuse No. 1, the "more money excuse," and big excuse No. 2, also known and characterized by President Bush as the "bigotry of low expectations," which attempts to excuse failure by saying disadvantaged children can't learn and excel.

The book is full of stories. For example, Patsy Burk's story of Owen Elementary School in Detroit, MI, in which 82 percent of the students at the school come from low-income families. Yet, the reading and math scores have improved dramatically as a result of people who care, the innovations in that particular school, and a very innovative team approach to teaching in that school.

Then there is Michael Feinburg School and the Kip Academy in Houston, TX. "There are no shortcuts" is the simple motto of the Kip Academy. They have 9½ hour days, classes on Saturday, school during the summer, and a lot of homework. These are all nonnegotiable at this school. They are 95 percent low-income. Yet, the math and reading scores are very, very good.

Example after example is identified in this particular book. It shows how these schools have implemented commonsense reform and overcome the usual excuses for failure. I think there are practices that parents would like to see employed in their own schools, in the schools that they would like to have their children attend, that are similar to those innovative practices identified in this particular book. But most of these parents don't have the same opportunity as the parents of the kids identified in this book. These kids had a choice; their parents had a choice on where they were going to send their kids. It was that very choice that enabled them to provide the kind of education they knew was best for their particular kids.

When you don't have that choice and you are stuck in a failing school, there is a great deal of frustration. We have seen that not only in the debate today but also throughout the country in the last several years. That is what President Bush has tried to get away from—the idea that you are stuck in a failing school system.

As the lessons in this particular book show, when you have a choice where you can send your children, not only are you able to take them to the school that best fits their needs and where they can excel but the competition that is provided by those schools to the failing schools tends to bring the failing schools up as well because as kids leave those schools, obviously people begin asking questions. Sometimes the State dollars leave the school as well. So those schools have an incentive to improve.

I can remember in my own State of Arizona opening the paper one day and seeing a full-page ad from a public school—frankly, a public school that was pretty good—advertising for students to come back to this particular public school. I inquired into it. What I found was that in this very fast-growing area of one of the Phoenix suburbs, a lot of the kids were joining up with the private schools that were available or the charter schools that had opened up in the area. Therefore, the enrollment in the large public school was essentially flat.

The superintendent, rather than complaining about it or making excuses, had gone to these charter schools and private schools and asked why so many kids were leaving his public school district and the larger schools and attending these others. He found that they were innovating, providing things that the parents of the students really wanted. So he chose from among those innovations those that he thought could best be incorporated into the large public schools of which he was superintendent.

When those reforms were instituted, he then advertised them to the parents of the kids in the school district. He said: We have changed. We have instituted some reforms now. We think you are going to like these things. Come back to the public schools.

It has been one of the best examples of a public school system which was not doing too badly but could improve. The competition caused it to reexamine what it needed to improve, and it did so. The enrollment since then has gone up. The students are doing very well on scores, and I think but for the competition, that school would not be able to brag about that today.

We need to ask the parents of children in failing schools: Would you rather the Federal Government appropriate funds to fully fund your failing school or would you rather be given the freedom to enroll your child in one of these no excuses schools? The kind about which I am talking. I think we all know the answer.

I am afraid the new 900-page negotiated bill that is going to replace the old 800-page bill passed by the committee, while it provides for some modest enhancement of school choice, does so only under very rigid conditions with significant limitations, and that concerns me greatly.

There will be amendments to broaden that choice, to extend the benefits of education freedom to more of America's families and children. I look forward to the debate on those amendments, and I certainly look forward to supporting them.

I believe that giving parents that freedom is the most certain path to improvement in education because parents, unlike politicians, are not going to accept excuses for failure.

I look forward to the amendments when they are offered. I look forward to offering an amendment on my own which will show through a tax credit for contributions to special scholarship funds which can provide scholarships for children in low-income areas to attend the school of their choice, we can enhance this kind of competition and enhance freedom as a result. I look forward to the debate, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator for his contribution to the debate and his interest in education.

AMENDMENT NO. 373

Mr. JEFFORDS. Mr. President, I ask for the regular order with respect to amendment No. 373.

The PRESIDING OFFICER. The amendment is now pending.

Mr. JEFFORDS. I understand there is no objection to this amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 373.

The amendment (No. 373) was agreed to.

Mr. DODD. Mr. President, I wish to take a minute or so as we complete the first few days of debate on the Elementary and Secondary Education Act. There are, I am sure, countless amendments still pending that we will consider in the following week or two, before we complete full consideration of a bill we only deal with—and this may come as a surprise to many Americans—once every 5 or 6 years. Unlike agriculture, defense, or a variety of other subject matters dealt with annually, we only debate elementary and secondary education and higher education every 5 or 6 years.

It seems to me we ought to have an annual discussion of the condition of America's public schools, how well they are doing, and what more we could be doing to assist local communities and States in providing the best possible education for every child.

Over the last few days, we have begun to consider amendments. Senator COLLINS of Maine offered an amendment dealing with reading which was adopted unanimously. Senator JEFFORDS had a trigger on testing which was adopted almost unanimously. Senator HARKIN and Senator HAGEL offered an amendment that dealt with full funding of special education, which is something that every mayor, every superintendent of schools, every board of education in my State of Connecticut—and, I am confident, in other States—have been asking us to do for years.

Children with disabilities ought to have the same opportunity to reach their maximum potential, as every child. I think all Americans today accept that notion.

Over the years, many have advocated for us to reach the goal of a quarter of a century ago of funding 40 percent of States' special education costs. Today, we're at about 15 percent.

In the measures similar to the amendment offered by Senator HARKIN and Senator HAGEL or have been offered over the years by Senator JEFFORDS, myself, and many others—on occasion, they actually passed the Senate but did not pass the other body or were dropped in conference—something always happened to frustrate the overwhelming desire of people in this country for the U.S. Government to meet its goal. The amendment adopted here will now require that.

I am confident the bill, for reasons I will state in a minute, will become law in this country, and for the first time we will have language which takes us to that goal.

And, along with my friend and colleague from Maine, Senator COLLINS, I was the author of an amendment that will fully fund title I, the heart of the Elementary and Secondary Education Act. That is what this bill is all about since, again, about 35 years ago we decided our role in public education would be to help the most disadvantaged communities and kids of the country. From the beginning in the early 1960s, that is what the Elementary and Secondary Education Act was designed to do. There are other pieces of it, but about 50 percent of the dollars go to title I. Yet, we only fund title I at one-third of the goal we established.

Yesterday, this body went on record with the overwhelming vote of 79–21 in support of full funding of title I over the next 10 years, with the bulk of that obligation being met over the next 4 or 5 years, 75 to 80 percent of the full funding requirement. This now is going to make it possible, in my view, to have a chance to meet the concerns that have been raised by many over the quality of public education.

The bill will also include some long-sought-after reforms on accountability and standards so the children are not just warehoused and pushed from grade to grade without ever having met the educational requirements. That has gone on. We all know about it. Everyone knows about it at local and State levels.

This bill says that we really want some accountability, we want some standards, we want some means by which we measure whether or not children are, in fact, learning.

Many of us accept that is something we ought to do in the Federal Elementary and Secondary Education Act. But we also say if you are going to do that, you have to put the resources in place so these reforms have a chance of producing the desired results. Reform without resources is just a lot of hot air. And resources without reforms is a waste of money.

Now we are, I hope, in this bill—having adopted the full funding of title I and the anticipated adoption of reforms—going to build on the work we did in 1994 to marry reforms and resources. So many of us conclude this first week of debate with a sense of optimism that, frankly, I did not have 24 hours ago. I had a deep concern we were going to adopt mandates for our local communities and tell our communities what they had to do and then not participate in providing the resources to achieve those goals.

I still have some outstanding concerns that will not be addressed in this bill, but I raise them briefly today. I may try to find some way to give expression to these ideas in the coming week in this debate.

I think it is outrageous that the Federal Government is such a minor player, financially, in the cost of educating America's kids. I always say this. I think Americans would be stunned to discover that, of their Federal taxes that come to Washington, less than 1 percent go back to the education of elementary and secondary school students around the country. In elementary and secondary education, the earliest building block, in many ways, of a child's learning, your National Government is really only a minor participant.

We are very good at instructing our towns and cities how to educate children, and telling the States, but when it comes to putting our money where our mouth is, as the old expression goes, we are pretty cheap.

That goes back a long time. "Education was only the responsibility of local communities. The National Government just ought to stay as far away from elementary and secondary education as possible." That was the idea in the 19th century. That was the idea through much of the 20th century.

We ought to be rethinking the structure of funding education in this country as we enter the 21st century. No longer will the children in my State merely be competing with the children of New Jersey or California or Texas or New York. The child growing up in Connecticut will be competing with children in Beijing, Moscow, South Africa, Australia, Paris, London. That is the world they will be entering. The idea that we would accept a 19th and 20th century structure to educate children to compete in a 21st century global economy is outrageous, in my view, and foolish.

You cannot expect sufficient resources to help these children to come exclusively or almost exclusively, as they do in at least in 40 States, to come from a local property tax. You are going to bankrupt these homeowners. And, in the poorest communities where the need is greatest for creating opportunity, the resources are the most scarce. I would like to see us say at some point to our communities and States: You bear one-third apiece and we will pick up a third of the cost.

First of all, just think of the property tax relief for millions of Americans. They are sending their money to Washington. We are taking their Federal taxes. As I said, less than one-half of 1 percent is going to secondary and elementary education. Why not see if we can become a better partner?

As we lecture States and localities about what they are not doing, it might be helpful if we also increased what we are doing to contribute to their attracting qualified teachers, seeing that schools are modern and wired with the technology kids will need to be economically independent, contributing members of what we want to be the greatest country on Earth in the 21st century as it was in the 20th century.

I very much would like to see us do that. We will not do that in this bill, but I invite some discussion of how, in the coming years, we can be a better partner in education.

The great irony is that we spend the bulk of our tax dollars in the area of 18 to 22 through Pell grants and Stafford loans, assistance for higher education. And, without question, those programs are invaluable.

But we know that the most important years of a human being's development in terms of their ability to learn and to have the tools necessary to succeed in life, occur in the earlier years of life. We ought to do more in the earliest stage. If we do, more children will succeed as they go on toward adulthood.

The second point I wanted to make is this: I want to see some accountability out of the States, too. We are telling towns and localities they have to do a better job. If not, we are going to shut down their schools.

I don't agree with the idea that the solution that we are going to solve the problem of schools in poor-inner city or poor rural areas by paying for the students to attend private schools. In desperately poor areas there are not those kinds of alternatives except in the most rare of circumstances.

We are talking about being pretty tough with local schools in this bill. I'm all for accountability, but I would like to raise the possibility of getting a little tough with the States, as well. This may be an anathema for some.

There is great disparity based on the affluence and poverty of our respective communities within these States. This has provoked a great debate about the States. I am not suggesting a one-size-fits-all solution, but it seems to me, we might want to include the States in this discussion so that you will at least begin to minimize the disparity in opportunity.

My State is a good example. I don't blame present administrations or recent administrations. Administrations have wrestled with this idea for a long time. I am sure this is the case in your State, Mr. President, in New Jersey. It is pretty much the case in all of our States.

I represent the most affluent State in America. Here we are, a State with incredibly affluent communities. They do a magnificent job in allocating their resources to improving the quality of public education in their communities. Yet I can take you from one of those communities—I am not exaggerating—for a car ride in less than 15 minutes to a neighboring community that ranks in the top 10 of the poorest communities in America. One community will have a public high school that can compete with a community college in terms of its facilities, athletics, radio, television stations, language laboratories, and wonderful teachers who receive more than decent compensation to teach children in that community. And 15 minutes away, I can take you to a place where the buildings are falling apart, technology is rarely available, and police officers are on every floor. You begin to wonder if you are in a school or a detention facility.

There are wonderful teachers and wonderful students in these schools who struggle every day to provide and receive the best educational opportunity they can. But in the most affluent State in the country, in the most affluent Nation on the face of this Earth, we have communities within minutes of each other where the educational opportunity—that is all I am talking about—is light-years apart.

We can't accept this anymore. Especially as we enter the 21st century with the economic gap growing wider every day, when we will end up having those who are well prepared to fit in this information technology age and the global economy, and those who will have a hard time finding the most menial jobs in America because we didn't provide a decent education.

I say to our partners in all of this, our States, just as we say to our communities, that we want you to do a better job as well. I am going to explore some legislative language on how we might demand greater accountability for seeing that equal opportunity for education is going to be met at the State as well as the local and national levels.

I don't expect anything dramatic to be adopted in this Chamber on this particular bill. But it is a debate we ought to start. CHAKA FATTAH, a very effective Member of Congress from the city of Philadelphia, is a good friend of mine. CHAKA FATTAH wrote language which specifically addresses this issue. In fact, he offered it in the U.S. House of Representatives in the previous Congress and received close to 200 votes in the other Chamber. It is a rather complicated proposal but one which goes to the heart of this issue, again without insisting on any particular formulation but saying the States have to do a better job in working to see to it that equal opportunity in education is going to be available to all students and be held to some degree of accountability on this issue.

I commend Congressman FATTAH for offering that amendment and for provoking that debate. He sent me the language on that. I am going to submit it for the consideration of my colleagues, perhaps with some variation, over the next couple of weeks.

Again, I thank the membership for their hard work, and especially of Senator KENNEDY and Senator JEFFORDS, the ranking member and chair of the Health, Education, Labor, and Pensions Committee on which I have the pleasure of sitting. I know my colleague from New Jersey has a strong desire to join at some point. We hope he will be there with us. It is an exciting committee. They have done a good job.

I commend Senator DASCHLE, the Democratic leader, and Senator LOTT as well, for moving this debate along.

This has been a pretty good first week—better than I ever thought it would when we started the week. We see a lot more has to be considered. I will have amendments to offer with Senator SHELBY of Alabama and Senator DOMENICI of New Mexico. We will be proposing those amendments at the appropriate time, which we hope our colleagues will support.

I look forward to those debates and discussions, and other amendments our colleagues will be offering.

I think we have started out on a pretty good foot. We have not answered all of the questions. But I think we are going to marry resources and reforms in a package that most of us are going to be able to support.

AMENDMENT NO. 375 TO AMENDMENT NO. 358, AS MODIFIED

Mr. DODD. Mr. President, on behalf of the senior Senator from Massachusetts, Mr. KENNEDY, I send a modification to the desk of an amendment he has offered.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 375) to amendment No. 358, as modified, is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, title II of the Elementary and Secondary Education Act of 1965)

At the end, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate $3,000,000,000 for fiscal year 2002 to carry out part A title II of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to put a highly qualified teacher in every classroom in each school in which 50 percent or more of the children are from low income families, over the next 4 years;

(2) provide 125,000 new teachers with mentors and year-long supervised internships; and

(3) provide high quality pedagogical training for every teacher in every school.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out title II Part A of the Elementary and Secondary Education Act of 1965—

(1) $3,500,000,000 for fiscal year 2003;
(2) $4,000,000,000 for fiscal year 2004;
(3) $4,500,000,000 for fiscal year 2005;
(4) $5,000,000,000 for fiscal year 2006;
(5) $5,500,000,000 for fiscal year 2007;
(6) $6,000,000,000 for fiscal year 2008.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, is morning business the pending business?

The PRESIDING OFFICER. The Senator is correct, with a 10-minute limitation.

Mr. DODD. I gather our colleague and friend from West Virginia may be here shortly, as he is inclined to do on Fridays for periods of enlightenment. I encourage Members to listen carefully to the distinguished senior Senator from West Virginia. He always has the most interesting discussions on history and poetry and important national holidays and days of recognition. It is worthy of the Senate's attention for those who may be following the debate through the channels of public communication.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for as long as is necessary, and it will not be all that long, but long enough.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FUTURE COURSE OF THE INTERNATIONAL CLIMATE CHANGE NEGOTIATIONS

Mr. BYRD. Mr. President, earlier this week, Vice President CHENEY gave us a brief glimpse of the administration's soon-to-be-released energy plan that suggests that we need to take action to avert an impending energy crisis. He suggested that the plan will push for increasing fuel supplies from domestic sources. Still, the Vice President did not explain how domestic climate change programs will be reflected in the energy plan, nor did he discuss press reports that the administration is developing a plan to deal with the international aspects of climate change.

I would like to focus on the latter, and discuss recent decisions by the administration regarding the international negotiations. Climate change cannot be discussed in complete isolation from the soon-to-be released energy plan, since the issue of climate change must be addressed both domestically and internationally.

I wish to note, at the outset, that I applaud the administration's support for clean coal technologies and the administration's recognition that coal is one of our country's most important sources of energy. I recognize and strongly support this policy by the executive branch. A bill I have introduced this session, S. 60, the National Electricity and Environmental Technology Act, addresses the challenges faced by coal, and I would welcome the administration's active support to utilize coal in a cleaner, more efficient way.

I also believe, however, that it would be a mistake to focus too heavily just on increasing fuel supplies from domestic sources. If that is where the administration is headed, it is not on exactly the right path. In order to solve the challenge of climate change, we must develop new domestic sources such as coal, using clean coal technologies, while also engaging in bold initiatives to develop new technologies in the area of energy conservation, energy efficiency, and renewable energy.

I am concerned, based upon preliminary reports, that the administration's plan may not reflect such a balanced and farsighted perspective. Let me begin by noting the obvious—the primary, manmade cause of global warming is the burning of the very fossil fuels that power virtually the entire world.

Here is part of the power just above us as we look up to the ceiling of the

Senate Chamber and see these lights. What is required, then, is the equivalent of an industrial revolution. We must develop new and cleaner technologies to burn fossil fuels as well as new methods to capture and sequester greenhouse gases, and we must develop renewable technology that is practical and cost-effective. Rarely has mankind been confronted with such a challenge—a challenge to improve how we power our economy. This is the greatest nation in the world when the issue is one of applying our engineering talents to push beyond the next incremental improvement, and, instead, visualize and then achieve major leaps forward. We can do this, if only we apply ourselves. The scale and the scope of the problem are enormous, as is the leadership that will be required by the current administration, and, for that matter, the next dozen administrations, if we are to confront and overcome this awesome challenge in our children's time and in our grandchildren's lifetime.

But this takes visionary leadership. It would take extraordinary leadership. We need more than just small, incremental increases in our domestic oil supplies or in our existing research and development programs. This is an approach which only pays lip service to the challenge that we face. It is a huge challenge. I hope that the administration's plan will take a broader view.

We must also recognize that the European Union, China, and other developing nations are quick to point the finger at us, at the world's largest contributor to global warming. We must demonstrate our resolve, and begin to get our own house in order by launching such a research and development effort, as well as continuing and expanding our current efforts to reduce our greenhouse gas emissions.

However, it should also be noted that China will soon surpass us as the largest emitter of greenhouse gases. The Chinese Government must stop blocking all forward movement on the question of developing country participation. The developing world is poorly served by the current level of Chinese intransigence. The poorest nations in the developing world—which will be those that are hardest hit by global warming during this century—must demand leadership from within their own ranks, and especially from China. The Chinese leadership must join us in honestly discussing solutions to the problem of climate change. The United States can develop and provide the technological breakthroughs that can be deployed by all nations, as we move forward together to solve this common, global problem.

However, I want to emphatically warn that new technologies and voluntary approaches will not by themselves solve this problem. We must also actively negotiate and ratify international agreements that include binding commitments for all of the largest emitters of greenhouse gases, if we are to have any hope of solving one of the world's—one of humanity's—greatest challenges.

This concern takes me back to the Senate's actions just 4 years ago. During the Senate floor debate over Senate Resolution 98 in July 1997, I expressed two fundamental beliefs that have guided my approach on the issue of climate change. First, while some scientific uncertainties remain, I believe that there is significant, mounting evidence that mankind is altering the world's climate. Second, the voluntary approach of the 1992 United Nations Framework Convention on Climate Change, commonly known as the Rio Convention, has failed, as almost all of the nations of the world, including the United States, have been unable to meet their obligations to reduce greenhouse gas emissions to 1990 levels. With those points in mind, we must ask what needs to be done in a binding fashion to begin to address this global issue—the preeminent environmental challenge of our time.

On July 25, 1997, the Senate passed, by a vote of 95–0, S. Res. 98 which stated that, first, developing nations, especially the largest emitters, must agree to binding emission reduction commitments at the same time as industrialized nations and, second, any international climate change agreement must not result in serious harm to the U.S. economy. That resolution served as guidance to U.S. negotiators as they prepared to hammer out the details of the Kyoto Protocol.

Senator HAGEL and I were the prime cosponsors of that resolution.

The adoption of that resolution was perhaps, a dose of reality—laying out, in advance of the completion of the Kyoto negotiations or the anticipated submission of a climate change treaty to the Senate, just what an administration—any administration—would need to win the Senate's advice and consent. Contrary to statements made by some in this administration, the Senate has never voted on the Kyoto Protocol, although the protocol, in its current form, does not meet the requirements of S. Res. 98.

Since that vote in July 1997, international climate change negotiations have covered a wide range of topics in an attempt to craft a balanced treaty. While there have been some important gains and there have been some unfortunate setbacks from the U.S. perspective, I am concerned that, in the Bush administration's zeal to reject Kyoto for its failure to comply with S. Res. 98, the baby is being thrown out with the bath water through a complete abandonment of the negotiating process. Such an abandonment would be very costly to U.S. leadership and credibility and could force the international community to go back to "square one" on certain critical issues such as carbon sequestration and market-based mechanisms—areas which I believe are critical to any future binding climate change treaty.

Still, an examination even of Kyoto's drawbacks can provide the basis for forward movement by the Bush administration.

Let me say that again. An examination, even of Kyoto's drawbacks, can provide the basis for forward movement by the Bush administration.

For example, U.S. negotiators should go back to the negotiating table with proposals that could be achieved internationally. In my opinion, an effective and binding international agreement must include several elements. First, the initial binding emission reduction targets and caps should be economically and environmentally achievable. Such an international agreement should specify increments by which the initial reduction could be racheted downward and made more stringent over time. This architecture could provide a realistic and obtainable target, and it would give U.S. industry more time to prepare to meet such requirements. Additionally, the inclusion of incremental reductions would encourage the development of a range of cleaner, more efficient technologies to meet the long-term goal, namely, the stabilization of greenhouse gas concentrations in the atmosphere. Most important, these steps would give the United States a clearer path toward the goal of dealing seriously with a serious and growing problem.

Recently, we have heard talk by the Bush administration to the effect that the United States should promote voluntary initiatives to meet our international treaty commitments. Well, that sounds good, but it will not work. I note that, in 1993, the former administration undertook an extensive assessment to formulate the U.S. Climate Change Action Plan, which subsequently developed a wide range of voluntary programs and technology strategies to help the United States reduce domestic emissions to 1990 levels. While these remain laudable and important programs, they have not put us on a path toward significantly reducing greenhouse gas emissions. In fact, rather than accomplishing that goal, by the late 1990s, U.S. emissions were at least 11 percent above those 1990 levels. Clearly then, the next global climate change treaty will have to include binding emission limits by industrialized nations, as well as developing nations, specifically the biggest emitters in the developing world. I am talking about China, India, Mexico, Brazil, and others.

Additionally, as I explained at the time we were debating S. Res. 98, the initial commitment by developing countries could be modest, with the agreement specifying a more rigorous approach to growth and emissions over time. Recent press reports indicate that China, the big emitter, exceeding the emissions of the United States very soon, has already made progress in reducing the growth of its greenhouse gas emissions. That is good news. That is encouraging. A future binding climate change agreement could recognize these efforts and provide market-based mechanisms by which China could obtain technological assistance to expand upon its efforts over time.

An international treaty with binding commitments can and should provide for the continued growth of the world's developing nations. The economic growth of Mexico or China, for example, need not be choked off by unrealistically stringent, inflexible emission reduction targets. The initial commitment could be relatively modest, pacing upwards depending upon various factors, with a specific goal to be achieved within a fixed time period. If properly designed, a binding international treaty can accommodate economic growth and environmental improvement in the developing world. This approach provides the means by which China and other key developing nations can grow in a more efficient, environmentally sound manner while also making commitments to reduce their fair share of this global climate change burden.

Using this approach, the Bush administration has a historic opportunity to shape, rather than cripple, the international climate change debate by negotiating an agreement that includes all of the largest emitters of greenhouse gases on a global basis.

It is a huge task no doubt, but it is a huge problem, and it confronts the world, not just he occidental but also the oriental—not just the West but also the East. Such an agreement must also include market mechanisms that are unencumbered by layers of bureaucracy; strong provisions for domestic and international sinks, sequestration, and projects that prevent deforestation; and tough enforcement and compliance requirements.

But any such agreement must also be met by an honest effort on America's domestic front. I am, therefore, very concerned that the President's overall budget does not adequately provide the level of funding necessary to support programs and policies that would address U.S. energy and climate change challenges. So I urge the Bush Administration to include all relevant policy aspects in the energy needs assessment currently under review and to examine the total costs—both economic and environmental—in any national energy strategy. I hope the President will work with Congress on these critical issues to develop a constructive, long-term negotiating path for the future. America leads the world in so many important areas—addressing our global climate change challenges should be front and center.

TRADE POLICY

Mr. BYRD. Mr. President, I have serious concerns about certain trade policy issues that the Bush administration inherited from its predecessor, but which remain unresolved. I refer to the steel crisis, the failure to formulate a coherent trade policy with respect to China, and the failure to recognize that "fast-track" trade negotiating authority represents both an unwarranted diminution of the Constitutional authority of Congress and an invitation to our trade partners to accelerate their attack on the framework of fair trade.

As I have long maintained, U.S. trade policy cannot be complacent as America's manufacturing plants are moved to low-wage countries, a phenomenon that makes it increasingly difficult for American employers to stay competitive and, at the same time, pay good wages and provide good benefits to their workers. While American workers do benefit from lower prices for imported products, too many have been made worse off, on balance, by globalization. As the columnist Michael Kelly recently pointed out, "What the unionists know is that globalization ultimately depends on driving manufacturing jobs out of the country in which they live."

Indeed, in many historically high-wage and efficient industries, the inevitable result of complacent trade policy is bankruptcy. The inevitable result of complacent trade policy is bankruptcy. A case in point is the U.S. steel industry. The steel crisis—which is the direct result of an unprecedented surge in imports, particularly dumped and subsidized imports—began in late 1997 and continues to this day. The surge in imports has already led 18 American steel companies—18 companies—to declare bankruptcy. Hear them at the other end of the avenue. Over the past year alone, an estimated 5,000 U.S. steelworkers have lost their jobs.

A great sage once said, "Reflect upon three things and you will not come to sin: Know from where you came, and to where you are going, and before whom you are destined to give an accounting." Let's reflect again on those three things: Know from where you came, and to where you are going, and before whom you are destined to give an accounting. So, let me bring this issue a little closer to home, my home, that is. In 1996, Weirton Steel Corporation, of Weirton, West Virginia, in the very tip of the northern panhandle the eighth largest integrated steel producer in the United States, employed 5,375 of the most skilled workers and managers in the world, using the most up-to-date production technology. That was down from a few years ago. What is it today? Today, in 2001, Weirton employs only 4,111 workers and managers, a loss of over 25 percent from 1996. Weirton just reported that its first quarter sales this year were down 24 percent from last year and that it lost $75.3 million in the first quarter. Continuation of the status quo in the steel market will not mean continuation of the status quo for Weirton Steel, for it cannot stay in business over an extended period of time in the face of such losses.

Now, by Ohio Valley steel industry standards, Weirton is the lucky one even with such losses. Wheeling-Pittsburgh Steel Corp., the ninth largest U.S. integrated steel producer, was forced last year to declare a Chapter 11 bankruptcy in order to avoid being picked apart by its creditors. I hope that it will soon emerge from bankruptcy with the help of a federally guaranteed loan.

I could talk about the need for a section 201 investigation of "serious injury" to the American steel industry. Such an investigation is necessary, and it is necessary now—the administration should not tie its decision on a 201 investigation to any other trade policy initiative. But, I will save that discussion for another day. Rather, I wish to point out that the administration is sending a damaging signal on its approach to the steel crisis by proposing to rescind $10 million from the Emergency Steel Loan Guarantee Program.

Because the demands on that program will—in all likelihood—continue to increase, the proposed reduction in funding represents an unacceptable risk of harm to an industry that is vital both to our national defense and the way of life of communities across this Nation.

The emergency guarantee program was made necessary because of the reaction of the financial community to the onset of the steel crisis. With no assurance that the injurious surge in steel imports would abate in the near future, financial institutions were—for the most part—unwilling to restructure steel producers' debts. Thus, Congress acted to provide incentives for private-sector loans to the steel industry. The new program was signed into law on August 17, 1999, and was designed to give qualified U.S. steel producers access to a $1 billion revolving guaranteed loan fund.

I say, parenthetically, that I was the author of that legislation.

Now is simply the wrong time to be considering rescissions from the emergency guarantee program. There are many steel companies in Chapter 11 bankruptcy, and several of them will undoubtedly request these federally guaranteed loans as a key element in their restructuring programs.

The steel crisis takes us right into the issue of our trade policy toward China. Whatever else one might say about China, it is, without question, an economic behemoth. Our trade deficit with China in 2000 was nearly $84 billion. In that same year, imports from China totaled $100.1 billion, accounting for eight percent of total U.S. imports, making China the fourth largest exporter to the United States. Moreover, in February 2001, we imported 97 million tons of finished steel products from China, almost as much as the 100 million tons we imported from Japan!

Even the quickest perusal of Commerce Department and International Trade Commission records demonstrates that China is engaged in dumping steel products in the United States. China has recently been found to be dumping steel wire rope, as well as—in preliminary determinations—hot-rolled steel and steel concrete reinforcing bars.

What I am trying to tell the Senate, and the administration—if the administration will listen, if the administration will hear—is that China may not intend to play the trade game by the traditional rules. Indeed, as we have seen in recent weeks, China does not play the international relations game by acceptable norms. The Weekly Standard opined at the height of the reconnaissance plane crisis that:

> The United States must respond in ways that directly affect China's interests. . . . The Chinese believe, with good reason, that the American business community has a hammerlock on American policy toward China. . . .

Let us resolve to demonstrate that we can respond effectively to any Chinese attempt to push the envelope—not by indulging in angry overreaction, but by doing whatever is reasonable and practicable and according to the dictates of common sense, to restore Congressional authority to review China's trade status on an annual basis. The concept of "Permanent Normal Trade Relations" is premised on the assumption of normality in a bilateral relationship, and our bilateral relationship with China is anything but normal.

This brings me, now, to the issue of "fast-track." The President wants fast track. The administration wants fast track. The administration says it needs this deviation from the traditional prerogatives of Congress in order to negotiate multilateral trade agreements. Let me be clear: I am not in favor of attaching myriad amendments to trade agreements negotiated by the President.

I am not for having the Congress hang up on every import of every toothbrush or violin string or piece of cloth.

There may be, however, a few very important items—a few—that Congress will need to consider in detail before proceeding to a final vote on a multilateral trade agreement.

Under the Constitution, which I hold in my hand, Congress has this responsibility. We ought to read it. Again, I say I am not for looking at every comma, semicolon, colon, hyphen—every little jot and tittle about trade agreements. Who wants to engage themselves in debate over minuscule matters that may appear in a trade agreement?

But there are some very important items, limited to three or four or five huge questions. We have questions we need to debate. We have issues we need to debate in connection with these trade matters, and we should debate them. Congress has a responsibility to debate them before Congress considers a final vote on a multilateral trade agreement. We have a responsibility to do that.

Fast track? Not for me. Let's not be in all that big a hurry. We don't need to be in such a hurry. What it means is shut Congress out of the debate. Just vote up or down. The people's representatives, the elected representatives of the people in this country—here, in this body, in this Chamber—shut them out. What we want is fast track, says the administration.

I say no. No fast track. Let the people speak, through their elected representatives, to trade agreements. I don't mind limiting it to very few, a handful, a half dozen questions or issues to be voted on. It is important that the Senate debate these matters.

Here is an example. A key objective of many of our trading partners in any multilateral negotiation is to weaken U.S. antidumping, countervailing duty, and safeguard laws. As a matter of fact, I read the other day that several of the Free Trade Area of the Americas countries are proposing elaborate changes to our antidumping and countervailing duty laws. Does anyone seriously believe that their objective is anything less than to gut the effectiveness of those laws? Now, why should we not debate that? Why should we not be able to offer an amendment or amendments? Does anyone seriously believe that their objective is anything less than to gut the effectiveness of those laws? Does anyone seriously believe that, in any full negotiating round, our hemispheric trading partners will not work in concert with Japan, Korea, and the European Union to eviscerate the framework of fair trade as we know it?

Some of the FTAA countries undoubtedly also have in mind that our trade laws be interpreted and applied by multilateral tribunals—in other words, the chapter 19 model. Under Chapter 19 of NAFTA, persons who, in many instances, are not even trained in U.S. law, and who have a strong personal or professional interest in weakening our trade laws, are called to interpret and apply them. The result should have been predictable: enforcement of those laws has been compromised. Senators don't have to believe me. Just read retired U.S. Court of Appeals Judge Malcolm Wilkey's dissent in the Canadian softwood lumber extraordinary challenge determination! Judge Wilkey contrasts the promises that were made to Congress in connection with Chapter 19—particularly that it would lead to no change in U.S. law—with the frequent refusal of foreign panelists to apply basic concepts of American administrative law such as the standard of review. He also raises serious questions about whether Chapter 19 ignores conflicts of interest on the part of panelists that would be disqualifying under our rules of ethics.

My conclusion from all of this is simple. If "trade negotiating authority," to use the administration's term for fast-track, means that Congress agrees to surrender its responsibility to thoroughly evaluate—and refine, if necessary—those provisions of proposed international agreements that might necessitate changes to our trade laws and regulations, I want nothing of it.

In considering these three issues—the steel crisis, trade with China, and fast-track—I am motivated by a deep and abiding concern for the hardworking men and women of my country, America. They have been hammered by deindustrialization and disinvestment. Both the public sector and the private sector are to blame for these trends, as well as politicians, which have been long in the making. But there is one thing we can say with certainty: the trade liberalization model that has been relied upon by recent administrations—Democratic and Republican—does not help. It limits the ability of the United States to use import restrictions to ensure fair trade in our markets while giving foreign countries such as China virtually a free hand in excluding selected U.S. exports from their markets. What is fair about that? What is free about that? That isn't free trade. In light of the current situation in many of our basic industries, this imbalance can no longer be tolerated.

We must remember from whence we came. I happen to go back to the hills and the hollows and the Mountain State of West Virginia, which was born during the Civil War, to renew my love, to renew my recollection, and to reinvigorate my understanding of what the people deserve and what the people want.

We must remember from whence we came and before whom we are destined to give an accounting. So remember from whence we came, remember where we are going, and remember before whom we must give an accounting.

We must stand up for the working men and women of America, the people who have not forgotten God's edict that he delivered when he drove Adam and Eve from the Garden of Eden, to earn thy bread by the sweat of thy brow. Those are the people we must remember.

We must stand up for them and stand against any initiative that would undermine the framework of "fair trade."

We must not allow anyone in the name of "free trade" or anyone in the name of "fast track" to destroy the way of life of communities across the Nation.

No, Mr. President, we don't need fast track. We need to live by this Constitution which I hold in my hand. We swear an oath in this Senate to support and defend the Constitution against all enemies, foreign and domestic. Let's watch the enemies in our midst. They may be us.

Mr. President, I yield the floor.

TRIBUTE TO ROBBIE CALLAWAY

Mr. THURMOND. Mr. President, on April 7, 2001, Robbie Callaway, Senior Vice President for Boys & Girls Clubs of America, was honored with the organization's highest award for professional service: the Thomas G. Garth Character and Courage Award.

Thomas G. Garth served as president of Boys & Girls Clubs of America from 1988 until his death in 1996. It was under his leadership that Boys & Girls Clubs began their aggressive outreach movement into America's most distressed communities and evolved into one of our Nation's premier youth development organizations. It was Tom's dream that every disadvantaged youth in America have access to a Boys & Girls Club.

The Thomas G. Garth Character and Courage Award is presented each year to the professional in the Boys & Girls Clubs movement that best exemplifies the qualities of character and courage, the very qualities that made Tom Garth an extraordinary leader and role model.

Those of us who are fortunate to have known Robbie Callaway for many years are not surprised by his receipt of the Thomas G. Garth Character and Courage Award. Character and courage have defined his service to the Nation's youth. Not only is Robbie's enthusiasm contagious, but he also sets an example for others to follow.

Robbie has dedicated himself to ensuring that every one of our Nation's youth is given an opportunity at a better life. Countless young people and communities throughout America have benefitted as a result. The progress that Boys & Girls Clubs of America have made in public housing, Native American lands, and other inner-city and rural communities is due in large part to his relentless spirit and his unwillingness to take "no" for an answer. He believes in his heart, as did Tom Garth, that it is Boys & Girls Clubs of America's obligation to reach every child in need and at-risk.

Robbie is also a founding board member of the National Center for Missing and Exploited Children, where he currently serves as chairman-elect. As a result of the National Center's extensive relationship with Federal, State, and local law enforcement, along with corporate America, it is the leading child safety organization in America. The National Center also has a strong working partnership with Boys & Girls Clubs of America. Together, these two fine organizations strive to keep our Nation's youth out of harm's way.

Robbie has received numerous awards throughout his career. Yet he will tell you his greatest accomplishment is raising, along with his wife Sue, two fine children, Adam and Maureen.

The United States of America is a better place because of people like Robbie Callaway. His selfless contributions have impacted the lives of this Nation's youth and will continue to do so for generations to come. We owe him a debt of gratitude.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred February 6, 2000 in Tucson, Arizona. A 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and stabbed him with large knife. Witnesses heard the perpetrator saying that he had "killed a f---ing faggot," "this is what gays deserve," and "let this be a warning to the gay community." The victim was treated at a local hospital and released. The attack spurred an anti-hate rally on campus a few days later drawing over 1,000 people.

I believe that government's first duty is to defend its citizens, to defnd them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

REMOVAL OF THE UNITED STATES FROM THE U.N. HUMAN RIGHTS COMMISSION

Mr. LIEBERMAN. I rise to express my dismay at the Economic and Social Council's vote yesterday removing the United States from membership on the United Nations Human Rights Commission for the first time since its inception in 1946.

The United States was a founding member of this distinguished body and has been an active member since its establishment. Under the chairmanship of Eleanor Roosevelt, the U.S. was instrumental in helping to draft the Universal Declaration of Human Rights, the very first work of the Commission and one that deeply reflects longstanding and treasured American values. For over 50 years, the United States has worked within the Commission to codify fundamental human rights and practices. Through the Commission we have also fought for vigorous investigations of grave breaches of human rights wherever they occurred and have raised our voice in defense of freedom on behalf of those whose own voices were silenced.

The Commission's membership has grown along with the membership in the United Nations as newly independent nations have joined the world bodies. However, the inclusion of countries with extremely poor human rights records, such as Sudan and Cuba, on the Commission is troubling. And it means that we will have to work even harder to promote universal standards so that one day all people can enjoy the freedom, liberty and equality we too often take for granted here at home.

We may never know why so many countries voted against us in the secret balloting. I am afraid, however, that it may reflect widespread dissatisfaction with what is perceived to be a go-it-alone attitude in foreign affairs by the new administration. Our friends and allies have reacted negatively to a number of President Bush's pronouncements and policies, including rejection of the Kyoto Climate Change Treaty, his opposition to the International Criminal Court, and his willingness to abandon the ABM Treaty before we have a workable missile defense plan in place. This vote clearly demonstrates that there can be unanticipated and damaging consequences to our actions on the world stage. The U.S. cannot take our friends for granted and must remain vigilant against the anti-U.S. efforts of our enemies.

The United States now becomes an observer on the U.N. Human Rights Commission but we can, indeed we must, remain actively engaged in defending human rights throughout the world. We have lost our vote but not our voice. The Commission will be weaker without our membership and our leadership. But the real losers in yesterday's election were the oppressed, people in many parts of the world who desperately need the support of the United States and the United Nations to stop abuses of their basic rights and to bring the light of freedom into their lives.

I am terribly disappointed by the vote against U.S. membership on the Commission. However, we must not allow this vote to deter our efforts to promote and defend human rights around the world. Our commitment and leadership in advancing freedom, equality and justice for all people derives from the principles on which our Nation was founded and which continue to guide us today.

THE DISASTER TAX EXEMPT ACT

Mr. GRAHAM. Mr. President, as those of us from our Nation's southern and eastern coastal areas know, living in the sunshine of summer can be a double-edged sword. As Floridians enjoy the best weather Mother Nature has to offer, we must not neglect preparations for the start of hurricane season on June 1, 2001. I am pleased to join my colleague from Florida, Senator NELSON, and my colleagues from Texas in introducing legislation that will help protect Florida from economic devastation as sunny days and warm water are accompanied by the potential for catastrophic disaster.

Our legislation amends section 501(c) of the Internal Revenue Code to grant tax-exempt status to State chartered, not-for-profit insurers serving markets in which commercial insurance is not available. In Florida, this legislation will assist the Florida Windstorm Underwriting Association, FWUA, and the Florida Residential Property and Casualty Joint Underwriting Association, JUA.

The Florida Windstorm Association was created in 1970. Twenty-two years later, in 1992, the legislature authorized the Joint Underwriting Association. These organizations operate as residual market mechanisms. They provide residential property and casualty insurance coverage for those residents who need, but are unable to procure, insurance through the voluntary market.

The JUA was created in direct response to $16 billion in covered losses during Hurricane Andrew. The destructive force of Andrew rendered a number of property insurance companies insolvent. Other firms reacted to the catastrophe by withdrawing from the Florida market.

During those fortunate years when Florida is not hit by major hurricanes or other natural disasters, the FWUA and JUA take in more premiums than are paid out in claims and expenses. Florida law prevents those funds from being distributed so that needed reserves will accumulate in preparation for disasters we know will come in the future.

Unfortunately, the Internal Revenue Code penalizes Florida for this responsible, forward thinking practice. It requires that 35 percent of those funds be sent to Washington, as Federal income taxes rather than be used to accumulate reserves. Designating State chartered, non-profit insurers as tax-exempt entities will help Florida amass the necessary reserves to pay claims brought on by a catastrophe.

State law also authorizes the FWUA and the JUA to assess property insurance policyholders for losses generated by natural disasters. Tax exemption will reduce the frequency and severity of assessments levied against individual policyholders, because higher reserves will be available to cover losses.

Mr. President, though nearly a decade has passed, Hurricane Andrew is still a nightmarish memory for Floridians. The National Weather Service expects this hurricane season to be another active storm season. It is imperative that the Federal Government avoids the comfortable habit of ignoring lessons presented by Andrew and other recent catastrophes.

Similar legislation has been introduced in the House of Representatives and enjoys bipartisan support from Florida's congressional delegation.

Our legislation is extremely important to homeowners and businesses throughout Florida, all of whom are subject to assessment if reserves are not sufficient to pay claims in the event of a catastrophe. Florida remains sensitive to the perils of nature. Enactment of this legislation will permit our State to prepare for the next Hurricane Andrew while alleviating some of the economic hardship exacted on Florida property owners.

ADDITIONAL STATEMENTS

VERMONT GRANITE MUSEUM

• Mr. LEAHY. Mr. President, this week I had the pleasure of attending the raising of the old Jones Brothers granite shed in Barre, Vermont. This historic wooden building built in 1895 will be raised four feet off the ground for several months while a new foundation is poured and the building is secured. Once one of the largest granite manufacturing plants in the world, this building will soon be home to the Vermont Granite Museum, a tribute to one of Vermont's oldest and proudest industries. As the grandson of a stonecutter I cannot think of a better way to honor this heritage than a world class museum and learning center in the heart of Vermont. I would like to share with my colleagues the comments of my fellow Vermonters, Edwin Granai and Marsha Davis, who spoke eloquently of this building, its history and what the museum will mean to our state.

I ask consent that the statements of Edwin Granai and Marcia Davis be printed in the RECORD.

The statements follow:

REMARKS OF EDWIN GRANAI

"In Italia," my grandmother used to say, "Una volta un portiere sempre un portiere (Once a porter always a porter)." At the beginning of the last century in Italy those born into poverty lived a life of poverty. The rigid class structure of the monarchy would prevail in Italy for another half century. My grandparents did not have a half century to wait, so they came America, the "Promised Land." My grandfather emigrated from the quarries of Carrara, Italy, to the quarries of Barre, Vermont to find work and above all opportunity.

The Promised Land did not materialize for him. His earnings never rose above subsistence level and he lost his health at mid-life. He died in his forties with empty pockets and dust-filled lungs. My father, after completing the fourth grade at Brook Street School, went to work at the age of ten years in 1907 in this very building to help support his family. In time America did become the Promised Land for my father and for his children, of which I am one. But my grandfather died as he came, poor.

Other immigrants made it in the first generation. Last Fall, I stayed an extra day in Washington to visit the recently completed National Cathedral. It is one of the world's great churches. Roger Marigi was the Master Carver for a quarter century during the completion years. His grandfather came to Barre at the same time mine did. Marigi says: "My grandfather came to America from Italy in 1890 . . . He went to Barre, Vermont, because all the Italian stone carvers were up there. That's where you got your job . . . You went up to Barre because that's where the work was. Granite. You stayed there and learned . . ."

The work was here because we have Barre Gray, the durable and aesthetically pleasing stone that adorns memorials, buildings, and plazas throughout the world. And we had the skilled quarriers, artisans and sculptors to extract and shape that stone. They came from Italy, Scotland, Sweden, England, Spain, France, Canada, and around the world to Barre.

The work is still here for the same reasons. We have a 4500-year supply of Barre Gray. And we still have the finest quarriers, manufacturers, artisans and sculptors shaping that stone. Sculptors from all over America and around the world come to Barre today to learn from and work with Barre stone artisans.

These assets—the stone and skilled workers—are like the foundation we dedicate today. This foundation is the starting point for the restoration of this historic building. Our granite and our skilled workers are both out heritage and the starting point for the renewal of Barre's granite industry.

At the beginning of this new century we live in a very different world from that of our fathers. The citizens of Barre City and Barre Town recognized this when they gathered in 1994 to brainstorm their vision for the future. They saw the challenge of the global marketplace. They recognized that in today's world economy our granite industry is in fierce competition with lesser quality stone and inferior artistry. In the vision of the Vermont Granite Museum they recognized the value of combining and displaying the wisdom of the past with a modern learning environment that will create a dynamic marketing force for the industry. The educational programs of the museum will invigorate the worldwide learning connection. The tourist benefit, 90,000 people per year, will infuse six million dollars annually into the central Vermont economy. More importantly together they will create a new level of awareness for the beauty, function and utility of Barre Gray in all its uses, and a new level of appreciation for stone finishing and carving as both art and vocation.

This is an ambitious project and it is happening thanks in large part to everyone here assembled. I grew up in Barre and maintain strong family and community ties. I have never seen such a strong focus and wide spread support for a community project. The scale requires it.

I had never been in this building until I toured it with Marcia a year and a half ago.

I came to see what we were starting with and to imagine what it could become. I was not prepared for what happened to me within minutes of my entry. Suddenly and unexpectedly I was keenly aware of the ghost of my deceased father working here as a child and young man. His presence was so real it penetrated my heart and threatened my composure. It took my breath away. And, when I got my breath, I then thought of my grandfather and said a silent prayer of thanks to Coriolano for his courage to leave his homeland to come to America.

I will never forget that moment. It profoundly deepened my connection to my heritage here in Barre, to my father and grandfather through the work that they did and the sacrifices they made. It connected me in a new way to their courage and spirit, and in so doing strengthened my determination to put my shoulder to this project. The pay-off of this project began for me on that day when the rehabilitation of this building had barely begun. I can only imagine the impact of the finished museum. If I seem enthused about this project it is because I am. And my enthusiasm increases each step of the way.

As we dedicate this foundation of what is to be a world class museum and learning center we are half way to our twelve million-dollar goal. That is remarkable. But just as remarkable is the energy that has emerged around this project. It is the kind of energy that will create a new prosperity for this community and region. The glass is half full—enough to toast the courage and fortitude of our ancestors and to say with certainty to our heirs that the future of Barre is as solid as the rock—Barre Gray—upon which it is build.

REMARKS OF MARCIA A. DAVIS, EXECUTIVE DIRECTOR, VERMONT GRANITE MUSEUM OF BARRE

Welcome.

We are here today to celebrate Vermont's granite industry: its past, present and future.

The Jones Brothers granite shed represents the industry's distinguished past. Built in 1895, with Douglas Fir timbers, brought by rail from the Pacific Northwest, this building was one of the first straight shed designs to be constructed in Barre to house water powered overhead cranes.

Who were the Jones Brothers?

The Jones Brothers were sons of Hugh Jones, whom at age 2 immigrated to America with his parents from Wales, and settled in Ebensburg, Pennsylvania. When the Civil War broke out, Hugh Jones enlisted and became the first Union soldier to be killed at the Battle of Fort Stedman, Virginia, in 1865, leaving behind a widow and six children all under the age of 13.

Fifteen years later, the two older Jones Brothers, Marshall, and Seward, "imbued with faith in an industry, in themselves, in their friends, and in a nation", opened their own wholesale monumental business in 1882 in Boston, Massachusetts. Marshall was 29 years old. Seward was four years younger.

Their monument dealership dealt in light pink and gray granite from Scotland, darker granites from Sweden, Norway, and Finland, and native granite from Quincy, Massachusetts.

Later on two younger brothers, Dayton and Hugh Jones, joined the company, and they opened an office in Aberdeen, Scotland in 1884.

While searching for granites in New England, the Jones Brothers were introduced to Barre Gray granite. They described it as having a "color and texture far surpassing the gray Scotch in beauty and quality".

In 1886, they decided to expand again, purchasing a dark gray granite quarry on Millstone Hill, Barre, and leased a granite manufacturing shed from Mackie & Simpson, on 46 Granite Street, the very same site of the Socialist Block, now known as the Old Labor Hall.

The Jones Brothers Company also owned and operated the Wells Lamson Quarry in Barre Town.

The Jones Brothers Company was the first granite enterprise to advertise finished granite monuments nationally in 1927.

The Jones Brothers Company employed as many as 500 people on this very site.

The Jones Brothers Company was referred to as the largest and oldest granite manufacturing plant in the world. The business closed in 1975.

The company's trademark, registered in 1926, portrays an angel with arms and wings outstretched above a rectangular memorial which says "Guardian Memorials of Everlasting Beauty. To mark the place with beauty forever."

And they did.

Thousands of monuments, family mausoleums, memorials, and buildings were designed, commissioned and produced on this very site for eighty years.

Some of the more notable structures located throughout the country are:

The Green Beret Memorial, dedicated by John Wayne, in Fort Bragg, No. Carolina
The Beacon Monument for the Massachusetts State House, in Boston, Massachusetts
Sixteen Massive Pillars in the nave of St. John the Divine Cathedral, in New York City (Eight of which were six feet in diameter, 38 feet high, weighing 100 tons each, and took a year to produce, transport and set them prior to construction of the cathedral itself.)
The Brigham Young Memorial in Salt Lake City, Utah
The Shevchenko Memorial in Washington, DC
The Coal Miners Memorial in West Virginia
The U.S. President William Henry Harrison Memorial
And mausoleums for the Woolrich, Firestone, Heinz, Hood, Hershey, Ringling and Webb families.

With technological advances in power, transportation, and machinery came the "boom years" of the granite industry. Between 1880 and 1900, in Barre alone, the population grew from 2060 to 11,754. Montpelier, Northfield, Woodbury, Hardwick, Bethel and South Ryegate were full of granite sheds and quarries.

Waves of immigrants came from Scotland, Italy, England, Ireland, France, Spain, Canada, Sweden, Finland, and Denmark to work in Vermont's stone industry. They came through Ellis Island, Boston and other ports of entry, many of them having to leave their families behind, yet full of hope for a better life in America.

These men cut, hauled, shaped, lettered and carved stone with a passion for their families, and for Vermont, ultimately becoming Americans.

Even under extremely difficult working conditions, these men and this industry not only survived, but flourished, transforming this country's landscape as we know it today.

Today, granite countertops are to be expected in luxury homes and offices. NASA's subcontractors use granite precision surface plates to check for flaws or aberrations in the shuttle's engine parts, as do numerous other manufacturers for products that require the most stable and accurate conditions are required for manufacturing.

No one can predict the future, however, we do know the granite industry is up for whatever challenges may come its way, and that will become a new exhibit.●

CELEBRATING THE SCHIFFER CANCER CENTER OF WHEELING HOSPITAL

● Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the recent accomplishment of one of West Virginia's finest health care facilities, the Schiffer Cancer Center at Wheeling Hospital. Wheeling Hospital just became one of only two community hospitals in the country and the ninth facility in the world to become a part of the Partnership in Science with the Division of Clinical Sciences of the National Cancer Institute in Bethesda, MD. This is an incredible and important accomplishment for this facility and the citizens of West Virginia.

Wheeling Hospital, which is located in Wheeling, WV, is an acute care community hospital, which just celebrated its 150th anniversary last year. Located right in the heart of the northern panhandle in Ohio County, the hospital serves Ohio County, parts of Brook and Marshall Counties, and eastern Ohio State residents bordering the Ohio River in addition to residents of southwestern Pennsylvania and across the State of West Virginia.

I had the pleasure of visiting Wheeling Hospital in 1993 for the dedication of their Howard Long Wellness Center. The facility employs approximately 2,000 people and maintains five centers of excellence including: cancer; cardiac, including open heart surgery; women's health; trauma; and the Howard Long Wellness Center, which is 55,000 sq. feet. The recent partnership between Wheeling Hospital and the National Center Institute is one of the greatest achievements in cancer care that has happened in the Ohio Valley. With this partnership, qualified cancer patients in the area will be able to participate in a select number of new cancer research protocols without leaving home. They will also be empowered to consult with and obtain second, third, even fourth opinions about their condition and treatment. Additionally, the partnership increases education opportunities for physicians, nurses, and other health care professionals in the area. Residents of West Virginia, eastern Ohio, and southwestern Pennsylvania will all benefit from this partnership.

I am so thankful to Wheeling Hospital, its CEO, Don Hofreuter, its doctors and nurses, and all of its employees for all of the amazing work that they continue to do to serve their community. The people of Ohio County, West Virginia, and the surrounding area are indeed fortunate to have you as part of our community. Congratulations on your 150th anniversary. ●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated.

By Mr. MURKOWSKI (for himself, Mr. BINGAMAN, and Mr. KYL):

S. 834. A bill to provide duty-free treatment for certain steam or other vapor generating boilers used in nuclear facilities; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 835. A bill to establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 115

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 115, a bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes.

S. 632

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 632, a bill to reinstate a final rule promulgated by the Administrator of the Environmental Protection Agency, and for other purposes.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 778

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California, (Mrs. BOXER), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 778, a bill to expand the class of beneficanies who may apply for adjustment of status under section 245(i) of the immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of researech centers regarding environmental factors that may be related to the etiology of breast cancer.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. BINGAMAN, and Mr. KYL)

S. 834. A bill to provide duty-free treatment for certain steam or other vapor generating boiler used in nuclear facilities; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generator Tariff Elimination Act".

SEC. 2. DUTY-FREE TREATMENT FOR CERTAIN BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Chapter 84 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 8402.11.00 and inserting the following new subheadings, with the article description for subheading 8402.11 having the same degree of indentation as the article description for subheading 8402.12.00:

" 8402.11	Watertube boilers with a steam production exceeding 45 t per hour				
8402.11.10	For use in nuclear reactors	Free		45%	
8402.11.20	Other	5.2%	Free (A, CA, E, IL, J, MX)	45%	".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) APPLICATION TO LIQUIDATIONS OR RELIQUIDATIONS.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 8402.11.10 of the Harmonized Tariff Schedule of the United States, as added by subsection (a) that was entered, or withdrawn from warehouse for consumption—

(A) on or after January 1, 2000, and

(B) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as if such subheading 8402.11.10 applied to such entry or withdrawal, and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to any entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 835. A bill to establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am pleased today to introduce the Detroit River International Wildlife Refuge Establishment Act. The Detroit River is one of North America's greatest rivers and is a part of our Michigan heritage. It not only joins the Upper Great Lakes to the Lower Great Lakes, but it also connects Canadians and Americans through an inseparable border. This great resource is one that we must work hard to protect so that generations to come can benefit from its economic, recreational and ecological value.

The Detroit River provides a home to communities of unique plants and animals and rare, threatened and endangered species. The Michigan Department of Natural Resources and Ontario Ministry of Natural Resources recognize the Detroit River as having one of the highest diversities of wildlife and fish in all of the Great Lakes. More than 29 species of waterfowl and 65 kinds of fish make their home in the Detroit River. The river is an important waterfowl migration corridor where an estimated three million ducks, geese, swans, and coots migrate annually. The Detroit Audubon Society has documented over 300 species of birds in the Detroit-Windsor area, and approximately 150 bird species nest near the river.

The Detroit River also provides shipping channels which link Detroit to a worldwide economy. Further, approximately half of the over 870,000 pleasure boats registered in Michigan are used on the Detroit River and Lake St. Clair, in part to fish for the estimated 10 million walleye that ascend the Detroit River each spring from Lake Erie to spawn. These walleye have helped create an internationally renowned sport fishery.

In 1998, the Detroit River was designated an American Heritage River which will assist the community in a revitalization effort to celebrate the river's history and heritage. Further, it is anticipated that the Detroit River will receive a Canadian Heritage River designation this year, making it the first international heritage river system in North America.

This is a river that we need to protect. Fish and wildlife habitat in the Lower Detroit River continue to be destroyed and degraded. It has been estimated that over 95 percent of the historical, coastal wetlands along the river have been lost to development. This legislation would protect remaining high quality habitat before they are lost to further development and rehabilitate and enhance degraded ones.

Specifically, this legislation would authorize the Secretary of Interior to acquire American lands adjacent to the Detroit River in order to protect its wildlife and habitat. It further authorizes the President and Secretary of Interior to negotiate with Canadian officials to create a Detroit River International Wildlife Corridor in the lands adjacent to the River, including both American and Canadian lands. The legislation authorizes the Secretary to procure land from willing sellers or donors, islands and other natural features along the Detroit River, running some 18 miles from Mud Island to Pt. Mouillee. The legislation would also authorize the Secretary to negotiate cooperative management agreements with landowners living along the Detroit River.

The Detroit River International Wildlife Refuge Establishment Act will provide the protections necessary to save and preserve this priceless treasure for generations to come.

AMENDMENTS SUBMITTED AND PROPOSED

SA 372. Mr. CRAIG proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 373. Mr. BYRD (for himself and Mr. DEWINE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 374. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 375. Mr. KENNEDY proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 376. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 377. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 372. Mr. CRAIG proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 29, between lines 14 and 15, insert the following:

"SEC. 16. FUNDING RULE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Adjusted for inflation, the amount of money Federal, State, and local governments spend per public school student has nearly doubled over the past 30 years.

"(2) This doubling of real, per-pupil spending has had no effect on test scores.

"(3) In 1965, the Federal Government enacted title I of the Elementary and Secondary Education Act of 1965 to eradicate the achievement gap between economically disadvantaged students and their more advantaged peers.

"(4) In 2001 that achievement gap persists, unaffected by the $120,000,000,000 the Federal Government has spent on such title I.

"(5) In 1996 the Department of Education reported that 'The progress of [part A of title I] participants on standardized tests and on criterion-referenced tests was no better than that of nonparticipants with similar backgrounds and prior achievement'.

"(b) FUNDING RULE.—Notwithstanding any other provision of this Act, a State shall be eligible for an increase in the amount of funds made available under this Act from one fiscal year to the next fiscal year (after adjusting for increases in the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics) when the State meets the requirements for adequate yearly progress for the State under section 1111(b)(2) for the school year preceding the fiscal year for which the determination is made, except that nothing in this subsection shall be construed to provide funds to a State under this Act for any fiscal year in an amount that is less than the amount of funds provided to the State under this Act for fiscal year 2001.".

SA 373. Mr. BYRD (for himself and Mr. DEWINE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 586, between lines 18 and 19, insert the following:

SEC. 405. GRANTS TO REDUCE ALCOHOL ABUSE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART E—GRANTS TO REDUCE ALCOHOL ABUSE

"SEC. 4501. GRANTS TO REDUCE ALCOHOL ABUSE.

"(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the activities to be carried out under the grant;

"(2) an assurance that such activities will include 1 or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

"(3) an explanation of how activities to be carried under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

"(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

"(5) such other information as the Secretary determines appropriate.

"(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2002, and such sums as may be necessary in each of the 6 subsequent fiscal years.

"(2) RESERVATIONS.—

"(A) SAMHSA.—The Secretary shall reserve 20 percent of the amount appropriated for each fiscal year under paragraph (1) to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

"(B) LOW-INCOME AND RURAL AREAS.—The Secretary shall reserve 25 percent of the amount appropriated for each fiscal year under paragraph (1) to award grants under this section to low-income and rural local educational agencies.".

SA 374. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 319, line 4, insert ", including teaching specialists in core academic subjects" after "principals".

On page 326, line 1, insert ", including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities" after "performance".

On page 327, line 2, insert "as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership" after "qualified".

On page 517, line 18, strike "and".

On page 517, line 20, strike the period and insert "; and".

On page 517, between lines 20 and 21, insert the following:

"(I) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 528, line 11, strike "and".

On page 528, line 14, strike the period and insert "; and".

On page 528, between lines 14 and 15, insert the following:

"(16) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 539, line 10, strike "and".

On page 539, between lines 10 and 11, insert the following:

"(E) alternative programs for the education and discipline of chronically violent and disruptive students; and".

SA 375. Mr. KENNEDY proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.

(a) Sense of the Senate.—It is the sense of the Senate that Congress should appropriate $3,000,000,000 for fiscal year 2002 to carry out part A title II of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to put a highly qualified teacher in every classroom in each school in which 50 percent or more of the children are from low income families, over the next 4 years;

(2) provide 125,000 new teachers with mentors and year-long supervised internships; and

(3) provide high quality pedagogical training for every teacher in every school.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out title II of the Elementary and Secondary Education Act of 1965—

(1) $3,500,000,000 for fiscal year 2003;
(2) $4,000,000,000 for fiscal year 2004;
(3) $4,500,000,000 for fiscal year 2005;
(4) $5,000,000,000 for fiscal year 2006;
(5) $5,500,000,000 for fiscal year 2007;
(6) $6,000,000,000 for fiscal year 2008.

SA 376. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 577, between lines 15 and 16, insert the following:

SEC. 404. SCHOOL SAFETY ENHANCEMENT.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART D—SCHOOL SAFETY ENHANCEMENT

"SEC. 4351. SHORT TITLE.

"This part may be cited as the 'School Safety Enhancement Act of 2001'.

"SEC. 4352. FINDINGS.

"Congress makes the following findings:

"(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

"(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–1997 school year.

"(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

"(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

"(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

"(6) Because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school.

"(7) A report issued by the Department of Education in August, 1998, entitled 'Early Warning, Early Response' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

"SEC. 4353. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.

"(a) Establishment.—The Secretary of Education and the Attorney General shall jointly establish a National Center for School and Youth Safety (in this section referred to as the 'Center'). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

"(b) Duties.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

"(1) Emergency response.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

"(2) Anonymous student hotline.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

"(3) Consultation.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

"(4) Information and outreach.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

"(c) Funding.—The Secretary of Education shall make available $15,000,000 from amounts appropriated to carry out this title, and the Attorney General shall make available $35,000,000 from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005 to carry out this section.

"SEC. 4354. SAFE COMMUNITIES, SAFE SCHOOLS.

"(a) Grants Authorized.—Using funds made available under subsection (c), the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall award grants, on a competitive basis, to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community.

"(b) Authorized Activities.—Funds provided under this section may be used for activities that may include efforts to—

"(1) increase early intervention strategies;

"(2) expand parental involvement;

"(3) increase students' awareness of warning signs of violent behavior;

"(4) promote students' responsibility to report the warning signs to appropriate persons;

"(5) promote conflict resolution and peer mediation programs;

"(6) increase the number of after-school programs;

"(7) expand the use of safety-related equipment and technology; and

"(8) expand students' access to mental health services.

"(c) Funding.—The Secretary of Education shall make available $24,000,000 for each of the fiscal years 2002 through 2005 to carry out this section from amounts appropriated to carry out this title.".

SEC. 405. AMENDMENTS TO THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 5(10) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(10)) is amended to read as follows:

"(10) the term 'qualified entity' means—

"(A) a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; or

"(B) an elementary or secondary school.".

SA 377. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 319, between lines 19 and 20, insert the following:

"(12) Supporting the activities of professional development schools and education councils, involving partnerships between elementary schools, secondary schools, and institutions of higher education, including community colleges, for the purpose of—

"(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

"(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

"(C) supporting teams of master teachers, including teachers certified by the National Board for Professional Teaching Standards, and student teacher interns as a part of an extended teacher education program; and

"(D) supporting teams of master teachers, including teachers certified by the National Board for Professional Teaching Standards, to serve in low-performing schools.

On page 329, line 7, strike "; and" and insert a semicolon.

On page 329, line 13, strike the period and insert "; and".

On page 329, between lines 13 and 14, insert the following:

"(C) may include activities carried out jointly with professional development schools and education councils, involving partnerships between elementary schools, secondary schools, and institutions of higher education, including community colleges, for the purpose of improving teaching and learning at low-performing schools.

On page 329, between lines 18 and 19, insert the following:

"(c) DEFINITIONS.—In this section:

"(1) EDUCATION COUNCIL.—The term 'education council' means a partnership that—

"(A) is established between—

"(i) an elementary school or a secondary school; and

"(ii) an institution of higher education; and

"(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

"(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means an elementary school or secondary school that is determined to be low-performing by a State, on the basis of factors such as low student achievement, low student performance, unclear academic standards, high rates of student absenteeism, high dropout rates, and high rates of staff turnover or absenteeism.

"(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means a partnership that—

"(A) is established between—

"(i) an elementary school or a secondary school; and

"(ii) an institution of higher education; and

"(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

"(ii) substantially increases interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

"(iii) provides support, including preparation time, for such interaction.

THE GREEN SCARE

Mr. MURKOWSKI. Mr. President, our collective national memory is still haunted by images from the so-called "McCarthy Era." This was a time in the middle of the last century when "The Red Scare" came to dominate both the headlines and the national consciousness, a time when no stone was left unturned in the search for the Communists beneath them.

Truth took a back seat during "The Red Scare," with the result that innocent and guilty alike had their rights trampled upon, and an entirely proper investigation became an exercise in hysteria. During "The Red Scare" we lost track of the facts and got wrapped-up in the emotions of the time.

The United States is now entering into an energy crisis. Demand for power is up and supplies are, if not down, at least not keeping up with that demand. As an example, gasoline prices are over $2 a gallon, and the hot weather and travel season aren't even here yet, Mr. President!

We all know there's a real power crisis in the State of California. How it came about is well-documented and need not occupy us here today. Suffice it to say, all the elements conspired to come together at the right time and in the right place—much like the events told in "The Perfect Storm"—and this disaster is now upon us.

How are we going to get out of it, or, at least, mitigate the worst of its effects? How do we get there from here? I submit we are neither going to exclusively drill our way out of it, nor are we going to exclusively conserve our way out of it. Both those options may look good on paper, but they are doomed to failure in the real world.

This body is about to come to grips with designing a national energy policy. It will be an interesting time for us, as we work to blend effective conservation measures with ways to ensure that we have the power sources we need. It is my hope that this plan will be based on sound science, not on emotions or slogans. If it's not, it's eyewash, not worth the paper the headlines it would generate are written on.

Mr. President, there is a five-part series entitled "Environment Inc.," which ran between April 22 and April 26, 2001, in the "Sacramento Bee" newspaper.

This series was written by a "Bee" reporter named Tom Knudson. Mr. Knudson has won two Pulitzer Prices for his writing on environmental issues.

This series examines the high-powered fund raising machine that now characterizes much of today's Corporate Environmental Culture, a machine that increasingly funds, not environmental conservation efforts, but an unceasing flow of litigation and a spreading spill of public relations efforts. Conservation organizations have, themselves, become big businesses, complete with fund raising consultants and tremendous salaries.

Annual salaries for the heads of 9 of the 10 largest environmental groups now top $200,000; one makes over $300,000 a year. In 1997, and I quote here: ". . . one group fired its president and awarded him a severance payment of $760,335." We don't see television ads of fat cats in their high-rise offices or swilling martinis in ritzy hotels. The article notes that some are now calling the Sierra Club, "Club Sierra." John Muir would be appalled, I think.

Make no mistake about it, the Corporate Environmental Culture has raised a lot of money. Direct mail efforts. It boggles the mind to think that anyone would give money to a group that sends out millions of paper brochures asking for money to save the rain forest. Telemarketing efforts. "Send us money or the Jenkins Warbler goes extinct on the 27th of next month."

This series points out that, and I quote:

> Six national environmental groups spend so much money on fund raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations.

Many—although, in fairness, not all—of these groups use an accounting loophole—and again I quote:

> to classify millions of dollars spend on direct mail and telemarketing not as fund raising, but as public education and environmental activism!

If a citizen wants to give a few bucks to Club Sierra, that's not properly any of our business, is it? But increasingly, this series points out, environmental groups are inundating the courts with endangered species lawsuits. Such suits have become one of their basic tools. Even if there's no chance they'll win, they can tie up projects in courts for years on end.

Every time the U.S. Fish and Wildlife Service misses a deadline, a lawsuit follows like a hungry duckling waddling after its mother. Increasingly, the Service will tell you they are devoting more and more of their time and resources to fighting lawsuits, which leaves less and less time for the wildlife biology that is the Service's proper business.

Why would groups suppposedly dedicated to conservation behave this way? Increasingly evidence suggests this onslaught of suits might well have its roots in the Almighty Dollar and the pursuit thereof. A lawyer who wins one of these "citizen suits" is entitled to a refund of his or her attorney fees from the taxpayers. These attorneys typically charge $150 to $350 an hour. The series notes that, and again I quote:

> When California water districts won a suit . . . last year, they submitted a bill for $546,403.70 to the government. The Justice Department was stunned.

It gets worse. There is increasing evidence that environmental groups are misusing science. They are behaving the way a fellow who tries to sell you a used toothbrush behaves, that is, they tell the truth, but they don't tell the whole truth. Here's an example from the series relating to necessary thinning programs in national forests.

> The buildup of fuels in Western forests was a prominent topic in the 1996 Sierra Nevada Ecosystem Project report, a 3,187-page scientific assessment of the California mountain range.
>
> Citing a remarkable accumulation of vegetation and deadwood, the $6.5 million, congressionally funded report warned of a fiery future—unless overcrowded stands were thinned soon.
>
> One suggested remedy was small-tree logging, followed by prescribed fire. 'Logging can serve as a tool to help reduce fire hazard,' it stated.
>
> Environmental groups overlooked that part of the report.
>
> Instead, they plucked one sentence from thousands to argue that all logging is bad. Here's how the National Forest Protection Alliance, a consortium of activists, used the report last fall in an action alert, under the heading, "What the Government's Own Scientists Say about Logging and Wildfires": "Timber harvest, through its effects on forest structure, local microclimate and fuels accumulation has increased fire severity more than any other recent human activity."

One fire scientist who helped write the report notes that the excerpt refers to historic logging that left Western forests littered with woody debris—not modern thinning designed to clean up such debris. Informed of this, a network coordinator for the forest alliance, said: "This is the most popular fact we have. It is a quote congresspeople have used."

Well, that settles that for all time, doesn't it, Mr. President?

I submit that our national energy policy is increasingly being affected not by scientific fact and the best interests of the country, but by the same type of hysteria and misinformation we saw when truth took a back seat during "The Red Scare" of 50 years ago.

During "The Red Scare" we lost track of the facts and got wrapped-up in emotion. During "The Green Scare," which we're going through now, we're giving ourselves over to hysteria yet again. This present-day hysteria is fed by a bloated, inefficient environmental industry, absorbed by its pursuit of money and devoted to the preservation, not of the natural environment, but of its own high rise, martini-swilling corporate lifestyle. There is a sizeable body of evidence that Environment, Inc. is willing to abandon truth and science, even the very reason for its existence, in pursuit of a buck. It is a movement that has lost its soul.

There's a bright side to all this. First of all, the word is getting out. Thanks to people like Tom Knudson, the author of the "Environment Inc." series and to concerned people in an out of the environmental movement, more and more people are coming to realize they've bought that used toothbrush we talked about before. As our population soars and demands upon our ecosystem accelerate, there is much real environmental work to be done.

I will conclude where Mr. Knudson's series concludes, with the coming thing in environmentalism, a movement both new and rooted in the very origins of environmentalism. Everyday "garden-variety" environmentalists are bringing "more science, entrepreneurial skill, accountability, teamwork, and results to a movement they say has grown self-righteous, inefficient, chaotic, and shrill." The Nature Conservancy, the Conservation Fund, and other groups are focusing, not on their offices and attorney fees, but on protecting land and on restoring it. These groups are making allowances for necessary development.

This represents a maturing of the environmental movement, a realization that it is fire not smoke that counts, results, not headlines. It is time for America to stand up to the lies and hysteria of "The Green Scare" and say: "No. Not again."

Mr. President, I ask unanimous consent that excerpts from the series "Environment Inc." be printed in the RECORD.

I wish to also note that the entire series may be found at: www.sacbee.com/news/projects/environment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 22, 2001]

FAT OF THE LAND—MOVEMENT'S PROSPERITY COMES AT A HIGH PRICE

(By Tom Knudson)

As a grass-roots conservationist from Oregon, Jack Shipley looked forward to his visit to Washington, D.C., to promote a community-based forest management plan. But when he stepped into the national headquarters of The Wilderness Society, his excitement turned to unease.

"It was like a giant corporation," Shipley said, "Floor after floor after floor, just like Exxon or AT&T."

In San Francisco, Sierra Club board member Chad Hanson experienced a similar letdown when he showed up for a soiree at one of the city's finest hotels in 1997.

"Here I had just been elected to the largest grass-roots environmental group in the world and I am having martinis in the penthouse of the Westin St. Francis," said Hanson, an environmental activist from Pasadena. "What's wrong with this picture? It was surreal."

Soon, Hanson was calling the Sierra Club by a new name: Club Sierra.

Extravagance is not a trait normally linked with environmental groups. The movement's tradition leans toward simplicity, economy and living light on the land. But today, as record sums of money flow to environmental causes, prosperity is pushing tradition aside, and the millions of Americans who support environmental groups are footing the bill.

High-rise offices, ritzy hotels and martinis are but one sign of wider change. Rising executive salaries and fat Wall Street portfolios are another. So, too, is a costly reliance on fund-raising consultants for financial success.

Put the pieces together and you find a movement estranged from its past, one that has come to resemble the corporate world it often seeks to reform.

Although environmental organizations have accomplished many stirring and important victories over the years, today groups prosper while the land does not. Competition for money and members is keen, Litigation is a blood sport. Crisis, real or not, is a commodity. And slogans and sound bites masquerade as scientific fact.

"National environmental organizations, I fear, have grown away from the grass roots to mirror the foxes they had been chasing," said environmental author Michael Frome, at a wilderness conference in Seattle last year. "They seem to me to have turned tame, corporate and compromising."

This series of articles—based on more than 200 interviews, travel across 12 states and northern Mexico, and thousands of state and federal records—will explore the poverty of plenty that has come to characterize much of the environmental movement. Some of the highlights:

Salaries for environmental leaders have never been higher. In 1999—the most recent year for which comparable figures are available—chief executives at nine of the nation's 10 largest environmental groups earned $200,000 and up, and one topped $300,000. In 1997, one group fired its president and awarded him a severance payment of $760,335.

Money is flowing to conservation in unprecedented amounts, reaching $3.5 billion in 1999, up 94 percent from 1992. But much of it is not actually used to protect the environment. Instead, it is siphoned off to pay for bureaucratic overhead and fund raising, including expensive direct-mail and telemarketing consultants.

Subsidized by federal tax dollars, environmental groups are filing a blizzard of lawsuits that no longer yield significant gain for the environment and sometimes infuriate federal judges and the Justice Department. During the 1990s, the U.S. Treasury paid $31.6 million in legal fees for environmental cases filed against the government.

Those who know the environment best—the scientists who devote their careers to it—say environmental groups often twist fact into fantasy to serve their agendas. That is especially true in the debate over one of America's most majestic landscapes: its Western evergreen forests. A 1999 report by the U.S. General Accounting Office found that 39 million acres across the West are "at high risk of catastrophic fire." Yet many groups use science selectively to oppose thinning efforts that could reduce fire risk.

"A lot of environmental messages are simply not accurate," said Jerry Franklin, a professor of forest ecology and ecosystem science at the University of Washington. "But that's the way we sell messages in this society. We use hype. And we use those pieces of information that sustain our position. I guess all large organizations do that."

And sometimes when nature needs help the most, environmental groups are busy with other things.

As the tiny Fresno kangaroo rat struggled for survival in the industrialized farmland of California's San Joaquin Valley in the 1990s, for example, the environmental movement did not seem to notice.

As a fisheries conservationist tried to save rare trout species across remote parts of Oregon and Nevada, he found no safety net in major environmental groups.

As sea turtles washed up dead and dying on Texas beaches in 1993, no groups made the turtles their mascot.

"I contacted everybody and nobody listened," said Carole Allen, who rehabilitates turtles injured in fishing nets. "Everybody wants to save dolphins. Turtles aren't popular. It really gets frustrating."

Yet look closely at environmentalism today and you also see promise and prosperity coming together to form a new style of environmentalism—one that is sprouting quietly, community by community, across the United States and is rooted in results, not rhetoric.

"I'm so frustrated with the opportunism and impulsiveness of how groups are going about things," said Steve McCormick, president of The Nature Conservancy, which uses science to target and solve environmental problems. "What's the plan? What are the milestones by which we can measure our success?"

Today's challenges are more subtle and serious than those of the past. Stopping a dam is child's play compared to halting the spread of destructive, non-native species. Protecting old-growth forests from logging is simple; saving them from fire and disease is more difficult.

But as the Bush administration takes control in Washington, many groups are again tuning up sound bites—not drawing up solutions.

There is no clearinghouse for information about environmental groups, no oversight body watching for abuse and assessing job performance. What information exists is scattered among many sources, including the Internal Revenue Service, philanthropic watchdogs, the U.S. Department of Justice and nonprofit trade associations.

Sift through their material and here is what you find:

Donations are at flood stage. In 1999, individuals, companies and foundations gave an average of $9.6 million a day to environmental groups, according to the National Center for Charitable Statistics, which monitors nonprofit fund raising.

The dollars do not enrich equally. The nation's 20 largest groups—a tiny slice of the more than 8,000 environmental organizations—took in 29 percent of contributions in 1999, according to IRS Form 990 tax records. The top 10 earned spots on the Chronicle of Philanthropy's list of America's wealthiest charities.

The richest is The Nature Conservancy, an Arlington, Va., group that focuses on purchasing land to protect the diversity of species. In 1999, The Nature Conservancy received $403 million, as much as its six nearest rivals combined: Trust for Public Land, Ducks Unlimited, World Wildlife Fund, Conservation International, National Wildlife Federation and Natural Resources Defense Council.

Forty years ago, the environmental movement was a national policy sideshow. Today, it is a strong, vocal lobby that weighs in on everything from highway transportation to global trade. Some groups, such as the National Audubon Society and Environmental Defense, are generalists, dabbling in many things. Others, such as Ducks Unlimited and Conservation International, have found success in specialization.

* * * * *

David Brower, the legendary former Sierra Club leader who led successful battles to keep dams out of Dinosaur National Monument and the Grand Canyon in the 1950s and '60s, said success springs from deeds, not dollars.

"We were getting members because we were doing things," Brower said before he died last year. "Out (strength) came from outings and trips—getting people out. If came from full-page ads and books."

Today, there is a new approach—junk mail and scare tactics.

"Dear Friend, If you've visited a national park recently, then some of the things you're about to read may not surprise you!

"America's National Park System—the first and finest in the world—is in real trouble right now.

"Yellowstone . . . Great Smoky Mountains . . . Grand Canyon . . . Everglades. Wilderness, wildlife, air and water in all these magnificent parks are being compromised by adjacent mining activities, noise pollution, commercial development and other dangerous threats . . ."

So begins a recent fund-raising letter from the National Parks Conservation Association, a 400,000-plus-member organization. The letter goes on to tell of the group's accomplishments, warn of continued threats, ask for money—"$15 or more"—and offer something special for signing up. "Free as our welcome-aboard gift . . . The NPCA bean bag bear!"

Let's say you did send in $15. What would become of it?

According to the group's 1998–99 federal tax form, much of your money would have been routed not to parks but to more fund raising and overhead. Just $7.62 (51 percent) would have been spent on parks, less than the minimum 60 percent recommended by the American Institute of Philanthropy, a nonprofit charity watchdog group.

And the parks association is not alone.

Five other major groups—including household names such as Greenpeace and the Sierra Club—spend so much on fund raising, membership and overhead they don't meet standards set by philathropic watchdog groups.

It's not just the cost of raising money that catches attention these days. It is the nature of the fund-raising pitches themselves.

"What works with direct mail? The answer is crisis. Threats and crisis," said Beard, the Audubon Society chief operating officer.

"So what you get in your mailbox is a never-ending stream of crisis-related shrill material designed to evoke emotions so you will sit down and write a check. I think it's a slow walk down a dead-end road. You reach the point where people get turned off." Then he hesitated, adding:

"But I don't want to say direct mail is bad because, frankly, it works."

Even some of those who sign the appeals are uncomfortable with them.

"Candidly, I am tired of The Wilderness Society and other organizations—and we are a culprit here—constantly preaching gloom and doom," said William Meadows, the society's president, whose signature appears on millions of crisis-related solicitations. "We do have positive things to say."

Many environmental groups, The Wilderness Society included, also use a legal accounting loophole to call much of what they spend on fund raising "public education."

In 1999, for instance, The Wilderness Society spend $1.46 million on a major membership campaign consisting of 6.2 million letters. But when it came time to disclose that bill in its annual report, the society shifted 87 percent—$1.27 million—to public education. The group also shrank a $94,411 telemarketing bill by deciding that 71 percent was public education."

The Wilderness Society's spokesman, Ben Beach, said that kind of accounting is appropriate because fund-raising solicitations are educational.

"No one is trying to do anything that isn't right by the rule book here," he said. "A lot of us don't particularly like getting (telemarketing) calls. But that's not to say you don't learn something."

Still, the accounting practice is controversial. Nine of the nation's 20 largest groups don't use it. "Playing games with numbers is not worth the effort or questions that would come from it," said Stephen Howell, chief operating officer at The Nature Conservancy.

"It should be called what it is," said Noonan, the Conservation Fund leader. "As we become larger and more successful, I worry about the ethics of our movement. We need to think about self-regulation and standards. If not, the ones who make mistakes are going to hurt it for all of us."

Dollars can disappear in other ways, of course.

* * * * *

Comfortable office digs and sumptuous fund-raising banquets are another drain on donor dollars. The Sierra Club spends $59,473 a month for its office lease in San Francisco. In Washington, Greenpeace pays around $45,000 a month.

In June 1998, The Nature Conservancy spent more than $1 million on a single fund-raising bash in New York City's Central Park. Carly Simon and Jimmy Buffett played. Masters of ceremonies included Dan Rather, Peter Jennings, Mike Wallace and Leslie Stahl. Variety magazine reported that the 1,100 guests were treated to a martini bar and a rolling cigar station.

"The goal was to raise (our) profile among high-dollar donors," Conservancy spokesman Mike Horak said in a statement. And it paid off: $1.8 million was raised.

* * * * *

Salaries gobble up money raised, too. In 1999, top salaries at the 10 largest environmental groups averaged $235,918, according to IRS tax forms. By contrast, the president of Habitat for Humanity, International—which builds homes for the poor—earned $62,843. At Mothers Against Drunk Driving, the president made $69,570.

Among environmental groups, Ducks Unlimited paid its leader the most: $346,882.

"Those salaries are obscene," said Martin Litton, a former Sierra Club board member, who worked tirelessly over a half-century to help bring about the creation of Redwoods National Park in 1968 and Sequoia National Monument last year. Litton did it for free.

"There should be sacrifice in serving the environment," he said.

* * * * *

UNANIMOUS CONSENT AGREEMENT—S. 1

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate resume consideration of S. 1 at 2 o'clock on Monday, and any votes ordered with respect to that legislation occur in a stacked sequence Tuesday morning, with 2 minutes prior to each vote for explanation.

I further ask unanimous consent, as in executive session, that the Senate proceed to executive session at 4 p.m. on Monday for consideration of the Bolton nomination, under the same terms as outlined in the consent agreement of May 3, 2001.

Also as in executive session, I ask unanimous consent that when the Senate resumes in session on Tuesday at 9:30, the Senate resume executive session, that there be 45 minutes remaining for debate on the Bolton nomination, to be equally divided between the chairman and ranking minority member of the Foreign Relations Committee and Senator DORGAN, and a vote occur on the confirmation of Mr. Bolton at 10:15 on Tuesday. That is to be followed by a stacked sequence of votes ordered from Friday and Monday's session of the Senate with respect to the education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 7, 2001

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m. on Monday, May 7. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business until 2 p.m., with Senators speaking for up to 10 minutes each with the following exceptions: Senator MURKOWSKI, 1 to 1:30, Senator DURBIN or his designee, 1:30 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, the Senate will be in a period of morning business until 2 p.m. on Monday. Following the morning business, there will be 2 hours to resume consideration of the education reform bill. Amendments will be offered during that debate and any votes ordered will occur in the stacked sequence as under the previous order beginning at 10:15 a.m.

At 4 p.m. on Monday, the Senate will begin consideration of the nomination of John R. Bolton to be Under Secretary of State for Arms Control and International Security. There will be up to 3 hours of debate on his nomination on Monday, with an additional 45 minutes for debate on Tuesday prior to the vote on confirmation at 10:15 a.m.

Senators should expect several stacked votes on Tuesday morning beginning at 10:15.

ADJOURNMENT UNTIL MONDAY MAY 7, 2001, at 1 P.M.

Mr. MURKOWSKI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:20 p.m., adjourned until Monday, May 7, 2001, at 1 p.m.

EXTENSIONS OF REMARKS

TRIBUTE TO LAURIE MATHEWS, COLORADO STATE PARKS DIRECTOR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to thank and say goodbye to a nationally recognized leader in outdoor recreation. Laurie Mathews announced her departure from the Colorado State Parks system, after a decade long tenure as its director. The state of Colorado will miss Laurie's leadership as well as her dedication to the park system in Colorado.

During her ten years with the state parks, Laurie helped bolster environmental and interpretation, adding 30 seasonal interpreters, while developing programs that reach more than one million visitors per year. The State Trails program under Laurie's leadership grew to more than $4 million dollars annually. "The people of Colorado have been lucky to have Laurie Mathews at the helm of the State Parks for the past decade, a time of transition for the State Parks system into a national model," said Governor Bill Owens. "On behalf of the people of Colorado, I want to thank Laurie for her significant contributions to our beautiful state."

Laurie oversaw the addition of 25,000 acres, worth $54 million to the State Park system as well as an initiative to improve staffing levels and customer service throughout the state. She also created the Crown Jewel initiative, which brokered the cost share with the Bureau of Reclamation that brought over $40 million in renovation to Colorado State Parks, and oversaw the construction of 19 new visitor centers.

"The last ten years have been a remarkable experience for me. I am very proud of the accomplishments I've been fortunate enough to be part of, from the addition of incredible new park lands and buffer lands to new visitors centers the people of Colorado will be able to enjoy for generations," said Laurie. "What I will miss most are the wonderful people who work for Colorado State Parks. I am honored to have been part of such a strong and talented team."

Mr. Speaker, the people of Colorado will miss Laurie's leadership greatly. She has done so much for the beauty of Colorado and for its citizens. For that I would like to say thanks and wish her good luck in her new career with the Himalayan Dental Relief Project in Nepal. I know she will excel just as she did with the Colorado State Parks system.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF ST. ANTHONY'S CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 100th Anniversary of St. Anthony's Church. The church will celebrate its centennial anniversary on May 6, 2001 with the Mass of Thanksgiving at twelve noon.

What was originally established as a church for Italian immigrants has become a church that ministers to a largely Hispanic community.

The church was founded by Bishop John O'Connor on April 7, 1901. The first church was established in a rented store by Reverend Peter A. Catalano, the church's first pastor. Shortly thereafter, on June 24, a small wood-framed Protestant church was purchased and dedicated as Saint Anthony's Church.

In January, 1935, both the church and rectory were destroyed by a devastating fire. In June of that year, on the feast of St. Anthony of Padua, the first mass was celebrated in the new church, which was conducted by Father John J. Rongetti, the parish's second pastor. Father Rongetti served the parish until his death on May 4, 1947. The church was then served by Father David Cassazza until he was recalled to active military duty as a Naval Chaplain in September, 1950. For the next twenty-six years, Reverend Michael A. Calabrese served loyally and faithfully until his death on May 24, 1976.

Archbishop Peter L. Gerety appointed Reverend Anthony F. Granato as administrator and pastor on October 17, 1977. During his tenure, Reverend Granato formed the church's pastoral council and revised the religious program. Through the work of loyal parishioners and financed through such activities as bingo, raffles, and various fundraisers, the church and other parish buildings were renovated.

In the past century, the church has gone through several structural and demographic changes but continues to serve the faithful parishioners of East Newark, New Jersey.

Today, I ask my colleagues to join me in recognizing the 100th Anniversary of St. Anthony's Church.

CENTRAL NEW JERSEY REMEMBERS PAUL PINTELLA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HOLT. Mr. Speaker, I wish to speak today in recognition of Paul Pintella, who was President and Chief Executive Officer of the Urban League of Metropolitan Trenton for more than two decades. His passing will be a great loss to the citizens of Trenton and to the State.

Mr. Pintella joined the League as youth director after the city's 1968 race riots and is best known for working on youth programs. The Urban League of Metropolitan Trenton is one of 112 affiliates of the National Urban League and is the city's most visible nonprofit organizations. Urban League programs ranged from summer camps for city children to housing development.

Paul was a tireless worker, dedicated to following through on his commitments. Last October, the Urban League unveiled 19 houses that it had built or renovated. This was a project Pintella spearheaded and he consequently received the Citizen of the Year Award by the Trenton Council of Civic Associations.

Mayor Douglas H. Palmer called Pintella an inspiration. "I've always looked to Paul Pintella as a person who cared deeply for Trenton and spent his entire life trying to make conditions better for people in his city. I'm deeply saddened by his loss, and it's my hope that others in the community will pick up the torch that Mr. Pintella has carried all of his life."

I have the same hope and I urge all my colleagues to join me today in recognizing an outstanding citizen.

TRIBUTE TO PAT DUBE, 2001 VISITING NURSE ASSOCIATION OF AMERICA PROGRAM MANAGER OF THE YEAR AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BONIOR. Mr. Speaker, the Visiting Nurse Association of America is an organization with a noble mission: to bring compassionate health care to patients and their families in their homes. As a non-profit, community-based association, the VNAA leads the profession of home health care by providing quality attention and aid to all its patients across the United States.

Each year, the VNAA recognizes outstanding individuals who strive to advance Visiting Nurse Agencies and the home health care industry as a whole. As the VNAA culminates its 19th Annual Meeting and Exhibition with its Awards Presentation, they have chosen to honor Pat Dube as the 2001 VNAA Program Manager of the Year.

Demonstrating outstanding dedication and commitment to the vision and principles of the VNAA, Pat Dube has devoted twenty-five years to the Visiting Nurse Agencies mission of providing quality home health care services. As a community health nurse, Pat worked tirelessly to organize outreach programs for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

southeast Michigan's homeless population. Working to raise the standard of care for Metro Detroit's homeless, she volunteered her time to raise funds and promote awareness throughout the community. Her leadership efforts as VNA Communicable Disease Program Manager have led to new, innovative programs created to meet the needs of homeless patients and new bridges of communication with other assistance-based organizations. Recognized as VNAA's 2001 Program Manager of the Year, Pat Dube's distinguished service and remarkable dedication to improving the lives of patients across southeastern Michigan will continue to serve as an example to communities nationwide.

I applaud the Visiting Nurses Association of America and Pat Dube for their leadership, commitment, and service. I know that Pat is honored by this recognition and I urge my colleagues to join me in saluting her for her exemplary years of care and service.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. RUSH. Mr. Speaker, on Roll Call Vote Number 96, I mistakenly voted "no". I am a co-sponsor of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001 and strongly support its enactment.

My vote on final passage should have been "Yea".

IN RECOGNITION OF CARLOS SANTOS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Carlos Santos, who is a candidate for District Governor of the Elizabeth Portuguese Lions Club. Mr. Santos has been an extraordinarily dedicated member of the Portuguese American community and the community of Elizabeth, New Jersey.

Carlos Santos has served in a number of organizations within the local and national Portuguese community. He served as president of the Portuguese American Citizens Club of Elizabeth and president of the Elizabeth Portuguese Sports Club since 1994, and as both former president and vice-president of the Portuguese Instructive Social Club. In addition, he serves in the Portuguese American Congress and on the Portuguese American Leadership Council of United States, Inc. He is currently the Treasurer for the Portuguese Heritage Scholarship Foundation, Inc.

Mr. Santos is also the Mayor's Liaison to the Planning Board of the City of Elizabeth, and he is a founding member of the Chave Business Organization of Elizabeth. Mr. Santos serves on a number of professional councils, including the New Jersey State Council of Electrical Contractors Association, the Union County Electrical Contractors Association, and the Economic Inclusion Council of Union County. Since 1995, Mr. Santos has served on the Building Construction Advisor Council of the Hudson County School of Technology.

A member of the Elizabeth Portuguese Lions Club since 1990, Mr. Santos has served on the Membership Committee since 1995. From 1994 to 1995, he served as the group's president. In his tenure with the Lions, he has received a number of awards from the group, including the 100% President Award.

Carlos Santos is also the owner and president of Advent Electric, Inc. He resides in Elizabeth with his wife Manuela and his children Tony, Mary, Carla, and Carlos Jr. He is a member of Our Lady of Fatima Church in Elizabeth, where he served on the Parish Council from 1991 to 1994.

Today, I ask my colleagues to join me in recognizing Carlos Santos for his involvement in the community of Elizabeth and for his contributions to the Portuguese American community.

JOHN L. McGUIRE IS HONORED BY CENTRAL NEW JERSEY BOY SCOUTS OF AMERICA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HOLT. Mr. Speaker, I wish to bring to the attention of the House Dr. John L. McGuire, who will receive the 2001 Hunterdon Distinguished Citizen Award given by the Central New Jersey Boy Scouts of America for his dedication to community service and citizenship.

The Distinguished Citizen Award is presented to the individuals who exemplify in their daily life the ideals of the Boy Scouts of America. The recipients are chosen for their outstanding character, citizenship and personal fitness as well as their leadership and respect in the community.

Following graduation from Princeton University in 1969, Dr. McGuire has had a long and distinguished career with Johnson & Johnson. He is currently Vice President of Licensing and Acquisitions in the Pharmaceutical Group. Dr. McGuire has served on the Board of Directors of Ortho Pharmaceutical Corporation and the Robert Wood Johnson Pharmaceutical Research Institute. He is a member of numerous scientific societies and has served as consultant to NASA. He has published over 200 papers during his career.

Dr. McGuire has also been active in community affairs. He served as Chairman of the Board of Trustees of Hunterdon Healthcare System since 1991 and as Chairman of Hunterdon Medical Center. He is Vice Chairman at the Raritan Valley Community College and is President of the Board of Trustees at the Pennington School. He is President of the Central New Jersey Scout Council and previously served as President of the United Way of Hunterdon County. He is recipient of scouting's Distinguished Eagle Scout Award and its Silver Beaver Award as well as the Rolling Hills Girl Scout Council's President's Award for service to youth and community.

Dr. McGuire has served his community well and deserves recognition for his years of dedication to the Boy Scouts of America and his community. I urge all my colleagues to join me today in acknowledging Dr. McGuire's accomplishments and contributions to New Jersey.

TRIBUTE TO THE HONORABLE ANTHONY SANFEMIO "ITALIAN AMERICAN OF THE YEAR"

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BONIOR. Mr. Speaker, the Italian Study Group of Troy is a non-profit educational organization whose purpose is to promote and preserve the Italian-American heritage through language, culture, music, and social events. Each year the Italian Study Group of Troy holds its annual Festa Italiano, honoring distinguished Italian-Americans in the community who have shown outstanding support and activism in their local community. On Sunday, April 29, as the Italian Study Group celebrated its 27th Annual Festa Italiano, they recognized the Honorable Anthony Sanfemio as "Italian American of the Year".

President of the Italian American Cultural Society and a distinguished businessman, Anthony Sanfemio has demonstrated outstanding dedication and commitment to both the Italian and American communities. Born in Pacentro, Italy and emigrating to the United States in 1935, Anthony's interest in social and civic activism has led him to become a true pillar of society. His hard work and innovative ideas earned him recognition by the Clinton Township Economic Development Corporation in 1966, who honored him with a Pioneer Award for his substantial contributions in commercial development. Serving in several civic positions, including 12 years as commissioner on the Detroit Water and Sewer board, Councilman and Mayor Pro-tem for the city of East Detroit, and an appointment to the Small Business Administration by former President Nixon, Anthony's distinguished service continues today, as he is the current President of the Centaur Building Corporation.

Faithfully committed to the preservation of Italian heritage and the advancement of the Italian American community as well, Anthony Sanfemio dedicates his time and talents to serving on the boards and committees of several Italian American organizations. As an active member of the Americans of Italian Origin Society, Club Pacentro, the Italian American Chamber of Commerce, AMICUS Club and the Columbus Day Committee, Anthony Sanfemio's tireless efforts within his community and beyond have truly earned him this year's distinguished title as "Italian American of the Year."

I applaud the Italian Study Group of Troy and the Honorable Anthony Sanfemio for their leadership, commitment, and service. I know that Anthony is honored by this recognition and I urge my colleagues to join me in saluting him for his exemplary years of leadership and service.

RECOGNIZING THE 100TH ANNIVERSARY OF 4-H PROGRAM

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. WATKINS. Mr. Speaker, I stand before you today to commend the 4–H Youth Development Program for a very .successful one hundred years of promoting positive youth activities. I was a proud member of the Bennington 4–H club, and I have very fond memories of my boyhood activities that I pursued through the 4–H program.

4–H was an excellent stepping stone to future achievements for me. 4–H taught me to set goals and then provided me with the tools and developed those talents needed to achieve my goals. In the same fashion, 4–H has continued to produce powerful and positive members.

In addition to a wonderful membership, the 4–H has a real strength in the Extension Agents and 4–H advisors around the world. These people are heroes and role models to our young people and should be recognized as such. Giving up much personal time and effort to promote the dreams and achievements of today's young people, Extension Agents and 4–H advisors are true examples of service to others.

As a former member of the House Appropriations Committee, I was proud to lend my support to measures that extended or enhanced funding to promote the 4–H. I have been very supportive of this remarkable organization in the past, and I will continue to be in the future.

Mr. Speaker, the 4–H is one of the premier youth organizations of the world. The 4–H motto is, "to make the best better." I believe the 4–H is truly one of the best, and I look forward to watching this ever-changing and evolving program become even better.

INTRODUCTION OF THE URBAN SPRAWL AND SMART GROWTH STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Urban Sprawl and Smart Growth Study Act. This bill is designed to shine a bright light on the influence of federal actions on urban sprawl and assure that federal agencies consider how their actions may add to this problem.

Mr. Speaker, communities in Colorado and throughout the country are struggling to preserve their special character and quality of life in the face of burgeoning populations. The expected benefits of moderate, planned growth are being overtaken by the economic and environmental costs of rapid, unmanaged growth. Especially in the West and South, extreme population growth has resulted in the continual build-out of cities and the loss of surrounding farmland and open space.

In my state, this residential and commercial growth is also spreading along interstate highways into the mountain valleys and forested regions. The resulting sprawl is creating congested highways, more air pollution, greater energy consumption, overtaxed city services, and crowded schools and shopping centers. Local governments are facing rapidly increasing demands for costly public services that accompany such growth.

According to the recent census, Colorado is one of the most rapidly growing states. Between 1990 and 2000, the U.S. population grew by 13.1 percent. During the same period, Colorado's growth was 30.6 percent! And in many of our counties the rate was even higher.

What does this mean? Let me highlight some issues that are occurring in my district north of Denver.

The growth of businesses and homes along US Highway 36, the major road between Denver and Boulder, is causing tremendous pressures on this roadway and greatly increasing congestion and traffic woes. The communities along its route are working together to address this problem, and I have been doing what I can to help by securing funds for the reconstruction of one of the more complex and troublesome overpasses near Broomfield. Clearly the Federal government can and should have a helpful role in addressing transportation issues like US Highway 36.

The growth has also created the risk that communities along Denver's Front Range will "grow together" and thereby create an unending metropolis from Fort Collins in the north to Colorado Springs in the south. The communities in this region are doing what they can to control this development and preserve their special character. But they could use help from the Federal government to make sure that Federal policies do not hamper their ability to keep their communities intact.

Indeed, these problems are neither inevitable nor incurable. Citizens in Colorado are asking their leaders to address the symptoms of sprawl and to help them control and manage growth more effectively. We got started with this effort in 1994, when then Governor Roy Romer initiated his "Smart Growth and Development Initiative." That initiative focused attention on the problems of sprawl, the unevenness of growth and development (some rural areas welcome more development), and the role of federal, state and local governments in creating and managing sprawl and its impacts.

Other states from North Carolina and Georgia to California and Oregon have been experiencing similar growth pressures. Many are developing processes and mechanisms to deal with these problems. Some states have used growth control legislation creating urban service areas. Others have relied on their local communities to slow down or temporarily cease the issuance of building permits. Many have appropriated funds or created sales tax initiatives to purchase and protect open spaces and agricultural lands.

All of this has been done with an understanding that state and local governments are the best place to plan for and manage growth and sprawl issues. Armed with zoning and other developing management authorities, they are best suited to gauge the pulse of their citizens and determine where, when, and how growth should best occur.

But the efforts of state, local and tribal governments to plan for and manage urban growth and sprawl can be thwarted by actions taken at the federal level. A well-developed plan by a local community can be swept aside by the routing of a major highway or the construction of a poorly sited post office. The cumulative effects of a number of small federal actions and policies together may create or foster the very sprawl that communities have fought so hard to control.

NEED FOR LEGISLATION

The bill I am introducing today is designed to focus attention on the many federal decisions and projects that can either foster or ameliorate sprawl. It does this through the existing requirements of the National Environmental Policy Act (NEPA), one of our nation's premier environmental laws. NEPA requires all federal agencies to evaluate their proposed activities and projects for social and environmental impacts and to take timely steps to avoid or mitigate these impacts.

Specifically, since 1970 NEPA has required all federal agencies to include in the planning stages for all "major federal actions significantly affecting the quality of the human environment" a detailed statement by the responsible official on the environmental impacts of the proposed action, any adverse environmental effects that can't be avoided, alternatives to the action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources should it be implemented.

This analysis is what is essentially required in an environmental impact statement (EIS). It is not the only document required for agency decision-making, but is meant to guide agencies to consider potential environmental impacts and alternatives in making important decisions.

Most federal agencies have done a reasonably good job in implementing NEPA. However, when it comes to considering the cumulative impacts and indirect effects of federal actions—such as on sprawl—much of the NEPA analysis has not been adequate. Too often, federal agencies look at the localized short-term impacts of a proposed project and neglect to review the broader "spill over" impacts that the activity may have on a region, especially when viewed cumulatively in relation to other ongoing or planned actions influencing regional growth and development.

This observation was in fact identified in a September 2000 General Accounting Office report entitled "Community Development: Local Growth Issues—Federal Opportunities and Challenges." This report looked at the various ways that federal actions can foster sprawl or assist communities to better address sprawl impacts.

The report also noted that although NEPA requires that federal agencies review the "indirect and cumulative" impacts of federal actions or projects (such as sprawl), often that review is rather thin and not well explored. The report noted that when it comes to evaluating the "indirect and cumulative" effects of proposed federal actions (such as highways), "few agencies consider the effect of a proposed [federal] project on growth" in their NEPA reviews.

Contributing to this weakness is the fact that Federal agencies often substitute a less rigorous environmental assessment (EA) for a full EIS. On average, in recent years, Federal agencies prepared 30,000 to 50,000 EAs annually compared to only 500 to 700 EISs.

An EA report is usually much shorter and less comprehensive than a full EIS. Generally, the purpose of the assessment is to help determine whether a proposed action would result in an impact significant enough to require preparation of an EIS. Unlike an EIS, however, the treatment of alternatives is often cursory. No formal public review or comment process is required for EAs. Indeed, it is often difficult to obtain a copy of an EA report, since there is no requirement that it be made publicly available or sent to a public document repository.

CEQ STUDY

The bill that I am introducing today will address these problems. Specifically, this bill would direct the Council on Environmental Quality (CEQ), the agency that implements NEPA, to study how well federal agencies have been evaluating sprawl impacts of proposed federal actions in conducting their environmental reviews.

CEQ has done this type of review in the past. In 1974, CEQ studied the impacts of sprawl and produced a widely-praised report entitled "The Costs of Sprawl." In 1981, the CEQ also looked at the loss of agricultural land due to sprawl in its "National Agricultural Lands Study."

My bill would require the CEQ to update these studies by reviewing a variety of recent EISs and EAs from at least 15 federal agencies. CEQ would analyze how well these documents have examined the impacts of proposed Federal actions on growth and urban sprawl.

Among the programs to be reviewed are land and facility management programs, such as those in the Departments of Interior, Agriculture and Defense and the General Services Administration. Also transportation programs, such as those of the Federal Highway Administration and other agencies within the Department of Transportation; infrastructure programs of agencies such as the Army Corps of Engineers and some within the Environmental Protection Agency; regulatory programs, such as those of the Federal Energy Regulatory Commission; and development assistance programs, such as those in the Department of Housing and Urban Development and Department of Commerce, to name a few.

The bill further requires the CEQ to involve the public in this review by holding hearings in at least five different regions throughout the country that are experiencing an increase in urban sprawl. A city like Denver or Boulder would be a prime place, along with others in the northeast, south, mid and far west.

Within 18 months, the CEQ would be required to provide a report to the Congress on its review. This report would include findings concerning the economic, environmental and land use effects of urban sprawl. It would describe how well federal agencies have been examining the sprawl impacts of their actions and projects, and make recommendations on how their environmental reviews can be improved.

CEQ would also make recommendations for nonregulatory actions that Federal agencies can take to assist States and local communities in promoting the beneficial effects of smart growth and to minimize actions by the agencies that result in adverse effects of urban sprawl.

The bill would also require the U.S. Environmental Protection Agency to provide written comments of any proposed federal action or project on its potential for causing sprawl. This provision will clarify EPA's oversight role to make sure federal agencies are looking at the sprawl effects.

CONSULTATION

The bill also does one other very important thing. It would require greater interaction between the federal agencies and those persons affected by agency decisions.

Since the effect of federal actions or projects will be most acutely felt at the state and local level (including by Indian Tribes), it is critical that federal agencies work with these levels of government to ensure that potential growth and urban sprawl effects are addressed in Federal environmental reviews.

In that regard, the bill would require federal agencies to be more open early in the process of preparing EAs as well as EISs. Agencies would be required to notify persons that may be significantly affected by the proposed action, including each State and local government, Indian tribe and private property owner. Agencies must conduct discussions with such persons on their proposed actions and alternatives, and seek to address their concerns, if any.

This process would assure a more thorough NEPA analysis if a state governor or a lead local or tribal governmental official requested the preparation of a full EIS, due to the proposed project's impact on urban sprawl. Although the decision is not dictated by such a request, the agency would be required to give it great weight in deciding to whether to do an EIS.

Through this process, state, local and tribal governments gain extra power to make sure that the sprawl impacts of federal actions or projects are thoroughly identified and reviewed—and potentially mitigated or addressed. In so doing, the bill would help communities plan for and manage such impacts on their communities and also help federal agencies to develop actions and projects that do not exacerbate sprawl.

Obviously, this bill addresses just one federal dynamic related to sprawl. There are hosts of other ways that the federal government can help communities address sprawl issues and retain their quality of life. These include federal assistance for open space purchases, providing incentives to preserve and keep agricultural land productive, affordable housing assistance, alternative energy planning, mass transit options, and so on.

But the first step in helping communities grapple with growth and sprawl is to give them the tools they need and to make sure that proposed federal policies are not working at cross purposes. My bill is an attempt to increase the coordination between federal actions and local efforts so that communities can preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion. It is our obligation as federal officials to make sure the federal role is similarly positive, complementary and preserves our overall quality of life.

I submit a brief outline of the bill's provisions.

OVERVIEW—URBAN SPRAWL AND SMART GROWTH STUDY ACT

(By Rep. Mark Udall)

SUMMARY

Federal actions and projects can significantly impact the ability of States, Tribes and local governments to plan for and manage growth and urban sprawl. The Urban Sprawl and Smart Growth Study Act would help address these impacts in two ways:

(1) Direct the Council on Environmental Quality (CEQ) to review how well federal agencies are considering the impacts their actions have on urban growth and sprawl; and

(2) Require Federal agencies to give greater weight to the input of state, local and tribal officials in considering these impacts.

BACKGROUND

One mechanism to address the federal role in sprawl is the National Environmental Policy Act (NEPA). This Act requires federal agencies to analyze the social and environmental impacts of major actions and to take timely steps to avoid or minimize these impacts. A September 2000 GAO report, "Community Development: Local Growth Issues—Federal Opportunities and Challenges," identified this mechanism and noted that federal agencies could do a better job of reviewing projects for sprawl impacts.

What the bill does:

Smart Growth Study: The bill would require the Council on Environmental Quality (CEQ) to review environmental documents of at least 15 federal agencies and examine how well they are considering urban sprawl and growth impacts of their projects.

Public Participation: In conducting this review, CEQ would be required to hold at least 5 public hearings throughout the country to gather public input on the adequacy of the review of growth and sprawl impacts of federal action or projects.

Smart Growth Report: CEQ would be required to issue a report to Congress on its findings and make recommendations on how federal agencies could do better in incorporating potential sprawl impacts in environmental reviews.

Comments on Sprawl: EPA would be required to include written comments of sprawl impacts of federal actions or projects during the course of their reviews of Federal environmental documents.

State, Local and Tribal Governmental Consultation: In preparing environmental documents, federal agencies would notify affected state, local and tribal governments, who could then request that the agency conduct a more thorough environmental analysis under NEPA if the project would have an effect on sprawl. Federal agencies would be required to give great weight to such requests and document their decisions in writing.

What the bill does NOT do:

Amend or alter NEPA: The bill does not amend or otherwise alter NEPA and the rules and procedures adopted under this law.

Address the Totality of the Federal Role on Sprawl and Growth: The bill does not attempt to address the full range of federal policies and actions that can have effects on growth and sprawl; it focuses on the environmental analyses that are required under NEPA.

Overturn any particular Federal Action or Project: The bill does not overturn past Federal decisions, but would increase the coordination between federal actions and local efforts so that communities can preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion.

HONORING FLIGHT INSTRUCTOR DEANNA STRAND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. McINNIS. Mr. Speaker, I would like Congress to take this moment to honor local flight instructor Deanna Strand who was named Federal Aviation Administration "Flight Instructor of the Year" in both the Salt Lake City District and the Northwest Mountain District. Deanna has been an instructor for 18 years, and wouldn't have it any other way.

Deanna has been around planes for more than 30 years, but her true passion has always been teaching. She owns and operates her own school, Strand Flying School, where she teaches people from all over the world how to fly. "She's real patient. I've probably asked her the same questions five times, but she just tells me the answer again without getting mad," said Andrew Donelly, a 15-year-old student.

She became so good at flying that the FAA asked her to become an examiner and perform final flight checks at the age of 29. She is one of only two pilots on the western slope to hold the position. In addition to the two FAA awards, Deanna is featured on the Discovery Wings Channel program "Aviatrix".

"I have the most fun teaching and training," said Deanna. "It's fun for me because I get to see a student grow and develop in something they enjoy."

Mr. Speaker, Deanna has excelled at something that she enjoys very much. She is a world-renowned pilot and for that, I would like Congress to applaud her for everything she has accomplished and wish good luck in future endeavors.

TRIBUTE TO THE LATE REVEREND LEON SULLIVAN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. CARSON. Mr. Speaker, I rise today to honor an African-American legend: Reverend Leon Sullivan. Reverend Sullivan is a preacher, social activist and educator responsible for leading efforts to promote nonviolent social and economic change, and it is a privilege to be here today to pay my respect to such a great man.

Reverend Sullivan, the son of an elevator operator and a movie theater janitor, grew up in an impoverished and segregated community in Charleston, West Virginia, much like the neighborhood that was my home as a child.

After his grandmother's passing during his sophomore year in high school, Leon found his calling, and began to serve as pastor of two Charleston area churches. By the age of 17 he was ordained a minister.

While attending West Virginia State College a few years later on an athletic scholarship, Leon met the influential Congressman and pastor Adam Clayton Powell Jr. Powell, impressed by Leon's energy and enthusiasm, suggested he come to New York when he graduated. Leon did, and Powell helped arrange a job for him with Bell Telephone Company while he studied theology at Union Theological Seminary and sociology at Columbia University.

In New York, Leon also met A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters—the first recognized black-controlled trade union in America—and it was here that he became involved in the early Civil Rights Movement.

By 28, Leon was serving as pastor of Zion Baptist Church in Philadelphia. It was here that he not only increased the church's membership from 600 to 6,000, but he also picked up the now famous name: the "Lion of Zion".

It was in Philadelphia that Leon also began his quest to create more jobs for minorities. He organized pastors from more than 400 black churches and implemented a strategy called "selective patronage," which in effect meant "don't buy where you don't work."

It was through these boycotts that companies were forced to hire more minorities. Leon soon discovered, however, that more often than not the minority population was unprepared for the workplace. This prompted him to found the Opportunities Industrialization Center in 1964, which provided practical training for black Americans. Today, there are 76 centers in the United States and 33 centers in 18 different countries.

Appalled by the brutal apartheid policies in South Africa, Leon turned his attention to sub-Saharan Africa in the 1970s. Using leverage he gained as the first black appointed to the GMC board in 1971, Leon convinced the corporation to withdraw its business in South Africa. By 1977 he had formulated a set of ethical directives which stated specifically how American-owned companies doing business in South Africa ought to equitably treat and promote black South African workers.

Known as the "Sullivan Principles", these guidelines became a blueprint for ending apartheid in South Africa and economic injustice around the world. These principles have been adopted by the United Nations as an international ethical standard for multinational companies' roles in assuring human rights. By the 1980s, with apartheid still entrenched in the country, Reverend Sullivan urged the Reagan administration to enact a trade embargo and establish sanctions against South Africa.

In 1992, in recognition for his continuing crusades in the area of human rights, Reverend Sullivan was awarded the Presidential Medal of Freedom, the highest civilian award given in the United States.

Mr. Speaker, I say again, it is a privilege to be here today to honor the life of this great man, and I feel honored to have met and talked with Reverend Sullivan many times. I consider him to be my friend, and I would like him to know that he has many friends here in the halls of Congress, including myself. Thank you Reverend Sullivan, and thank you Mr. Speaker, I reserve the balance of my time.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE HUDSON COUNTY FUNERAL DIRECTORS ASSOCIATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 100th Anniversary of the Hudson County Funeral Directors Association, which will be celebrated on Thursday, May 3, 2001 at the Association's annual dinner dance. The event will commemorate the Association's history, as well as its fine service to the community of Hudson County.

The Hudson County Funeral Directors Association has met the needs of area residents for an entire century. In times when families and friends gather together to mourn the loss of a loved one, it has provided comfort and closure.

For 100 years, the Association has offered dignified and compassionate funeral services in order to afford families with the opportunity to mourn their losses and to celebrate the lives of their loved ones.

Every single day, funeral directors face the sensitivities and challenges of meeting the needs of mourners, supporting them in their final good-byes, and providing them with thoughtful and loving services.

Today, I ask my colleagues to join me in recognizing the 100th Anniversary of the Hudson County Funeral Directors Association.

ROBERT P. WISE IS HONORED BY CENTRAL NEW JERSEY BOY SCOUTS OF AMERICA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HOLT. Mr. Speaker, I want to recognize Mr. Robert P. Wise, who will receive the 2001 Hunterdon Distinguished Citizen Award given by the Central New Jersey Boy Scouts of America for his dedication to community service and citizenship.

The Distinguished Citizen Award is presented to the individuals who exemplify in their daily life the ideals of the Boy Scouts of America. The recipients are chosen for their outstanding character, citizenship and personal fitness as well as their leadership and respect in the community.

For over twenty-five years, Mr. Wise has provided leadership and responsible management experience to hospitals and related healthcare organizations. He has been committed to customer service excellence, team building, and the challenge of profitable growth. He is currently Chief Executive Officer of the Hunterdon Healthcare System which provides healthcare to 120,000 residents of Hunterdon County and its contiguous communities.

Mr. Wise's community service includes serving on the Board of Directors of the United Ways of Hunterdon County, Chairman of the Capital Campaign for United Way, Board of Trustees for Hunterdon Hospice and a board member of the Flemington Rotary Club. He is also a member of the American Public Health Association and Chairman of the New Jersey Hospital Association.

Mr. Wise has demonstrated a commitment to service and deserves recognition for his years of service. I urge my colleagues to join me today in acknowledging Mr. Wise's accomplishments and contributions to New Jersey.

IN HONOR OF KAREN WARNER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BONIOR. Mr. Speaker, the motto of the American Federation of State, County and Municipal Employees Michigan Council 25 is "The Union . . . that cares!" Today, that motto rings true as members gather at memorial services with the family and friends of Karen Warner, who passed away on April 25, 2001.

One of Southeastern Michigan's unsung heroes, Karen Warner was always a leader and an activist in her community. Beginning her career at Macomb Community College in May of 1976, Karen became a member of AFSCME Local 2172 and soon after, was named Local President. Demonstrating outstanding dedication and commitment to the vision and principles of AFSCME, she quickly moved on to become the Region 3 Vice President on the AFSCME Executive Board, a Staff Representative in 1985, and subsequently Administrative Director.

Working tirelessly to organize programs and actively support several committees, including the Colleges and Universities Coordinating Committee, the Women's Committee, Youth Committee, and the P.E.O.P.L.E. Committee, Karen's efforts to promote awareness and activism throughout the community will continue to serve as an example to us all.

Karen Warner has always given one hundred percent in every aspect of her life, her work, her community, her family and her friends. Those who had the pleasure of knowing her and the benefit of working with her will surely continue to remember her as a dedicated, faithful friend to all. She will truly be missed.

I invite my colleagues to please join me in paying tribute to one of the most influential citizens of Southeastern Michigan, and saluting her for her exemplary years of care and service.

INFLATION IS STILL WITH US

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. PAUL. Mr. Speaker, almost on a daily basis, government officials reassure us there is no inflation to worry about. But, today's definition of inflation of rising prices as measured by an artificial CPI and PPI is seriously flawed. Rising prices are but one of the many consequences of true inflation—which is an increase in the supply of money and credit.

To understand the perversities of inflation one must look to the money supply. The money supply, as measured by M3, rose an astounding $42 billion last week and is up a whopping $210 billion in the past ten weeks. MZM, another important measure of inflation, is rising at the rate of 27%. Now that's monetary debasement!

But rising prices, a reflection of monetary inflation, should not be dismissed as so many government economists have done. The current first quarter GDP report shows a 3.3% rise in the personal consumption price index, well above the 1.9% recorded in last year's fourth quarter.

And what about the record prices for gasoline? To pretend that gasoline prices pose little threat to American consumers is naive—not to mention the skyrocketing electricity bills they also face.

The most serious economic myth that Federal Reserve economists perpetuate is that a booming economy causes prices to rise and a slowing economy will hold "inflation" in check. Ever since 1971, when the fiat dollar was established, records show that during each of our economic slumps, prices rose even faster than they did during periods of economic growth, supporting the argument that rising prices are a consequence of monetary policy.

Although the economy is now slowing, and fuel prices are skyrocketing for the airlines, Delta pilots are receiving salary increases of between 24 and 34%. Other evidence of labor cost increases is now available even with the large and growing number of announced layoffs. Wage prices pressure is more often than not a consequence of monetary policy, not a tight labor market.

Rising prices and the economic slowdown must be laid at the feet of the Federal Reserve. Likewise, the existing financial bubble is a consequence of the same policy of monetary expansion and artifically low interest rates. Although the NASDAQ bubble has already partially deflated, the entire world financial system suffers from the same distortion; and a lot more adjustment is required. Merely re-inflating with monetary expansion and manipulating interest rates will not solve the problems of debt, mal-investment and overcapacity that plague the system.

Mismanaging world fiat currencies and working to iron out the trade imbalances that result, through a worldwide managed trade organization, will not suffice. We must one day address the subject of sound money and free market interest rates, where interest rates are not set by the central banks of the world.

A sad consequence of today's conditions is that monetary policy encourages transfer of wealth and power to the undeserving. The victims of bad monetary policy then blame capitalism for the inequities. The leftist demonstrators at recent WTO, IMF, and World Bank meetings make a legitimate point that the current system has resulted in accumulation of wealth and power in the hands of some at the expense of others.

But this is an expected consequence of monetary debasement, which generally leads to social unrest. But, blaming capitalism and freedom for the harm done by inflationism, special interest corporatism, and interventionism presents a danger to us all, since the case for commodity money and individual liberty is lost in the shouting. Unless this message is heard and distinguished from the current system, freedom and prosperity will be lost. Leaders of the current worldwide system that has evolved since the collapse of the Soviet empire pay lip service to free trade and free markets, but tragically they are moving us toward a fascist system of partnerships with government, big businesss, and international banking at the expense of the middle class and the poor.

HONORING THE LATE DAVID JERRY DONELAN OF DENVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. McINNIS. Mr. Speaker, it is with great sorrow that I ask Congress to pay tribute to a native Coloradoan. David Jerry Donelan passed away on April 5 at the young age of 31. His family as well as all the people he came in contact with throughout his life will miss David.

David grew up in Aspen, Colorado and attended the University of Colorado were he graduated in 1993. Following graduation, David worked as a field director for Terry Considine's unsuccessful race for a U.S. Senate seat in Colorado. At the conclusion of the campaign, GOP leaders were very impressed with David's hard work. Sensing that David had a political future, he was quickly hired at the Colorado State Republican Party to serve as the Deputy Political Director.

During the 1993–1994 election cycle, David played a critical role in maintaining GOP control of the state House and Senate. He worked closely with and provided countless hours of assistance to candidates from throughout the state. After the 1994 election cycle David was hired by a major lobbying firm and worked on a number of governmental issues important to the state of Colorado.

David is survived by his parents, Charles and Penny, sister Shanley, grandparents, Bruce and Florence McKenzie and godfather George Beckvermit.

Mr. Speaker, David made a quick climb up the ladder of success and influenced a lot of people. His death is tragic, and he will be missed by everyone that knew him. David was an inspiration to all who knew him.

SUPPORT OF CHILD ABUSE PREVENTION MONTH AND THE NATIONAL CHILDREN'S MEMORIAL FLAG DAY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to advise my colleagues that every day in the United States, three children die from physical abuse or chronic neglect. Additionally, I remind my fellow House Members that ten children die each day as a result of firearm use. It is important for us to remember the lives of children lost due to physical abuse, and to commemorate those youth who have died as a result of violence. As a mother, the issue of child abuse and neglect evokes strong and negative emotions within me. My maternal instincts and my sworn duty as a Member of the House dictate that I wage a vigorous fight to protect our society's most vulnerable segment, our children.

Unfortunately, child abuse has many faces. Mistreatment occurs in a variety of ways such as physical, emotional, sexual abuse or by neglect. In 1997, almost 300,000 children in the United States were subjected to abuse, and over half a million more were found by child protective services to be neglected. Unreported cases of maltreatment are estimated to be as high as three million a year. Abusive behavior threatens and imperils entire families. An alarming and startling statistic is that in approximately 60 to 75 percent of families in which a woman is battered, the children are also battered. The effects of abuse reverberate throughout the lives of victims. Studies indicate that abused children are 53 percent more likely to be arrested as a juvenile offender and are 38 percent more likely to commit a violent crime. Furthermore, children who are abused or neglected are far more likely to abuse their own children later in life.

As co-chair of the Congressional Caucus for Women's issues, I am committed to combating this pervasive and horrific problem in order to protect the lives of children and strengthen women and families. Mr. Speaker, that is why it is crucial for there to be safe havens for children. Ideally our communities, schools and homes should be places of refuge for them. Today, more and more of our children are victims of abuse, and far too many children live in fear; a fear that is compounded by the prospect of violence occurring in their own classroom and homes.

Mr. Speaker, violence is learned behavior. Our children witness aggressive behavior, anger, and hatred to others as a matter of routine and often to a parent as a matter of course. Is there any wonder then, why children demonstrate anti-social behavior that they learn from those closest to them when they commit violent acts? For this reason, it is important to learn the signs and patterns that lead to violent behavior and address them before lives are lost. I am saddened and appalled by the extent of youth violence that has proliferated into an epidemic. The consequences of abuse are now being equated with the impact of war. The fact of the matter is, violence and neglect are more devastating than polio, AIDS, or motor vehicle crashes. The problem of violence in the United States is especially acute because we have the highest youth homicide and suicide rates among the 26 wealthiest nations. I am committed to protecting the lives of our children by: Introducing H.R. 233, the "Child Safety-Lock Act"—meaningful gun control legislation designed to limit children's access to firearms; encouraging collaboration and coordination among education, mental health, social service, and juvenile justice agencies; creating legislation that will re-establish and strengthen the mandate of juvenile judges to use discretion and creativity in sentencing children and adolescents; and by supporting any legislation that brings us closer to an end to youth violence and protects the interests of our children.

Violence of any kind weakens families and especially hurts our children. Regardless of its form, youth violence and violence against children must be stopped. Tragically, children die as we contemplate recommendations. We must act quickly and responsibly to reestablish safe havens in our communities. Our children and our nation deserve nothing less.

CONGRATULATING JOHN F. KEANE ON THE 35TH ANNIVERSARY OF THE FOUNDING OF KEANE, INC.

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. CAPUANO. Mr. Speaker, I rise today to recognize John F. Keane, a true American success story. This Saturday Keane, Inc. will host their annual employee recognition dinner. John Keane will be recognized, along with other employees who are celebrating significant milestones with the company. John Keane has dedicated 35 years of service and has successfully built Keane, Inc., headquartered in Charlestown, Massachusetts, into one of the world's most successful information technology consulting companies.

John Keane began building his consulting business above a doughnut shop, with one employee. From those humble beginnings Keane, Inc. has grown into a $1 billion international powerhouse. I am proud to acknowledge the fact that John's monumental business success has not hampered his ability to personally make a significant, positive impact in the community.

Many businesses in this country do make efforts to be good neighbors. Keane, Inc. however, takes community involvement to a higher level. For instance, Keane has adopted the Edwards Middle School in Charlestown as their business partner. This is not merely a symbolic gesture by a big company to show they care about the community. It is truly a working relationship that has witnessed extreme success in the lives of students. An Annual Spelling Bee, sponsored by Keane, gives adults the opportunity to show to students what they have learned over the years, while also raising money for after-school programs.

Although John's accolades include serving on the President's Commission for Y2K, the Coalition for H–1B Visas and other high profile posts, it is his smaller scale, local efforts that impress me as his most important work. John himself has at times become personally involved in some of the many programs that take place at the Edwards school. When students were taking part in a program to teach peer mediation and negotiation skills, Mr. Keane himself participated in these sessions. It is this type of personal touch that makes John Keane the type of businessman you want to have headquartered in your community.

Mr. Speaker, I want to congratulate John Keane on his 35 years at Keane, Inc. and thank him for the manner in which he has conducted business during his tenure. He is truly an asset to our community. I'm honored to have Keane, Inc. in my congressional district.

GRADE–A: GOVERNMENT RESERVATION ACCELERATED DEVELOPMENT FOR EDUCATION ACT—ASSISTANCE FOR EDUCATION OF MILITARY FAMILIES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KIRK. Mr. Speaker, today 21 of my bipartisan colleagues and I are introducing a bill—entitled the GRADE–A Act, the Government Reservation Accelerated Development for Education Act. This is major legislation intended to improve education around the nation.

In the average $10 million American school district, $9.3 million are raised from state and local taxes. This system works well when the children attending the local school live on property subject to local tax.

This system does not work well when the federal government houses many children on land not subject to tax—such as a military base or Indian reservation. In these schools, the children report to class without financial backing—too many of these kids and the school district can go bankrupt.

For many years, the federal government has made payments through a program called "Impact Aid," intended to mitigate the impact of the federal presence on local schools.

Between 1950 and 1969, the Impact Aid Program was fully funded. Since that time the funding level has not kept pace with the amount required to cover the Federal Government's tax obligation. In Fiscal Year 2001, the program will pay only 46% of the total amount required to cover the cost of the two formula driven provisions of the Impact Aid Program—Section 8002 (Federal Property) and 8003 (Federal Connected Children).

While school administrators and teachers across the country appreciate Impact Aid payments, they are usually paid late and fail to cover the cost of the children who enter school. For example, the Highland Park, Illinois, school district pays approximately $11,000 a year to educate a student. The Impact Aid program provides just $500 per child. Local taxpayers living on civilian property must then pay the extra $10,500 per year to educate that child. Too many of such children entering a school can bankrupt a whole school district.

This nearly happened in North Chicago, Illinois. This community is home to the Great Lakes Naval Training Center where 50,000 naval recruits are trained annually. Hundreds of children from military housing came into the local school district each year. Several years ago, North Chicago's district 187 nearly went bankrupt under the weight of children coming to school from property that cannot be taxed. Impact aid payments had been later and inadequate. Thanks to the work of my predecessor, Congressman John Porter, this school system was saved through additional appropriations. Now, this bill will help all schools in the nation to welcome and educate military and other federally-housed children.

GRADE–A would alter the current status of two sections of the Impact Aid program, making them into an entitlement program. The goal of this legislation is to improve federal impact aid for military dependents and other children living on federal lands. Impact Aid was created in 1950 when Congress recognized the obligation of the Federal Government to assist school districts and communities that experience a loss in their local property tax base due to the presence of the Federal Government. To offset this revenue loss to public school districts due to the tax-exempt status of the Federal Government, Congress established the Impact Aid Program.

GRADE–A would ensure the effective delivery of Impact Aid by creating an Impact Aid Trust Fund to guarantee that local school districts are able to offer the best education to all students, whether they are of military parents or civilians. It guarantees prompt payment to schools without needless waits or bureaucracy. Under GRADE–A, Section 8002 of the current Impact Aid Law would become an entitlement, mandating that the local school districts receive the full value of the federal land which has been taken off the tax rolls.

GRADE–A would also turn Section 8003, the Basic Support Payments, of the current Impact Aid law into an entitlement program. GRADE–A mandates that according to a preexisting weighted formula, each school district receives full payment for each federally connected child. Currently, additional funding is provided in this section for special education children. Section 8003(d) under GRADE–A would now mandate that each school district receive all the monies currently granted under the Individuals with Disabilities Education Act for each Impact Aid child.

GRADE–A honors our commitment to military families and other families, especially American Indians. It guarantees that those families who serve to protect our freedom and in turn protected by the federal government.

TRIBUTE TO THE ROMEO CHAPTER 19 LADIES OF THE ORDER OF THE EASTERN STAR OF THE STATE OF MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BONIOR. Mr. Speaker, today I rise to recognize the Romeo Lodge #19 Ladies of the Order of the Eastern Star of the State of Michigan, who celebrated their 106th birthday on March 31, 2001.

Since the Grand Chapter of Michigan recognized the start of the Romeo Chapter #19 Order of the Eastern Star on October 10, 1895, the Romeo Chapter #19 has been a thriving sister center of social, religious, and political life to all its members and their families. Dedicated to education, morality, and improving the quality of life for its Masonic family, the Ladies of Romeo have worked tirelessly to improve the community through their contributions in charity, scholarship, and service.

Through the years, the Romeo Chapter #19 Ladies of the Order of the Eastern Star have devoted their time and efforts to maintaining the tenets of Masonry, encouraging kindness, respect, and good will towards all men and women. They have proudly organized philanthropic activities for members and non-members, assisting in times of hardship, sickness, death and disability. As they celebrate 106 years, I am confident they will continue to lead the community through their benevolent service.

Demonstrating outstanding leadership and commitment, the success of the Romeo Lodge #19 Ladies of the Order of the Eastern Star is a true testament to the hard work and dedication of its members and its community. I applaud Romeo Lodge #19 for their leadership, sisterhood, and commitment, and I urge my colleagues to join me in congratulating them on their 106th Anniversary.

IN HONOR OF THE MIGUEL MIQUELI AND THE JOSÉ MARTI STUDENT AID FUND

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Miguel Miqueli, founder of the José Marti Student Aid Fund, Inc., for his contributions to education and to the Hispanic community in West New York, New Jersey. To celebrate the success of the Jose Marti Student Aid Fund and to honor Miguel Miqueli, an award dinner and dance will be held on May 5, 2001.

Miguel Miqueli was born on July 11, 1937 in San Antonio de los Banos, Cuba. He received his elementary education in El Colegio Belen in Havana, Cuba. He graduated with a bachelor's degree in Science and Philosophy from the Pitman Academy, and concluded his studies in Business Administration at Havana University. In April, 1961, Mr. Miqueli emigrated from Cuba to the United States, where he and his father opened a jewelry store in West New York.

In 1965, Mr. Miqueli became a member of the Lions Club of West New York, and he later co-founded the Hispanic Mercantile Federation, to which he was elected president in 1973; he is currently a member of the board of directors. In February 1978, along with a group of dedicated teachers, he founded the José Marti Student Aid Fund, Inc., and served as the president until 2000. As a collaborative effort with the Cuban-American Foundation he coordinated the project "Mision Marti" in 1992.

Through his work as an educator and community activist, Miguel Miqueli has truly been a valuable asset to Hudson County. He has compassionately dedicated himself to the field of education and to the Hispanic community.

Today, I ask my colleagues to join me in honoring Miguel Miqueli and the José Marti Student Aid Fund.

A SALUTE TO DAVID HECKER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. LEVIN. Mr. Speaker, I rise today to recognize the work and achievements of David Hecker, as he is honored by The Workmen's Circle/Arbeter Ring in Oak Park, Michigan on May 6, 2001.

The Workmen's Circle/Arbeter Ring is a national fraternal organization committed to the pursuit of social and economic justice while fostering Jewish identity through culture, education, friendship and mutual aid.

I have had the honor and pleasure of knowing David for many years. It is not surprising that David's life's work has embodied these ideals. His union roots run deep, back to Poland where David's paternal grandfather was active in the Bund (a Jewish labor organization). David's parents, Arnold and Josephine, were both activists in the labor movement: Arnold in the United Auto Workers and Josephine in the Health Care Union in the Bronx, New York.

David has pursued advanced degrees in labor relations and has worked his entire adult life on behalf of working people. He has been active with the American Federation of Government Employees, the Allied Industrial Workers, the Michigan AFL-CIO, the Metropolitan Detroit AFL-CIO, and the Michigan Federation of Teachers and School Related Personnel.

David embodies the values of social and economic justice in every aspect of his life. His passion for his work and beliefs shines through in his personality. David is a gifted organizer, motivator and strategic planner. He has used his talents in numerous roles to the benefit of many.

David is truly devoted to creating A Besere Un A Shenere Velt (A Better and More Beautiful World). His commitment to community is evident through his work as a board member of the Jewish Community Council and the Michigan Association for Children with Emotional Disorders, as well as his political activity in the Democratic Party.

We are truly fortunate that such a talented individual has committed his life to working for economic and social justice. We are especially fortunate that he and his wife, Alice Audie-Figueroa, have chosen to make the Metro Detroit community their home.

So, I ask my colleagues to join me in congratulating David and wishing both David and Alice, along with their children, Joelle, Jose and Gustavo, the very best.

RECOGNIZING IMPORTANCE OF INCREASING AUTISM AWARENESS

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to show my support for H. Con. Res. 91, the Increase Awareness of Autism and Support Greater Research, Treatment & Training Resolution, to honor Autism Awareness Day, and to pay tribute to parents and families of autistic children everywhere.

As a result of autism, an estimated 400,000 Americans have lost the ability to communicate and interact with others. In my home state of Rhode Island, autism had become an absolute crisis. The incidence of the disorder has risen by over 1000% in the past seven years, and by over 300% in the past five years alone.

Caring for people afflicted with autism costs more than $13 billion per year, and the majority of these costs are borne by the families of the victims of autism. These parents have sacrificed tremendously to provide the specialized education and support services that their children need. Yet, they still do not receive the support they deserve from the government.

My nephew has a form of autism so I know firsthand the challenges these families face. Many days, my nephew's parents cannot hold conversations with their son. Communicating with him takes extraordinary patience. Had his parents not engaged him in an intensive intervention program immediately after his diagnosis, he would have made much less progress today. It was not many years ago that children with autism would have been misdiagnosed and often institutionalized for the rest of their lives.

Parents of autistic children regularly encounter people who do not understand the difficulties associated with autism. Friends and teachers become impatient. They repeat the same phrase over and over, as if the child will understand if it is repeated one more time. Teachers are often ill-equipped to deal with the special challenges of autistic children. H. Con Res. 91 calls upon federal, state and local governments to allocate sufficient resources to alleviate the shortage of appropriately trained teachers of autistic children; and recognizes the importance of worker training programs tailored to the needs of developmentally disabled persons, including those with autism.

The resolution further expresses Congress' support for increasing federal funding for research to learn the causes of autism, identify the best methods of early intervention and treatment, and promote understanding of the special needs of autistic persons. It urges swift implementation of the Children's Health Act of 2000, particularly the establishment of at least three "centers of excellence" at the Centers for Disease Control and Prevention and at least five centers at the National Institutes of Health, in order to monitor the prevalence of autism at the national level.

As a proud member of the Coalition for Autism Research and Education (C.A.R.E.), I will fight for increases in support this year, to correct years of under-funding of organizations and programs that deal with autism issues.

In addition, the federal government must honor its promise to contribute up to 40 percent of the average per pupil expenditure for special needs funding. To date, the maximum the government has ever contributed is 15 percent. As an original co-sponsor of H.R. 1330, the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, I am fighting to ensure that the federal government honors its commitment to local districts.

It is of utmost importance to me that the federal government keep its promise to special needs students so they receive the first class education they deserve. I commend my colleagues for honoring this special day and implore them to work together to guarantee that the national crisis called autism receives the critical attention and financial support it merits.

THE PASSING OF REVEREND LEON SULLIVAN, AUTHOR OF THE SULLIVAN PRINCIPLES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. LANTOS. Mr. Speaker, I would like to pay a special tribute to the passing of one of America's greatest crusaders for civil rights and human rights both here at home and around the world, the Reverend Leon Sullivan. He left a rich legacy of activity and awareness, each new endeavor serving his vision of racial harmony and understanding, and he will be remembered for his crucial role in the right against Apartheid in South Africa.

As a Philadelphia minister with the Zion Baptist Church in the early 1960's, Rev. Sullivan organized a nonviolent boycott of local companies that would not hire blacks. The boycotts proved to be highly effective, but in order to bring about a genuine turn-around in the employment situation for black residents of Philadelphia he knew that many people would need professional training opportunities. In 1965, Rev. Sullivan attempted to address this training need through the creation of Opportunities International, a job-training program that has trained to date 1.5 million people in 142 centers worldwide.

Rev. Sullivan not only tackled tough problems, he also broke new ground in generating presence and visibility for the civil rights movement. He became the first black board member of General Motors Corp. in 1971—"the conscience of the board" according to then-secretary to the GM board Rod Gilleum. Rev. Sullivan used his influence in this elite corporate environment to promote what would become his most famous civil rights manifesto: the Sullivan Principles.

The Sullivan Principles were designed to guide U.S. corporate behavior in apartheid South Africa. He described these principles as "a code that companies of America and the world came to follow to end apartheid peacefully, starting with the workplace."In explaining how one must go about reforming a system as entrenched as apartheid was in South Africa, he once noted that "if you take a hammer and chisel and pound a rock 100 times, it's going to crack. I pounded and pounded, and it cracked."

After retiring from Zion Baptist Church in Philadelphia, Rev. Sullivan then created the International Foundation for Education and Self-Help. This foundation aided hundreds of thousands of people in Africa and the United States.

Rev. Sullivan's lifetime of service and achievement fortunately did not pass unrecognized. In 1992, then-President Bush recognized Rev. Sullivan's contribution to the promotion of civil rights with the Presidential Medal of Freedom. In 1999, following the release of an updated version of the Sullivan Principles, United Nations Secretary-General Kofi Annan said of Rev. Sullivan, "He showed us all how much one individual can do." Rev. Sullivan's principles will live on to encourage corporations around the world to engage in fair employment practices.

Together with his wife Grace, his three children Hope, Julie, and Howard, and to the countless lives he touched and minds he opened, this Congress stands today in admiration and in gratitude of this extraordinary man and his very good works. Thank you, Rev. Sullivan, and may each of us learn from your example.

CONGRATULATIONS TO CHRISTOPHER SCHMUS, SBA YOUNG ENTREPRENEUR OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. KLECZKA. Mr. Speaker, today I'd like to salute a man from my district who, at a relatively young age, has become quite the success story. Christopher Schmus, President and Chief Executive Officer of ProDriver Leasing (PDL) Systems, Inc., has been honored by the Small Business Administration as its Young Entrepreneur of the Year.

Four years ago, after rising through the ranks of the trucking industry, Chris recognized the un-met need for highly qualified, professional truck drivers and set about to establish a business to fill that void. In 1997, at the age of 23, with only $3,000 in cash, Chris started PDL out of his basement with only three drivers, including himself. The business recruits and trains its drivers, who are then placed with trucking companies who don't have enough drivers of their own, for a day, a week, or longer.

The company took off, doing a half-million dollars in business its first year. Since that time, ProDriver's commitment to its customers and its employees has earned it a stellar reputation in the business. Its workforce is now approximately 100 employees, and the company earned almost $4 million in sales in 1999.

Locally, PDL has been honored by the Milwaukee Metropolitan Association of Commerce as one of the "Future 50" companies the group has identified as major contributors to the economic health of the area. ProDriver was also named by the group as one of the five fastest growing companies in Milwaukee.

Now the company is being recognized nationally, by the Small Business Administration (SBA), and they couldn't be more deserving. The hard work and dedication that Christopher Schmus has poured into his business for the last five years has paid off. I'm proud to recognize him today for his remarkable accomplishments and the honor he will receive from the SBA here in Washington. Congratulations to all of ProDriver's staff, and continued success in the future.

HONORING THE LATE MARION JENKINS——

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. McINNIS. Mr. Speaker, I would like to ask that Congress pause for a moment of silence in memory of a life long resident of Durango, Colorado. Marion E. Jenkins, owner and operator of the former Jenkins Ranch, died from a stroke on April 30 at the age of 82. Marion became a friend of everyone he met and will truly be missed.

"He was one of those guys you loved being with, and he loved being with you," said Kenny Jenkins, Marion's son. "He never was a stranger. Everybody was his friend." Marion was a cattle rancher who loved to tell stories and travel across the United States with friends and family.

Marion moved to the family ranch in 1920. Over the years the ranch grew to 520 acres, which was used primarily for cattle and crops. Marion served in the U.S. Army Medical Corps during World War II, where he was present at the Normandy Landing. "He's one of those people that will sorely be missed," said friend Ray Stolworthy. "Marion Jenkins would like to be remembered as a person who would not condemn anybody for something they wanted."

Mr. Speaker, Marion Jenkins spent a lifetime being everyone's friend, for that I would like Congress to take a moment and pay respects to a great friend. An entire community will miss Marion.

IN HONOR OF MRS. FILOMENA "MINNIE" ZAHARSKY, RECIPIENT OF THE UNITED CEREBRAL PALSY OF HUDSON COUNTY "LIFETIME ACHIEVEMENT" AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mrs. Filomena "Minnie" Zaharsky, recipient of this year's United Cerebral Palsy (UCP) of Hudson County, New Jersey, "Lifetime Achievement" Award.

As the first Executive Director of UCP, "Minnie" Zaharsky was instrumental in managing the overall operation of the agency. In an effort to address the growing needs of children suffering from cerebral palsy in Hudson County, Mrs. Zaharsky and the UCP successfully worked to obtain Medicaid coverage for children to receive therapies and services provided by the UCP. This fantastic feat made it possible for several families to provide their children with the necessary examinations and therapies needed to treat cerebral palsy.

During her tenure at UCP, Mrs. Zaharsky was humble and dynamic in her many roles. As a parent volunteer, she put in several hours answering phones, typing letters, scheduling appointments, and providing transportation to families who otherwise would not have had access to the facilities at UCP. Furthermore, she raised funds to keep the UCP agency in secure financial standing.

Whether she was organizing auctions to raise needed funds, or answering phones, Mrs. Zaharsky exemplified true leadership.

For her years of outstanding work and charitable dedication, I ask my colleagues to join me in congratulating Mrs. Zaharsky for being one of the recipients of the UCP "Lifetime Achievement" Award.

SALUTING THE 2001 JOHNSON COUNTY, KANSAS YOUTH VOLUNTEER AWARD RECIPIENTS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MOORE. Mr. Speaker, I rise again today to salute twenty-eight outstanding young Kansans from Johnson County, Kansas, who will be recognized on Friday, May 4th, at an informal reception honoring their volunteer service. Youth Excelling in Service [YES], a program of the Volunteer Center of Johnson County, has invited Johnson County leaders and educators to this reception honoring the twenty-eight Outstanding Youth Volunteers who will be featured in the upcoming "Movers and Shakers" publication. I will present the young people with a Congressional Award for their contributions to the community, and YES will spotlight the role these committed young people play in addressing community needs.

Johnson County's young people are becoming increasingly involved in service to their community and the stories of their accomplishments are powerful. The twenty-eight "Movers and Shakers" to be honored at the reception testify to the fact my congressional district's young people see needs in their communities and are ready, willing and able to meet those needs by investing their time and skills. These young people are passionate about challenging, motivating and recruiting other young people to likewise take the plunge into volunteer service. I am pleased to have this opportunity to place in the CONGRESSIONAL RECORD profiles of twelve "Movers and Shakers" who were not included in my RECORD submission of May 1st on this topic.

Snow Fain, 17, Blue Valley North High School. Snow volunteers with her parents through the Leawood Arts Council in addition to activities through Rotary, KC Art Coalition, Habitat for Humanity, her church and others. She has volunteered over 100 hours.

Lisa Kornfeld, 16, Shawnee Mission West High School. Through her activities with her school's service organization, JAWS (Join Active West Students), Lisa has volunteered over 100 hours. She has also volunteered through National Honor Society and Girls to Women.

Anna Clark and Aaryn Clark, 18, Olathe East High School. These twins have volunteered nearly 400 hours each through many different activities. They have spent the most time as camp counselors for children with physical or mental challenges. Other activities they have been a part of include Olathe Youth Court, tutoring and church projects. They have been volunteering through National Honor Society for two years.

Rachele Davis, 16, St. Thomas Aquinas High School. Rachele has volunteered over 225 hours in a variety of areas, including youth services, elderly assistance and homelessness. Her volunteer organizations include: Olathe Medical Center, Hunger House, National Historical Society of the DAR, Johnson County Christmas Bureau, and Johnson County 4–H.

Ryan Davis, 17, St. Thomas Aquinas High School. Ryan has accumulated 155 hours of volunteer service through the Johnson County 4–H, Habitat for Humanity, Johnson County Christmas Bureau, and Bikes and Trikes for Tykes. He often volunteers with his sister, Rachele Davis (listed previously).

Rosa Gabel, 18, Olathe South High School. Rosa's volunteer activities include: arts and crafts, youth services, collecting and donating items and gardening and groundskeeping work. She has worked with the Leukemia and Lymphoma Society on fundraising activities and also with the Johnson County Christmas Bureau.

Steve Evans, 18, Bishop Miege High School. Steve has served 300 hours as a volunteer through Johnson County Youth Court, where he is a youth attorney and judge. Additionally, Steve's activities have also included projects addressing hunger and homelessness.

Amy Johnson, 12, Leawood Middle School. Amy has served 58 hours of volunteer work through her school and the Kansas Humane Society. She has also volunteered for campaign work.

Brad Buser, 18, Mill Valley High School. Brad volunteers through a class at his high school and has accumulated over 150 hours of service. Brad's service areas include: youth services, collecting and donating goods, elderly assistance, hunger and homelessness, and gardening and groundskeeping.

Lori Wadham, 16, Blue Valley High School, Lori has completed 300 hours of community service through several organizations and in a variety of areas, including youth services, elderly assistance and home repair and building. She was inspired to volunteer through her 4–H club and plans to continue to expand her volunteer efforts.

Robby Smith, 16, Shawnee Mission East. Robby has been an active volunteer for Johnson County Youth Court. He has accumulated over 100 hours there as a defense attorney for youth with first-time, nonviolent offenses.

CELEBRATING CINCO DE MAYO CON ORGULLO

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to bring attention to the historic day of Cinco de Mayo. This holiday, celebrated each year on the fifth of May, is a very symbolic and cultural day for people of Mexican ancestry.

Cinco de Mayo honors the 1862 victory of the Mexican armed forces against the invading French army in the Battle of Puebla, and marks an important milestone in Mexico's struggle to retain its sovereignty. It has since been a day when Latinos honor their spirit of struggle, dignity, and respect for their cultural heritage.

Unfortunately, many Cinco de Mayo celebrations have been marred by violence, overconsumption of alcohol, and other serious problems. This issue is compounded by the fact that Latino communities suffer disproportionately from the negative effects of alcohol use and abuse, high rates of alcohol-related diseases and death, an inordinate number of traffic fatalities and alcohol-related driving violations, and many types of alcohol involved violence.

In light of this, many persons of Mexican ancestry desire to have family oriented, alcohol and tobacco free Cinco de Mayo celebrations. Rather than partaking in festivities that continue to exploit people through the sale of large amounts of alcoholic beverages, they are choosing to focus on embracing and elevating the cultural significance of this historical event and Latinos in general.

The Latino Council on Alcohol and Tobacco (LCAT) has joined with CalPartners Coalition and California Latino Leadership United for Healthy Communities in their statewide Cinco de Mayo 2001 campaign, "Sembrando Nuestras Tradiciones." This campaign aims to make all residents of the U.S. aware of the true significance of the Cinco de Mayo, reduce the pernicious influence of the alcohol industry, draw public attention to the negative effects of alcohol use and abuse upon persons of Mexican ancestry, and promote alcohol and tobacco-free celebrations.

I commend the effort of these groups and encourage people to celebrate this important Mexican holiday with dignity and respect, to refrain from immoderate consumption of alcoholic beverages, to work to promote the health of the entire community, and to reject efforts by alcohol promoters who misuse Cinco de Mayo by engaging in advertising and promotions designed to encourage heavy drinking.

ENCOURAGE THE PRESIDENT TO PROTECT NATIONAL FORESTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, by May 4, 2001, the Bush administration must publicly reveal its plans to either protect forests or continue to allow the construction of roads into our nation's remaining pristine forest areas.

For the past thirty years, Congress has been part of the debate over protecting national forests from activities that put economic interests above ecological concerns. We have had debate after debate on the merits of a 380,000 mile road network, the role of taxpayer dollars in expanding the existing network, and the appropriate balance between preservation and multiple-use.

News reports indicate that the Bush Administration plans to dilute or overturn the historic roadless conservation plan proposed under the Clinton Administration.

Over 1 million Americans submitted comments to the Forest Service during the lengthy public comment period in which over 600 public hearings were held, including at least one hearing for each national forest that might be affected by the policy.

More Americans spoke out in favor of this historic conservation plan than on any other federal rule-making in history. The public is clear—it wants to protect America's remaining pristine forests.

The problem that the Bush Administration faces on this issue is that some very powerful—if narrow—special interests do not want what the public wants. They want new roads built in the remaining 31 percent of our national forests where today there are no roads for the purposes of logging, mining, and oil and gas drilling.

Mr. Speaker, these special interests are not concerned about the tradeoff between the long-term ecological damage caused by those activities and the very limited amount of natural resources available for extraction if new roads are to be built. They are not concerned about the fact that more communities depend on fresh water from national forests than from extractive industries. They are not concerned that the recreational value of our national forests is of critical importance to the majority of Americans and that roadbuilding often conflicts with recreational opportunities.

Congress has learned, after many pitched battles, that the public does not want to pay for constructing new roads into the remaining portions of our national forests that are undisturbed. My fear is that the Administration has not learned this.

With all due respect to the President, his administration should spend more time protecting America's environment and public lands and less time protecting the special interest corporations who clearly have captured his attention.

But I am pleased to say that over 130 of my Democratic Colleagues have joined me in urging President Bush to immediately implement the forest conservation policy that was finalized on January 12—without loopholes and without delays. In March, 22 Republican colleagues wrote their own letter to the President with the same message.

The American public should know that some of us in Congress have heard their appeal on protecting the remaining forests in which there are no roads. But they need to be equally aware that the Administration has already shown its willingness to ignore public sentiment in its zeal to please its special interest allies. President Bush abandoned his pledge to regulate carbon dioxide, for example, and he appears to be close to abandoning his pledge not to drill for oil off of Florida's protected coastline.

We must assume then that he will be willing to ignore public sentiment again and open our remaining pristine forests to road-building despite the public's opposition to such a move.

We are sending a clear message to the President to protect our remaining forests. We hope that he will heed our call and the call of the American people.

I submit for the RECORD a copy of the letter that I and over 130 of my colleagues sent to President Bush on Wednesday, May 2, 2001.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 1, 2001.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: By May 4, 2001, your Administration must publicly articulate its policy on the protection of roadless areas in our national forests. There are few public land issues of greater import to the majority of Americans. Many of us in Congress care deeply about carefully managing America's critical natural resources and protecting the remaining pristine areas in our national forests. The Roadless Area Conservation Policy finalized by the Forest Service on January 12, 2001 represents a balanced, scientifically based, publicly supported policy. We strongly urge you to immediately implement the policy as finalized, without exceptions or loopholes.

As you know, the Roadless Area Conservation Policy will protect 58.5 million acres of pristine national forest land. This balanced policy protects the remaining pristine regions of our national forests from logging, mining, and energy exploration, while allowing those activities to proceed on the majority of national forest lands. Currently, our national forests contain over 383,000 miles of roads. The forest conservation policy does not limit public access on the current road infrastructure or regulate off-road vehicle use. Nor does the policy limit recreation opportunities. The policy does allow the Forest Service to concentrate its efforts on addressing the tremendous maintenance backlog instead of constructing expensive and controversial new roads which will add to the maintenance burden in the future.

America's leading scientists have repeatedly informed us that the roadless portions of our national forests are not only the most significant habitat for fish and wildlife, but are critical sources of clean drinking water for over 60 million Americans. As our population grows and open space succumbs to development, watersheds on public lands are increasingly important.

The forest conservation policy is the result of an unprecedented public input process and has overwhelming public support. Claims by opponents of this policy that it is just an 11th hour regulation by the previous Administration are unfounded. The debate over roadless area management has been fought in the courts and the Congress for over 30 years. The path towards an affirmative policy on roadless area management began in January 1998 with the Forest Service's announcement of a proposed road-building moratorium. The final policy released on January 12, 2001 received more public comment than any other federal rulemaking process in our nation's history. It is a product of over 600 public meetings, including several in every single national forest in the nation. At its conclusion, the agency had received input from over 1.6 million Americans, the vast majority of whom supported the policy, with a remarkable level of support for the inclusion of the Tongass National Forest in Alaska.

The Roadless Area Conservation Policy is not a partisan issue. It is about the future of our national forests and our ability as a nation to manage them in a sustainable manner and to the benefit of all the diverse interests who seek their use. We implore you not to cash in on the short-term and short-sighted opportunity to extract resources from our pristine forests in a manner that will permanently diminish them. Instead, we urge you to take the opportunity now before you to preserve these forests for future generations.

We appreciate your consideration of our views and we look forward to working with you to ensure that America's great forest legacy will be preserved.

Sincerely,

George Miller, Nick Rahall, Jay Inslee, Maurice Hinchey, Frank Pallone, James Moran, Richard Gephardt, David Bonior, Henry Waxman, Nancy Pelosi, Ellen-Tauscher, Mark Udall.

Original cosponsors continued: J. Maloney, Blagojevich, Doggett, Kilpatrick, Capuano, Levin, Clement, Baldwin, Roybal-Allard, Clay, McKinney, Kennedy, Delahunt, T. Udall, Allen, Rangel, Hoyer, Honda, Harman, Eshoo, Schiff, Neal, Olver, Holt, Lee, Millender-McDonald, W. Jefferson, John Lewis, D. Price, S. Brown, Borski, E.B. Johnson, A. Smith, Tierney, Filner, Frank, McGovern, DeGette, Kildee, Markey, DeLauro, Ford, Farr.

Clayton, Solis, Evans, McCollum, Napolitano, Wexler, Crowley, Hastings, Blumenauer, McDermott, Nadler, Gordon, Matsui, Waters, Boucher, D. Davis, Towns, Woolsey, Rivers, Baldacci, Pascrell, Larsen, Hoeffel, Rush, Serrano, Kaptur, Stark, Conyers, Moore, Capps, Lantos, Sanders, Ackerman, S. Davis, Wu, McNulty, LaFalce, Berkley, Larson, Cummings, Hooley, Menendez, Rothman, Velázquez, B. Thompson.

Abercrombie, Watt, Berman, Becerra, Matheson, Lowey, Kucinich, Deutsch, Schakowsky, Mink, Sanchez, C. Brown, Meehan, Scott, DeFazio, Gonzalez, Wynn, Bentsen, Langevin, Green, Gutierrez, Payne, Jones, Meek, Jackson, Jr., Hinojosa, Reyes, C. Maloney, C. McCarthy, Fattah, Sabo, Norton, K. McCarthy, Weiner, Andrews, Slaughter.

THE RETIREMENT OF SUZANNE S. KERR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an advisor, friend and national advocate for peace, Suzy Kerr. This month Suzy will be completing her responsibilities as Executive Director of PeacePAC at the Council for a Livable World after over 10 years of service.

While working with PeacePAC and the Council, Suzy has dedicated tremendous energy, common sense, uncanny political instinct, humor and the sheer force of her irresistible personality to recruiting, electing and supporting arms control champions in the U.S. House of Representatives.

As coordinator for outreach of the Council for a Livable World Education Fund, Suzy has worked closely with national coalitions and women's, human rights, environmental, health, budget and peace organizations to educate and promote combined efforts to reduce the threat of nuclear war and lower military spending.

PeacePAC is an affiliate of the Council for a Livable World, founded in 1962 by nuclear scientists concerned about the menace of nuclear war. Since its inception, the Council has helped elect over 104 U.S. Senators. The Council's ability to raise millions of dollars for candidates has helped it gain recognition as the electoral arm of the peace movement. In 1982, the Council organized PeacePAC to help elect candidates to the House. As a nonpartisan, grass-roots political action committee, PeacePAC supports candidates for the U.S. House of Representatives who are committed to nuclear arms control, nuclear disarmament, the prevention of nuclear war, and significant reductions in military spending.

It is a pleasure to honor Suzy—a fellow Michiganian, who has served in and out of political life in Washington since 1966 when she worked as a personal assistant to Representative Seymour Halpern from New York. She was elected as a Udall delegate to the Democratic Convention in 1976, and went on to serve President Carter as the Assistant Director of the White House Visitor's Office from 1977 to 1980. While raising her two children, Sarah and Charlie, with her husband, Gordon Kerr, she worked for the New York State Assembly in Washington, D.C., and completed her Bachelor of Arts at American University.

In the mid-eighties, she became the Field Director, and later the Washington Director for Women's Action for a New Direction (WAND). During Suzy's tenure at WAND, it was the only national women's activist and grassroots PAC focused on advocating for nuclear arms control and disarmament and reductions in military spending.

In 1991, Suzy became the Executive Director of PeacePAC. During Suzy's tenure, PeacePAC has raised nearly $1.5 million for pro-arms control candidates. In the last few years, PeacePAC has contributed more to deserving candidates in critical House races than all other peace political action committees combined. Currently, 78 Members of Congress have been helped by PeacePAC.

Representing concerned voters and contributors from across the country, Suzy has used PeacePAC's substantive expertise and political power to ensure that strong voices in the House are committed to reducing the nuclear threat and defining national security in terms of domestic as well as military concerns.

As PeacePAC supporters know, the sweeping changes in the post-Cold War world have given us an unprecedented opportunity to elect members who will question "big-ticket" items such as the B–2 Stealth Bomber and a misguided missile defense that has yet to test successfully. I am confident and grateful that even as Suzy completes her service, PeacePAC will continue to work for the election of candidates who will fight for policies and budgets that reflect the new international realities of an increasingly inter-dependent global community.

Of course, we wish Suzy every success in her new endeavor: supervising the day-to-day progress of her first grandchild, Porter Jay Iselin.

Mr. Speaker, on behalf of the Congress, the members and supporters of PeacePAC and the Council for a Livable World, and all who have benefited from her work, I thank you for the opportunity to give recognition to Suzanne S. Kerr, for her service to the nation and the world on behalf of peace and security.

TRIBUTE TO HARRY W. EARLE JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. ESHOO. Mr. Speaker, today I rise to honor Harry W. Earle Jr., a great American, an outstanding and devoted citizen and a respected community leader who passed away on April 26, 2001, at the age of 76. He and his wife Barbara of 56 years have three sons and two daughters, David, Gordon and John, Penhryn Cook and Barbara Ballard, as well as 11 grandchildren.

Born in Norwalk, Connecticut, Harry Earle made Darien, Connecticut his home for over 50 years. Harry Earle attended Williams College until his induction into the United States Air Force in 1943, during which time he flew more than fifty B–17 missions over southern Europe, earning the distinction of the Distinguished Flying Cross.

He began his career in the printing industry with McCall Corporation before becoming senior executive at J.W. Clement Company, Arcata Printing Company, and W.A. Krueger Company. He would later serve as President, CEO and Chairman of the Board of the Banta Corporation for over a decade. In 1989, Harry Earle received one of the highest honors of his profession when he was inducted into the Printing Industry Hall of Fame.

Harry Earle was also a proud and active member of the public sector. Upon his return from the Second World War, he became perhaps the youngest member ever elected to the Board of Selectmen in Darien. He would later serve on the Darien Police Commission, the Board of Finance, the Coastal Harbor Commission, the first and second Charter Revision Commission, Darien Library's Board of Trustees, and the Family Counseling Service. He also served as campaign director for the Darien United Way, and recently as chairman of the Darien Senior Men's Association.

Harry Earle was also known as a passionate student of art. The ease with which he mastered this subject is a testament to his considerable talent, with his work being shown, appreciated and celebrated in his community.

Harry Earle enriched the lives of countless people as an understanding and fair manager. With his intelligence, common sense, warmth, and wisdom, he earned the respect of everyone who crossed his path. I know this because I worked for him, and had the opportunity to see Harry Earle up close. His integrity, his grace under pressure, and his professionalism were instructive to me and have shaped my thinking, my approaches and my work throughout my adult life. For all his leadership qualities and corporate distinctions, Harry Earle was grounded in his faith and his family. These were the riches of his life.

Mr. Speaker, I ask my colleagues to join me in paying tribute to this good man and extend to his magnificent family our sympathy. Harry Earle was a man of many seasons. He was gifted leader, a great husband, a terrific father, a proud grandfather, a master sailor, and a fabulous tennis player. He was a proud American and a decent man. How privileged I was to have known him. How blessed our nation is to have had him as a son. We are a better people because of him.

TRIBUTE TO THE PENNSAUKEN HIGH SCHOOL JAZZ BAND

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. ANDREWS. Mr. Speaker, I rise today to commend and congratulate the hard work and effort of the Pennsauken High School Jazz Band. The Band has performed at the Inauguration of Christine Whiteman, Penns Landing in Philadelphia, Lincoln Center in New York City and various colleges and universities. They have won the Dixie Classics Championship and several other distinguished honors such as Best Rhythm Section, Best Trumpet Section, Best Trombone Section, outstanding soloist awards and many overall outstanding band awards. The Pennsauken Jazz Band secured 2nd place in the New Jersey State Finals, along with awards for the best trumpet section and rhythm section in the State. Additionally, the band has received a Superior Rating at every festival they have performed in. The members of the Spring 2000 Jazz Band are: Zachary Andrews; Frank Cuccio; Kristin Cuccio; Julia DePasquale; Anthony DiDomenico; Steven Engel; Eli Ferrer; Steven Forrest; Tim Gerard; Rob Hill; Christine Hinton; Rich Johnson; Ken Juray; Brian Kilpatrick; Nathan Kranefeld; Joe Lucidi; Jim MacKenzie; Ben Markowitz; Corey Mossop; Louis Muzyczek; Dominic Natale; Jeff Rivera, Rich Slack; Ernest Stuart; Perry Sutton; Vincent Williams. I wish you all the best and continued success in your endeavors.

IN HONOR OF 140TH ANNIVERSARY OF SAINT MARY, STAR OF THE SEA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the 140th Anniversary of Saint Mary, Star of the Sea. The church has served the community of Bayonne, New Jersey since 1861. Saint Mary's will celebrate its anniversary with a special dinner dance and liturgy on May 5, 2001.

Saint Mary, Star of the Sea is considered the Mother Church of Bayonne. It was founded in a small, humble church to serve the needs of Irish and German Catholic immigrants. Today, Saint Mary's resides in a beautiful Gothic style church, the cornerstone of which was laid on May 22, 1880. Construction was completed and the church was blessed on November 8, 1881.

Saint Mary's has benefited from the continuous presence of the Sisters of Saint Joseph of Chestnut Hill, who have worked with the church since 1879, when the parish school opened. Today, the school, which offers preschool through grade 8 instruction, has a student body of 300 children. Because of its record of academic excellence, the school is considered one of the best in the area.

The Church recently adopted a mode of management that focuses on mission and ministry, which is called a Pastoral Council of Ministries. Under this form of management, parish ministries are clustered into four different areas: Word, Worship, Community, and Service. This will help strengthen community outreach and spiritual guidance throughout the parish. In addition, the church is focused on revitalizing existing structures and the formation and construction of a Parish Center, which would provide places for meetings and offices for parish groups. To meet its goals, two new programs have been implemented: the Stewardship Renewal process and the Treasure the Traditional Campaign. Each will help raise needed funds for growth and revitalization.

Throughout the community of Bayonne, Saint Mary's is well known for its compassion and generosity and for its involvement in the parish. Saint Mary's stands poised to continue as caretaker of the spiritual needs of the residents of Bayonne well into the new millennium.

Today, I ask my colleagues to join me in honoring Saint Mary, Star of the Sea, the Mother Church of Bayonne, on its 140th Anniversary.

TRIBUTE TO MYRA OLSHANSKY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Myra Olshansky on her retirement after 38 years of dedicated service at Olney High School in Phildelphia, Pennsylvania. Her fine example of professional dedication is truly admirable.

Myra is a graduate of Philadelphia High School for Girls where she graduated Magna Cum Laude. She went on to attend the University of Pennsylvania where she received her degree in English in 1963. She has served as an English teacher, Acting Department Head, as Coordinator, Resources-in-Action Charter and the Coordinator for The Academy of Travel and Tourism, SLC. During her tenure she has taught some 10,000 students. Under Myra's direction, Olney High School has implemented a college prep program which partners Olney students with the Penn State Abington campus and this year with LaSalle University. The program has been a dramatic success.

Myra was the subject of an in-depth piece by the Philadelphia Inquirer's Today Magazine in 1982, which focused upon the daily rigors that teachers face. She was able to show the public the typical environment that one would experience in a day at Olney High.

Her dedication does not stop at the classroom but continues into her community. She is a member of the Golden Slipper Club & Charities, the West Point Parents Club of the Delaware Valley, the William Penn Charter School Community Association and the National Association of Teachers of English.

It is honor to recognize Myra Olshansky and the outstanding service she has given to the students of Olney High School. She has been steadfast in her belief that the youth are our future. I commend her for her decades of contributions and wish her well.

NURSES MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. UNDERWOOD. Mr. Speaker, in recognition of the services and benefits provided to the island by the members of the nursing profession, Guam has designated the month of May 2001 as "Nurses Month." This proclamation has added significance for it coincides with the golden anniversary of the Guam Nurses Association (GNA).

Incorporated in 1951, GNA will mark the fiftieth year of the organization's existence on July 20 of this year. Isabella Tremor, Maria C. Flores, Joaquina Siguenza, Maria S.N. Mateo, and Maria P. Blas, the first to serve as directors of the fledgling organization, were all employees of the Guam Memorial Hospital (GMH). In addition to nurses from the local mental health facility and the Naval Hospital, GNA membership today include nurses from the Guam Department of Public Health and Social Services, the Guam Department of Education, the University of Guam, the Guam Community College, home care services, private clinics, and long term care facilities. GNA membership also includes a number of retired nurses, nurses working in non-health care areas, and nurses residing outside of Guam.

A reorganization in 1968 led to GNA's entry as a constituent member of the American Nurses Association (ANA). Its first delegate, Mabelclare Norman Dean of the School of Nursing College of Guam, attended ANA's 1968 convention in Dallas, Texas on behalf of the association's officers and members. Sister M. LeClare served as the first president of the reorganized GNA. Luz Abdece was vice-president, Veronica Camacho served as secretary and Connie Tolentino was named as Treasurer. This year, GNA marks its thirty-third year of affiliation with the ANA.

A charter member of the American Pacific Nursing Leaders Council (APLNC), GNA holds the distinction of having two of its members, Sally Tsuda and Mary Sanchez, as APLNC founding members. Founded in June 1978 in Hawaii, APLNC is another organization with which GNA retains affiliations and, for the past 22 years, actively supported.

In its fifty years of existence, GNA has evolved from a small congregation of local nurses to a professional organization which has gained both regional and national recognition. The association has worked to benefit not only its members but all who work in the health care profession and the people they serve. GNA has played a large role in maintaining the quality of healthcare on Guam. The association continually strives towards a bright future for the nursing profession on Guam.

As we celebrate "Nurses Month," we must take a moment to reflect upon the services provided by the people dedicated to the nursing profession. While the demand for nursing services continually increase nationwide, we look upon organizations such as GNA to provide the necessary guidance and direction that will enable us to cope with the needs and, hopefully, prevent future problems on our island of Guam.

I congratulate the members, officers and board of directors of the Guam Nurses Association as they celebrate their golden anniversary. I would like to submit for the RECORD the names of the GNA's golden anniversary officers and board of directors.

Guam Nurses Association, 2001 Officers and Board of Directors: Rosita Yamashita, President; Dave Hendricks, Vice-President; Rosette Rama, Rec. Secretary; Rosalia Ligon, Treasurer/Director at Large; Tina Blas, Corr. Secretary; Glynis Almonte, Executive Director.

Directors at Large: Mary Ann Gozum, Andrea Fung, Lou Leon Guerrero, Jo Ann Toves.

Standing Committee Chairpersons: Lori Duenas (ByLaws), Perla DeLuna (Finance), Echie Macalino (Membership), Tina Blas (Newsletter), Lou Leon Guerrero (Program), Tina Blas (Annual Nurses' Celebration), Dave Hendricks (Recognition and Awards), Cecelia Santos (CNet), Ruth Gurusamy (Commission on Nursing Leadership).

HONORING THE MEN OF THE U.S.S. "BOISE"

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. DELAHUNT. Mr. Speaker, I rise today to pay tribute to the brave men of the cruiser U.S.S. *Boise,* who played such an important role in helping secure freedom from oppression during the second World War. They will be gathering once again for their annual reunion in Oklahoma City, Oklahoma on May 3, 4, and 5 of 2001. It has been 56 years since the guns fell silent across the vast stretches of the Pacific and European theaters of combat. The passing of time has thinned their ranks, but the memories of their deeds in fighting for the liberty we enjoy today will never fade.

Representative of the sacrifices of this Greatest Generation, is the late Robert Brooks of Weymouth, Massachusetts, whose wife, Eleanor, will attend this year's reunion. Robert was only 18 years old when he enlisted in the United States Navy in 1941. During the next four years, Bob and his shipmates would witness some of the most famous and horrific battles in history. The *Boise* was at Guadalcanal in 1942 and participated in the Battle of Cape Esperance, where she suffered damage from Japanese shells. She provided cover to Allied troops during the invasions of Sicily and the Italian mainland in 1943. The year 1944 found the *Boise* operating along the coast of New Guinea, and in October of 1944 she took part in the Battle of Surigao Strait, which was a part of the larger Battle of Leyte Gulf, among the greatest naval battles in history. The ship also had the honor of hosting General Douglas MacArthur for a tour of the Philippines and Borneo during June of 1945 before returning stateside in July of 1945.

After the war, Robert Brooks, like most of his shipmates, returned to the States where he lived, worked, and provided for his family on the South Shore of Boston. When our country needed them, they answered the call. They did their duty, literally saved the world, and returned home to raise their own families during one of America's greatest eras of prosperity. Their legacy is the peace, security and opportunity of today's America. It is a gift so precious we can never repay them except by promising each other to never forget. God bless the men of the U.S.S. *Boise*, their families, and the United States of America.

IN RECOGNITION OF MR. STARITA, RECIPIENT OF THE UNITED CEREBRAL PALSY OF HUDSON COUNTY "LIFETIME ACHIEVEMENT" AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Nick Starita, who will receive the United Cerebral Palsy (UCP) "Lifetime Achievement" Award on Saturday, May 5, 2001. Mr. Starita will receive his award at the 9th Annual Gala Dinner Dance, which is sponsored by the UCP of Hudson County, New Jersey. The Gala is an annual event that recognizes the contributions of distinguished individuals and their efforts to assist fellow community members with cerebral palsy.

Mr. Starita's involvement with the UCP began in 1973, when he joined the UCP Board of Directors. In 1985, as a result of years of hard work and dedication, his peers on the UCP Board appointed him to the position of Executive Director. During his tenure as Executive Director, Mr. Starita has increased the number of UCP therapy facilities from one to three. Through his efforts, Mr. Starita has helped the UCP vastly increase the number of services and programs offered to children suffering from cerebral palsy.

His zeal and devotion to improving the lives of those who suffer from disabilities has earned Mr. Starita strong praise from a number of organizations and associations including the United Way of Hudson County, the A. Harry Moore School, and the Latin American Kiwanis Club of West New York. These honors, along with being a recipient of the UCP "Lifetime Achievement" Award speaks volumes about his strong character and dedication.

Today I ask that my colleagues join with me in recognizing Nick Starita for his many contributions to the community of Hudson County and to the State of New Jersey.

HOUSE OF REPRESENTATIVES—*Monday, May 7, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Join with me in this psalm of praise.

I will bless the Lord at all times; in all situations praise will be on my lips. For my soul boasts only in the Lord. The poor and the humble understand this and rejoice with me.

Together let us glorify the Lord. In unison we will lift up our voices in song. As I searched for the Lord I was found; from all my terrors I was set free.

Look toward the Lord and be radiant: set your faces in the direction of His voice. When the helpless call out, the Lord answers and rescues them from all their fears.

The Lord alone will shield the Nation which reverences faithfully His holy will. Taste and see that the Lord is good. Happy are those who take refuge in Him, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 8, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1722. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Addition to Quarantined Areas [Docket No. 99-101-2] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1723. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Addition to Quarantined Areas [Docket No. 00-076-2] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1724. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis Testing for Imported Cattle [Docket No. 00-102-1] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1725. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; South Dakota [Docket No. 00-103-2] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1726. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Exemption From Handling and Assessment Regulations for Potatoes Shipped for Experimental Purposes [Docket No. FV00-946-1 FIR] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1727. A communication from the President of the United States, transmitting requests for FY 2002 budget amendments for the Departments of Energy, Housing and Urban Development, the Interior, Justice, Transportation, and the Treasury; the Executive Office of the President; and Federal Drug Control Programs; (H. Doc. No. 107-66); to the Committee on Appropriations and ordered to be printed.

1728. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel W. Christman, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1729. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1730. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1731. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Recreational Programs (RIN: 1820-ZA12) received April 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1732. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1901-AA87) received April 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1733. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification of Six Cardiovascular Preamendments Class III Devices into Class II [Docket No. 99N-0035] received April 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1734. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Animal Feed and Pet Food; Irradiation [Docket No. 99F-2799] received April 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1735. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 94F-0008] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1736. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program [FRL-6967-3] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1737. A letter from the Deputy Chief, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] Children's Internet Protection Act—received April 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1738. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Switzerland for defense articles and services (Transmittal No. 01-05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1739. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 01-07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1740. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Israel (Transmittal No. 0C-01), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

1741. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Republic of Korea (Transmittal No. 01-0A), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

1742. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2000; to the Committee on International Relations.

1743. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Overseas Surplus Property; to the Committee on International Relations.

1744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Final Report on the Investigation of the Death of Father Kaiser; to the Committee on International Relations.

1745. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual SEED Report pursuant to Section 704 of the Support for East European Democracy Act; to the Committee on International Relations.

1746. A letter from the President, African Development Foundation, transmitting the Annual Performance Report for FY 2000; to the Committee on Government Reform.

1747. A letter from the Deputy Assistant Secretary of the Army, Department of the Army, transmitting a report on the Army's Annual Financial Statement for FY 2000; to the Committee on Government Reform.

1748. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting a set of documents to meet requirements under the Government Performance and Results Act for Fiscal Years 2000-2002; to the Committee on Government Reform.

1749. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting a report on Financial Statements for FY 2000; to the Committee on Government Reform.

1750. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Utah Regulatory Program [SPATS UT-038-FOR] received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1751. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property; to the Committee on the Judiciary.

1752. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Certification of Evidence for Proof of Service (RIN: 2900-AJ55) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1753. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Amendment To Wool Duty Refund Program [T.D. 01-33] (RIN: 1515-AC85) received April 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1754. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a letter providing the certification required by the Energy and Water Development Appropriations Act, FY 2001 with respect to the National Ignition Facility being constructed at the Lawrence Livermore National Laboratory including a report entitled, "A Comprehensive Study of the Role of High-Energy-Density Physics in the Stockpile Stewardship Program"; jointly to the Committees on Armed Services and Appropriations.

1755. A letter from the Board Members, Railroad Retirement Board, transmitting the Congressional Justification of Budget Estimates for Fiscal Year 2002; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 4, 2001]

Mr. HYDE: Committee on International Relations. H.R. 1646. A bill to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes; with an amendment (Rept. 107-57). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. WILSON:

H.R. 1742. A bill to make scholarships available to individuals who are outstanding secondary school graduates or exceptional certified leaders and who demonstrate a commitment to and capacity for the profession of teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary or secondary level or improve their teaching skills through further education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH (for himself and Mr. TIBERI):

H.R. 1743. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island:

H.R. 1744. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. KIRK, and Mr. BONIOR):

H. Res. 133. A resolution calling for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 159: Mr. SPENCE.

H.R. 460: Mr. BONIOR.

H.R. 547: Mr. BONIOR, Mr. KILDEE, and Mr. WEXLER.

H.R. 663: Mr. LAMPSON and Mrs. JOHNSON of Connecticut.

H.R. 673: Mr. PASTOR.

H.R. 1406: Mr. CROWLEY and Mr. PAUL.

H.R. 1494: Ms. WATERS, Mrs. CHRISTENSEN, and Mr. FORD.

H.R. 1541: Ms. LEE and Ms. BERKLEY.

H.R. 1587: Mr. FRANK, Mr. FROST, Mrs. JONES of Ohio, Mr. WYNN, Mr. SANDERS, Mr. FILNER, Mrs. THURMAN, Mr. HALL of Ohio, Mr. KILDEE, Mr. SHOWS, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. HINCHEY, Ms. LEE, and Mr. CROWLEY.

SENATE—*Monday, May 7, 2001*

The Senate met at 1 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, we recognize our acute sense of accountability to You. We claim Solomon's promise, "In everything you do, put God first, and He will direct you and crown your effort with success." —Prov. 3:6, Living Bible. In response, we say with the psalmist, "Let the words of our mouths and the meditation of our hearts be acceptable in Your sight, O Lord."—Psalm 19:14. We also accept Jesus' admonition to "seek first the kingdom of God and His righteousness." Matt. 6:33.

Help us remember that every thought we think and every word we speak is open to Your scrutiny. We commit this day to love You with our minds and honor You with our words. Guide the crucial decisions of this day. Bless the Senators with Your gifts of wisdom and vision. Grant them the profound inner peace that results from trusting You completely. Draw them together in oneness in diversity, unity in patriotism, and loyalty in a shared commitment to You. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 7, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. THOMAS. I thank the Chair.

SCHEDULE

Mr. THOMAS. Today the Senate will be in a period of morning business until 2 p.m. Following morning business, there will be 2 hours to resume consideration of the education reform bill. Amendments are expected to be offered during that debate. Any votes ordered will occur in a stacked sequence beginning at 10:15 tomorrow. At 4 o'clock today, the Senate will begin consideration of the Bolton nomination to be Under Secretary of State for Arms Control and International Security. There will be up to 3 hours of debate on this nomination with an additional 45 minutes for debate tomorrow morning prior to the vote on confirmation at 10:15. Senators should expect several stacked votes tomorrow morning beginning at 10:15.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 10 minutes. Under the previous order, the time until 1:30 shall be under the control of the Senator from Alaska, Mr. MURKOWSKI.

Mr. MURKOWSKI. Thank you, Mr. President. I wish you a good afternoon.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, the purpose of my addressing my colleagues today is to question just what kind of energy policy is supportable in this country as a consequence of many of the leading opinion makers and newspapers relative to just how we go about addressing our energy crisis.

It might get the attention of the Chair to recognize that California alone, which has received an awful lot of notoriety, clearly has a crisis. It can probably best be addressed by indicating that in 1998 Californians spent $9 billion for energy—electric energy. In the year 2000, they spent $20 billion. In the year 2001, it is estimated they will have spent somewhere between $65 and $75 billion. It is not really necessary to say much more. If that is not an acknowledgment of that being a crisis, I do not know what is.

What I find frustrating is the inconsistency of just how we are going to get out of this crisis. I refer to an editorial appearing in the Washington Post today. It is entitled "Selling the Energy Plan." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELLING THE ENERGY PLAN

Soon President Bush will unveil his energy policy, and last week his administration began sounding some of the themes that will be used to sell it. The country faces an energy crisis, officials repeated. "We're running out of energy in America," the president said; both new supplies and conservation are needed because "we can't conserve our way to energy independence." Simple, compelling messages. The only trouble is, they're not exactly right.

The problem isn't "running out of" resources, it's getting them to the right places at the right time. While many consumers struggle with high bills, there's not a crisis of supply unless you live in California. And America won't reach true energy independence through any combination of production and conservation, at least as long as transportation runs on oil.

That's not to say there aren't serious challenges. There are, and meeting them will require hard choices. But it's important to be clear about the critical issues. Those include expanding infrastructure—such as pipelines, transmission lines and refineries—so that electricity and fuel can be produced and delivered when needed. They also include a serious look at how to guard against damaging price spikes or supply interruptions in deregulated energy markets. Currently, one effect of deregulation has been the erosion of incentives for maintaining the extra supply or generating capacity that can cushion against sudden jumps in demand.

Along the way, policymakers must be clear-eyed about prices. Protecting against economy-damaging price hikes is one thing; promising an endless supply of cheap energy is another. The energy debate ought to include a hard look at where prices should be to reflect energy's true cost and to encourage responsible use. Any discussion must acknowledge that the world market will continue to set oil prices, no matter what America does to boost domestic supply.

It's also worth noting that the energy market is responding already. Natural gas drilling increased last year. Vice President Cheney noted this past week that growing electricity demand will require the equivalent of 1,300 to 1,900 new power plants during the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> next two decades; power suppliers already have reported to the Energy Department plans to add more than 40 percent of that capacity between now and 2005. For the short term, as President Bush acknowledged last week in ordering federal energy use cut in California, conservation can ease the pinch between supply and demand.
>
> However, conservation and increased efficiency are also critical components of any long-term policy. They can contribute much more than the administration has so far been inclined to admit. Candor must be part of the discussion. The issues are complex and call for balanced and wide-ranging solutions; one way to get them is to avoid over-simplifying the debate at the start.

Mr. MURKOWSKI. I agree with a good deal of the editorial's comments relative to the fact the energy crisis is upon us. They indicate we cannot conserve our way to energy independence, and I agree with that. But what I find a little bit inconsistent is the reference that somehow we are going to have to interject some kind of Government control on prices. Now, they did not go into a great deal of detail suggesting that we increase supply and that the traditional increase of supply should take care of the price.

Clearly, California is the victim of a situation of supply and demand because for a number of years California simply decided it was easier to buy energy outside the State of California than developing energy from sources within. Clearly, last year, California found itself depending on imported energy from other States. Those States chose to market that energy at the going price—whatever they could get for it. The difficulty, of course, is that now California finds itself in a mess.

The controls on retail pricing which exist in California have resulted in the consumers taking the full brunt of what that energy costs. By having a wholesale cap on California's energy, why, it is acting to inhibit investments coming into California to build more plants.

It should be noted that Vice President CHENEY, in commenting on the growing electricity demand, indicated that the country is going to have to put in about 1,300 to 1,900 new powerplants during the next two decades. The Department of Energy evidently supports that reference because they indicate that is between the plants they anticipate as necessary to pick up the shortage.

What we have is a reference in general terms that we should address this crisis but not specifically how we are going to address it or specifically what means we are going to use. The Washington Post editorial indicates that conservation and increased efficiency are critical components. And they are, Mr. President, but we should recognize one fact. Less than 4 percent of our power generation in this country currently comes from renewables or alternatives. In other words, the renewables would be the wind power, hydropower, and it certainly could be fuel cells or various other components. The point is we have invested about $6 billion in subsidies and grants for renewables. They still only take a very small percentage.

What I find rather ironic is that there is no identification of just how we are going to get out of this energy crisis. We are going to get out of it by going back to our traditional energy sources—coal, nuclear, oil, gas, hydro—and recognizing we can do a better job of conservation and work towards renewables.

What is frustrating is there is no identification of any consistency of what people will support. As a consequence of that, we find ourselves with the recognition that not only do we have an energy crisis but we also have an inadequate distribution system, whether it be our pipelines or whether it be our electric transmission lines. Many of these have not been expanded over the last several years.

We also have a shortage of refinery capacity in this country. We have not built a new refinery in 25 years. It is almost the perfect storm coming together. We don't have the refining capacity. We have not built any coal-fired powerplants since 1995. We have not built a new nuclear powerplant in over 10 years. We have been concentrating on natural gas. We saw the price of natural gas go up to $2.16 per thousand cubic feet 18 months ago. Now it is $4 or $5. It has been as high as $8.

Here we have, if you will, not only an aging infrastructure for delivery but a rather curious inconsistency in our foreign policy. We are currently importing about 700,000 barrels a day from Iraq. Many people forget that in 1991–1992 we fought a war over there. We lost 147 American lives. Yet today we enforce a no-fly zone over Iraq. We have flown over 230,000 individual sorties enforcing that no-fly zone and putting American men and women in danger. Saddam Hussein proceeded valiantly and, fortunately, he has been unsuccessful in his effort to shoot down one of our aircraft. We are putting men and women in harm's way so we can continue to get oil from the Mideast—get it from one person who is an enemy.

I can simplify it. I have used this often. But it seems as if we take his oil and put it in our airplanes and then fly missions over Iraq. He takes the money that he gets from us and develops a missile capability after paying his Republican Guards to keep him alive and aims his missiles at our ally, Israel.

What kind of a foreign policy is that? As a consequence, we see our Nation 56-percent dependent on imported oil.

It is kind of interesting to note what other people are saying. A noted investment banker, Matt Simmons, told the Committee on Energy and Natural Resources, which I chair, that "we are now in the early stages of the most serious energy crisis this country has ever faced—worse than 1973. As the crisis unfolds, it could become the most critical threat to our economy since World War II."

I don't know if we are heeding that call, but we certainly try. Several of us—Senator JOHN BREAUX and myself, among others—have introduced comprehensive bipartisan solutions in our energy bill pending before the Energy Committee. The objective is to promote the use of alternative fuels, encourage efficiency, increase domestic supplies of energy, a balanced, comprehensive approach that addresses all of our conventional sources and uses of technology as a consequence of the advancements we have made in the last several years. We have provisions to provide for more efficient appliances in our homes, alternative fuel cars, and to make it easier for communities to make schools more efficient. It encourages the development of clean coal, nuclear, and other domestic energy sources.

One of the problems with this bill is you might not know what is in it because most of the coverage has been around one single issue in my State of Alaska; that is, whether or not we should include the development of ANWR in the bill.

ANWR is a very small piece of land, but it has turned into the focal point of a very large argument. The reason is the environmentalists need an issue such as ANWR—an issue that is far away, that Americans can't see for themselves. If one looks at the makeup of the huge area that includes ANWR and recognizes how insignificant that very small portion is that we are planning to open, one begins to understand the merits of, indeed, the realization that we can do it safely.

In any event, I think it is important to note the inconsistency relative to several of our major newspapers and their positions on this as evidenced by editorials that have been written over the last several months. I refer first to an article in the New York Times. That was March 5, 2001. It comments on the bill that we have introduced. The highlight of the editorial suggests that this paper last addressed the folly of trespassing on this wonderful wildlife preserve of ANWR for what by officials estimate is likely to be a modest amount of economically recoverable oil. As a consequence of that, they go on in a later article of January 31, 2000, indicating that the country needs a rational energy strategy, but the first step in that strategy should not be punching holes in the Arctic refuge, even with improved drilling techniques. They go on to say Mr. Bush's plan to open the refuge is environmentally unsound and as intellectually shaky as it was when Ronald Reagan suggested it 20 years ago and when Mr. Bush's father suggested it a decade ago.

Isn't that rather curious? I will put the poster up because I think all Members should have an opportunity to reflect on the inconsistency of our national news media on this issue. It did three articles. They did an article on April 23, 1987. It reads:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.
>
> . . . A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

Then they came long on June 2, 1988, and indicated:

> . . . the potential is enormous and the environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.
>
> . . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.
>
> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence of the nation's energy needs.

Isn't that rather ironic? The New York Times has suddenly done a flip-flop when in June of 1988 they supported it, and in March of 1989 they stated:

> . . . Alaskan oil is too valuable to leave in the ground.
>
> . . . the Single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.
>
> . . . Washington can't afford . . . to treat the [Exxon Valdez] accident as a reason for fencing off what may be the last great oilfield in the nation.

It is interesting to note that the New York Times has done a flip-flop. It seems to me that it is more dangerous today when we are importing 56 percent of our energy from overseas and worse than it was in the late 1970s when we were importing 37 percent.

In 1973, when we had the Arab oil embargo, there was a reaction in this country. We created the Strategic Petroleum Reserve, and we made a mandate not to be dependent on the Mideast. As a consequence, we had a very accurate effort in legislation, and so forth, to ensure that we would not increase our oil imports. We had a crisis. We recognized it. We wanted development of oil here at home. But now the New York Times has suddenly turned around with very little explanation given.

In fact, I had an opportunity to meet with the editorial board of the New York Times. I asked for an explanation of why they had changed their position when clearly the situation and the crisis as a consequence of increased imported energy and the California crisis had heightened. The response to me was: Well, we had a different editor then, and he is gone. I don't think that is a reasonable explanation.

You might think I am picking on the New York Times. But I had the same situation with the Washington Post. The Washington Post some time ago supported opening up ANWR. But as of December 25, 2000, they indicated:

> Gov. Bush has promised to make energy policy an early priority of his administration. If he wants to push ahead with opening the plain as part of that, he'll have to show that he values conservation as well as finding new sources of supply. He'll also have to make the case that in the long run, the oil to be gained is worth the potential damage to this unique, wild and biologically vital ecosystem. That strikes us as a hard case to make.

Then in another editorial from the Washington Post dated February 25:

> Mr. Bush wants to open the Arctic National Wildlife Refuge to oil exploration. . . .
>
> America cannot drill its way out of ties to the world oil market. . . . But the most generous estimates of potential production from the Alaska refuge amount to only a fraction of current imports. To reduce dependence on foreign oil requires reducing dependence on oil in general, through lowered consumption [and so forth].

They did not say how we are going to move the transportation network of this country: our ships and our planes. We do not fly in and out of Washington, DC, on hot air. We have to have jet fuel from refineries. Somebody has to produce it.

My point is the Washington Post, too, has changed. One wonders why. Because in 1987, on April 23, an editorial in the Washington Post read:

> . . . Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. . . .
>
> . . . But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surroundings life. . . .
>
> . . . That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's [of ANWR]. . . .

That sounds pretty good. Then on April 4, 1989, they further say in an editorial:

> . . . But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful. . . .
>
> . . . The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

How ironic can these two national organizations—the New York Times and the Washington Post—be in completely flip-flopping the position they both had in the mid-1980s, to turn around and now be in opposition when we truly have an energy crisis in this country? I encourage my colleagues to inquire of the Washington Post and New York Times why that is so.

The explanation I got, as I indicated, from the New York Times is they changed editorial editors, and that person is gone. I asked the Washington Post for an explanation. The explanation from the Washington Post is rather interesting: Of the group who was there, one person volunteered an explanation. That explanation was that they thought President-elect Bush was a little too forward on the issue in his comments during his campaign. I do not think that is an adequate answer either.

I will tell you what we have. We have general comments about an energy policy and the need for an energy policy but no specific identification of how we are going to achieve, if you will, more production of energy in this country, more transmission lines, and how to use our technology to lessen the footprint.

One of the ways, clearly, is to reduce dependence on foreign imported oil and by opening up the Arctic National Wildlife Preserve. By doing that, we can hasten the day when we can reduce our dependence on imported oil.

Let me conclude with one reference and I do not have the charts in the Chamber to show you, but I think it is important to keep in mind that ANWR is the size of the State of South Carolina. It is 19 million acres. We have taken 8.5 million acres and put them in a wilderness in perpetuity. Nine million acres are in a refuge. Congress has the sole discretion on opening up the 1.5 million acres. It is estimated that if the oil is in the abundance that it needs to be, it will take a footprint of roughly 1,000 to 2,000 acres. That is about half the size of the Dulles International Airport.

To me, one of the startling things about new technology is a statement an engineer made in my office saying he could drill under the Capitol Building and come out at gate 17 at Reagan Airport. That gives you some idea of the advanced technology for oil and gas drilling.

I know my friend, the chairman of the Committee on Finance, is anxious to be heard and to ask for 5 minutes of my time. I will grant him 5 minutes of my time. One of these days I will expect reciprocity.

I am going to be speaking again on this crisis in energy and the role of the national environmental community in challenging the realistic manner in which we can achieve greater relief from the energy crisis in this country. I will be doing that in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, now I know who I have to thank that I can get 5 minutes. So I thank the Senator from Alaska. But in show of my appreciation, I say to him that on the matter he spoke about in relation to our energy needs, I look forward to helping solve a great deal of our energy issues because through our Committee on Finance we will be dealing with a lot of tax issues that deal with the efforts to spur production and alternative energies.

A very big part of your program that you have introduced—and we compliment you for being a leader in trying to solve the energy crisis—will be the work of the committee on which the Senator and I serve. I will be very happy to work on that.

IN RECOGNITION OF JOANN OWENS

Mr. GRASSLEY. Mr. President, the month of May, since 1963, has helped the Nation focus on the contributions and achievements of America's older citizens because the month of May is a month where we recognize these achievements., Congress does this by cooperating with various organizations in bringing senior interns to Washington, DC, for 1 week out of the month of May. There are other things that are done as well.

The image of those over the age of 65 is dramatically different than it was as recently as a generation ago. Older Americans increasingly redefine modern maturity. They reshape cultural boundaries, and they dispel age-old stereotypes associated with getting older. They are leaders in our families, in our workplaces, and in our communities.

Each week this month I am going to recognize a different Iowan and highlight what these older Iowans are doing as a contribution to the workplace and communities. The one I recognize this week is a 68-year-old woman from Sioux City, IA. JoAnn Owens understands the value of family and understands community involvement. Through her initiative, her concern, and her commitment, she has touched the lives of many in her family and in the entire Sioux City community.

Born and raised in Sioux City, Ms. Owens moved to New York in her twenties and spent much of her adult life on the east coast. In 1993, at the age of 60, she moved back to Sioux City to care for her ailing mother. Seeking a way to keep herself active, and at the same time stimulate her mind, Ms. Owens began to volunteer in the community. For the last 7 years, she has served as a senior companion by providing care to people in the community who need extra assistance in order to live independently.

She currently volunteers 4 days a week helping young people suffering from brain injuries to develop their academic skills. Ms. Owens also serves as a volunteer judge for the Woodbury County Drug Court Program. She is a member of the city's Human Rights Commission and active in the Quota Club, an international service organization.

Ms. Owens describes herself as a woman motivated by challenges. As a volunteer with the Sioux City Police Department, Ms. Owens took the initiative to develop a program to provide domestically abused women with cellular phones so they could better protect themselves. She also spent a series of weeks attending the Sioux City Police Citizens Academy where she was trained on the responsibilities and challenges facing police officers.

Ms. Owens' concern for her family is also a driving force for her involvement. Her desire to play an active role in her mother's care prompted Ms. Owens to join the care review board at the care center where her mother lived. Although Ms. Ownens' mother passed away 5 years ago, she is still involved as a resident advocate, currently serving as the chairperson for the care review committee. She visits with the residents at least once a month and works with staff to take care of any problems at the center.

Ms. Owens has six grandchildren and one great-grandchild. Her concern for their education motivated her to become a member of the Board of Education equity committee. She is currently the chairperson of the committee. Her mission is to ensure that education in Sioux City is equally and equitably dispensed to all students.

Beyond her community involvement, Ms. Owens enjoys raising tomatoes, reading, and feeding the birds, squirrels and rabbits. She lives with her cat Mr. Roberts and her dog Jordan.

I thank Ms. Owens for helping to make Sioux City a better place to live. Her initiative and compassionate care for others is an example to us all that we should contribute to our communities, no matter what our age.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, am I correct that the Senate is now in a period of morning business?

The PRESIDING OFFICER. That is correct.

BUDGET RESOLUTION DELIBERATIONS

Mr. LIEBERMAN. Mr. President, I rise today to speak about the deliberations that are now going on in both Houses of the Congress about the budget resolution, which will be before the Senate certainly some time this week.

This is a most important time in this session and, I believe, is a moment of historic opportunity for our economy. As I have followed the debate, I have seen questions raised about, where is the Centrist Coalition in the Senate? Where are the so-called moderates? I know some voted for the Senate-passed budget resolution when it came up in the Senate earlier. I think some of those moderates are having second thoughts or are raising questions about the state in which that resolution came out of the conference committee, from which, as we know, Members of the Democratic Party were excluded.

I want to speak with my colleagues today about my own feelings on this budget resolution. I do so as someone who has been a proud founding member of the Senate bipartisan Centrist Coalition, a founding member of the Senate New Democratic Coalition, because I truly believe this budget resolution, as it has come out of the conference committee, challenges and tests each of us on our fundamental views about what Government is about and what, most of all, fiscal responsibility is about.

I have always believed that at the heart of being a so-called centrist or moderate is fiscal responsibility—that we will take care of the people's money here—more than a trillion dollars of it that we have charge of every year—with the same fiscal responsibility that the American people handle their own money in their personal lives, in their families, and in their businesses.

As I looked at this budget resolution that has emerged from the conference committee, it is my strong feeling that it lacks more than just the two missing pages that are now being retrieved. This budget resolution profoundly lacks fiscal responsibility. It will not only do nothing to address the economic downturn that more and more Americans are feeling the pinch and pain of right now; I fear that it will set us on the road back to increasing debt, to budget deficits, to increasing interest rates that go with increasing deficits and debt, and to the rising unemployment and falling investment that go with higher interest rates.

This budget resolution is fiscally irresponsible. It is a tax plan, as colleagues have said, that is trying to look like a budget plan. I will put it this way: It is a tax plan, but it is not what we need, which is a prosperity and progress plan. It does not answer the question of how we continue the prosperity and progress of the last several years.

I want to cite a few concerns I have about this budget resolution as it has emerged from the conference committee, which we will debate this week. First, to the best of my understanding, there is no longer a short-term, immediate economic stimulus component to this budget. During the recent debate on the Senate-passed budget resolution, several of us in both parties spoke to the need for an economic stimulus, as we watched important economic indicators going down. When the budget resolution came up in the Senate, our colleague, Senator HOLLINGS from South Carolina, and several of the rest of us, sponsored and passed an amendment that set aside $85 billion of the current year's surplus for an economic stimulus in order to get money out to the taxpayers—every one of them, whether they pay the payroll tax or the income tax, as soon as humanly possible. We believed it was and still is important to put money in the pockets of all taxpayers this fiscal year so they can go spend it, boost the economy, and raise consumer confidence. It is my understanding that the conference committee has effectively removed the stimulus component from the budget resolution that will come before us this week. It is gone even as the economic indicators from the official bureaus of our Government and other organizations tell us that we need that economic stimulus even more today than when we voted in this Chamber just a few short weeks ago to adopt it. But it is not there.

Just last week we learned that the unemployment rate for April shot up to 4.5 percent. That is the highest level of unemployment in America in more than 2½ years. Even more troubling, last month U.S. businesses cut their payrolls by the largest amount, 223,000 jobs, since the recession year of 1991. That is as clear an alarm bell as we could have and as clear a call for a short-term economic stimulus as we should need. Yet, it is not in this resolution.

In addition, the University of Michigan, which has been measuring consumer sentiment in this country for many years, reported that consumer confidence fell last month to the lowest level it has been in 7 years. This is not some political group, some partisan group; these are credible indicators. They cry out for the short-term economic stimulus—to get the money back into the pockets of America's consumers to spend and raise consumer confidence. And it is not there in this budget resolution.

Secondly, the tax cut in this conference report seems to be growing well beyond the Senate-passed figure of $1.18 billion and even beyond the $1.25 billion that the Republican conferees claim is in this budget resolution. It seems that the $100 billion that was supposed to go towards an immediate economic stimulus is being rolled back into the larger Bush tax plan, bringing the real total to $1.350 trillion. Add to that an additional $50 billion in this budget resolution for other revenue reductions and you are up to $1.4 billion. That number doesn't include some of the automatic tax extenders that get renewed on a regular basis. It doesn't include necessary reforms to the alternative minimum tax that will be necessitated by this $1.4 trillion tax plan. It doesn't include increased interest payments on the debt that will have to be paid because we are spending so much of the surplus.

Mr. President, I predict to you that if we should adopt this unfortunate, mistaken and, in my opinion, threatening-to-our-economy budget resolution, the tax plan will cost, at a minimum, $1.6 trillion. It will probably cost much closer to $1.8 trillion. I am sure when we get the resolution on the floor, we will have a clearer estimate of that. That tax cut will be taken out of what remains of a projected of $2.5 trillion 10-year on-budget surplus. But that $2.5 trillion surplus is based in part on an economic growth rate of 2.4 percent this year.

However, the Congressional Budget Office has actually run some numbers on what would happen to that projected surplus if the growth rate slows this year. Some economists do think we are going into a recession this year, where at the end of the year we will actually have negative growth. I hope and pray not. According to the Congressional Budget Office, if that happened, if the growth rate for this year alone dropped to .1%, there would be a $47 billion drop in the projected surplus this year and a total reduction in the surplus of $133 billion over the following 10 years.

That analysis even assumes that there would be continued robust 3.1-percent growth over the following 9 years, which no one can assume. So you take whatever the tax cut ends up being—$1.7 trillion or $1.8 trillion—out of that, and then you look at the spending side of this budget resolution, next year's domestic discretionary spending in the budget resolutions coming out of the conference committee does not keep up with the expected rate of inflation.

So at a time when we are looking forward to surpluses, when we know from our families and our businesses that you have to make responsible investments to continue to grow, this budget is spending it almost all on the tax plan and saving very little for the kinds of investments that we need to make to keep our country strong, to continue the prosperity and the progress.

Where are we going to get the money after this enormous tax plan proposal by President Bush and our colleagues in Congress is taken out of the surplus that we hope will exist—where are we going to get the money to invest in education, which every conversation I have had with people in my State of Connecticut, and every public opinion survey says is the No. 1 priority of the American people? Where are we going to get the money to invest in keeping our Nation strong, our national defenses? The numbers that are coming out of the Pentagon—rumored at this point—are quite high.

I am a member of the Senate Armed Services Committee. I am privileged to serve with the distinguished occupant of the Chair, the Senator from Florida. One could make a case for some of these numbers, in my opinion. We need to invest more in our defense, but where is that money going to come from if domestic discretionary spending is held below the rate of inflation and so much goes to that tax plan?

We are going to do serious harm to our economic future if we pass this fiscally irresponsible budget resolution. There is no way we can continue the operations of our Government in a realistic and responsible way if we adopt this budget. That is even assuming that good economic times return soon again next year and that this current downturn does not develop into a longer recession. There is no way we are going to pay the bills that are part of this budget resolution without dipping into the Social Security and Medicare trust funds.

What happened to the lockbox everybody was talking about for Social Security and Medicare? Our seniors and those in the baby boom generation who are going to be coming into their senior years are expecting Social Security and Medicare to be there. With this conference report, they are going to find the viability of those funds have been hurt by a fiscally irresponsible budget. These are pivotal considerations and votes we are going to have this week.

We have learned a lot in the last decade about the role of Government in the economy. One of the things we have learned, certainly centrist, New Democrats know, is that the Government does not create jobs. The private sector creates jobs. But Government can create an environment for growth, an environment in which the private sector can flourish.

The first and most important thing that Government can do is to be fiscally responsible.

The second thing is to have some money to invest in what creates growth, particularly in the high-tech information age. Nothing creates growth more than an educated public. We need to invest in our schools. We need to invest in training and retraining of existing workers. Yes, we ought to have tax cuts. We ought to have some tax cuts that help working families deduct the cost of higher education for their children or the cost of retraining programs for themselves.

I am afraid this budget resolution, which carries out a campaign promise the President made in New Hampshire more than a year and a half ago when the economy was not in a downturn, when others he was running against were proposing flat taxes and he responded, will take us down the road to exactly where our history should tell us we do not want to go.

This budget resolution is fiscally irresponsible. The economics do not make any sense. I am tempted to call it voodoo economics, Mr. President. The numbers do not add up and America's economy will suffer for it. Even more to the point, and personally, what will be hurt if we do not gather together, centrists of both parties, to speak for fiscal responsibility and reasonable investments and fiscally responsible tax cuts is the quality of life of millions of American families and the strength and stability of millions of American businesses.

I urge my colleagues to look closely at this budget. Let us work across party lines on it and let us make it what the American people deserve and expect it to be: a fiscally responsible progress and prosperity budget.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I associate myself with the comments made by the Senator from Connecticut. If the budget comes back as reports indicate the conference may send it back. I, who voted for it the first time, will not be able to vote to support that budget conference report.

The Senator from Connecticut has very well made the points. For me, it is a profound disappointment that something I thought we had worked out and was understood is going to be reversed and come back in a conference report which is, for most of us, unacceptable.

Mr. President, I know the hour of 2 o'clock is approaching. I ask unanimous consent that the time be extended just so I may finish my comments today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

ENERGY PRICES AND THOSE WHO BENEFIT

Mrs. FEINSTEIN. Mr. President, last week I rose to speak about the businesses and consumers in California and the West who are facing exorbitant energy bills that could threaten the very livelihood of their businesses. These are people who have been hurt by the crisis. Today I want to talk about those who have benefited from the crisis.

One can look at this chart and you can see something is wrong because the total cost of power in California in 1999 was $7 billion, the total cost in the year 2000 was $32 billion, and the projected cost in the year 2001 is $65 billion.

That kind of a hike does not happen without someone profiting.

Electricity is not an automobile. It is not a fur coat. It is not a home. Electricity is a basic staple of human life. If the street lights do not function, there are accidents. If people cannot run their respirators, death may result.

California is now in a position where businesses are laying off employees, businesses are closing. I cannot emphasize enough how people are hurt by this.

Let us look at an example of high power prices by taking one random day this past winter: December 15, 2000. On this day, electricity prices ranged from $429 a megawatt hour to $565 a megawatt hour, depending on the time of day.

What makes that significant? Look back 1 year to 1999, same day, same month. The price was $12 a megawatt hour to $29 a megawatt hour. These are wholesale prices. This represents in 1 year an increase of 3,500 percent and 1,900 percent, respectively.

If we want to take a look at prices in a more recent month, let us look at February 2001. Wholesale energy costs in February averaged $361 a megawatt hour, more than 12 times the average wholesale cost of $30 a megawatt hour in February of 2000.

I mentioned earlier that the utilities, as a product of a very flawed State bill, had to divest themselves of their power-generating facilities. To show the difference, consider that when Southern California Edison had its generating facilities, it was selling power at $30 a megawatt hour. When Edison sold it to an out-of-State generator, the generator immediately turned around and charged $300 a megawatt hour. That is what is happening.

Clearly, California's deregulation has turned out to be an abysmal failure for the State, for consumers, for businesses, and for California's investor-owned utilities, one of which is in bankruptcy, PG&E, and the other which is perilously close, Southern California Edison.

Last week, the Federal Reserve estimated that, on average, each California household will pay $750 out of their pocket to compensate for higher energy costs this year. Additionally, over the past year, the natural gas component of the CPI rose by 68 percent in western metropolitan areas, boosted in part by a nearly 135-percent increase in the index in the San Francisco Bay area.

However, having said this, not everyone has been a loser. Let us talk a moment about the winners because it is quite revealing.

California's six largest nonutility energy suppliers are all based outside the State. Together they own or market roughly 17,000 megawatts of capacity. That is roughly a third of the total capacity in the State, and it is roughly enough for 17 million households. They are companies such as Dynegy, Duke Energy, Mirant, NRG Energy, Reliant, and Williams. These are not the only ones benefiting from the crisis. But for these six companies, profits more than doubled from 1999 to 2000. In some cases, the companies' subsidiary operating units doing business in California's wholesale power posted even larger gains than their parent companies.

If you look at this chart, the gray is 1999 and the red is 2000. Williams Energy Marketing and Trading Company, a subsidiary of Williams Energy Services, which sells energy from California facilities, saw profits increase nearly tenfold, from $104 million in 1999 to over $1 billion in 2000.

For Reliant's wholesale energy business, which supplies energy to California and other competitive markets, operating income rose almost 1800 percent, from $27 million in 1999 to $482 million in 2000. These are last year's numbers, but already these firms are again posting dramatically higher profits from this winter. Recent first quarter earnings announcements by energy companies reveal that firms continue to profit big time.

For example, Calpine Corporation announced a 424-percent increase in earnings, raking in $94.8 million in the first 3 months of the year compared with $18 million last year.

Mirant, formally Southern Company, announced record first quarter earnings of $175 million, up 84 percent, the equivalent of 51 cents per share.

Williams reported a first quarter profit of $378 million, more than double its results a year ago.

It is important to note that supply and demand have remained virtually the same over this period of time. There has been less than a 4-percent increase in demand. The imbalances in the market do not justify these astonishing increases in price.

One of the most amazing things to me is to see how little concern there is about what is happening in this very large State. Last week, the Federal Energy Regulatory Commission ordered the Williams Company to refund $8 million for withholding power from the California market last summer. This is the first action of its kind by FERC, who found that Williams intentionally and improperly shut down plants with the implicit understanding that withholding power from the market would drive up prices. We know it is happening now.

Last April and May, Williams shut down two of its generating units in Long Beach and Huntington Beach that were obligated to sell electricity to the California grid operator, forcing the ISO to look elsewhere for power. Williams—this is the rub—Williams would have been paid $63 a megawatt hour if the power plants were running; instead, the ISO had to spend $750 a megawatt hour to purchase electricity from other generating units. This withholding of power netted Williams $11 million.

The Williams Energy Marketing and Trading Company has agreed to refund $8 million under the FERC order, although they profited $11 million by purposely shutting down the plants to raise the price.

Last week it was reported that Duke Energy was attempting to negotiate with Governor Davis to settle similar allegations about Duke plants that were off line. Documents released last week reveal that in March, Duke approached the Governor's office to offer a discount on some of the $110 million owed to the company in exchange for an assurance by the Governor that Duke would not be investigated for keeping plants off line. I think that is just dreadful. A major generator approaches the Governor and tries to make a settlement so that company will not be investigated. This evidence demonstrates that power has been intentionally withheld from the market.

This is not an issue about supply and demand. Vice President CHENEY, Secretary Abraham, and FERC Chairman Hebert argue if we try to regulate prices, companies will not build new plants. Traditionally, companies have earned 10 to 15 percent profit in the energy sector, but now we are seeing profits in the hundreds and thousands of percents. The administration says companies need these high profits to build new powerplants. But at what point does reasonable profit become price gouging?

Again, electricity isn't a luxury good, it is a staple of life. Again, the Federal Energy Regulatory Commission has found these prices unjust and unreasonable. But the FERC will do nothing about it. Californians are outraged.

Last week, the Lieutenant Governor of California sued Duke, Mirant, Reliant, Williams, and Dynegy in Los Angeles Superior Court accusing the firms of price fixing in violation of State antitrust and unlawful business practices laws.

Today, the California State Assembly speaker and State Senate president pro tempore will sue FERC for the Commission's failure to ensure that rates are just and reasonable as required under the Federal Power Act. I support their cases. Again, I call on FERC to cap wholesale prices until new plants can come on line in California.

The price gouging I have talked about today will have rippling effects that will affect everyone not only in California but likely the entire country. Already, Washington and Oregon are suffering from high electricity prices.

If the FERC and the Federal Government continue to offer piecemeal solutions, the world's sixth largest economy, California, and the Nation's economy may very well pay the price. Now is the time to act. That is why Senator GORDON SMITH and I have introduced comprehensive legislation to address the price and supply problems up to March of 2003, at which time it is estimated there will be enough power on line to protect against the price gouging we are experiencing today.

Today, California may well experience the first rolling blackouts of the summer. As a matter of fact, we have just learned that the Major League baseball games are going to go on a rain delay should there be a rolling blackout. The games will stop until after the blackout ceases. This is clearly a problem for California and other States.

DOMESTIC DRUG UPDATE

Mr. GRASSLEY. Mr. President, last month I held a hearing on the Ecstasy problem affecting today's youth. At that hearing the White House released a Pulse Check report on drug trends over the past year. I would like to draw my colleagues' attention to the information in this report.

Drug use in our nation is still increasing. The Pulse Check report found that for most drugs, the availability and usage has been getting worse. It is clear we must take further steps to combat this increase in availability.

The report included information collected from cities all over the country, both urban and rural. It found that heroin use is increasing relative to cocaine. The availability of heroin has been increasing. In fact, drug experts reported that heroin is readily available on our streets, and about half of these experts stated that access to heroin is getting easier. Heroin purity is also increasing, especially as Colombian white heroin is showing up on our door. One major trend found across the nation is that more and more young people are taking up heroin. This is a scourge that must be stopped.

There is another drug that's devastating our young people: Ecstasy and other so-called "club drugs." The report highlighted the dramatic increases in use, particularly among teenagers. Eighteen of twenty cities in the report found Ecstasy to be an emerging concern. Ninety percent of drug treatment and law enforcement experts attest that the availability of Ecstasy has increased in the past year, in spite of all the attention it's been given. It's time we stop just talking about this problem that's destroying our youth, and start taking real action to educate our children and stop the easy availability of this drug at parties and clubs and increasingly in our schoolyards.

Use of other drugs remain at high levels. Marijuana is still widely available, and law enforcement officials regard marijuana as a major threat to our cities. Cocaine, crack, methamphetamine, and other drugs are also increasing in availability and presenting a growing threat to our law enforcement personnel and to all Americans. The Pulse Check report found that the one trend that transcended all drugs was that the users were increasingly likely to be younger people. The age of onset of use is dropping. This heightened assault on our young people cannot be allowed to continue. We must stop the drug trafficking in our schools and near our children.

There were a few positive signs in the report, however. Crack and marijuana use seem to be leveling off, and it appears our efforts are beginning to work in these areas. More effort should be placed in these areas so we do not lose any momentum in fighting these drugs.

I received another report, from the Pew Research Center, that discusses the American people's feelings on the drug war. Pew reports that 74 percent of Americans feel that we are losing the drug war. Drugs also ranked as the number one concern for rural areas, such as my home state of Iowa. This is an issue that clearly affects everyone; there is no place left to hide from this scourge. Americans are worried about this problem, and with good cause.

I wish I had more good news to report, but unfortunately the drug problem remains serious. Drug use is up sharply among our youth, and availability of most drugs is increasing as traffickers are increasing the flow of drugs into our country and into our schools. Bold steps must be taken to let our children know the risks of these drugs, while also stopping the pushers before they reach young people.

THE NEED FOR CONTROL OF GREENHOUSE GASES

Mr. AKAKA. Mr. President, I rise today to discuss an issue that is very important to a large number of Americans. It is the issue of global climate change and the control of greenhouse gases.

One of the most profound challenges we face in the 21st century is the problem of global climate change. Global climate change has the potential to cause widespread damage to large parts of our planet. An increasing body of scientific evidence indicates that human activities are altering the chemical composition of the atmosphere through the buildup of greenhouse gases, primarily carbon dioxide, methane, and nitrous oxide. The heat trapping property of these greenhouse gases is undisputed. Scientists and public policy experts are convinced that we need to address this problem.

We cannot wait longer for even more scientific proof of when and how climate change will begin. One Pacific leader summarized our dilemma best when he said "We do not have the luxury of waiting for conclusive proof of global warming. The proof, we fear, will kill us."

Prudence dictates that we start addressing this issue immediately. Solutions may not be easy, quick, or cheap;

however, if we do not address this problem soon, the costs will be much higher.

President Bush's reversal of his carbon dioxide pledge is a serious blow to the efforts to control greenhouse gases. The Administration's position on the Kyoto Protocol diminishes the role of the United States in developing a suitable framework to deal with the challenge of global climate change in a cooperative manner with other countries. The United States has the scientific and technical prowess and industrial might to play a leading role in controlling the emissions of greenhouse gases. As the source of over a quarter of the planet's carbon dioxide emissions, we have a responsibility to act decisively. If we abandon our leadership role, not only will history judge us harshly, but we will also pay a dear price for our shortsightedness.

I represent the state where debate over global warming began. The Mauna Loa Climate Observatory in Hawaii was the first to document a steady increase in the atmospheric carbon dioxide levels more than 30 years ago. Since then many authoritative studies have been conducted that document increased levels of greenhouse gases. It is now widely accepted by the scientific community that human activities such as burning of fossil fuels, deforestation, and certain land-use practices are increasing atmospheric concentrations of carbon dioxide and other greenhouse gases. Careful measurement of those gases in the atmosphere, and analyses of ancient ice cores in Greenland and Antarctica, leave no doubt that their global concentrations are increasing.

Modeling studies show that emissions of greenhouse gases due to human activities are affecting the atmosphere in a predictable manner. Confidence in the ability of complex models to project future climatic conditions has increased. There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.

Temperatures have risen during the past four decades in the lowest 8 kilometers of the atmosphere. Snow cover and ice extent have decreased. There has been widespread retreat of glaciers in the non-polar regions during the 20th century. Average global sea level has risen and ocean heat content has increased.

The effects of major global climate change on the U.S. and the rest of the world will be devastating. I would like to describe the possible effects of climate change on Hawaii. As an island state with limited land mass, we are very sensitive to global climate changes. The worldwide problem of greenhouse gases threatens Hawaii. Honolulu's average temperature has increased by 4.4 degrees over the last century. By 2100, average temperatures in Hawaii could increase by three to five degrees Fahrenheit in all seasons and slightly more in the fall. Rainfall has decreased by about 20 percent over the past 90 years. Estimates for future rainfall are highly uncertain because reliable projections of El Niño do not exist. It is possible that large precipitation increases could occur in the summer and fall. The intensity of hurricanes may be affected. Expansion of the habitat of disease-carrying insects could increase the potential for diseases such as malaria and dengue fever.

In Honolulu, Nawiliwili, and Hilo, our major harbors, sea level has increased six to fourteen inches in the last century and is likely to rise another 17 to 24 inches by 2100. The expected rise in the sea level could cause flooding of low lying property, loss of coastal wetlands, beach erosion, salt-water contamination of drinking water, and damage to coastal roads and bridges. The shorelines of the Hawaiian Islands contain some of the world's most famous white-sand beaches. The effects of an accelerated sea level rise on the coral reef ecosystem which protects our islands are poorly understood. Higher temperatures could cause coral bleaching and the death of coral reefs. Hawaii's economy could also be hurt if the combination of higher temperatures, changes in weather, and the effects of sea level rise on beaches make Hawaii less attractive to visitors.

Hawaii's diverse environment and geographic isolation have resulted in a great variety of native species found only in Hawaii. However, 70 percent of U.S. extinctions of species have occurred in Hawaii, and many species are endangered. Climate change would add another threat.

People around the world are beginning to take this problem seriously. To reduce carbon dioxide output, Mexico is planning to double its geothermal power generation, placing it third behind the United States and the Philippines in the use of geothermal power. China, with 11 percent of the world's carbon dioxide output, second to the U.S., has reduced its greenhouse gas output by 17 percent between 1997 and 1999.

In the U.S., municipal governments are working to reduce carbon dioxide emissions. In 1993, Portland, Oregon, became the first U.S. city to implement its own CO_2 reduction plan. Portland has been joined by Denver and Minneapolis.

In recent years, more and more multinational corporations have taken positive steps to address the problem of greenhouse gases. British Petroleum set the goal of cutting carbon dioxide output 10 percent below its 1990 level. Four years later it is halfway there. Last October, Alcan, DuPont, and others pledged to reduce their greenhouse emissions to levels meeting or exceeding the Kyoto requirements. Polaroid, IBM, Johnson & Johnson, and others are also committed to reducing corporate greenhouse gas emissions. Fuel cells are on the verge of providing big breakthroughs in the use of clean energy. All major automobile companies are committeed to this new, clean technology.

We cannot wait for further scientific proof to materialize. If we do not begin to control greenhouse gases in a reasonable time frame, we may reach the point where it may be exceedingly difficult to avoid the drastic effects of global warming. It will not take extremes of warming to lead to major impacts.

We need to address the problem of global climate change, and the sooner we start on this the better off we will be. No one wants our efforts to combat carbon dioxide emissions to become an economic nightmare.

An effective program to fight climate change need not involve huge increases in energy prices or draconian rules that choke industries and damage our economic well-being. We need to employ creative approaches and let American ingenuity loose. We must invest in the development of new technologies that will provide new and environmentally friendly sources of energy, newer and environmentally friendly technologies that allow use of conventional and non-conventional energy sources. We must work with other nations in a cooperative manner. A well-crafted strategy can address global climate change and maintain our preeminent economic position in the world.

I urge President Bush to reconsider his position on the control of carbon dioxide. I urge the Administration to work with other countries in developing suitable and equitable approaches in solving this shared problem of control of greenhouse gases. Our positive leadership is necessary if we are to avoid the catastrophic effects of global climate change. Our world cannot afford widespread disruption of ecosystems and weather patterns that may result from unmitigated emissions of greenhouse gases.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, Mr. President, I would like to detail a heinous crime that occurred June 10, 2000 in Albuquerque, New Mexico. A man in a minivan yelling obscenities ran down participants in a gay pride parade. One victim was hit twice in the knees and thrown off the hood. The perpetrator tried to swerve into the crowd, which included small children, three times before police pulled him out of the vehicle and arrested him.

I believe that government's first duty is to defend its citizens—to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

EXCELLENCE IN NORTH CAROLINA'S MILITARY INSTALLATIONS

Mr. HELMS. Mr. President, from time to time historians like to engage in a sort of parlor game in speculating whether circumstances create great leaders or whether leaders serve as the catalyst for great change.

In my view, there's no doubt that greatness springs from the character of individuals. President Reagan understood this fundamental truth. He also understood that the American people, particularly the men and women in our armed services, will meet any challenge with proper encouragement to strive for excellence.

Ronald Reagan's faith in the American people enabled him to inspire our citizens and to restore our collective confidence at a critical time in America's history. Inheriting a military in decline and a nation said to be in a "malaise" by his immediate predecessor, President Reagan chose not to shrink from the enormous challenges facing our Nation.

Instead, he stood firm in his resolve. Overcoming the predictable partisan criticism, he successfully rebuilt our national defense and restored United States power and prestige throughout the world.

In 1984, in rebuilding our military, President Reagan established the Commander-in-Chief's Annual Award for Installation Excellence. In doing so, he issued an open challenge to the men and women responsible for defending the United States of America": That they do the "best job with their resources to support our mission," and that "they seek out the most imaginative and innovative solutions to the many complex problems [they] face."

Mr. President, ever since Ronald Reagan's first presentation in 1985, the Commander-in-Chief's Award has served as the highest commendation for a military installation. It is a tangible recognition of the hard work, dedication, innovation, and professionalism of the service-members and civilians who serve in our armed forces. (In each year since, only five awards have been presented only to the most outstanding installation of the four service branches and the Defense Logistics Agency.)

This year, for only the second time in history, three installations in a single state rose to President Reagan's challenge and were presented during the same year with the Commander-in-Chief's Award.

In ceremonies at the Pentagon last week, Mr. President, representatives of Seymour Johnson Air Force Base, Fort Bragg, and Camp Lejeune—all three in North Carolina—were present to receive this well-deserved recognition on behalf of their respective services.

Though this is just the second time a state has accomplished this remarkable feat, North Carolina installations have been honored frequently in previous Commander-in-Chief Award ceremonies. In fact, North Carolina installations have won a total of 13 awards, more than any other state.

By the way, Mr. President, North Carolina also has the distinction of having been home to the base that has won the award more often than any other in the country. While not selected this year, the Cherry Point Marine Corps Air Station has won its services' award on six occasions overall, four times in the past six years.

In fact, North Carolina's two Marine Corps bases have so dominated the award that they have won it a total of ten times and kept it in our state for the past six years.

Mr. President, I submit that it is no accident that North Carolina's military installations fare so well in this annual competition. The communities which embrace our bases—Goldsboro, Fayetteville, Jacksonville and Havelock—are filled with patriots who do everything possible to support the young men and women who put their lives on the line to protect our great nation. These North Carolina communities work closely with our installation commanders to support their efforts to make certain that our servicemen and women have everything they need to safely and successfully accomplish their missions and to improve the quality of their lives.

In 1984, President Reagan appealed to the best instincts of the men and women in our military when he established this annual award. In so doing, he has helped highlight a legacy of excellence among the installations in my home state.

Mr. President, needless to say, I'm extremely proud of our bases and communities and their achievements.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 4, 2001, the Federal debt stood at $5,641,702,535,760.39, five trillion, six hundred forty-one billion, seven hundred two million, five hundred thirty-five thousand, seven hundred sixty dollars and thirty-nine cents.

One year ago, May 4, 2000, the Federal debt stood at $5,661,533,000,000, five trillion, six hundred sixty-one billion, five hundred thirty-three million.

Twenty-five years ago, May 4, 1976, the Federal debt stood at $595,840,000,000, five hundred ninety-five billion, eight hundred forty million, which reflects a debt increase of more than $5 trillion, $5,045,862,535,760.39, five trillion, forty-five billion, eight hundred sixty-two million, five hundred thirty-five thousand, seven hundred sixty dollars and thirty-nine cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF AUSTIN GUNDER, "F1J" WORLD CHAMPION

• Mr. SANTORUM. Mr. President, I rise today to recognize the outstanding accomplishments of Austin Gunder, a 15-year-old freshman at Red Lion High School in York County, PA. Austin recently competed with the U.S. Junior Aeronautic International Free Flight Model Aircraft Team in the Junior World Championship Contest held in Seaimovo Usti, Czech Republic.

A member of a six-person team selected by the Academy of Model Aeronautics, AMA, Austin achieved the World Champion Ranking in what is known as the "F1J" or the powered event. This event involves taking a model airplane designed and constructed by the contestant, putting a very small engine and propeller on it, launching it vertically for an exact period of no more than seven seconds to the highest obtainable altitude, and then having the engine shut off with the airplane going horizontal at exactly the right time to starts its timed free flight glide. This is all done by adjusting the small airplane to obtain peak performance, and by testing and practicing to assure that every operation is perfect. The contestant must calculate the most favorable temperature and winds for the 10-minute window in which to fly. Austin was the only U.S. competitor, and he achieved World Champion Ranking 9 minutes into his flight beating out 13 other contestants from all over the world who competed in the event.

Austin Gunder was featured on the cover of the February 2001 issue of Model Aviation, the official publication of the Academy of Model Aeronautics, and will be honored at his high school by the Federal Aviation Administration. Austin's World Champion status in the "F1J" competition is the highest honor of the model airplane organization.

Austin Gunder is an outstanding young man and a great example for youth in the Commonwealth of Pennsylvania and across the country. I personally commend him for his accomplishments in the field of aeronautics and wish him the very best as he prepares himself for the future challenges that lie ahead.●

RECOGNITION OF HEATHER EAGLESTON

● Mr. HUTCHINSON. Mr. President, I rise today to recognize Miss Heather Eagleston of Mountain Home, AR. Heather recently won the Arkansas 2001 "RespecTeen Speak for Yourself" Contest. In her entry letter, Heather passionately described her personal experience with her brother's tragic accident and resulting paralysis and the problems he now faces everyday with disabilities discrimination. It was for families like this one that we passed the Americans with Disabilities Act just over 10 years ago and, during the 106th Congress, the Ticket to Work and Work Incentives Improvement Act of 1999. However, as President Roosevelt once said, "the credit belongs to the man who is actually in the arena . . . who does actually strive to do the deeds." In this case, that credit belongs to a thirteen-year-old girl, who has pledged herself in an effort to combat discrimination against the disabled, and who has already taken a notable step in that direction. I salute Heather for her dedication and congratulate her on this achievement.

Mr. President, I ask that Heather Eagleston's letter and a short biography be printed in the RECORD.

The material follows:

MOUNTAIN HOME, AR,
January 16, 2001.

Hon. ASA HUTCHINSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ASA HUTCHINSON: Eliminating discrimination against disabled people should be a national priority. Even though legislation has been passed addressing their problems, enforcement of existing laws still leaves the disabled individual without even the most basic resources necessary to pursue a normal life.

Access into public buildings, and equal employment opportunities are essential to every citizen of our country. More than half of the population believes that the disabled are being discriminated against in the workforce.

The Rehabilitation Act, of 1973, requires all federal agencies to take an affirmative action in hiring qualified employees with disabilities. Currently, federal government hires only 209,284 people with disabilities. That is only seven percent of the entire work force.

In 1993 my brother was paralyzed in a car accident. His medical bills were about one million dollars, and at that time we had no insurance. My mother had to go to the hospital administrative board and beg them to give my brother the spinal surgery he needed to function. Fortunately, after a long tedious process he did qualify for government assistance.

We have come a long way. The government is making progress but only in small parts. Since 1973 we have had about 20 laws passed on disability rights. The current laws are not being enforced. In 1990 the Americans with Disabilities Act was signed into a law. This included provisions to access all public accommodations. However in 1994, when my brother went to get his senior portrait taken there was no wheelchair access ramp for him to get in, nor in the school sanction. This is only one example of a minor problem that illustrates a major issue.

Initiate stricter penalties for those who will not abide by the laws. Inform the public concerning the law the consequences of ignoring the law.

I will set a standard in my life that focuses on the fact that no United States citizen, despite whatever limitation they might have, feels that their rights are limited due to public ignorance or support from our government. I will speak out for the right of all individuals.

Sincerely,

HEATHER EAGLESTON.

RESPECTEEN SPEAK FOR YOURSELF ENTRY-FORM

Judging criteria: Letters will be judged on quality and clarity of thought, quality of argument, effectiveness of supporting data, quality of expression, sincerity and originality, as well as adherence to rules regarding form and length. Entries must address a national issue that a member of a Congress can take action on. At least one sentence in the letter must describe action the writer can take, has taken, or plans to take to help address the issue on the local level. Please keep in mind that if your letter is a state or district winner, your letter will be released to the media.

You must complete all information below for entry into the contest. Please staple this entry form securely to a copy of the letter that you mailed to your U.S. representative.

Please type clearly or print in black ink:

Today's Date: January 30, 2001
First Name: Heather
Last Name: Eagleston
Sex: Female
Date of Birth: August 8, 1987
Age: 13
Grade: Eighth
Email Address: hmeagleston@yahoo.com
First and Last Name(s) of Parent(s) or Guardian(s) and Daytime Phone Numbers: John Eagleston and Amanda Tait
Daytime Phone: (870) 425-9686
Home Street Address: 500 N. Church St. A–7
City: Mountain Home
State: Arkansas
ZIP: 72653
Home Phone: (870) 424-3253
Teacher's Name: Mrs. Helen Gammill
Full School Name: Mountain Home Junior High
School Street Address: 2301 Rodeo Drive
City: Mountain Home
State: Arkansas
ZIP: 72653
School Phone: (870) 425–1231
U.S. Representative (For Your Home Address): Asa Hutchinson
Congressional District (For Your Home Address): #3
Issue discussed in your letter: Discrimination against disabled

Please sign to the right, verifying that the letter is entirely your own work:

Heather Eagleston

Is the number of words in the body of your letter between 150 and 350?: Yes.

Does your letter have the six standard letter parts (heading, inside address, greeting, body, closing, and signature)?: Yes.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Mr. DORGAN, and Mr. CRAPO):

S. 836. A bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standard for health care information; to the Committee on Finance.

By Mr. BOND:

S. 837. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

By Mr. DODD (for himself and Mr. DEWINE):

S. 838. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. HUTCHINSON, Mr. BURNS, Mr. KERRY, Mr. CHAFEE, Mr. KENNEDY, Mr. HELMS, Mrs. CLINTON, Mr. SCHUMER, and Mr. BIDEN):

S. 839. A bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 145

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 247

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Hawaii (Mr.

AKAKA) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 503

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 548

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 581

At the request of Mr. FITZGERALD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 581, a bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances.

S. 587

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1.200, adjusted for inflation.

S. 632

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 632, a bill to reinstate a final rule promulgated by the Administrator of the Environmental Protection Agency, and for other purposes.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. CORZINE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 742, a bill to provide for pension reform, and for other purposes.

S. 749

At the request of Mr. FITZGERALD, the names of the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Mr. DURBIN), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 749, a bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes.

S. 828

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property.

S.J. RES. 13

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAPO), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 74

At the request of Mr. DAYTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 74, a resolution expressing the sense of the Senate regarding consideration of legislation providing Medicare beneficiaries with outpatient prescription drug coverage.

S. RES. 80

At the request of Mrs. MURRAY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 80, a resolution honoring the "Whidbey 24" for their professionalism, bravery, and courage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. DORGAN, and Mr. CRAPO):

S. 836. A bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise today to introduce a bill to amend the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act. I am pleased that Senator BYRON DORGAN and Senator MIKE CRAPO are joining with me in this effort today.

I understand the benefits of administration simplification and support the goal of getting healthcare providers to use uniform codes to reduce overall costs through increased efficiencies. However, it was originally intended for the entire package of administrative simplification regulations to be released at one time. This would have allowed for system changes to be included in a comprehensive upgrade. These final provisions are now expected to be released over time, which will drive up the cost substantially for providers and health plans as they will be forced to adapt their systems with every new regulation. For example, identifiers for providers, plans and employers have yet to be finalized, making it impossible to incorporate this information into new computer systems.

In addition to the costs of repeatedly updating systems to be incurred by providers, the overall cost of compliance with the Health Insurance Portability and Accountability Act is expected to exceed the costs of Y2K readiness. Small providers, like those in my state of Idaho, cannot afford the high cost in such a short time frame. A longer timeframe will allow these small providers to pay incrementally for systems upgrades.

In addition, if health plans and providers hurry implementation of these provisions, there is the serious possibility that service problems will arise for consumers, including inaccurate payments and customer service issues. A longer implementation timeframe will also allow providers and plans to address any unanticipated consequences as they arise.

For these reasons, with my colleagues Senators DORGAN and CRAPO, I am introducing this legislation to delay implementation of the administrative provisions until the later date of either October 16, 2004 or two years after the final adoption of all regulations. The regulations that would be impacted by this legislation include electronic transactions, code sets, security standards for the electronic standards, and identifiers for health plans and providers. To avoid confusion, let me be clear that this legislation does not affect implementation of the Health Insurance Portability and Accountability Act medical privacy issues and does not deal with unique health identifiers for individuals.

To ensure that providers, plans and the Department of Health and Human Services are working towards compliance to these provisions, this legislation calls for the General Accounting Office to evaluate the progress of implementation no later than October 31, 2003.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COORDINATION OF IMPLEMENTATION OF ADMINISTRATIVE SIMPLIFICATION STANDARDS FOR HEALTH CARE INFORMATION.

(a) IN GENERAL.—Section 1175(b)(1) of the Social Security Act (42 U.S.C. 1320d–4(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Each person to whom an initial standard or implementation specification is adopted or established under sections 1172 and 1173 applies shall comply with the standard or specification by the later of—

"(A) 24 months after the date on which the Secretary determines that—

"(i) regulations with respect to all of the standards and specifications required by such sections (other than standards for unique health identifiers for individuals under section 1173(b)(1)) have been adopted in final form;

"(ii) regulations implementing section 1176 have been issued in final form; and

"(iii) reliable national unique health identifiers for health plans and health care providers are ready and available; or

"(B) October 16, 2004.".

(b) RULE OF CONSTRUCTION.—For purposes of section 1175(b)(1) of the Social Security Act (42 U.S.C. 1320d–4(b)(1)), as amended by subsection (a)—

(1) the requirements of such section (relating to issuance of a regulation "in final form") shall be considered to be met with respect to a standard, specification, or section if a regulation implementing such standard, specification, or section is issued and becomes effective in accordance with section 553 of title 5, United States Code;

(2) nothing in such section 1175(b)(1) shall be construed as requiring the Secretary of Health and Human Services to take into account subsequent modifications made to such regulation pursuant to section 1174(b) of the Social Security Act (42 U.S.C. 1320d–3(b)) in making the determination that a regulation has been issued "in final form" with respect to a standard, specification, or section; and

(3) nothing in such section 1175(b)(1) shall be construed as limiting or affecting the authority of the Secretary of Health and Human Services to issue or implement the final regulations establishing standards for privacy of individually identifiable health information published in the Federal Register by the Secretary on December 28, 2000 (65 Fed. Reg. 82462), including the requirements of section 164.530 of title 45 of the Code of Federal Regulations.

(c) STUDY OF COMPLIANCE WITH HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to examine the effect of the enactment of section 262 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2021), and regulations issued thereunder, on health plans, health care providers, the medicare and medicaid programs, and the Department of Health and Human Services, including the progress of such entities or programs in complying with the amendments made by such section.

(2) REPORT.—Not later than October 31, 2003, the Comptroller General shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1).

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 262 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2021).

By Mr. BOND:

S. 837. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

Mr. BOND. Mr. President, for the past several months we have focused extensively on the need for tax relief and the means for achieving it. As the chairman of the Committee on Small Business, I have argued time and again that the individual rate cuts included in the President's tax package will have tremendous benefits for small-business owners, the vast majority of whom pay taxes at the individual rather than the entity level. And time is of the essence since many of these hard-working Americans are now feeling real pain from the down turn in our economy. While I continue to believe that tax relief deserves our immediate attention, I cannot ignore another tax priority for small businesses, simplification of the tax code.

With the year 2000 tax-filing season now behind us, thousands of small-business owners have once again been reacquainted with the stark realities of our current tax code. To keep that picture clearly in mind, let me remind my colleague of the results of an investigation that the General Accounting Office provided to my committee in the last Congress. A small-business owner faces more than 200 Internal Revenue Service, IRS, forms and schedules that could apply in a given year. While no business will have to file them all, it is a daunting universe of forms, including more than 8,000 lines, boxes, and data requirements, which are accompanied by over 700 pages.

Even more disturbing is that in recent years more than three quarters of small-business owners hired a tax professional to help them fulfill their tax obligations. When we consider the complexity of the forms, rules, and regulations, no one should be surprised. And these tax professionals are far from inexpensive. By some estimates, small-business owners pay more than 5 percent of their revenues just to comply with the tax law, five cents out of every dollar to make sure that all of the records are kept and the forms completed, all before the tax check is even written.

The list of tax provisions crying out for simplification has grown considerably in recent years. Therefore, earlier this year, I introduced the Small Business Works Act, (S. 189), which includes a number of tax-simplification proposals. Today, I rise to introduce additional legislation focusing on a particularly troubling and long-standing area of complexity for America's businesses and entrepreneurs—the status of independent contractors.

Beginning in the last decade and continuing today, there has been an important shift in the American workplace, with an increasing emphasis on independent business relationships. The traditional single-employer career is rapidly being supplanted by independent entrepreneurs who provide specialized services on an "as needed" basis. They seek out individual contracts, apply their expertise, and move onto the next opportunity, bound only to their creativity and stamina. The members of this new workforce are often described as independent contractors, temps, freelancers, self-employed, home-based businesses, and even free agents. Whatever their title, they are a rapidly growing segment of our economy and one that cannot be ignored.

Women in particular are playing an important role in this new business reality. Since the National Women's Small Business Summit, which I hosted in Kansas City last June, I have heard a steady stream of success stories about women entrepreneurs who have left the traditional workforce to start their own independent businesses, often times out of their homes. Today thousands of women are running dynamic businessess in fields like public and media relations, executive assistance, medical transcription, financial planning, management-information-systems consulting, and event planning, to name just a few.

There are a number of reasons for this new business paradigm. Continuing innovations in computer and communication technology have made the "virtual" office a reality and allow many Americans to compete in marketplaces that not so long ago required huge investments in equipment and personnel. In addition, many men and women in this country have turned to home-based business in an effort to spend more time with their children. By working at home, these families can benefit from two incomes, while avoiding the added time and expense of daycare and commuting. Corporate downsizing, glass ceilings, and company politics, too, contribute to the growth in this sector as many skilled individuals convert their knowledge and experience from corporate life into successful enterprises operated on their own.

The rewards of being an independent entrepreneur are also numerous. The added flexibility and self-reliance of having your own business provide not only economic rewards but also personal satisfaction. You are the boss. You set your own hours, develop your own business plans, and choose your customers and clients. In many ways, this new paradigm provides the greatest avenue for the entrepreneurial spirit, which has long been the driving force behind the success of this country.

With these rewards, however, come a number of obstacles, not the least of which are burdens imposed by the Federal government. In fact, the tax laws, and in particular the IRS, are frequently cited as the most significant problems for independent entrepreneurs today. Changes in tax policy must be considered by this Congress to recognize this new paradigm and ensure that our laws do not stall the growth and development of this successful sector of our economy.

Since 1995, we have made substantial headway on a number of tax issues critical to these independent entrepreneurs. In the Taxpayer Relief Act of 1997, we restored the home-office deduction putting home-based entrepreneurs on a level-playing field with storefront businesses. The Small Business Job Protection Act of 1996 and the Taxpayer Relief Act also made some important strides on the unbelievably complex pension rules so that the freelance writer, home-based medical transcriber, and other small businesses have the opportunity to plan for their retirement as they see fit. Finally, and arguably most importantly, through several pieces of legislation in the last six years, we have finally made the self-employed health-insurance deduction permanent and placed it on a path to full deductibility by 2003, although still too long in my opinion. These examples are just a few of the tax law changes already enacted that are helping men and women who chose to work as independent entrepreneurs to enjoy a level-playing field with their larger competitors and still maintain the flexibility of their independent business lives.

Amid this progress, however, one glaring problem still remains unsolved for this growing segment of the workplace—there are no simple, clear, and objective rules for determining who is an independent contractor and who is an employee. Through the Committee on Small Business, I have heard from countless small-business owners who are caught in the environment of fear and confusion that now surround the classification of workers. This situation is stifling the entrepreneurial spirit of many entrepreneurs who find that they do not have the flexibility to conduct their businesses in a manner that makes the best economic sense and that serves their personal and family goals. And it is the antithesis of the new business paradigm.

The root of this problem is found in the IRS' test for determining whether a worker is an independent contractor or an employee. Over the past three decades, the IRS has relied on a 20-factor test based on the common law to make this determination. At first glance, a 20-factor test sounds like a reasonable approach, if our home-based financial planner demonstrates a majority of the factors, she is an independent contractor. Not surprisingly, the IRS' test is not that simple. It is a complex set of extremely subjective criteria with no clear weight assigned to any of the factors. As a result, small-business taxpayers are not able to predict which of the 20 factors will be most important to a particular IRS agent, and finding a certain number of these factors in any given case does not guarantee the outcome.

To make matters worse, the IRS' determination inevitably occurs two or three years after the parties have determined in good faith that they have an independent-contractor relationship. And the consequences can be devastating. For example, the business that contracts with a management-information-systems consultant is forced to reclassify the consultant from an independent contractor to an employee and must come up with the payroll taxes the IRS says should have been collected in the prior years. Interest and penalties are also piled on. The result for many small businesses is a tax bill that bankrupts the company. But that is not the end of the story. The IRS then goes after the consultant, who is now classified as an employee, and disallows a portion of her business expenses, again resulting in additional taxes, interest, and penalties.

All of us recognize that the IRS has a duty to collect Federal revenues and enforce the tax laws. The problem in this case is that the IRS is using a procedure that is patently unfair and subjective and one that forces today's independent entrepreneurs into the business model of the 1950s. The result is that businesses must spend thousands of dollars on lawyers and accountants to try to satisfy the IRS' procedures, but with no certainty that the conclusions will be respected. That is no way for businesses to operate in today's rapidly changing economy.

For its part, the IRS adopted a worker-classification training manual several years ago. According to then-Commissioner Richardson, the manual was an "attempt to identify, simplify, and clarify the relevant facts that should be evaluated in order to accurately determine worker classification. . . ." While I support the agency's efforts to address this issue, the manual represents one of the most compelling reasons for immediate action. The IRS' training manual is more than 150 pages in length and is riddled with references to court cases and rulings. If it takes that many pages to teach revenue agents how to "simplify and clarify" this small-business tax issue, I can only imagine how an independent event planner is going to feel when she tries to figure it out on her own.

In recognition of the new paradigm and the IRS' archaic 20-factor test, I am introducing the "Independent Contractor Determination Act of 2001." This bill is substantially similar to the legislation I have introduced in the past two Congresses to resolve the classification problem for independent entrepreneurs. It removes the need for so many pages of instruction on the IRS' 20-factor test by establishing clear rules for classifying workers based on objective criteria. Under these criteria, if there is a written agreement between the parties, and if our medical transcriber demonstrates economic independence and independence with respect to the workplace, based on objective criteria set forth in the bill, she will be treated as an independent contractor rather than an employee. Moreover, the service recipient, e.g., the doctor or hospital, will not be treated as an employer. In addition, individuals who perform services through their own corporation or limited-liability company will also qualify as independent contractors as long as there is a written agreement and the individuals provide for their own benefits.

The safe harbor is simple, straightforward, and final. To take advantage of it, payments above $600 per year to an individual service provider must be reported to the IRS, just as is required under current law. This will help ensure that taxes properly due to the Treasury will continue to be collected.

While the IRS contends that there are millions of independent contractors who should be classified as employees, which costs the Federal government billions of dollars a year, this assertion is plainly incorrect. Classification of a worker has no cost to the government. What costs the government are taxpayers who do not pay their taxes.

The Independent Contractor Determination Act has three requirements that will improve compliance among independent contractors using the new rules set forth in the bill. First, there must be a detailed, written agreement between the parties—this will put the home-based media-relations consultant on notice at the outset that she is responsible for her own tax payments. Second, the new rules will not apply if the service recipient does not comply with the reporting requirements and issue 1099s to individuals who perform services. Third, an independent contractor operating through her own corporation or limited-liability company must file all required income and employment tax returns in order to be protected under the bill.

The bill also addresses concerns that have been raised about permitting individuals who provide their services through their own corporation or limited-liability company to qualify as independent contractors. Because some have contended that this option would lead to abusive situations at the expense of workers who should be treated as employees, the bill continues to limit the number of former employees that a service recipient may engage as independent contractors under the incorporation option. This limit will protect against misuse of the incorporation option while still allowing individuals to start their own businesses and have a former employer as one of their initial clients.

Much has also been made to the improperly classified employee who is denied benefits by the unscrupulous employer. This issue raises two important points. First, the legislation that I am introducing would not facilitate this troubling situation. Under the provisions of the bill, it is highly doubtful that a typical employee, like a janitor, would qualify as an independent contractor. In reality, this issue relates to enforcement, which my bill simply makes easier through clear and objective rules. Second, the issue of benefits, like health insurance and pension plans, is extremely important to independent entrepreneurs. But the answer is not to force them to all be employees. Rather, we should continue to enact legislation like the Small Business Job Protection Act, the Taxpayer Relief Act, and the legislation vetoed by the Clinton Administration, that permit full deductibility of health insurance for the self-employed and better access to retirement savings plans.

The Independent Contractor Determination Act also addresses a special concern of technical-service providers, such as engineers, designers, drafters, computer programmers, and system analysts. In certain cases, Section 1706 of the 1986 Tax Reform Act precludes businesses engaging individuals in these professions from applying the reclassification protections under section 530 of the Revenue Act of 1978. When section 1706 was enacted, its proponents argued that technical-service workers were less compliant in paying their taxes. Later examination of this issue by the Treasury Department found that technical-service workers are in fact more likely to pay their taxes than most other types of independent contractors. This revelation underscores the need to repeal section 1706 and level the playing field for individuals in these professions.

In the last three Congresses, proposals to repeal section 1706 enjoyed wide bipartisan support. The Independent Contractor Determination Act is designed to treat individuals in these professions fairly by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

Another major concern of many businesses and independent entrepreneurs is the issue of reclassification. The bill I am introducing provides relief to these taxpayers when the IRS determines that a worker was misclassified. If the business and the independent contractor have a written agreement, if the applicable reporting requirements were met, and if there was a reasonable basis for the parties to believe that the worker is an independent contractor, then an IRS reclassification will only apply prospectively. This provision gives important peace of mind to small businesses that act in good faith by removing the unpredictable threat of retroactive reclassification and substantial interest and penalties.

For too long, independent entrepreneurs and the businesses with which they work have struggled for a neutral tax environment. For an equally long time, that tax environment has been unfairly and unnecessarily biased against them. It is well past time that the tax code embraces one of the fundamental tenets of our country, the free market. We must allow individuals the freedom to pursue new opportunities in the ever-changing marketplace through business relationships that make the best sense for them. Our tax code should facilitate those opportunities through fair and simple rules that permit the freelance writer, home-based day-care provider, and every other independent entrepreneur to pay their taxes without undue interference from the government. Trying to force today's dynamic workforce into a 1950s model serves no one. It only stands to stifle the entrepreneurial spirit in this country and dampen the continued success of our economy.

The Independent Contractor Determination Act is a common-sense measure that answers the urgent plea from independent entrepreneurs and the businesses that engage them for fairness and simplicity in the tax law. As we work toward the day when the entire tax law is based on these principles, we can make a positive difference today by enacting this legislation. Entrepreneurs have waited too long, let's get the job done!

I ask unanimous consent that the text of the bill and a description of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Contractor Determination Act of 2001".

SEC. 2. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

"(a) SAFE HARBOR.—

"(1) IN GENERAL.—For purposes of this title, if the requirements of subsections (b), (c), and (d), or the requirements of subsections (d) and (e), are met with respect to any service performed by any individual, then with respect to such service—

"(A) the service provider shall not be treated as an employee,

"(B) the service recipient shall not be treated as an employer,

"(C) the payor shall not be treated as an employer, and

"(D) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

"(2) AVAILABILITY OF SAFE HARBOR NOT TO LIMIT APPLICATION OF OTHER LAWS.—Nothing in this section shall be construed—

"(A) as limiting the ability of a service provider, service recipient, or payor to apply other provisions of this title, section 530 of the Revenue Act of 1978, or the common law in determining whether an individual is not an employee, or

"(B) as a prerequisite for the application of any provision of law described in subparagraph (A).

"(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO THE SERVICE RECIPIENT.—For purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has the ability to realize a profit or loss,

"(2) agrees to perform services for a particular amount of time or to complete a specific result or task, and

"(3) either—

"(A) has a significant investment in assets, or

"(B) incurs unreimbursed expenses which are ordinary and necessary to the service provider's industry and which represent an amount equal to at least 2 percent of the service provider's gross income attributable to services performed pursuant to 1 or more contracts described in subsection (d).

"(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) has a principal place of business,

"(2) does not primarily provide the service at a single service recipient's facilities, "(3) pays a fair market rent for use of the service recipient's facilities, or

"(4) operates primarily from equipment supplied by the service provider.

"(d) Written Document Requirements.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the service provider are performed pursuant to a written contract between such service provider and the service recipient, or the payor, and such contract provides that the service provider will not be treated as an employee with respect to such services for Federal tax purposes and that the service provider is responsible for the provider's own Federal, State, and local income taxes, including self-employment taxes and any other taxes.

"(e) Business Structure and Benefits Requirements.—For purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) conducts business as a properly constituted corporation or limited liability company under applicable State laws, and

"(2) does not receive from the service recipient or payor any benefits that are provided to employees of the service recipient.

"(f) Special Rules.—For purposes of this section—

"(1) Failure to meet reporting requirements.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a) or 6041A(a) with respect to a service provider, then, unless the failure is due to reasonable cause and not willful neglect, the safe harbor provided by this section for determining whether individuals are not employees shall not apply to such service recipient or payor with respect to that service provider.

"(2) Corporation and limited liability company service providers.—

"(A) Returns required.—If, for any taxable year, any corporation or limited liability company fails to file all Federal income and employment tax returns required under this title, unless the failure is due to reasonable cause and not willful neglect, subsection (e) shall not apply to such corporation or limited liability company.

"(B) Reliance by service recipient or payor.—If a service recipient or a payor—

"(i) obtains a written statement from a service provider which states that the service provider is a properly constituted corporation or limited liability company, provides the State (or in the case of a foreign entity, the country), and year of, incorporation or formation, provides a mailing address, and includes the service provider's employer identification number, and

"(ii) makes all payments attributable to services performed pursuant to 1 or more contracts described in subsection (d) to such corporation or limited liability company,

then the requirements of subsection (e)(1) shall be deemed to have been satisfied.

"(C) Availability of safe harbor.—

"(i) In general.—For purposes of this section, unless otherwise established to the satisfaction of the Secretary, the number of covered workers which are not treated as employees by reason of subsection (e) for any calendar year shall not exceed the threshold number for the calendar year.

"(ii) Threshold number.—For purposes of this paragraph, the term 'threshold number' means, for any calendar year, the greater of (I) 10 covered workers, or (II) a number equal to 3 percent of covered workers.

"(iii) Covered worker.—For purposes of this paragraph, the term 'covered worker' means an individual for whom the service recipient or payor paid employment taxes under subtitle C in all 4 quarters of the preceding calendar year.

"(3) Burden of proof.—For purposes of subsection (a), if—

"(A) a service provider, service recipient, or payor establishes a prima facie case that it was reasonable not to treat a service provider as an employee for purposes of this section, and

"(B) the service provider, service recipient, or payor has fully cooperated with reasonable requests from the Secretary or his delegate,

then the burden of proof with respect to such treatment shall be on the Secretary.

"(4) Related entities.—If the service provider is performing services through an entity owned in whole or in part by such service provider, the references to service provider in subsections (b) through (e) shall include such entity if the written contract referred to in subsection (d) is with such entity.

"(g) Determinations by the Secretary.—For purposes of this title—

"(1) In general.—

"(A) Determinations with respect to a service recipient or a payor.—A determination by the Secretary that a service recipient or a payor should have treated a service provider as an employee shall be effective no earlier than the notice date if—

"(i) the service recipient or the payor entered into a written contract satisfying the requirements of subsection (d),

"(ii) the service recipient or the payor satisfied the applicable reporting requirements of section 6041(a) or 6041A(a) for all taxable years covered by the contract described in clause (i), and

"(iii) the service recipient or the payor demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(B) Determinations with respect to a service provider.—A determination by the Secretary that a service provider should have been treated as an employee shall be effective no earlier than the notice date if—

"(i) the service provider entered into a contract satisfying the requirements of subsection (d),

"(ii) the service provider satisfied the applicable reporting requirements of sections 6012(a) and 6017 for all taxable years covered by the contract described in clause (i), and

"(iii) the service provider demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(C) Reasonable cause exception.—The requirements of subparagraph (A)(ii) or (B)(ii) shall be treated as being met if the failure to satisfy the applicable reporting requirements is due to reasonable cause and not willful neglect.

"(2) Construction.—Nothing in this subsection shall be construed as limiting any provision of law that provides an opportunity for administrative or judicial review of a determination by the Secretary.

"(3) Notice date.—For purposes of this subsection, the notice date is the 30th day after the earlier of—

"(A) the date on which the first letter of proposed deficiency that allows the service provider, the service recipient, or the payor an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent, or

"(B) the date on which the deficiency notice under section 6212 is sent.

"(h) Definitions.—For the purposes of this section—

"(1) Service provider.—The term 'service provider' means any individual who performs a service for another person.

"(2) Service recipient.—Except as provided in paragraph (4), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) Payor.—Except as provided in paragraph (4), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipient does not pay the service provider.

"(4) Exceptions.—The terms 'service recipient' and 'payor' do not include any entity in which the service provider owns in excess of 5 percent of—

"(A) in the case of a corporation, the total combined voting power of stock in the corporation, or

"(B) in the case of an entity other than a corporation, the profits or beneficial interests in the entity.

"(5) In connection with performing the service.—The term 'in connection with performing the service' means in connection or related to the operation of the service provider's trade or business.

"(6) Principal place of business.—For purposes of subsection (c), the term 'principal place of business' has the same meaning as under section 280A(c)(1).

"(7) Fair market rent.—The term 'fair market rent' means a periodic, fixed minimum rental fee which is based on the fair rental value of the facilities and is established pursuant to a written contract with terms similar to those offered to unrelated persons for facilities of similar type and quality.".

(b) Repeal of Section 530(d) of the Revenue Act of 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(c) Clerical Amendment.—The table of sections for chapter 25 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 3511. Safe harbor for determining that certain individuals are not employees."

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

(2) Determinations by the secretary.—Section 3511(g) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to determinations after the date of the enactment of this Act.

(3) Section 530(d).—The amendment made by subsection (b) shall apply to periods ending after the date of the enactment of this Act.

Independent Contractor Determination Act of 2001—Description of Provisions

The bill addresses the worker-classification issue (e.g., whether a worker is an employee or an independent contractor) by creating a new section 3511 of the Internal Revenue Code. The new section will provide straightforward rules for classifying workers and provide relief from the Internal Revenue Service's (IRS) reclassification of an independent contractor in certain circumstances. The bill is designed to provide certainty for businesses that enter into independent-contractor relationships and minimize the risk of huge tax bills for back taxes interest, and penalties if a worker is misclassified after the parties have entered into an independent-contractor relationship in good faith.

Clear Rules for Worker Classification: Under the bill's new worker-classification rules, an individual will be treated as an independent contractor and the service recipient will not be treated as an employer if either of two tests is met—the "general test" or the "incorporation test."

General Test: The general test requires that the independent contractor demonstrate economic independence and workplace independence in addition to a written contract with the service recipient.

Economic independence exists if the independent contractor has the ability to realize a profit or loss and agrees to perform services for a particular amount of time or to complete a specific result or task. In addition, the independent contractor must either have a significant investment in the assets of his or her business or incur unreimbursed expenses that are consistent with industry practice and that equal at least 2% of the independent contractor's gross income from the performance of services during the taxable year.

Workplace independence exists if one of the following applies: The independent contractor has a principal place of business (including a "home office" as expanded by the Taxpayer Relief Act of 1997); he or she performs services at more than one service recipients facilities; he or she pays a fair-market rent for the use of the service recipient's facilities; or the independent contractor uses his or her own equipment.

The written contract between the independent contractor and the service recipient must provide that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

Incorporation Test: Under this test, an individual will be treated as an independent contractor if he or she conducts business through a corporation or a limited-liability company. In addition, the independent contractor must be responsible for his or her own benefits, instead of receiving benefits from the service recipient. The independent contractor must also have a written contract with the service provider stating that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

To prevent the incorporation test from being abused, the bill limits the number of former employees that a service recipient may engage as independent contractors under this test. The limitation is based on the number of people employed by the service recipient in the preceding year and is equal to the greater of 10 persons or 3% of the service recipient's employees in the preceding year. For example, Business X has 500 employees in 2000. In 2001 up to 15 employees (the greater of 3% of Business X's 500 employees in 2000 or 10 individuals) could incorporate their own businesses and still have Business X as one of their initial clients. This limitation would not affect the number of incorporated independent contractors who were not former employees of the service recipient or independent contractors meeting the general test.

Additional Provisions: The new worker-classification rules also apply to three-party situations in which the independent contractor is paid by a third party, such as a payroll company, rather than directly by the service recipient. The new worker-classification rules, however, will not apply to a service recipient or a third-party payor if they do not comply with the existing reporting requirements and file 1099s for individuals who work as independent contractors. A limited exception is provided for cases in which the failure to file a 1099 is due to reasonable cause and not willful neglect.

New Worker-Classification Rules Do Not Replace Other Options: In the event that the new worker-classification rules do not apply, the bill makes clear that the independent contractor or service recipient can still rely on the 20-factor common law test or other provisions of the Internal Revenue Code applicable in determining whether an individual is an independent contractor or employee. In addition, the bill does not limit any relief to which a taxpayer may be entitled under Section 530 of the Revenue Act of 1978. The bill also makes clear that the new rules will not be construed as a prerequisite for these other provisions of the law.

Relief From Reclassification: The bill provides relief from reclassification by the IRS of an independent contractor as an employee. For many service recipients who make a good-faith effort to classify the worker correctly, this event can result in extensive liability for back employment taxes, interest, and penalties.

Relief Under the New Worker-Classification Rules: The bill provides relief for cases in which a worker is treated as an independent contractor under the new worker-classification rules and the IRS later contends that the new rules do not apply. In that case, the burden of proof will fall on the IRS, rather than the taxpayer, to prove that the new worker-classification rules do not apply. To qualify for this relief the taxpayer must demonstrate a credible argument that it was reasonable to treat the service provider as an independent contractor under the new rules, and the taxpayer must fully cooperate with reasonable requests from the IRS.

Protection Against Retroactive Reclassification: If the IRS notifies a service recipient that an independent contractor should have been classified as an employee (under the new or old rules), the bill provides that the IRS' determination can become effective only 30 days after the date that the IRS sends the notification. To qualify for this provision, the service recipient must show that:

There was a written agreement between the parties;

The service recipient satisfied the applicable reporting requirements for all taxable years covered by the contract; and

There was a reasonable basis for determining that the independent contractor was not an employee and the service provider made the determination in good faith.

The bill provides similar protection for independent contractors who are notified by the IRS that they should have been treated as an employee.

The protection against retroactive reclassification is intended to remove some of the uncertainty for businesses contracting with independent contractors, especially those who must use the IRS' 20-factor common law test. While the bill would prevent the IRS from forcing a service recipient to treat an independent contractor as an employee for past years, the bill makes clear that a service recipient or an independent contractor can still challenge the IRS' prospective reclassification of an independent contractor through administrative or judicial proceedings.

Repeal of Section 1706 of the Revenue Act of 1978: The bill repeals section 530(d) of the Revenue Act of 1978, which was added by section 1706 of the Tax Reform Act of 1986. This provision precludes businesses that engage technical service providers (e.g., engineers, designers, drafters, computer programmers, systems analysts, and other similarly qualified individuals) in certain cases from applying the reclassification protections under section 530. The bill is designed to level the playing field for individuals in these professions by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

Effective Dates: In general, the independent-contractor provisions of the bill, including the new worker-classification rules, will be effective for services performed after the date of enactment of the bill. The protection against retroactive reclassification will be effective for IRS determinations after the date of enactment, and the repeal of section 530(d) will be effective for periods ending after the date of enactment of the bill.

By Mr. DODD (for himself and Mr. DEWINE):

S. 838. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join my colleague, Senator DEWINE in introducing the Best Pharmaceuticals for Children Act. I hope that this will be the continuation of our long-term efforts to improve the health of America's children.

According to the American Academy of Pediatrics, only 20 percent of the drugs on the market have been tested and labeled specifically for their safety and effectiveness in children. Children are simply not smaller version of adults, their bodies actually react to drugs differently. The absence of pediatric labeling poses significant risks for children, without adequate information about how a drug works in children of different ages and sizes, children are more likely to be under- or over-dosed or to experience dangerous side effects.

We have labels on the food children eat, on the shows they watch and the music they listen to. Why should we have less information when it comes to the medicine they take? And while "off-labeling prescribing" is neither illegal nor improper, forcing our children to use medications without adequate safety information, is a lot like playing Russian roulette with their health.

That's why four years ago, Senator DEWINE and I introduced legislation to take the guess work out of children's medicine. This legislation, the Better Pharmaceuticals for Children Act, provided a market incentive for drug companies to test their products for use in children or to create kid-friendly drug formulations. And, just a few years later, we've made extraordinary strides in closing the dangerous gap in knowledge.

In the 3 years since the initiative was launched, over 300 pediatric drug studies have gotten underway, compared to the 11 studies conducted in the 6 years prior to the legislation. New pediatric information has been or will soon be added to the labels of 28 products, including drugs for AIDS, diabetes, mental health, and asthma. Not only has the initiative led to significant advances in pediatric medicines, in the long run it will also save the nation money by reducing hospital stays, doctors' visits and parents' taking time off of work.

But while tremendous progress has been made, we still have a long way to go to make sure that children aren't an afterthought when it comes to pharmaceutical research. Hundreds of drugs are on the market today that are used in children, but still have not been tested for pediatric needs. Yet, unless reauthorized, the pediatric testing incentive, and the explosion of research it has prompted, will expire on January 1, 2002.

In addition to ensuring that critical pediatric drug studies continue, the Best Pharmaceuticals for Children Act will also ensure that the new safety information from pediatric studies is promptly added to drug labels, require drug manufacturers to pay user fees to participate in the program, and require the Food and Drug Administration to quickly disseminate information gathered from pediatric studies to pediatricians and parents. It will also fund studies of older, "off-patent" drugs which are not eligible for the existing pediatric testing incentive, and create a new Office of Pediatric Therapeutics at the Food and Drug Administration to coordinate activities related to children.

The bill is endorsed by the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the National Association of Children's Hospitals, the American Society for Clinical Pharmacology and Therapeutics, and the Allergy and Asthma Network Mothers of Asthmatics.

I call on my colleagues to move quickly to enact the Best Pharmaceuticals for Children Act, commonsense legislation that will ensure that our children received only the very best of what medicine has to offer.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and

(2) in subsection (c)—

(A) by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and

(B) by striking "concerning a drug identified in the list described in subsection (b)".

SEC. 3. RESEARCH FUND FOR THE STUDY OF OFF-PATENT DRUGS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C, relating to clinical research (42 U.S.C. 284k), as section 409G;

(2) by redesignating the second section 409D, relating to enhancement awards (42 U.S.C. 284l), as section 409H; and

(3) by adding at the end the following:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF OFF-PATENT DRUGS.

"(a) List of Off-Patent Drugs for Which Pediatric Studies Are Needed.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research (including United States Pharmacopoeia), shall develop, prioritize, and publish a list of approved drugs for which—

"(A) there is no patent or market exclusivity protection; and

"(B) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) Consideration of available information.—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

"(B) whether additional information is needed; and

"(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population.

"(b) Contracts for Pediatric Studies.—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) Process for Contracts and Labeling Changes.—

"(1) Written request to holders of approved applications for off-patent drugs.—

"(A) In general.—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a request shall be made in accordance with section 505A of the Federal Food, Drug, and Cosmetic Act.

"(B) Publication of request.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(2) Contracts.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(3) Reporting of studies.—

"(A) Upon completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

"(B) Availability of reports.—Each report submitted under subparagraph (A) shall be considered to be in the public domain, and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each the drug.

"(C) Action by commissioner.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (4).

"(4) Request for labeling changes.—During the 180-day period after the date on which a report is submitted under paragraph (3)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied; and

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

"(5) Dispute resolution.—If, not later than the end of the 180-day period specified in paragraph (4), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph—

"(A) the Commissioner of Food and Drugs shall immediately refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee; and

"(B) not later than 60 days after receiving the referral, the Subcommittee shall—

"(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

"(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

"(6) FDA determination.—Not later than 30 days after receiving a recommendation from the Subcommittee under paragraph (5)B(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

"(7) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (6), does not agree to make a requested labeling change, the Commissioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2002; and

"(B) such sums as are necessary for each of the 5 succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 4. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(A)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by adding at the end the following:

"(l) LABELING SUPPLEMENTS.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to a human drug application submitted under this section—

"(A) shall be considered to be a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—If the Commissioner determines that a supplemental application submitted under this section is approvable and that the only open issue for final action on the supplement is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application—

"(A) not later than 180 days after the date of submission of the supplemental application—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner by that date, the Commissioner shall immediately refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee;

"(B) not later than 60 days after receiving the referral, the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any;

"(C) the Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate; and

"(D) if the sponsor of the application, within 30 days after receiving a request under subparagraph (D), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.".

SEC. 5. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) 1 or more individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(2) 1 or more individuals with expertise in pediatrics who shall consult with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 6. NEONATES.

Section 505A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)) is amended by inserting "(including neonates in appropriate cases)" after "pediatric age groups".

SEC. 7. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (j) and inserting the following:

"(j) SUNSET.—A drug may not receive any 6-month period under subsection (a) or (c) unless—

"(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

"(2) on or before October 1, 2007, an application for the drug is submitted under section 505(b)(1); and

"(3) all requirements of this section are met.".

SEC. 8. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.355a) (as amended by section 4(b)) is amended by adding at the end the following:

"(m) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a supplemental application under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

"(2) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends in any way section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 9. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) (as amended by sections 2(1), 4(b), 7, and 8) is amended—

(1) by redesignating subsections (a), (g), (h), (i), (j), (l), and (m) as subsections (b), (a), (g), (h), (l), (i), and (j), respectively;

(2) by moving the subsections so as to appear in alphabetical order; and

(3) in paragraphs (1), (2), and (3) of subsection (d) and subsections (e), (g) (as redesignated by paragraph (1)), and (l) (as redesignated by paragraph (1)), by striking "subsection (a) or (c)" and inserting "subsection (b) or (c)".

Mr. DEWINE. Mr. President, I rise today to join my friend and colleague from Connecticut, Senator DODD, to introduce a bill that builds on a previous law that he and I wrote four years ago, called the "Better Pharmaceuticals for Children Act." The bill we are introducing today the "Best Pharmaceuticals for Children Act", re-authorizes our 1997 law and makes additional improvements.

I'd like to thank Senator DODD for his tireless dedication to this effort and to other vital children's health initiatives. We have worked together on many bipartisan efforts that protect children, and I commend him for his commitment to ensuring that all children are safe and healthy. I also would like to recognize the efforts of Elaine Vining with the American Academy of Pediatrics and Mark Isaac with the Elizabeth Glaser Pediatric AIDS Foundation, who have devoted countless hours to providing us with technical assistance and ideas for how to improve our already successful pediatric studies law.

Under our law, the FDA has granted market exclusivity extensions for 28 products, of which 18 include new labeling. Let me tell you what this means for me as a parent: We now have dosage, safety and adverse event information that we did not previously have to help us provide our children the correct dose of these medicines and to avoid potential adverse effects. The more information doctors and parents have on dosing, toxicity, adverse effects, and adverse drug interactions—the more informed our decisions will be when giving medicines to children and ultimately, the more we will be protecting our kids.

Creating the proper formulation, such as a liquid form, of a drug is also essential. I know that my children all went through a stage in which a pill form was problematic for them to swallow or the taste of the medicine was unacceptable. Having a child spit out a tablet or having to crush a tablet in order to give half of the recommended adult dose are compliance issues that we, as parents, have all experienced.

When Senator DODD and I set out in 1997 to change the fact that only 20 percent of all prescription drugs marketed in this country were labeled for pediatric use, we heard many proposals on how to fix the problem, from giving tax incentives for research to offering this market exclusivity extension. Since children only account for 30 percent of the population and less than 12 percent of personal health care spending, they were not getting the kind of pediatric-focused research that they deserve.

Because of the help and support of many of my colleagues like Senators FRIST, KENNEDY, JEFFORDS, BOND, MIKULSKI, HUTCHINSON, COLLINS, and many others who helped us pass this landmark law, we have begun to turn the tide in favor of children. In considering any proposals to change the current law, however, we must not lose sight of the fact that the goal of this law is to encourage pediatric studies of new and already marketed drugs that are currently used in children, but are not labeled for such use. Anything that hinders the ability of the FDA to implement this law will impede future progress in pediatric research and ultimately defeat the purposes of this law.

FDA and others, including the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation, have offered many helpful suggestions on how we can improve the current law. The most significant improvement I would like to stress is something our original law was never intended to address—the issue of how to get off-patent drugs tested for use in children. The market exclusivity extension only works as a pediatric testing incentive if a company has an existing patent to which we can attach an additional six months of market exclusivity. Once the patent expires, however, there is no way to prevent competition from entering the market for that drug.

So, in the new bill that Senator DODD and I are introducing today—the "Best Pharmaceuticals for Children Act", we propose creating a "Research Fund." This Fund would require the Secretary of HHS to award contracts for entities with expertise in conducting pediatric clinical trials (such as PPRU's, hospitals, universities) to conduct pediatric studies of certain drugs that are off-patent. The list of these off-patent drugs would be developed according to criteria—such as whether new studies might produce health benefits for children, and then prioritized and published by the Secretary, acting through the NIH Director and in consultation with the FDA Commissioner and experts in pediatric research. Written requests would be issued by the FDA Commissioner.

The significance of this Research Fund is that off-patent drugs, like Ritalin, would be tested for pediatric use. Currently, many drugs are being prescribed off-label, based on limited, if any, pediatric studies and/or on the personal experiences of health professionals. Ritalin, for example, includes the following precaution and warning:

> Precaution: Long-term effects of Ritalin in children have not been well established. Warning: Ritalin should not be used in children under six years, since safety and [effectiveness] in this age group has not been established.

The point is that Ritalin is being prescribed off-label for children under six, and yet we don't know the safety and long-term effects on children. This Research Fund would establish the means by which testing on this and other off-patent drugs could be performed.

Our new bill makes other improvements to current law including: expediting the dissemination of information generated by pediatric studies to the public; expediting labeling changes; acknowledging the need to study the neonate, zero to one month in age, population if appropriate and at the appropriate point in pediatric studies; applying prescription drug user fees to pediatric studies to give FDA the resources it needs to conduct timely reviews of studies and labeling changes; and establishing an Office of Pediatric Therapeutics within FDA to coordinate activities among review divisions and provide oversight for all pediatric activities undertaken by FDA.

Finally, I would like to address a concern that has been expressed by many in the press, and rightfully so. No one can ignore the risk involved in having children participate in clinical trials. Parents with sick children, sadly, have to weigh these risks and make treatment decisions. I want to commend Senator DODD for his foresight in this area of providing research protections for children involved in clinical trials. With the increase in pediatric research through this law and other laws, we needed to ensure that research protections exist and are strengthened, if necessary.

That is why last year, in the "Children's Health Act," Senator DODD and I proposed language that would ensure that federally funded, conducted, and regulated research adheres to scientific and ethical review standards. There is currently a review of these federal protections for children involved in clinical trials to further ensure that the highest standards of scientific and ethical review are in place. The alternative to clinical trials is uncontrolled, unregulated, and unreported studies of smaller groups of children. Pediatric experts agree that controlled clinical trials are the much-preferred alternative.

We must make the health of our children a priority. Through our new bill we are doing that. We are furthering the success of current law by providing parents and doctors with more information to make better informed decisions when medicating children. Our children deserve no less.

I urge my colleagues to support this important measure.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. HUTCHINSON, Mr. BURNS, Mr. KERRY, Mr. CHAFEE, Mr. KENNEDY, Mr. HELMS, Mrs. CLINTON, Mr. SCHUMER, and Mr. BIDEN):

S. 839. A bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I rise today to introduce, along with Senators BAYH, HUTCHINSON, and several other distinguished colleagues, the American Hospital Preservation Act.

Our hospitals are the very foundation of our health care system, a system that is considered the best in the world. To ensure this quality of care remains at this high level, we cannot ask yet more cuts of our financially troubled hospitals.

Two such cuts currently being faced by our nation's hospitals are a reduction in the annual inflation update hospitals receive for their Medicare payments, and a reduction in the Medicare adjustment teaching hospitals receive to support their medical education programs. Both of these issues are critical to the long-term stability of hospitals, and to maintaining the scope and quality of the care they provide.

We do have the best health care in the world. Why should we put it at risk? Especially when the savings we have achieved already are far in excess of what was originally estimated. In other words, the cuts that were enacted have more than achieved their goals. There is no more fat left to trim.

Last year, through enactment of the Medicare, Medicaid and SCHIP Benefit Improvement and Protection Act, BIPA, we were successful in getting approximately half of the annual market basket update restored for our hospitals. In addition, we delayed further reductions in the indirect medical education, IME, adjustment for teaching hospitals. This legislation would build upon that success, and would help to ensure hospitals' long-term financial stability. In effect, it would preserve the ability of American hospitals to continue to provide the highest level of health care to be found anywhere in the world.

With respect to the IME provisions of this bill, all of the evidence points to the fact that the financial health of major teaching hospitals continues to deteriorate. In fact, with projections that Medicare margins could drop to negative 3.8 percent by 2005, it is becoming an increasingly common phenomenon that when a Medicare patient walks in to a hospital, he or she represents a money loser for that institution. While our hospitals must remain committed to providing care no matter the patients' circumstance, that sort of monetary shortfall will logically result in many hospitals closing down. Or, as we have seen happen many times recently, many hospitals will dramatically scale back their outpatient and other services for those in need.

Particularly in the rural areas of our nation, having a hospital close down would mean losing access to life-saving medical services. It would also have a dramatic effect on the community's economy. Hospitals are often the core components of the local community. To have the hospital close down would mean the loss of jobs and of businesses. It would have a ripple effect on the neighborhood, destroying its sense of stability and community.

This legislation addresses the unique situation of teaching hospitals. These hospitals, which are centers of experimental, innovative and technically sophisticated services as well as routine care and services, tend to incur much higher costs. We must recognize the higher costs these teaching hospitals incur to provide adequate learning experiences and faculty support to medical students. To do this, we must increase the indirect medical education adjustment one percentage point to 6.4 percent for FY 2003 and the future.

In addition, this legislation will reverse cuts previously enacted by Congress regarding the annual market basket updates. These cuts are unnecessary and harmful. For a hospital to effectively compete for skilled workers, especially in these days of tight labor markets, it is critical to have an adequate overall revenue stream. Medicare's measure of inflation, the market basket update, plays a key role in determining the adequacy of these payments from year to year.

As hospital costs increase rapidly in every area from labor to pharmaceuticals to blood and blood products to the costs of compliance with new regulations, the market basket update must keep pace. This legislation eliminates the update reductions mandated earlier.

It is critical that we not neglect our health care system and that we continue to invest in the very foundation of that system, our hospitals. I look forward to working with my colleagues on both sides of the aisle to ensure that this bill meets that objective yet still fits within our overall budgetary constraints.

This legislation represents our obligation to not only our most vulnerable citizens, but also to all Americans. Our hospitals provide the highest level and quality of care in the world. This bill ensures that they will be able to continue to do so, and I urge my colleagues to cosponsor and support it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 378. Mr. KENNEDY (for Mrs. MURRAY) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 379. Mr. KENNEDY (for Ms. MIKULSKI for herself and Mr. KENNEDY)) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 380. Mr. ALLEN (for himself and Mr. WARNER) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 381. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 382. Mr. DODD proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 378. Mr. KENNEDY (for Mrs. MURRAY) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 383, after line 21, add the following:

SEC. 203. CLASS SIZE REDUCTION.

Title II of the Elementary and Secondary Education Act of 1965, as amended by sections 201 and 202, is further amended by adding at the end the following:

"PART E—CLASS SIZE REDUCTION

"SEC. 2501. GRANT PROGRAM.

"(a) PURPOSE.—The purposes of this section are—

"(1) to reduce class size through the use of highly qualified teachers;

"(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in the early grades, to an average of 18 students per regular classroom; and

"(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

"(b) ALLOTMENT TO STATES.—

"(1) RESERVATION.—From the amount made available to carry out this part for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this part for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554), as the case may be.

"(ii) RATABLE REDUCTION.—If the amount made available to carry out this part for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the amount made available to carry out this part and not reserved under paragraph (1) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

"(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

"(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Better Education for Students and Teachers Act, or the corresponding provision of this title, as the case may be.

"(ii) RATABLE REDUCTIONS.—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(c) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—

"(1) ALLOCATION.—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

"(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

"(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

"(2) EXCEPTION.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new highly qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

"(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

"(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

"(3) STATE ADMINISTRATIVE EXPENSES.—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

"(d) USE OF FUNDS.—

"(1) MANDATORY USES.—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of highly qualified teachers to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

``(2) Permissible uses.—

``(A) In general.—Each such local educational agency may use funds made available under this section for—

``(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training highly qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

``(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with this title; and

``(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

``(B) Limitation on testing and professional development.—

``(i) In general.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

``(ii) Waivers.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

``(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

``(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

``(iii) Use of funds under waiver.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

``(C) Use of funds by agencies that have reduced class size.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

``(i) to make further class size reductions in kindergarten through third grade;

``(ii) to reduce class size in other grades; or

``(iii) to carry out activities to improve teacher quality, including professional development.

``(3) Supplement, not supplant.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

``(4) Limitation on use for salaries and benefits.—

``(A) In general.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

``(B) Exception.—Funds made available under this section may be used to pay the salaries of teachers hired under—

``(i) section 307 of the Department of Education Appropriations Act, 1999;

``(ii) section 310 of the Department of Education Appropriations Act, 2000; or

``(iii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

``(e) Reports.—

``(1) State activities.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides data on the use of funds, the types of services furnished, and the students served under this part.

``(2) Progress concerning class size and qualified teachers.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

``(A) the agency's progress in reducing class size; and

``(B) the impact that hiring additional highly qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

``(3) Professional qualifications.—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

``(f) Private Schools.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 5342. Section 5342 shall not apply to other activities carried out under this section.

``(g) Local Administrative Expenses.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

``(h) Request for Funds.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2122 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

``(i) Certification, Licensing, and Competency.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under—

``(1) section 307 of the Department of Education Appropriations Act, 1999;

``(2) section 310 of the Department of Education Appropriations Act, 2000; or

``(3) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554),

unless, by the start of the 2002–2003 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

``(j) Definition.—In this section:

``(1) Certified.—The term `certified' includes certification through State or local alternative routes.

``(2) State.—The term `State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

``SEC. 2502. AUTHORIZATION OF APPROPRIATIONS.

``There are authorized to be appropriated to carry out this part $2,400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.''.

SA 379. Mr. KENNEDY (for Ms. Mikulski (for herself and Mr. Kennedy)) proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 245, between lines 13 and 14, insert the following:

``Subpart 1—21st Century Community Learning Centers

On page 245, line 15, strike ``part'' and insert ``subpart''.

On page 245, line 18, strike ``part'' and insert ``subpart''.

On page 246, line 13, strike ``part'' and insert ``subpart''.

On page 249, line 11, strike ``part'' and insert ``subpart''.

On page 249, line 16, strike ``part'' and insert ``subpart''.

On page 249, line 18, strike ``part'' and insert ``subpart''.

On page 250, line 16, strike ``part'' and insert ``subpart''.

On page 250, line 23, strike ``part'' and insert ``subpart''.

On page 251, line 2, strike ``part'' and insert ``subpart''.

On page 251, line 22, strike ``part'' and insert ``subpart''.

On page 251, line 25, strike ``part'' and insert ``subpart''.

On page 252, line 13, strike ``part'' and insert ``subpart''.

On page 252, line 15, strike ``part'' and insert ``subpart''.

On page 252, line 20, strike ``part'' and insert ``subpart''.

On page 252, line 23, strike ``part'' and insert ``subpart''.

On page 254, line 2, strike ``part'' and insert ``subpart''.

On page 254, line 12, strike ``part'' and insert ``subpart''.

On page 254, line 15, strike ``part'' and insert ``subpart''.

On page 255, line 3, strike ``part'' and insert ``subpart''.

On page 256, line 24, strike "part" and insert "subpart".

On page 257, line 1, strike "part" and insert "subpart".

On page 257, line 12, strike "part" and insert "subpart".

On page 257, between lines 18 and 19, insert the following:

"Subpart 2—Community Technology Centers

"SEC. 1611. PURPOSE; PROGRAM AUTHORITY.

"(a) Purpose.—It is the purpose of this subpart to assist eligible applicants to—

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) Program Authority.—

"(1) In general.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) Period of award.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

"(3) Service of americorps participants.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

"SEC. 1612. ELIGIBILITY AND APPLICATION REQUIREMENTS.

"(a) Eligible Applicants.—In order to be eligible to receive an award under this subpart, an applicant shall—

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be—

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local education agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) Application Requirements.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) Matching Requirements.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"SEC. 1613. USES OF FUNDS.

"(a) Required Uses.—A recipient shall use funds under this subpart for—

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) Permissible Uses.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including—

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities; and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as—

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as—

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

SA 380. Mr. ALLEN (for himself and Mr. Warner) proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. SENSE OF THE SENATE REGARDING EDUCATION OPPORTUNITY TAX RELIEF.

(a) Findings.—The Senate finds the following:

(1) Improving the education of our children is an essential and important responsibility facing this country.

(2) Strong parental involvement is a cornerstone for academic success; it is parents who know and understand the special, individual needs of their own children.

(3) Advanced technology has fueled unprecedented economic growth and positively transformed the way Americans conduct business and communicate with each other.

(4) Families will need ready access to the technical tools and skills necessary for their school age children to succeed in the classroom and the increasingly competitive international marketplace.

(5) Studies have shown that the presence of a computer in the home has a positive impact on a student's level of academic achievement and performance in school.

(6) Tax relief, enabling the purchase of technology and tutorial services for K–12 education purposes, would significantly help defray the cost of education expenses by: empowering families financially and increasing education spending; allowing families to provide their children access to a far greater range of educational opportunities suited to their individual needs, and; bridging the digital divide.

(b) Sense of the Senate.—It is the sense of the Senate that Congress and the President should—

(1) Act expeditiously to pass legislation in the First Session of the 107th Congress that provides tax relief to parents of K–12 students for the cost of their children's education-related expenses, specifically, computers, peripherals and computer-related technology, educational software, Internet access and tutoring services; and

(2) That such tax relief would not apply toward the cost of private school tuition.

SA 381. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. ___. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

"SEC. 691. FINDINGS.

"Congress makes the following findings:

"(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

"(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

"(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

"(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

"SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

"In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

"SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

"(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado to enable such University to provide to institutions of higher education across the nation such services that are offered under the special education teacher training program carried out by such University, such as providing educational materials or other information necessary in order to aid in such teacher training.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2002, and $1,000,000 for each of the fiscal years 2003 through 2005.".

SA 382. Mr. DODD proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 752, line 7, strike "F or".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 10, 2001, at 2:45 p.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing to receive the goals and priorities of the Alaska Native community for the 107th Congress.

Those wishing additional information may contact committee staff at 202/224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled "Tissue Banks: Is the Federal Government's Oversight Adequate?" The upcoming hearing will identify and describe alleged problems in the tissue industry and assess the current adequacy of current and anticipated federal oversight.

The hearing will take place on Thursday, May 24, 2001, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Christopher A. Ford of the subcommittee staff at 224-3721.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that John Adams, who is a fellow in my office, be granted the privilege of the floor for the duration of the debate on the Bolton nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest Hollings:									
Brazil	Real		504.00						504.00
Uruguay	Peso		256.00						256.00
Argentina	Dollar		975.00						975.00
Chile	Dollar		592.00						592.00
Bolivia	Boliviano		174.00						174.00
Peru	Dollar		254.00						254.00
Colombia	Dollar		208.00						208.00
Panama	Dollar		214.00						214.00
Lila Helms:									
Brazil	Real		504.00						504.00
Uruguay	Peso		256.00						256.00
Argentina	Dollar		975.00						975.00
Chile	Dollar		592.00						592.00
Bolivia	Boliviano		174.00						174.00
Peru	Dollar		254.00						254.00
Colombia	Dollar		208.00						208.00
Panama	Dollar		214.00						214.00
Cheh Kim:									
United States	Dollar				6,600.10				6,600.10
France	Franc		1,190.00		57.55				1,247.55
Switzerland	Dollar		596.00						596.00
Italy	Lire		351.00						351.00
Jon Kamarck:									
United States	Dollar				6,600.10				6,600.10
France	Franc		1,190.00						1,190.00
France	Franc		57.55						57.55
Switzerland	Dollar		596.00						596.00
Italy	Lire		351.00						351.00
Senator Ted Stevens:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Senator Conrad Burns:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ben N. Campbell:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Steve Cortese:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Sid Ashworth:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Andy Givens:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Jennifer Chartrand:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Charlie Houy:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Tom Hawkins:									
Italy	Lire		983.26		3,074.00				4,057.26
Belgium	Dollar		58.00		670.45				728.45
Total			23,611.13		17,002.20				40,613.33

TED STEVENS,
Chairman, Committee on Appropriations, Apr. 2, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Smith:									
United States	Dollar				1,905.12				1,905.12
Italy	Lire		405.00						405.00
Senator Joseph I. Lieberman:									
Germany	Dollar		378.00						378.00
Senator John McCain:									
Germany	Dollar		353.00						353.00
Skip Fischer:									
Germany	Dollar		438.66						438.66
Frederick M. Downey:									
Germany	Dollar		387.52						387.52
Senator John McCain:									
Ecuador	Dollar		210.00						210.00
Colombia	Dollar		402.00						402.00
Senator John Warner:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Senator Pat Roberts:									
Greece	Drachma		600.00						600.00
Egypt	Pound		589.00						589.00
Belgium	Dollar		296.54						296.54
Senator Carl Levin:									
Colombia	Dollar		266.00						266.00
David S. Lyles:									
United States	Dollar				239.75				239.75
Colombia	Dollar		261.00						261.00
Richard D. DeBobes:									
United States	Dollar				239.75				239.75
Colombia	Dollar		261.00						261.00
Senator Bill Nelson:									
Colombia	Dollar		286.00						286.00
Senator Jack Reed:									
Colombia	Dollar		263.00						263.00
Senator Ben Nelson:									
Colombia	Dollar		323.00						323.00
United States	Dollar				220.50				220.50
Total			7,205.26		2,605.12				9,810.38

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 6, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Mexico	Dollar		707.46						707.46

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jim Bunning:									
Mexico	Dollar		749.54						749.54
Senator Mike Crapo:									
Mexico	Dollar		870.30	819.14					1,689.44
Senator Zell Miller:									
Mexico	Dollar		819.45						819.45
Ruth Cymber:									
Mexico	Dollar		606.57						606.57
Expenses for Delegation[1]:									
Mexico	Dollar						5,485.89		5,485.89
Total			3,753.32		819.14		5,485.89		10,058.35

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

PHIL GRAMM,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Mar. 29, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
Mexico	Peso		555.98		571.29		32.03		1,159.30
Total			555.98		571.29		32.03		1,159.30

PETE V. DOMENICI,
Chairman, Senate Budget Committee, Mar. 23, 2001.

AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sara Hessenflow:									
Netherlands	Guilder		1,512.00						1,512.00
	Dollar				631.28				631.28
Brazil	Dollar		934.37		3,148.80				4,083.17
George Abar:									
Netherlands	Guilder		2,171.16						2,171.16
	Dollar				731.27				731.27
Floyd DesChamps:									
Netherlands	Guilder		2,930.68						2,930.68
	Dollar				731.28				731.28
Brazil	Dollar		1,016.46		3,148.80				4,165.26
Margaret Spring:									
Netherlands	Guilder		1,282.31						1,282.31
	Dollar				631.27				631.27
Elizabeth Prostic:									
Brazil	Dollar		1,046.46		3,148.80				4,195.26
Total			10,893.44		12,171.50				23,064.94

JOHN McCAIN,
Chairman, Committee on Commerce, Science,
and Transportation, Mar. 7, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kelly Johnson:									
Australia	Dollar		1,670.00		8,189.95				9,859.95
Daniel Whiting:									
Australia	Dollar		1,250.00		7,960.95				9,210.95
Robert Simon:									
Netherlands	Guilder		1,457.70		6,127.28				7,584.98
Shirley Neff:									
Netherlands	Guilder		1,130.00		6,077.28				7,207.28
Bryan Hannegan:									
Netherlands	Guilder		1,582.00		177.28				1,759.28
David Garman:									
Netherlands	Guilder		565.00		6,077.28				6,642.28
Total			7,654.70		34,610.02				42,264.72

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Apr. 4, 2001

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Akaka:									
United States	Dollar				4,994.60				4,994.60
Chile	Peso		888.00						888.00
Richard Kessler:									
United States	Dollar				4,994.60				4,994.60
Chile	Peso		888.00						888.00
Senator Fred Thompson:									
Colombia	Peso		442.00						442.00
Ecuador	Sucre		210.00						210.00
Mark Esper:									
Colombia	Peso		442.00						442.00
Ecuador	Sucre		210.00						210.00
Senator George Voinovich:									
United States	Dollar				1,140.00				1,140.00
Germany	Mark		241.00						241.00
Yugoslavia	Dinar		345.00						345.00
Egypt	Pound		223.00						223.00
Israel	New Shekel		422.00						422.00
Aric Newhouse:									
United States	Dollar				1,140.00				1,140.00
Germany	Mark		216.00						216.00
Yugoslavia	Dinar		192.00						192.00
Egypt	Pound		191.00						191.00
Israel	New Shekel		429.00						429.00
Total			5,339.00		12,269.20				17,608.20

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Apr. 2, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Don Stone:			512.00						512.00
United States	Dollar				4,022.16				4,022.16
Tracey Winfrey:			512.00						512.00
United States	Dollar				4,022.16				4,022.16
Peter Cleveland:			512.00						512.00
United States	Dollar				4,022.16				4,022.16
Linda Taylor:			773.00						773.00
United States	Dollar				4,671.64				4,671.64
Senator Bob Graham:			926.20						926.20
Senator Jon Kyl:			502.00						502.00
Alfred Cumming:			583.00						583.00
Robert Filippone:			852.20						852.20
Senator John D. Rockefeller:			451.00						451.00
Paula DeSutter:			502.00						502.00
Senator Richard Shelby:			3,177.00						3,177.00
United States					812.00				812.00
							656.00		656.00
William Duhnke:			2,136.00						2,136.00
Kathleen Casey:			2,877.00						2,877.00
Peter Dorn:			1,178.00						1,178.00
Peter Dorn:									
United States	Dollar				6,162.00				6,162.00
Randall Bookout:			1,178.00						1,178.00
United States	Dollar				6,162.00				6,162.00
Linda Taylor:			1,037.00						1,037.00
United States	Dollar				4,430.24				4,430.24
Patricia McNerney:			734.00						734.00
United States	Dollar				1,781.60				1,781.60
Lorenzo Goco:			740.00						740.00
United States	Dollar				2,001.60				2,001.60
Robert Filippone:			759.00						759.00
United States	Dollar				1,781.60				1,781.60
Michele Lang:			1,947.00						1,947.00
United States	Dollar				5,208.00				5,208.00
Total			21,888.40		45,077.16		656.00		67,621.56

RICHARD SHELBY,
Chairman, Committee on Intelligence, May 4, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Orrin Hatch:									
Switzerland			2.00						2.00
France			750.00						750.00
Paul Matulic:									
Switzerland			492.00						492.00
France			750.00						750.00
Total			1,994.00						1,994.00

ORRIN HATCH,
Chairman, Committee on the Judiciary, Apr. 5, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chadwick Gore:									
United States	Dollar				5,380.06				5,380.06
Austria	Dollar		438.35						438.35
United States	Dollar				5,373.48				5,373.48
Austria	Dollar		462.00						462.00
Rep. Steny Hoyer:									
United States	Dollar				1,392.00				1,392.00
Russian Federation	Dollar		918.00		508.71				1,426.71
Moldova	Dollar		175.00						175.00
Austria	Dollar		199.00						199.00
Marlene Kaufmann:									
United States	Dollar				1,392.00				1,392.00
Russian Federation	Dollar		643.48		508.71				1,152.19
Moldova	Dollar		55.00						55.00
Austria	Dollar		404.03						404.03
United States	Dollar				5,297.49				5,297.49
Romania	Dollar		752.00						752.00
Total			4,046.86		19,852.45				23,899.31

BEN NIGHTHORSE CAMPBELL,
Chairman, Commission on Security and
Cooperation in Europe, Apr. 24, 2001.

AMENDMENT TO THE 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Enzi:									
Netherlands	Guilder		1,518.14		1,995.28				3,513.42
Senator Larry Craig:									
Netherlands	Guilder		3,546.25		6,077.28				9,623.53
George O'Connor:									
Netherlands	Guilder		3,546.25		6,127.28				9,673.53
Senator Chuck Hagel:									
Netherlands	Guilder		1,223.10		6,468.28				7,691.38
Kenneth Peel:									
Netherlands	Guilder		1,223.10		6,027.28				7,250.38
Total			11,056.84		26,695.40				37,752.24

TRENT LOTT,
Majority Leader, Mar. 31, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY CONGRESSIONAL DELEGATION OF SENATORS MIKULSKI AND BROWNBACK FOR TRAVEL FROM JAN. 6 TO JAN. 9, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Barbara Mikulski:									
Italy	Lire		700.04						700.04
Senator Sam Brownback:									
Italy	Lire		968.36						968.36
Senator Frank H. Murkowski:									
Italy	Lire		968.36						968.36
Senator Bob Smith:									
Italy	Lire		946.57						946.57
Senator Rick Santorum:									
Italy	Lire		968.36						968.36
Senator Mary Landrieu:									
Italy	Lire		968.36						968.36
Senator Susan Collins:									
Italy	Lire		602.23						602.23

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY CONGRESSIONAL DELEGATION OF SENATORS MIKULSKI AND BROWNBACK FOR TRAVEL FROM JAN. 6 TO JAN. 9, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dr. Lloyd J. Ogilvie:									
Italy	Lire		863.26						863.26
Rob Wasinger:									
Italy	Lire		700.04						700.04
Delegation Expenses:[1]									
Italy	Lire						13,888.97		13,888.97
Total			7,685.58				13,888.97		21,574.55

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Mar. 31, 2001.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CORZINE). Morning business is closed.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

An original bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358 in the nature of a substitute.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity to be back on this extremely important piece of legislation on which many of us, on both sides of the aisle, have worked on these past weeks. With the leadership of President Bush, we have made every kind of effort, because of the importance of education, to try to find common ground.

We remember very well the debates and discussions we had a little over a year ago when we were at such odds and unable to move ahead with the reauthorization bill. The other side wanted to abolish the Department of Education. How far we have come. Now we are together with a unanimous vote out of our Committee to move this reauthorization bill forward, although there are those who still have some concerns about the legislation they have spoken to in these past days and will speak to as we continue to debate this legislation over the course of this week and I expect coming into next week as well.

We all understand this legislation is really about our future. It is called the Elementary and Secondary Education Act, but it really is a recognition that we have 20 percent of our children in this country living in poverty and about 50 percent of those are eligible for coverage by the Elementary and Secondary Education Act.

We are trying to bring some focus and attention to these children in their early years so they will be able to be a part of the great American dream. We recognize if they do not get off to a Head Start or Early Start or Smart Start, and they are not qualified when they go to school, not able to learn, it is extremely difficult, if not impossible, for them to go through the education system and continue to develop skills in college or afterwards, or in alternative training programs, and be a part of a new economy in the United States and throughout the world.

All of us understand that in many respects, of all the things we are going to do this year, this debate will say more about what kind of country we are going to be in 10 or 15 years than anything else we do. This debate is about the future. This is about our children. This is about the seriousness with which we, at this time in American history, are prepared to invest in those children to give them the opportunity to be a part of our society.

We cannot knock down all the walls of unfairness in our society, but one thing we know for sure: If a child does not start off with the ability to learn and is not challenged in those early years of education, it is difficult to believe they will be equipped to play a meaningful role in our society.

In many respects this is a defining issue. It is a defining value of our country. Do we really believe in equality for our people? All Americans understand the very special role of public education in our society and what a difference it has made to our greatness as a nation. We, in each generation, have to find ways to make sure that playing field is going to be fair and equal and that those children who will be coming up all across this Nation, and their families, can have confidence in our public school system. That ought to be generally applicable for children from homes of every income, but we all understand children who come from economically challenged situations are facing additional problems.

We have tried to work together on these challenges. We have legislation that reflects the best judgment of those on the other side of the aisle as well as this side of the aisle. We are prepared to see this legislation move forward. As we go through this week, we will consider changes on the legislation, but we are prepared to see this legislation move forward. It has important provisions on accountability. It has accountability for schools, it has accountability for parents, it has accountability for children. It provides some resources to make those services available.

But if there is one overwhelming flaw in this legislation—and it is an overwhelming flaw—it is that after all is said and done about the importance of this legislation, we are failing to give the life to the legislation which it is capable of providing to so many of the children because we are not providing the services contemplated in this legislation to all the children who need it. We will not be providing the services to the children, about which those who talk about this legislation too frequently and glibly talk.

We have to provide support for needy children. We have to do it by providing resources. You cannot have education on the cheap. You cannot have an education budget that is a tin cup budget. We have to invest in our children. That is what this debate is about, investing in our children.

It is important for the country, as we are debating these issues, to understand exactly what we have done and what we have not done. The good news is that the Senate, in a bipartisan way last Friday, with the strong bipartisan leadership from Senators HARKIN and HAGEL, agreed to ensure that the Federal Government is going to meet its responsibilities to local communities and, most important, to disabled children in our communities. What a help that is going to be for millions of children. Full IDEA funding necessary will be available for children with disabilities. That is the guarantee that was made more than 25 years and never lived up to. Only a third of full funding was provided. Now we will be able to help every child with a disability.

In a very positive way in another very important bipartisan effort, Senator DODD and Senator COLLINS made the compelling case that if we are going to provide assistance to needy children under the Title I program, then we ought to provide it to every needy child.

We have been unable to get a similar commitment from the administration, from the President of the United States, on the funding of the Title I program. The initiatives provided by the President are inadequate to even get to 50 percent of the children, let alone 100 percent of the children, even though in the underlying legislation we effectively promise a fair chance at proficiency to all children, under the Title I program.

That is enormously troublesome. If we do not provide the funding, which we are strongly committed to on this side of the aisle—and with notable recognition of a number of our colleagues on the other side of the aisle who have supported those efforts—then, frankly, this legislation may become just a cliche. It will be just a cliche for two-thirds of the children who are eligible for Title I, but who do not receive full services.

Someone watching this debate over recent times must wonder what happened here in the Senate. If they watched the debate on the budget a few weeks ago, they saw the Senator from Iowa, Mr. HARKIN, talk about having some $250 billion of tax reductions that would go to support increased education funding.

That passed overwhelmingly. I think that was a very clear indication about the priorities in the Senate and the priorities across this country.

We are taking less than 10 percent of the tax break, which has a great percentage going to the wealthiest individuals, and saying, let's fund the Early Start Program, the Smart Start Program, and the Head Start Program. Head Start is only funded at a 40 to 45 percent level, and in some of the poorest areas of this country, only 25 percent of eligible children can be served because of inadequate funding. These are eligible children about which we are talking. Their parents want them to be able to get the Head Start Program. And they are told, no. Why? Because we are making a judgment in this body that the reduction in the tax breaks for the wealthiest individuals ought to have a preference over children who are in some of the most challenging and difficult circumstances.

Under the Harkin amendment, we effectively have full funding for the Head Start Program. We would have substantial funding increases in the Title I program. We would provide more help and assistance under the Pell Grant program for children who are academically gifted and talented, but don't have the resources to afford colleges.

The Harkin amendment was a real indication of our Nation's priorities. What happened to it? We will see on the budget bill that comes back from the House of Representatives. We can ask ourselves: Did the Republican leadership consider the vote on the floor of the Senate of $250 billion for education? Did they include $200 billion? No, they didn't include $200 billion. Did they include $150 billion? No, they didn't include $150 billion. Did they have $100 billion? No. Fifty billion dollars? No. Twenty-five billion dollars? No. Five billion dollars? No.

Zero, Mr. President; zero.

That comes directly from the White House. We wouldn't have that unless the White House had given those instructions. Republican leadership and the White House—zero for education funding increases.

We have had debates about money isn't everything. We have had it said that money is not going to solve all of these problems. We are going to have a modest increase in terms of the budget over future years. Next year it is going to be an increase of 5 percent on the budget.

That was interesting to me because we have seen what has been the increase in education over the period of the last 5 years. It has gone up 12.8 percent a year in the last 5 years at a time even when we had sizable deficits—12.8 percent in the last 5 years.

Now we have a new sense and a new administration that says education is a top priority important? And what is their increase for the next year? Their figure is 3.6 percent for 2002.

How did we get that amount of money? That amounts to $1.8 billion.

That is $1.8 billion they didn't have last year. Where did they get the $1.8 billion? It might be of some interest the Republican budget cuts job training by $541 million. The job training program is the result of a bipartisan effort that Senator JEFFORDS was a part of, led by Senator Kassebaum, myself, and others, in order to consolidate 126 job training programs into 12 different agencies with one-stop shopping. It had the broad support from the trade union movement and from the business community. It is to try to continue skilled training for workers who need it. No. No. We need $1.8 billion in education. We take $541 million out of job training.

Early learning opportunities—this is, again, a bipartisan program. Senator JEFFORDS and Senator STEVENS were very involved in that; my colleagues, Senators DODD and KERRY, very much involved in this, with perhaps a very small appropriations. That is with the recognition that study after study says that ages 1 to 3 are enormously important for children, and the early interventions from the ages of 1 to 3 to give support to children prior to the time they are even thinking about going to Head Start. That was all zeroed out in the Republican budget.

Pediatric graduate medical education cut. $35 million to train who? Pediatricians. Who do they care for? Children. Yes. They got a cut. They should have gotten an increase, because that has been one aspect of medical training of professionals that has gotten no help until recent years.

I applaud the previous administration in recognizing that. I want to make sure we are going to have the best pediatric specialists in the world to take care of our children.

We have taken $35 million from the EPA clean water fund; $497 million from renewable energy; $156 million from the National Science Foundation; and $200 million from the National Science Foundation.

Talking about math and science, on the one hand, the National Science Foundation is supposed to be trying to help develop national policies to help our country deal with math and science. We are taking $200 million out of that. FEMA disaster relief cut $270 million; community policing cut $270 million.

They are cutting all of those programs and putting them up for the increase in the education next year.

This is not the kind of endorsement for education that I think most of the American people were expecting when we heard during the President's campaign that education is a top priority.

Let's look at the out years of the Republican budget. If we pass this budget, this budget has a zero increase in 2003, a zero increase in 2004, 2005, 2006, 2007, 2008, 2009, and 2010 in the area of education. Zero.

What are we supposed to believe? I was absolutely startled when I saw that. I thought, well, maybe they are not going to give us all the money we need in order to cover all Title I children. But at least they will do it a little bit—maybe not as fast as I would like to do it, or virtually everyone on this side of the aisle wants to do it. Every Democrat has supported our proposal to provide Title I services to every eligible child within a 5-year period. We are unanimous on that. But, no, the Republican budget provides zero in fiscal year 2003, and zero every single year, all the way out for the life of their ten year budget bill.

Nothing is in there in terms of the poorest of the poor children—zero, nothing; nothing in there for any expansion of the Pell grants. Nothing is in there in terms of expansion of Head Start. Nothing is in there in terms of children with disabilities. But there is plenty—$1.2 trillion in tax cuts for the wealthiest individuals.

How many times do we have to come back to the Senate and say, no, that isn't where the American people are. We are in a bipartisan saying, no. Education is the key. Education should be our top budget priority.

But around here, you find out that this is what talks. Money may not be the answer to all the problems in education, but it is a clear indication of where a nation's priorities are.

It is as simple as that. You will hear from many friends over here that money doesn't solve problems. You keep adding money they say, and too often children still will not make progress. Well, money is not going to solve all of our education problems. But when you follow the money, you can see where a nation's priorities are, and where they are prepared to invest in terms of the future.

This is a shocking budget that absolutely fails the children in this country.

I hope this will be defeated on that basis and that basis alone.

Many of our colleagues, hopefully, are not going to have it both ways—vote for increases on the floor of the Senate, and then vote on the budget for irresponsible tax cut for the wealthy. You have my vote on the Senate floor: That is how I stand on education. Here is my vote. And you have my vote on the budget. That shows how I stand on taxes.

I can remember very well a true story from when I first came to the Senate. In my first week in the Senate, I listened to my colleague, Willis Robertson, a Senator from Virginia. He gave an impassioned plea in favor of an issue. When the time came to vote, he voted in opposition to it. I said: Willis, you gave a speech in favor on the floor, and I supported it. He said: In my State on this issue the people are evenly divided. For those who favor it, I send my speech. For those who oppose it, I send my vote. That was 40 years ago. I hope we are not going to see that again. People laugh about it—and they should laugh about it—but it will be a sad thing if that is what Senators do on education this year.

What are we trying to do on investing? This is what we have been trying to do with children who have disabilities. Under the Republican budget, their proposal will cover 825,000 children this year, and it will be the same number 10 years from now. It will be different children, but it will be the same total: 825,000 children—no increase.

Under the Democratic proposal, we are raising that up to cover the 5.5 million. We are saying that no child with a disability should be left behind. We want our President to join us. We do not want him on the outside of this debate. We want him to join us. We want him to lead the bipartisan effort in the Senate and the bipartisan effort across the country. We want him out in front on this. But if you are going to get out in front, you are going to have to support the kind of investments about which we have been talking.

Low-income children: We have about 10.3 million children who are eligible for Title I. Under the administration's budget, for the next fiscal year there will be 3.7 million covered; and in fiscal year 2011, the same 3.7 million children. There will be no increase whatsoever. We increase it—almost double it—next year under the Dodd-Collins amendment; and then we phase in and reach the whole 10.3 million children by fiscal year 2011. We get the greatest bulk of those children covered within 5 years from now. I think it is the appropriate way to do it. I would like to do it even somewhat faster, but we were able to have an overwhelming vote, in excess of two-thirds of the Members, for that Dodd-Collins commitment.

We see how the Republican budget shortchanges children in another area: limited-English-proficient children. In this country, we are benefitting in so many different ways from those who come from different cultures and different traditions. The children are trying to make their way through our school systems. We find in the Republican proposal, 699,000 children are provided help in 2002. The same number of children, 699,000, are covered in 2011. In 2002, we ramp it up to 1.5 million children; and by 2011, serve all 2.6 million limited English proficient children.

I want to mention one of the important areas we will be voting on tomorrow, and that is in relation to professional development. We have 750,000 teachers teaching poor children who are hard working, decent, wonderful people, but do not have all of the background and competency in the areas in which they are teaching. They need additional training. This is aside from the continuation of professional development, an ongoing responsibility.

In the legislation, we say in 4 years that half of all the children in Title I will have well-qualified teachers, but we do not provide the resources for it. So we have pending an amendment that I and others have offered to make sure we are going to be able to reach those 750,000 teachers.

How are we going to expect children to take tests and measure up on the tests when they are not going to have teachers who can teach their subject matter properly? It just does not make a great deal of sense. You have to have a well-qualified teacher.

We know there is $137 billion of need out there in terms of school repairs. We do not expect the Federal Government to pick up all of the cost, but we ought to be able to at least do our part. The Harkin amendment, which provides $1.6 billion this year, is a good departure point, but it is not in the underlying bill. I wish it were. If I had drafted it, it would be in the bill. There are others who did not want it in the bill, but we are going to see an amendment from the Senator from Iowa to try to make sure we are going to provide the construction. There is nothing in this Republican budget for school repair. We believe there should be a modest school construction amendment.

After-school opportunities: There are 7 million children between the ages of 8 and 13 who go home alone every single day. As this body knows, if you take out the various charts, you can show the increased escalation in terms of violence in society from children getting into trouble and also the increase in contact with alcoholism and antisocial behavior.

We know the important role that after-school programs play in connection with schools and educational centers to provide an atmosphere where children can receive additional kinds of help and assistance in the afternoon. The Boys and Girls Clubs are excellent examples such as in my own city of Boston. We know the difference they make.

In the Republican proposal, there are only 1.1 million children who get assistance in 2002; and in fiscal year 2011, there will still be only 1.1 million children who get assistance. Under our proposal, 1.5 million children will get assistance in 2002—a very small increase, but we are going in the right direction—and then afterschool programs would be available to virtually all latchkey children.

We would be developing the afterschool program and have good teachers, good mentoring, and doing something about the school construction, and having support for the early interventions with children, good funding for the Head Start Programs, the consolidation of the computers, and doing something about the curriculum, and then the accountability, finding out what the children don't know, and giving the help in the supplementary services to those children so they can make progress. We would give help, making these programs available to them afterwards; not using tests as punishment, but using them as ways for educators to understand where these children are falling out and falling behind.

It is a pretty good check on some of the schools as well to find out which schools are working and getting that information back to the parents so the parents understand what is going on and can tell which schools are working. Then they can do some things about it.

This is what we are talking about. I am enormously distressed about what we are looking at in this budget that has been proposed.

We want to make it crystal clear that we are going to continue to battle during this authorization for investments in children. I am hopeful we can resist this budget when it comes, but if we do not, we are going to have the tax program coming in several weeks and we will have an opportunity again to battle to make education a priority in this nation's budget.

We know we have people in this body who are prepared to support us. We are putting this Congress, this President, on notice that this fight will not end until we make funding education a top priority. We are either going to get the commitment from the Administration that they are going to fund education or we are going to be back here when the specifics of the tax program are debated. We are going to come back when the Appropriations bills come out.

I have been around here enough to know how important the budget can be and not be when it comes to the will of the Senate. We are going to be right back here on the appropriations. This is going to be a long, continuing, ongoing battle and one in which I am absolutely convinced we will be successful. We are just expressing the sense of the American people.

Mr. President, at this time I would like to offer two amendments and ask unanimous consent to set them aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 378 TO AMENDMENT NO. 358

(Purpose: To provide for class reduction programs)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of Senator MURRAY and ask that it be temporarily set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. MURRAY, proposes an amendment numbered 378 to amendment No. 358.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 379 TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, I send another amendment to the desk on behalf of Senator MIKULSKI on community technology centers.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Ms. MIKULSKI, for herself and Mr. KENNEDY, proposes an amendment numbered 379 to amendment No. 358.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the establishment of community technology centers)

On page 245, between lines 13 and 14, insert the following:

"Subpart 1—21st Century Community Learning Centers

On page 245, line 15, strike "part" and insert "subpart".

On page 245, line 18, strike "part" and insert "subpart".

On page 246, line 13, strike "part" and insert "subpart".

On page 249, line 11, strike "part" and insert "subpart".

On page 249, line 16, strike "part" and insert "subpart".

On page 249, line 18, strike "part" and insert "subpart".

On page 250, line 16, strike "part" and insert "subpart".

On page 250, line 23, strike "part" and insert "subpart".

On page 251, line 2, strike "part" and insert "subpart".

On page 251, line 22, strike "part" and insert "subpart".

On page 251, line 25, strike "part" and insert "subpart".

On page 252, line 13, strike "part" and insert "subpart".

On page 252, line 15, strike "part" and insert "subpart".

On page 252, line 20, strike "part" and insert "subpart".

On page 252, line 23, strike "part" and insert "subpart".

On page 254, line 2, strike "part" and insert "subpart".

On page 254, line 12, strike "part" and insert "subpart".

On page 254, line 15, strike "part" and insert "subpart".

On page 255, line 3, strike "part" and insert "subpart".

On page 256, line 24, strike "part" and insert "subpart".

On page 257, line 1, strike "part" and insert "subpart".

On page 257, line 12, strike "part" and insert "subpart".

On page 257, between lines 18 and 19, insert the following:

"Subpart 2—Community Technology Centers

"SEC. 1611. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

"(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

"SEC. 1612. ELIGIBILITY AND APPLICATION REQUIREMENTS.

"(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be—

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local education agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"SEC. 1613. USES OF FUNDS.

"(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including—

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities; and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as—

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as—

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

Mr. KENNEDY. Mr. President, these amendments are two very worthwhile amendments with which this body is familiar, and with the excellent presentation we will be hearing and have heard from the Senator from Washington about the importance of class size. As a former school board member and first grade teacher, she makes a case that is irrefutable. We are looking forward to at least some support on the other side.

I can remember the first year it was accepted, Speaker Newt Gingrich went out and gave a positive statement how Republicans had supported this very important breakthrough in education, smaller class size. Subsequently, we haven't been able to get quite the breadth of support on that side of the aisle. Now that this has been in effect for a number of years and is working in a number of the States and we are seeing important, significant, and positive results, hopefully we will have support for it.

Senator MIKULSKI is our leader in the Senate in terms of the digital divide. We have seen in our society where education has been a divide, and we are committed to making sure that this piece of legislation isn't going to further that divide. We want to make sure, with this new phenomenon and new technology in terms of the Internet and the high technology, that we are not having another phenomenon that comes into our society and impacts our society between the haves and have-nots. Senator MIKULSKI has been the leading voice. These community technology centers have made an enormous difference in reducing that disparity. I know she will speak very eloquently about that shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I won't take the time of the Senate at this point to answer the suggestions of my good friend that we have done less on this side than we should for education. I think we have all done less than we should for education.

I will point out that during the Clinton administration, there was practically little or no increase in title I funding. They did have other requests for increases, but for the very needy they did little. Also, for professional teachers, they did little. There was the class size proposal to add more teachers. We can debate this back and forth, but we are all guilty of not providing the necessary resources for education.

I am hopeful we will go forward and pass the amendment I had, along with Senator HARKIN, to fully fund IDEA.

Right now, Senator ALLEN has an amendment and I defer to him.

AMENDMENT NO. 380 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that the pending amendments be set aside. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. WARNER, proposes an amendment numbered 380 to amendment No. 358.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a Sense of the Senate Regarding Education Opportunity Tax Relief)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EDUCATION OPPORTUNITY TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) Improving the education of our children is an essential and important responsibility facing this country.

(2) Strong parental involvement is a cornerstone for academic success; it is parents who know and understand the special, individual needs of their own children.

(3) Advanced technology has fueled unprecedented economic growth and positively transformed the way Americans conduct business and communicate with each other.

(4) Families will need ready access to the technical tools and skills necessary for their school age children to succeed in the classroom and the increasingly competitive international marketplace.

(5) Studies have shown that the presence of a computer in the home has a positive impact on a student's level of academic achievement and performance in school.

(6) Tax relief, enabling the purchase of technology and tutorial services for K–12 education purposes, would significantly help defray the cost of education expenses by: empowering families financially and increasing education spending; allowing families to provide their children access to a far greater range of educational opportunities suited to their individual needs, and; bridging the digital divide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) Act expeditiously to pass legislation in the First Session of the 107th Congress that provides tax relief to parents of K–12 students for the cost of their children's education-related expenses, specifically, computers, peripherals and computer-related technology, educational software, Internet access and tutoring services; and

(2) That such tax relief would not apply toward the cost of private school tuition.

Mr. ALLEN. Mr. President, having listened to the impassioned words of the Senator from Massachusetts, Mr. KENNEDY, and knowing the great leadership that he and Senator JEFFORDS, chairman of the HELP Committee, have provided on education, it is very good for the American people to recognize how important education is to those of us at the Federal level. Education is not just a Federal responsibility; it is primarily a State and local responsibility.

The actions that have been taken so far and will be taken in the days to come will result in the Federal Government being there to be of help and assistance to local schools, to parents, and, most importantly, to students in getting a good education. Indeed, all of us can agree that ensuring that our children receive the best possible education is one of the most important responsibilities to the people in our States and all across America.

Quality education, why do we care about it? Because a quality education is absolutely necessary for our children and all children across this country to be able to compete, succeed, and lead a fulfilling life. It is key for their future success, personally and professionally. It allows them, with a good education, economic freedom and financial security. A good education allows someone greater career opportunities and choices and mobility. It also allows them to provide for themselves financially as well as for their family. Education also is very important to society and for our American civilization to compete and succeed internationally.

I was made chair of the Senate Republican high-tech task force. One of our key policy agenda items is in promoting education and technology. I quote from our policy agenda:

> Without a workforce fully capable in math, science and computing skills, our competitiveness is at risk. Without a consumer base able to utilize the latest technological advances, our economic growth may wane. The task force believes that a top priority in education should be the development of policies that encourage the use of technology.

I speak as a father. I speak with my previous experience as Governor and also as a candidate with certain promises I made to the people of Virginia, should I be elected, in the area of education. We talked about the need for more teachers, allowing the localities to determine what those needs would be as far as funding for teachers, whether they use increased salaries for existing teachers, pay stipends for math and science teachers; whether it is hiring more teachers; that is important to reduce class size so children in the early grades get more individualized attention. There is action, activity so far on this measure and will be in the days to come to improve it.

The early reading initiative, which we started in Virginia, is part of the package. It is very important to make sure youngsters at the earliest grades—kindergarten, first and second—are reading at speed. Of all the academic subjects, nothing is more important than reading. We have testing in Virginia, as do many other States. Testing and standards are very important for identification of children who need additional help as well as giving parents a school performance report card.

I agree with the outstanding amendments Senator JEFFORDS put forth last week to make sure the Federal requirement of testing in a couple subjects would not become an unfunded mandate. What we ought to do is empower and help local schools, certainly not add unfunded mandates. Senator JEFFORDS' leadership in that regard was essential, and, fortunately, it passed overwhelmingly.

Another good thing about this measure so far is that it seems the Federal Government is trusting localities and States with greater flexibility to identify what their specific needs are in that particular school district. That is important.

Now, in addition to all of this, the President has gotten involved, so obviously it has been a priority. The House and Senate have been involved, and we have made it a priority.

As important as our local school boards and State governments and the Federal Government are, parents are important. For a good student, you will find that you need good teachers, yes, and they need to be in a good environment. But also key is good parents.

I want to take this opportunity to focus on increasing access to technology for those students in grades kindergarten through 12th grade.

We all understand, and I think the Presiding Officer today sure understands, how technology has fueled the unprecedented growth and transformed the way Americans conduct business and communicate with one another. As the global economy brings in new opportunities and greater prosperity, all families will need ready access to the technical and technological skills and tools necessary for students to succeed in a classroom and also in the digital economy.

Together schools, communities, and government have worked to bring computers to the classrooms and integrate technology into daily classroom curriculums. Classroom connectivity has soared from 14 percent in 1996 to 63 percent in 1999. When I was Governor, we finally were able to get the Goals 2000 money and put it into Network Virginia, to connect all our colleges, community colleges, and schools. So that has been going on across the country.

The Elementary and Secondary Education Act provides a separate funding stream for teacher technology training, which is important. There are tax incentives for companies to donate computers to schools. That is going on in Virginia and across the U.S. However, it is not enough that there be a computer present in the classroom or in a community center. I think it is great what Intel is doing with the Girls and Boys Clubs with their computer club houses. That is really good. But I also would like to see people have computers at home. Only through consistent access to technology can students develop the necessary technical skills to succeed and compete in the future marketplace and economy. Children must have access to the Internet at home so they can better complete afterschool homework. If you want the children to be able to have access to information or to do word processing, all that ought to be done on a computer at home, and they should not have to go to the school or a library or a community center.

The homework assignments are done after school and on weekends, and I think also by having the children working on computers at home, that increases their programming and technological skills. It also allows them to discover additional academic opportunities. There are some great educational software programs in geography, history, math, science, and the language arts, which all go at the pace of the student who is on the computer. E-books are coming around and that is another way of having children get interested in reading in a more easy way.

All of this, again, is gathered at the pace of the students. Studies have shown that the presence of a computer in the home has a positive impact on a student's level of academic achievement and performance in the school. For example, a study using NAEP data found that eighth graders who use computers frequently at home demonstrated higher levels of academic achievement than those who do not. Parents in those situations became more involved with the daily assignments, and it also increases their communication with teachers through the use of e-mail.

There was a study in a New York project where children actually were given laptops, personal computers—they weren't just in the classroom and the library—and they were allowed to bring the personal computers home. The training was provided in this project in New York. Not only did it increase academic performance, but it had long-term benefits. The results were that the participants were more likely to stay in school, graduate, and go on to college.

Earlier this year, with the support of my colleagues, Senators WARNER, ALLARD, HUTCHINSON, CRAIG, and HUTCHISON, I introduced the Education Opportunity Tax Credit Act, which would provide financial relief for the purchase of technology and tutorial services for K–12 educational purposes. My proposal would provide a $1,000 tax credit per year, up to $2,000 per family, for the cost of their children's education-related expenses—specifically computer peripherals and computer-related technology, educational software, Internet access, and tutoring services. However, the tax credit would not apply toward the cost of private school tuition.

This proposal would significantly help defray the cost of educational expenses by empowering families financially and thereby increasing educational spending, which would mostly be on technology. Even more important, the education opportunity tax credit would improve the quality of educational experiences for students by allowing families to provide their children with access to a far greater range of educational opportunities suited to their individual needs. It would encourage parental involvement in their children's education. Indeed, parents are the ones who know their childrens' needs, know their names, and know their specific problem areas, and we need to empower parents. Furthermore, this idea of providing this tax relief for the purchase of educational technology would also help bridge the digital divide. It is very important that everyone has an equal opportunity—whether it is tax policies, regulatory policies, or educational and technological policies—so that everyone can seize the opportunities in this digital age and this information technology economy.

Mr. President, the amendment I am introducing today would provide for a sense of the Senate in affirming how important it is that we increase opportunities for home access to technology for school-age children. While I am unable to offer the education opportunity tax credit to S. 1 because tax provisions cannot generally be added to a program authorization bill, by voting to support this sense-of-the-Senate amendment, we will be setting the foundation for future progress on this important matter.

Generally, I believe we are on the right track, for the most part, on educational reform at the Federal level with this bill. There is more trust and decisionmaking at the State and local levels. There are more funds and will be more funds for teachers, early reading initiatives, and protecting against unfunded mandates. This is due in no small part to Senators JEFFORDS and GREGG and other Members and the White House and leadership from both sides of the aisle.

Remember how we get a good student: You need good schools and parents.

We need to not only thank the leaders in the Senate for the good work they are doing but also make sure that we don't forget the parents. We need to empower parents to provide these technological educational schools for their children so their children have the same opportunities as all children, and also make sure that our country can compete and succeed. As we move forward on educational reform, I am confident that we will also be able to increase access to education-related technology for all children in their homes and pass the education opportunity tax credit into law.

I believe if we work on both sides of the aisle, we would understand that children need to have computers at home, access to the Internet, and the world of information that comes from having an individualized Library of Congress right there at home for our children. I thank the Chair and I thank the chairman of the committee for allowing me this time to speak on this amendment. I thank Senator KENNEDY also for yielding some time. I yield back the remainder of my time.

Mr. JEFFORDS. Mr. President, I thank the Senator from Virginia, who has given us an excellent understanding of what he has done. I think he has done a tremendous job for the State of Virginia. I have looked at his record and have listened to him and realize that he has made great contributions to the State of Virginia, and now he is here to assist us. So I praise him for this amendment. I will ask to have it set aside for a later vote, but I commend him for what he has done and I look forward to working with him.

Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, earlier I briefly commented on the importance of having a well-qualified teacher in every classroom. We will be asking the Senate to vote for increased funding for that tomorrow.

I hope those who are thinking about this amendment will review the excellent TIMSS 1999 eighth grade mathematics benchmarking report. These are findings for the United States and internationally. It is the leading authority of what is happening in classrooms in mathematics in the United States.

It states clearly on page 7:

> Research shows that higher achievement in mathematics is associated with teachers having a bachelor's and/or master's degree in mathematics. According to their teachers, however, U.S. eighth-grade students were less likely than those in other countries to be taught mathematics by teachers with a major area of study in mathematics.

It goes on to say:

> The Benchmarking Study provides evidence that some schools in the U.S. are among the best in the world, but that a world-class education is not available to all children across the nation. The TIMSS index of home educational resources (based on books in the home, availability of study aids, and parents' education level) shows that students with more home resources have higher mathematics achievement. Futhermore, the Benchmarking jurisdictions with the greatest percentages of students with high levels of home resources were among the top-performing jurisdictions, and those with the lowest achievement were four urban districts that also had the lowest percentages of students with high levels of home resources. These and other TIMSS 1999 Benchmarking results support research indicating that students in urban districts with a high proportion of low-income families and minorities often attend schools with fewer resources than in non-urban districts, including less experienced teachers, fewer appropriate instructional materials, more emphasis on lower-level content, less access to gifted and talented programs, higher absenteeism, more inadequate buildings, and more discipline problems.

What have we done with our legislation? I mentioned the other day, a point of reference about the excellent book "What Matters Most: Teaching for America's Future," the report of the National Commission on Teaching & America's Future, September of 1996. Hopefully, people following these issues in the debate will take a few moments and read through this compelling report. It is an excellent document. This, along with the hearings we had and the representations from Secretary Paige and the administration, gave very good structure for strengthening our Nation's teaching force.

We have 750,000 teachers who do not have degrees in the subject matter they are teaching. This is how we try to address that.

Part A of BEST will ensure there are more highly qualified teachers in the neediest schools because more teachers have access to high-quality professional development. We have a strong definition for a qualified teacher. All highly qualified teachers are teachers who have an academic major in the arts and science or have demonstrated competence through a high level of performance in core academic standards and are certified or licensed by the State. That is a very strong criteria to be met. We are going to insist on having a high standard and high quality teacher teaching the children.

The BEST Act ensures that professional development and mentoring activities are research-based and high quality. Mentoring support for teachers is absolutely essential and key. The continued development for teachers in terms of professional development is important. We require professional development activities as an integral part of the broad school-wide and district-wide educational improvement plans. We make sure that it is intensive, sustained, and school-based.

Those are the elements of effective professional development programs. They have to be intensive. We cannot have just 1 day, 2 days, a few days at the end of the year or a few days at the beginning of the year. They have to be sustained, intensive, school-based, of high quality and sufficient duration to have a positive and lasting impact on classroom instruotion. Too often we have the one-time workshops based on the best research designed to help teachers continue to improve the practice of teaching and developing instructional skills.

The BEST Act ensures that professional development activities are aligned with State content standards, student performance standards assessment, and the curriculum and programs are tied to those standards at the local level.

That is the key. One of most important aspects of school success is the presence of highly qualified, highly competent teachers working in the development of a curriculum, teaching the curriculum, and the students are then examined on that curriculum, finding out what the student does not know, providing the supplementary services available.

That is as clearly stated in the legislation as we could. This is very important and is one of the most important parts of the bill. It guarantees funds for professional development and mentoring. To date, we have not been guaranteeing the funds for professional development.

The BEST Act moves to ensure that all teachers in schools with 50 percent of poverty or higher are highly qualified in 4 years. I welcome that language. That is putting a challenge to the Congress: Are we going to provide the resources to make sure we have the highly qualified teacher that will teach in these urban areas or rural areas, where we have the high percentage of needy children?

We are committing ourselves. If we are going to commit ourselves to getting well-trained teachers, we have to provide the resources. That is what this amendment does. It holds all States accountable for ensuring all teachers are qualified, and if we hold the States accountable, we have to provide the resources and require States to provide assistance to teachers in schools. It ensures teachers receive professional development to help students reach higher standards.

Requiring professional development helps all students, including those diverse racial and ethnic students, students with disabilities, students with limited English proficiency, meet higher standards.

The States are required to set the performance goals that include the annual increase and the percentage of highly qualified teachers that schools with 50 percent of poverty or more are highly qualified within 4 years. The States have to set their goals and know at the beginning of this walk that we are going to walk the walk with them, that we will provide the resources.

How do we expect the States to accept this responsibility if we are not going to provide the resources? We expect in their plan that the States are going to have to have accountability as well. States that do not meet this goal in 4 years will lose 15 percent of their administrative funds and risk increased sanctions in the following years.

We are asking everyone to be responsible and to be accountable. We are asking the States, the schools, and the students to be accountable.

The last question is whether we are going to be responsible. The way we are going to be responsible is supporting this amendment which will, hopefully, establish the guideposts for sufficient funds for the training of teachers and professional development.

My amendment effectively is a sense of the Senate that the Congress should appropriate the $3 billion authorized in the BEST Act for improving teacher quality, and authorizes a $500 million increase per year for the subsequent 6 years, 2003 to 2008. I hope this amendment receives a strong bipartisan vote in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

AMENDMENT NO. 372

Mr. JEFFORDS. Mr. President, tomorrow the Senate will vote on the amendments now pending, including an amendment offered by Senator CRAIG that will deny increases in funding under the Elementary and Secondary Education Act if a State fails to make adequate yearly progress as defined by the BEST Act. That is the Education Act on which we are working.

This amendment by Senator CRAIG addresses a very important issue—accountability for results—the issue on which we spent the bulk of our time working when crafting S. 1.

There is already a mechanism for holding States accountable in S.1. Keep that in mind. We already have a provision for that.

In title VI, part B, if a State fails to meet its goals for adequate progress in improving student achievement, the Secretary must reduce the funds available to that State in succeeding years.

I should add that there are also accountability provisions directly related to student performance at the school and district levels.

It does not make sense to reduce the overall funding to a State, when in fact some schools and districts may be doing a good job and others are not.

S.1 targets sanctions to where the problem exists.

In other words, if one school in a district is doing well and another is not, we have focused our school improvement activities on the school that is not doing its job to improve achievement.

Similarly, if one district in a State is excelling and another is not, raising the achievement of all its students, then under our bill, the poor performing district would be sanctioned.

Under this scenario, with these school and district level accountability provisions in place, it would not make sense to reduce the funding of all the schools and districts by reducing the grant to the State.

Instead, as I mentioned earlier, under S.1, a State not making its performance goals would only be sanctioned based on the funds it is allowed to keep at the State level, not to hurt the individual district.

I can assure the Senate that these funds are very important and valuable to States, and their loss will certainly be something that States will work hard to avoid.

The Craig amendment would dramatically expand the sanctions already spelled out in the bill and would result in a disproportionate penalty, in my view.

My colleagues should not be under any illusion that only a few States will fail to make adequate yearly progress. Of the 18 or 19 States we have looked at in an informal survey, nearly three quarters would have failed last year, and the handful that did not fail outright might do so with disaggregated data.

I appreciate my colleague's interest in driving change at the State and local levels, but I think the President's proposals, incorporated in the BEST Act, offer a more precise means of doing so in the years ahead.

Adoption of the Craig amendment, by contrast would stop dead in their tracks the President's testing and reading initiatives. I hope the Senate will resist the Craig amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 382 TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of Mr. DODD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. DODD, proposes an amendment numbered 382 to amendment No. 358.

The amendment reads as follows:

(Purpose: To remove the 21st century community learning center program from the list of programs covered by performance agreements)

On page 752, line 7, strike "F or".

Mr. KENNEDY. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED WORLD WAR II MEMORIAL

Mr. DORGAN. Madam President, I ask unanimous consent to have printed in the RECORD a news article by Benjamin Forgey from the Washington Post dated May 5, 2001, about the World War II memorial that is proposed to be built on The Mall between the Washington Monument and the Lincoln Memorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 2001]

AN OVERDUE HONOR FOR WWII VETERANS ONCE AGAIN IS UNJUSTLY IN THE LINE OF FIRE

(By Benjamin Forgey)

Veterans of World War II ought to be fighting mad right about now.

Bad luck and a bad case of nerves on the part of a federal agency may delay the World War II Memorial on the Mall—possibly for years. This, after 22 public hearings, four approving congressional laws and six years of give-and-take had produced a fine, ready-to-build design.

In an extraordinary vote Thursday, the National Capital Planning Commission put itself in a position to reverse all of its previous approvals of the memorial—of the prominent site between the Washington Monument and Lincoln Memorial, the design concept that embraces the site and the details of the design.

In essence, the commission is proposing to subject the folks who sponsored the memorial and raised more than $100 million to a bureaucratic form of double jeopardy. The site has been dedicated and millions of dollars have been spent to prepare the approved design. In addition to dealing with a pending lawsuit brought by steadfast opponents, the American Battle Monuments Commission, the memorial's official guardian, must now gird itself to go through the contentious process another time.

This could be a mere formality, if after hearing a day of pro and con pubic testimony at a special session on June 13 the commission simply votes, in another special session the next day, to reapprove its prior approvals. However, so clear and easy a solution seems highly unlikely. Four of the 12 commission members, including Chairman Richard Friedman, are new since the agency took its last vote on the memorial five months ago. (One of the seats is currently vacant.)

More likely, the commission will ask for changes in the design. Even if the alterations are limited, it could take, say, 12 months to get them through the reviewing process again. Law requires approval of any changes not only by the planning commission but also by the Commission of Fine Arts and the secretary of the interior—usually a difficult, time-consuming process.

In a year, more than 400,000 aging World War II veterans will die.

Then there is the possibility that the commission will reverse itself completely by rejecting the design concept and the site, which was sanctioned by both commissions five years ago after a thorough consideration of alternative locations. If this happens, selecting another site, designing a new memorial and getting the necessary approvals could take five years or more.

In five years, more than 2 million World War II veterans will die.

If this seems as preposterously unfair to you as it does to me, we are in the same club as Tom Hanks, who says as much on those touching it's-about-time television spots as spokesman for the national memorial. Such delays are unconscionable. The veterans—and, in fact, the entire World War II generation—deserve dignified commemoration while some are still alive to hold their heads high.

This is particularly so in view of the time and talent already spent in quest of a fitting location and design for the memorial. I do not mind saying this again: The site could not be better—on the central axis of the Mall at the eastern end of the Reflecting Pool, with the Lincoln Memorial to the west and, to the east, the Washington Monument and the Capitol. Alone among events of the 20th century, World War II deserves commemoration on this symbolic holy ground of the American democracy.

The genius of the design by Friedrich St. Florian, the Austrian-born Rhode Island architect who six years ago won the national design competition for the memorial, is how splendidly it fits the contours of this impressive site. Taking its primary cues from circular ends of the existing Rainbow Pool and the cupping rows of elm trees that frame the great vista, the memorial honors its honorific place on the Mall.

But it is worth noting that St. Florian's design did not do so at the beginning. In response to the overblown requests of the Battle Monuments Commission—asking for a museum-size undergrown exhibition space, among other things—the first design was impressive, but predictably overblown. It got a rough going-over from both reviewing commissions and, gradually, was whittled down and fitted elegantly into the landscape.

All of this patient, productive back-and-forth process may now prove to have been useless. In part, the fact that the commission is even considering reversing itself is due to a mere technicality—or just really bad luck.

Three of the board's five previous approvals of various facets of the memorial have been called into question because former chairman Harvey Gantt continued to work after his term officially had expired, awaiting a replacement. This is a common administrative practice and usually is covered explicitly in legislation. Yet somehow, back in the 1970s, that language was dropped when the planning commission's authorizing law was rewritten, and nobody noticed until now.

This seems a thin excuse for revisiting even the "questionable" votes—covering preliminary and final memorial plans. It offers no pretext at all for reviewing the commission's crucial, positive votes taken before Gantt's term expired—on the design concept (its style, philosophy and general configuration) and the site. But after Thursday's vote, that is where we could be headed.

A series of questions come immediately to mind. Was Thursday's vote wise? Was it even necessary? Should not some other body—the Justice Department, Congress—decide on the legality, or lack of it, of the previous chairman's votes before anything else is done? Then, what about all the other issues the commission decided during Gantt's interregnum—for instance, the controversial Washington Convention Center?

Of course, something good can result from the new hearings in June, as well as the "balanced" panel of architects, urban designers and landscape architects the commission seeks to convene later this month. (May 23 is the tentative date.) There is a lot to be said, after all, for hearing all sides of a story, even if the arguments are the same ones we've been listening to for years.

So far, the site and the design have proved strong enough to withstand hostile criticism—and probably this will happen again. The memorial is not misplaced, as its opponents contend, and most fair observers can see this. It does not close off the Mall, as critics have said. Rather, it adds something important to the vista. It is not Nazi architecture—the most hateful of the attacks—but, like much else in Washington, it is part of a 2,000-year-old tradition of classical architecture.

It is not a perfect design, to be sure, but changes, if any, should be considered very, very tenderly. As in all very good designs, each part is intimately related to the others. You cannot just rip a hole in the memorial to "open the Mall," for instance, without affecting the delicate, finely wrought balance of the whole.

But the special reason to proceed with caution here is the human costs of further delay. Like the movement to build Civil War memorials throughout the North and South in the late 19th and early 20th centuries, the impetus to construct a national World War II memorial gained strength as the wartime generation began to disappear.

The Veterans Administration provides these sobering statistics. Of the 16 million American men and women who served in uniform during World War II, about 5 million are alive today. In 2004—the earliest date the Mall memorial could be dedicated if everything proceeded smoothly—3.8 million veterans will be left. For every year after that—well, you do the math.

Mr. DORGAN. Madam President, I recall when Tom Brokaw wrote his book, "The Greatest Generation," I picked it up in an airport and began reading and marveled once again at the dedication those young men, and some young women, in the 1940s, expressed to this country. They dedicated their lives to beating the fascism and nazism exhibited by Adolf Hitler. They kept the free world free. Many paid for it with the ultimate sacrifice—their lives.

It has been proposed for some long while to build a memorial on The Mall of the U.S. Capital to those World War II veterans. That World War II memorial has been in the planning stages forever, and the National Capital Planning Commission is proposing to reverse previous approvals of the memorial and once again delay construction of this memorial.

The people who sponsored this memorial have raised more than $100 million from private sources. The site has been dedicated. In addition to dealing with the pending lawsuit by opponents, they must now—these folks who have worked on this for so long—gird themselves to go through the contentious battle one more time.

This year, more than 400,000 aging World War II veterans will die. Sixteen million American men—mostly men—and some women, served in uniform during World War II. Of those 16 million, about 5 million are now alive.

In 2004, which is the earliest date the World War II memorial could be dedicated if everything proceeded smoothly, about 3.8 million veterans of that was will be left. As the article suggests, do the math. We need to move aggressively to see that the lasting contribution these men and women made for their country is recognized by building that World War II memorial.

I have told my colleagues previously, of a discussion I had with a member of the European Parliament about 2 years ago, in which we were discussing some differences between the United States and the Europeans. He stopped me at one point and said, "Mr. Senator, I want you to understand something about how I feel about your country." He said, "In 1944, I was 14 years old and standing on a street corner in Paris, France, when the U.S. Liberation Army marched into Paris, France, and freed my country from the Nazis." He said, "A young black American soldier reached out his hand and gave that 14-year-old boy an apple. I will go to my grave remembering that moment. We hadn't had much fruit under the Nazi occupation for a long while. But I will remember that moment that young soldier handed me an apple." He said, "You should understand what your country means to me, to us, to my country."

I remember, again, the sacrifice that was made by so many Americans in World War II, the sacrifice made by what Tom Brokaw calls, appropriately, the "greatest generation."

It seems to me appropriate that we ask those involved in the planning of this memorial, who are once again trying to evaluate exactly the conditions under which it is built, to allow this to go forward, allow this for the people who have spent the time, planned this memorial, and raised the money to make this happen for the World War II veterans. We owe our veterans that, and we don't owe them further delay. Let's not have further delay. Let's get the memorial built.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

Mr. MURKOWSKI. Mr. President, our education system is in need of serious reform. Thirty-five years ago, Congress enacted the first Elementary and Secondary Education Act. Billions of dollars have been spent on Title I, the program that is the cornerstone of the federal investment in K through 12 education for disadvantaged children.

However, only 13 percent of low-income 4th graders score at or above the "proficient" level on national reading tests. As the recently released results of the 2000 National Assessment of Education Progress show, the reading scores of 4th grade students have shown no improvement since 1992.

Even worse, no progress has been made in achieving the program's fundamental goal, narrowing the achievement gap between low-income and upper-income students. It is obvious that the current system has serious problems and it is time that we make serious reforms.

Some of my colleagues feel that the solution is to throw a huge amount of money at education. I disagree. Yes, education funding should increase, but continuing to expand the current federal system, which is characterized by its many duplicative and ineffective programs is not the answer.

We should be working together to ensure that education legislation establishes real standards for measuring academic achievement, streamlines federal education programs, promotes local flexibility, encourages and protects good teachers, and gives parents of students who are trapped in failing schools the opportunity to seek a better education for their children.

It is time to do something different. Although focusing on curriculum and teaching methods have fueled many of our past debates it is now important to shift our focus to the more general and structural aspects that affect learning. We need to allow parents, teachers, and schools to decide what is best for their children.

I believe that decisions about a child's education should be made by people who actually know the child's name. I do not believe that bureaucrats and politicians in Washington should dictate how states and localities spend education funds. Students in my home state of Alaska face unique challenges due to the diverse population, size of the state, and the isolation faced in rural communities. We need greater flexibility in order to meet our students needs.

The President's education plan demands that states demonstrate student academic gains in reading, and math, as well as progress in reducing the achievement gap between disadvantaged students and their peers. We need accountability so that we can be assured that there's academic achievement. All of the educators that I speak to in Alaska tell me that they are not afraid of accountability. However, they maintain that they need more flexibility to reach high academic goals.

I agree with the President that we should consolidate federal elementary and secondary programs, insist upon high standards and accountability, and allow states and localities the flexibility they need to educate children.

It is time to recognize that we need to do something different. I call on my colleagues to work together to pass legislation that is "real" education reform.

EXECUTIVE SESSION

NOMINATION OF JOHN ROBERT BOLTON OF MARYLAND TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 39, which the clerk will report.

The legislative clerk read the nomination of John Robert Bolton of Maryland to be Under Secretary of State for Arms Control and International Security.

The PRESIDING OFFICER. Under the previous order, there shall now be 3 hours of debate on the nomination.

Under the previous order, there shall also be 60 minutes under the control of the Senator from North Dakota.

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, on the John Bolton nomination, I understand that I am to be recognized for an hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, I ask unanimous consent to give the final 15 minutes of my hour to Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, the issue before the Senate is the nomination of the Under Secretary of State for Arms Control and International Security. The proposed nominee is Mr. John Bolton. I don't know John Bolton from a cord of wood, and I have no ill will toward him, but I come to the floor opposing this nomination in the most vigorous way possible.

We have a circumstance in this world where there exist somewhere in the neighborhood of 30,000 to 40,000 nuclear weapons. They exist in relatively few countries. We have a large stockpile of nuclear weapons, Russia has an even larger stockpile of nuclear weapons, and a few other countries are members of the nuclear club. It was demonstrated about a year and a half ago, or so, that both India and Pakistan have nuclear weapons. They don't like each other at all. Each tested nuclear weapons underneath the other's chin. One wonders about the wisdom of that. It demonstrated for all of the world the danger of so many nuclear weapons, the proliferation of nuclear weapons.

So it is our job, it is incumbent upon us in this country, to be a world leader and to stop the spread of nuclear weapons and to be a world leader in trying to reduce the number of nuclear weapons on this Earth. This is our responsibility.

The area of our Government in which leadership is required is that of Under Secretary of State for Arms Control. That is where one would expect to see leadership with respect to arms reductions, arms control talks, and stopping the proliferation of nuclear weapons.

President Bush nominated John Bolton for the job. He is exactly the wrong nominee. He is exactly the wrong person to put in this position. Again, I do not know him personally. But I know of his thinking and writings and how he has expressed himself in recent years about these subjects. I am going to use some of these expressions, quotes, and articles he has written to demonstrate why I think he should not be confirmed by the Senate.

First, he does not have experience in arms control at all. He has never served in an arms control position. He has never been part of negotiating groups involved in arms control talks. He has not even written very much about the arms control subject. But he has expressed disdain for arms control and for those who promote it.

I will relate a couple of those statements. He says:

> America rejects the illusionary protections of unenforceable treaties.

With respect to the Comprehensive Nuclear Test-Ban Treaty, the CTBT, that we debated in the Senate and defeated, regrettably, nearly 2 years ago, he says the supporters of the Comprehensive Nuclear Test-Ban Treaty are "timid and neo-pacifists."

Let me explain what the test ban treaty is. We do not test nuclear weapons in this country. We decided and announced 8 or 9 years ago that we were not going to test nuclear weapons, so we suspended nuclear testing.

The Comprehensive Test Ban Treaty has been signed by about 150 countries, it tries to get all of the countries to commit to the position we have already taken: to prohibit nuclear testing; a treaty to stop nuclear testing. This Senate voted against that treaty. It is almost unthinkable. This Senate said no to that treaty.

Mr. Bolton says the supporters of that treaty are "timid and neo-pacifists." He, I guess, disagrees. He, I guess, thinks we should not be involved in a treaty with other countries to stop nuclear testing, despite the fact we have already stopped nuclear testing.

What value is it for us to decide we will not be part of a treaty that stops others from doing what we have already decided not to do? It makes no sense to me.

Mr. Bolton says international law is not really law:

> Treaties are "law" only for U.S. domestic purposes. In their international operation, treaties are simply "political" obligations.

He says:

> While treaties may well be politically or even morally binding, they are not legally obligatory. They are just not "law" as we apprehend the term.

We have been involved in many treaties in this country, most notably and most important to me are the arms control treaties we have negotiated with the old Soviet Union and the arms control treaties we now have with Russia. Mr. Bolton's position is they do not really mean very much; they are just political obligations; they do not mean anything; they have no force and effect in our law.

The arms reduction treaties we have negotiated with the old Soviet Union and now Russia have accomplished a great deal, and someone who discards the notion of reaching these kinds of agreements with other countries, in my judgment, is not thinking very clearly about what our obligation ought to be with respect to stopping the spread of nuclear weapons and trying to reduce the number of nuclear weapons on this Earth.

Mr. Bolton also expresses rather substantial disdain for the United Nations. He says:

> The Secretariat building in New York has 38 stories. If it lost 10 stories, it wouldn't make a bit of difference.

He says:

> If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world [and that member would be] the United States.

Kind of an elitist attitude.

He has expressed disdain for some of our allies for positions they have taken. He has accused Premier Chretien of Canada of "moral posturing."

The Sun, a British newspaper, says Bolton is "one of Tony Blair's strongest critics."

He says the proposed European defense force is a "dagger pointed at NATO's heart."

He says:

> Europeans can be sure that America's days as a well-bred doormat for EU political and military pretensions are coming to an end.

Mr. Bolton gloated after the vote on the Comprehensive Nuclear Test-Ban Treaty in the Senate:

> The CTBT is dead.

Mr. Bolton has been highly critical of the agreed framework under which North Korea pledged to freeze its nuclear weapons program. He says "the United States suffers no down side" if we never normalize relations with North Korea.

South Korea and Japan, two friends of our country, certainly do not agree with that.

His position that we should give diplomatic recognition to Taiwan contradicts several decades of official American policy.

He says we have no vital interests in Kosovo or the rest of the Balkans. He says:

> The problem with Kosovo now is precisely that we do not have concrete national interests at stake, and we are off on a moral crusade. I think there's more than one moral principle in the world, and one moral principle I think we are ignoring in Kosovo is that the President should commit American forces to battle, and possibly to death, only when there is something that matters to us.

The genocide that was occurring in that region was stopped by U.S. intervention. I was as uncomfortable as anyone in this Chamber when we committed troops for that purpose. I understand there is risk. The fact is the genocide was stopped. The killing was stopped and the tens of thousands of people whose lives were saved would not share Mr. Bolton's evaluation of our response to the difficulties in Kosovo.

This President sends us Mr. Bolton's nomination at a time when he is proposing we abandon the ABM Treaty. He did not say it quite that way last week, but his previous statements suggest the ABM Treaty is really of no value and that it ought to be abandoned. And make no mistake, this administration is prepared to and on the road to abandoning the ABM Treaty.

Its first priority is to build a national missile defense system, wants to abandon the Kyoto treaty, and wants to suspend missile talks with North Korea. It opposes the International Criminal Court and International Landmine Convention.

If one listened to President Bush's presentation about a week ago at the National Defense University, one might wonder why he nominated John Bolton. He describes national security policy in moderate terms, talks of consultation and cooperation, and these are concepts that seem totally alien to all the work I have seen expressed by Mr. Bolton in quotes, articles, so on.

Last Friday, an article in the Washington Post by the columnist Charles Krauthammer reveals, I think, the real agenda President Bush and also Mr. Bolton aspire to manage. As Mr. Krauthammer puts it, "the Bush Doctrine abolishes arms control."

These quotes from Mr. Krauthammer's article are instructive:

> The new Bush Doctrine holds that, when it comes to designing our nuclear forces, we build to suit.

In other words, it does not matter what other countries think. It does not matter what our agreements are. It does not matter what circumstances exist in the rest of the world. It does not matter if what we do ignites a new arms race. What we do ought to suit ourselves, and it does not matter the consequences.

> Nor does the Bush administration fear an "arms race." If the Russians react to our doctrine by wasting billions building nukes that will only make the rubble bounce, let them.

That is saying let us stop this effort to reduce nuclear weapons. Let us build a national missile defense system, and if that ignites a new arms race and we see Russia and China building new offensive weapons, so be it; it does not matter at all.

That is, in my judgment, a pretty thoughtless approach. It does matter. Those who want to see the United States be a leader in stopping the spread of nuclear weapons and reducing the number of nuclear weapons through arms control agreements do believe it matters what we do and believe it matters how others react.

"If others doesn't like it, too bad." This is a fascinating article by Mr. Krauthammer evaluating the approach of the administration and probably underlines why Mr. Bolton is the nominee.

I don't accuse Mr. Bolton of being of bad faith or ill will. He is just wrong on these issues. This country is making a very big mistake by putting someone with his viewpoint over at State as Under Secretary of State for Arms Control.

Now I will talk about the effect of some of these policies. I will not speak at great length about national missile defense, but we have a threat chart from the Department of Defense, and about the least likely threat we face is an ICBM with a nuclear warhead from a rogue nation or a terrorist. A far more likely threat is a pickup truck with a nuclear bomb. That is a far more likely threat.

The national missile defense being proposed by the President, even if it abrogates and scraps the ABM Treaty, will be kind of a catcher's mitt, put in the sky to catch nuclear missiles that might be fired at us. However, people should understand they are only talking about catching a few missiles because any robust attack could not be defended against by this system. It is designed to defend against someone who will send one, two, three, four, or five missiles. But it will not defend against an accidental nuclear launch by a Russian submarine where they unload all the tubes. It will not defend this country against that. And it puts all our eggs in this basket and ignores the far more likely set of threats.

It is far more likely, if we were to be terrorized by a rogue nation or terrorist state or terrorist group, they would find a delivery device as simple as a pickup truck or a rusty car or a small deadly vial of chemical or biological agents placed at a metro station somewhere. It is far more likely that would represent the terrorist threat using a weapon of mass destruction against the American people. Yet we are determined, absolutely determined, to build a system that will probably cost up to $100 billion and be a catcher's mitt only in circumstances where someone would launch a couple of missiles.

This country, of course, has thousands of nuclear weapons, and this country would vaporize any terrorist group or any country that launched a nuclear attack against this country. That has always been the case. It is called mutually assured destruction.

The new group that has taken power says that is old fashioned, that doesn't work, or, maybe it worked but it won't work in the future because we have new adversaries—presuming the adversaries are willing to attack us and then to be vaporized by a nuclear response from this country.

Somehow, it seems to me that taking apart arms control treaties that have resulted in real reductions of nuclear weapons and delivery vehicles is a step in the wrong direction. It seems to me not caring whether what we do unilaterally will ignite a new arms race and have the Russians and Chinese building new, massive offensive weapon systems is not in this country's best interests. Yet that is where we are headed. It is what this administration talks about, and it seems to me to be part and parcel of the type of thing we will see with the John Bolton nomination.

Let me talk for a moment about a former majority leader of the Senate, Howard Baker, a Republican leader in the Senate, who has done some interesting work on these issues. A bipartisan task force, led by Howard Baker and Lloyd Cutler, working on these issues, said the following:

One of the first national security initiatives of the new President [should] be the formulation of a comprehensive, integrated strategic plan, done in cooperation with the Russian Federation, to secure and/or neutralize in the next eight to ten years all nuclear weapons-usable material located in Russia and to prevent the outflow from Russia of scientific expertise that could be used for nuclear or other weapons of mass destruction.

Baker recently told the Senate Foreign Relations Committee that:

> It really boggles my mind that there could be 40,000 nuclear weapons in the former Soviet Union, poorly controlled and poorly stored, and that the world isn't in a near state of hysteria about the danger.

According to the Baker-Cutler panel's report:

> In a worse case scenario, a nuclear engineer graduate with a grapefruit-sized lump of highly enriched uranium or an orange-sized lump of plutonium, together with material otherwise readily available in commercial markets, could fashion a nuclear device that would fit in a van like the one the terrorist Yosif parked in the World Trade Center 1993. The explosive effects of such a device would destroy every building in Wall Street financial area and would level lower Manhattan.
>
> The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops or citizens at home.
>
> The national security benefits to U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential nuclear weapons would constitute the highest return on investment in any current U.S. national security and defense program.

If we decide, as the President suggests, that we will abrogate the Antiballistic Missile Treaty with Russia, Russia would respond by suspending their programs that Baker and Cutler say are so vital, and respond by increasing military cooperation with China, Iran, and others, and suspend plans to further reduce their own nuclear arsenal.

Let me talk about what we have been doing that is successful and why I am so concerned about this nomination. This chart shows what has happened with long-range missile warheads, ICBMs and SS–20s. We have had strategic arms reduction talks that have resulted in a reduction in nuclear warheads and delivery vehicles. The INF and START talks resulted in a reduction of 6,000 warheads from long range missiles. Those 6,000 warheads represented the equivalent of 175,000 Hiroshimas; 175,000 equivalents of a Hiroshima bomb have been dismantled. Thousands still exist.

The question is, Is it moving in the right direction to begin talks and arms reduction treaties and agreements with the Soviets and the Russians, now, that reduce nuclear warheads and delivery vehicles? It seems to me that makes a great deal of sense.

This Congress, and previous Congresses, have funded the Nunn-Lugar program. We appropriate money in order to have the Russians reduce their nuclear warheads and their delivery vehicles according to the agreements we have with them. Because of Nunn-Lugar nearly 6,000 nuclear warheads are gone, 597 ICBMs are gone, 367 missile silos are gone, 18 ballistic missile submarines are gone, 81 heavy bombers are gone.

Here is a picture of a submarine. This is a Typhoon-class Russian submarine. That submarine is now being dismantled by the Nunn-Lugar program. Soon it will not exist anymore.

In fact, I have kept in my desk for some while a small container of copper. This is ground-up copper. This copper comes from wiring from a Delta-class ballistic missile submarine, a Russian submarine.

I ask consent to demonstrate the two pieces I have as a result of these arms reduction programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This wiring is ground-up copper wiring from a Russian submarine. We didn't sink that submarine. We weren't at war with Russia. We didn't destroy it. Through our arms reductions program, that submarine is dismantled and now doesn't exist. So I now stand in Washington, DC, holding up ground-up copper wire from a submarine that is now dismantled, a submarine of a former adversary. Does that make sense? A submarine with warheads aimed at American cities now no longer exists.

Or, this is a photograph of a Bear Bomber. This is a Russian heavy bomber. This is a piece of a wing strut from a Russian bomber. We didn't shoot down this bomber. I have this piece of wing strut from a bomber in Russia because we sawed the wings off. We helped pay for sawing the wings off and destroying those bombers. Why did they allow them to be destroyed? Because our arms control agreements with Russia required the reduction of both nuclear warheads and delivery vehicles: missiles, submarines, and long-range bombers. So I am able to hold up a part of a wing strut of a Russian bomber in Washington, DC. We didn't have to shoot it down. All we had to do was help buy some saws to saw the wing off and dismantle that plane piece by piece. That bomber that carried nuclear bombs that threatened our country no longer exists.

Is that progress? I think it is.

So we have what is called the Nunn-Lugar program that we have funded. Despite this success, as I indicated, we have something more than 30,000 to 40,000 nuclear weapons left in the world, the bulk of them in the United States and in Russia. They have a total yield, it is estimated, of somewhere around 6,000 megatons. That is 6 billion tons of TNT. That is the equivalent power of 400,000 Hiroshima-type bombs—400,000 Hiroshima bombs.

The Hiroshima "Little Boy" bomb killed about 100,000 people. It was calculated the "Little Boy" bomb dropped on Hiroshima produced casualties 6,500 times more efficiently than the ordinary high-explosive bomb.

So the question for us is: Is there more to do in arms control, arms reduction? Is there more to do in stopping the spread of nuclear weapons? Will this country be a leader in those areas?

The answer for me, clearly, is yes. Yet today we consider the administration's nomination to be the Under Secretary of State for Arms Control, Mr. John Bolton, who has little experience in the area. But more alarming in my judgment, is that the expressions he has made about this subject in recent years suggest that he does not care a whit about arms control.

He seems to believe, as this administration does, that arms reductions are not part of a strategy that makes much sense for this country. Treaties, arms control talks, somehow represent a display of weakness, apparently, and that, if we could, we should just decide to go our own way, build national missile defense, not care what others do in reaction to it, and believe it doesn't matter how many nuclear weapons exist in the hands of the Russians, or how many nuclear weapons and delivery vehicles the Chinese might desire to consider in the coming years. It just doesn't matter, they say.

I think that is a very serious mistake for this country to believe that. In my judgment, it is a very serious policy mistake. I think if ever there is a case of a fox in a chicken coop it is Mr. Bolton's nomination to be Under Secretary of State for Arms Control. He is the wrong person in the wrong place.

Let me conclude as I started. I do not know Mr. Bolton personally, and I do not mean by my presentation to suggest he is not a perfectly good man, perhaps someone who is well educated—bright I am certain. I just feel very strongly, with respect to the consent requirement of the Senate, I want someone in the position of Under Secretary for Arms Control who believes in arms control. I would like someone who believes in a missionary need for this country to provide world leadership in stopping the spread of nuclear weapons. I want someone who has passion about trying to engage with those who have nuclear arms and delivery vehicles in treaties and talks and agreements to reduce the number of nuclear weapons.

I do not suggest we do that from a position of weakness. We clearly do it from a position of strength. But those who suggest what happens in the rest of the world is irrelevant and the only thing that is relevant is what happens here are just plain wrong.

So I will be voting against Mr. Bolton's nomination. I hope others will do so as well. I hope perhaps with that vote we can send a message from this Senate to this administration that this is not the direction the American people want. This is not the direction the American people expect in terms of trying to reduce the threat of nuclear war, trying to reduce the spread of nuclear weapons, and trying to increase the opportunity to reduce the nuclear weapons that exist.

Madam President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RELEASE OF VIOLENT OFFENDERS

Mr. DORGAN. Madam President, I have come to the floor repeatedly in recent years on the issue of violent offenders being released from prison early and in behalf of the people they have murdered while they have been on early release from incarceration for previous violent crimes.

I noticed in the last couple of days, once again we had a case—I wanted to certainly give the judges here their due—the case of a fellow named Robert Lee Dyer, reported in the papers. He is from Suitland, MD, arrested almost a year ago, charged with being a principal in the first degree in the shooting death of a man trying to withdraw money from an ATM machine. He was arrested with Antwon Reid, who was charged with murder in the first. Reid plead guilty, and is now serving a life sentence. Mr. Dyer had two bond hearings to determine whether he would be released on bond. The first hearing was before Judge Patrice Lewis. She gave the defense attorney the authority to set up a property bond and come back in 1 week to see if it would be allowed.

At the second bond hearing, Judge Thurmond Rhodes set the bond of $75,000. Mr. Robert Lee Dyer was released. So for $75,000, this fellow, who had been involved in a murder crime, allegedly, was released.

The State's attorney vehemently opposed releasing him on bond. But Judge Thurman Rhodes nonetheless released him. The trial for that was scheduled to begin May 21 of this year. On May 2 of this year, this Mr. Dyer was arrested for killing Jamel Stephon Zimmerman. Dyer was the alleged shooter. It is said that there is a very strong case against him. A new bond hearing was scheduled for today at 1:15 in front of Judge Robert Heffron.

There is something fundamentally wrong when time after time after time people are either released from prison or, in this case, released on bond when we know they are violent. And yet they are released back to the streets to kill again.

I have spoken at great length about the case of Bettina Pruckmayer—and six or eight other cases—a young woman aspiring to begin a new life in Washington, DC; a young attorney, public spirited, working for a nonprofit organization, who pulls up to an ATM machine only to meet Leon Gonzalez Wright to be stabbed over 30 times and killed. Leon Gonzalez Wright had committed murder before, was let out early, picked up for hard drugs while he was let out on probation, and nobody puts him back in jail. Instead, he was walking the streets to kill Bettina Pruckmayer.

That and six or eight other cases I have described is going on all across this country. It is good time for good behavior, and release them early. In this case, don't keep them in jail. Let them post $75,000 where they are on America's streets, and the result is innocent men and women are being murdered.

There is something wrong with the criminal justice system. I think what we ought to do is describe the differences that exist between those who commit violent crimes and those who commit nonviolent crimes. We ought to have people in this country understand that if they commit a violent crime, they are not going to have good time for good behavior. Whatever the judge says, their sentence is going to be that the jail cell number is going to be their address until the end of their sentence, and no good time off for good behavior.

The average sentence served for murder in this country is just over 8 years. The fact is, people are released early for a range of reasons. We know they are violent and they are back on America's streets.

A young woman from my State of North Dakota, who I have spoken about previously, was driving along a quiet road, Highway 2, from Williston, ND, to Minot, ND, one afternoon after attending a League of Cities meeting in Williston. She stopped at a rest stop, and she was unlucky enough that afternoon to be confronted at the rest stop by a violent felon from the State of Washington. He had been let out early and should have been in jail. But he wasn't. He slashed her throat. And while she lay there bleeding, people thought she would die. Someone came along that road that day, and it turned out they had a cell phone. The woman in the car knew something about nursing and she saved Julie's life.

The fact is, that young woman, while her life was saved, is now going through years and years of therapy to be able to talk normally once again. Her throat was slashed very badly when she was assaulted by this felon. He was chased by the police and he committed suicide some miles down the road. But he should not have been on the roads and highways and should not have been threatening Julie Schultz. Yet he was.

It is true of Mr. Robert Lee Dyer, except that if Judge Thurman Rhodes had not let him out on bail he would have been incarcerated. Instead, Jamel Stephon Zimmerman is now dead.

I hope this criminal justice system, judges, prosecutors, and I hope finally this Senate and the House will find a way to pass legislation saying we are going to distinguish between those who commit nonviolent crimes and those who commit violent crimes.

Everyone should understand this. Commit a violent crime, and you are going to spend your time in jail until the end of your term. You are not going to be released early to commit another violent crime against an innocent bystander.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—S. 1

Mr. CRAIG. Mr. President, I ask unanimous consent that on Tuesday, following the 10:15 a.m. vote on the Bolton nomination, the Senate proceed to the vote in relation to the listed amendments in the following order: Craig amendment No. 372; Kennedy amendment No. 375.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 8, 2001

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, May 8. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Bolton nomination as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FOR PARTY CONFERENCES TO MEET

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will have 45 minutes to complete debate on the Bolton nomination beginning at 9:30 tomorrow morning. A vote on confirmation of the nomination will begin at 10:15 a.m. with votes on amendments to the education bill stacked to follow. Following votes, the Senate will resume consideration of the education bill. Amendments will be offered and, therefore, votes will occur throughout tomorrow's session.

Senators should also expect votes throughout the week in an effort to make significant progress on the education bill and to complete action on the conference report to accompany the budget resolution.

ORDER FOR ADJOURNMENT

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I think Senator WELLSTONE is expected on the floor soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

NOMINATION OF JOHN ROBERT BOLTON TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY—Continued

Mr. WELLSTONE. I thank the Chair. I thank my colleagues for their graciousness. I did want a chance to speak about the nomination of John R. Bolton to be Under Secretary of State for Arms Control and International Security Affairs. I thank colleagues for providing me this opportunity. My understanding is that we are going to adjourn soon. I hope I have not inconvenienced everyone.

Mr. President, filling this position is a critical responsibility of the new administration. Crafting the Nation's arms control agenda is a formidable, serious task that directly affects our national security. Moreover, the administration needs to have its arms control team in place as soon as possible. For these reasons, I do not oppose John Bolton's nomination lightly.

As a member of the Senate Foreign Relations Committee, I am convinced that the position of Under Secretary of State for Arms Control and International Security Affairs must be filled with an individual who is committed to advancing the entire Nation's agenda. He or she must carry out arms control responsibilities in the spirit of idealism that characterizes the best tradition of America's public servants.

The individual who is confirmed by the Senate must provide deliberate and thoughtful advice to the Secretary of State, independent of political party allegiance or affiliation. He or she must be objective in his analysis of exceedingly complex issues. He or she must be committed to protecting our national security, to reducing the world's immense stockpile of nuclear weapons, and to making the world a safer place for all mankind.

After careful consideration, I have concluded that John Bolton is not the right man for Under Secretary for Arms Control and Non-proliferation. I believe John Bolton is too conservative and too partisan; his views are too extreme for a position of this importance and he does not represent the kind of bipartisan cooperation needed to advance the Nation's arms control agenda. Finally, I do not believe that John Bolton possesses the requisite arms control experience to carry out the responsibilities of this job effectively.

I want to make clear that I do not question John Bolton's integrity or his commitment to public service. I had a chance to meet with him, and I do not question this at all. He has a long career in senior appointed positions in the administrations of Presidents Reagan and George Herbert Walker Bush. I respect his willingness to serve our Nation again. I recognize the prerogative and responsibility of Presidents to nominate their foreign policy teams. I have supported a majority of the President's nominations. But, I also insist on exercising my constitutional right as a Senator to provide advice and consent to the President's nominations.

I have fundamental disagreements with this nominee on a number of substantive issues. I believe that in this case the gap between the views of the voters I represent in Minnesota and John Bolton's are too wide to ignore. There is ample room in a democracy for a wide spectrum of political philosophy and belief. I believe in the free exchange of ideas. Divergent views make our public debate healthier and our Nation stronger. My opposition to John Bolton is not merely ideological. I believe our primary public official responsible for arms control, nonproliferation, and security policy must make a convincing case that he or she will advance the Nation's agenda in a constructive and positive fashion. To date, John Bolton has come up short in this regard.

First and most important, I am disturbed by John Bolton's views on strategic nuclear policy.

He opposed the Comprehensive Test Ban Treaty, a treaty which I supported, voted for, and believe in. Our failure to approve this treaty effectively scuttles it and leaves the United States as the spoiler in this international effort to curb nuclear testing. The CTBT was the first modern arms control agreement ever rejected. It was defeated in a period of intense partisan bickering and ideological polarization.

Yet, at the time of CTBT defeat, two of my distinguished colleagues, Senator HAGEL and Senator LIEBERMAN, a Republican and a Democrat, wrote in a New York Times op-ed that:

> Our constituents and our allies have expressed grave concerns about our hasty rejection of the (CBTB) treaty and the impact of that rejection on the treaty's survival. They need to know that we, along with a clear majority in the Senate, have not given up hope of finding common ground in our quest for a sound and secure ban on nuclear testing.

I share this belief and I am convinced that is important for the nation's chief arms control administrator to be on record as favoring strict curbs to nuclear testing.

In the days following its defeat, John Bolton announced that the "CTBT is dead." He characterized proponents of the treaty as "misguided" and "neopacifists." These remarks ill serve the efforts of many of my Senate colleagues and of thousands of dedicated activists world-wide who are committed to ending the reckless development of nuclear weapons. They are not the kind of remarks that speak well for a member of a new administration.

On another key international agreement on which the Under Secretary of State for Arms Control must advise the President and Secretary of State, John Bolton has not made up his mind. You will recall that on March 29, John Bolton told members of the Senate Foreign Relations Committee that his views on whether the Anti-Ballistic Missile Treaty is in force or not were not fully formed. He asked for time for the "intellectual heavy lifting" required to understand this issue. I am the first to admit that the issues raised in the ABM treaty are extremely complex. But is it right to give the consent of the United States Senate to a nominee who has not fully thought out issues that are fundamental to our national security?

On the role of international institutions, John Bolton has been both outspoken and negative. Again, I do not share his views.

He has not supported the critically important role of the United Nations. I agree with him that the U.N. is not a perfect institution. But, it remains the sole forum in which all nations of the world discuss international issues. John Bolton has suggested that we would be better off if the U.N. were decapitated and the top 10 stories of the U.N. building in New York removed. This blanket condemnation of an international body created to promote peacemaking and mutual understanding is discouraging coming from a former Assistant Secretary of State of International Organizations. As a nation, we have a 50-year commitment to the U.N. As a United States Senator, I will continue to insist that we fulfill this commitment.

The nominee to this position should be fully dedicated to pursuing multilateral diplomacy. CTBT is, after all, a multilateral treaty. Increasingly, we live in a multipolar world that requires our senior diplomatic officials to be fully aware and sensitive to the concerns of all nations, including the nonaligned and developing countries as well as first world countries. If our officials do not appreciate this world view, they will not be intellectually equipped to provide sound advice on the conduct of American foreign policy.

John Bolton has asserted (in the 1994 Global Structures Convocation) that "there is no such thing as the United Nations. There is an international community that occasionally can be led by the only real power left in the world and that is the United States when its suits our interest and we can get others to go along." In today's world, these remarks are inevitably seen by the rest of the world as arrogant, confrontational, and condescending. They make it more difficult for the U.S. to provide world leadership. I would suggest that President Bush find a more inspiring leader to serve in the new Administration.

On the issue of trade in conventional arms, I am not convinced that John Bolton possesses the objectivity to provide advice that is always in the best interests of the United States.

The Under Secretary of State for Arms Control is a key player formulating the Administration's policy on arm sales to politically sensitive countries. Foremost of these is Taiwan.

John Bolton would undoubtedly be an aggressive supporter of future sales to Taiwan. In his past writings, he has explicitly supported independence for Taiwan. At the hearings last month, he appeared to back off from this position somewhat. We are left uncertain about what his real views are. For a senior State Department official, this posture is unsettling. When John Bolton sits down to advise the Secretary of State on relations with Taiwan, which view will Colin Powell be getting?

It may be instructive to look at this position in the context of John Bolton's work in behalf of Taiwan. In accordance with disclosure requirements for consideration for this post, John Bolton reported receiving $30,000 from the Taiwanese government for a series of 3 articles he wrote from 1994 to 1996. The articles argued in favor of a U.N. seat for Taiwan. Twice during this period, Bolton testified before the House Foreign Affairs Committee on the same subject.

I am not critical of Mr. Bolton for offering his legal and literary services to the Taiwanese government. That is his private affair. However, I am concerned that his unorthodox pro-independence views on Taiwan plus his acceptance of fees may color his judgment on key issues relating to Taiwan. If not handled in a balanced and deliberate way, arms sales issues have the potential to be destabilizing for the entire East Asian region.

On other issues of international significance, I do not believe John Bolton's views are in the best interest of the United States.

Bolton opposes creation of an International Criminal Court (ICC), which I have supported. Our failure to support the ICC was one of the reasons that the United States was voted off the United Nations Human Rights Commission on May 3, for the first time since the commission was founded under U.S. leadership in 1947.

Bolton supports covert actions to arm and train Iraqi opposition to overthrow Saddam Hussein. I have profound reservations about this approach to eliminating Saddam. Before we back Iraqi opposition groups financially and logistically, we need practical assurances that these groups have the support of the Iraqi people, are capable of using our resources effectively, and are committed to following through with a realistic campaign.

Bolton has written that our approach to the North Korea Agreed Framework is "egregiously wrong." This is an initiative that the Clinton Administration spent years patiently crafting with the North Koreans. It has the support of the Japan and the European

Union in addition to the government of South Korea, which is taking courageous steps to reduce tensions on the Korean peninsula. In my judgment, U.S. interests are best served by providing continuity to this approach and not by undercutting the South Korean leadership.

Regarding Kosovo, John Bolton has demonstrated little appreciation of our national interests in resolving the most violent threat to the stability of Europe since the fall of the Berlin Wall. Indeed, Bolton wrote that President Clinton and Prime Minister Tony Blair's justification for military action is "singularly, and indeed, proudly devoid of any concrete U.S. or UK interests as we traditionally understand the term. Indeed, they justified the instigation of hostilities as a humanitarian intervention." In my opinion, our humanitarian interests are always in our national interests. Senior State Department officials should understand this point unequivocally.

John Bolton's work for the Reagan administration has also drawn fire. At the Department of Justice under Attorney General Meese, Bolton earned a reputation for his abrasive and controversial tactics in dealing with Congressional requests for information. I understand from some of my colleagues that he was repeatedly unhelpful, slow to respond, and argumentative. He was reportedly involved in the delay and cover-up of missing documents on several occasions.

As I reviewed my prepared remarks on the nomination of John Bolton, I could not avoid the conclusion that the Administration has proposed a controversial, highly partisan man to perform a job of utmost sensitivity and importance to our national interests. John Bolton's presence in the inner circle of the State Department may actually undercut the promising start of Secretary Colin Powell, who has demonstrated a deft touch and sound judgement in dealing with the our allies and friends around the world. I believe we do the nation no service by confirming the wrong man for this position.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Tuesday, May 8, 2001.

Thereupon, the Senate, at 5:38 p.m., adjourned in executive session until Tuesday, May 8, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 2001:

DEPARTMENT OF DEFENSE

JACK DYER CROUCH, II, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FRANKLIN D. KRAMER.

JAMES G. ROCHE, OF MARYLAND, TO BE SECRETARY OF THE AIR FORCE, VICE F. WHITTEN PETERS.

SUSAN MORRISEY LIVINGSTONE, OF MONTANA, TO BE UNDER SECRETARY OF THE NAVY, VICE ROBERT B. PIRIE, JR.

DEPARTMENT OF STATE

STEPHEN BRAUER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

EXTENSIONS OF REMARKS

IN HONOR OF DAVID LEFKOWITZ, FOR HIS 25 YEARS OF SERVICE AS CANTOR OF THE PARK AVENUE SYNAGOGUE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Mr. David Lefkowitz, who will celebrate his 25th anniversary as Cantor of the Park Avenue Synagogue this month. Mr. Lefkowitz will celebrate the anniversary alongside members of the synagogue at a morning choral service and evening formal dinner-dance on May 5, 2001. Mr. Lefkowitz has served as the Cantor and music director (or hazzan) for the Park Avenue Synagogue since 1976.

One of Mr. Lefkowitz's most notable accomplishments is his playing of classical masterpieces of Jewish history. He has also premiered hundreds of new compositions and, in order to preserve a record of liturgical Jewish history, also created 44 volumes of Friday evening and Shabbat morning music. He has also restored and adapted long-obscure yet important compositions.

Mr. Lefkowitz, the son of a cantor and composer, was born in Cleveland, OH, and received his musical training at the University of Pittsburgh, the Jewish Theological Seminary, and the Julliard School. Prior to his work at the Park Avenue Synagogue, Mr. Lefkowitz served two other prestigious congregations, Paterson, New Jersey's Temple Emanuel and the Ocean Parkway Jewish Center in Brooklyn. With great success, Mr. Lefkowitz has performed in recitals, concerts, operatic roles and as a soloist with choruses and orchestras in oratories and premiers of new Jewish musical works.

Mr. Lefkowitz is a former president of the American Society for Jewish Music and is the current president of the David Nowakowsky Foundation. He is also a faculty member of the School of Sacred Music at Hebrew Union College.

Mr. Speaker, it is with great pride that I recognize Mr. Lefkowitz and his outstanding work in my district. His enormous talent has provided the Park Avenue Synagogue with original worship music that has great cultural significance. In fact, many of these compositions have become the favorite selections of the many members of the Park Avenue congregation.

I am happy to congratulate Mr. Lefkowitz on his 25 years of service and recognize the many contributions he has given to the Park Avenue Synagogue.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 99, I was unavoidably detained. Had I been present, I would have voted "aye".

AMERICA'S STEEL INDUSTRY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to support America's steel industry.

America's steel industry is in a near crisis state. Beginning in 1997, dumped and subsidized steel imports grew dramatically until they reached almost 40 percent of the U.S. steel market. Steel prices rapidly decreased; steel workers were laid off; steel companies filed for bankruptcy. As a result of the weakened steel industry, the level of imports deemed acceptable by the government increased, and recovery has been difficult.

The steel industry needs help. I believe H.R. 808 is a good first step in providing assistance. The Steel Revitalization Act of 2001 provides import relief by imposing 5-year quotas on the importation of steel and iron ore products in the United States. The quotas will return the import market share to the levels prior to 1997. This provision is very similar of H.R. 975, which passed the House with strong support in the previous Congress.

In addition, the legislation will augment the Steel Loan Guarantee Program, which provides guaranteed loans to qualified steel companies. Currently, steel companies are finding it almost impossible to raise capital through other sources, especially due to plummeting stock prices and decreasing demand. The Steel Revitalization Act will expand the program by authorizing $10 billion rather than $1 billion, guaranteeing 95 percent of the loan rather than 80 percent and extending the terms from 5 years to 15. With this expansion, more companies will be able to take advantage of this worthwhile program.

Mr. Speaker, in the congressional district I represent, steel companies like Laclede and Granite City Steel are seriously distressed. Many of my constituents are at risk of losing their jobs. It is of the utmost importance that we in Congress work hard to keep America's steel industry vital. I urge my colleagues to join me in supporting H.R. 808 and our steel industry.

TRIBUTE TO NORM LEVIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to an extraordinary and accomplished man, Dr. Norm Levin, and to congratulate him on his receipt of the prestigious 2001 Distinguished Service Award (DSA) from the California Society of Anesthesiologists (CSA).

I am proud to have known Norm for more than twenty years, having met with him countless times on issues affecting the medical profession and anesthesiologists. He always brings a well-balanced and thoroughly informed perspective to questions of policy, and he has the ability to see both sides of any given issue. I cannot imagine a more deserving recipient of the DSA.

Norm began his affiliation with the CSA in the 1970's and has been a powerful force within the organization for more than two decades. He has distinguished himself in so many ways, but his real strength has been in working with the state and federal governments to bring an understanding of important issues facing the CSA.

Norm has held nearly every office in the CSA, including Secretary, President-elect and finally President. He has chaired nine different CSA committees and served on more than thirty. Since 1989, Norm has been a member of the ASA Economics Committee, advocating on behalf of his colleagues.

Like Norm, the DSA is truly unique. It is one of few awards that are given only when a worthy nominee is identified. In fact, in ten of the years since 1976 the award has not been given.

I ask my colleagues to join me in recognizing Norm Levin for his tremendous contributions and to wish him continued success.

BREISETH HONORED FOR LEADERSHIP IN WORK OF EARTH CONSERVANCY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a man who helped me realize a dream. Dr. Christopher Breiseth is being honored tonight for his role as the founding chairman of a non-profit organization we established together in Northeastern Pennsylvania almost ten years ago, and I wanted to take the time to share with my colleagues the extraordinary effort he put forward by leading the Earth Conservancy from its earliest turbulent days to the outstanding success it has now become.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Just over ten years ago, Chris, his wife Jane, and their youngest daughter Lydia came to Washington and stopped by my office. Dr. Breiseth had been serving as the president of Wilkes University for about seven years at that point, and we had always enjoyed a good working relationship. In addition to our shared interest in national politics and social issues, we also spent a great deal of time discussing the challenges and opportunities facing Northeastern Pennsylvania. As a relative newcomer to the region, Chris provided me with a fresh perspective that managed to be both realistic and optimistic. During that visit in Washington, we talked about the need to clean up the environmental degradation from the coal mining industry, and I shared with Chris my dream of purchasing a parcel of land owned by a defunct coal company which had been tied up in bankruptcy for more than fifteen years. With his characteristic enthusiasm, Chris agreed to join me in establishing a non-profit organization to purchase this land, reclaim the mine-scarred portions, and redevelop it with the principles of what we now call "smart growth."

In early 1992, Chris and I recruited a group of community leaders to serve on the board of this new organization. Now that the Earth Conservancy is a well-respected local institution with a history of good work, it is hard to remember how difficult those early days were and how risky for all of our reputations. After an initial flurry of positive press reports, the fledgling Earth Conservancy soon became the target for intense scrutiny by the local media. As we struggled to obtain the federal funds necessary for the purchase the land and worked through the legal labyrinth to free the land from bankruptcy, local reporters became convinced that we must be doing something nefarious. One newspaper made more than one hundred freedom of information act requests from various federal agencies, which effectively raised suspicion among the government officials within those agencies. I will be forever grateful to all of the original members of the Earth Conservancy board, but most especially to Chris Breiseth as the Chairman, for withstanding the intense pressure and continuing to believe in our dream.

That dream is now reality. The Earth Conservancy has reclaimed more than 800 acres of land, and has committed to preserve in open green space more than two-thirds of its total 16,000 acre holdings. Under the leadership of its CEO, Mike Dziak, the Earth Conservancy has reached out to every level of the community to use the asset of the land for the benefit of everyone. Local schoolchildren plant trees on Earth Conservancy land every year. Some small parcels of land have been donated to local municipalities and non-profit organizations for a wide variety of public projects, and the Earth Conservancy has welcomed local residents to use its land for recreational purposes. At every step of the way, Chris provided strong and steady guidance to keep the organization devoted to its original goals. My trust in him was and is absolute, and the entire region of Northeastern Pennsylvania owes him an enormous debt of gratitude for the leadership he has provided to the Earth Conservancy.

After seventeen years as the president of Wilkes University, Chris Breiseth is moving on to new challenges. He will be president and chief executive officer of the Franklin and Eleanor Roosevelt Institute at Hyde Park, New York, where I have no doubt his depth of understanding as an historian will benefit all who find inspiration from the lives of these two great Americans.

Mr. Speaker, when Chris and Jane Breiseth came to Northeastern Pennsylvania with their three lovely daughters, Abigail, Erika, and Lydia, they truly made it their home. They volunteered their time and energy to countless community activities, and the region has been enriched by their presence. Every community in America should have the benefit of people like the Breiseths, who took a chance on a dream and made it happen.

TRIBUTE TO ASHLEY C. COLLOPY FOR HER EXEMPLARY VOLUNTEER SERVICE

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mr. NUSSLE. Mr. Speaker, I write this tribute to commend Ashley Collopy for her exemplary service to her community. Ashley took the initiative to become involved in a local community service project that will strengthen the community and provide a better societal environment for all Iowans.

It is exciting for me to see a young Iowan tap their endless potential and give something of great quality back to the community and state. While Ashley no doubt found this work very rewarding, I am sure that those in her community are also very grateful for her commitment.

I am very proud of Ashley's commitment to a better Iowa. Ashley is an outstanding young American, and is a person that other young people should look to as an example for what it means to be a leader. Ashley is a leader in her community and I have every confidence that she has the potential to be a leader in America's march to the future.

HONORING THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 103 IN BETHALTO, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 50th anniversary of Boy Scout Troop 103 in Bethalto, IL.

Troop 103 of Bethalto, IL, is sponsored by the Bethalto United Methodist Church located at 240 East Sherman Street in Bethalto, IL. United Methodist has sponsored Troop 103 for the past 50 years. For Troop 103, there have been 10 former Scoutmasters and the Troop has produced 25 Eagle Scouts in their 50 years of existence and will soon add four more. This Troop has 27 active scouts that participate in many scouting activities throughout the year. They have participated in the annual Lincoln Pilgrimage in Springfield, IL, and also the Memorial Day Parade in Bethalto. Many former Scouts remain as business owners in the community of Bethalto.

The Boy Scouts of America was incorporated to provide a program for community organizations that offers effective character, citizenship and personal fitness training for youth. They endeavor to develop citizens who are physically, mentally and emotionally fit; have a high degree of self-reliance as evidenced in such qualities as initiative, courage and resourcefulness; have personal values based on religious concepts; have the desire and skills to help others; understand the principles of the American social, economic and governmental systems; are knowledgeable about and take pride in their American heritage and understand our nation's role in the world; and are prepared to participate in and give leadership to American Society.

Mr. Speaker, I ask my colleagues to join me in honoring Troop 103 on the occasion of their 50th anniversary and to recognize their service to the community.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 98, I was unavoidably detained. Had I been present, I would have voted "aye."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 8, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the state of the Rail Industry, including it's current financial condition, infrastructure capacity, and long term capital funding needs.

SR–253

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on research funding issues surrounding breast cancer.

SD–124

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine the listing and de-listing processes of the Endangered Species Act.

SD–628

Agriculture, Nutrition, and Forestry

To hold hearings on pending nominations.

SR–328A

Energy and Natural Resources

To hold hearings on the nomination of Francis S. Blake, of Connecticut, to be Deputy Secretary of Energy; the nomination of Robert Gordon Card, of Colorado, to be Under Secretary of Energy; the nomination of Bruce Marshall Carnes, of Virginia, to be Chief Financial Officer, Department of Energy; and the nomination of David Garman, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

SD–366

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.

SD–138

Judiciary

To hold hearings on pending Department of Justice nominations.

SD–226

Governmental Affairs

To hold oversight hearings to examine federal election practices and procedures.

SD–342

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Defense, focusing on Reserve Chiefs and National Guard Programs.

SD–192

1:30 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

2 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

MAY 10

9:30 a.m.

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 2002 for the Department of Energy.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Education.

SD–192

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury Law Enforcement Bureaus.

SD–124

Health, Education, Labor, and Pensions

To hold hearings to examine opportunities and innovations involving biomedical research.

SD–430

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of John E. Robson, of California, to be President of the Export-Import Bank of the United States; the nomination of Peter R. Fisher, of New Jersey, to be Under Secretary of the Treasury for Domestic Finance; and the nomination of James J. Jochum, of Virginia, to be an Assistant Secretary of Commerce for Export Administration.

SD–538

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.

SD–138

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Congressional Budget Office, Government Printing Office, and General Accounting Office.

S–128 Capitol

Banking, Housing, and Urban Affairs

Business meeting to consider the nomination of Grant D. Aldonas, of Virginia, to be Under Secretary of Commerce for International Trade; the nomination of Kenneth I. Juster, of the District of Columbia, to be Under Secretary of Commerce for Export Administration; the nomination of Maria Cino, of Virginia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; and the nomination of Robert Glenn Hubbard, of New York, to be a Member of the Council of Economic Advisers.

SD–538

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine government and industry wide efforts to address air traffic control delays.

SR–253

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.

SD–608

10:15 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the Department of Transportation and the General Services Administration proposed budget request for fiscal year 2002.

SD–628

1:30 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings, in closed session, to examine United States Federal Government capabilities with respect to terrorism.

SH–219

2:30 p.m.

Intelligence

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold closed hearings on intelligence matters.

SH–219

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the Department of the Interior's proposed budget request for the National Park Service; to be followed by the Subcommittee on Forests and Public Land Management hearing on H.R. 880, to provide for all right, title, and interest in certain property in Washington County, Utah, to be vested in the United States.

SD–366

2:45 p.m.

Indian Affairs

To hold hearings to receive the goals and priorities of the Native Alaska Community for the 107th Congress.

SR–485

4:45 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To continue hearings to examine United States Federal Government capabilities with respect to terrorism.

SH–216

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

Governmental Affairs
To hold hearings to examine the financial outlook of the United States postal service.
SD–342

MAY 16

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the Farm Credit title of the Farm Bill.
SR–328A

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Seargent at Arms, United States Capitol Police Board, and Office of Compliance.
SD–124

MAY 17

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain issues surrounding the nursing staffing shortage.
SD–430

MAY 22

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine certain issues surrounding retiree health insurance.
SD–430

MAY 23

9:30 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine issues surrounding human subject protection.
SD–430

MAY 24

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine issues surrounding patient safety.
SD–430

Governmental Affairs
Investigations Subcommittee
To hold hearings to examine alleged problems in the tissue industry, such as claims of excessive charges and profit making within the industry, problems in obtaining appropriate informed consent from donor families, issues related to quality control in processing tissue, and whether current regulatory efforts are adequate to ensure the safety of human tissue transplants.
SD–342

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Secretary of the Senate and the Architect of the Capitol.
SD–124

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 14

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 15

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the growing problem of cross border fraud, which poses a threat to all American consumers but disproportionately affects the elderly. The focus will be on the state of binational U.S.-Canadian law enforcement coordination and cooperation and will explore what steps can be taken to fight such crime in the future.
SD–342

Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.
SD–342

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

SENATE—*Tuesday, May 8, 2001*

The Senate met at 9:30 a.m. in executive session and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, thank You for the exciting expectation that surges within us when we realize that You want to bless us with Your love, strength, and wisdom. It is Your way always to go beyond what You have done before. You do not measure Your generosity by our goodness or the eloquence of our prayers, but You give more grace as the challenges grow greater. All You require is that we desire a relationship with You, the Giver, as much as we desire the blessings You give. You guide the humble and teach them the way to go, how to decide on issues, and how to speak truth with love.

Lord, bless the Senators with Your maximizing power for the challenges, decisions, and responsibilities of this day. We join them in praying with the psalmist, "God be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth."—Psalm 67:1–2. May Your shining face be reflected in our faces, radiant with joy and confidence for the demands of today. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The senior assistant bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 8, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NOMINATION OF JOHN ROBERT BOLTON OF MARYLAND TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of John Robert Bolton of Maryland to be Under Secretary of State for Arms Control and International Security.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the time until 10:15 is reserved for proponents and opponents of this nomination; is that true?

The ACTING PRESIDENT pro tempore. Under the previous order three Senators each control 15 minutes.

Mr. REID. Senators DORGAN, BIDEN, and HELMS, is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. I ask unanimous consent the time on the quorum call I will suggest be divided equally among the three Senators.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, how much time am I allowed?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. DORGAN. Mr. President, the Senate will vote this morning on the nomination by President Bush of Mr. John Bolton to be Under Secretary of State for Arms Control.

This is a terrible nomination. I indicated yesterday that I don't know Mr. John Bolton. I have not met him. But I have read a great deal about what he said about a number of issues. To nominate Mr. John Bolton to be Under Secretary of State for Arms Control defies logic.

Arms control is a very important subject. The question of whether this country is going to assume the responsibility to lead internationally in stopping the spread of nuclear weapons is a very important question.

Are we going to be a world leader in stopping the spread of nuclear weapons or not? Are we going to be a leader in trying to make this a safer world? Are we going to be a leader in trying to reduce the number of nuclear weapons that exist in this world?

The answer from the President, it seems to me, in sending this nomination to the Senate is no; we don't intend to lead on anything. We intend to do our own thing notwithstanding what anybody else thinks about it, and notwithstanding the consequences with respect to the reduction of additional nuclear weapons and delivery systems.

Mr. Bolton has virtually no experience in the field of arms control. He has never served in an arms control position in any form. He is qualified perhaps for the dismantling of the systems of arms control as we know it. But he is not the person we would want consulting on arms control with our allies, and he is not the person we want negotiating treaties.

Mr. Bolton has expressed disdain for arms control and those who promote it. Let me give you some examples.

We had a debate on the floor of the Senate a year and a half ago on the subject of a comprehensive nuclear test-ban treaty. Our country has already decided to stop testing nuclear weapons. We decided that in the early 1990s. So the question wasn't for us. We had already decided to stop testing nuclear weapons. The question was whether we would join in a treaty with many other countries around the world—a treaty that has something like 150 different signatories. Would we join in that treaty to try to stop others from testing nuclear weapons? Regrettably, the answer by this Senate was no; we don't want to do that.

I think it was a terrible mistake. What an awful day for the Senate to say no. We stopped nuclear testing, but we don't want to join in a treaty to try to promote others to stop nuclear testing. What an awful thing for the Senate to do. The Senate has a right to do that. Of course, I think it was an awful mistake.

What happened when we turned down the Comprehensive Nuclear Test-Ban Treaty? Mr. John Bolton says the supporters of the Comprehensive Nuclear Test-Ban Treaty are timid and neopacifists. That is the way he described those who support efforts to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have an international treaty to stop nuclear testing.

Then he states on the issue of treaties and arms control and so on that international law is not really law at all.

Quoting him, "While treaties may be politically or even morally binding, they are not legally obligatory. They are just not law as we apprehend the term."

That is a statement by Mr. Bolton.

He says with respect to our allies who try to put pressure on us to pass the Comprehensive Nuclear Test-Ban Treaty, that the Canadian Premier is "moral posturing." The Sun calls Mr. Bolton one of "Tony Blair's strongest critics." He says, "The Europeans can be sure that America's days as a well-bred doormat for EU political and military protections are coming to an end."

Then he gloated at the end of the Comprehensive Nuclear Test-Ban Treaty and its defeat, and said the Comprehensive Nuclear Test-Ban Treaty is dead.

He has been highly critical of the agreed-upon framework under which North Korea pledged to free its nuclear weapons program, and he says the United States suffers no downside if we never normalize relations with North Korea. Certainly South Korea and Japan, our friends, don't agree with him.

He thinks the United States should not give Taiwan diplomatic recognition as an independent country, in contradiction of several decades of official American policy. He says we have no vital interest in Kosovo or the rest of the Balkans. Tell that to the Europeans and the U.S. troops whose presence there stopped the genocide and stopped the killing of thousands or perhaps tens of thousands of people.

I think the world is going to see, if the Senate confirms this nomination, that Mr. Bolton's appointment is another sign of the President's hard line on these issues, as a unilateral policy to abandon ABM, or to get rid of the ABM Treaty, or ignore it, build a destabilizing national missile defense system, ignore the Kyoto treaty, abandon talks with North Korea, and oppose the international criminal court and the international landmine convention.

I think the signal is going to be quite clear if this Senate agrees with this President and puts John Bolton in as Under Secretary for Arms Control.

He comes to this position with very little experience, and with an attitude about these issues that is antithetical to the progress that we are making in these areas.

I mentioned that we have tens of thousands of nuclear weapons in this world. Russia has somewhere perhaps between 20,000 and 30,000 strategic and theater nuclear weapons. We have tens of thousand of nuclear weapons. There are a handful of other countries that have joined the nuclear club and have access to nuclear weapons. Many other countries want to possess nuclear weapons and are achieving and aspiring to try to get nuclear weapons. Some terrorists want nuclear weapons.

The question is, Will our country for our security and the security of the world provide a leadership role in trying to stop the spread of nuclear weapons? Will we be aggressive and vigilant? Will we be world leaders on this issue? Not if we decide to confirm the nomination of John Bolton. He is not someone who believes in arms control. He is not someone who believes in arms reduction.

The fact is, we have reduced the number of nuclear weapons not nearly far enough, but we have reduced the number of nuclear weapons in this world through the arms control agreements we have had with the old Soviet Union and now Russia.

The fact is, we have sawed the wings off Soviet bombers and long-range bombers. We have dismantled them. We have dismantled their submarines. We have dismantled their nuclear warheads? Why? Because we and the Russians have agreed upon a regimen of reducing nuclear weapons. Are we going to stop all of that? Are we going to make more and more determined efforts to continue it and do even more?

In my judgment, we should continue this approach. In my judgment, this leads to a safer world.

But we have now this nomination that comes to us today that is very distressful—having an administration put someone in a position whose job it is to deal with the issue of arms control who doesn't believe in arms control, who doesn't believe in treaties, who doesn't believe in a regimen of trying to stop nuclear testing, and believes that treaties and agreements have no legal impact at all and no effect.

He believes that we should just go it alone, apparently, notwithstanding what others want or say.

We are going to move into a very delicate and very difficult circumstance very soon. In addition to their being tens of thousands of nuclear weapons that now exist in this world and precious little effort to try to reduce them, and turning away from basic arms control agreements, including the ABM Treaty which has been the centerfold in attempts that have resulted in arms reduction—in addition to all of that—apparently we are deciding to build a national missile defense system to protect against a less likely threat: a rogue nation or a terrorist acquiring an ICBM, loading it with a nuclear tip and sending it to this country.

They are much more likely to load a pick-up truck with a nuclear bomb and threaten this country.

If we build a national missile defense and say it doesn't matter what others do, ignore nuclear arms treaties resulting in larger buildups and more weapons and delivery vehicles by the Russians, the Chinese and others, will we be safer, and will the world be safer with a national missile defense system to protect us against a Russian threat, or against a Chinese threat? The answer is clearly no.

My feeling is that we are at a moment in time in this country that is very important. We have reached the moment in this world that is very important. We have seen an explosion of nuclear weapons by Pakistan and India—two countries that don't like each other. They are building nuclear weapons.

We have seen circumstances with the Chinese and the Russians and the Europeans, and the others, who are concerned about us going it alone. As a columnist for the Washington Post said: Built to suit our interests and damn the other interests. It doesn't matter what the others think.

That, in my judgment, is very troubling, to try to find a way to have world leadership to stop the spread of nuclear weapons and to provide world leadership to reduce the number of nuclear weapons.

Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 1 minute 45 seconds.

Mr. DORGAN. Mr. President, I know others wish to speak today, and I spoke at some length yesterday about this issue. But I want to end by saying the following: All I know about this nominee is what he has said, what he has established as a public record. It is, in my judgment, antithetical to what we ought to aspire to be and what we ought to aspire to see from someone in the position we expect to provide leadership on arms control.

He, in fact, in my judgment, will not and cannot because he does not believe in arms control. He does not believe in doing this on the basis of reaching out with others to try to reduce the number of nuclear weapons with treaties and arms control agreements. He does not believe in trying to stop the testing through treaties of nuclear weapons, the Comprehensive Nuclear Test-Ban Treaty.

In my judgment, if this Senate sees fit today to vote positively on this nomination, we will have taken a significant step backwards. We will have impeded the efforts of this country to be a world leader in areas that really matter.

I hope the Senate will think long and hard about this and decide to tell the President this nomination is not appropriate for the position of Under Secretary of State for Arms Control.

Mr. President, I yield the floor.

Mr. KERRY. Mr. President, in a few moments, the Senate will vote on the

President's nomination of John Bolton for Undersecretary of State for Arms Control and International Security. I am under no illusions about the fact that Mr. Bolton will be confirmed for this position. But I will vote against him, because I believe his views on the issues for which he will have responsibility are inconsistent with the best interests of the United States.

President Bush has promised to work with our friends and allies to build a new framework for U.S. policies on arms control and international security. But his nomination of John Bolton to be the principal advisor to the Secretary of State on these issues is just one of many steps that have sent a decidedly mixed message about his commitment to pursuing a thoughtful, cooperative approach.

In the last several weeks, President Bush has withdrawn the United States from the Kyoto Protocol, sent the South Korean President home with no commitment that we will continue to work on reducing the dangers from North Korea's ballistic missile program, reversed a more than 20-year-old United States policy that has kept the peace in the Taiwan Strait, and announced that the United States will no longer concern itself with negotiations to control and reduce the strategic nuclear arsenal of the former Soviet Union. Last week, in what will assuredly not be the last evidence of growing concern and impatience with U.S. unilateralism, we were voted off the U.N. Human Rights Commission, to the delight of human rights abusers everywhere. This growing unilateralism is very troubling to those of us who understand that the interests of the American people are best protected when we work in concert with others on common interests and problems.

Senate confirmation of John Bolton to be Undersecretary of State for Arms Control and International Security will be another serious blow to U.S. leadership on these important issues. Over the last 8 years, John Bolton has expressed extreme views on a wide range of U.S. foreign policy issues. He has belittled the United Nations, referred to supporters of the Comprehensive Test Ban Treaty as neo-pacifists, labeled our closest allies "appeasers" for opposing sanctions policy also opposed by Vice President CHENEY, and questioned whether the United States is ever legally bound by its treaty obligations.

I find John Bolton's views most troubling on the arms control issues over which he will exercise a great deal of influence in this position. He is a staunch opponent of important treaties—including the Comprehensive Test Ban Treaty, the ABM Treaty, and the Ottawa Convention banning antipersonnel land mines which he has criticized as unenforceable, while at the same time opposing the development of international enforcement mechanisms. His antagonism to arms control threatens the Nuclear Non-proliferation Treaty (NPT), a cooperative, verifiable agreement that has effectively kept the nuclear weapons club to very low numbers for more than three decades span. But future international participation in the NPT is inextricably tied to the stability of treaties that Mr. Bolton has condemned. So too is the success of our cooperative nuclear threat-reduction measures with Russia.

Mr. Bolton has also consistently advocated that the United States give diplomatic recognition to Taiwan, a position at odds with decades of U.S. policy and with President Bush's declared One China stance. From 1994–1996, the Taiwanese government paid $30,000 to Mr. Bolton for several papers on Taiwan and the U.N. It is troubling that during this time Mr. Bolton testified about this same issue before two House subcommittees. Should he be confirmed, Mr. Bolton will play a major role in overseeing United States arms sales to Taiwan, one of the most important—and most potentially volatile—issues in United States policy toward Asia. While the State Department has signed off on ethical questions surrounding this possible conflict of interest, I believe United States arms sales policy toward Taiwan can not help but be affected—least in perception, if not in fact—by Mr. Bolton's past relationship with the Government of Taiwan.

On another issue of great importance to stability in Asia, Mr. Bolton has criticized the Clinton administration's efforts to freeze North Korea's nuclear and ballistic missile programs as "egregiously wrong." This despite the undisputed facts that the 1994 Agreed Framework has successfully stopped Pyongyang's nuclear program and more recent talks have convinced North Korea to unilaterally suspend its missile tests until 2003.

President Bush is now reviewing United States policy toward North Korea, which I hope will conclude with a decision to continue talks with Pyongyang about the future of its missile program. While I am sympathetic to the President's desire to review past policy, I believe it would be a mistake to walk away from a dialogue that holds out the possibility of a verifiable agreement to freeze North Korea's missile program and halt their missile sales. John Bolton has taken a dismissive view of the value of dialogue with Pyongyang, and I am deeply concerned that adding his voice to the administration's debate on this issue will further undermine the United States interest in advancing peace and stability on the Korean Peninsula.

Finally, while Mr. Bolton's testimony before the Foreign Relations Committee seemed to suggest that his current views are more moderate than his writings indicate, I remain perplexed by the question of what views he will take with him into this administration. This is not an academic or inappropriate issue to raise. While, ultimately, Mr. Bolton's personal opinions will be subsumed by the decisions of the Secretary of State and the President, he will have an enormous amount of influence in the policy debates that shape those decisions. I find it difficult to imagine that a man who has dedicated his life to public service on behalf of a set of values that he has taken the time to articulate in public writings will suddenly cease to advocate on behalf of those values at exactly the moment when his ability to influence public debate is at its zenith.

Mr. President, the United States has a strong interest in maintaining and advancing transparent, verifiable arms control regimes and stopping the proliferation of weapons of mass destruction. These issues are far too important to be left in the hands of a man who has denied their very legitimacy. I urge my colleagues to vote against this nominee.

Mr. LEAHY. Mr. President, the Constitution gives the Senate the power to advise and consent on the President's nominations. This is a responsibility that I take very seriously. While I believe the President is entitled to the benefit of the doubt when selecting the senior members of his team, the Senate is not a rubber stamp, and there are times where a careful review leads one to the conclusion that a nomination must be opposed.

President Bush has made some excellent choices for several of the top foreign policy positions in his administration—from Colin Powell for Secretary of State to Howard Baker for Ambassador to Japan. But the nomination of Mr. Bolton is not one of those choices. I will oppose the nomination of John Bolton for the position of Under Secretary of State for Arms Control and International Security, because I have serious concerns about Mr. Bolton's experience, his diplomatic temperament, and his record.

Before proceeding further, it should be stated that it is becoming increasingly clear that there is a double standard in the Senate's treatment of President Bush's nominees and those of President Clinton. During the Clinton administration, nominations often languished for months—and in some cases years—before the Senate, without ever coming to the floor for a vote. However, when Democrats object to a Bush administration nomination, Republicans cry foul and accuse Democrats of not playing by the rules.

This double standard is evident with this nomination. President Clinton's choice for Under Secretary for Arms Control and International Security was John Holum. After being confirmed by the Senate by voice vote, Mr. Holum served as Director for the Arms Control and Disarmament Agency, ACDA, for 6 years. When ACDA was going to be folded into the State Department, President Clinton made a sound decision to nominate Mr. Holum to be the Under Secretary of State for Arms Control and International Security. Despite his qualifications, a few Republicans blocked John Holum's nomination for nearly 2 years, successfully preventing a vote. This stands in stark contrast to President Bush's selection for the very same position. The nomination of Mr. Bolton—who unlike Mr. Holum is not well qualified for this position—is being voted on by the full Senate after just 2 months.

The first reason that I oppose this nomination is because Mr. Bolton does not have the requisite experience for the job. I am aware that he has some solid foreign policy credentials, previously serving on the Commission on International Religious Freedom, as Assistant Secretary of State for International Organization Affairs, and as Assistant Administrator of USAID for Program and Policy Coordination. But John Bolton has been nominated for the senior position at the State Department responsible for supervising and managing complicated negotiations for arms control and nonproliferation issues. In these areas, his experience is seriously deficient.

This is no time to learn on the job. We are confronted by a complex and rapidly changing security environment, which will require sensitive diplomatic negotiations and consultations on a wide range of international security matters with our friends, allies, and adversaries. We need someone in this position with long experience and a proven track record on these issues—which Mr. Bolton does not have.

Second, as Senator BIDEN appropriately pointed out at Mr. Bolton's confirmation hearing, Mr. Bolton lacks the diplomatic temperament for this job.

He is prone to making confusing statements and using inflammatory rhetoric against those with whom he does not agree. He once stated that "Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States." What does this mean? Do Democrats not act in the best interests of the United States? Are Democrats like Lee Hamilton, Sam Nunn, and James Sasser not adults on foreign policy? It is a ludicrous and offensive statement.

On another occasion, Mr. Bolton attacked those who were concerned about the defeat of the Comprehensive Nuclear Test Ban Treaty, CTBT. Some were worried that the Senate's decision to vote down a major international security pact for the first time since the Treaty of Versailles could signal a turn toward isolationism. Mr. Bolton's response was that these reactions were "indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy" and that people who held this view were "timid and neo-pacifist." Again, is being vigilant about the possibility of American isolationism, something that contributed to the Second World War, timid or neo-pacifist? What is a neo-pacifist, anyway?

And with respect to the International Criminal Court, ICC, Mr. Bolton said that "[s]upport for the International Criminal Court concept is based largely on emotional appeals to an abstract ideal of an international judicial system unsupported by any meaningful evidence and running contrary to sound principles of international crisis resolution." Why was the decision to sign the Treaty, and join 139 other nations including 17 of our NATO allies, emotional? Is it not rational to conclude that signing the Treaty enables us to maintain the maximum influence over the ongoing negotiations and obtain additional concessions in the process?

These are representative of statements from Mr. Bolton that are confusing, inaccurate and inflammatory. While those of us in politics are used to this sort of thing, effective international diplomacy is not conducted in this manner. It is not the kind of temperament that we need from our most senior arms control official at the State Department.

I am also deeply concerned about Mr. Bolton's record on arms control and nonproliferation agreements and his views on international law. Although he has supported some security treaties in the past, he is philosophically opposed to most of the treaties that comprise the foundation of the international nonproliferation regime. He once said that the CTBT and other treaties are "unenforceable" and provide "illusionary protections." Moreover, he argued that "[w]hile treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend them." In fact, the principle that treaties and other forms of international law are binding is widely accepted. Whether trading with other nations or insisting on the right to traverse international water or airspace, we rely on treaties and international agreements to protect our interests.

It is true that treaties and other agreements are just one part of international security. Nevertheless, they are an extremely important part. Mr. Bolton's statements make me seriously question his commitment to this aspect of our security, and I do not want to confirm an individual with this record to a position that is responsible, in part, for advancing U.S. interests by upholding and promoting international nonproliferation agreements.

Finally, I would note that the timing of the vote on Mr. Bolton's nomination could not be worse. From Kyoto to missile defense, the Bush administration has made a number of unilateral decisions that have caused great concern among our allies in Europe and Asia. And, there are reports that more could be on the way—such as "unsigning" the ICC Treaty. I firmly believe that confirming someone to this important position who has limited experience on these issues, lacks the diplomatic temperament for the job, and has, at best, a mixed record of supporting international arms control agreements, sends yet another negative signal to our friends and allies.

We need a person in this important position who will help craft a bipartisan foreign policy and work with our friends and allies to make America more secure. Mr. Bolton is not that person, and I will vote "no" on his nomination.

Mr. President, I recognize that Mr. Bolton will receive sufficient votes to become our next Under Secretary of State for Arms Control and International Security. I hope that the fact that he was only reported out of the Foreign Relations Committee by a margin of one vote, and that several senior Senators with expertise and many years of experience in arms control opposed his nomination, will cause him to reflect on the way he has approached these issues in the past. This is a position of great responsibility. He should use it to demonstrate that he can work constructively and respectfully with people, whether they agree or disagree with him, to help advance the interests of this nation.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the nomination of John R. Bolton as Under Secretary of State for Arms Control and International Security. In many ways, Mr. Bolton's record, writing, and views lead me to believe that he is the wrong man at the wrong time for this position.

In considering this nomination I am most troubled by the fact that Mr. Bolton's views appear to be antithetical to both arms control and international law.

Although he has supported some security treaties, on the whole he has been highly critical of most of the treaties that comprise the foundations for nuclear arms control and nonproliferation.

When the Senate voted down the Comprehensive Test Ban Treaty, CTBT, for example, it is my understanding that Mr. Bolton applauded the defeat of "the illusionary protection of unenforceable treaties".

Arms control treaties and international efforts to control the spread of weapons of mass destruction are not the only way to address these threats, the United States must have other means and capabilities as well, but they have a place in U.S. foreign policy, and can play a useful role in safeguarding American interests.

The CTBT, START, the Anti-Ballistic Missile treaty, the Non-Proliferation Treaty, the Chemical Weapons Convention, the Missile Technology Control Regime, alongside many other treaties negotiated by Presidents of both parties, can and do play an important role in reducing the risk to the United States posed by the proliferation of Weapons of Mass Destruction.

Likewise, Mr. Bolton has made comments that suggest that international treaties do not have the force of law, and raising questions about the commitment that states should have to their treaty obligations.

He has written that "while treaties may well be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend the term."

In arguing that the U.S. has no obligation to pay our share of the United Nations dues Mr. Bolton argued that "Treaties are 'law' only for U.S. domestic purposes. In their international operation, treaties are simply 'political' obligations."

This approach suggests that international treaties are unenforceable; that signatories may pick and choose the sections they will adhere to; and that the United States, by virtue of our superpower status, may insist on other countries fulfilling their treaty obligations while reserving the right to ignore our own.

But how can the United States hope to compel other countries, especially states like Iraq, Iran, and North Korea to respect international law and norms on non-proliferation if the top State Department official for arms control does not?

Mr. Bolton has also suggested that "There is no such thing as the United Nations . . . ."

How effective can United States leadership be in the international community if these views guide U.S. policy? In some ways, Mr. President, I think the recent loss of the U.S. seat on the Human Rights Commission provides us an early indication of what answer we can expect from the rest of the international community to that question.

There are also questions about Mr. Bolton's approach to a range of other issues on the international agenda which, as Under Secretary and a senior member of the State Department decision-making apparatus, he will play a role.

Mr. Bolton's views on Taiwan appear to be out of step with thirty years of bipartisan U.S. policy as well as the views of the Bush Administration.

He has stated that he believes Taiwan to be a state, and argued for full diplomatic recognition of Taiwan and an end to the "One China" policy.

Over the past thirty years the Taiwan Relations Act, the "One China" policy, the three Joint Communiques, and a policy of purposeful ambiguity with regards to U.S. defense commitments to Taiwan have served U.S. interests, and those of Taiwan, extremely well. It is an approach that has provided the United States with both leverage and maneuvering room in our relations with both China and Taiwan, and has had the support of six Presidents from both parties as well as broad bipartisan backing in Congress.

These are but a few examples of the sort of worrisome issues which lead me to believe that Mr. Bolton is not the right person to serve as Under Secretary.

The questions that have been raised about Mr. Bolton's views on a range of arms control, international law, and other national security issues strongly suggests that Mr. Bolton does not meet the necessary threshold for confirmation by the Senate as Under Secretary of State. I do not make this statement lightly, but I do so with the recognition that the Senate has the right, the obligation, to provide advice and consent to the President's appointments.

I urge my colleagues to join me in opposing the confirmation of Mr. Bolton.

Mr. BINGAMAN. Mr. President, I rise to urge my colleagues to oppose the nomination of Mr. John Bolton to become the Under Secretary of State for Arms Control and International Security. Many in the Senate disagree with the substantive views of Mr. Bolton on particular policy issues and will oppose his nomination on the basis of those disagreements. I too disagree with Mr. Bolton on a range of important foreign policy issues, but my opposition to his nomination comes from broader and deeper concerns. First among them, I believe that whoever serves in this position should be experienced, knowledgeable, and philosophically compatible with the use of arms control as a legitimate tool of the national security objectives of the United States. Arms control treaties have served our national security interests well during past decades, including important major treaties signed and ratified by Republican administrations. Notable among the many important and effective arms control contributions by Republican administrations are the Non-Proliferation Treaty, the ABM Treaty and Protocol, the Threshold Test Ban Treaty, and the Intermediate Nuclear Forces Treaty. I would hope that Mr. Bolton would uphold this tradition within his party, but I am skeptical that will be the case. If so, our nation stands to become more insecure rather than less in the volatile world of today's international system.

Recent testimony by Mr. Bolton suggests that he may not be as knowledgeable about the significant contributions of prior arms control treaties as he should be, and, more importantly, may not be inclined to support arms control as a useful mechanism to achieving national security goals. In his confirmation hearing before the Senate Foreign Relations Committee, for example, when asked about his views regarding whether the ABM Treaty is in force, he withheld his own views on this very important matter which now lies at the center of the most significant national security debate in our country as well as within the international community. It seems to me that if the Senate is to confirm a nominee for this important position as Under Secretary of State for Arms Control, it would not be unreasonable to expect that nominee, even if we are in disagreement, to have a well-developed, articulate view of this critical question. I believe that the Senate and the American people have a right to expect that someone who would assume this key advisory position would be able to answer that question in an informed, straightforward way. I'm concerned that we still don't know if Mr. Bolton is well-educated on the validity and utility of the ABM Treaty. I for one am reticent to hand over the keys to a car when I don't know where the driver is going to take me. The ABM Treaty is so vitally important, I believe the American people have a right to know where Mr. Bolton wants to go.

In his writings and testimony, Mr. Bolton referred generically to treaties that are unenforceable and that provide only illusory protections. He would include the Comprehensive Test Ban Treaty in that category, a belief that suggests to me a lack of understanding about our verification capabilities with respect to countries which might seek to initiate a nuclear weapons program as well as nuclear weapons states which might seek to advance their own capabilities in any militarily significant way. Though the Senate has not thoroughly debated this question, the experts I have spoken with assure me that the CTBT is verifiable consistent with our highest priority nonproliferation national security concerns. Before voting to confirm Mr. Bolton, the Senate should know more about the specifics of his views on this and similar matters in order to determine whether his views are well-grounded or simply an expression of a visceral distrust of arms control as a national security tool.

I am equally concerned that his views rejecting the binding nature of international treaties is incompatible with the internationally accepted position on this fundamental legal question. In his writings, Mr. Bolton has indicated that although treaties may be politically or morally binding, they are not legally binding. I suspect that while he would demand compliance of other nations to an international treaty as a matter of law, he would defend instances of U.S. non-compliance as our legal right. At a time when the

President of the United States has spoken repeatedly of the need for our nation to approach other countries with humility, Mr. Bolton's view on this matter strikes me as completely unacceptable.

Perhaps, it comes down to this. Every time the Senate debates an arms control agreement the question is asked, "Will our nation be more secure with or without this Treaty?" For those who answer "without", they conclude that the nation is more secure without making international commitments. Their crystal ball suggests that without international agreements, national self interest will be sufficient to ensure national security. Given Mr. Bolton's position in opposition to key arms control agreements of our time, I'm very concerned that he believes that U.S. unilateralism is the only reliable means to assure our national security. I strongly reject that view. Unilateralism is reversible and unpredictable, and in my view, portends greater instability among nations. Before I'd vote to confirm Mr. Bolton, Mr. President, I'd like very much to know what Mr. Bolton's view of what a unilateralist world looks like to him without the ABM Treaty, the CTBT Treaty, or any other arms control treaty to which he is opposed. Until he can convince me that it would be a safer world, I'll withhold my vote. I urge my colleagues of the Senate to do the same.

Mr. DODD. Mr. President, as you know, I generally believe that any President, Democratic or Republican, has the right to appoint the members of his administration. That is why, over the years, I have generally voted in support of the vast majority of presidential nominees that have come before the Senate. However, I am also mindful of the fact that the Founding Fathers gave the U.S. Senate a role in the nomination process, namely that of advice and consent. This responsibility was given to the Senate in order to ensure that the President did not misuse his authority in selecting individuals to serve in positions of public trust or ones with significant implications for the national security of this country. I have always ought to balance these two principles, that the President has been elected by the American people to do a job and he should be able to decide how best to do it, and that the Constitution of the United States charges the United States Senate with reviewing the Presidential appointments to ensure that our national interests are being served. And, in juggling these two sometimes conflicting concepts, I have generally given the benefit of the doubt to the individual selected by the President.

Very rarely over the years have I voted against nominees. On those occasions in which I have chosen to do so, it has been because I have had serious doubts about the ability of the individual to carry out the responsibilities of the office to which he or she has been nominated. Regrettably, I hold such doubts about the nomination before us today—John Bolton to the position of Under Secretary of State for Arms Control. Based upon Mr. Bolton's own statements and writings over the years, as well as his testimony during his confirmation hearing, I have serious reservations about his ability to discharge his duties in the area of arms control. My reservations are of such a magnitude that they rise to a level so as to outweigh my general practice of deferring to the President on nominations.

There is no question that Mr. Bolton is an individual of integrity and intelligence. He has demonstrated those qualities throughout his career—most recently at the American Enterprise Institute, and the Commission on International Religious Freedom. However, there is glaringly absent from his otherwise distinguished record, any substantial background in the area of arms control—the principle area of responsibility for the position to which he has been nominated. It is not only that Mr. Bolton has limited experience in the arms control arena, but also that in his few dealings with this subject matter he has expressed doubts as to the relevancy of arms control itself. I find it troubling that the individual that the President and the Secretary of State will look to in the areas of nonproliferation, arms control and security assistance holds that view. Arms control issues loom large on the President's agenda as he demonstrated last week when he spoke at the National Defense University on the topic of National Missile Defense, NMD —an extremely controversial subject with huge implications for United States arms control policy. NMD, The Comprehensive Test Ban Treaty, CTBT, and the future of the 1972 ABM treaty are all subjects in which the President and the Congress will have to come to some meeting of the minds on during the coming months. The Under Secretary of State for Arms Control will have to play a pivotal role in facilitating that process. Mr. Bolton's having a dismissive attitude toward arms reduction and arms control right from the start gives him very little credibility with those of us who care deeply about arms controls issues and are concerned about the direction the Administration appears to be heading in this area.

With respect to CTBT and other international treaties, Mr. Bolton has stated that he does not believe that these agreements are legally binding on the United States, but rather are "political obligations." This stance is contrary to United States interests of promoting respect for international law and upholding the good faith agreements entered into among our allies to honor these treaties. In addition, such statements in the area of arms control, by the person who will occupy the very post charged with upholding our treaty obligations, not only diminishes our credibility in the eyes of our allies, but also compromises the best interests of our national security. Arms control is a global issue, not an American one, and while we must forge policies consistent with America's interests, we cannot create policy in a vacuum, and to act unilaterally on an issue of such import would be foolish.

In terms of the ABM treaty, I believe that President Bush is correct when he says that the world is quite different today than it was in 1972 when the treaty was first entered into with the then Soviet Union. Clearly every word of that treaty should not be cast in stone. There may be changes to the treaty that would benefit United States interests without undermining the principle purpose of the treaty—to prevent a costly and dangerous international arms race. It is certainly appropriate that the President undertake a review of this treaty. But this can be accomplished while still honoring our current treaty obligations and without a rush to judgement. The ABM treaty may need updating, but unilaterally abrogating this treaty or any other treaty that the United States has entered into is a major step not to be taken lightly or without consultations. While Mr. Bolton has stopped short of calling for the unilateral abrogation of the treaty, his cavalier attitude toward our participation in the ABM treaty and to the responsibilities that we bind ourselves to when we enter into these international agreements is disturbing.

I am further troubled by Mr. Bolton's views on such sensitive foreign policy issues as the so called "One China Policy," and on the nature and extent of U.S. arms sales to Taiwan. I am particularly concerned at a time when Chinese-American relations have taken a turn toward the adversarial. When the characterization of the U.S.-China relationship as "strategic competition" provokes indignation in Beijing, one can only imagine the ramifications of Mr. Bolton's public support for the official recognition of Taiwan as an independent state, a position which contradicts over three decades of U.S. diplomacy that has successfully balanced our interests in Asia. Although Mr. Bolton has stressed that the Undersecretary of State for Arms Control does not have responsibility for directly shaping diplomatic relations between the U.S. and China, separating arms control issues from U.S./China policy is neither feasible nor advisable at a time when China sees itself, rightly or wrongly, as a target of the Bush administration's decisions to move forward with National Missile Defense and to sell arms to Taiwan.

Mr. Bolton has also expressed worrisome views on U.S. involvement in the

Balkan wars, stating that he saw "no tangible national interest" in those conflicts. And while it is true that American territory or interests were not directly threatened by the bloodshed in the Balkans, certainly instability in Europe must always be a matter of concern to the United States as should human rights abuses that rise to the level of near genocide. I am concerned at Mr. Bolton's seemingly insular view of American interests and responsibilities.

Finally, Mr. Bolton has at times been outspoken and provocative in his public remarks about international affairs. He has been known to stray from a simple statement of opinion to more controversial pronouncements about subjects which are approached with tremendous sensitivity by most foreign policy experts. As Undersecretary of State for Arms Control Mr. Bolton will be responsible for high level negotiations with allies and other governments concerning the gravest matters of national and international security. Regrettably, I am uncomfortable with the idea of Mr. Bolton in such delicate situations.

The world we live in today is dangerous. For better or worse, the United States must play a major role in ensuring that there are safeguards to protect our national security and foreign policy interests. Without doubt these dangers include the possibility of the proliferation of weapons of mass destruction. It may be true that no longer is our main concern a purposeful attack by another superpower, but rather the accidental or capricious bombing by a rogue nation. It may also be true, as Mr. Bolton asserts, that it is time to re-examine our international arms framework, but it is not a time for isolation or bravado. Given the the critical negotiations and challenges that await the new administration, there is no room for inexperience. We need a skilled and steady hand shaping a disarmament policy that is right for the 21st Century. In my view Mr. Bolton does not possess such qualities, and that is why I have reluctantly decided to vote against his nomination for this critical position.

Mr. LIEBERMAN. Mr. President, I am voting in favor of John Bolton for the position of Undersecretary of State for Arms Control and International Security Affairs. Mr. Bolton is the President's choice, and I have generally supported the tradition of respect by the Senate for confirming the President's nominees except in rare instances. I disagree with some of the positions Mr. Bolton holds, particularly his opposition to some of the arms control treaties that were negotiated over many years by his predecessors at the Arms Control and Disarmament Agency. But I also agree with other positions Mr. Bolton has taken regarding America's foreign policy. He explained his positions during his confirmation hearing and gave assurances that he accepts and will respect America's obligations under international law. He is especially intent on working to control the spread of weapons of mass destruction to rogue states. I therefore conclude that Mr. Bolton falls within the criteria of acceptability for confirmation to the job for which he has been nominated by the President.

Mr. KOHL. Mr. President, I have serious concerns about confirming John Bolton to be the next Under Secretary of State for Arms Control. The person who serves in this position is expected to supervise and manage international arms control negotiations and non-proliferation agreements and to uphold key arms control treaty obligations. Yet, John Bolton has said he believes that the very agreements he would be required to uphold and negotiate are not even legally binding.

International arms control agreements are the linchpin of our national security. They have played a vital role in keeping the peace, increasing our security and halting the spread of weapons of mass destruction and the missiles that deliver them. They made a significant contribution towards reducing nuclear threats during the Cold War, they helped us reduce the presence of conventional forces in Europe in the post-Cold War era, and they have been an important tool in the response to the growing non-proliferation threat.

Not only does John Bolton have limited experience in the arms control arena, but he has dismissed the Comprehensive Test Ban Treaty and some other treaties as "illusionary protections." He has been disdainful of supporters of the CTBT and, he has been intentionally evasive about his views on the ABM Treaty. I question whether Mr. Bolton could serve effectively in this position given his views and the inflammatory manner in which he has communicated these views in his years out of public service.

I am not questioning the integrity of this nominee or his fitness for government service in general. I also believe we must be careful not to reject nominees just because we object to their views. However, when a person like John Bolton is put forward, a person whose views seem to undermine the very purpose for which he is being nominated, I believe we have a responsibility to speak out. John Bolton is not an appropriate choice for Under Secretary of State for Arms Control and I will be voting against this nomination.

Mr. KENNEDY. Mr. President, I oppose the nomination of John Bolton to be Under Secretary of State for Arms Control, Nonproliferation and International Security.

The Under Secretary must be able to develop and shape arms control and disarmament policies in a way that helps the Nation to achieve these all-important goals for our country and our planet. It is this special responsibility of the Under Secretary to protect the United States by working to control the proliferation of weapons of mass destruction.

As Senior Adviser to the President, the Under Secretary works with the Secretary of State and members of the National Security Council, leads the interagency policy process on nonproliferation, and manages global U.S. security policy. He is involved in defense cooperation, arms transfers and security assistance to our allies. He provides policy direction for the nonproliferation of nuclear missiles and fissile material. He has a primary role in the negotiation, ratification, verification, compliance, and implementation of agreements on strategic, non-conventional and conventional forces, regional security and military cooperation.

His role is also to oversee implementation of the Foreign Assistance Act, the Arms Export Control Act, and related legislation. The Bureaus of Arms Control, Nonproliferation, and Political-Military Affairs and Verification and Compliance are under the policy oversight of the Under Secretary.

The position carries enormous responsibilities, and I am not persuaded that Mr. Bolton has the vision and commitment to advance America's best interests, especially in arms control.

Mr. Bolton has said that "international treaties are 'laws' purely for domestic purposes" and in their "international operation, they are simply political obligations." He has described treaties as useless, because they don't stop rogue states from doing what they seek and only restrain the U.S. from pursuing its own defense initiatives.

Mr. Bolton has also been an outspoken critic of the Anti-Ballistic Missile Treaty and the Comprehensive Test Ban Treaty, referring to the latter as an "unenforceable treaty with illusory protections."

Mr. Bolton praised the defeat of the Comprehensive Test Ban Treaty in the Senate. He called Americans who worried that nuclear proliferation would threaten international peace and security "hysterical." He described the philosophy behind supporting a treaty that bans dangerous nuclear testing as "profoundly misguided and potentially dangerous."

The CTBT is an important part of our global non-proliferation efforts, and it has been endorsed by General John Shalikashvili. Earlier this year, General Shalikashvili, Special Advisor to the President on this treaty, stated in a letter to the President that "there is no good reason to delay ratification of the CTBT" and that "the longer the U.S. delays, the more likely it is that other countries will move irrevocably to acquire nuclear weapons or significantly improve their current nuclear arsenal and the less likely it is that we could mobilize a strong international coalition against such activities."

Yet Mr. Bolton has criticized the treaty for not providing "adequate protections" and "hobbling the United States' ability to maintain the most important international guarantee of peace"—which is, in Mr. Bolton's view, "a credible U.S. nuclear capability."

I also have serious reservations about Mr. Bolton's views on the Anti-Ballistic Missile Treaty. In the years since the United States and the Soviet Union signed the ABM Treaty in 1972, it has been a major part of U.S. nuclear arms control policy. By ensuring that our nuclear arsenal remains an effective deterrent, the ABM Treaty prevented an escalating arms race with the Soviet Union and more recently with Russia. The treaty continues to bring significant stability to the U.S.-Russia nuclear partnership in the post-Cold War world.

Mr. Bolton has contended that National Missile Defense should be one of the our primary considerations in dealing with proliferation and international security. But this view is in conflict with the Under Secretary's responsibility to protect our Nation against threats in a way that is consistent with our treaty obligations. Mr. Bolton's view that Russia will take advantage of any U.S. vulnerability could hinder essential and continued cooperation with that nation.

I am concerned as well by Mr. Bolton's views on our relations with North Korea and China. Since 1996, the United States has embarked on a delicate negotiation with North Korea. The agreed framework has achieved renewed dialogue between North and South Korea, and could be the beginning of a serious effort to achieving an arms control agreement with North Korea. It has created an unprecedented opportunity for the U.S. and North Korea to work together. But Mr. Bolton has been outspoken in his opposition to the agreement, calling it an "egregious mistake."

Mr. Bolton has stated that normalizing relations with North Korea and the goals it would achieve are "entirely in North Korea's interests, not ours." Clearly, efforts to stop the development of nuclear weapons in the Korean Peninsula are in the United States' interest. Yet Mr. Bolton has also called the agreed framework an "unjustifiable propping up of the North Korean regime."

I am concerned that Mr. Bolton presents himself as a nominee who will fundamentally change the objectives of his office from promoting treaties and arms control to urging a national agenda on missile defense. The policies he promotes could unnecessarily alienate our allies and undermine arms control and nonproliferation.

Mr. Bolton has stated that "the most important international guarantee of peace is a credible U.S. nuclear capability." It would be a mistake to entrust the responsibility of achieving more effective arms control, non-proliferation and disarmament policies to someone who believes that international security is best maintained by continuing the nuclear arms race.

I am also deeply concerned about Mr. Bolton's views on the United Nations. As Under Secretary, he would advise the President and the Secretary of State on policy decisions on U.S. security commitments worldwide and on arms transfers and security assistance policy and programs. He would need to work with the international community and the United Nations to meet these goals. Yet, in 1994, Mr. Bolton wrote starkly that "there is no such thing as the United Nations." He has said that the majority of Congress and most Americans do not care about losing the U.S. vote in the General Assembly. Virtually every other nation in the world supports the United Nations and the United States should be dedicated to strengthening, not weakening, it.

The Under Secretary of State for Arms Control, Nonproliferation and International Security should work to strengthen our international treaties and our relations with other countries, not dismantle or destroy them. I am not convinced that Mr. Bolton is committed to these critical goals.

His views do not represent a positive approach to key arms control issues, and I urge the Senate to oppose his nomination.

Mr. REED. Mr. President, I rise to state my opposition to the nomination of John Bolton to be Undersecretary of State for Arms Control and International Security. I want to clarify that I respect the right of the President to choose those who will serve him in his Administration. I also recognize that many of the appointees in this Administration will have views which differ from my own—and those differences are not reason enough to vote against a nomination. However, in this case, I believe there is ample evidence that Mr. Bolton has deeply held views which run so contrary to stated U.S. policy that he will not be able to effectively perform his duties.

If confirmed, statute dictates that John Bolton would be the senior assistant to the Secretary of State in matters "related to international security policy, arms control and non-proliferation." He would oversee a number of issues including the fate of the ABM Treaty, negotiation with North Korea on the Agreed Framework and aid to dismantle Russian nuclear stockpiles. At a time when the danger from nuclear weapons is at least as great as during the Cold War, it is essential that this Undersecretary be committed to using every possible diplomatic option for reducing the weapons stockpile and diffusing tensions. Unfortunately, because of his previous statements, I cannot be confident of Mr. Bolton's commitment to this goal. As Joseph Cirincione, the director of the Carnegie Non Proliferation Project, stated: "John Bolton is philosophically opposed to most of the international treaties that comprise the non-proliferation regime."

Mr. Bolton was a vocal opponent of the Comprehensive Test Ban Treaty. He said that supporters of the CTBT were "misguided individuals following a timed and neo-pacifist line of thought." He also stated that "Mere promises by adversaries and rogue regimes, unverifiable in critical respects, simply do not provide adequate protections and may actually hobble our ability to maintain the most important international guarantee of peace—a credible U.S. nuclear capability." I would like to note that history would indicate Mr. Bolton is incorrect, since the United States has been able to maintain an awesome nuclear stockpile while complying with arms control treaties that have been the cornerstone of the prevention of nuclear war for the past fifty years. Furthermore, while Mr. Bolton is certainly entitled to his opinions on arms control treaties, his opinions indicate that he may not be best suited for a position which requires upholding and negotiating treaties on a daily basis.

Mr. Bolton also does not seem to have a very high opinion of the United Nations, the organization with which he would have to work closely in developing and maintaining U.S. international security policy. At different points in the past few years, Mr. Bolton has stated that "If the UN secretary building in NY lost 10 stories, it wouldn't make a bit of difference." He also stated that the U.S. has no obligation to pay its UN dues because "The UN Charter is fundamentally a political, not a legal document. On finances it amounts to little more than an 'agreement to agree.'" Despite the fact that the UN may seem bureaucratic and slow to act at times, it is the primary instrument for international cooperation, and I believe U.S. participation is vital to ensure U.S. national security.

In addition, Mr. Bolton does not appear to believe that the tenets of international law are binding. In 1999, Mr. Bolton asserted that, "In reality, international law, especially customary international law, meets none of the tests we normally impose on 'law', while treaties may be politically or even morally binding, they are not legally obligatory. They are just not 'law' as we apprehend the term." Since the founding of this nation, Administrations have put faith in international law and treaties created under international law and entered into by the United States have been regarded, as the Constitution dictates, "as the supreme law of the land."

Mr. Bolton is clearly an intelligent and capable individual. However, his publicly stated views and past actions indicate that he believes that it is in the best interests of United States security to act unilaterally, with little regard for the views and agreements of the international community. We live in an increasingly interdependent world. Today, it is more important than ever before to use such tools as the United Nations, international law and treaties to promote and ensure international security and arms control. I believe the Undersecretary of State for International and Arms Control should be willing to pursue these avenues, and I think the evidence indicates that Mr. Bolton would not be the best person for this job. Therefore, I will oppose his nomination.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, has there been time allotted for me to speak on this nomination?

The ACTING PRESIDENT pro tempore. The Senator has 12 minutes.

Mr. BIDEN. Mr. President, I rise to oppose the nomination of John Bolton to be Under Secretary of State for Arms Control and International Security. I do so for several reasons. I say at the outset—and I have said to my friend and colleague, Senator HELMS, the chairman of the committee—that my opposition to John Bolton is not based on a personal concern about John Bolton's overall qualifications. He is an intelligent, bright, decent, and honest man. Notwithstanding an editorial in one of the major newspapers in this country, there is nothing inconsistent about that in my opposing the nomination of him relating to this specific position.

I want my colleague from North Carolina to know that my opposition is based—and which he will soon hear, and he knows because we have talked about it—on Mr. Bolton's views on arms control primarily. This is a decent and an honorable man, but I think he is the wrong man for this job.

I add at the outset, I think his views on some of the major issues in the area of foreign policy are at odds with the stated views of the Secretary of State, although I am certain the Secretary of State supports Mr. Bolton. I am not implying that there is opposition within the State Department to Mr. Bolton.

Let me give you the reasons, as briefly as I can, that I am concerned about Mr. Bolton's views on arms control.

He comes to the Senate with an extensive record of Government service but a very limited record in arms control and nonproliferation matters, which, as the Presiding Officer knows, is an extremely complicated area—extremely complicated area.

What we do know about Mr. Bolton's views on arms control and nonproliferation matters suggests an individual who questions the relevance of arms control agreements.

My friend from North Carolina, the chairman of the committee, questions the relevance of the arms control agreements, and I find him to be an extremely qualified Senator. We just disagree on the issue. I would vote for him for just about anything. I would probably vote for him even for this position, but maybe I would not. This is the one position I could consider I would not want him to have in the administration.

In praising the defeat of the Comprehensive Nuclear Test-Ban Treaty, Mr. Bolton referred to the CTBT, and other unnamed treaties, as "unenforceable treaties" which provide "illusionary protections." I realize some hold that view. They are not, however, people I think should be in charge of promoting arms control, disarmament, and nonproliferation matters.

The death of the CTBT, he wrote, is a "useful opportunity to re-examine in a hard-headed and realistic way how international peace and security are really guaranteed."

Treaties are not the only means of ensuring arms control reductions, but in the last 50 years treaties and agreements have provided the foundation for advancing U.S. arms control and nonproliferation objectives. From the Nuclear Non-Proliferation Treaty to the START treaties, from the Chemical Weapons Convention to the Biological Weapons Convention, such agreements have been essential in containing the threat of dangerous weapons.

Mr. Bolton has supported some arms control treaties, I might add, including the Chemical Weapons Convention, where he and I were on one side, and the chairman was on the other side. But his sweeping statements deriding the importance of arms control leave me uneasy about his commitment to the task.

My discomfort level is increased by Mr. Bolton's questioning of whether treaties are even binding. He wrote:

> [W]hile treaties may well be politically or even morally binding, they are not legally obligatory. They are just not "law" as we apprehend the term.

Similarly, Mr. Bolton once testified to Congress—recently; as a matter of fact, in the last several years—that treaties are "political" and "not legally binding, to the extent that they purport to affect relations among national governments."

In response to a written question, he stated the matter a bit differently, saying, "I believe that treaties bind the United States," which I have difficulty, quite frankly, squaring with his previous writings.

If confirmed, Mr. Bolton would supervise some of the most important treaty obligations. I find Mr. Bolton's views on those issues relating to treaty obligations very troubling—very troubling.

I am also concerned about Mr. Bolton's limited experience in arms control. By law, the Under Secretary is the senior assistant to the Secretary of State in matters "related to international security policy, arms control, and non-proliferation."

As a matter of fact, in the reorganization effort spurred and led by my friend from North Carolina, the chairman of the committee, we moved this position into the State Department. It used to sit outside the State Department. This was supposed to be—and is supposed to be—the primary person promoting arms control.

I note, parenthetically, I have always had difficulty voting for nominees who hold views that are antithetical to or at odds with the responsibilities they have. I voted against, for example, fine men who were nominated to be Secretary of the Interior during the Reagan administration when they were insufficiently committed to the environment. So I didn't want to be a party to putting someone in a position whose avowed purpose was the President's, which was antithetical to the purpose of the organization.

I am also concerned about his limited experience, as I said. Mr. Bolton does have foreign policy experience, though—I do not think we should underestimate that—at the Agency for International Development and as Assistant Secretary of State for International Organizations. He has held those posts.

In the State Department, he did gain some experience in arms control, working on issues related to the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, but these activities were hardly a major part of his duties.

In the last 8 years, Mr. Bolton has written extensively on foreign policy, but he wrote very little about arms control. That is not a bad thing, but it still leaves us with a person with little experience in the arms control field, to which many of our senior people devote their entire careers.

Chairman HELMS has cited a letter from former Directors of the Arms Control and Disarmament Agency in support of Mr. Bolton. The signatory of that letter most recently in the arms control job is a man named Ron Lehman. I wish we had someone of Mr. Lehman's experience before us.

I might add, Mr. Bolton is just as bright. This is a fellow who is a Yale undergraduate, went to Yale Law School, and is an extremely bright fellow. But he does not have Mr. Lehman's experience.

When Mr. Lehman was nominated in 1989, he had already held three jobs with firsthand arms control experience before he was nominated. He was Assistant Secretary of Defense for International Security Policy, where he dealt with U.S. nuclear policy, arms control, space policy, and technology transfer controls. He was the chief U.S. negotiator on strategic nuclear arms; that is, the START talks. And he was the Senior Director at the National Security Council for Defense Programs and Arms Control. This man came with an incredible amount of experience. In short, Mr. Lehman was literally steeped in arms control.

On other foreign policy issues, Mr. Bolton has been outside the mainstream. He has called for diplomatic recognition of Taiwan, a position at odds with three decades of American diplomacy—and contrary to the position of this administration.

Mr. Bolton once wrote that the wars in Kosovo and Chechnya involved "no tangible national interest." In the committee hearing, he changed his tune a bit, saying that there was no vital national interest in the Balkans.

Nonetheless, I am concerned that Mr. Bolton's consistent criticism of the NATO action in Kosovo indicates a lack of commitment to the stability of Southeastern Europe—a position I find unacceptable for the person who would supervise security assistance programs to the region.

I am concerned, finally, about Mr. Bolton's diplomatic temperament for this position, which involves the management of complex negotiations in a wide range of arms control and nonproliferation issues. Stated another way: It takes the patience of Job. I am not sure how good I would be in the position. These are sensitive and difficult negotiations. Mr. Bolton's penchant for inflammatory rhetoric gives me pause about his ability to handle this task.

Following defeat of the Comprehensive Test Ban Treaty, Mr. Bolton heaped scorn on proponents of the Treaty—I don't take that personally—who expressed concerns that its defeat marked an isolationist turn for the United States and might lead to accelerated nuclear proliferation.

He wrote that such fears are "indications of a profoundly misguided and potentially dangerous philosophy in American foreign policy," and said that such analysis is "timid and neopacifist." He has a right to say that, but it is not the language of or temperament of people who have been in that position. Well, this senator expressed those fears, as did some of my colleagues.

Mr. Bolton once said that "Republicans are adults on foreign policy questions, and we define what we're willing to do militarily and politically by what is in the best interests of the United States." Is he seriously implying that Democrats are not adults on foreign policy questions and do not worry about the best interests of the United States?

What does that suggest about his ability to work with Democratic Senators?

This kind of inflamed rhetoric is what we might expect on talk radio, but we do not expect to hear it in diplomatic rooms of the Department of State.

I believe Mr. Bolton is a capable person. I respect his intellect and his willingness to serve. But I think he is the wrong person for this job.

The job of Under Secretary for Arms Control and International Security is a critical one—its incumbent has the lead responsibility in the State Department on arms control and non-proliferation. I do not believe Mr. Bolton has the vision or the experience necessary for this position.

One final thing that concerns me about Mr. Bolton is his lack of enthusiasm for the proposal put forward by former Senator Baker, the majority leader, Mr. Cutler, a top lawyer in Democratic administrations, a bipartisan group, saying the most dangerous threat we face is loose nukes in the Soviet Union. They predicted that there is an incredibly greater likelihood there would be a nuclear, chemical, or biological weapon used in the United States as a consequence of the inadequacy of the Russian system protecting those systems than there was from anything else that could happen and suggested a robust investment in our policy to deal with nonproliferation issues, particularly as they stem from the disorganization combined with the incredible array of weaponry lying around Russia.

In the questioning, particularly by our colleague from Florida, it became pretty clear that Mr. Bolton does not share that sense of urgency at all. He is in charge of the nonproliferation side, the man who will be advising the Secretary of State.

For all those reasons, I reluctantly cast my vote against Mr. Bolton. As I said, we have been on opposite sides of issues, he and I, for a long time. When I was chairman of the Judiciary Committee, he was the main man pushing nominations for the Administration. We were butting heads all the time. I learned to respect his intelligence, I learned to respect his drive, and I learned to respect how tough he was. It is not that I don't know Mr. Bolton. I know him in that capacity. This is a different capacity. It requires a different temperament and a different attitude in order to promote what I believe to be the single most important job for someone carrying this portfolio within the State Department.

I urge my colleagues to vote no, although I must tell the Senate, I have done no whipping. I have not checked in terms of who is where on any of these votes. I want to make it clear why I am voting no on this nomination.

I thank the Chair. I see my friend and chairman is prepared to speak. I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank my distinguished friend, JOE BIDEN, for the depth of his explanation.

Mr. President, I feel obliged to say at the outset that of all the talented and well-qualified nominees whom President Bush has selected for senior foreign policy positions in his administration, John Bolton, in my judgment, emerges as one of the best and the wisest. He is a patriot, a brilliant thinker, and a talented writer. But most important, John Bolton has the courage of his convictions. He says what he means he means what he says, and he says it well, which is precisely what is needed at the State Department.

Mr. Bolton comes to this position at a crucial time because he will confront many security issues, not the least of which is President Bush's pledge to build and deploy a missile defense system. Proceeding with that plan will require close consultation with our allies and much hand holding with Russia. John Bolton's extensive experience in building international support for U.S. positions—remember his service as Assistant Secretary of State for International Organizations—will serve him and the country well.

John Bolton comes with high recommendations and endorsements of some of the Nation's most distinguished foreign policy experts. Four former Directors of the Arms Control and Disarmament Agency have written to endorse John Bolton. I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HELMS. I also have at hand a letter written and signed by former Secretaries of State Henry Kissinger, Jim Baker, and Larry Eagleburger, among others, urging John Bolton's confirmation by the Senate. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 24, 2001.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We support the nomination of John Bolton to serve as Under Secretary of State for Arms Control and International Security, and hope that the Senate will move rapidly to confirm him for that position. John is knowledgeable, intelligent, experienced, and is clearly well qualified. In prior government positions as Assistant Secretary of State and Assistant Attorney General, he has acquitted himself well and served our country admirably. He will do no less as Under Secretary for Arms Control.

We are strong supporters of the proposition that a President should have the right to choose his senior advisors and is entitled to surround himself with those who share his beliefs. We well understand that some may not agree with the President's position on various matters or with certain views that John has expressed over the years. But we must observe that all Administration appointees are expected to advocate the policies of the President, regardless of their own personal views.

John has been a thoughtful scholar and also a prolific writer, and contributed significantly to our national-security policy debate. We, ourselves, are periodic contributors to newspapers and journals. Such writing affords authors a precious opportunity to take strong positions on issues, and to promote an open and free discussion with other scholars and practitioners. If anything we need more such debate, and more original analysts in government, not fewer. Neither this President nor future Presidents should be deprived of the services of men and women of conviction, who are prepared to test their views in the marketplace of ideas.

We believe it essential for the Senate to conform rapidly the President's national security team. There is much important work to be done, and we believe that the nation is best served by an Administration that is fully staffed as soon as possible.

Sincerely,

David Abshire, James A. Baker III, Richard Allen, Frank Carlucci, Lawrence Eagleburger, Henry A. Kissinger, Caspar Weinberger, Max M. Kampelman, Helmut Sonnenfeldt, James Woolsey.

Mr. HELMS. Mr. President, isn't it significant that so many of our Nation's leading and senior foreign policy experts declare in writing and otherwise that John Bolton is eminently qualified for the responsibilities for which the President has nominated him? Of course, the issue is not Mr. Bolton's arms control expertise. The issue here is that some Senators oppose President Bush's policy on various matters and particularly the one involving missile defense. I also suspect that there are some Senators who just don't like the fact that the administration has put forward the nomination of a fine American who will very capably implement President George Bush's policy.

The distinguished ranking Democrat on the Foreign Relations Committee, Senator BIDEN, who is my friend and with whom I work closely and pleasantly, put it honestly and forthrightly when he said to John Bolton during John's nomination hearing:

> This is not about your competence. My problem with you over the years has been that you are too competent. I would rather that you be stupid and not very effective.

Neither of which, I say to my distinguished colleague, John Bolton will ever, ever be.

I respectfully suggest that Senators should not be in the business of rejecting nominees because they are too competent for the job, but I commend Senator BIDEN for his clarity and honesty, as always.

I understand the opposition of some Senators to various administration policies, but I do hope my colleagues will give careful consideration to the views of the Anti-Defamation League and other nonprofit organizations which have written their support for John Bolton's nomination.

Again, I ask unanimous consent that letters, such as the letter from the Anti-Defamation League and the American Jewish Committee, which can hardly be regarded as conservative organizations, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH,
New York, NY, April 16, 2001.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: We are writing in support of the nomination of John Bolton as Undersecretary of State for Arms Control and International Security.

During his tenure as Assistant Secretary of state for International Organizations, Mr. Bolton played a leading role in the successful 1991 U.S. effort to repeal the infamous "Zionism-is-racism" resolution.

While there may be some policy areas where we will differ, John Bolton has demonstrated both the commitment and integrity to advance United States interests.

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

THE CUBAN AMERICAN
NATIONAL FOUNDATION,
Washington, DC, April 25, 2001.

Hon. JESSE HELMS,
Chairman, Senate Foreign Relations Committee, 450 Dirksen SOB, Washington, DC.

DEAR SENATOR HELMS: I would like to offer my strongest possible endorsement on behalf of John Bolton for Undersecretary of State for Arms Control and International Security Affairs.

Over the years, Mr. Bolton has been a champion of freedom worldwide and a passionate defender of U.S. interests around the globe. His past experience in senior-level positions at the State and Justice Departments, AID, and the International Religious Freedom Commission make him uniquely qualified for such an important position.

In the case of Cuba, Mr. Bolton has consistently revealed a keen understanding of the true nature of the Castro regime and has forcefully rejected the current siren song that U.S. trade will magically moderate the Cuban dictator's behavior.

His nomination is of particular interest to us in several other ways as well. Sober analysts talk of the continuing international security threat Castro's Cuba poses to U.S. interests, specifically in the non-conventional "asymmetrical" sphere. For many years, we have been concerned with Castro's involvement in the development of chemical and biological weapons. This is of particular interest to us as residents of South Florida, where we are within easy reach of Castro's capabilities to cause great harm.

We are also increasingly troubled by the growing presence of Communist China in Cuba. It is quite obvious that China is developing that presence to use as leverage against the U.S. in its support for democratic Taiwan, as well as to serve as a strategic base to make diplomatic and intelligence inroads all over this hemisphere.

These troubling developments demand a man like John Bolton, a man who sees the world as it really is rather than the way he wishes it to be. Mr. Chairman, I would like to reiterate our strongest support for John Bolton, not only for the benefit of the freedom-seeking people of Cuba and their supporters but also for the benefit for the United States of America as a whole.

Sincerely yours,

JORGE MAS,
Chairman.

WASHINGTON, DC,
April 13, 2001.

Senator TRENT LOTT,
U.S. Senate, S–230, The Capitol, Washington, DC.

DEAR SENATOR LOTT: I'm writing in support of the nomination of John Bolton as Undersecretary of State for Arms Control and International Security.

As Executive Vice President of B'nai B'rith, my organization and I remain grateful to Mr. Bolton, for his tireless efforts to seek repeal of the infamous Zionism-Racism resolution at the United Nations, during his tenure as Assistant Secretary for International Organization Affairs.

Supporters of Israel often look at the U.N. with a jaundiced eye, given the harsh, discriminatory treatment that country has been subject to over a period of more than five decades. Nevertheless, many of us understand the important role that organization can play, once reformed and freed from the hypocrisy that the Zionism-Racism resolution represented.

We speak as an organization that was invited to San Francisco to participate in the founding of the U.N. in 1945, and which, since the late fifties, has maintained a full time U.N./NGO office in New York, and which is represented at U.N. bodies in Paris, Geneva, Vienna and Santiago.

I urge the Senate's expeditious support for Mr. Bolton's nomination.

Sincerely,

DANIEL S. MARIASCHIN.

JEWISH INSTITUTE FOR
NATIONAL SECURITY AFFAIRS,
Washington, DC, April 17, 2001.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: It is my pleasure to write you in support of the confirmation of John Bolton as Under Secretary of Arms Control and International Security. Mr. Bolton is greatly admired and respected for his outspoken advocacy of American interests in foreign affairs. As Assistant Secretary for International Organizations, John was respected and well regarded. His resume, as I know you are aware, is highly impressive, but not as impressive as the man it represents.

We believe that Mr. Bolton will be a tremendous asset to the Bush administration. He is dedicated and talented, and his confirmation will enhance American diplomacy.

JINSA is a non-profit non-partisan organization with over 20,000 members throughout the United States who are committed to a strong National U.S. Security. We have representatives from all sectors of the community including over 200 American Admirals and Generals.

Sincerely,

TOM NEUMANN.

THE AMERICAN JEWISH COMMITTEE,
New York, NY, April 19, 2001.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my support for the Honorable John R. Bolton, who has been nominated to serve our country as Under Secretary of State for Arms Control and International Security Affairs.

It was my privilege to have worked closely with Mr. Bolton from 1989 to 1993, when he served in the Bush Administration as Assistant Secretary of State for International Organization Affairs.

We shared a strong interest in the United Nations and a profound concern that, as a result of the actions of some member states, the world body was being diverted from its central mission.

In the same spirit, Mr. Bolton believed that the adoption, in 1975, by the United Nations General Assembly of Resolution 3379, the odious resolution equating Zionism with racism, was a stain on the institution itself that could not be left standing, even though the repeal of resolutions was essentially unheard of in the annals of the U.N.

To the everlasting credit of Mr. Bolton, he spearheaded a successful American-led effort to repeal Resolution 3379. It took years of patient planning, extraordinary persistence, and remarkable diplomatic savoir-faire, and it was finally accomplished in 1991. The lion's share of the credit for this political and moral triumph goes to Mr. Bolton. As a result of his efforts, to many of us who care deeply about the integrity of the United Nations he has achieved legendary status.

I have stayed in touch with Mr. Bolton since he left government service. Indeed, we have worked collaboratively under the auspices of United Nations Watch, a non-profit watchdog agency established by the late Ambassador Morris B. Abram, who served the United States with distinction under five American presidents. At UN Watch, Mr. Bolton, who has been an active board member, has once again demonstrated his passionate commitment to a fair and just United Nations and to a strong and effective American leadership role in international affairs.

From my experience, I can say without hesitation that Mr. Bolton is an individual of keen intellect with a profound understanding of foreign policy, strong principles, and deep commitment to advancement of democracy and human rights.

I wish to thank you for your consideration of these views. Should you require any additional information, please do not hesitate to be in touch.

Respectfully,

DAVID A. HARRIS.

Mr. HELMS. Mr. President, these groups support John Bolton because of his political views, because of his political expertise, and because of, yes, his personal moral principles.

John Bolton is precisely the kind of citizen the United States desperately needs in this difficult time to have an important role in the protection of the American people from the threat of missile attack. This man is a thoughtful scholar and an accomplished diplomat and an honest and decent man. I urge that the Senate confirm his nomination without further delay.

Mr. President, I yield the floor.

EXHIBIT 1

MARCH 14, 2001.

Hon. JESSE HELMS,
Chairman, Senate Committee on Foreign Relations, Dirksen Senate Office Building, SD-450, Washington, DC.

DEAR MR. CHAIRMAN: We are pleased that you have scheduled a hearing date on President Bush's nomination of John Bolton to serve as Under Secretary for Arms Control and International Security. We strongly support the President's selection of John Bolton for this important position.

As former Directors of the Arms Control and Disarmament Agency, we believe John Bolton is eminently qualified to serve as Under Secretary. He brings a wealth of knowledge to the position as an expert in international law and a great deal of relevant practical experience as a former Assistant Secretary of State for International Organizations.

He has acquired a great deal of experience with multinational organizations which have gained in importance for arms control and disarmament, relative to the bilateral forums that dominated the evolution of arms control during the Cold War. Also, he is well suited to work with regional organizations that are pursuing arms control agendas, such as the Organization of American States (which deals with the convention on illicit weapons trafficking). His prior services as Assistant Secretary of State also acquainted him with the International Atomic Energy Agency, and the then emerging structure of the Organization for the Prohibition of Chemical Weapons.

As an experienced international lawyer, John Bolton is superbly qualified to guide the U.S. participation in the negotiations of complex international treaties and in making best use of these treaties for the intended arms control purposes. This is of key importance for the continuing struggle to curb the proliferation of weapons of mass destruction and to deal with the current proliferation problems regarding Iraq, North Korea, Iran, and other nations.

Iraq may well be the most difficult case at this time. It is a fortunate coincidence that John Bolton was deeply involved in the formation of UNSCOM and the adoption of UN Security Council Resolutions designed to reverse Saddam's weapons programs. This expertise is greatly needed now as the Bush Administration seeks to restore the badly eroded international support for maintaining sanctions.

Mr. Chairman, we can recommend John Bolton to the Committee without reservation. He has a thorough knowledge of the most pressing arms control and nonproliferation issues of the day, and we hope that the Foreign Relations Committee will unanimously support his nomination.

Sincerely,

KENNTH L. ADELMAN,
FRED C. IKLE,
Distinguished Scholar, Center for Strategic & International Studies.
RONALD F. LEHMAN,
Center for Global Security Research, Lawrence Livermore Laboratory.

JOHN D. HOLUM,
Annapolis, MD, April 11, 2001.

Hon. JESSE HELMS, *Chairman,*
Hon. JOE BIDEN, *Ranking Minority Member,*
Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATORS HELMS AND BIDEN: I know that the Committee is considering President Bush's nomination of John R. Bolton to be Under Secretary of State for Arms Control and International Security, the position I held during the latter days of the Clinton Administration. I congratulate you for having conducted timely hearings on his nomination. I hope the Committee will also move expeditiously to a vote, and not allow the confirmation to be delayed over matters unrelated to Mr. Bolton's fitness for office and qualifications for this assignment.

No doubt Mr. Bolton and I will find many areas of substantive disagreement. However, the most relevant point bearing on his confirmation is that he has the confidence of the President of the United States and the Secretary of State. Moreover, he has been nominated for a position with vital responsibilities bearing on our national security, including advancing our efforts against the spread of weapons of mass destruction, leadership in formulating and articulating U.S. arms control policy, assessing compliance with arms control agreements, and overseeing security assistance and munitions exports controls. He also faces the task of fulfilling the potential of our reorganization of the Arms Control and Disarmament Agency into the Department of State, and keeping arms control and nonproliferation central to the Department's mission.

So long as the Under Secretary position is not filled, the Department's capacity in these areas will be diminished, and the Administration's ability to advance U.S. interests in the world, including in the vast majority of matters on which we can all agree, will be lessened. Therefore, I strongly encourage the Committee and the full Senate to act without delay on John Bolton's nomination.

With thanks for your consideration, I am,

Sincerely,

JOHN HOLUM.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Bolton nomination.

Mr. HELMS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time has expired. The question is, Will the Senate advise and consent to the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—57

Allard
Allen
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lieberman
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The nomination was confirmed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out to the leadership and to the Members, this vote took 35 minutes. Many of us have hearings on the budget. We have nominees for various Secretary positions waiting. I think it is unreasonable to have a 35-minute vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May we have order.

Mr. KENNEDY. Mr. President, may we have order. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senators.

The PRESIDING OFFICER. The Senate will be in order. If Members have conversations, please take them off the floor.

Mr. BYRD. Mr. President, a unanimous consent request is before the Senate to limit each of the next two votes to 10 minutes each.

Mr. THOMAS. Yes.

Mr. BYRD. Mr. President, with all due respect to the Senator who propounds this request, every Senator knows nobody is going to pay any attention whatsoever to that request if it is granted—nobody. I have seen this happen too many times. I would love to see some 10-minute rollcall votes here, but it is a joke. It is a joke to agree to 10-minute votes, and then forget about them, and go on and have 20 minutes, or 25 minutes, or 37 minutes, as was the case in the previous vote.

Now, I am not going to object in this case. Perhaps it will work this time. I hope it will. But I am going to pay close attention. I remove my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to Legislative Session.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Craig amendment No. 372 (to amendment No. 358), to tie funding under the Elementary and Secondary Education Act of 1965 to improved student performance.

Kennedy modified amendment No. 375 (to amendment No. 358), to express the sense of the Senate regarding, and to authorize appropriations for title II, part A, of the Elementary and Secondary Education Act of 1965, with respect to the development of high-qualified teachers.

Kennedy (for Murray) amendment No. 378 (to amendment No. 358), to provide for class size reduction programs.

Kennedy (for Mikulski/Kennedy) amendment No. 379 (to amendment No. 358), to provide for the establishment of community technology centers.

Allen/Warner amendment No. 380 (to amendment No. 358), to provide for a sense of the Senate regarding education opportunity tax relief to enable the purchase of technology and tutorial services for K-12 education purposes.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

AMENDMENT NO. 372

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Craig amendment.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I assume we are now proceeding on the Craig amendment, with 1 minute for each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. Mr. President, I encourage my colleagues to support the amendment I have put before the Chamber. It does not cut a program. It does not even take out the cost of living or an annualized increase based on that. What it says is that the Federal Government and the Department of Education and educational programs will no longer reward mediocrity.

In title I, over the last 30 years, we have put in $120 billion and poor kids are still lower in achievement than middle-income kids who are outside the program. It failed. In this education bill before us, we are trying to change that.

All I am saying is, if you do not measure up, and if the States do not improve the environment in which kids are learning—in other words, if kids do not improve—and it is measured by the tests and the standards within this bill—then no more Federal money goes out. In other words, we will not continue to fund mediocrity. We will set a standard and a precedence where improvement in our young people means we will reward that improvement with the use of the Federal tax dollars.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the Craig amendment will be defeated. This is really putting the cart before the horse. If you adopt the Craig amendment, you are effectively saying there will not be any funding at all for the development of quality testing and accountability systems.

President Bush has proposed a threefold increase in three times the amount of reading funding. That will not be available for children if the Craig amendment is adopted. Effectively, this amendment undermines what President Bush has stated are his goals in terms of trying to get increased accountability, better testing, and increased support for education. That will all be prohibited under the Craig amendment.

What we are trying to do is match resources to responsibility. That is the change in this whole bill. We are matching those two concepts. And that makes sense. But under the Craig amendment, you will be denying the President's program in increased reading and the President's program in terms of accountability. It puts the cart before the horse and makes no sense. I hope it will be defeated.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I support what the distinguished Senator is trying to accomplish. I think it is about time we let the States know they are going to have to do better; that they are going to have to measure up. I cannot, however, coming from a poor State, summarily cut this off. When I use the word "summarily," I realize we have had 35, 36 years in which to accomplish these things. But I do think they ought to be warned ahead of time.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. This Senator's amendment would not cut any program. It would allow continued funding at that level. It does not reward by allowing the increases in the spending. That is what is important. The Senator from Massachusetts mentioned that nothing would go forward. He is wrong. Everything goes forward, and the measurements are in place.

What we are saying is, we are strong and definitive in saying that if you do not improve, you do not get the additional money.

Mr. BYRD. Mr. President, at some future time, I may support what this amendment is trying to accomplish. I think that we should have more accountability by the states. I also believe that we may need to reevaluate how Title I funds are used in the states. That being said, I do not think that this amendment is the proper way to tie funding to achievement. I represent a low-income state where Title I funds make up $76.5 million of the money spent on education. By threatening to freeze funding until the schools improve, I fear we may be taking away the very tools necessary to achieve the improvement that we all seek both in our schools and our students. I like what the Senator is saying, but I am going to vote against his amendment at this time. Basically, I have not heard enough of this debate. And this is one thing that is wrong. Let me underline that. This is one thing that is wrong with the stacking of the amendments.

I have already stated my opposition to the stacking of the amendments.

Sometimes there is justification for stacking votes, and sometimes I will not object to it. But in the future, I am going to object more than I have in the past. It is demeaning to the Senator who offers the amendment. It is demeaning to the amendment itself to be limited to 2 minutes before we vote on it. And it is demeaning to the Senate.

When it comes to stacking votes so as to allow Senators to be away on a Monday or be away on Fridays, I am going to be hard to get along with in that regard. I hope that what I am saying will let every Senator know that in the future I will frequently object to the stacking of votes. This is a bad way to legislate.

This particular amendment ought to have more debate than it is getting. It may have had some debate—I don't know—on Friday. I am not sure. I had to take my wife on Friday to a pulmonary expert. I couldn't be here. But other Senators weren't here either. It is demeaning to come out here and offer an amendment on Friday with a shirttailful of Senators present, maybe two, maybe three, and few press people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair. I will have to vote against the Senator's amendment today, but I compliment him for trying to do something. Let's do it later.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 372. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 27, nays 73, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—27

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Craig
Crapo
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Inhofe
Kyl
Nickles
Santorum
Shelby
Smith (NH)
Thomas
Thompson
Thurmond

NAYS—73

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Hagel
Harkin
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 372) was rejected.

Mr. BYRD. Mr. President, how many minutes were required for that rollcall?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mr. BYRD. Sixteen and a half minutes on a 10-minute rollcall. We are doing better.

AMENDMENT NO. 375, AS MODIFIED

The PRESIDING OFFICER. On this amendment there are 2 minutes equally divided. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the very important features of this legislation is upgrading the skills of unqualified teachers who are teaching poor children and also making sure that new recruits are going to be qualified teachers.

This legislation guarantees schools that have 50 percent poor children will have a qualified teacher in every classroom in 4 years.

This amendment says that we should fully fund the $3 billion which is in the authorization to make sure all the teachers who are going to be teaching poor children are qualified. It says we ought to add $500 million each additional year, so that in the last year there will be a total of $6 billion a year in funding, necessary to provide continued professional development to every techer, every year in a high poverty classroom.

There are 1,500,000 teachers who teach poor children; 750,000 are unqualified today. This amendment will ensure that we continually upgrade the skills of every one of them.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. JEFFORDS. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 375, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—69

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Allard
Bennett
Bond
Brownback
Bunning
Burns
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gramm
Gregg
Hagel
Helms
Inhofe
Kyl
Lott
Lugar
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich

The amendment (No. 375), as modified, was agreed to.

AMENDMENT NO. 380

Mr. JEFFORDS. Mr. President, I ask for the regular order on this pending Allen amendment No. 380.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BYRD. Mr. President, I want the Senate to know that I voted twice on the previous vote. I was standing here by Mr. KENNEDY when I raised my hand, which I usually do. I was not behind my desk, as I usually am.

I am not complaining about anything. I am not criticizing anybody. I just want the Senate to know that I voted. Normally, I do not hold up the Senate.

I thank the Senate. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the pending amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank all of our Members for their presence and for their cooperation.

We now have the Senator from Washington on an extremely important amendment. We hope the Senate will give careful attention to this amendment. This is one of the most important amendments we will have to this legislation. I am enormously grateful to the Senator from Washington for her leadership on smaller class size. I am sure she was reassured again today when we read the front page of the Washington Post and saw what was happening in Prince George's County. The test scores show the best gains.

When the local Superintendent of schools was asked about the factors that were most important in making progress, she quickly indicated that smaller class size in the early grades was one of the most important aspects leading to the children's progress.

Mr. President, I ask unanimous consent that the full Washington Post article be printed in the RECORD after Senator MURRAY's remarks.

Senator WARNER spoke to me and would like to join me in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 378

Mrs. MURRAY. Mr. President, I call up amendment No. 378.

The PRESIDING OFFICER. The amendment is now the regular order.

Mrs. MURRAY. Mr. President, I thank Senator KENNEDY for his work on class size, too. I saw the article in the Washington Post today. It shows that the debate we are about to have on the class size amendment is extremely critical. We know it makes a difference in our children's classrooms. We have had tremendous progress.

I hope that our colleagues will listen carefully to the debate as we bring it forward because it is an important part of education. It is what parents are looking for. It is what we are demanding of our students—achievement.

I appreciate the words of the Senator from Massachusetts, and I look forward to the debate we are about to have.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: Senators BAUCUS, BIDEN, BINGAMAN, CLINTON, CORZINE, DODD, FEINGOLD, HARKIN, KENNEDY, REED of Rhode Island, and WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered,

Mrs. MURRAY. Mr. President, right now in classrooms across our country students are gathering. Right now teachers are beginning his or her lesson, and those students in that classroom probably do not know the specifics of the debate that we are about to have. They probably are not familiar with the amendment I am about to offer. But I will promise you one thing. Those students will realize the impact of how the Senate votes on this class size amendment.

Today, I am offering an amendment to continue the progress we have made over the last 3 years in making classrooms across the country less crowded and more productive. My amendment will ensure that we keep our commitment to help local school districts hire 100,000 new teachers so that students can get the time and the attention they need and deserve in our classrooms.

We know that smaller classes help kids learn the basics with fewer discipline problems.

Just this year we also learned that smaller classes resulted in better scores on standardized tests and a higher likelihood of taking college entrance exams and a lower teen pregnancy rate.

As managers of the taxpayer dollars, we should invest in ideas that work. We know that smaller classes help our students learn.

Unfortunately, the underlying bill combines funding for class size reduction and teacher quality into one pool. As a result, local school districts would have to choose, under this bill, between providing smaller classes or funding teacher quality. They shouldn't have to choose one or the other. We should fund both. It has always been important to invest in the things that work in the classroom. This year it is even more important as I look at the rest of the underlying bill.

Since President Bush plans to punish schools that do not improve, we have to make sure that schools have the proven tools they need, such as smaller classes, to help our children learn.

Before I continue, I want to share a personal reflection about what we are doing on education this month. As we update the Elementary and Secondary Education Act, we are creating a blueprint of how we are going to support excellence in schools across the country.

As a parent and as a former educator, I cannot imagine smaller classes not being a part of that blueprint. It just does not make sense. Right now, this bill leaves behind targeted funding for smaller classes. My amendment corrects that failure and tells students, teachers, and parents across the country that we know they are concerned about overcrowded classrooms, we know they want help in hiring new teachers, and we are going to honor our responsibility to pay for them.

I want to talk this morning about the difference that smaller classes can make according to research and according to parents and teachers. We know that too many classes are overcrowded with growing enrollment and limited space. Too many students are trying to learn in classrooms that are packed to capacity, where they have to fight just to get a teacher's attention. And too many teachers are spending time on crowd control instead of spending time on curriculum.

Over the years, major studies have found that smaller classes boost student achievement. The STAR study found that students in small classes—those with 13 to 17 students—significantly outperform other students in math and reading. It also found that students in small classes have better high school graduation rates, higher grade point averages, and they are more inclined to pursue higher education. Certainly those are goals. Every one of us in the Senate Chamber has stated that we want that for our children in our school systems in this country.

Another critical study, the Wisconsin SAGE study, consistently proved that smaller classes result in significantly greater student achievement.

Just two months ago, in March, we got more good news. Dr. Alan Krueger of Princeton University found there are long-term social benefits of being in a smaller classroom, including better scores on standardized tests, a higher propensity to take college entrance exams, a lower teen pregnancy rate, and possibly a lower crime rate for teens.

Those are the types of benefits we want for every one of our students. But you do not need research to know that smaller classes help. Just talk to parents or teachers or talk to the students themselves.

I have been in classrooms where this funding has reduced overcrowding. It makes a difference. I recently received an e-mail from Kristi Rennebohm Franz. Kristi teaches at Sunnyside Elementary School. I also should mention that Kristi is one of our best educators. She received a Milken National Teacher's Award. She received the Presidential Award for Excellence in Teaching Elementary Science, and the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education. Those are some of Kristi's credentials.

Mr. President, I ask unanimous consent that her entire letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. MURRAY. Mr. President, 10 years ago, when Kristi started as a teacher, she promised herself that she would take time each day to listen to her students and to understand their needs. Kristi writes to me now:

> It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child. . . .

She continues:

> . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go.

She says:

> I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children.

Mr. President, let's show Kristi and thousands of hard-working teachers that we do support them and want them to be able to do their best in uncrowded classrooms.

I have talked about the research, and I have shared a teacher's perspective, but I have one more example of the importance of small class sizes. It comes from the Houston Independent School District where our Education Secretary, Rod Paige, served as their superintendent.

I show my colleagues this chart. It is actually from a presentation by the former Chief of Staff for Educational Services in the Houston district, Susan Sclafani. By the way, she currently serves as Counselor to Secretary Paige at the Education Department.

Part of her presentation that I am showing on this chart shows how Houston helped turn around low-performing schools. I know we are basing a lot of this education bill on what happened in Houston at the directive of the President and Dr. Paige. They talk about test scores, but they also are very clear about what made a difference in making sure those test scores turned around and that those schools improved.

On the chart, you can see that among the seven things they have done in the Houston school district was to make classrooms less crowded. They made making classrooms less crowded one of the seven things to be done to improve education. They know it works.

In fact, Houston hired 177 new teachers through the Class Size Reduction Program that we funded at the Federal level. Houston also used the funding to provide professional development for more than 600 teachers. That is the type of support we want all communities to have.

We know that making classes smaller works. The research shows it. Parents know it. Teachers know it. Even Secretary Paige used smaller classes to make improvements in the Houston school district. There was not a miracle in Houston. There was hard work. And there was investment in what works. Class size reduction was one of those investments.

We should invest in the things that we know work in the classroom. Parents want to know that their Federal education dollars are making a difference for students.

I served on a local school board. I can tell you that hiring new teachers is difficult because you have to commit today for a new teacher when you don't know what is going to happen 3 months down the road.

That is one of the reasons why many school districts have had a hard time hiring new teachers on their own. Fortunately, they are not all on their own. Local educators have partners at the State and Federal level who are working together to help all students succeed.

That is why in 1998, Congress began the Class Size Reduction Initiative. This program sends Federal dollars to school districts across the country so they can hire new, fully qualified teachers in grades K–3.

And let me remind my colleagues that this is a voluntary program. No school is forced to use this money. If a district wants help hiring teachers to make classrooms less crowded, they simply apply. And there is very little paperwork or administration. In fact, in my own State of Washington you can apply for this class size reduction money over the Internet on a simple, one-page form.

Many educators have told me that they have never seen dollars get so quickly from Congress to the classroom. Local schools, under this, make all the decisions about who to hire based on their unique needs. The money is also flexible. If schools have already reduced classroom overcrowding, they can use the money for teacher recruitment or for professional development. Finally, and critically, these dollars are targeted to disadvantaged students—who can make the most progress when they are in a productive classroom.

This program has been a success story for the Congress. Since 1998, we have helped school districts across the country hire 34,000 new teachers. Over the past 3 years, we have made classrooms less crowded in K–3 and more productive for almost 2 million students. It is a program that works, and we should not abandon it now. This underlying bill does not ensure that this overcrowding will be reduced because it eliminates the targeted funding for class size reduction.

Some say that we should combine funding for teacher quality and class size reduction and just let folks choose. Unfortunately, that is a false choice, and our kids will pay the price. This bill—the underlying bill—pits effective programs against each other and makes educators choose. In the end, our kids will lose if they can't have both smaller classes and qualified teachers. We should be the ones making sure that happens.

Let me repeat that. Smaller classes and qualified teachers go hand in hand. Educators should not have to choose between either making classes smaller or improving teacher quality. They need both. We should fund both. That is what this amendment would ensure.

Finally, I remind my colleagues that there are real consequences to not providing dedicated class size funding. Without my amendment, this bill could put schools in an unwinnable situation with very high stakes. The underlying bill will punish schools that do not improve. At the same time, it takes away the very tools they need to improve, and that is just wrong.

On the one hand, we are telling students to meet high standards, and on the other hand this bill takes away the support they need to get there. We can do better than that. If we want our students to succeed and we are going to punish those who don't, now is the time to increase our investment in smaller class sizes. That is what this amendment does.

This week we are talking about many different education issues from accountability to testing to funding. Right now there is only one question being asked by each of us as Senators: Do you favor targeted funding to make classrooms less crowded or will you take that targeted funding away from your schools? How you vote on this amendment will affect millions of students who are trying to get a good education.

I urge our colleagues to support this amendment by voting yes.

EXHIBIT 1

[From the Washington Post, May 8, 2001]

PRINCE GEORGE'S TEST SCORES SHOW BEST GAINS EVER

34% OF COUNTY SCHOOLS MEET U.S. BENCHMARK

(By Tracey A. Reeyes)

Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to results released yesterday.

Prince George's has often been criticized for its abysmal test scores and spotty leadership, but its gains on the Comprehensive Test of Basic Skills are the first significant academic increases the county has registered since Iris T. Metts took over as superintendent in 1999.

According to the results, 34 percent of county schools had median test scores at or above the national average this school year, compared with 21 percent last year.

Of the schools tested, 82, or 63 percent, registered significant gains. Results also show a slight narrowing of the achievement gap between black and white students and between Hispanic and white students, an added boon for school officials who have been struggling for years to close the gap.

The improved scores brought a huge sigh of relief for Metts, who acknowledged yesterday that she felt vindicated by the results and empowered to continue her changes.

Metts said she hoped that county and state leaders would see the test scores as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

"We're not just achieving," an elated Metts said at a celebratory news conference announcing the test results. "We're achieving miraculously."

The mood was indeed upbeat as school officials asembled in Upper Marlboro to learn more about the results and to coax each other on in the effort to improve the school system's rank as the second-worst in the state, behind Baltimore. In the hallways, school system employees flashed wide grins as they toasted the gains with punch. Teachers and their staffs, who had been summoned to county school headquarters for the news conference could hardly contain their applause.

Principals hugged their teachers. High-fives were everywhere

"This didn't happen by chance," said Leroy Tompkins, head of instruction for county schools. "We achieved this by focusing on what we needed to do, and it's paid off."

School Board Chairman Kenneth E. Johnson (Mitchellville), who with the rest of the board has been accused of not putting the needs of students first, praised the superintendent for the results and said the board never doubted her ability.

"The board always thought she could bring the system along," Johnson said. "All we need to do now is stay the course."

Even Maryland Schools Superintendent Nancy S. Grasmick said she was encouraged by the results, though she hesitated to classify the scores an all-out success. She is eager to see the results of Maryland School Performance Assessment Program exams, which students are taking this month.

"I expect to see improvements there, too," Grasmick said. "But all of these results will have to be sustained over a two-year period for us to really know what's happening here."

Maryland requires all public school second-, fourth-, and sixth-graders to take the basic skills exam, which tests ability in math, reading and language arts.

Prince George's is the first Maryland county to release its results, in part because it is using the scores to determine whom to recommend for a new summer program established to bring along struggling students.

Other school systems are expected to release their test scores in coming weeks.

The test is given annually to gauge trends in ability among students. Unlike the MSPAP, which generally measures how well schools are teaching children, the Comprehensive Test of Basic Skills is viewed as more useful to parents because it looks at how students did individually.

The basic skills test is also considered useful to teachers because it lets them know what areas to concentrate on and which students need more help.

Until this year, Prince George's scores have been low, flat and far from the national norm. School officials attributed the gains to the reforms that Metts has demanded.

For example, she has required all schools to give students in the early grades 120 minutes of uninterrupted reading time and 90 minutes of math a day. She has also reduced class sizes in the lower grades, and efforts are underway to remove disruptive students from classrooms. Metts and principals have also put more emphasis on training teachers.

Systemwide, Prince George's scores increased at each of the three grade levels and in every content area in the March test. For example, the rate of students scoring above the national average in reading rose from 24 percent last year to 36 percent. In math, it more than doubled, from 16.7 percent to 42.4 percent.

EXHIBIT 2

APRIL 30, 2001.

DEAR SENATOR MURRAY: As the U.S. Congress has its focus on educational programs, I want to take time to thank you for your tireless efforts on behalf of quality education funding for our public schools! As a primary classroom teacher in Washington State, I know first hand the challenges we face in making sure no child is left behind. While the challenges are tremendous, it is a challenge which public school teachers take on day after day, unwilling to give up and unwilling to do anything less that the very best we can and know how to do in each moment we have in the classroom. When I interviewed for my current teaching position ten years ago, one of the comments I made about my goals as a teacher was that it was very, very important that I hear each child's voice at school each day so that each child would know he/she: (1) had multiple opportunities to be listened to and heard; (2) had the opportunity to tell me what he/she understood and what he/she needed help with; and (3) had multiple opportunities to know he/she was greatly valued as a learner and person. That is a promise that needs to be reality in order for no child to be left behind. It is a promise that can only come true if we have small enough classes with enough qualified teachers in place to meet the individual learning needs of each child and to mentor children in meeting the expectations we share for them as teachers, parents, community, state, and country.

Each school day, I try to live to that promise . . . and as I come to the end of each day, I know I have come up short . . . because of the sheer numbers of children in our classroom, it is not humanly possible to have the educational conversations I need and want to have with each child to best assess their understandings, struggles, challenges, and progress that can inform where the next day's learning needs to go. In order to best and most effectively and efficiently teach primary children, I need time each day to interact with them as individuals, in small groups and as a cohesive whole class without distractions and interruptions. I need time to build the math, literacy, science and social studies concepts, problem solving and critical thinking skills they need for today's complex and ever dynamically changing world. When I have a large class of primary children with very diverse academic, social and emotional needs and with no additional adult in the classroom to assist children, the importantly needed and valued time to work on learning with children individually and even in small groups or as a cohesive whole class can be lost.

Presently, every classroom teacher in my building is well qualified for his/her assignment and has special outstanding abilities. But we can not do the job we know how to do and keep learning new and better ways to teach in response to changing needs and in today's schools, when: (1) the numbers of students in each class makes it impossible to meet the challenges each student faces; (2) the number of adults needed to help provide education is too low; and (3) the energy toll of the teaching day (which requires planning, preparation, reflection, collaboration with colleagues and parents far beyond the time our 8:00 to 3:30 contract time) leaves teachers unable to engage in much needed professional development beyond the needs of the daily classroom instruction. We hear people say that throwing money at the challenges in education won't help, but I don't know how we can provide the number of qualified teachers needed to provide the best education possible for each child without funding those positions, without providing the funding for teaching materials and for safe, healthy learning environments that are needed, and without funding support for teachers to keep learning and growing professionally!

During this school year, I received a Milken National Teacher's Award as well as the Presidential Award for Excellence in Teaching Elementary Science, the Peace Corps World Wise Schools Paul D. Coverdell Award for Excellence in Education (which was presented at the U.S. Senate building with comments from Sen. Edward Kennedy and Sen. Christopher Dodd), a national Blue Ribbon Classroom Website Award, and just recently a grant for funding a co-teacher in our classroom for the remaining weeks of the school year to sustain and document our innovative primary curricular program where children are developing the literacy, science, social studies and math skills they need to meet state learning goals through local to global collaborative telecommunications service learning projects. I am continually learning how to teach. I often work 12 hours per school day developing and sustaining our curricular program as well as usually a full weekend day. I often spend recess time with children as well as after school time building team support for a child and communicating with parents. I spend summers reviewing the past school year and preparing for the next. I spend time taking the course work I need to improve my teaching skills and keep my certification updated. That is what it takes to even come close to a goal of leaving no child behind. Yet, even with developing a classroom which is being recognized as outstanding, I feel that I come up short at the end of each day in providing each of the children in my class the full measure of what they need, deserve, and are capable of doing. If only we had been able to have two teachers for this many children all school year, the sky would not even be the limit for what these children could be accomplishing!!! There is no substitute for educational success for all children than critically needed time with an adult to teach them and enable them to soar! And I don't know anyway to insure that those adults are in place each day with needed qualifications without funding!!! There is no substitute for having the funds to prepare qualified teachers and have them in classrooms in great enough numbers so we can do the job of teaching that is needed for today's schools.

Almost every public school class today faces challenges of helping children with behavior. Some days, the biggest challenge comes down to making sure each child is safe from harmful physical and verbal hurt by other peers. Large class sizes greatly, exponentially exacerbate these challenges of classroom management to the point of taking away from valuable teaching and learning time. Additionally problems are compounded by not having enough school personnel to assist children facing emotional behavior needs often caused by circumstances not of their fault. Primary grades are the school years with the first opportunities for helpful interventions for children and their families on issues of academic successes and for meeting the emotional needs that affect that success. We know what to do to help. We know how to design learning programs to help children succeed but we simply can't do it unless we have the people we need to implement those programs. I can't tell you how frustrating it is to know how to teach and not be able to do the very best teaching every moment because it is difficult with too large a class and without enough teachers on board as a team to meet the learning needs of the children. People will say to me, "You are trying to do too much, Kristi, . . . your expectations for what we can do in school are too high" . . . but, to me, lowering the expectations of what's possible means some children will be left behind and I'm not willing to accept that option. How can we ever possibly be doing too much until we know every child is succeeding to the best of his/her abilities? And wouldn't it be wonderful to be at that place where we say, we have enough of what we need to meet the challenges of educating our children and we are indeed leaving no child behind? I dream of someday hearing that conversation nationally . . . and, until that conversation is truly there, we must do all we can and more just to insure we meet our educational vision and goals for all the children in our country!!!

And how can we assess if children are meeting those educational goals and we as teachers are meeting our teaching vision . . .

We can administer standardized test to a whole class to measure how students are doing according to a norm and against the skills a particular test identifies as priorities. But, those measurements provide only one form of reference on student learning and, depending on the integrity and quality of a standardized assessment, the test data may or may not be an accurate assessment of what students understand. I can't tell you how many times, in working with primary children, I have seen a child's standardized test results communicate an assessment profile that does not provide the full measure of what I have seen that child demonstrate in the classroom learning environment lessons. Performance on an isolated skill assessment with primary children simply cannot document the whole of who they are as learners.

Primary children are growing along a developmental continuum where many of the skills and understandings that we need to see in place in these years as indicators of ongoing successful learning are best demonstrated within the context of active learning with the teacher rather than being only demonstrated in individual performance by themselves. Rather than just being able to demonstrate mastery of individual, isolated skill tasks that are assessed in a standardized test without support of a teacher and outside the context of lesson learning . . . many, many of the skills and understandings that we need to have in place in the primary years for ongoing school success are in the category of: Being able to engage in lessons with the teacher; being able to learn when being taught during a lesson; being able to actively think and talk within a teachable moment; and being able to generate a product or comment when asked to contribute and work with the teacher and peers on ideas and work directly with curricular learning materials . . .

While I am successfully using the standardized tests that are required in our district and state to provide data on student progress, if I were to rely only on those standardized skills assessments to measure the success of our children in our public schools, I would miss important documentation of learning that is taking place but simply is best revealed in the interactive teaching and learning between the student with his/her teacher and peers. A standardized test, while providing specifically focused insights on a child's progress, is just a moment of time in a child's school learning. This is especially true when assessing primary children. Sometimes, a standardized assessment presents a profile of student learning that shows a child not succeeding when in actuality, he/she has been demonstrating some successes. I have seen a standardized assessment provide data that looks like the child and the teaching is failing when in actuality neither is true. Often, the observation of a child's behaviors when responding to the challenges of an individual standardized test tell me as much about that child's learning strategies and performance as the actual numerical score that child receives. I often make documentation notes on a child's behavior during the process of administering a standardized test. This takes time for individual observations and writing on my part while also devoting energy and focus on the rest of the class . . . which is no easy task but an important one to fully understand and interpret the results of a standardized score.

Many of the standardized assessments we are required to do with our primary students require extended, individual, uninterrupted time with each student. After we give the initial instructions, we must time and record their performance. This is especially true of reading assessments as those are done while listening to, recording, timing and notating each child's reading aloud performance (while also keeping track of the rest of the class). Often these assessments can take ten to fifteen minutes per child to implement and additional time to score. While the information from these assessments can be very valuable, you can well imagine the time involved in a school day to do this accurately and reliably with each child when you have a large class of primary children without any other adult assistance in the classroom. In order to do the best possible job on all assessments of student progress, we need to have smaller class sizes.

Often, the best insights I have had on children's learning progress have emerged in the process of having a cohesive whole class, small group or individual conversation about important basic skills and concepts we have been working on together and sometimes it comes from listening in on conversations a child is having with a peer as they work on their learning with one another. Those avenues of assessment tell us so much about the successes in children's learning as well as direction for ongoing learning. Those conversations will not happen unless we have small enough classes with enough teachers to hear the voices of what children are learning each school day.

Sincerely,

KRISTI RENNEBOHM FRANZ.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in opposition to the Murray amendment and to put a little different focus on the debate.

The issue, as I see it, on this amendment is not classroom reduction. The issue is not the virtue of having smaller classrooms. The issue is not whether that is valuable or whether that is desirable. Most would say, of course, a smaller class is better than a bigger class. The issue is whether or not those choices and those decisions ought to be made at the local level.

The Senator from Washington, who is always very passionate on this issue, used Houston as an example. I will use Houston as an example. Yes, classroom reduction was part of the program. It was part of seven points, a package of seven reforms they emphasized as local reform that helped turn around the Houston school district. I emphasize that classroom reduction was only one part of the whole package. The decisions were made locally, and in addition to class size reduction you also had tutors, planning assistance, and staff development. Those decisions were made locally.

The issue is not, do we want smaller classes? Of course, we do. The issue is, do we want to continue the Washington-knows-best, top-down approach to education, when the whole thrust of this bill is to move the other direction?

The thrust of this legislation, supported on both sides of the aisle, negotiated by leaders on both sides of the aisle, is that the plethora of Federal programs has not been a productive approach and that we should consolidate those Federal streams of funding. And now along comes an amendment that says: Let's go back to the old way. Let's go back in the old direction. Instead of consolidation, let's pull this out and let's have this program prescriptive from the Federal level where we know best, where we are going to tell local educators what they should do.

The Senator from Washington said they should not be forced to choose and that we should fund both. In fact, in this legislation we do fund both. The Teacher Quality Program is authorized at $3 billion, which is an increase over at what the programs are currently funded.

So many people argue that when we create larger, more flexible grants, we are trying to decrease funding for these programs. That is just not true. The Professional Development Program received $485 million last year, and the Class Size Reduction Program received $1.6 billion. If my addition is correct, that is $2.05 billion in these two programs. We consolidate them. We combine them and increase the funding to $3 billion.

Furthermore, the Kennedy amendment, which just passed and which I supported, reaffirmed not only the $3 billion number but then increases $1/2 billion a year each year. So it is not a matter of only giving limited resources and you must choose: Do you want class size reduction or do you want professional development? We are saying: Here is both, but you decide your priorities locally. Here is the funding for both, an increase by 30 percent over what the previous administration put into class size reduction and professional development. The President and this Congress have increased that authorized level by 30 percent to $3 billion, ensuring an additional $½ billion each year in the future.

We said: Let the local schools, let the States decide the priority. It is not always going to be class size reduction as the highest priority. Sometimes it will be professional development. Sometimes it will be mentoring. Sometimes it will be merit pay. Sometimes it will be tenure reform. Many times it will be class size reduction. We ensure they will always have the option of spending that money as they see best.

The issue is not do you want class size reduction. The issue is, do you want real local control? Do you really want them to have the choice or do you think we know best?

There has been a growing consensus that what we have done for the last 35 years, with Washington creating more programs and making more prescriptions, has not been the right approach. There has been a growing consensus on both sides of the aisle that we need to consolidate. This is a move in the wrong direction, the opposite direction, to pull this out and say: In this area, we know best; you must do class size reduction if you want these funds.

Studies by Eric Hanushek, a professor at the University of Rochester, show that teacher quality is the most important factor in a child's instruction. So while class size is very important, even more important than class size is the quality of the teacher in that classroom.

Oftentimes professional development is going to be even more valuable than ensuring there are fewer children in the classroom, and we should not make the determination of what is needed locally. This new flexible grant, the Teacher Quality Program, allows States and school districts to continue class size reduction if they choose. They are not mandated to do so.

The National Commission on Teaching & America's Future found that class size reduction has the least impact on increasing student achievement and that teacher education and teacher quality had the most impact on increasing achievement.

One other point: For rural States such as Arkansas, we have many school districts, many times very small school districts. This kind of Federal program simply doesn't work. If you calculate what local schools in Arkansas get, it is about a third of a teacher per school district. For many small school districts, this kind of a program just doesn't work. It is far better to put additional funding in a program with greater flexibility so local school districts will have enough resources so they can actually make a difference.

While I agree many school districts and many States are going to put as priority No. 1 cutting the size of classes, in some areas that is not going to be priority No. 1. We should not make that decision for them and say: The only way you can access these funds is if you spend it in this way.

I reluctantly oppose the Murray amendment. We are putting considerable new resources, a 30-percent increase, into this Teacher Quality Program, and that will ensure that schools are going to be able to make the right kind of choice and the right kind of investment to get the best return in academic achievement. The Teacher Quality Program in this bill recognizes that mandates from Washington aren't the way to improve teacher quality. This legislation gives more flexibility to States and school districts but holds them accountable for teacher quality and, most importantly, student achievement.

I underscore again that this amendment is counter to the entire thrust of this education reform legislation. We should not make the mistake of returning to the past and reducing again the very important flexibility and decisionmaking authority that should reside at the local level.

So while I know this amendment is well intended, it is really counter to the kind of reform that will result in greater student achievement and improved education across this country, and I hope my colleagues will join me in opposing the Murray amendment and staying consistent with a desire to consolidate and provide greater flexibility, with meaningful accountability, and thus keep our focus upon the children and their educational future.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with a number of the points made by my friend from Arkansas. Clearly, what we are attempting to do is to put the emphasis on what works and to provide to our children the opportunity to have the best possible education.

I have been very privileged over the last 20 years to know quite a bit about education in Arkansas, which my good friend has the privilege of representing, and now I know a lot about education in New York. I have no doubt that my friend, were he still here, would agree with me that our goals are the same for the children in both States. We want to provide the best possible educational opportunities, but we face very different challenges.

What I saw and worked on for many years in improving education in Arkansas, which was one of the great honors of my life, is very different from what I now see day in and day out in New York City, where we have more than a million children in our school system.

I agree with my friend that what we are crafting is an approach that will give to local school districts, parents, and teachers the tools to make the right decisions for the children whose futures they hold in their hands. That is why I wish my friend were still here—and I will seek him out later to talk with him privately about this.

That is why I am such a strong supporter of Senator MURRAY's amendment because what Senator MURRAY has done is point out very clearly that one size does not fit all; that what we need to do is provide the tools that will enable each school district in each State to deal with the problems they face.

So I want to be part of passing legislation, in a bipartisan way, that will be the best for Arkansas, the best for Washington, the best for Vermont, and the best for New York because we will have honestly looked at all the different tools we need to provide our local educational authorities with in order that they can do the job we are now asking them to do their very best in achieving.

So I am very proud to be a cosponsor of this amendment and to stand with my colleague in stating my commitment to supporting the Class Size Reduction Initiative, both because it is voluntary and provides additional funding to schools that are in desperate need of such funding and, maybe most important, because we know it works.

I went back and reread President Bush's blueprint for education called "No Child Left Behind." In it, he expresses dismay that over the years Congress has developed programs without asking whether or not programs produce results or even knowing the impact on local needs. Later on, the President goes on to suggest that under his education plan, which is really the core of what we are debating in this education debate, he will focus on what works and ensure that Federal dollars will be spent on effective, research-based programs and practices and that the funds will be targeted to improve schools and enhance teacher quality. That is certainly what the committee on which I am proud to serve, under the leadership of the Senator from Vermont, attempted to do in reporting out such a bill—to focus on what works and to target funds to improve our schools and enhance teacher quality. President Bush and I absolutely agree on this point.

I have often said that I sometimes fear Washington is an evidence-free zone where, despite whatever evidence we have, we don't follow it, we don't put it to work, and we spin our wheels too much. Well, I believe we should look at what works, what has had a positive impact in raising student achievement, what has helped at the local level give very necessary resources; there is no better example of what works than reducing class sizes so that teachers can teach and children can learn.

Allow me just a moment to review the research demonstrating that reducing class size has proven results. Teachers who teach in classes of 18 students or fewer in the early grades are helping to raise student achievement for our most educationally disadvantaged students who are attending schools in high-poverty neighborhoods, where we all know it is harder to teach.

Senator MURRAY was a teacher. She was on a school board. I don't think any of us should kid ourselves; there are some school districts and some schools where it is just hard to teach, where children come to school with all kinds of challenges and difficulties. We know, as we look at the research done, that if we focus on getting that class size down with a qualified teacher—this should not be an either/or; it should be a qualified teacher and a small enough class size—then we can have very positive results.

I particularly point to the work Senator MURRAY and I highlighted in a press conference a few weeks ago that was done at Princeton University by an economist named Dr. Alan Krueger, who tracked the performance of well over 11,000 elementary school students at 79 schools in a Tennessee pilot program known as Project STAR. This was done randomly. The results are scientifically provable. What he found, and what everyone who has studied it has found, is that smaller class sizes have a tremendously positive impact on student performance and, particularly, on African American students.

We want to be supporting both excellence and equity. That is why I support accountability. I think we should know what our children know and what they don't know. I also believe everyone in this Chamber understands that we have to do more to increase the opportunity for excellence by focusing on the students who are most likely to be left behind. To me, the fact that African American students have such positive results from lower class size is a very strong argument for us renewing this commitment.

There are other studies which have found exactly the same thing. A Rand study—and Rand usually studies issues such as the military and defense and national security—focused on cost-effectiveness of educational resources in raising scores on the NAEP, the National Assessment of Educational Progress. It is a test that is given to a randomly selected group of our students across the country. We use it to track how well we are doing as a nation.

What Rand found in looking behind these test scores was that the higher scores could be traced to investments in lower class sizes in the early grades—plus, higher prekindergarten participation, lower teacher turnover, and higher levels of teacher resources. So it is that complement of cost-effective strategies that I think we should be supporting in this legislation.

Later in the debate, I will focus on the importance of supporting early learning opportunities and trying to retain our teachers because we are losing our teachers at an alarming rate. I brought this photo of P.S. 19 in Jackson Heights, Queens, which is one of the magnets for immigration into our country. People come to Kennedy or LaGuardia Airports and they end up in Queens. I wish I could take every Member of this body to the schools I visit in Queens where bathrooms are classes, hallways are classes, and where children speak 40 to 100 different languages, where they are packed in there and where a teacher, despite her best efforts, can't possibly connect with all these children.

Yesterday, I was in a school that works in Manhattan, the New Manhattan School. It is a wonderful school. I met for a long time with the teachers, the principal, and the superintendent of the district. It is an old building, built in 1904. It is packed to the rafters. They are adding teachers into classrooms so if they do not have the additional classrooms, at least they have more qualified teachers in those classes so the children get the attention of the adult responsible for their learning.

It is important we understand there have to be opportunities for local communities to make choices. I believe having this tool is essential for providing good opportunities for choices to be made.

With the funds appropriated in 2001, it is expected the Federal Government's Class Size Reduction Initiative will bring nearly 40,000 qualified teachers into classrooms. Any one of us who goes into a large city in our country knows that if we do not have qualified teachers and we do not have low class sizes, we can test until the cows come home and we are not going to find anything other than what we already know: that children from high-poverty areas, from dysfunctional backgrounds without adequate training for academic work are not going to do well, but that a qualified teacher working with a small enough group of children, as Senator MURRAY knows so well, can make all the difference in that child's future.

When we looked at this issue in New York City, we saw the results clearly. Two years ago, the program was initiated and class sizes in New York City were 25 percent larger than statewide. With both Federal and State initiatives, we were able to reduce class size for approximately 90,000 students in the early grades, almost 30 percent of the city's K-3 population.

I want people to keep in mind, I am talking about a million children and 90,000 children. I know it is hard for some people who represent States without that many people in the State or maybe only half that many to understand we are dealing with huge numbers in a lot of the large cities. It is not just the numbers; it is the real lives behind those numbers.

When we looked at the results, after 2 years of efforts, we were very pleased because achievement went up in those classrooms where, with Federal help, we were able to add a teacher.

That does not mean the local communities do not have to continue doing their part, and it does not mean the State does not have to do its part, but we have gotten behind in what we need to do for our children. We need all hands on deck. We need everybody pulling together. Education is a local responsibility in our country, but we all know it has to be a national priority.

Let us make sure we focus on both teacher quality and lower class size. That is why this amendment, which Senator MURRAY has championed and has been successful in persuading a bipartisan group of Senators to support in the past, is a critical component of this legislation.

If we can make it possible for class sizes to remain small in the early grades, we improve the chances dramatically of producing a productive, functioning citizen who can find his or her way in this complicated society and global economy that awaits them in the 21st century.

Yesterday, when I was in this wonderful school that was filled to the brim, they took me into a bathroom that had been turned into a guidance counselor's office. They did not have any other space. We went into the gym and children were doing their physical activity which I believe in strongly. We have to keep children's bodies active as well as their minds.

There was a partitioned area in which there were more offices. They were making the best of a very difficult situation. They had just been told a school down the block, a little elementary school, had been condemned. We will get to that later in this debate, too. This school had been condemned. It is unsafe for our children and teachers.

There is a school in Mechanicsville, NY, where a piece of concrete fell on a teacher's head while teaching in the classroom.

There is a condemned school a few blocks from where I was yesterday. They are already packed. The school I visited will be taking in the children from that condemned school.

This is a critical component of the commitment to excellence and equity, accountability, and resources that the President has called for which so many in this Chamber have championed for many years. We have the money to do this. We just have to determine whether we have the will.

I call on my colleagues, and echo the very eloquent call of the Senator from Washington, that we recognize that continuing this initiative does help local communities meet the needs they see right in front of them and let us make sure we do everything possible to make every child believe he or she is important so that at the end of this debate the bill we pass truly will leave no child behind.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the amendment. The role that teachers play in the efforts to improve educational opportunities for young people is perhaps the most important next to the role of parents.

The bill before us includes significant changes related to the critical job of providing teachers the quality professional development activities they deserve. Supporting our Nation's teachers is a key element of education reform. A 1999 survey by the U.S. Department of Education, pertaining to the preparation and qualifications of public school teachers, reported that continued learning in the teaching profession is essential to "building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding." Over the last decade, States have been developing standards that are directly tied to academic achievement and performance. S. 1 builds on that movement.

Having a highly qualified teaching force is a major factor in getting students to meet and exceed the standards. While there is near total agreement that strong, capable teachers are very important to a successful educational system, we have done little to help our teachers be at the top of their profession. There are still too many educators teaching outside their field of their expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. A recent evaluation of the Eisenhower Professional Development program notes that "the need for high quality professional development that focuses on subject matter content and how students learn that content is all the more pressing in light of the many teachers who teach outside their areas of specialization."

Title II of this bill addresses these serious professional development deficiencies. S. 1 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on teacher quality. The bill provides flexibility to school districts to address the specific needs of individual schools through activities such as recruitment and hiring initiatives; teacher mentoring; retention; and other long-term professional development efforts. S. 1 prohibits Federal dollars from being used for "one-shot" workshops that have been criticized for being relatively ineffective because they are usually short term and lack continuity. In addition, these one-day workshops are often isolated from classrooms and schools which serve as the professional development laboratories.

S. 1 authorizes a major investment of funds, $3 billion, which will be used by school districts to improve the quality of teaching in the classroom. The funding level of the teacher quality section of this bill represents the combining of funds and authorities from the current Eisenhower program and the class size reduction program. The purpose of combining the funding streams is to give school districts the flexibility they need to make the investments that will lead to having a highly qualified teacher in every classroom—ether by using the funds to hire teachers or providing first rate professional development or both. This bill clearly states that Federal funds must be used for activities that will improve teaching and learning in the classroom, including the hiring of highly qualified teachers if that hiring will improve student performance. The decision as to how the Federal funds will be used will be made by the local school district.

My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports funding for class size reduction. Yet, since the first dollar was appropriated for class size reduction, Vermont sought greater flexibility to use most of the money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes that met the Federal mandated level of 18, a large portion of Vermont's share of the class size reduction monies has been used for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of its students. Reducing class size is important. Having a dynamic, highly qualified teacher at the head of the classroom is of equal or perhaps, even greater importance. Title II of this bill supports both efforts and does so in a manner that allows school districts to come up with their own recipe for improving student achievement and performance. I am opposed to the class size reduction amendment because I believe that local schools are in a better position than we are to determine how best to distrbute funds in regard to professional development and teacher hiring. S. 1 as passed by the committee gives local school districts the opportunity to make the decision about the expenditure of dollars for the purpose of improving their teaching force which will, in turn, lead to overall student improvement.

I see the hour of 12:30 p.m. has arrived.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess——

Mr. WARNER. Mr. President, I ask unanimous consent that the recess be deferred for about 6 minutes so I can address the Senate.

Mrs. MURRAY. Mr. President, if I could just make a 1-minute wrapup before we turn to the Senator from Virginia, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Mr. President, let me state we will have more time, obviously, this afternoon to debate the class size amendment. I appreciate the comments from the chair of the HELP Committee in this regard.

I agree with him. Professional development is extremely critical. That is why my amendment to separate the professional development funds from class size funds is extremely important. We want our schools to have professional development but not at the expense of reducing class size, which we know works. That makes sure Federal tax dollars are spent wisely at the local level—and which is a local decision, I say to the Senator from Arkansas, who spoke earlier.

If a school district doesn't want to participate, they certainly do not have to do so. But for the many schools out there, for 2 million students who have benefited, let's not take it away now. Let's make sure they are in a class size in K–3 that allows them to learn math, science, basic reading, and they are able to succeed in the future.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair and my colleagues for their indulgence.

I was greatly taken by the distinguished manager of the bill, Chairman JEFFORDS, and his recognition of teachers. I have here the President's really wonderful message on education entitled "No Child Left Behind." I am sure the chairman agrees with me, if we do not accord equal assistance to teachers, we cannot hope to achieve the goal that no child will be left behind.

Mr. JEFFORDS. I certainly agree with the Senator.

Mr. WARNER. I thank the chairman.

Mr. President, I rise today in support of our Nation's teachers and to say thank you to the over 3,000,000 teachers in this Nation for all of the hard work and personal sacrifices they make to educate our youth.

This week is "Teacher Appreciation Week" and today, May 8, 2001, is "National Teacher Day." Today, I will be introducing a resolution in the Senate where the Senate will make the appropriate designations to honor our teachers with this appreciation week and day.

This resolution already has as original cosponsors Senators ALLEN, BROWNBACK, COCHRAN, JEFFORDS, CRAIG, THURMOND, CRAPO, and ENZI. Mr. COVERDELL, who unfortunately was taken from us some time ago, introduced a similar resolution in 1999.

How appropriate it is that Teacher Appreciation Week and National Teacher day are upon us as we in the Senate are considering legislation to reauthorize the Elementary and Secondary Education Act.

The legislation that is before us today, the Better Education for Students and Teachers Act—the "BEST" Act—is based on a principle put forth by President Bush entitled, "No Child Left Behind."

As we move towards education reforms to achieve the goal of "Leaving No Child Behind," we must keep in mind the other component in our education system—the teachers. If we fail to accord equal recognition to our teachers in this debate, our children will be left behind.

All of us know that individuals do not pursue a career in the teaching profession for the salary. People go into the teaching profession for different personal commitments—to educate the next generation, to strengthen America.

While many people spend their lives building careers, our teachers spend their careers building lives.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Even though we are all well aware of the important role our teachers play, it goes without saying that our teachers are underpaid, overworked, and all too often, under-appreciated.

In addition to these factors, our teachers also expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses:

1. Education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment;
2. Professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and
3. Interest paid by the teacher for previously incurred higher education loans.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the states, I believe the federal government can and should play a role in helping to alleviate the nation's teaching shortage.

Here is an example of such help. On a federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

With these premises in mind, I introduced, "The Teacher Tax Credit." This legislation creates a $1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses and interest paid by the teacher during the taxable year on any qualified education loan.

I ask unanimous consent to have a copy of my tax bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The TEACHER-Tax Credit Act".

SEC. 2. CREDIT FOR TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. TEACHING EXPENSES, PROFESSIONAL DEVELOPMENT EXPENSES, AND INTEREST ON HIGHER EDUCATION LOANS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) the qualified education expenses paid or incurred by the taxpayer during the taxable year,

"(2) the qualified professional development expenses paid or incurred by the taxpayer during the taxable year, and

"(3) interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for the taxable year shall not exceed $1,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in a public elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) ELEMENTARY AND SECONDARY SCHOOLS.—The terms 'elementary school' and 'secondary school' have the respective meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect of the date of enactment of this section.

"(3) QUALIFIED EDUCATION EXPENSES.—The term 'qualified education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(4) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, and equipment required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) directly relates to the curriculum and academic subjects in which an eligible teacher provides instruction,

"(ii) is designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(iii) provides instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented),

"(iv) provides instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in clause (iii) learn, or

"(v) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of the eligible teacher.

"(5) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(e)(1), but only with respect to qualified higher education expenses of the taxpayer.

"(d) DENIAL OF DOUBLE BENEFIT.—

"(1) IN GENERAL.—No deduction or other credit shall be allowed under this chapter for any amount taken into account for which credit is allowed under this section.

"(2) COORDINATION WITH EXCLUSIONS.—A credit shall be allowed under subsection (a) for qualified professional development expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Teaching expenses, professional development expenses, and interest on higher education loans of public elementary and secondary school teachers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. WARNER. Mr. President, this legislation, S. 225, is cosponsored by Senators MIKULSKI, ALLEN, DEWINE, COCHRAN, HARKIN, and ENSIGN. The National Education Association also has endorsed this legislation.

I am not introducing The Teacher Tax Credit Act as an amendment to the education bill before the Senate because, procedurally, it would stop this bill because of the "blue slip" taxation procedures in the House of Representatives.

I do propose today a Sense of the Senate amendment on the importance of providing additional tax relief for our Nation's teachers.

This amendment simply states that it is the Sense of the Senate that during the 107th Congress, the Senate should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses they incur to improve the education of our Nation's students.

I note that President Bush agrees that teachers should receive tax relief to help defray the costs associated with classroom expense and professional development costs.

The President's education blueprint to the Congress contained a specific reference on page 13. I will read it:

> Provide tax deductions for teachers: Teachers will be able to make tax deductions up to $400 to help defray the costs associated with out-of-pocket classroom expenses such as books, supplies, professional enrichment programs and other training.

The concept is in the President's blueprint. Frankly, with all due respect to President Bush, I want to go a step further and make it stronger, not just a deduction you have to work with and hope you get the money back, but an absolute tax credit on that tax return to take right away off the bottom line. Frankly, I think the $400 falls a little short and I would like to see more.

I also note that Senators COLLINS, KYL, and HATCH have worked diligently on legislation providing tax relief to teachers.

On National Teachers Day, and during Teacher Appreciation Week, I urge all my colleagues to support this important amendment that will put the Senate on record in support of tax relief legislation for our Nation's teachers.

I thank the Chair and my chairman for allowing me to participate at this time in this debate.

I send the amendment to the desk, a sense of the Senate, and I await comments from the Chair. Then I will ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. JEFFORDS. I am aware of your amendment. I also said on the Finance Committee, not only can I assure you it will get notice here, I assure you I will communicate your wishes to the chairman of the Finance Committee and support you.

AMENDMENT NO. 383 TO AMENDMENT NO. 358

Mr. WARNER. Mr. President, I send to the desk my amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

Mr. WARNER. At the appropriate time, subject to the leadership of the Senate and management, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The clerk will report the amendment by number first.

The legislative clerk read as follows:

> The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 383 to amendment No. 358.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

(Purpose: to provide a Sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. I ask for the yeas and nays

The PRESIDING OFFICER. There is not a sufficient second at the moment.

Mr. WARNER. At the moment.

Perhaps I could engage the attention of my two colleagues. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

RECESS

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Resumed

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Warner amendment.

Mr. MCCONNELL. Mr. President, it is my understanding that I would be recognized to lay down an amendment at 2:15, and I am here to do that.

I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 384 TO AMENDMENT NO. 358

Mr. MCCONNELL. Mr.President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 384 to amendment No. 358.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MCCONNELL. Mr. President, I rise today to offer an amendment to the BEST Act which incorporates the provisions of legislation I introduced earlier this year, the Paul D. Coverdell Teacher Protection Act. This important legislation extends protections from frivolous lawsuits to teachers, principals, administrators, and other education professionals who take reasonable steps to maintain order in the classroom.

The Teacher Liability Protection Act builds upon the good work Congress began in 1997 when it enacted the Volunteer Protection Act. As Senators may recall, the Volunteer Protection Act provides liability protections to individuals serving their communities as volunteers. After bringing several volunteer protection amendments to the floor through the 1990's and introducing the Volunteer Protection Act during the 104th Congress, I was blessed when Senator Paul Coverdell joined me in helping to steer this measure through the 105th Congress and have it enacted in 1997. Now, we need to extend similar liability protections to our nation's teachers, principals, and education professionals who are responsible for ensuring the safety of our children at school.

Everyone agrees that providing a safe, orderly environment is a critical component of ensuring that every child can reach their full academic potential. Teachers who are unable to maintain order in the classroom cannot reasonably be expected to share their knowledge with their pupils, whether it be in math, science, or literature. Disruptive, rowdy, and sometimes violent students not only threaten the immediate safety of their classmates, they threaten the very future of our children by denying them the opportunity to learn. Unfortunately, teachers, principals, and other education officials share an impediment in their efforts to ensure that students can learn in a safe, orderly learning environment: the fear of lawsuits. All too often, these hard-working professionals find their reasonable actions to instill discipline and maintain order are questioned and second guessed by opportunistic trial lawyers.

Today's teachers will tell you that the threat of litigation is in the back of their minds and forces them at times to act in a manner which might not be in the best interests of their students. A 1999 survey of secondary school principals found that 25 percent of the respondents were involved in lawsuits or out-of-court settlements in the previous two years—an amazing 270 percent increase from only 10 years earlier. The same survey found that 20 percent of principals spent 5 to 10 hours a week in meetings or documenting events in an effort to avoid litigation. This is time that our educators should spend counseling students, developing curriculum, and maintaining order—not fending off frivolous lawsuits.

Mr. President, allow me to illustrate my point with several examples.

In May of 1998, representatives of the Bethlehem Area School District learned that one of their students, Justin Swidler, had created a web site where he solicited money to hire a hit man to kill his math teacher, Mrs. Kathleen Fulmer. According to a local newspaper account, the web site contained images of the principal being shot and "a picture of Fulmer which changed, or 'morphed' into a portrait of Adolf Hitler." The site, which bears a name I cannot repeat on the Senate floor, also listed reasons "Why Fulmer Should Be Fired" and then reasons "Why She Should Die." I think that deserves repeating: The list was not limited to the typical juvenile carping about a teacher. It listed why she should die.

The school district, much to its credit, expelled Justin Swidler. However, rather than encouraging young Justin to take responsibility for his actions, the response of Justin's parents was all too predictable—they hired a lawyer and they sued. First, they sued the school district. Then, they sued the principal. After that, they sued the superintendent. Finally, in the coup de grace of the litigation, the Swidlers sued the teacher whom their son had threatened to kill. I repeat, the parents sued the teacher whom their son had threatened to kill.

What reasons did the Swidlers give for their suit? They claimed, among other things, to have suffered "embarrassment, ridicule, humiliation, isolation and severe emotional distress" as well as financial loss and "inconvenience." The Swidlers wanted the school to pay because they suffered "embarrassment" and "inconvenience" because their son threatened the life of his math teacher? That is utterly outrageous. The boy's father, Howard Swidler, also claimed his son had difficulty enrolling in a new school because "teachers wouldn't provide recommendations." I can imagine that. The teachers at Nitchmann Middle School didn't want to write a letter of recommendation for this kid who had compared a fellow teacher to Hitler and threatened to have her killed. What nerve of those teachers not to write a recommendation under those circumstances.

These lawsuits and countersuits dragged out in the courts for more than 2½ years. During this time, good reputations were besmirched, distinguished careers were ruined, and each party accumulated what we can only estimate to be thousands of dollars in legal bills.

After all of this litigation, who finally won here?

The student didn't win. His expulsion was upheld and worse yet, he learned from his parents that the appropriate way to defend indefensible behavior is to file a lawsuit. That is what he learned.

The teacher didn't win. Upon returning to teaching, she found that the publicity surrounding the case had irreparably damaged her credibility in the classroom, and she was forced to leave her chosen profession.

The principal didn't win. He found himself so thoroughly frustrated and saddened by the toll the incident had taken on his school, he decided to take early retirement.

Justin's classmates didn't win. The school's students were denied resources which should have been used for their education that were instead used to defend the school from a lawsuit.

After all of this, I think the only possible winners in this case were the lawyers who generated 2½ years worth of billable hours, from the Swidlers, the Fulmers, the principal, the school district, and, yes, the students.

Let me give you another example.

Three students in Anchorage, AK, were caught accessing pornographic material over the Internet during a computer class at school. The school, acting within its discretion, removed the students from that class and gave them an F for the semester. However, one of the students had earned a grade point average which placed him at or near the top of his class. Realizing that the F would prevent the student from being honored at his graduation, the student's family hired a lawyer and sued the school.

After a protracted legal battle, the school was forced to withdraw the F in a settlement once the judge warned the school he would likely rule against it. Is this what we want? Do we want lawyers and judges deciding what grades a student should receive or aren't we better off leaving this to the teachers in the classroom and principals in the schools?

Another example: Last year, a high school cheerleading coach in Lebanon, TN, required her squad to run some laps during practice. One of the girls objected to this assignment and referred to it as a "piece of [blank]". In response to the girl's insubordinate and vulgar language defying her coach in front of her teammates and classmates, the coach suspended her for an upcoming game against Lebanon's arch rival, Mount Juliet High.

Those of you who have been listening closely to my remarks can guess what the girl's family did next. Why, of course, they hired a lawyer, and they sued the coach. What is amazing is that the cheerleader won an injunction against the coach hours before the ball game with the court requiring that she be given the opportunity to cheer. While this case might cause us to chuckle, it points to a real problem. It sends a horrible message to wayward students that school officials don't have any real authority and students don't take any responsibility. If you don't like a teacher's decision or a principal's decision, just hire a lawyer and sue the teacher. Don't listen to your teacher; listen to your lawyer.

These are but a few of the instances in which frivolous lawsuits threaten to undermine discipline in our Nation's classrooms. While each of these cases is troubling, what I find more disturbing are the cases that aren't publicized at all. These are the cases where the teacher or principal looks the other way or decides not to discipline a misbehaving student because of the fear—the fear—of a lawsuit.

Many educational organizations recognize frivolous lawsuits as a problem. That is why the Teacher Protection Act has the support of the National Association of Secondary School Principals and the National Association of Elementary School Principals. I respectfully ask unanimous consent that letters from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, Apr. 27, 2001.

Senator MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: The National School Boards Association (NSBA) understands that you plan to introduce an amendment to the Elementary and Secondary Education Act (ESEA) regarding liability protection for school officials who take reasonable actions to maintain order, discipline, and an appropriate educational environment. NSBA is pleased that the amendment extends liability protection to individual school board members.

This provision is necessary because frequently, a student will sue the school district (meaning school board), and then they will sue the teacher, the principal, the superintendent, *and the board members in their individual capacities.* As a result, the school district expends time and money defending these claims brought against school board members acting in their individual capacity. School district budgets are stretched too far, and unnecessary litigation results in less money being spent on educating our nation's students. Providing individual school board members liability protection will reduce litigation costs in local school districts and will also provide for the swift dismissal of suits against individual school board members.

We recognize that this narrow exception may raise concern that professional staff might feel they have a "free hand" in the discipline of students. In this regard, it should be emphasized that with respect to school discipline, professional educators are subject to school district policies, court enforceable due process requirements, and in any extreme cases, the criminal code. And when it comes to such areas as criminal conduct and gross negligence, the exemption of this amendment would not apply. In all cases, the school district can still be sued. Accordingly, this amendment retains the limits and deterrence of possible professional error or misconduct through other legal avenues while enabling school officials to do their jobs, without fear of litigation, in rendering their sound judgement in the great majority of situations involving student safety and a sound learning environment.

NSBA supports your effort to provide liability protection to individual school board members and looks forward to the measure being adopted when the full Senate considers ESEA. If you have any questions please contact Lori Meyer, director of federal legislation, at 703-838-6208.

Sincerely,
MICHAEL A. RESNICK,
Associate Executive Director.

NATIONAL ASSOCIATION OF
SECONDARY SCHOOL PRINCIPALS,
Reston, VA, Feb. 28, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Secondary School Principals—the preeminent organization representing the interests of middle level and high school principals, assistant principals, and aspiring principals—I would like to thank you for introducing S. 316, a bill that provides for teacher and principal liability protection.

As a nationwide survey of principals conducted last year indicates, schools across the nation are eliminating or altering basic programs and activities due to the fear of lawsuits. Twenty percent of those responding reported spending 5–10 hours a week in meetings or documenting events in efforts to avoid litigation and six percent put that number at 10–20 hours a week. At a time when society is heaping greater academic expectations on our schools, we cannot afford to lose one minute, or one dollar, or one school program to frivolous litigation.

There is a growing shortage of qualified candidates applying to be principals occurring at the same time that roughly 40 percent of practicing principals are expected to retire from their jobs within the next five to ten years. A study conducted last year by the Educational Research Service on behalf of NASSP and the National Association of Elementary Principals reflects that two of the three primary reasons that discourage candidates from applying is because the position is too stressful and there is too much time required for the requisite responsibilities. There is no doubt that frivolous lawsuits and activity related to that litigation contributes to the level of stress experienced by principals.

While we applaud your efforts to provide liability protection to teachers and note that the bill's definition of "teachers" is inclusive of principals, we believe the title and references contained in the bill should reflect this intent. Principals, as school leaders, are typically named on lawsuits involving teachers.

Sincerely,
GERALD N. TIROZZI, Ph.D.,
Executive Director.

NATIONAL ASSOCIATION OF
ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, March 13, 2001.

Hon. MITCH MCCONNELL,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the National Association of Elementary

School Principals (NAESP), representing more than 28,000 elementary and middle school principals, I am writing to express our support for your bill, the Paul D. Coverdell Teacher Liability Protection Act of 2001. If enacted, this measure, S. 316, would be helpful to principals, teachers, and other professional school staff. While we welcome accountability, we are very concerned about the proliferation of lawsuites.

Recent surveys conducted by NAESP and the American Tort Reform Association indicate that there has been a significant increase in lawsuits against educators. Nearly a third of the suits were dropped, about one-quarter were settled out of court, and the remainder were resolved in the principal's favor. Virtually no judgments were found against principals, a fact that leads one to conclude that many of the suits could be described as frivolous. Each time there is a lawsuit, valuable time must be taken away from the teaching and learning process and devoted to legal matters. A principal in Washington State spent more than 100 hours one year on legal work surrounding one special education case. This principal is responsible for a school with 500 students and a staff of 40. Not only do lawsuits exhaust many hours; even worse is the effect they have had on principal-student and principal-family relationships. Principals are increasingly cautious about the decisions they make, including implementing changes in the way students are taught and disciplined. This is obviously a hindrance to effective school reform efforts. The simple act of comforting a child in distress has also changed; no longer do school staff members feel that they can put a hand on a child's shoulder to calm the child down or provide an encouraging pat on the back.

Although your bill's title refers only to teachers, its definition of "teachers" clearly includes principals, and we appreciate that. Thank you for your work to turn down the heat, so to speak, and discourage unnecessary lawsuits.

Sincerely,

VINCENT L. FERRANDINO,
Executive Director.

Mr. MCCONNELL. In fact, frivolous lawsuits are such a concern to educators that many teachers unions tout liability insurance as a key reason for joining their union. The Missouri NEA advertises on its website that:

> A $2 million educators employment liability (EEL) policy is the cornerstone of MNEA's professional protection plan. The coverage, automatic with membership, includes up to $2 million in damages and additional payment for legal fees for most civil and some criminal lawsuits arising out of job-related incidents while members are working.

In Texas, where the legislature has already adopted a comprehensive teacher protection bill, the Texas State Teachers Association, TSTA, touts its insurance program as a strong incentive for joining its union:

> For the times when life goes haywire and people are reacting with emotions rather than reason, rest assured that TSTA is watching out for you. Our $6 million liability policy sets a new standard for professional protection and coverage is automatic with your [union] membership.

For my Senate colleagues who question whether or not this is indeed a serious problem, you ought to know that the Maine NEA disagrees with you. This is what the Maine NEA says:

> If something happens to a student in your class, on your bus, or in your area of supervision, you can be sued and held individually liable. By virtue of your employment, you could place your home and savings at risk due to the claims of an angry parent.

However, Maine teachers should not fear, the e-mail continues:

> All MEA members are immediately protected by NEA's $1 million professional liability policy from their first day of membership.

This legislation is structured similarly to the Volunteer Protection Act of 1997 and is nearly identical to teacher protection legislation introduced by Paul Coverdell, S. 1721, in the 106th Congress. Simply put, this amendment extends a national standard to protect from liability those teachers, principals, and education professionals who act in a reasonable manner to maintain order in the classroom. It does not preempt those States that have already taken action to address this problem, and it allows any State legislature that disagrees with these strong protections to opt out at any time. Since the legislation builds on Senator Coverdell's fine work, my colleagues and I thought it would be highly appropriate that it bear his name.

At the same time, it is important to note that this amendment is not a "carte blanche" for that minuscule minority of school officials who abuse their authority. The amendment does not protect those teachers who engage in "willful misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety" of a student. Nor does the amendment preclude schools or local law enforcement entities from taking criminal, civil, or administrative actions against a teacher who acts improperly. Rather, the amendment is simply designed to protect those teachers, principals, and educational professionals from frivolous lawsuits.

This is not new ground for our colleagues in the Senate. In 1999, the Senate agreed to a similar amendment offered by Senator Ashcroft. During the second session of the 106th Congress, Senator Coverdell successfully included a nearly identical amendment in the Senate's version of the ESEA reauthorization bill. It was approved by this body by an overwhelming vote of 97 to 0. Unfortunately, as we all know, efforts to reauthorize the ESEA stalled on the Senate floor. It is now the appropriate time for the Senate to revisit this issue, and I hope give its full endorsement.

I look forward to working with my fellow original co-sponsors and the rest of the Senate to see that these important protections are enacted into law on behalf of America's hard working and dedicated teachers.

Again, Mr. President, we voted on this in the last Congress. This amendment was approved 97–0. It is my hope that it will be accepted by the Senate this year. It has widespread support on a bipartisan basis and would add greatly to the underlying bill.

I have completed my opening observations on the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the amendment now before the Senate?

The PRESIDING OFFICER. It is the McConnell amendment No. 384.

Mr. REID. Mr. President, I don't know what the unanimous consent request was of the Senator from Kentucky, but I ask unanimous consent that we go back to the Murray amendment that was pending prior to the break.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

AMENDMENT NO. 378 TO AMENDMENT NO. 358

Mrs. CARNAHAN. Mr. President, I commend my colleague, Senator MURRAY, for highlighting class size and the pupil-to-teacher ratio as a key ingredient to educational excellence.

A dramatic increase in the student population in all grades throughout the country has presented a serious shortage of teachers. During the past 8 years, as first lady and now as Senator, I have traveled across Missouri visiting schools in every part of the State. I have spoken with many dedicated educators who are frustrated by having classes so large that individualized instruction is impossible. Teachers do their best under the circumstances, but they are handicapped when those in our communities and government ignore the plight of our classrooms.

Missouri's classroom teachers know that smaller classrooms and more individualized attention to students translates into higher achievement scores, especially for children of low-income families.

Students in smaller classroom settings are more likely to graduate on time and less likely to drop out, and they are more likely to enroll in honors classes and to graduate in the top 10 percent of their class.

It is not only the number of kids in the classroom that concerns me but the physical condition of the classroom itself. Far too many school buildings are in need of repair. Two years ago, the U.S. Department of Education reported that about 25,000 of the Nation's existing school buildings had "extensive repair or replacement needs." The Department estimated that almost 12 million students were attending schools with poor roofing. Another 12 million were in buildings with outdated plumbing, and almost 15 million were in buildings with inadequate heating, ventilation, and air conditioning.

In Missouri's public schools, they face the daunting prospect of some $4 billion in construction needs over the next decade. In addition, 59,000 children in Missouri study in portable classrooms. In Nixa, MO, the Nation's second fastest growing school district, all fourth graders at Matthews Elementary are in trailers behind the school.

Too many of our schools have a crisis of infrastructure. Allowing this is a sad commentary on our priorities in the 21st century. Because I believe that improved classrooms are essential to the future of our Nation, I will vote with Senator HARKIN later this week to provide a Federal investment in school infrastructure.

True, we must demand high standards and rigorous accountability in our schools, but reform can only come with the resources to do the job. It must come with flexibility for States and local school districts to meet their unique needs. Any nutritionist or mother will tell you that it takes good food to grow strong bones and bodies. Likewise, we cannot have strong schools if we starve the educational system.

At a time of record budget surplus, it is our moral responsibility to do what is right for our children. We need a major new commitment to public education. To do less is to falter in our stewardship as elected leaders and as parents and as citizens.

The time is now and the place is here. As the poet, Gabriela Mistral, reminded us:

> Many things can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him, we cannot say tomorrow, his name is today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, last Congress the Senate debated the reauthorization of the landmark Elementary and Secondary Education Act. Unfortunately, that debate ultimately broke down over disagreement on the federal role in education and the course we should pursue to improve America's schools. That debate has now resumed under a new President and a new Congress. Today there is real bipartisan agreement on measures we can take that will lead to a better future for America's public schools and the fifty million students who rely on those schools to provide them with a quality education.

The Better Education for Students and Teachers Act, unanimously supported by the Senate HELP Committee, encompasses President Bush's emphasis on literacy and his laudable goals to improve reading skills in the early grades and among disadvantaged students. Consensus also exists among Republicans and Democrats alike that in order to improve student achievement, we must also improve teacher quality. What teachers know and can do are the single most important influences on what students learn, according to the National Commission on Teaching and America's Future.

And yet today in America, nearly one quarter of all newly hired public school teachers lack the qualifications for their jobs, and approximately the same percentage of all secondary school teachers—25 percent—do not have even a minor in their main teaching field. The BEST bill endorses President Bush's emphasis on the importance of improving teacher quality and his proposal for holding States accountable for providing all students with "effective teachers."

This brings us to the core of President Bush's education plan and the bipartisan BEST bill: the creation of a new accountability system which for the first time links Federal funding to school performance. This accountability system includes support for high standards for schools serving disadvantaged students; annual testing in reading and math for all students in grades 3 through 8; public dissemination of school-by-school data on achievement; additional assistance for low-performing schools; and consequences for schools which fail to make needed improvements. With this emphasis on accountability comes a new emphasis on flexibility—providing States greater freedom and choice in using Federal funds to address their own needs and special situations.

Given these important principles of bipartisan agreement, there still remain issues which divide this body—issues which have been discussed forcefully and effectively by Members on both sides of the aisle: the seminal issue of funding, the compelling need to upgrade and repair America's public schools, the priority of class size reduction, to name just three.

Research has repeatedly shown, for example, that class size directly relates to the quality of education. Students in smaller classes consistently outperform students in larger classes on tests, and are more likely to graduate on time, stay in school, enroll in honors classes, and graduate in the top ten percent of their class. I have supported in the past, and will continue to do so, a national effort to hire and train 100,000 additional qualified teachers to reduce class sizes in the early grades. It is an investment in reducing teacher turnover and in improving student performance.

As some Members have noted on this floor, the education bill has evolved from the BEST bill reported out of committee. It is a work in progress, shaped by negotiations still on-going. During debate on S. 1, I intend to offer the provisions of my Immigrants to New Americans Act as an amendment. Information from the 2000 census shows that the impact from a dramatic surge in immigration is transforming the Nation.

This surge in immigration is increasingly challenging U.S. schools and communities from Florida to Washington State. My amendment would provide resources to these communities to help ensure that children with diverse linguistic and cultural backgrounds—and their families—are served appropriately. This amendment is based on legislation Senator Coverdell and I introduced in the last Congress, and it would provide funding to partnerships of local school districts and community-based organizations for the purpose of developing model programs with a two-fold purpose: one, to assist immigrant children achieve success in America's schools and, two, to provide their families with access to comprehensive community services, including health care, child care, job training and transportation. It has widespread support, including endorsement by the U.S. Conference of Mayors, the National Association for Bilingual Education, the League of United Latin American Citizens, and the National Council of La Raza.

At the appropriate time I will also offer an amendment that addresses the all-important issue of teacher quality. Each school year more than 45,000 under-prepared teachers—teachers who have not even been trained in the subjects they are teaching—enter the classroom. Astounding. We know, too, that those students most in need of help are those who have the least access to quality teachers and teaching. Just consider: Over half of title I resources go into teaching assistant salaries. Yet less than one-fifth of teaching assistants have a college degree, and only 10 percent have college degrees in the nation's poorest title I schools. This is a formula for student failure.

Fortunately, the education bill we are debating acknowledges the well-researched fact that the training of our Nation's teachers is the single most important in-school influence on student learning. The amendment I will offer allows States an additional option of providing funds to innovative collaborations of K–12 schools and institutions of higher learning devoted to professional preparation of teacher candidates, faculty development, the improvement of practice, and enhanced student learning.

The amendment I will offer now addresses the troubling issue of violence in our Nation's public schools. No other event in recent times has so united Americans—from Savannah to

San Antonio to Sacramento—as the student shootings in Littleton and Heritage High, and in other schools across the country. There is a consensus in every borough, town and city throughout the United States: Bloodshed in our schools cannot and will not be tolerated.

Therefore, I offer an amendment to the education bill that addresses the critical issue of safety in America's classrooms.

AMENDMENT NO. 376 TO AMENDMENT NO. 358

(Purpose: To provide for school safety)

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the Murray amendment we are currently considering in order to send my amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. I send to the desk amendment No. 376 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 376 to amendment No. 358.

Mr. CLELAND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in the RECORD of May 4 under "Amendments Submitted.")

Mr. CLELAND. Although data show juvenile violent crime decreased in the late 1990s, appearing to counter the predictions of a teenage crime wave, criminologists and policymakers remain concerned about the continued high level of juvenile violence. The tragic shooting at Heritage High School in Conyers coupled with the incident in Littleton, Colorado and the other recent senseless shootings in our Nation's schools serve as terrible indications of the seriousness of the youth violence problem. I have traveled throughout Georgia, speaking and exchanging ideas with students, teachers and parents regarding this critical issue. Although there is certainly no one answer to the problem of youth violence, I believe that an open dialogue among educators, students, community leaders, and law enforcement officials is a crucial first step.

In fact, a report issued by the Department of Education in August, 1998, entitled "Early Warning, Early Response," concluded that the reduction and prevention of school violence are best achieved through safety plans which: involve the entire community; emphasize both prevention and intervention; train school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel; establish procedures which allow rapid response and intervention when such signs are identified; and provide adequate support and access to services for troubled students. In addition, the Department of Justice's Bureau of Justice Statistics and the Department of Education's National Center for Educational Statistics found that in 1998, "students aged 12 through 18 were victims of more than 2.7 million total crimes at school . . . [and they] were victims of about 253,000 serious violent crimes . . ." Amazing. While overall indicators show declines in school crimes, students still feel unsafe at school.

Therefore, my amendment, the school safety enhancement amendment, which is based on legislation developed in the last Congress by Senator Robb of Virginia, would establish a National Center for School Youth Safety tasked with the mission of providing schools with adequate resources to prevent incidents of violence. The National Center for School Youth Safety would establish an emergency response system, operate an anonymous student hotline, and conduct consultation, information and outreach activities with respect to elementary and secondary school safety. Under my amendment, the center would offer emergency assistance to local communities to respond to school safety crises, including counseling for victims, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

My amendment would also establish a toll-free, nationwide hotline for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

Finally, the National Center would compile information about the best practices in school violence prevention, intervention, and crisis management. Specifically, the center would work to ensure that local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime, giving special attention to providing outreach to rural and impoverished communities.

My school safety enhancement amendment would require coordination among three Federal agencies on the all-important issue of safety in our schools. Specifically, it would authorize a total of $24 million in grants by the Secretaries of Education and Health and Human Services and the Attorney General to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community. In order to establish the National Center for School and Youth Safety the amendment authorizes the Secretary of Education to make available $15 million from amounts appropriated to the agency, and the Attorney General to make available $35 million from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005.

Organizations that support this amendment include the National Education Association, the International Brotherhood of Police Officers and the Georgia Association of Chiefs of Police.

It is essential that we come together as a Nation to provide the necessary resources to support our children at every level and that means providing safe learning environments for all of our children. Therefore, I urge the Senate to support school safety and our children by adopting my amendment.

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the pending amendment?

AMENDMENT NO. 378

The PRESIDING OFFICER. The Murray amendment was set aside temporarily for consideration of the Cleland amendment. Now the Cleland amendment has been set aside.

Mrs. MURRAY. I assume we are on amendment No. 378, class size.

The PRESIDING OFFICER. The Senator is correct. We are on the Murray amendment.

Mrs. MURRAY. Mr. President, we began the discussion this morning about the very important issue of reducing class sizes in first, second, and third grades. To me, this is one of the most important issues facing us as we debate the Elementary and Secondary Education Act: whether or not we are going to continue our commitment to first, second, and third grade classrooms across this country to ensure students are in a class small enough for them to learn the basic skills that all of us want them to learn: reading, writing, and math.

I see the Senator from Iowa is on the floor. He has been a very strong supporter of reducing class size in early grades.

I yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first I thank my friend and my colleague on the Education Committee, Senator

MURRAY from Washington, for always being in the forefront of this battle to make sure our class sizes are small enough so the kids can learn and teachers can teach. Truly, as I traveled around my State and traveled around the country, visiting different schools in different areas, Senator MURRAY's name has become synonymous with the nationwide drive to get smaller class sizes for all of our kids in elementary school. So I congratulate her for being our champion on perhaps one of the most important steps we can take to ensure success in school.

To hear tell from the administration and from President Bush, some would have you believe the most important thing we could do is test, test, test, year after year, as the most important way to assure success in school. I strongly agree with the need to demand greater accountability but if a teacher has 25, 28, 30 or more kids in a classroom, I don't care how many times you test them—you can test them every month, you can take their temperature every month—you are cheating those kids and you are cheating the teacher because that teacher simply cannot give the kind of hands-on instruction that the teacher needs to give to individual students. So the most important thing is not testing. I will say more about that later. The most important thing is to get the kids early in life.

I know Senator MURRAY was a preschool teacher. It is the most important job she has ever had in her life, I would say. It is more important than even being a Senator, as a matter of fact. And by serving on the school board, she brings the hands-on knowledge about education that so many of us probably lack.

I never taught school, and I have never been on a school board, so I put great weight and great credence on the positions taken by Senator MURRAY when it comes to issues of elementary and secondary education. I think Senator MURRAY has eloquently stated—not just eloquently but backed with the data and the facts—that smaller class sizes lead to better student performance and a healthier atmosphere in our schools. It reduces violence in our schools. When kids are not crowded together, when they have some space and they have that one-on-one with the teacher, their frustration level decreases and they can better learn and better associate with their peers.

In the debate we are going to have on elementary and secondary education, we are all going to have important amendments. I am going to have one on school construction, to help our schools meet that need. But really, when you think about what we need in the earliest years—kindergarten, first, second, third grade—this amendment, I submit, is the single most important. You can have the most modern classrooms in the world; you can have the best buildings; you can be wired for the Internet; you can have all this great stuff; but if you have one teacher teaching 30 kids, it doesn't mean a thing. So this really is the hub around which the rest of this is all spinning.

I have seen with my own eyes what has happened in the last couple of years in my State of Iowa with class size reduction. When you talk with teachers who have had 25, 28 students and they now have 18—I talked to one teacher in Iowa who had 15 students in a first grade class. She thought she had died and gone to heaven. She said: This is why I became a teacher. When I went through college and I got into student teaching, I remember I was in classrooms with 28 or 30 kids. I got out of college and I remember—the first class she told me about, I forget the exact number but it was 25, 26, 27, 28 kids. Now she has 15. She says now she can teach as she was taught in college. You could just see it on her face, just how she felt about her job. You could see it in the kids' faces, too. I will have more to say about that in a second.

This is what we are talking about. This is a picture that says it all. It is a modern classroom. It is well lit, well structured. There is plenty of work space. There are 18 kids. This is the Cleveland Elementary School in Elkhart, IN. That is the kind of classroom a teacher needs, to be able to give the kind of personal attention that a student needs. That is what we are talking about, that kind of classroom.

The Class Size Reduction Program has been a great success. Since 1999 when Senator MURRAY first started this effort, more than 29,000 teachers have been hired and more than 1.7 million children are benefiting because they are in smaller classes. Yet the bill we have—and I might say the budget we are going to be voting on tomorrow—will not allow us to continue this program. This is not the time to abandon the national commitment we have had in the past to reduce class size across America.

As I said, we have the data. We have the research. It has confirmed what we intuitively already knew, what students knew, what teachers knew: smaller classes boost student achievement. They get better grades.

We also know that minority students especially perform better than their peers in larger classes. The news release was put out on August 6 about Project STAR, the Student-Teacher Achievement Ratio. It is a Tennessee study. It tracked the progress of 11,600 elementary school students and their teachers comparing those who were randomly assigned to smaller classes—13 to 17 students for grades K–3—with those randomly assigned to larger class sizes—22 to 25 pupils—or regular size classes with a teacher's aide.

All the students were in regular-sized classes from the fourth grade on. So, again, they compared the students in the smaller class sizes, 13 to 17 students, with students who were in classes that had 22 to 25 students. What they found was smaller classes have a greater effect on African-American students than white students. While students were in smaller classes, the black-white gap in achievement fell by 38 percent. That is significant, 38 percent. And it remained 15 percent smaller after the students returned to normal-sized classes after the fourth grade.

While they were in kindergarten through third grade, the gap between the score achievement results for students between black and white increased by 38 percent. Even when, in fourth grade, they went into regular size and bigger classes, it was 15-percent smaller than for those who were never in smaller classes.

Again, what we all know is if you get to them early in life and you give them good instruction and good teaching and good support, it carries on. If you cheat them out of that early in life, that also carries on.

How many times do we have to learn around here that patching, fixing, and mending will get you a little bit, but to do it right in the first place in kindergarten, first, second, third and, I submit, even in preschool, means you don't have to patch and fix and mend and repair later on, and you are much further ahead.

That is what this study shows. This was not just a small study; this was 11,600 students. The study says that smaller pupil-teacher ratios can account for almost all of the narrowing of the black-white gap since 1971 as measured by the National Assessment of Educational Progress exam.

The study says smaller classes increased the likelihood that black students who take the ACT or the SAT college entrance exams grew from 31.8 percent to 41.3 percent, a sharper increase than among white students, which grew from 44.7 percent to 46.4. If all students were assigned to a small class, the authors of the study wrote, the black-white gap in taking a college entrance exam would fall by an estimated 60 percent.

Think about that. If all students were assigned—they are extrapolating, I know. We have the study of 11,600. If you extrapolated that out, the black-white gap in taking college entrance exams would close by an estimated 60 percent.

When we talk about not leaving kids behind, let's face it. What are we talking about? Under the Bush budget that we see coming down the pike and we will be voting on tomorrow, he says leave no kid in the suburbs behind. Leave no kid behind who has well-heeled parents, or parents who are Senators, Congressmen, Presidents, or CEOs of major oil companies, or law firms. Let's face it. We have good public schools. We are talking about the kids who have bad schools and poorly trained teachers. Yes, we are talking mostly about minority students.

As we talk about trying to leave no kid behind, we should be talking about not leaving behind those who are at the bottom of the economic ladder. That is really what we are talking about. You don't leave those at the top of the ladder behind. They are never left behind. We make a good living here. Our kids are never left behind. The sons and daughters of CEOs, of corporation lawyers and lawyers downtown and college teachers are never left behind. The sons and daughters of those who are new Americans, many of them immigrants who come to this country, and the African Americans who have been denied the opportunities for education in our country for as long as they have been here on our shores—and that goes back 400 years—is what we are really talking about, not leaving kids behind who are at the bottom rungs of the ladder.

If that is what we are talking about, then we need smaller class sizes because the study shows they are the ones who benefit the most. Everyone benefits for smaller class size. Don't get me wrong. But those who are minority students who come from the low socioeconomic strata of America are the ones who benefit the most.

The teen birth rate for those assigned to smaller classes is one-third less among white females and 40 percent lower for black teenage males.

Crime: Conviction rates were 20 percent lower for black males who were in smaller classes than their peers who were in regular size classes.

Perhaps these aren't statistically absolute, but statistically they show trends and what happens when you have smaller classes.

Again, we are talking about not leaving any student behind. This is really the hub of it. There is the center of the universe. A lot of it is spinning around out there in terms of having better schools and better trained teachers, better equipment, wired to the Internet, accountability, and testing. All of that is sort of spinning around out there. But in the center of all of it is how many kids per teacher are in these earlier classes. You can have the best trained teacher in the world. If you put him or her in a class of 30 kids and they can't teach well, those kids are going to be cheated.

This is really the amendment to say whether or not we really care about leaving any children behind.

As I said earlier, I have visited many schools in my State in the last couple of years since we started the class size reduction program. The enthusiasm and the support among the teachers, the principals, and parents is incalculable. Time after time they were saying, thank you; it is about time we were doing this.

Last month I held two appropriations field hearings in Iowa. I heard from a lot of people about all aspects of elementary and secondary education. But I think the most poignant testimony had to do with class size reduction.

Jolene Franken, president of the Iowa State Education Association, has 30 years of teaching experience in Iowa elementary schools. This is what she told me:

> Try teaching 30 students versus 20 students and see how much individual help you can give to students. . . . In order for teachers to do their best, they must know their students' needs, learning styles, strengths and weaknesses—these things are impossible with large class sizes.

Sherry Brown, Cedar Falls, testified on behalf of the Iowa PTA. She said:

> The advantages of small class-sizes in the early grades on overall academic achievement are well documented, but the advantages also include improved parent involvement. When teachers have fewer students, they have fewer parents with which to communicate and are able to confer with them more frequently.

Maybe that is something some of us haven't thought about. After what Sherry said, I thought about it. It stands to reason that we want parents more involved with their kids' education. A lot of that has to do with the teacher talking to these parents and getting the parents involved. When you have a huge class and 60 parents, it is very hard to communicate with all of them. Cut that down by a third or more. Then you can see what Sherry Brown was talking about. They can talk to the parents more frequently.

During a visit to Starry Elementary School in Marion a while back, I spoke with Reggie Long, a first grade teacher for 30 years. She told me she really appreciated the smaller classes. She said:

> It's nice because I can give individual attention to the kids. We just give them so much academically now. If you don't give them individual help, they can't succeed and we can't succeed as teachers.

The superintendent of the school district said:

> The key to effective teaching is getting to know the students and parents.

William Jacobson said that it is easier when teachers have fewer students in their classes.

Two years ago, Angie Borgmeyer, a teacher in Indianola—my home county—had 27 students in her second grade class. I visited her last year, and because of class size reduction, she was down to 21 students. She thought it was still too many, but she said 27 was way too many. She said:

> It's very difficult with that many students. When you're trying to teach them to read and give them basic arithmetic, you need to be able to do it in a small group and give them individual attention.

She pleaded with us to continue the program because her goal was to get down to 18 students, where she believes she could really then fulfill her obligation and her commitment to being the best teacher possible.

The Class Size Reduction Program is simple. It is flexible. It is popular. So I, for one, cannot understand why we are having a problem. Is it budgeted? It can't be the budget. The budget has $400 billion in some contingency fund—$400 billion—for the next 10 years. So it can't be a budgetary matter. We have a surplus out there. We are going to give tax breaks, they tell me, to a lot of people. People who make over $1 million a year are going to get tax breaks. So this is not a budget item. It is not that we do not have the money to do this. We do. It is a matter of priorities. That is all it is, a matter of priorities: what do we want to do?

Last week, with the help of Senator JEFFORDS, Senator MURRAY, Senator HAGEL, and others on both sides of the aisle, we adopted an amendment that appropriated $181 billion for special education over the next 10 years to help us meet our goal of providing at least 40 percent of the average per pupil expenditure. We did that. And there is money to do that.

So it seems to me that, again, in our actions we could ask: Is that a priority? Yes, it is. Certainly it is a priority.

A few minutes ago I said that perhaps the biggest beneficiaries of smaller class sizes are our minority students. I take it back. I misspoke. The biggest beneficiaries of smaller class sizes are our students with disabilities—our kids who have special needs, who no longer are warehoused and pushed into institutions but are now living with their families and are going to their neighborhood schools with their friends and their neighbors, but they have special needs.

They may be physically disabled. They may be mentally disabled or a combination of both. But would anyone stand in this Chamber and say it is time to turn the clock back? That those kids should not be in the classroom? That we ought to go back to the old days that I know a lot of us remember, when kids with disabilities were sent across the State to some institution, deprived of the support of their families, deprived of their friends and their neighbors, simply because they had one disability or another? I bet there isn't one Senator who would stand in this Chamber and advocate that. I do not think there are too many people in this country who would advocate that.

We have come too far. We know that both the kids with the disabilities and the kids without the disabilities benefit from this interaction in our classrooms. We have seen it. We know it.

The kids without disabilities become more sensitized. They become more understanding. As I have said many times in dealing with this issue of education and disability, when you put such kids together early on, then the fact that they are going to later associate in the workplace with someone who has a disability is no big deal.

When we first passed the Americans with Disabilities Act, more and more people with disabilities started getting into the workplace. I spoke in this Chamber many times and said: I know what people are saying. They are uncomfortable around people with disabilities. They don't know what to do. They don't know how to act. I have always said: Just be yourself. You'll be far ahead. But I understand that.

To break down that feeling of being uncomfortable or not being able to associate with people who have disabilities, put all children in school together. Let them play together. Let them grow up together. They will find that it is no big deal. So it helps kids with disabilities and kids without disabilities. It helps all of society.

What am I getting to in talking about this? I guess what I am getting to is that we put all this money into special education, to help our local school districts meet their obligations to educate kids with disabilities, but the biggest beneficiaries of small class size, I would submit, are those kids with disabilities.

If you have a big class, how much attention is that student with special needs going to get? If you have a smaller class, the teacher can pay more attention to both the minority students and the kids with disabilities.

So I correct what I said. I think the biggest beneficiaries of smaller class size maybe are not minority students but kids with disabilities. It seems to me, if we want to back up what we did last week, in providing the funds for special education, this is the amendment with which to do it, to make sure we have smaller class size.

Maybe this isn't the time, but I am constrained, nonetheless, to talk a little about an issue because it is going to come up—I anticipate that it will come up—and that is the whole issue of discipline and discipline in our schools.

It is a major issue. I am not in any way denigrating it nor saying the problem isn't there, that it does not exist. Of course it does. Any of us who have put kids through school know that it is an issue. But time and time again, when I have looked at the issue of discipline, especially when it concerns children with disabilities, who are under an individual education program, an IEP—which qualifies them under the IDEA program—most often, the discipline problem arises out of the frustration that this young person with the disability has because their special needs are not being attended.

I remember a classic case one time where we had a deaf child, a deaf student, in a classroom and they were using visual aids, television. The kids would watch television as part of their learning program. I don't know whether it was "Sesame Street" or whatever. I am not certain what the program was. After a few days of this, the student who was deaf began to act up and throw things, hit other kids, became disruptive. What was the first impulse of the teacher? Get that kid out of class. The kid is becoming disruptive; I can't handle him.

They pointed out that the reason the kid was disruptive was because he didn't understand what was going on on the television—they didn't have closed captioning—because he had been deaf since birth. He had trouble speaking. So he was acting out his frustration by being disruptive in school. But when they fixed the problem, they put in closed captioning, it was amazing; the discipline problem went away.

You are going to hear more about this issue of discipline. Keep in mind how frustrated and angry some of these kids who have special needs and disabilities got, and they are not being supported so that they can get an appropriate education.

Again, I come back to my point. If we have smaller class size, the teacher can pay more attention to the student with special needs. Any way you measure it, I believe this amendment before us now is the key to having healthier, happier, more productive students, students who will go on to achieve more. The idea that somehow if we are going to test later on—we are going to test from the third to the eighth grade—we are going to test every year now, that somehow this is going to make them better students, there is a place for testing—but not without the support of the funding for it, though—if you don't have smaller class size, this testing isn't going to mean a thing. That is why we have to adopt this amendment.

I don't suppose the camera can pick these up. I had some other items here that were sent to me. Here are some second grade kids in McKinley School in Des Moines who made some posters for me, talking about how they felt with smaller class size.

Here is one that said: "There are more books and time to spend with adults." That is a second grader who wrote that.

Here is another one. I like this one. These kids are all standing in line to go into the library, and this student said: "It takes less time to do things."

Smaller class size means they don't have to stand in line so long to get their books. This is looking at it through the eyes of second graders who have seen what it means to be in smaller classes.

I like this one. This is Chelsea. Chelsea says: "There is more space in my classroom." The kids aren't crowded together. Think what it means to a child to have a little bit of space; they are not all crowded together. It means a lot to us, too.

Here is another one. This is Miguel Gonzalez. He says: "We are not crowded." And you can see all the kids are happy. They all have smiling faces.

This is from Tony. Tony says: "More books so I can learn easier, from the library." I assume he means he can get more books so he can learn easier because it is not so crowded. He is reading a book about space, he wrote there. That is a second grade kid.

Here is one; this is Gentrie. Gentrie says: "I can spend more time with the teacher." Here is the teacher saying, "Hello, Gentrie." And here is Gentrie saying, "Let's talk." A second grade kid, through this picture, says: "Hello, Gentrie." She says, "Let's talk." With smaller class size, Gentrie can talk to her teacher.

That kind of sums it up in terms of the Murray amendment and what it means.

We are going to have a budget conference report, I guess, tomorrow. We put $320 billion into that budget. Senator JEFFORDS and others, Senator SPECTER, Senator CHAFEE, had all voted to put more money into education. We had over $300 billion that we put in for education over the next 10 years. The Bush budget had $21.3 billion for 10 years. We said that is not enough. So we boosted that to $320 billion over 10 years.

The House, interestingly enough, had passed the budget with the President's figure of $21.3 billion in education over the next 10 years, an increase. Usually when we pass something here and they pass something different in the House, we go to conference and compromise somewhere between the two. We passed a $320 billion increase in education over 10 years; the House passed a $21.3 billion increase over 10 years. You would have thought that maybe we would have a compromise somewhere in the middle. The conference report has come back with has a zero increase for education. They didn't even take President Bush's $21.3 billion, as meager and penny pinching as that was. They zeroed it out.

So the money we put in for education, the budget conference that we will consider later this week a zero increase, zero. What they did was they took all the money and put it in a contingency fund, $400 billion in a contingency fund for 10 years. That pot of money can be used for anything, as I understand it. It can be used for anything we spend money on. So that means education is sort of put down on the level with everything else. It is not that important. We will just put it down with everything else. But this Senate, last week, said education was more important; that it deserved to be increased by over $300 billion over the next 10 years. Later in the week we will have a budget conference report that says: No, not only will we not even put in the President's $21.3 billion increase; we will put in a zero increase for 10 years.

That is why I believe it is so important for us to have a strong vote on the Murray amendment for class size reduction. Once again, we have to tell those budget negotiators that what they did is totally inadequate, if we are really going to meet the needs of education over the next 10 years.

That is why I am hopeful we can have a good, strong vote on the Murray amendment. We know the figures. We know the facts. We have the studies. We know what smaller class size means. If we just stop and think to ourselves, think about our own educations and our backgrounds, it is just common sense. We really don't need a lot of study. Sometimes just good old-fashioned common sense tells us what we ought to do, that a smaller class is going to mean more individual attention. As Gentrie said, she would talk to her teacher more. Teachers can talk to parents more. Common sense says we have to do it. We have to have smaller class size.

I guess the second question is, Can we afford to do it? Well, when you have $400 billion sitting in a contingency fund, nonallocated, for 10 years, I say yes, we can. We were talking about $1.6 billion last year. This amendment is $2.4 billion. Let's see, if I am not mistaken, that would be about one-half of 1 percent, roughly, of what is in that contingency fund. Can we say we can't use some of that money to reduce class size? I think we have to follow common sense around here and recognize that, yes, we have the resources; yes, we are a rich enough country; yes, we have the money to do this; and we ought to do what is right.

We ought to adopt the Murray amendment and continue what we have done for the last couple of years, which is working. We know it is working. The parents love it, as do students and teachers. We know it is going to benefit the kids of America. Why stop now? I think the answer is, don't stop it now; keep it going. Keep reducing class size. Let our teachers teach the way they want to teach and our students learn the way they want to learn, in close relationships. We will have healthier and better schools in the future for America.

I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I will simply say the compassionate speeches we have heard are interesting and certainly true. Earlier today we had Senator KENNEDY's amendment, which will give billions of additional dollars to localities for teachers so that children can have more individualized attention, or whether it is paying teachers more, or for teacher development, or stipends. That is a very good idea to empower local school boards to meet local needs as regards teachers.

(The remarks of Mr. ALLEN are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise, first, to support the amendment by the Senator from Washington regarding class size reduction. This is a very important amendment. It is one that will result in $13 million of additional funds coming to my State of New Mexico in fiscal year 2001.

It is a very important initiative and one that I hope very much we can adopt as part of this bill.

I want to also speak more generally about the legislation that is before us and begin by complimenting Senator JEFFORDS, the chairman of the Health, Education, Labor, and Pensions Committee, and the ranking member, Senator KENNEDY, as well as our staffs for the fine work that has been done on this bill. It is an honor for me to serve on that committee with them and to have participated in the development of this legislation.

This legislation, the Better Education for Students and Teachers Act, contains many provisions that I support and many that I have advocated for some period of time. I am especially pleased with the new accountability requirements that are in title I of the bill and throughout.

The bill also maintains several of the most important programs that are targeted to specific problems that we see in my State of New Mexico and many other States.

For example, the bill makes a strong commitment to reducing the very high dropout rates that currently affect many in our schools. The bill includes a measure to ensure that all teachers are well equipped to use new technologies in their classrooms, to incorporate it into their teaching to expand opportunities for students in every school.

There are also provisions in the bill to encourage more advanced placement instructions to raise the level of academic performance in our high schools and middle schools leading into those advanced placement courses at the high school level.

Clearly, the centerpiece of the bill is this section related to accountability. For the first time, States and school districts and individual schools will be held accountable for improving the academic performance of all students.

I am pleased the President adopted many of these accountability measures. Senator LUGAR and I introduced a bipartisan bill earlier this year. Many of those provisions now are contained in S. 1.

Implementation of tough and mandatory accountability standards is now a bipartisan effort. I feel very good about that. What we are implementing in this bill is a rigorous accountability system that demands results from all students, including those whom we have previously classified as disadvantaged students.

I want to take a minute to summarize the key components of this new performance-based accountability system.

The bill ensures that Federal funds will be directly tied to gains in student performance and, most importantly, it ties these funds to increased student achievement for all children. The accountability system incorporated in the bill goes a long way to ensuring that a primary goal of Federal funding is the elimination of the existing achievement gaps between disadvantaged and advantaged groups.

The components of the accountability system include:

First, raising standards for all students and providing an objective measure for that progress which can be effectively implemented through a grading system for States, school districts, and schools.

Second, focusing on the progress of disadvantaged students by setting separate goals for their achievement so schools must either show gains for those groups or be labeled as failing to make adequate progress as intended under the grading system.

Third, identifying schools that are failing to meet their goals in a timely manner so they can receive the additional resources and support to help those schools turn around; also, there are strict consequences if that failure turns out to be chronic.

Fourth, working to ensure that every class has a qualified teacher and that low-income and minority students are not taught by unqualified teachers at higher rates than other students.

Fifth, providing an expanded role for parents by expanding public school choice, establishing school report cards to inform parents about the quality of their schools, including the right to know their teacher's qualifications.

I do believe these strong accountability provisions in the bill are the right thing to do. They will improve academic achievement of all students, and I thank the chairman of the committee, Senator JEFFORDS, and the ranking member, Senator KENNEDY, and the administration for joining in promoting these tough new standards.

I also thank and acknowledge Senator LIEBERMAN and Senator Bayh for the important role they played in supporting these strong accountability standards.

I am also glad the committee included three other important measures in the bill as it was reported. The first is the dropout prevention program I mentioned earlier. The second will help train teachers in the use of technology in the classroom. I also mentioned that. And the third expands the opportunities for students to take advanced placement courses while in high school. That I also mentioned.

All three of these measures have broad bipartisan support. All were adopted unanimously in the committee. The dropout program makes lowering the school dropout rate a national priority.

Parenthetically, lowering the school dropout rate was one of the original goals former President Bush and the 50 Governors agreed upon in Charlottesville in 1989. Including it in this legislation is extremely important.

It is well known that the failure to acquire a high school diploma is one of the greatest barriers to future employment, earnings, and advancement. High school completion rates remain distressingly low in many communities across this country and, unfortunately, in many communities in my State of New Mexico.

The problem is disproportionately greatest among the minority and low-income students. Over 3,000 students drop out of school each day. Hispanic youth are nearly three times more likely to drop out of school as their Anglo classmates.

It does not need to be this way. There is now strong evidence that efforts that are focused on students most likely to drop out, especially at the ninth grade level, can dramatically improve the odds that those students will finish high school.

For example, in my State of New Mexico, Cibola High School in Albuquerque is using just such a focused effort and a small Federal grant to reduce its dropout rate from 9 percent to less than 2 percent in just 4 years. Last year, 86 percent of their ninth grade students earned all of their credits and moved on to the 10th grade.

The purpose of these dropout provisions in the bill is to try to duplicate Cibola High School's success at schools across the Nation.

There are three parts to the dropout program that are included in the bill. First is the creation of a national clearinghouse to get out information on research, best practices, and available resources to help schools implement effective dropout prevention programs.

Second, the bill establishes a national recognition program to spotlight schools that do successfully reduce the dropout rate.

Third, the bill authorizes a grant program to help schools implement proven approaches to reduce dropouts and put in place prevention programs.

I do believe that dropout prevention needs to be a national priority. The need for this program is underscored by the President's increased emphasis on annual testing which is sure to raise concerns that dropout rates will increase as States try to meet their academic performance goals. This is a real danger, that students who are not doing well in the tests will be the ones most likely to drop out. With all the emphasis on test scores, States will not have any incentive to focus resources on keeping these kids in school. That is why the dropout prevention provisions in the bill are so important.

In addition, I believe it is critical that States be required to set goals to reduce those dropout rates and report their dropout rates along with their annual test scores.

Senator HARRY REID of Nevada has been a long-time champion on this issue and has cosponsored this dropout bill provision with me. I thank him for all his good work.

The bill also includes provisions from a bipartisan Technology for Teachers Act, that I introduced along with Senators COCHRAN, ROCKEFELLER, and ROBERTS. Technology does promise to transform education. Unfortunately, too many of our schools do not take full advantage of this opportunity simply because the teachers have not been properly trained to use the technology.

I am pleased this bill includes our measure to continue the successful "Preparing Tomorrow's Teachers to Use Technology" program. The program provides grants to consortia of schools of education and State and local education agencies to develop teacher preparation programs to ensure that new teachers have the tools they need to take full advantage of new teaching technologies in their classrooms.

Another important new measure included in the bill is the Advanced Placement Program. This bipartisan program is cosponsored by Senators Hutchison and Collins. Advanced placement programs provide high school students with challenging academic content. They raise the bar for academic standards. They allow students to earn valuable college credits. I believe it is very important that the Federal Government support efforts to expand this program.

We have a superb example of what can be done in advanced placement instruction in Hobbs High School in my home State. It increased the participation rates in advanced placement instruction by 550 percent in just 3 years in that school district. A statewide program in New Mexico that helps low-income children pay for the cost of the tests has helped boost participation by 74 percent for Hispanic students, 300 percent for African Americans, and a remarkable 950 percent for Native American students. This is an important provision and one I feel very good about seeing in this bill.

I also believe S. 1 is a good bill and reflects a strong bipartisan basis for fundamental reform of Federal education programs. I hope we can maintain this spirit of bipartisanship that has been able to prevail. I am a cosponsor of Senator MURRAY's class size amendment. I strongly urge the Senate to vote to include that in the bill.

I will also be offering two amendments to deal with an issue I believe the States are not in a position to properly address. The first addresses the issue of school security and basic student and teacher safety. Senator TIM HUTCHINSON is a cosponsor. The other amendment is to expand a successful pilot program to create small learning communities within larger schools, the so-called schools within schools. Both of these have passed the Senate before. I am hopeful the Senate will agree to include them in this BEST bill.

I would like to conclude with one final point. I do think it is important for all Senators to remember this is an authorization bill. I expect it will pass with bipartisan support. But the real proof of the will and determination of this Congress to improve education will come in the appropriations process.

On the one hand, President Bush has imposed a variety of new requirements on the States including annual testing, but on the other hand the administration's budget, at least so far, does not provide significant increases for education. I support many of the proposed reforms, but so far I have failed to see the commitment of resources needed to make those reforms possible. I, for one, intend to be speaking out. We need appropriate funding levels for education this year and for each of the years covered by this 7-year authorization bill.

I do believe that much of what we are proposing in this bill will not be successful unless we are willing to make the full investment of Federal funding required. What is called for now is an investment in our children's future, an investment I believe our children deserve.

I thank the chairman of the committee, Senator JEFFORDS, and Senator KENNEDY, and their staffs for their fine work. I look forward to continuing to work with them and the other members of the committee as this bill moves from the Senate floor and into conference. I hope we will soon see this important legislation signed into law and appropriately funded.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to support Senator MURRAY's amendment.

I make an observation at the outset. I do think this amendment suffers in one sense. It suffers from the "not invented here" syndrome. That is, I have not heard anybody yet—I am hopeful to hear it—come forward and say why smaller classes are not better and why the United States of America and the Federal Government should not help in accommodating most States and counties and cities change individual classrooms to smaller sizes.

Maybe there is something of which I am unaware. I am anxious to hear it. I have been listening back in my office to this nondebate debate because everybody seems to be for it, based on what is going on, other than an oblique reference that is not good from one quarter. But other than that, I have not heard why smaller classes are not better.

I am amazed any Senator would come to the floor of the Senate to argue that reducing class size is not good for children. Occasionally we run across those things that are so obvious on their face there is no debate about it. I do not know anybody—educator, noneducator, able to read, not able to read, with a Ph.D., with just a high school education—I do not know anybody who would make the argument that if you are given the same teacher, competent or incompetent, that teacher is more likely to get more information in the heads of the children in his or her class if there are 2 students than if there are 5, if there are 5 instead of 15, if there are 15 instead of 45. It just is so self-evident.

Results from both standardized tests and from curriculum-based tests show students in smaller classes continually outperform those same students in larger classes. These results span urban and rural schools, among low-income and wealthy students. In fact, when class sizes were decreased for minority students, their achievement rates doubled—that is right, doubled.

There are certain things I do not know why we spend so much time debating, they are so self-evident, such as the idea that we would be better off in this country and more likely to raise the achievement level of all our children in direct proportion to how many children had to compete for the teacher's attention.

Children would lose a lot if everyone had Plato as a teacher because they would not learn to interact with other children; they wouldn't be involved in sports; they wouldn't learn social skills. But, my Lord, does anybody think they would not learn more information if they had one brilliant teacher and one brilliant student, no matter how slow and how fast?

Everybody knows this. The question is whether or not we are willing to put our money, as a priority, on what we say is the single most important task facing this country—education of our children.

I ask anybody within listening distance of this microphone, on television or on radio, to ask themselves the following question—by the way, I teach. I taught as a student teacher when I was in law school to make money to get through law school. I now am a professor at Wyden University Law School, teaching an advanced course in constitutional law for two or three credits, depending on the semester, for the last eight or so semesters.

You don't have to know rocket science to figure this out. They tell me there are about 190 young people who try to sign up for my class every year. Because it is a seminar, it is limited to no more than 16 or 17 students, although I might note parenthetically that the school started putting 25 and 28 in my class. I finally went to the dean and said: I think it is too large. He said: Well, I guess you are right. And they decided to put fewer students in the class. They changed the schedule to a Saturday morning, and it became inconvenient at the last minute. So for the last two semesters I have only had five to eight students. I promise you, as bad of a teacher as I am, when I had 5 students in my class, they learned a lot more than when I had 15, even in a targeted seminar.

My wife has been a schoolteacher for the last 22 years. She can tell you, as any teacher in a public or a private school—she taught in the public school; now she teaches at a junior college—that everything changes when you have fewer students—everything. Discipline problems change when you have 5 students as opposed to 10; or 15 as opposed to 45. Everything changes. The student who is self-conscious, or the student such as I when I was a kid who stutters, is much more likely to raise his or her hand with a small class than with a big class. The kid who raises the devil or is shy is likely to engage more in a small class than a big class.

I don't get this. I don't understand why this is even a debate. I really truly don't.

Some of my conservative friends believe in the devolution of power, which is the new, as they say, paradigm for Government. It is a fancy word of saying the Federal Government has no responsibility.

If you conclude that the Federal Government has no responsibility to deal in any way, directly or indirectly, with elementary and secondary education of our students in the States and localities, then I accept your "no" vote as being based upon a rational principle. I disagree with your principle, but it is rational. It is rational to say the Federal Government should not be involved at all; ergo, I am against 100,000 teachers. I got that. I figured that out. There are some in this body, many at the Cato Institute, and many at the Heritage Foundation who believe that. I think many of the people, including President Bush, may believe that. I don't know. But I understand that.

However, I do not understand anyone making the argument that the distinguished Senator from Washington is wrong—if I am not mistaken, she used to actually teach—when she says that it is easier to communicate information, build confidence, and encourage involvement when you have a smaller class than when you have a larger class.

Why do you think we pay so much money to send our kids to private universities as opposed to public universities? I went to a public university. I am very proud of my university, the University of Delaware. My son went to a large law school. In our State, we don't have a large public law school. My son went to Yale. He had five, six, or seven in his class. The fact is, I didn't get into Yale. Thank God I have a smart son.

But all kidding aside, why do you think we pay all this extra money? Many of these brilliant young people sitting behind us and the ones who advise us went to those schools. They went there because, in part, of the teacher-pupil ratio.

Why do you think when you send your kid to a university and you get that little book, which we all learn—there is a book that gives the ratings of all the colleges—why do you think, in addition to telling you the size of the library, the size of the student body, the endowment, and how many Nobel Laureates they have, part of the rating of whether they are a good or a bad school is based upon the teacher-student ratio?

I get confused here. Maybe I am a little slow. But if, in fact, it matters when you are a 22-year-old doctoral student to have a smaller class, tell me why it doesn't matter when you are a 7-year-old first grader? I don't get this. I think we need a little bit of truth in packaging here.

This is not my legislation. I am a follower. But I am ready to be a soldier. I hope someone will come to the Chamber and debate with us about why smaller class size is not a good idea.

Good. Maybe my friend is about to do that. I would love to have that debate.

Simply put, smaller classes can dramatically improve the quality of a child's education, whether they are slow, or fast, or whether or not they are the brightest candle on the table. All of them will benefit marginally more by a smaller class.

We began this initiative under the leadership of the Senator from the State of Washington 3 years ago in an attempt to reduce class size in grades 1–3 to no more than 18 students. I cosponsored that amendment with Senator MURRAY in her effort to continue this program in subsequent years.

I would like to think that the 100,000 teacher initiative would be as successful as the 100,000 cops initiative that I authored in 1994. I don't think it is an accident that overall crime has gone down 7½ percent per year because we added 100,000 cops on the streets in addition to other initiatives. The Federal Government has no strings attached in terms of having any control over the cop any more than having any control over the teacher. The State, the district, and the locality control that teacher. But as we say, there are certain national priorities.

No child should be left behind. One of the ways to make sure no child is left behind is to do just what every parent does in the supermarket or department store: Don't let go of her hand. Don't let go of his hand. And if you have 45 students in the class, you can't hold all their hands, figuratively speaking.

So the degree to which you want to be assured that children are left behind, increase class size. The degree to which you want to diminish the possibility of any child being left behind, reduce class size.

Both the cops and teachers programs focus on putting resources where they can be most effective. For cops, it was the street. For teachers, it is the classroom.

In the first year, more than 29,000 teachers were hired. Now about 1.7 million children are directly benefiting from smaller classes.

In my home State of Delaware, a small State, our schools rely on this program to fund 115 teachers statewide.

While that may not seem to be a lot to some of my colleagues, those additional teachers can, and do, have a great impact in a State as small as mine. I debated the Senator's legislation on, I believe it was, "Meet the Press" about a year ago with the distinguished and serious Governor of the State of Pennsylvania, who was making the case that President Bush did not like this program. He pointed out—and I will ask permission to amend this figure in the RECORD if I am wrong—my recollection is there were a couple thousand teachers in Pennsylvania or 1,800. It was a big number.

I turned to my friend on that show, the Governor of Pennsylvania, and said: Well, then, I assume the Governor of Pennsylvania would like to send back the money. You don't want the teachers? They don't make a difference?

So I suggest that any Senator who is opposed to this program should stand up and in good conscience say: By the way, we have 270 federally funded teachers. I would like to send all the money back. I am sending a petition to my Governor saying: Don't take the money. Fire those teachers. Send them home. Or tell us why it isn't working in your State to help alleviate the myriad of problems public educators face every day. This program is working.

Now, in my humble opinion, is not the time to give it up, either by failing to provide the necessary funds for continuation or by block-granting them with other education programs because, do you know what happens when you block-grant? The last people to benefit are the teachers. The last folks who get anything in the deal are teachers. This isn't for the teachers. This is for the students.

Again, I make an analogy to the police. Before we passed the Biden crime bill in 1994, in the 20 largest cities in America, there was a net increase of less than 1.5 percent in the total number of those who were on police forces because—guess what—they did not want to hire police, not because they did not think they needed them but because they did not want to sign on to the commitment of year in and year out having to pay them. They did not want to pick up the fringe benefits, the health care, and so on.

So when you block-grant it, I promise you, they are not going to put it in hiring more teachers. They are not going to go into your local school districts and say: By the way, we block-granted the money. And now we are going to give, for example, Abraham Lincoln School in such and such a county, in such and such a State, money to hire three more teachers.

I hope I am wrong. But I will make a bet, if you block-grant it, a year after the block grant has been distributed, there will not be any more teachers than the day before it was distributed.

So, folks, it is a funny thing about education: you need a teacher. It is a strange notion.

I know of the incredible work Senator KENNEDY has done. And I say to my colleague from Vermont, and all the members of this committee—Republican and Democrat—they have done incredible work. But I cannot think of anything—anything at all—they have done that has the potential to have a more immediate impact on the amount of knowledge students in the United States of America attending public schools will acquire than reducing their class size. Maybe there is something out there—I do not purport to be an expert in education—but I am telling you, I can't think of anything in this bill more important.

So I urge my colleagues to stand with the Senator from the State of Washington, Mrs. MURRAY, and adopt her amendment and support the Class Size Reduction Initiative—unless they have another idea as to how they are going to guarantee us that the end result of our legislation will be smaller class size in the States and localities that voluntarily choose to participate in this program.

I thank my friend from the State of Washington for allowing me to participate and cosponsor this amendment. I compliment her and everyone else who supports this concept. I look forward to hearing opposing arguments on why smaller class size is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in opposition to the Murray amendment. I want to build on the discussion that has gone on in this Chamber for several hours. I will focus on three particular points.

No. 1, very clearly, the goal of the underlying bill is to address the issue of how we can best, first, diminish the achievement gap—which has gotten worse over the last 30, 35 years, during which time the Elementary and Secondary Education Act has been in effect—and, No. 2, to boost the academic achievement of everyone, to make sure we are, indeed, preparing our young people today and those of tomorrow for their future: To realize that American dream, to make sure they can compete, not just adequately but in a powerful way, with their international counterparts.

I think the amendment of my colleague from Washington focuses, in a very important way, on a very important issue and that is the teacher-student relationship. For one of the first times in the debate in dealing with class size, we are focusing on the face of the child in the classroom and on the teacher at the head of that class.

We talk about programs a lot. We talk about money a lot. But this does take us down to the classroom, how we best accomplish the education of the child sitting in the classroom, with the teacher at the head of that class.

I will argue against the amendment, basically using the argument that another Federal program, another Federal approach is not the answer. It does not mean I believe class size is not important. That is not what I am saying. What I am saying is we need to find out how best to achieve what is needed in the classroom, to make the teacher and the students have a relationship that maximizes student achievement, learning, and to minimize and, hopefully, eliminate the achievement gap over time.

The second point I wish to address is this whole issue of looking at the teacher and the students in the classroom and figuring out what you can do to best take care of the needs of that class to boost student achievement.

In my mind, if you look at all the parameters, the most important is the quality of the teacher. We have an impending crisis in that area. In part it is because of demographics, and in part it is because of the attractiveness of the profession, and professional development. Much of that is addressed in the underlying bill—something we have not talked about very much.

The quality of that relationship—it does not mean quantity is not important—becomes first and foremost in importance, to my mind.

Thirdly, I believe the amendment by my colleague from Washington is unnecessary because if class size is an issue at the school level—whether it is in Nashville, TN, or Alamo, TN, or Kingsport, TN—it can be addressed as it is spelled out in the underlying bill itself.

I want to refer back to the bill because we have talked very little about how that issue is addressed. A lot of people have not read the details of the bill itself as it relates to the issue of that teacher-pupil relationship in the classroom itself.

In the bill we allow schools to address their current classroom needs, to give them the flexibility and the freedom, the mechanism, to accomplish what the goal is: boosting academic achievement. It means we do have to examine that relationship between a teacher and a student. There are all sorts of variables. And you will hear that one is more important than another.

A big issue is how many students are in the classroom with the teacher. It is not quite that simple because it depends on the subject. Is it mathematics? Is it science? Is it teaching a child to read? Is it in a classroom where there is technology and there is a lot of interaction going on between the teacher and the students that we might not have had in the past?

A second issue is, how safe is that teacher-pupil environment where the teaching is occurring? The goal is to boost student achievement. It is an issue that is addressed in the underlying bill. But the point is, in the classroom there are all sorts of environments that have to be addressed. How conducive is that environment to learning? Are there disruptive students in that environment? How good is that teacher?

Earlier this week, and last week, we talked about failing to invest in the quality of our teachers. We are failing to give them the programs to make them more useful. Their intentions are good. They work hard. We have to look at their qualifications, their certification, and, lastly, what is the relationship of that teacher to technology today.

Again, in this bill, which people are just beginning to really focus on, there is a whole section to encourage the use of technology, to adapt technology to the use of that classroom, again, to reduce that achievement gap, to boost learning for everyone, and to maximize the use of the teacher at the head of the classroom and the children.

What is important in one school in one part of Nashville may be totally different than what is important in another school, say, in Memphis or in Anchorage, AK, or in Manhattan or on an Indian reservation. That decision should most appropriately be made by people in that community. Whether it is the teacher in the classroom, the parents looking in on that classroom, or the principal, they are the ones who can assess how technology is most appropriately used; what is the size of that classroom; how safe is that environment; how disruptive are the other students; all of which is placed into this bowl of how best to boost student achievement and maximize the teacher interaction with that particular student.

The point is class size is one of those parameters and, indeed, in certain situations it can be very important. But rather than have another Federal program—because we have tried that; we have had a litany of hundreds of Federal programs over the last 35 years—that basically says, this is the problem and this is the way to fix it, why don't we have a program which—and it is in the underlying bill—says: Let's group and consolidate programs, including class size, but allow the decision on how to use those resources to be made by the teachers, by the principal, by the school district, the community, under the influence of parents, under the influence of local decisionmaking and local input.

It comes down to a fundamental difference, what the debate has been over the last several years since I have been in the Senate, on which we have disagreed many times in the past: Whom do you trust? Whom do you trust to identify the needs, to respond to those needs? Is it another Federal program or is it the teachers and the principals and the school board members at the local level?

Our approach, very clearly—the reason why I urge defeat of the amendment—is that, yes, we need more resources; yes, we need more money; we need to shine the spotlight on the issue of local control, but we want to free people up from government regulations, from another program, to allow them the how-to in boosting the achievement with decisions made locally.

The second issue I will discuss is when you look at the classroom environment which we all want to maximize and make conducive to learning, the teacher is very important. We are having an impending crisis in the quality of teachers at the head of the class. The U.S. Department of Education estimates that a whole wave of teacher retirements as well as the demographics of rising enrollments will force America's public schools to recruit over 2 million new teachers in the next decade. It is a matter of demographics and retirement.

I argue that instead of thinking about warm bodies, as you see this teacher and the student in the classroom, we absolutely must invest—and the good news is, the underlying bill does—in improving that teacher quality. Teacher quality in the classroom drives academic success. It is the single factor most likely to boost student achievement. Good teachers clearly make the difference. We can all name our teachers. Both sides of the aisle have talked about teachers who have influenced their lives and the importance of that personal relationship in an environment which maximizes learning.

William Sanders, from Tennessee originally, has been quoted on the floor because he has looked at all sorts of issues and has been nationally recognized for studying the environment. Again, his conclusions and statistics and data have been used by both sides of this particular issue. He says:

> When kids have ineffective teachers, they never recover.

Teacher shortages are going to hit a high in the year 2010. We absolutely must begin thinking right now about how to replace what equates to about two-thirds of our teaching population today that simply will not be teaching at that time. The factors are many. In large part it is demographic. We know that enrollments in public and elementary and secondary schools are projected to rise about 4 percent in the next decade. That, in and of itself, is going to require more teachers to fill the increasing number of classrooms. The average teacher today, 44 years old, means that school districts all across the Nation will have to brace for a whole wave of retirements occurring in the not too distant future.

Third, one-fourth of beginning teachers in my own State of Tennessee leave the profession within 5 years. More than half are teaching subjects in Tennessee outside their area of expertise or in subjects they were never trained to teach.

On the issue of teacher quality, the Thomas B. Fordham Foundation reported in a recent study:

> College graduates with high test scores are less likely to become teachers; licensed teachers with high test scores are less likely to take jobs; employed teachers with high test scores are less likely to stay, and former teachers with high test scores are less likely to return.

When you couple the critical importance of teachers with the fact that today America's students rank lower than their international counterparts in the fields of math and science and in reading, the issues we have talked about before, we clearly need to focus on quality teachers, on attraction of those teachers, supporting those teachers, and retention of those teachers. They are the key to motivating those students who may fall further and further behind—again, in part contributing to that increase in the achievement gap we all know so well.

. It is important to understand that—and class size is one of them—the quality of the teacher is critically important to educating our children. I mentioned a few of the statistics, but if you just go through several about the qualifications of teachers today—

again, remember, we have identified a problem; we are making this diagnosis; and we want to respond in an appropriate way—only one in five full-time public school teachers feel well qualified to teach in a modern classroom.

More than 25 percent of new teachers enter our Nation's schools poorly qualified to teach. Twelve percent of teachers enter without any prior classroom experience.

If we look at inner-city schools, statistics are even worse. Inner-city students have only a 50/50 chance of being taught by a qualified math or science teacher. New teachers in the United States receive less on-the-job training and mentoring than do their teacher counterparts in Japan and in Germany. I have referred to the fact that U.S. teachers today who are in that classroom actually teaching our children lack appropriate training and knowledge of a particular subject.

The data is as follows: Many students are taught by a teacher who lacks either a major or a minor in the subject they are teaching.

Of the following statistics, these are people who do not have a major or minor in the field in which they teach: That is, 18 percent of social study teachers, 40 percent of science teachers, 31 percent of English teachers, 34 percent of math teachers.

In schools where more than 40 percent of the students are low income, nearly half the teachers are what is called "out of field."

I go into some detail about this issue of quality because the focus is very much on what goes on in the classroom. Then the question is: You have identified the problem. Is it being addressed in the bill? This brings me to my last point. Is the Murray amendment necessary? To answer that, I will argue, no, and I encourage my colleagues to vote against it. But it takes an understanding of what was done in the underlying bill and what is actually in the bill to understand why I can say with confidence that it is unnecessary as we focus on the teacher and the student in the classroom.

What we do in the first part of this bill is pool the funds and the authorities that are existing in programs which we have had in the past. We have talked about that in the last hour. The existing Eisenhower professional development funds and the class reduction funds, we haven't gotten rid of those. We haven't eliminated the class size reduction effort, but what we have done is put those together, consolidated them.

We pool those funds. And we do that with a very simple—this really comes down to the philosophical difference of what we think works and what will not work. We do that in order to give access to these resources to local communities to give them the flexibility to address their particular needs. In one school, it might be class size and they can use those funds for that. Remember, we have not done away with the funds themselves. We list that as one of the appropriate uses. But it might not be and it might be that school would rather use those funds for an afterschool program or for increasing the use of technology or the inclusion of technology in that program.

The point is that we have taken the class size reduction funds and the other funds and we have put them together and basically said, how you accomplish boosting student achievement or reducing that achievement gap is up to you at the local level. Why? Because you know whether or not you need another teacher in the classroom, a smaller class size, or better use of technology.

Real quickly—and I will be brief—what is in the bill? State activities: States may use these funds for a whole range of activities—certification of teachers, recruitment of teachers, professional development, or support for teachers. Local activities: Again, local decisions can be made whether or not to use these funds for class size, professional development, recruitment, or for the hiring of additional teachers.

Local accountability is built into the underlying bill. The evaluation plan of a local education agency must include performance objectives related to student achievement, relationships to teachers, how well teachers are performing, participation in professional teaching and development activities.

Lastly, in the bill, there is a whole series of sections that look at activities that address leadership by teachers, advanced certification and credentialing, supporting that activity by teachers, and transitioning to teachers for those people who might be midcareer and might need training to be certified to teach.

In closing, if class size is a problem in the school, under the Kennedy-Jeffords bill it will and can be addressed. There are resources there for that. Our approach is not another Federal program, not admitting a program. We have tried that in the past, and we have a litany of programs today that clearly have not been successful. We want those decisions to be made locally by teachers, by principals, by school boards, rather than Washington, DC. Since it is provided in the bill, I believe there is no need to create yet another program. I urge defeat of this amendment when we vote on it tomorrow.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that at 5:15 today, the Senate proceed to a vote on the Warner amendment No. 383, with no second-degree amendments in order to the amendment.

Mr. KENNEDY. Mr. President, reserving the right to object. I want to move this process along, however I haven't spoken on this amendment. If anybody else wants to speak, there might be a few minutes in the morning. Understanding that we might be able to split that between Senator MURRAY and myself, I will not object.

Mr. REID. Reserving the right to object, I also say that Senator KENNEDY has indicated that he has someone lined up to do another amendment tonight—Senator FEINSTEIN—if that is in keeping with what the majority wants. We can debate that for a while tonight. I don't know if the leadership wants a vote tonight or tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank my friend and colleague for making the agreement, and we will move ahead with the vote shortly.

We are very hopeful of getting the process moving. There are currently about 70 amendments. Some are in the process of being worked through because they are under the jurisdiction of other committees.

There are also many outstanding amendments which are related to this bill, that need to be called up. We are prepared, as we mentioned last Friday, to work toward the continuation of debate on these measures and final resolution. I know the Senator from Vermont said we are prepared to stay in this evening, tomorrow evening, and Thursday evening. We are going to have time to debate the Budget reconciliation that we will take up sometime this week. However, we are quite prepared to deal with these amendments. We urge colleagues to bring them up. I am absolutely amazed, quite frankly, that Members are not prepared to bring up their amendments. We have known this bill is going to be debated on the floor. We are prepared to deal with this legislation.

I intend to ask our leaders on our side to request consent to establish a deadline for submitting amendments. We welcome our colleagues to submit amendments, and we want to try to have a full opportunity for discussion on these measures. It is about time we had good debate on this legislation. That is what I know my friend and colleague from Vermont is prepared to do. I am prepared to do that.

I make the plea to my colleagues on this side of the aisle to address these measures and do it in a timely manner. We understand the priority that the budget has, and we have all been around here long enough to know that unless some deadlines are established, unfortunately, we are not going to complete our business. I will work with our side and with the majority leader to try to establish a process where we can move in a timely manner. I will be glad to yield for a moment, but I would like to address this amendment.

Mr. JEFFORDS. I agree with the Senator 100 percent. I suggest that all amendments that are filed—only all those filed by 5 p.m. tomorrow be considered to be voted on, or some appropriate language that would make that the law.

Mr. KENNEDY. That certainly is a proposal I could support. I will not offer that at this time, though.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. I am glad to yield.

Mr. BIDEN. I ask unanimous consent that my amendment No. 386 be called up and then set aside, just so I make sure I am in this game.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment for this consideration?

Without objection, the pending amendment is set aside.

AMENDMENT NO. 386 TO AMENDMENT NO. 358

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 386.

The amendment reads as follows:

(Purpose: To provide resource officers in our schools)

On page 893, after line 14, add the following:

SEC. . SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting "school officials," after "enforcement officers"; and

(2) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;".

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(3) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

"(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.".

Mr. BIDEN. I ask unanimous consent that my amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. The pending amendment is the Murray amendment; is that correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I want to add my strong support for the Murray Class Size amendment. I have listened with great interest and always have learned from my friend and colleague from the State of Washington when she proposes this amendment. It is a subject that is not new to the Senate. We have voted on this, and we have seen its implementation for a number of years and the success that it is having in schools across the country.

I am always impressed by the fact that the Senator from Washington, who was a member of a school board and a great teacher, understands this issue and is able to address this issue from her personal experiences. We are so fortunate to have a Senator with that kind of experience proposing an amendment that can make an important difference in the education of children. I support this amendment, as I have in the past.

We have tried in the legislation to find various programs that enhance the educational capabilities of children. It is true, as the Senator from Tennessee said, that there can be a local option as to whether schools, under the title II provisions, want to use the funds for smaller class sizes or professional development. It is my strong position we need both and we need a commitment in both areas.

That is what this is about. We did enhance the resources for recruitment, enhanced training of teachers, continuing professional development, mentoring, and the development of additional professional skills dealing with the important areas of child growth and development and child psychology area. These are enormously important.

If there is anything we have learned over the years, it is the power of well-qualified teachers with a good curriculum teaching in a class with a small number of students.

I am not going to take the time of the Senate to go through the research base supporting reducing class size, but the studies are very clear. Both the Star studies that have been done in the State of Tennessee, and the Sage studies in the State of Wisconsin show that reducing class size has positive effects on student achievement and classroom behavior.

I have traveled to the State of Wisconsin. I visited the classrooms. I heard the teachers. I talked with the parents. There has been dramatic and significant progress made in moving toward smaller class sizes.

That has been true in the State of California as well. I will read from the California report on the results from the first 2 years of class-size reduction:

> California class-size reduction reports show that reducing class size improves student achievement. A study of the first 3 years of class-size reduction efforts in California shows that smaller classes have boosted student achievement in communities across the State for the second year in a row.

It goes on:

> The evaluation shows those students in the most disadvantaged schools were most likely to be in larger classes or taught by less qualified teachers. Students in smaller classes outperformed their peers in larger classes even with less qualified teachers. These students could be performing even better if all the children in these schools had fully qualified teachers and smaller classes.

That is what we want: smaller class size and better trained teachers. That is absolutely essential. The Murray amendment will authorize continued funding to create smaller classes, hire additional teachers and provide those teachers with the professional development that they need to help every child succeed. We will have the continued commitment to smaller class size. With a strong bipartisan vote this morning, we will have the resources to make sure the neediest children in this country have well-qualified teachers in the classrooms, and those teachers will be able to give every student the individual attention that they deserve.

I am amazed at what the Senator from Washington was able to do with her amendment. It requires a simple one-page application. It will be available to any school district in the country. All they fill out is one page. Under the formula devised in the Senator's amendment, they will either qualify or not qualify. It does not take a lot of grant writing. The school districts will know very quickly the amount that they are entitled to and how many classes they are able to impact. That will help move the process forward.

There is flexibility in the Murray amendment. If a school district reaches the smaller class size goal, it states in the amendment that they can use the resources for professional training for teachers. It is enormously important.

Senator MURRAY has built in flexibility. If a school achieves a lower class size in grades one through three, and they have the additional resources, they can reduce class sizes in other grades. The flexibility is there. If they are able to do all of them and still have resources left, they can use them for teacher professional development.

I want to use my last moments to bring a few things to the attention of my colleagues. First, we have the recent story on the achievement gains by the students of the Prince Georges County Schools reported in this morning's Washington Post. I point out the lead story: "Pr. George's Test Scores Show Best Gains Ever." It says:

> Prince George's County students posted their highest gains ever on a key standardized test used to gauge how local children measure up to their peers nationally, according to the results released yesterday.

It gives the very encouraging results.

The superintendent was asked about the factors in ensuring these kinds of results. She said:

> . . . as proof that the county is serious about improving academic achievement and that they would reward it with more funding to reduce class size and repair deteriorating buildings.

This is what they have been able to do.

Moving over to the jump page on A14, it talks about the importance of reading. That is in the BEST bill. We are in strong support of additional time for reading and math. We are all for that. It is in this bill.

The superintendent also commented on the importance of reducing class size in the lower grades and placing more emphasis on training teachers. This is exactly what we are debating today.

How many times do we have to see the same evidence before we learn this? We have the studies in Tennessee, Wisconsin, and California.

I have a report from the Mississippi Department of Education. I will mention what a few of the teachers have found. I will also include other comments.

This is from Suzanne Wooley:

> The drop in the student/teacher ratio within the first grade this year has been a really great tool in our ability to help our children. Because of fewer numbers of children, we have had practically no discipline problems. The children are more like a team and they expect the best from each other. This saves a great amount of our instructional time for actual instruction. My teacher's assistant and I are also better able to aid and instruct low-achieving students with their individual needs. We are giving much more time to the skills each student needs to work on. As a group, we are covering our "core-skill" material much more quickly and the children are "catching on" and learning the material more thoroughly.

Kelly Blacklaw:

> This is the first year that I have taught first grade. However, I am accustomed to small groups, because I taught Title I Reading for three years. I taught kindergarten for one year prior to teaching Title I and had 30 students with an assistant. Comparing this year to that particular year, reduced class size has definitely been very beneficial for the progress of my students. I have been able to get to know my students better and much more quickly. I have been able to gain a great deal of insight into their backgrounds and their strengths and weaknesses.

Ms. Simpson:

> Generally speaking, my class this year is quite low. Due to that fact, a smaller classroom size has been greatly appreciated. I am able to more effectively monitor the children's progress as I teach, and have found that more time is available to reinforce and practice important skills.

They mention there was only one child who fell behind in reading.

These go on and on. I do not know what more we have to do to convince our colleagues. We are not placing a mandate on any local district. All we are saying is we know this works and we hope communities will choose to embrace the idea of reducing class size.

Mrs. MURRAY. Mr. President, will the Senator from Massachusetts yield on that point for a question?

Mr. KENNEDY. Yes, I certainly will.

Mrs. MURRAY. Mr. President, I commend the Senator from Massachusetts and ask him again, because we have heard from the other side that this is some kind of Federal mandate for local class size would the Senator from Massachusetts not agree with me that this is a voluntary steady stream of money for schools that choose to use this money to reduce class size?

Mr. KENNEDY. The Senator is exactly correct. It is a voluntary program. It will be available, with the Senator's amendment, to local communities that have crowding in their classrooms, as it has been in my own State of Massachusetts in a number of different communities with the same very positive results we have seen in other places.

As the Senator remembers, we made a national commitment to hire 100,000 teachers. This is the amendment the Senator from Washington offered—100,000 teachers. We have, I believe, 37,000 of them, and some of them have already proven to be our best.

At the time this was announced, as the Senator remembers, we had former Speaker of the House Gingrich. "We said the local school board would make the decisions. No new Federal bureaucracy, no State, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to pay for local school districts. . . ." House Speaker Gingrich, the first time we passed the Murray amendment, called it a victory for the American people: "There will be more teachers, and that is good for all Americans."

As I remember, and as I read the amendment, I believe 99 percent of the funds go to the local district and the local district has the control. Am I correct?

Mrs. MURRAY. I thank he Senator from Massachusetts for answering that question. He is absolutely correct; 99 percent of the money does go to the local schools at their discretion to use for class size because it is a national priority.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I want to point out very clearly, we need fewer children in classrooms so that teachers can give each child the attention necessary for that child to succeed. Teachers need the mentoring and the professional development that we have in the legislation. Smaller class size is a tried and tested program. It is effective. We ought to have smaller classes and more opportunities for teachers to get the training that they need. That is what this amendment is really about.

We should not forget the commitment that we made. We know what works. We know it has been effective. We believe that children are worth our investment. We believe the Murray amendment is the best way to get this job done.

I yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe we are going to vote on the Warner amendment at 5:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Debate appears to be resolving around the amendment of the Senator from Washington, and I did want to speak to that. Then I guess we ought to vote.

The amendment of the Senator from Washington is an outgrowth of a proposal that was put forward by President Clinton and was carried by the Senator from Washington for the last couple of years. However it fails, in my opinion, for a variety of reasons.

The first reason it fails is the basic philosophy behind the amendment which is we in Washington know better—better than you, the American citizens who run their school districts; you, the parents across America; you, the principals across America; you, the school boards across America—how to run your schools. This is a command and control amendment. This is an amendment which says we are going to put a certain pot of money on the table—your tax dollars, by the way, tax dollars we took from you in Auburn, NH, or Cheyenne, WY, or Chicago, IL. The tax dollars that we took from you, we are going to take some of them and put them on the table. But before you can get any of those tax dollars, you have to do exactly what we tell you to do with them.

Specifically, in this instance, you are going to have to hire more teachers. Even if you do not need more teachers, you are going to have to hire more teachers because we in Washington know a great deal more about what you need in your school system than you do. That is the basic premise of this amendment. It is one of the primary reasons I oppose it.

The second problem with this amendment is there is no statistical standard which shows that certain class size ratios improve education. In fact, study after study, significant studies—in fact, 300 studies—which have been reviewed conclude that it is the quality of the teacher that is key to the quality of education more than the class size. That is especially true after you hit a certain level of class size.

In the United States today, the average class size ratio is 17 to 1. I think 44 States already meet the level of ratio that was put forward by the President as an appropriate level, which was 18 to 1. So we are not talking about dramatic reductions in class size in States across the country. What we are talking about is essentially trying to work at the fringe with some Federal money to demand that more teachers be hired.

But the practical effect of that may be to reduce the quality of education. Why? Because you may end up with poorer teachers being hired because you forced on the school system the requirement that they hire more teachers rather than that they improve the quality and the ability of the teachers who are in the classroom, which almost every study has concluded is the key to good education.

In fact, I hold California up as a pretty good example of how this works. They set in place—their right, they have the right to do it—a class size ratio proposal. As a result, they went out from 1995 and hired a whole bunch of new teachers. What happened? The number of certified, qualified teachers went up—this is in the K–3 area—from 1,100 to 12,000 unqualified or teachers who were of questionable quality. They were not certified. They had not learned how to teach a third grader or second grader or first grader or one in kindergarten. So it is very possible that by reducing the class size, California actually ended up putting 11,000 more teachers into the classroom who didn't know how to teach.

A couple of other important studies proved beyond any question that if a student is exposed to a teacher who doesn't know what they are doing in a subject, the recovery time for that student is extraordinary. Under a Rand study, they concluded a student may never recover from a poor teacher—which gets back to the initial point: We do not know whether teachers are good or not.

I do not know here, standing on the floor, whether the teacher in Epping, NH, is good or poor, whether the teacher going to be hired is a good teacher or poor teacher. I don't know it in Cheyenne; I don't know it in Chicago. What I do know is the principal in that school probably does know who the good teachers are, probably does know teachers who have weaknesses and need assistance, probably does know whether in one class they need more teachers but in the other class they just need to improve the teacher they have. Or maybe in another class they have such a great teacher who is being pushed out of the school system because they cannot afford to pay the costs because the teacher cannot afford to live on the salary they are being paid and they need to pay that teacher more.

I do not know the answer to those questions, but I will tell you who does: The local principals, the school boards, the teachers in the class know that, and the parents whose kids are in the classroom.

What does this proposal say? It says it doesn't matter; you have to hire a new teacher. That is your option. If you want this money, you have to hire a new teacher.

I think that was misguided. I think it was misguided when President Clinton brought it forward earlier, and as a result we have debated this matter on the floor a number of times. What did we do to try to correct this? Because we do recognize, on our side of the aisle, putting more teachers in the classroom may be the proper resolution to a specific incident; that may be what some school systems need. We also recognize on this side of the aisle maybe the proper resolution is giving that teacher more tools to work with, maybe giving that teacher more educational support, maybe giving that teacher some extra pay so they can keep teaching or some of the other things they may need.

So we put in the bill something called the Teacher Empowerment Act. What the Teacher Empowerment Act does is to say let's merge these teaching funds; let's take this Eisenhower grant; let's take the class size grant, put it into a pot of money, and then give the States and local school districts the opportunity to use that money in four different areas. They can hire more teachers for their classroom if that is what they think they need. They can, if they need to, say to a teacher who may be leaving for the private sector: You are too good. We cannot afford to lose you. We will pay you some more money. They can, if they have a teacher in a classroom who maybe isn't quite up to speed on the academic issue they are teaching, say we are going to get some outside assistance; we are going to help you get your credentials up to speed; we are going to give you some money to help you get some more education. Or they can give the teacher some technical support in order to assist that teacher.

They can make those decisions. We do not make them on the floor of the Senate. We do not tell the people who are running the local school boards: You must do this; you must do that. We do not tell that to the principals, the teachers, or the students that, or the parents of the students. We would rather say: Under the Teacher Empowerment Act, here are four uses for this pot of money. You make the decision.

Isn't that much more logical?

We are not saying that the idea of reducing the ratio in a classroom is bad. In fact, we are saying it is a good idea in many instances. In fact, we are saying it is one heck of a good idea if you have a good teacher. We are, however, saying that in those classrooms where the principal knows maybe he doesn't have the right teacher or she doesn't have the right teacher coming in, or maybe that teacher does not know enough about the subject of teaching, that they ought to have other tools available to them to make those teachers more effective.

Interestingly enough, the studies have shown that by making teachers more effective in the classroom you can teach a lot more kids a lot better at a lot less cost than by going out and hiring unqualified teachers or teachers who maybe aren't cutting it. It costs about $450 per student to bring a classroom into compliance with some of these proposals that are being proposed today, but if you were to do it through technology, it costs, I think, $90 per student. I think that was, again, a Rand study.

We are saying on this side of the aisle, let's give the local school board the flexibility to adjust the classroom size. If they want to go to a ratio of 10 to 1, they can use the money to hire more teachers to do it. If they want a ratio, however, of 17 or 18 to 1, which is the average ratio today, if they want that teacher to learn more to be able to teach better, they should have that option. And that option is going to be made available under the TEA amendment, which is known as title II of this act.

I think it also ought to be noted that the resources are committed in this area. The President has made a major commitment in the area of resources to teacher improvement and to class size. He has funded in his budget to the tune of $2.6 billion the money necessary to do teacher improvement and class size.

I see the Senator from Virginia, whose amendment is coming up which I am not speaking to. I suspect he wants to say something about his amendment before it gets voted on. I yield to the Senator from Virginia so he can tell us what his amendment is about before we vote.

Mr. WARNER. Mr. President, I see my colleague seeking recognition. I am in no hurry.

Mrs. MURRAY. Mr. President, I know the Senator from Virginia wants to speak on his amendment. If I could have 1 minute by unanimous consent to speak.

Mr. WARNER. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from New Hampshire who has spoken eloquently and passionately.

I remind our colleagues that the class reduction bill is not a mandate from the Federal Government. It is a Federal partnership from the Federal Government to our classroom and to our schools that want to reduce class size in the first, second, and third grades.

I also let our colleagues know that the California experiment which the Senator from New Hampshire spoke of had teachers who were hired that were unqualified. I agree that we don't want that to happen. That is exactly why in our amendment we require fully qualified teachers to be hired if these Federal funds are used.

I point out that a study has shown even in the California class size reduction reform they didn't require fully qualified teachers. Test scores are up and student achievement is improving. Test results have been released in the last week that show student scores are up in those classes because they reduced class size. Reducing class size does make a difference.

We target a number of areas in this bill from reading first to technology, to training math and science teachers. We should also target money for class size reduction.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I might quickly conclude, as the Senator from Virginia is not quite ready, the President's $2.6 billion for teacher improvement and class size reduction will be available at the option of the local community under the TEA legislation, which is a very significant increase over last year's funding level.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the vote be set aside for 2 minutes to allow the Senator from Virginia to explain his amendment.

Mr. WARNER. Mr. President, reserving the right to object, could we make that 5 minutes so he and I can share the time?

Mr. JEFFORDS. Certainly. I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 383 TO AMENDMENT NO. 358, AS MODIFIED

Mr. WARNER. Mr. President, I found a technical deficiency in the manner in which the amendment is drawn. It is a very simple one. It does not change in any way the thrust of the amendment. I would like to send to the desk at this time a technical change to my amendment and ask that it be accepted.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

(Purpose: To provide a sense of the Senate regarding tax relief for elementary and secondary level educators)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should—

(1) pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Mr. WARNER. Mr. President, first, I wish to say that the thoughts I embrace in my amendment have been advanced in this Chamber by other colleagues over a number years. I particularly wish to recognize the Senator from Maine, Ms. COLLINS, and Senator KYL, who have made similar efforts through the years. Therefore, I am very proud to have my name on this amendment. I assure you that there are many Senators, and, indeed, some on the other side, who have embraced this general concept that teachers need equal recognition to the emphasis that has been put thus far on the debate on students.

My effort on this day, which is National Teachers Day—I think we have slowly worked through the system a resolution to that effect—is to recognize that many, many teachers across our Nation reach into their pockets and withdraw aftertax dollars and expend them for little things they observe in their daily teaching of students that are needed in the classroom. These teachers also have to constantly bring themselves up to speed on current events in education. Many of them have very burdensome financial commitments with student loans, and so forth.

I think it is time the Congress recognize this profession. For so many years nursing and teaching were the two professions that were open to many, and now, fortunately, all the professions have been opened, and I hope equal opportunity is being given women in so many professions. There are now opportunities to leave teaching and seek higher pay in these particular positions.

This is an amendment which simply says it is the sense of this institution that in the course of our deliberation on the various tax proposals that have come from the House and which are now beginning in the Senate Finance Committee—of which my distinguished colleague, the chairman is a member—that it would at some point take into consideration this type of legislation.

I have requested $1,000, which is a pretty substantial sum. My hope is that we can get the maximum. But I thought we would try at that particular level.

I have discussed this with my colleague, the distinguished manager. I know he has a few views. I would be happy to yield for his questions and make it technically feasible for him to take the floor.

Mr. JEFFORDS. Mr. President, I come from a teaching family. My mother and sister are teachers. I know of the effort they put into teaching and buying supplies to make things go a little bit better. It is very common and accepted in the sense that it is sort of part of the job. But it shouldn't be.

We are at a time when our teachers' salaries are so much lower than they ought to be. I think it is wrong to expect teachers to continuously take money out of their pockets in doing their job, when it should be taken care of through the school system. I think they would appreciate and are entitled to have a tax credit of $1,000 to take care of those expenditures. I will pursue that in the Finance Committee for my good friend.

Mr. WARNER. Mr. President, I presume the Senator supports Senators voting for this measure?

Mr. JEFFORDS. Yes. I think it is one of the best amendments we will have.

Mr. WARNER. Mr. President, with that, I yield the floor.

Mr. President, the yeas and nays have been ordered, am I not correct?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. WARNER. I thank the Chair.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator WARNER, in introducing this proposal. Senator WARNER deserves credit for focusing our attention on the selfless efforts of teachers, and on the financial sacrifices they make, to improve their instructional skills and the classrooms where they teach. As President Bush has put it, "Teachers sometimes lead with their hearts and pay with their wallets."

Our amendment expresses the sense of the Senate that Congress should pass legislation providing teachers with tax relief in recognition of the many out-of-pocket, unreimbursed expenses they incur to improve the education of our children. Our amendment is targeted to support the expenditures of teachers who strive for excellence beyond the constraints of what their schools provide. Yet our amendment is broad enough to embrace a number of different approaches to supporting our teachers through the tax code.

Earlier this year, I introduced the Teacher Support Act of 2001, which is supported by good friends, Senators KYL, LANDRIEU, and COCHRAN.

Our bill has two major provisions. First, it would allow teachers and teacher's aides to take an above-the-line deduction for their professional development expenses. Second, the bill would grant educators a tax credit of up to $100 for books, supplies, and equipment that they purchase for their students.

According to a study by the National Education Association, the average public school teacher spends more than $400 annually on classroom materials. This sacrifice is typical of the dedication of so many teachers to their students.

So often, teachers in Maine and throughout the country spend their own money to better the classroom experiences of their students. I recently met with Idella Harter, president of the Maine Education Association, who told me of the books, rewards for student behavior, and other materials that she routinely purchased for her classroom. One year, Idella saved all of her receipts from purchases of classroom materials. She started adding up all the receipts and was startled to discover that they totaled over $1,000! She said that she decided she better stop counting at that point.

And Idella is not alone. Maureen Marshall, who handles education issues in my office, taught public school for several years in Hawaii and Virginia. In her first year as a teacher, she spent well over $1,000 of her own money on educational software, books, pocket charts to assist with language arts instruction, and other materials. And yet, because of her tax situation, she could not deduct these expenses from her taxable income.

The ultimate beneficiaries of efforts to provide financial assistance to our teachers are our students. Other than involved parents, a well-qualified teacher is the most important prerequisite for student success. Educational researchers have demonstrated the close relationship between qualified educators and successful students. Moreover, educators themselves understand how important professional development is to maintaining and extending their levels of competence. When I meet with teachers from Maine, they repeatedly tell me of their need for more professional development and the scarcity of financial support for this worthy pursuit.

I greatly admire the many educators who have voluntarily financed additional education to improve their skills and to serve their students better and who purchase books, supplies, equipment and other materials that enhance their teaching. By enacting modest changes to our tax code, we can encourage educators to continue to take formal course work in the subject matter that they teach and to attend conferences to give them new ideas for presenting course work in a challenging manner.

I hope that, by adopting this amendment, which is particularly fitting on National Teacher Day, we will pave the way for passage of meaningful tax relief for teachers later this year. I think we should make it a priority to reimburse educators for a small part of what they invest in our children's future.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 383, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL and the Senator from Minnesota (Mr. WELLSTONE are necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Enzi
Gregg
Nickles

NOT VOTING—2

Kohl
Wellstone

The amendment (No. 383), as modified, was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we are still working on both sides of the aisle to get agreements on how we will proceed with votes later on tonight and tomorrow. We have some items we can lock in. I ask unanimous consent when the Senate resumes the education bill at 9:30 Wednesday, the Senate proceed to a vote in relation to the Mikulski amendment regarding technology centers with 5 minutes equally divided prior to closing remarks.

I ask consent all first-degree amendments in order to S. 1 be filed at the desk by 5 p.m. on Wednesday and any second-degree amendments be limited to the subject matter contained in the first-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of this, there are no further votes this evening. The next vote occurs at 9:35 on Wednesday. However, I understand Senators are ready to go with amendments or second-degree amendments. We will continue to work on that as long as we can get Senators to offer their amendments.

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. I yield.

Mr. DASCHLE. I think it would be helpful to reiterate what we think the sequence would be. Is Senator VOINOVICH going next?

Mr. LOTT. Followed by Senator FEINSTEIN tonight.

Mr. DASCHLE. I know Senator CARNAHAN has an amendment she would like to offer and is prepared to lay aside at the moment, and then Senator MIKULSKI is recognized, with that vote to occur on the Mikulski amendment tomorrow.

Mr. LOTT. That is correct. Senator SPECTER has a second-degree amendment to the underlying Murray amendment.

Mr. DASCHLE. The sequence, then, is Voinovich, Feinstein, Specter, Carnahan, and Mikulski?

Mr. LOTT. We were not making a unanimous consent request; we are just trying to get clarification of the next four actions.

Is there a problem, though, with proceeding that way?

Mr. SPECTER. Mr. President, I have already discussed with my colleagues, Senator VOINOVICH, Senator CARNAHAN, and Senator FEINSTEIN, that I might have 30 seconds to lay down a second-degree amendment.

Mr. LOTT. We will proceed with the other amendments once that happens.

I yield the floor.

AMENDMENT NO. 388 TO AMENDMENT NO. 378

Mr. SPECTER. Mr. President, I send to the desk a second-degree amendment to the underlying amendment by Senator MURRAY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 388 to amendment No. 378.

Mr. SPECTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for class size reduction)

In lieu of the matter proposed to be inserted, insert the following:

“SEC.   . CLASS SIZE REDUCTION.

“(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

“(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

“(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

“(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

“(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

“(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

“(c) USES.—

“(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

“(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

“(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

“(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

“(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

“(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

“(1) to make further class size reductions in kindergarten through grade 3;

“(2) to reduce class size in other grades;

“(3) to carry out activities to improve teacher quality, including professional development; and

“(4) to carry out other activities authorized under title V.

“(e) REPORTS.—

“(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

“(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

"(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

"(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

"(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

"(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 389 TO AMENDMENT NO. 358

Mr. VOINOVICH. I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. BAYH, and Mr. NELSON of Nebraska, proposes an amendment numbered 389.

Mr. VOINOVICH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify provisions relating to State applications and plans and school improvement to provide for the input of the Governor of the State involved)

On page 7, line 21, add "and the Governor" after "agency".

On page 8, line 1, insert "and the Governor" after "agency".

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

"(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.".

On page 35, line 20, insert ", that is jointly prepared and signed by the Governor and the chief State school official," after "a plan".

On page 706, line 8, insert "Governor and the" after "which a".

On page 706, line 16, insert "Governor and the" after "A".

On page 707, line 2, insert "Governor and the" after "A".

Mr. VOINOVICH. Mr. President, the amendment that I have offered will improve the coordination, accountability and delivery of educational services in states all across America. I am pleased to be joined by Senator BAYH and Senator BEN NELSON in introducing this amendment.

Mr. President, as many of my colleagues know, Senator BAYH, Senator NELSON and I served as Governors of our respective states; they served in Indiana and Nebraska respectively, and I served as Governor of Ohio for 8 years. As my state's chief executive, I learned that few individuals have more of an impact on education policy in their state than the Governor.

Yet, under federal law, governors—the men and women who are their state's CEOs—are not able to fully participate in their state's education planning process.

Mr. President, most federal education assistance to our states currently flows directly to state education departments, where a large percentage of that funding is then passed on to local schools.

State plans submitted by state education departments to the U.S. Department of Education set the parameters that local school officials must subsequently follow in developing and implementing their own spending plans. However, there is no requirement that governors be involved in this process, nor is there any requirement for coordination between Chief State School Officers and Governors on the use or disposition of federal education dollars.

In some states, the Chief State School Officers are appointed by Governors and are, therefore, accountable to them, while in other states, Chief State School Officers are elected directly by the people. If these individuals share the same political leanings, there is usually little conflict on education policy. However, where governors and chief state school officers do not see eye-to-eye, potential conflict can arise that could threaten the educational needs of our children.

Regardless of how a state's top education official achieves his or her position, in each and every state, it is the governor the public holds accountable for the overall condition and success of public schools. As it is currently written, the Senate's ESEA reauthorization bill also holds governors accountable for student progress, even where governors have no current discretion over Federal education programs and Federal education funding.

This accountability issue is magnified under the legislation we are considering. Under Title VI of this bill, States may lose between 30 and 75 percent of their administrative funds for formula programs if States fail to meet specified performance requirements.

If a State budgets those administrative funds and they are lost as a result of this bill, then the entire State budget could be impacted. Ohio, for example, received $3.1 million in Title I administrative funds last year. If Ohio were to lose 75 percent of these funds, that would mean about $2.33 million would have to come from somewhere else in the state budget.

Governors do play a leadership role in the development of State education policy, including standards and assessments, and the allocation of State budget resources for public education. Governors are willing to be held accountable for Federal programs as well, but it is imperative that the Federal Government give them the authority to help determine reform through Federal education programs.

It doesn't make sense, that a Governor, who has to manage the State's budget and is accountable for any shortfall, is not required to be consulted when State educational officers set education priorities.

Our amendment hopes to change that.

What our amendment is designed to do, is very simple: it encourages consolidation and coordination between Governors and chief State school officers in designing State education reform plans.

Under our amendment, State education plans submitted to the U.S. Secretary of Education for Federal programs, as well as funding for the school improvement program, must be jointly signed by both the Governor and the chief State school officer—both of them.

The timing of this amendment is critical, since once Congress passes ESEA reauthorization this year, each State will finalize their educational plans and priorities. State legislatures will consider funding and resource issues, chief State schools officers will consult local districts, and Governors will set out plans for educational priorities throughout the State.

Speaking from personal experience, having the Governor and the chief State school officer working together is absolutely critical. Having these two individuals working independently on education policy does not maximize our ability to achieve the educational goals the President has set out and that this Congress has set out. I believe we need to require both signatures.

Our amendment will also help leverage State resources. As my colleagues know, the Federal contribution to education amounts to only 7 percent, with the State and locals funding the remaining 93 percent of education spending in the State.

Requiring joint sign off on education plans by the Governor and the chief State school officer enables the Governor to leverage and ensure coordination of the much larger pot of state education funding to work with the Federal dollars. The only way to fully leverage Federal funds is to ensure the coordination of these funds with State efforts.

Governors are the national leaders in education reform. I remember as Governor of Ohio, we pushed for EdFlex authority from this body so that we could have the flexibility to combine programs and target funds where they were needed. Governors like Bill Clinton in Arkansas, Richard Reilly in South Carolina and Lamar Alexander in Tennessee became well known nationally on education, not because of what they did in Washington, but because as Governors they innovated to improve education in their States. Our current President, George W. Bush, ran for President partly to share with the rest of America, the successful education plan he had implemented in Texas.

What ultimately matters—and what should drive our decisions on education policy—is whether or not our students learn. That is really what we are talking about in this debate. We must coordinate policies so that there is a consensus on education in the state for the benefit of our students. Education is too important to have our different stakeholders working separately. Our Governors and chief State school officers must be working together.

Our amendment will foster greater cooperation between all State officials responsible under State law for the performance of public schools. It will also help to ensure that state plans submitted for approval by the Department of Education align with the implementation of State accountability legislation. It is of vital importance that chief State school officers and Governors work together to establish education goals in their States.

I might add, Mr. President, this amendment is strongly supported by the National Governors' Association.

As a former Governor who had education as one of my highest priorities, I am offering this amendment to make sure that the highest elected official of every State is a full partner with Congress in the effort to implement true reform. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SESSIONS. Will the Senator yield for a question?

Mrs. FEINSTEIN. I will.

Mr. SESSIONS. Has an order for speaking time been reached?

The PRESIDING OFFICER. There has been no such order reached.

Mr. KENNEDY. If I could ask the Chair, I think when the leaders asked, there was a recognition that in order to move the process forward, Senator VOINOVICH, Senator SPECTER—I see the leader is here—there was a recognition that Senator FEINSTEIN was to speak briefly, Senator MIKULSKI—we have agreed to consider her amendment—and Senator CARNAHAN. I don't know whether consent was agreed to, but I think that was generally the thought.

Mr. SESSIONS. If I could generally have the opportunity to speak after the last speaker, I will appreciate it.

Mr. KENNEDY. The Senator is being very gracious. There, correctly, was not a consent agreement, but I think there was sort of a gentleperson's agreement to try to move the scheduling along. I think I will be here when the Senator speaks.

Mr. SESSIONS. I understand. That will be acceptable? Do we have an understanding of the time the Senators will use?

Mr. KENNEDY. Senator CARNAHAN, as I understand, would like to address the Chair and introduce her amendment and set it aside. Am I correct?

Mrs. CARNAHAN. Yes.

Mr. KENNEDY. I ask consent she be recognized for that purpose. Then the Senator from California intends to introduce her amendment and speak briefly. After that, the Senator from Maryland, for whatever time she might use. After that, the Senator from Alabama.

Ms. MIKULSKI. If I might respond to the Democratic Chair of the Education Committee, I intend to speak no more than 10 minutes and probably even less.

Mr. KENNEDY. If we could ask unanimous consent to that order, and then I ask if I can be recognized after the Senator from Alabama.

Mr. SESSIONS. I have no objection.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Without objection, that is the order in which Senators will speak.

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment pending right now is the Voinovich amendment. The Senator will have to ask that it be set aside.

Mrs. CARNAHAN. Yes, I ask unanimous consent the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 374 TO AMENDMENT NO. 358

Mrs. CARNAHAN. I call up amendment No. 374.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. CARNAHAN] proposes an amendment numbered 374 to amendment No. 358.

Mrs. CARNAHAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the quality of education in our Nation's classrooms)

On page 319, line 4, insert ", including teaching specialists in core academic subjects" after "principals".

On page 326, line 1, insert ", including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency's need to hire additional teachers or construct new facilities" after "performance".

On page 327, line 2, insert "as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership" after "qualified".

On page 517, line 18, strike "and".

On page 517, line 20, strike the period and insert "; and".

On page 517, between lines 20 and 21, insert the following:

"(I) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 528, line 11, strike "and".

On page 528, line 14, strike the period and insert "; and".

On page 528, between lines 14 and 15, insert the following:

"(16) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 539, line 10, strike "and".

On page 539, between lines 10 and 11, insert the following:

"(E) alternative programs for the education and discipline of chronically violent and disruptive students; and".

Mrs. CARNAHAN. Mr. President, it has been suggested that families and communities give us roots, but our schools give us wings—the wings of opportunity that come with a solid educational background.

I commend President Bush for putting education at the top of the national agenda. His goal to "leave no child behind" is one that all of us in the Congress should support. Indeed, education is a cause that all Americans can rally behind. For it is in the common interest to prepare our children for success. If we are interested in increased prosperity, higher productivity, safer streets, lower welfare rolls, and reduced need for government services, the place to start is in our public schools.

The Better Education for Students and Teachers Act that we are debating today is an important first step. It is the product of arduous and painstaking negotiations on the part of my colleagues and the Bush administration. It represents bipartisan consensus. I applaud all those involved, who have put our children ahead of politics.

The legislation will bring greater accountability to our school system. It will mean increased testing, targeted support for failing schools, and new options for parents. The core principle behind the act is that we can identify low-performing schools through rigorous testing and then give them the resources they need to turn themselves around.

The bill is based on successful models that have been developed at the state level.

In Missouri, we have a comprehensive accountability system in place called the Missouri Assessment Program, or MAP.

These tests measure student progress in math, reading, science, and social studies to see if kids are meeting what we like to call the "Show-Me Standards."

Now I am not one who feels that increased spending automatically translates into improved results. But I do believe a key element of the reform effort is to provide troubled schools with the resources they need to improve performance.

The first piece of legislation I introduced—the Quality classrooms Act—is designed to fit in the context of this overall education reform effort.

The Quality classrooms Act calls for a new investment in our schools, yet offers flexibility at the local level.

It provides school districts with the option of using funds on any of five proven programs: hiring new teachers; building more classrooms; hiring teaching specialists in core subjects such as reading, math, and science; creating alternative discipline programs; and instituting year-round school schedules.

These are commonsense provisions that meet basic needs. And I am pleased that the first two ideas—class size reduction and school construction—are already part of the education debate.

Today, I am introducing an amendment to accomplish the other three elements of the Quality Classrooms Act: specialists for core subjects; alternative discipline programs; and year round school programs.

This amendment is about flexibility, not mandates. Like the Quality Classrooms Act, this amendment recognizes that local districts area best suited to make decisions about their needs.

The amendment proposes more teaching specialists because studies show that reducing class size is more cost effective when focused on certain subjects.

A good example of this is "Success for All" a program which enlists retired teachers and other part-timers as reading instructors. The instructors are carefully trained and focus on small groups of children.

More than 700 schools have participated in this program, and have achieved impressive results. Students enjoy learning more, are more engaged, and develop closer bonds with their teachers.

I point out, too, that this amendment will allow funds to be used for alternative programs for violent and disruptive students.

Ask any teacher, and they will tell you that one or two chronically disruptive students can destroy the learning environment for the entire class.

Schools need the flexibility and authority to provide safe and effective classrooms for all.

At the same time, we must make sure that districts can provide appropriate educational resources for disruptive students.

Under Missouri law, a teenager who carries a gun to school can be expelled and prohibited from returning to the traditional public school.

In some areas of the state, there is simply no alternative program available to this student.

Turning disruptive and potentially violent students out onto the streets without an education is a recipe for disaster.

However, in some parts of the state, districts have been able to create very effective programs for these students, relying on alternative education grants under Missouri's Safe Schools Act. Often, the alternative programs provide students with their last chance to receive an education.

In the Kirkwood School District, an alternative school has helped students improve their grades, behavior and attendance.

Those participating in the program have a different learning plan tailored to their needs.

Alternative programs open the door for creativity in working with disruptive students. The Kirkwood program, for example, collaborates with the juvenile court system. police officers meet with students and lead discussions on controlling anger, on drugs and alcohol abuse, and on decision-making.

As a result, discipline problems dropped dramatically. A total of 166 referrals to school administrators were made for students in the school year before they started in the alternative program. The following year, this number dropped to 73. School officials noted that fewer referrals saved the school "at least 90 hours of administrative time."

Mr. President, the goal of my amendment is to recognize, reward, and encourage that kind of innovation and success.

And finally, the amendment will help school districts implement a year-round school schedule where it might be appropriate.

Studies have shown that a year-round school schedule increases student achievement. Teachers in traditional nine-month schools often spend three to six weeks in the fall reviewing material that was taught during the previous year.

A year-round program can work well for at-risk or learning disabled students who may be struggling to grasp and retain information.

In addition, year-round schools can be a way to use facilities more efficiently. Some overcrowded schools stagger student attendance, so that one group is on vacation during each grading period.

In one district that grows by 1,500 kids a year, the district implemented a staggered, year-round schedule. This allows them to serve 2,000 additional children in a given academic year.

Of course, a year-round approach may not be right for some districts. For example, in rural areas, students often play a key role on family farms during the summer months. That is why this amendment allows each district to make the choice for itself.

There is no "one-size-fits-all" approach for our schools. Our schools and local districts need flexibility so they can make appropriate choices. My amendment will add to the flexibility that the bill already provides. I look forward to working with the manager and hope the amendment will receive widespread support.

This debate has given us an unique opportunity to improve education in America. Major progress is within our grasp. Our support for these innovative reforms will give our children the wings of opportunity needed for success.

Let us seize this opportunity and do what is right for our children.

I ask unanimous consent that the amendment be laid aside.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 392 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 392 to amendment No. 358.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 327, after line 10, add the following:

(7) Carrying out programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term "master teacher" means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding establishing activities to expand the project to additional local educational agencies and school districts.

Mrs. FEINSTEIN. Mr. President, today I am introducing an amendment to authorize school districts to use teacher training funds authorized under the bill to create master teachers.

The bill before us authorizes $3 billion for FY 2002 Title II, teacher training. Under this amendment, school districts could use some of these funds to create master teacher positions.

If, for example, $200 million were spent on master teachers, 6,600 master teacher positions could be created if each master teacher were paid $30,000 on top of the current average teacher's salary.

What is this all about? Why am I doing it? One of the things I have discovered is it is difficult to keep good teachers in the classroom. The Senator from Vermont is in the Chamber. I can't tell him how many times I have given an award to a teacher of the year, or a teacher of the month, and they accept it and say they are leaving the classroom. I ask: Why are you leaving the classroom? Because I got a better job in Silicon Valley; or I am going to become an administrator.

When you ask why they are going to become an administrator, it is because of more money. The average teacher's salary is about $40,000 a year. In California, it is $45,000 a year. So you can work 10 or 15 years for that amount of money, but you can become an administrator at $65,000 or $70,000 a year and support your family.

So the idea occurred to me, what if we were to have a master teacher program and allow teachers who have taught in the classrooms for 5 years—if they have certain credentials—to become a master teacher and receive the salary equal to that of an administrator?

What would the criteria be? Under this amendment, the teacher would be credentialed, have at least 5 years of teaching experience, and be adjudged to be an excellent teacher by administrators and teachers who are knowledgeable about this teacher's performance. The teacher would have to be currently teaching and willing to enter into a contract to teach for another 5 years.

The master teacher, then, would become a mentor teacher, would help other teachers in improving instruction and strengthening teacher skills, would mentor less-experienced teachers, help develop curriculum, and provide other professional development.

What is interesting is that 25 percent of beginning teachers do not teach more than 2 years. Nearly 40 percent leave in the first 5 years. For my State, this is a huge problem. We have 284,030 teachers currently, and in the next 10 years we have to hire an additional 300,000 teachers.

California's rate of student enrollment is three times the national average. Therefore, we have to hire 26,000 new teachers every year.

If they teach 2 years, and we lose them because they can get a better job elsewhere, or we lose a good teacher who has taught 6 or 7 or 8 or 10 years because that teacher wants to become an administrator to make a higher salary, we lose teaching skills in the classroom.

So I thought we could try to see if these excellent teachers would work in the classrooms for an additional 5 years, be willing to mentor other teachers, be credentialed teachers, and stay in the classrooms and become master teachers to help other teachers.

There are some existing mentoring programs. I worked earlier with Adam Urbanski, a teacher in Rochester, NY, who pointed out to me very clearly how mentoring programs keep teachers in the classroom. It occurred to me that master teachers could produce very good dividends.

One of the key things about all of this is that we expect so much from our teachers and we pay them so little. I think California is one of the highest cost-of-living areas in the Nation. Yet teachers earn $45,000. Their salary is limited.

I would like to say to the chairman of the committee, who is in this Chamber, it is my understanding that the amendment is acceptable on both sides. I am very pleased. I intend to follow this closely. I hope we have a whole series of master teachers one day that burgeon throughout the Nation, that lead the way in keeping good teachers in the classroom, to increase teachers' salaries, and to increase the performance of the average classroom teacher.

I thank very much the chairman of the committee for his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Vermont.

Mr. JEFFORDS. I believe we can accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there any objection to the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 392) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. I thank the chairman very much.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending Voinovich amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 379

Ms. MIKULSKI. Mr. President, I now call up amendment No. 379.

The PRESIDING OFFICER. The amendment is pending.

Ms. MIKULSKI. Mr. President, this amendment is very simple. It is very straightforward. It is a great public investment in getting our children ready for their future.

What this amendment does is provide for the establishment of community technology centers in the United States under the provisions of th Elementary and Secondary Education Act. It would authorize $100 million to create 1,000 community-based tech centers around the country. These centers would be created and run by community-based groups, such as the YMCA, the Urban League, or even a public library.

The Federal Government would provide competitive grants to these community-based groups. By the third year of funding at least half of the funds come from the private sector. In year one, 30 percent comes from private sector and in year two, 40 percent must come from the private sector. Again, by year three the funding would be 50–50; 50 percent from the Federal Government and 50 percent from the community-based groups. This is truly an excellent example of a public private-partnership and maximization of federal funds.

By funding community technology centers, we will be helping to build public-private partnerships around the country. I want to stress that the private, nonprofit sector is eager to form these partnerships.

Why do we need this amendment? First of all, in the President's education bill there is no provision for community technology centers. The President's budget indicates he would make it a permissible use under HUD to be taken out of community development block grant money. So why do we want this in ESEA? We want it in ESEA because essentially it takes technology education to where people learn in their communities.

What would this mean for local communities? It would mean a safe haven for children where they could learn how to use computers—use them to do homework—use them to access the Internet. It means job training for adults who could use the technology centers to either get new skills and new tools to enter the new economy or to upgrade their skills.

Also, these centers would serve all regions, races, and ethnic groups. They will be where they are needed, where there is often limited access to technology. They will be in urban, rural, and suburban areas. They will be in Appalachia and Native American reservations, and urban centers.

Why do we need those? First of all, I want to acknowledge the fantastic work that Senator JEFFORDS has done in advocating something called the 21st century learning centers. He has, indeed, been a great advocate of that, along with his colleague, Senator JUDD GREGG. They really have been excellent in establishing these learning centers.

They are excellent programs, but they are primarily in schools. Most of them are only for children. And most of them operate during very specific hours. Some are open just a few hours a day; most do not necessarily focus on technology. I want to acknowledge that the one in Vermont is open weekends and even in the summer. So Vermont is really doing a great job.

But why do we need these community tech centers in the community? In some places schools are either too worn out or too dated to be wired for the future. We have school facilities in desperate need of modernization. And the poorer the community, usually the poorer the physical condition of the school. Community Technology Centers would ensure that technology is in the community.

Second, it is multigenerational. This means it could be used during the day for adults and seniors and in the afternoons for structured afterschool activities for children, bringing them to technology. It also could be open at night and on weekends. Also, it removes barriers to learning.

In many of our communities, new immigrants are shy about coming into schools, particularly adults. There is the need to reach out to men who very often want to upgrade their skills, to be able to come into a new workforce. Certainly, in my own community of Baltimore we see that. But they can sometimes feel awkward at age 28, 38, or 48 walking into a school building. But they would walk into a community tech center. This is why we believe that in addition to the 21st century learning centers, these community technology centers are needed.

Let me cite a few examples. The Baltimore Urban League received a grant to create a community tech center. They created a computer clubhouse, an afterschool computer center for teenagers. The young people were taught computer skills. They also then teach other young people. They are engaging in desktop publishing. During the day, it is used for career development, focused on Welfare-to-Work.

In rural Odem, TX, we have another example of a community tech center that both worked with the people in the community but was also a source for distance learning. In a school district in Arizona, it helped young Native Americans enter the high-tech workforce.

I could go on with example after example. Let me tell my colleagues this: Thanks to the leadership of Senators HARKIN and SPECTER, and Labor-HHS, they funded community tech centers through appropriations. Be aware that they were never authorized. Essentially, HARKIN and SPECTER just went ahead and did it. God bless them for doing it. But they could only, because of the lack of authorization, fund very few of these programs. In 1999, over 750 community organizations applied for community technology center money. Under the great leadership of HARKIN-SPECTER, there was only enough money to give grants to 40 of these community organizations.

There is so much pent-up need, it points to why my legislation is needed. I believe we do not have a worker shortage in the United States—we have a skills shortage. Even with dot-coms now dot-bombing, there still is a great need for technology workers. In fact, in practically every field technology literacy is needed. Manufacturing in my own State has gone from smokestack to cyberstack. We must have people with the skills who are ready. We don't have a worker shortage in this country; we have a skill shortage in this country. In addition to schools and libraries, to have 1,000 community technology centers would be a welcome addition into these communities and neighborhoods for people to have the opportunity to truly enter this new world.

My legislation is endorsed by groups such as the National Council of La Raza, the NAACP headquartered in my own State, the American Library Association, the American Association of Community Colleges, and also the Computer and Communications Industry Association.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
COMMUNITY COLLEGES,
Washington, DC, March 1, 2001.

Hon. BARBARA MIKULSKI,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: The American Association of Community Colleges (AACC) endorses your amendment to the "Better Education for Students and Teachers Act," to set the authorization of funding for Community Technology Centers at $100 million. AACC represents over 1,100 community colleges across the country.

This program has allowed community colleges to become stronger partners with their communities and has allowed them to help provide access to computers, the Internet, and technology to maximize participation in the digital economy. Some of the community college projects currently funded provided basic computer skills instruction, video conferencing links, after-school programs, welfare-to-work programs and educational counseling services. The programs offered at community colleges serve everyone from pre-school children to adults seeking lifelong learning opportunities.

This is a valuable program because it helps communities to jointly address their challenges. The coalitions funded through these programs secure non-federal matching contributions and also work extensively with each other to develop programs to help overcome the digital divide. The federal funds provided, which cannot exceed fifty percent of total project funds, provide critical seed money that will establish firm foundations for project activities. Community technology centers should be permanently authorized and funded at levels to provide technological opportunity to those who need it.

The American Association of Community colleges urges all Senators to support your amendment to this critical legislation. We thank you for spearheading this initiative.

Sincerely,

GEORGE R. BOGGS,
President and CEO.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, May 3, 2000.

Senator BARBARA A. MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: The National Council of La Raza (NCLR) thanks you for your effort to bring the promise of computer technology to communities that currently do not have equitable access to this important educational tool. In particular, we would like to express our support for your amendment to authorize the Computer Technology Centers (CTC) program.

The transition from an industrial economy to one based on information and technology presents numerous possibilities and challenges. For Hispanics, the advent of the information superhighway provides new educational opportunities. However, it also may further widen existing educational achievement gaps between Hispanics and non-Hispanics.

Studies have shown that the use of computers at home helps improve academic achievement. Yet, Hispanic students have less access to a computer with Internet access at home as compared to White students. In fact, White households are almost twice as likely (46 percent) to own a computer than Hispanic (25 percent) households.

While there has been some success in infusing education technology in America's schools, Hispanics continue to lag behind their non-Hispanic peers in this area. Contrary to the national statistics, schools and communities serving low-income and minority students, including Hispanics, are still very far behind their peers in gaining access.

Schools with a high number of low-income or minority students have less access to computers and the Internet than do affluent schools. For example, in 1998, schools with more than 71 percent of its students receiving free or reduced-price lunches had only 39 percent of the instructional rooms connected to the internet. In comparison, schools with 11 to 30 percent of such students had Internet connections in 53 percent of their instructional rooms.

There are many programs designed to help schools to obtain computers, Internet access, and teacher training. Unfortunately, few are designed specifically to include community-based organizations (CBOs). Lacking community-controlled colleges and universities or a system of Hispanic churches, CBOs are the lifeline of the Hispanic community. They are in a more advantageous position to assess the needs of Hispanic children and families, and have proven track records in providing successful services to community members. The CTCs program creates opportunities for CBOs to participate as partners in bringing this technology to their communities and, therefore, should be supported.

NCLR believes that your amendment to authorize and sufficiently fund the CTCs can have a significant, positive impact on the lives of many low-income Hispanic families. That is why we strongly support your legislation and encourage the entire Congress to do the same.

Sincerely,

RAUL YZAGUIRRE,
President.

NAACP,
Washington, DC, May 3, 2001.

MEMBERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the National Association for the Advancement of Colored People (NAACP), I am writing to inform you of our strong support for the amendment being offered by Senator Barbara Mikulski (D–MD to S.1, the reauthorization of the Elementary and Secondary Education Act. Specifically, the Mikulski amendment would authorize $100 million for fiscal year 2002 and each of the following six years to create 1000 new Community Technology Centers. These centers would provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training. NAACP President and CEO Kweisi Mfume has personally met with Senator Mikulski to discuss this issue, and has made enactment of her legislation an NAACP legislative priority.

Access to computer technology is one of, if not the most single important keys to success in the 21st century. A 1998 report by the independent Benton Institute estimated that by the year 2000, 60% of all jobs in the United States would require some computer skills. Too many Americans, either because of their geographical location, or their lack of economic resources, or both, are being left out of the computer age. This "digital divide" currently affects whole communities and, in the end, threatens the continued prosperity of our nation. The digital divide is resulting in an increased concentration of poverty and a deconcentration of opportunity.

According to one recent study while 46% of white families have computers in their homes, only 23% of African Americans can make the same claim, and only 25% of Hispanic American homes are currently equipped with computers. If allowed to continue, this disparity will only increase disadvantages faced by low income Americans and Americans of color as they try to enter the work force and improve themselves and their communities. Perhaps the most frightening aspect of the numerous studies that have been done about the digital divide is that they all seem to agree that the disparities are growing.

Community Technology Centers, as proposed by the Mikulski amendment, are an important step in addressing the current technological inequities. While each center is different, and tailored to the community it serves, the primary goal by definition is to make computers, the Internet and various software packages available to children and adults who might otherwise be on the losing side of the digital divide. Community Technology Centers typically offer both classes as well as opportunities for individuals to take personal time to hone their technology skills. Classes vary from preschool and family programs to after school activities, adult education and courses in career development and job preparation.

Put simply, Community Technology Centers provide individuals and communities with the resources to help themselves and to improve their chances at becoming educated, productive Americans. I hope that you agree with me and the more than 600,000 card-carrying members of the NAACP that Community Technology Centers are a smart and much-needed investment in the future, and that you will support the Mikulski amendment. Should you have any questions, I hope you will not hesitate to contact me at the NAACP Washington Bureau, at (202) 638–2269 or Kimberly Ross in Senator Mikulski's office at (202) 224–4654 about this important amendment. Thank you in advance for your attention to this matter, and I look forward to continuing to work with you and this and other matters that will benefit our nation as a whole.

Sincerely,

HILARY O. SHELTON,
Director,
NAACP Washington Bureau.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, March 6, 2001.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the American Library Association, I convey our support for your Community Technology Centers amendment to the Elementary and Secondary Education Act reauthorization. This amendment would enlarge the scope of possibilities for these centers, increasing their numbers and enabling libraries to continue to do their part in trying to bridge the "digital divide."

In Maryland, the Wicomico County Free Library has begun a very successful outreach project to build bridges across the digital divide in that very rural county. The library currently has four centers operating in a variety of community areas that are free, staffed by volunteers and, with library supervision, provide technology training and other services to members of the community. This outreach is beginning to make a real difference and your legislation could enlarge community efforts like this and allow other libraries in rural parts of all states to bring access to technology to their communities.

Thank you for your efforts to enlarge the abilities of libraries and other community groups to serve the public by providing access to technology tools, increased skills and information.

Sincerely,

NANCY C. KRANICH,
President.

COMPUTER AND COMMUNICATIONS
INDUSTRY ASSOCIATION,
Washington, DC, March 7, 2001.

Senator BARBARA A. MIKULSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Computer and Communications Industry Association (CCIA), I am pleased to offer our support for your legislation to provide Federal funding for Community Technology Centers. This proposal would benefit not only those whom it would serve in economically distressed communities, but also the information technology industry.

Your legislation recognizes the critical need for policymakers and industry to address the growing "digital divide" in our country between those with ready access to computers and the Internet, and those for whom the promise of technology is beyond their grasp. Our members believe that technology can have a great leveling effect between the wealthy and the disadvantaged by providing access to information and services that have previously been unavailable to many Americans.

In addition, our industry faces a critical shortage of workers to sustain the incredible economic growth and innovation that we have experienced over recent years. Particularly by exposing disadvantaged children and young people to technology and teaching them basic technological skills, we believe that the Community Technology Centers would greatly influence these students to pursue the academic disciplines that will prepare them for high-tech careers. We recognize that only by reaching out to all Americans will we be able to fulfill our shared goals as a country and promote our general welfare.

We commend you for introducing this excellent proposal and look forward to working with you to achieve its enactment.

Sincerely,

JASON M. MAHLER,
Vice President and
General Counsel.

Ms. MIKULSKI. I could elaborate on this, but I know the Senator from Alabama is waiting to speak. I urge the adoption of my amendment. Perhaps after we hear from the distinguished chairman, who has really been a leader in new ways to teach and educate children, I will subsequently ask for the yeas and nays.

Mr. JEFFORDS. I think the Senator should ask for them now.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

AMENDMENT NO. 378

Mr. SESSIONS. Mr. President, I would like to take a minute or two to raise some concerns I have about the Murray amendment which would require schools to use Title II funding to reduce class size and would cost $2.4 billion.

Mandating class size reduction is a matter that we have to be very careful about. It may sound good, and it may seem that reducing class size is the right thing to do in America. And I suppose it polls well. I know President Clinton pushed class size reduction very hard during his administration.

I took some time to look at the numbers and to see how this would work. I visited a lot of schools in Alabama, talked to teachers and principals. I don't hear them telling me their No. 1 goal is to reduce class size.

The serious question is, Is this a public policy that we ought to mandate on the schools? We know we have reduced class size significantly in the last decade or so and have gone from an average class size of 30 in 1961 to an average class size of 23 in 1998. During the period of time that we reduced class size, there was no improvement in standardized test scores.

We also know that schools in South Korea and in Taiwan have class sizes that are nearly twice ours and they have test scores better than ours.

Another factor we must consider when talking about class size reduction is the cost. Schools would have to hire more teachers. I have supported money for teachers today. But if we hire more teachers, are we really getting a bang for our buck? And if we do, where are they going to teach? They can't teach out under the shade tree. They have to have a classroom. That classroom has to be heated and cooled. It has to have a roof over it. You have to have insurance and upkeep and maintenance. That costs money.

If you require schools to reduce their class sizes by 25 percent, you have to have 25 percent more teachers. Not only that, you have to have 25 percent more classrooms, 25 percent more equipment, 25 percent more insurance, 25 percent more maintenance. It is tremendously expensive.

All I am saying is, I reviewed an article in "Education Week" of September 1999. It suggested that mandating class size reduction is a bad idea. In fact, the Education Department, as late as 1988 said reducing class size would have little or no positive results and would, in effect, be a waste of money. In fact, it would be a waste of a lot of money.

The numbers I have seen do not indicate that class size is a critical factor in student education. In fact, as many studies show, smaller class size seems to correspond more with lower test scores more than showing an increase. One reason is that a good teacher is critical to learning. If you are bringing on more teachers, you are more likely to bring on less qualified teachers than you have had and you could actually show a decline in learning.

I won't go on about that tonight. I know there is a strong feeling that this is the right direction in which to go, but I would be very reluctant—and I think the Senate should be reluctant—to mandate at the Federal level State school systems to undertake major class size reduction when we can't say with any certainty that it is worth that expense, that it is going to get the kind of bang for our buck that we want to get.

I believe that there are other things schools can do with this $2.4 billion that and could produce more of an improvement in education. We should leave that decision to the schools and not mandate a "Washington-Knows-Best" fix.

I urge my colleagues to be cautious about a commitment to requiring schools to reduce class size, because we do not need to require our constituents and our school systems to expend extraordinary sums of money if we can't be certain that it is going to receive a benefit commensurate with that cost.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to thank our colleagues for remaining on the floor tonight and presenting their amendments. I think these are amendments that strengthen the legislation.

I might mention, first of all, Senator FEINSTEIN's amendment, which has been accepted. I think it adds an additional dimension to making sure the mentoring system would work well between senior teachers and newer teachers and will help all teachers be more effective in the classroom. The mentoring system has been enormously important, not only in enhancing education for children, but also in terms of retaining teachers. In many instances, the youngest, least experienced teachers teach in the most challenging classrooms, and 50% of those teachers leave teaching in the first five years.

What we have also seen—and the statistics demonstrate—that when teachers have a mentor—pairing new teachers with a more senior teacher—those younger teachers develop teaching skills. They become better teachers. They feel more confident about their teaching, and their interest in staying in teaching is enhanced, and the students are the beneficiaries. That is certainly something that we want to encourage in this legislation, and I think the Feinstein amendment strengthens that particular proposal.

I know when Senator CARNAHAN talked with us earlier about the amendment on professional development and about year-round schools and providing teaching specialists in reading in more schools, we saw—and I have referenced this earlier during the discussion and debate—the value of improved reading instruction in enhancing academic achievement. Today in the Washington Post, we read about the Prince Georges County Schools where the young children are reading for close to 90 minutes to 2 hours, and then spending a concentrated period of additional time on math. There is no question that spending more time reading has had a very positive impact.

I have seen it in a number of other situations myself, and I think the Carnahan amendment gives important options on how to use resources in terms of hiring specialists in reading, and enhancing professional development.

Then, there is also some allowable use in terms of the year-round schools. Experiments in year-round schools are being conducted in a number of different communities. Again, this legislation provides additional flexibility in the use of funds, while adding more accountability. I think Senator CARNAHAN has increased that kind of flexibility but still maintained the focus in terms of professional development. I think that is a very worthwhile use.

Finally, I am a strong supporter and cosponsor of the Mikulski amendment. I have admired Senator MIKULSKI as the leader in the Senate on the issue of the digital divide. I think all of us are very mindful—it is one of the reasons that we are here—about the digital divide in our country. Senator MIKULSKI, from the beginning, has identified new technology as being significant as an education tool, in terms of the numbers of opportunities that it opens up, or the numbers of opportunities that are closed down if children are not exposed to the Internet and to newer technologies.

She has developed a very effective concept of these technology centers, which she has outlined. I visited the Computer Clubhouse in Boston last fall, which is one of the community technology centers in Boston. I met high school students who had attended the center for 3 years. They told me that coming to the Clubhouse had changed their lives. Because they had the positive experiences at the Center, they are planning to go to college and study math, science, or engineering. With the very small investment this amendment would provide, we could begin to put a technology center in every needy community in this country.

Information technology is changing how we learn at an incredible rate. New resources are added to the Internet every day. Web pages are as common as fax machines and cell phones. We cannot wait for needy individuals to find their own way to get access to modern resources. We have a responsibility to get the necessary tools to the high poverty urban and rural communities, and community technology centers are one way to fulfill that responsibility. So I urge my colleagues to support the amendment.

Finally, Massachusetts was, just several years ago, 48th out of 50 in terms of the Internet accessibility. It was really extraordinary, Mr. President. We have responded to the concept of a fellow named John Gage from Sun Systems in California, who developed this idea of "Net Days"—that is, to challenge the new industries to donate computers to schools and challenge labor to put wire down in these areas and in schools.

We did a number of these in my State on four different Net Days. On Net Day, we would announce the progress made in the last 6 months. We went from 48th to the top 20 percent of states with Internet access in the country. Boston is the first urban center that had complete Internet accessing and training of teachers—it is very impressive.

I must say the generosity of the high-tech community was incredibly impressive to me. They were enormously responsive. So many of these companies are headed by young professionals and it was the first time they had been asked to do something. They welcomed the opportunity to be involved in their communities.

Then we challenged labor. In the city of Boston, on a voluntary basis, we got 350 miles of cable laid by the IBEW in Boston. Many of their children are going to these schools. It was an incredible sight to see so many different workers volunteering on Saturdays to wire the schools. It was an incredible coming together, and there was a great sense of pride in the achievement.

So, Mr. President, I think the Mikulski amendment will be an enormous force in helping to make sure that the access to the Internet, the technology, the curriculum, and the training of professional personnel will be effective. I know the Senator well; she will pursue this to make sure no child is left behind in the technology area. She is serious about closing the digital divide.

I thank our colleagues here today. We have made some important progress. We are strongly committed to starting early tomorrow and working late tomorrow night. We want to have a full opportunity to address education issues, but we want to try to also move this process forward. I am very grateful for the patience and courtesy of our colleagues today in helping us to move the legislation forward.

I yield the floor.

Mr. JEFFORDS. Mr. President, I thank my colleague from Massachusetts. We are working really well together on both sides. I praise all our Members. We are beginning to make real progress on this bill and, hopefully, we will have it finished well within the time allotted to us.

AMENDMENT NO. 388, AS MODIFIED

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator SPECTER's second-degree amendment be modified with the changes that are at the desk, and I state that this is just a drafting change and makes no substantive changes in the language.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 388), as modified, reads as follows:

Strike all after the 1st word and insert the following:

. CLASS SIZE REDUCTION.

"(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

"(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

"(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

"(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

"(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

"(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

"(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

"(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

"(c) USES.—

"(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

"(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

"(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

"(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

"(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

"(1) to make further class size reductions in kindergarten through grade 3;

"(2) to reduce class size in other grades;

"(3) to carry out activities to improve teacher quality, including professional development; and

"(4) to carry out other activities authorized under title V.

"(e) REPORTS.—

"(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

"(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

“(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

“(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

“(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

“(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

“(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

VOTE EXPLANATION

Mr. WELLSTONE. Mr. President, I was necessarily absent during the vote on the Warner amendment regarding tax relief for teachers. The amendment was No. 383 to S. 1, the elementary and secondary education bill. I would like the RECORD to show that if present I would have voted aye.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAO ZHAN'S BIRTHDAY

Mr. ALLEN. Mr. President, I rise to note what should be a happy occasion but is instead a somber, worrisome, troubling and disconcerting situation.

Today is the 39th birthday of Gao Zhan, a woman of Chinese descent who on her 38th birthday lived in Northern Virginia with her husband Dong Hua Xue and her 5-year-old son Andrew.

Far from spending this 39th birthday in the warm embrace of her loving family, maybe opening a present that her son Andrew made for her, or blowing out candles, she is somewhere else—enduring her 87th day of detention by the officials of the People's Republic of China, some 7,000 miles away from home in an unknown location and in unknown condition, with no contact whatsoever with her husband and her son.

Gao Zhan, who has permanent resident status in the United States, is a scholar at American University studying women's and family issues, especially as they relate to China and Taiwan. She was held for 43 days before she was even charged with a crime. At that time, the Chinese officials alleged that she was a spy for a foreign government but presented no evidence, aside from asserting that she had supposedly confessed.

Also very troubling was the fact that when she and her husband and son were attempting to leave Beijing after spending the Chinese New Year with her family, her husband and 5-year-old son were also detained and held separately from her for 26 days before being released. In fact, the 5-year-old son was held separately.

Indeed, the coerced separation of young Andrew, who is a U.S. citizen by birth, violated consular agreements with China. But according to Andrew's father, this detention has also traumatized this youngster psychologically. This once outgoing, talkative little boy has turned inward. He literally clings to his father's leg almost constantly, and he continues to suffer nightmares, emotional withdrawal, and other adverse effects. Sometimes he will be eating supper and he will ask his father, “Where is my mother?”

It is often said that we fear what we do not know. For 87 days, Gao Zhan's family and friends have known precious little about her situation, and they are afraid. They don't know her location. They do not know her physical condition. They do not know the basis for the charges against her. No one has been permitted to see her—not our consular officials, who have lodged more than a dozen official protests with the Chinese, not the lawyers in Beijing or New York, who are authorized to practice law in China, whom her husband hired. This denial is even a violation of Chinese law. They have not even allowed international humanitarian organizations, such as the Red Cross, to see Gao Zhan.

On April 5, I introduced legislation, S. 702, which would grant Gao Zhan her desire to become a U.S. citizen. Her son, as I mentioned previously, is also a U.S. citizen. Her husband recently completed his oath in the naturalization process—he took the oath 2 months ago—and is a U.S. citizen.

Gao Zhan has met all of the requirements necessary to become a citizen, except for one—raising her hand and taking the oath of allegiance to the United States. She has established residency for at least 5 years prior to her application. In fact, she has lived in the United States since 1989. She passed the INS test on U.S. history, government, and language. And she passed the FBI background investigation.

Gao Zhan has clearly demonstrated her intent and desire to become a U.S. citizen. S. 702 would help effectuate her desire in her absence. At the same time, I believe taking this unprecedented action might help afford her the full range of protections that are accorded to U.S. citizens all around the world.

The Immigration and Naturalization Service has notified the Senate that Gao Zhan meets the requirements for naturalization, including good moral character. I therefore urge my colleagues, both on the Judiciary Committee and in the full Senate, to move this bill to make Gao Zhan a citizen as quickly as possible. While this legislation may not guarantee that China will begin respecting human rights of its own citizens and visitors, it might help reunite a wife and mother with her husband and child.

Gao Zhan's detention is part of a larger and disturbing pattern of arrests, of which Senator JEFFORDS is well aware, in China and the pattern of arrests of United States-based academics and residents that predates the incident involving detention of our 24 Navy crew members. Over the past several months, we have become aware of the detention of two American citizens of Chinese descent and three Chinese-born holders of American green cards, including Gao Zhan and another scholar who is a resident of Hong Kong.

I have been made aware that one of these permanent U.S. residents, Liu Yaping, a businessman whom the Chinese have accused of fraud and tax evasion, is reportedly suffering from an aneurysm and his life could be in serious jeopardy. In addition, Gao Zhan also suffers from a chronic heart condition, and her family is understandably concerned about her health.

A number of my colleagues and I have already petitioned the Chinese Embassy for Gao Zhan's release on humanitarian grounds, to no avail. At the very least, Gao Zhan and others being held in China deserve humane treatment, contact with our consular officials, their families, and legal representation.

This sort of treatment of U.S. citizens and residents over the course of the past several months is clearly not the way to mend the frayed and unsettling relations between China and the United States.

I call on our administration to continue doing everything in its power to seek Gao Zhan's return. I ask my colleagues to support this legislation granting her citizenship, and I call on the Chinese Government to release Gao Zhan and return her to her family.

Knowing that the Chinese authorities do not allow any communications—even an e-mail, not even allowing a birthday card—wouldn't it be nice to just get a birthday card signed by her 5-year-old son and her husband, to know that they are OK. Knowing that is not going to be allowed, on behalf of the freedom-loving people of this country and all around the world, I still express our happy birthday wishes and hope our thoughts and prayers and actions will result in Gao Zhan spending her 40th birthday back home with her friends and family, and especially her 5-year-old son who needs his mother.

I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I thank the Senator from Virginia for raising this issue. The person he is referring to is the mother of a 5-year-old. I also have taken as a cause Ngawang Choephel, who is a young man from Tibet who attended college and then went back to Tibet to work on trying to make a history of the language and the culture there and was arrested and, without any trial at all, imprisoned and still is in prison.

I finally had to go to the Chinese just to get the mother to see her son, which she was guaranteed to do under Chinese law. We finally did succeed in getting the two together, but he remains incarcerated in Tibet.

These are just a few, I am sure, of many such incidents. We should always keep these in mind when we decide what kind of relationship we are going to have with China.

Mr. President, I yield the floor.

RECOGNITION OF LIEUTENANT COLONEL STEVE PENN

Mr. LOTT. Mr. President, I would like to recognize Lieutenant Colonel Steve Penn for his meritorious service to the U.S. Senate both as a Legislative Fellow and as the Deputy Director of the Marine Corps Liaison Office from July 19, 1996 to April 24, 2001. Lieutenant Colonel Penn's uncompromising professionalism and interpersonal skills provided an immense contribution to the mission of communicating the Commandant's message in the United States Senate. As a fellow, he expertly advised Senator ROBERTS and his staff on matters of national security. In the Senate Liaison Office, he led scores of congressional and staff delegations on fact-finding trips to all corners of the globe with unparalleled ease. Additionally, he routinely prepared and delivered briefs to Senators often involving very complex military and Marine Corps issues, always with diplomacy and candor. Lieutenant Colonel Penn consistently maintained uncompromising standards for dedication and accuracy in his work. His personal pride and loyalty to the Marine Corps guided his work and deeds, and resulted in superior results. His unselfish devotion to duty, exceptional performance, and outstanding professionalism have served the Members of Congress and the professional staff well, and provided a priceless contribution to the Marine Corps. My colleagues join me in wishing Lieutenant Colonel Penn all the very best in his next assignment as a member of the Inspector and Instructor Staff, 2nd Battalion, 23rd Marines in Encino, California.

HONORING THE AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL AWARD WINNERS

Mr. DASCHLE. Mr. President, I am proud to announce to the Senate today the names of the young men and women who have been selected to receive special awards from the American Automobile Association. Three safety patrollers will receive the 2000 AAA School Safety Patrol Lifesaving Medal Award. This award is the highest honor given to members of the school safety patrol.

There are roughly 500,000 members of the school safety patrol in this country, helping in over 50,000 schools. Every day, these young people ensure that their peers arrive safely at school in the morning, and back home in the afternoon.

Most of the time, they accomplish their jobs uneventfully. But, on occasion, these volunteers must make split-second decisions, placing themselves in harm's way to save the lives of others. The heroic actions of this year's recipients exemplify this selflessness, and richly deserve recognition.

The first AAA Lifesaving Medal recipient comes from South San Francisco, CA.

On September 28, 2000, just as children were leaving Our Lady of Mercy School for the day, a car hit another car, veered out of control and plowed into the school parking lot. Safety patroller Dustin Ramirez helped maintain control until rescue and police officials arrived. His quick thinking and courage helped prevent any students from being hurt.

This year's second AAA Lifesaving Medal honoree comes from Brooklyn Center, MN.

On January 4, 2001, safety patroller Stefani Egnell was preventing students at Willow Lane Elementary School from crossing the street until she could determine if a speeding car was going to stop. Stefani prevented one 8-year-old girl from stepping in front of the car. She also pulled a boy who hadn't heard her warning back out of harm's way.

The third AAA Lifesaving Medal winner comes from Manassas, VA.

In March 2000, quick action by safety patroller Jonathan Waldron stopped a third grade student from being hit by a bus that had begun pulling away from the curb. Since the youngster was in the blind spot of the bus, the driver did not see him. Jonathan pulled him out of the path of the bus and prevented what could have been a tragedy.

In addition to honoring safety patrollers with the Lifesaving Medal Award, AAA also recognizes the School Safety Patroller of the year. This award is presented to patrollers who have performed their duties above and beyond their normal responsibilities and demonstrate outstanding leadership, dependability, and academic strength.

Courtney Graf Bernet has been named School Safety Patroller of the Year by AAA Mid-Atlantic. Courtney is a sixth-grader at Lee's Corner Elementary School in Fairfax, VA. In November, 2000, Courtney was on patrol duty when a fellow student alerted her that he was having a seizure. Courtney instinctively knew what to do to make the student safe and comfortable. She helped him sit down on a soft, grassy area, took off his backpack so he wouldn't hurt himself, and sent his sister for help. After the crisis was over, she also made sure the other students at the stop safely got on their bus.

Courtney's friends and teachers describe her as courageous and responsible. She excels at using computers, and when she is faced with a challenge, she perseveres until she succeeds. She and all of the other AAA winners deserve our thanks and applause.

On behalf of the Senate, I extend congratulations and thanks to these young women and men who are visiting the Capitol today. They are an asset to their communities, and their families and neighbors should be very proud of their courage and dedication.

I would also like to recognize the American Automobile Association for providing the supplies and training necessary to keep the safety patrol on duty nationwide.

Since the 1920's, AAA clubs across the country have been sponsoring student safety patrols to guide and protect younger classmates against traffic accidents. Easily recognizable by their fluorescent orange safety belt and shoulder strap, safety patrol members represent the very best of their schools and communities. Experts credit school safety patrol programs with helping to lower the number of traffic accidents and fatalities involving young children.

We owe AAA our gratitude for their tireless efforts to ensure that our Nation's children arrive to and from school safe and sound.

And we owe our thanks to these exceptional young men and women for their selfless actions. The discipline and courage they displayed deserves the praise and recognition of their schools, their communities and the Nation.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

Today, I would like to detail a heinous crime that occurred August 8, 2000 in Providence, Rhode Island. Two young men said they were severely beaten and kicked by two strangers. The two victims were walking down a street when a car slowed and passed them. Minutes later the car drove by again, and the occupants began shouting vulgarities, anti-gay slurs and said, "We're going to kill you." The victims yelled back; the perpetrators allegedly got out of the car, shouted more anti-gay slurs and vulgarities, threw a beer can at them and then proceeded to beat and punch the victims in the head and body until one of them almost lost consciousness. The perpetrators eventually got in their car and fled, and witnesses called for help.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE 20TH ANNIVERSARY OF THE NUCLEAR CONTROL INSTITUTE

Mr. LEVIN. Mr. President, the Nuclear Control Institute, NCI, this year celebrates its 20th anniversary. For 20 years the NCI has worked to prevent the further spread of nuclear weapons to nations or to groups. In honor of their achievements and contributions, I ask unanimous consent that a letter of congratulations to NCI by our former colleague, Senator John Glenn, adn the remarks of the founder and president of NCI, Paul Leventhal, at NCI's 20th anniversary conference on April 9, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE JOHN GLENN INSTITUTE,
PUBLIC SERVICE & PUBLIC POLICY,
Columbus, Ohio, April 9, 2001.

Mr. PAUL LEVENTHAL,
c/o Mr. Len Bickwit,
Miller & Chevalier, Chartered,
Washington, DC.

DEAR PAUL: I want to extend to you personally my most sincere congratulations on the occasion of the twentieth anniversary of the Nuclear Control Institute. Your contribution to the debate on nuclear proliferation has been invaluable over the years and undoubtedly has helped make the world a safer one in which to live. I will always appreciate your & Senator Ribicoff's role in initially involving me in the nonproliferation issue during my early days in the Senate. While we have not always agreed on the specific measures to be taken in support of nonproliferation, we have always shared the objective that the control of nuclear weaponry must rank high on the list of the nation's public policy priorities. Your tireless work in support of that objective well deserves the commemoration it is receiving today.

Best regards,
Sincerely,
JOHN GLENN.

NUCLEAR POWER AND THE SPREAD OF NUCLEAR WEAPONS: CAN WE HAVE ONE WITHOUT THE OTHER?

Good morning, I am Paul Leventhal, president of the Nuclear Control Institute, and I want to welcome you to NCI's 20th anniversary conference, "Nuclear Power and the Spread of Nuclear Weapons—Can We Have One Without the Other?"

NCI got started 20 years ago on a spring day like today when I landed a $7,500 contribution from an anonymous member of the Rockefeller family. Wade Greene, the Rockefeller program officer who has been so helpful to a number of non-profit organizations represented here today, called it a "stimulative grant" to encourage giving by other foundations. But I had just lost my job on Capitol Hill, when the majority of the Senate switched to the party other than the one my boss and subcommittee chairman, Gary Hart, belonged to. So, I wasted no time and applied the Rockefeller check to renting a desk in the corridor of a small law firm located in a town house a block away from here, on N Street. With the desk came a posh conference room, suitable for holding meetings with other NGOs with an interest in plutonium and proliferation, and NCI was born.

In those days, NCI stood for The Nuclear Club Inc. The name was too clever by 5/8ths. But we used it anyway in a full-page New York Times ad, on Sunday, June 21, 1981, to launch our fledgling organization. The ad, which you will find in your folders, posed the question, "Will Tomorrow's Terrorist Have an Atom Bomb?"—a question, unfortunately, still highly relevant today, as is the answer. NCI's name has changed, but our mission—to prevent the further spread of nuclear weapons to nations, or to groups—remains the same.

The ad's creator was Julian Koenig, an original member and still a member of our Board. He is a Madison Avenue legend, now retired, whose credits included Volkswagen's original "Think Small" campaign and the naming of "Earth Day."

At first, Mr. Koenig expressed reluctance about joining our board, but I assured him that NCI would have to solve the plutonium problem in five years, or he and I probably wouldn't survive to talk about it anyway. I was wrong on both counts. We haven't solved the problem. We are still around to talk about it. To paraphrase Faulkner, NCI has endured, if not prevailed. We are all still here to talk about the role of nuclear power, plutonium and other associated proliferation risks—that is the purpose of our meeting today.

Those of you familiar with NCI's work probably detect something different about today's program. When we planned this conference—and here I wish to acknowledge the contribution of Marvin Miller of MIT, a long-time technical adviser and all-around shmoozer for NCI—we discussed whether we should look at nuclear power in a broader context: Do we need nuclear power? How essential is it? This is a policy area that Nuclear Control Institute has not ventured into before. Although some in industry and bureaucracy conclude that our opposition to civilian use of plutonium and the other nuclear weapons material, highly enriched uranium (HEU), means that we are opposed to nuclear power, we are in fact not an anti-nuclear organization. We have maintained a policy of neutrality on nuclear power and steer clear of efforts to shut the industry down. We are anti-plutonium and anti-HEU, not anti-nuclear.

Our purpose today in examining the need for nuclear power, and the possible alternatives to it, is the current push by industry and apparently by the Bush Administration to revive nuclear power and to expand it in response to growing concerns about electricity-supply shortages and global warming.

To underscore this point, today's Washington Post quotes Vice President Cheney as saying, "We need to build 65 new power plants for the next 20 years, and my own view is that some of those ought to be nuclear, and that's the environmentally sound way to go."

We strongly believe that such an initiative should not go forward without first examining whether there is an irreducible proliferation risk associated with nuclear power, and whether this risk is serious enough to change current commitments to nuclear power.

If the nuclear industry refuses to end its love affair with plutonium, especially now that it is widely acknowledged that plutonium is not an essential fuel because of the abundance of cheap, non-weapons usable uranium, then the world may well be better off without nuclear power. In that case, we should look to alternative sources of energy and to energy conservation and efficiency measures. Even if industry gives up plutonium, there are still severe proliferation dangers associated with the prospect of cheap, efficient enrichment technology and with potentially limitless sources of uranium.

So, we will be examining two sets of questions today:

Are there viable alternatives to nuclear power?

Are the proliferation risks associated with nuclear power so great as to make these alternative approaches imperative?

We have called on a world-class set of experts to address these questions, and we also have an expert audience representing a full range of views that should keep the speakers on their toes. NCI has always sought to be inclusive and to invite opposing viewpoints to be represented at its conferences. This approach sometimes generates heat, but also light. We ask the speakers to keep to their time limits and the questioners to be succinct and to the point. We have a number of issues to cover in one day and can only do so if concision is king.

I want to highlight some of NCI's concerns about the proliferation and security risks of nuclear power and about the way these risks are now being addressed. I hope these points help to inform and to stimulate the discussions that follow.

It is important to recognize the central role of fissile materials as the driving force behind proliferation. Granted, any decision to go nuclear is a political one, but the capability to execute that decision is technical. It is impossible to build nuclear weapons without plutonium or HEU. Thus, it should be straightforward that the nuclear power industry imposes a menace on the world if its insists on utilizing these explosive nuclear fuels when it is possible to run nuclear power and research reactors without them. As will be discussed by the luncheon speakers and the afternoon non-proliferation panel, nuclear power programs have provided cover for actual or attempted weapons-making in a number of countries. In each case, closing the fuel cycle to extract plutonium enriching uranium to weapons grade, or importing weapons-grade uranium to run research reactors were the quintessential elements of those programs.

Seeking to restrict and eliminate use of these fuels was the objective of the Congressional non-proliferation initiatives of the 1970s and of the Ford and Carter administrations. But these initiatives ran into political trouble because of the fierce opposition of our European and Japanese allies, who refused to follow the U.S. example. Today, the plutonium and breeder programs in these countries are in desperate financial straits, and this situation presents the United States an opportunity to reopen these issues and to seek cooperative approaches for disposal of excess fissile materials without introducing them as fuels.

Even the pro-plutonium British Nuclear Industrial Forum, in a recent analysis of prospects for the industry, made this statement: "Proliferation is a major issue in the nuclear fuel cycle. Nuclear Power may become more acceptable to the public if reprocessing is shut down." Clearly, the plutonium program in Britain, as in Germany and Japan, is encountering great difficulties. I have been privileged to be the only American invited to participate in a stakeholders' dialogue with British Nuclear Fuels Ltd., the government-owned fuel cycle company, on its plutonium program. As a result of this dialogue, BNFL has now agreed to undertake a formal assessment of immobilizing Britain's 60-plus ton stockpile of civilian plutonium as an alternative to fabricating it into MOX fuel.

However, despite this and other opportunities for the United States to revisit the plutonium component of U.S. non-proliferation policy, "transparency" and "gradualism" still dominate U.S. policy today. But achieving transparency of the world's plutonium stockpiles is no substitute for getting rid of them, while gradualism can be an excuse for not doing anything effective. The rapid growth of stocks of plutonium serves to illustrate this point. The growth has not been as rapid as we projected in 1983 when NCI commissioned David Albright to do his first study of this project. At that time, we projected 600 tons of separated civilian plutonium by the year 2000. Today, because of large-scale cancellations of new nuclear power and fuel-cycle plant orders, and of the demise of the breeder reactor, the actual amount of separated, civilian plutonium is about 200 tons—still an awesome figure that approximates the amount of military plutonium in the world.

But, by way of contrast, it should be noted that stocks of civilian highly enriched uranium exported by the United States have gone down dramatically—the result of the RERTR (Reduced Enrichment for Research and Test Reactors) program, run by the U.S. Argonne National Laboratory, with relatively strong support by the Executive Branch. In this case, there is a law in effect (the Schumer Amendment) which applies a sanctions approach and bars exports of HEU except to research reactors whose operators have agreed to convert to high-density, low-enriched uranium that cannot be used in bombs. The result: HEU exports by the United States are now virtually nil, limited to relatively small amounts to support continued operation of reactors while they are in the process of conversion.

Plutonium is a different story, however, Provisions in the Nuclear Non-Proliferation Act 1978, which were intended to restrict commerce in plutonium derived from U.S.-supplied nuclear fuel, have been circumvented by the Executive Branch.

It is important to note the pivotal role of Japan in all of this. Those of you familiar with the activities of NCI know that we focus attention on the Japanese plutonium program. We are sometimes criticized for doing so. Questions have been raised as to why we are so concerned about plutonium in Japan, given Japan's adherence to the Nuclear Non-Proliferation Treaty and to IAEA safeguards.

The answer is that Japan strongly resisted U.S. efforts to avoid commercial use of plutonium and is now the lynchpin for world plutonium commerce. Japan is the most important customer today of the European reprocessing and MOX industries. Without Japan, these industries might well be forced to shut down.

The Japanese plutonium program is losing domestic public acceptance as a consequence of a succession of nuclear accidents in Japan, as well as a scandal that developed when BNFL workers deliberately falsified quality-control data for plutonium-uranium, mixed oxide (MOX) fuel that was shipped to Japan for use in light-water reactors. Outside Japan, there is a considerable suspicion in the East Asian region as to why Japan wants to accumulate so much weapons-usable plutonium when there is a clear alternative in the form of low-enriched uranium fuel. NCI has pointed out in a detailed economic analysis that Japan could ensure its energy security by building a strategic reserve of non-weapons-usable uranium at a fraction of the cost of its plutonium and breeder programs.

NCI regards Japan as a special case, too, because, of all the civil plutonium-consuming countries, Japan refuses to acknowledge the weapons utility of reactor-grade plutonium despite many briefings on the subject by the U.S. Government. NCI commissioned the late Carson Mark, former head of weapons design at Los Alamos National Laboratory, to do an analysis of the weapons utility of reactor grade plutonium. This study eventually convinced the IAEA that reactor-grade plutonium was suitable for073 weapons, but unfortunately the Japanese government and industry continue to refuse to do so.

The Japanese plutonium program has also prompted strong protests from many states that are alarmed by the regular transports of MOX fuel and highly radioactive reprocessing waste that now pass close to their coastlines, en route from Europe to Japan. Japan has not been responsive to the safety and security concerns about these shipments that have been raised by the en-route states, or to their demands for environmental impact assessments, advance consultation on emergency planning, and guarantees of salvage of lost cargoes and indemnification against catastrophic consequences of accidents or attacks.

The consequence of all this is that the Japanese plutonium program is mired in controversy, both domestically and internationally. In NCI's view, it should be regarded as a special case and of special concern. If Japan should eventually decide against further use of plutonium fuel and the European plutonium industry collapsed as a result, it might then be possible to build an international consensus to eliminate commerce in plutonium as well as bomb-grade uranium.

We think Japan and the other big plutonium-producing and—consuming countries do count because they set an example and a standard for the rest of the world. I will return to this subject this afternoon during the non-proliferation panel.

I also want to highlight NCI's concerns about the possibility of reactors as radiological weapons—that is, the risk of sabotage of nuclear power plants. This is not just a Russian problem. It is an American problem, as well. Half the nuclear power plants in the United States have failed to repel mock attacks—so-called force-on-force exercises supervised by the Nuclear Regulatory Commission. The NRC refuses to take enforcement action in response to the failures, and is in the process of weakening the rules of the game in response to industry complaints. The agency even refuses to officially acknowledge the pass-fail nature of the exercises when the mock attackers reach and "destory" a complete set of redundant core cooling systems. Perhaps the NRC is right. It's not pass-fail. It's pass-melt.

NCI's Scientific Director, Edwin Lyman, will have more to say on this subject at this afternoon's technical fixes panel.

There is a curious historical context to this issue. It goes back to 1913, when H.G. Wells wrote a book entitled The World Set Free. In 1933, the Hungarian physicist, Leo Szilard, was thinking about this book, which he had read the year before, at the historic moment when, as he crossed Southhampton Row in the Bloomsbury section of London, he figured out the nuclear chain reaction. Wells, in this book, depicted a future nuclear war that began after atomic energy had been harnessed for peaceful purposes. But it was warfare that involved not exploding atomic bombs, but machines that spewed forth radiological poisons—the equivalent of a modern reactor meltdown.

My concern is that sabotage of nuclear power plants may be the greatest domestic vulnerability in the United States today. Many plants are not protected adequately, industry operators seem not prepared to pay the cost of doing so, and the NRC seems ill-disposed to require them to do so. It is not even certain that security of nuclear power plants against attack and sabotage can be assured by conventional, private means. This is a subject worth taking a hard look at.

It also raises the larger question of the adequacy of nuclear regulation today. It is essential to maintain strong, independent nuclear regulation free of undue industry influence. When I got into this business as a U.S. Senate staffer more than 25 years ago, my first responsibility was to handle the Energy Reorganization Act of 1974. This act "fissioned" the Atomic Energy Commission into separate regulatory and promotional agencies, and thus transformed a weak regulatory division of the AEC into a strong, independent NRC. As I observe the NRC today, I am concerned that it is looking more and more like the old AEC regulatory division, subject to undue influence by industry and particularly by industry's powerful friends on Capitol Hill. This is also a matter deserving of close scrutiny.

When I started out, I was very much influenced by the thinking of two leading nuclear contrarians. One was David Lilienthal, who had served as both the first head of the Tennessee Valley Authority and the first chairman of the Atomic Energy Commission. His Congressional testimony in 1976 in opposition to U.S. nuclear exports and in support of non-proliferation legislation caused a furor among his former colleagues. He once said to me, "If we assume nuclear proliferation to be inevitable, of course it will be." That made a lot of sense to me then, and still does today.

Ted Taylor, America's most creative fission bomb designer and a member of NCI's Board, also made a concise and compelling point: "Nuclear is different," he said. And to illustrate the point, he noted that the bomb that destroyed Nagasaki set off an instant of explosive energy equivalent to a pile of dynamite as big as the White House that was contained in a sphere of plutonium no bigger than a baseball. That was a first-generation bomb, a technological feat now within the grasp of terrorists or radical states if they manage to get their hands on the material.

Ultimately it comes down to a test of reasonableness. Is it reasonable to assume, over time, that millions of kilograms of plutonium can be sequestered down to the less than 8 kilograms needed for such a bomb? This question, in my view, must be answered before giving any further comfort to and support of an industry that remains officially committed to utilizing plutonium as a fuel—and surely before supporting an extension and expansion of that industry in response to electricity-supply shortages and global warming.

I close with a reminder from one of NCI's original Board members, the historian Barbara Tuchman, who in her book of the same title gave a sobering description of the "march of folly" that drives nations to destruction. She identified this phenomenon, one repeated throughout recorded history, as "pervasive persistence in a policy demonstrably unworkable or counterproductive." To qualify as folly, she said, it "must have been perceived as counter-productive in its own time, not merely by hindsight. . . . (and) a feasible alternative course of action must have been available."

MOTHER'S DAY

Mr. DURBIN. Mr. President, it is with great pleasure that I rise today to honor America's mothers. On Sunday, May 13th, families across America will celebrate Mother's Day. This is a special time of year, when we pay tribute to our mothers for playing an important role in our lives.

Mother's Day is a time to thank mothers for their patience, compassion, and devotion. Mothers have taught us to be who we are today and who we will be in the future. They instill values of respect and honor in our lives. On this day, we acknowledge the role mothers play in shaping our nation's future, one child at a time.

Our mothers were first honored in this way in 1907, when Anna Jarvis petitioned influential political and religious leaders to adopt a formal holiday honoring mothers. She hoped that such an observance would increase respect for parents and strengthen family bonds. Thanks to her efforts, in 1914, President Woodrow Wilson proclaimed the second Sunday in May as Mother's Day. He declared that on this day, the U.S. flag is to be displayed in government buildings and at people's homes "as a public expression of our love and reverence for the mothers of our country."

This year, as we celebrate Mother's Day, we are reminded of the changing role of mothers in our society. Today, mothers are not only homemakers and volunteers. They are lawyers and doctors, teachers and nurses, Senators and CEOs. In fact, half of American women with children under the age of eighteen now work full time, outside the home. Whether our mothers work inside or outside the home, they are our caretakers and nurturers. They are the cornerstone of our country. Their role in our society is priceless.

With all of our mothers' hard-work and devotion, it is no wonder that each year families search for the perfect gift to give for Mothers' Day. We purchase flowers, candy, and cards. Yet, America's mothers deserve more. Mothers want to know that their children are safe in school, receiving the best possible education, and protected from dangers in the community. This is where we, as lawmakers, have a role to play. We can do more to help mothers. We can help give them something they want and deserve for Mother's Day by passing legislation that reduces the number of guns on our streets, improves our schools, and protect our neighborhoods.

One year ago I joined over 900,000 mothers, fathers and children across the country in the Million Mom March. We came out on Mother's Day to renew our commitment to our children—we will continue to work tirelessly to prevent the senseless gun related deaths of our children. We want to raise our children, not bury them.

We joined together to talk about the need for gun safety and sensible gun control. Yet this body has turned a deaf ear to the calls.

While some downplay the fact that guns are more rampant in America than in any other country, more and more children are killed by guns. Every day, 10 mothers are told that their child has been killed by gunfire. That is 10 too many. Last Congress, I introduced bipartisan legislation with eight other Senators, known as the Child Access Prevention, CAP, bill, in an effort to hold gun owners accountable when they fail to safely store their firearms. Gun owners need to assume responsibility for safely storing their firearms in a way that is not accessible to children. Unfortunately, the Congress did not pass my bill. I plan to reintroduce this legislation during this Congress and I urge my colleagues to join me in this effort.

Here we are, two years after Columbine, one year after the Million Mom March, and two months after Santana High, and this Senate still has not acted on any gun legislation. How many more mothers will have to celebrate Mother's Day without their children at their side before we begin helping law enforcement and school officials end the violence in our schools? Our mothers should not have to fear sending their children to school. We must pass sensible gun laws—for our nation, for our children, for our mothers.

This year, for Mother's Day, let us also assure mothers that their children are receiving a quality education. Too many school children face challenges that inhibit their ability to learn. Student-to-teacher ratios are too large, teachers are not properly trained, and the best technology is not made available. Mothers count on our schools to provide their children with the best possible education. Yet, our schools are not meeting the standards. While Congress debates funding priorities, our children are leaving school unprepared for their futures.

We must increase Federal support for education to ensure that all our children have the skills and knowledge they will need in the future. Our goal must be to make every child a success story. Allocated funding will allow schools to reduce class sizes and increase professional development programs for teachers. It will help local schools invest in and integrate new technology in classrooms and help expand school counseling, school safety, and substance abuse programs. By helping our schools, we will assure mothers that their children are ready for the future.

As a gift for Mother's Day, we can also give children a place to go after school hours. With one half of American mothers working full time outside the home, many children come home from school to an empty house. It is during this time when many unsupervised children find trouble. A study released by the YMCA of the USA designated the hours between 3 p.m. and 6 p.m. as the "danger zone." Teenagers are more likely to drink, smoke, or engage in sexual activity because they are unsupervised. But this time could and should be used for productive activities.

The hours after school should be a time to learn and grow, not invite trouble. We need to expand funding for programs like Chicago's Lighthouse after school program, so that children have access to tutoring and mentoring programs, recreational activities, and literacy education after the school day ends. When children participate in these programs, working mothers can be reassured that their children are not only safe, but thriving, while they are at work.

In conclusion, Sunday is our special opportunity to recognize the role of mothers and to thank them for their nurture, care, and love. On Sunday, when we salute our mothers for the role they have played in our lives, let's recommit ourselves to give them a gift in return, a gift they will treasure. Let's pass sensible gun laws, increase funding to our schools, and protect our communities. That is what our mothers want, on Mother's Day and every day. And that is what we should give them.

MEDICARE INPATIENT HOSPITAL SERVICES

Mrs. CLINTON. Mr. President, today, I am so pleased to join my good friends, Senator HUTCHISON from Texas and Senator BAYH from Indiana, in supporting this legislation to help Medicare payments keep pace with the rising costs of hospital care, and to halt further Medicare reductions to teaching hospitals.

Our hospitals are under tremendous strain. They face soaring costs from nearly every direction: The growing number of uninsured individuals coupled with the devastating shortages of skilled health care workers. The struggle to afford skyrocketing pharmaceuticals prices, while simultaneously investing in emerging needs, such as information technology. At the same time, reductions in Medicare payments have hindered hospitals' ability to respond to these increased demands. How can we expect patients to receive quality health care when we're asking our hospitals to do more with so much less?

As you know, this week we are focusing on the crisis around the shortage of nurses. Ninety-one percent of hospitals in New York State report shortages of registered nurses, RNs. But this is really just the tip of the iceberg. The shortages in the health care workforce permeate the entire health care system, especially our hospitals. There are shortages in pharmacists, technicians, nurse aides, billing staff, and housekeepers that have all negatively impacted the quality of care New Yorkers are able to receive.

As a representative of the State of New York, I am especially troubled by the growing strains that our hospitals have been forced to contend with on top of the devastating cuts that have resulted from the balanced budget agreement of 1997, BBA. I have heard numerous firsthand accounts of the adverse impact on New York hospitals and the facts speak for themselves: In the 2 years following the BBA, New York hospitals' financial health ranked worst in the Nation. In fact, almost two-thirds of New York hospitals had negative operating margins last year. And in addition to the workforce shortage affecting health providers nationwide, New York providers are also confronting labor costs increases of 5–7 percent a year, while the Medicare rates for inpatient hospital rates, even with the full market basket update we are seeking in today's legislation, expected to rise only around 3.1 percent.

In recent years, Congress has successfully provided some short-term relief to address areas where the cuts enacted in the BBA of 1997 went much further than intended. However, much of the relief merely postponed scheduled cuts in Medicare payments and that is why the legislation that we are introducing today is so important.

This legislation today would eliminate some of those previously delayed cuts. First, it would restore the market basket update for inpatient hospital rates to the full level, rather than market-basket minus 0.55 percent, as scheduled for fiscal year 2002 and 2003. This important step will help hospitals nationwide keep up with the rising costs of inpatient care for Medicare beneficiaries. This provision helps all hospitals in New York State by increasing inpatient hospital payments across the board.

I am especially pleased that this legislation would also address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Teaching hospitals are the crown jewels of our Nation's health care system and play a vital role in making our system one of the finest in the world.

We rely on them to train physicians and nurses, care for the sickest of the sick and the poorest of the poor, and engage in research and clinical trials. Thanks to the research, for example, at Memorial Sloan-Kettering, cancer patients will suffer less while receiving chemotherapy because of a drug that was developed there.

As my predecessor and friend, Senator Daniel Patrick Moynihan, in whose footsteps I am so honored to be following, put it so well a few years ago, "We are in the midst of a great era of discovery in the medical science. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States . . . And it is centered in New York City."

This legislation that we are introducing today would address the cuts faced by teaching hospitals to their Medicare indirect medical education payments. Last year's Medicare, Medicaid, and SCHIP Benefits Improvement Act of 2000, BIPA, provided some relief by delaying the cuts to help teaching hospitals cover the costs of caring for sicker, more complicated patients. Today's provision would make that relief permanent by freezing the indirect medical education adjustments percentage at 6.5 percent.

In addition, teaching hospitals throughout the State would benefit, including rural hospitals such as Kingston Hospital, Benedictine Hospital, Champlain Valley Physicians Hospital Medical Center, Olean General Hospital, and Hepburn Medical Center in Ogdensburgh, NY.

Today's legislation is essential to ensuring that our Nation's older and disabled patients can continue to receive the high quality of care that they deserve. I look forward to working with my colleagues and the administration to address this and other important health care priorities.

REMEMBERING ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. DAYTON. Mr. President, I rise today to recognize that May is Asian Pacific American Heritage Month, and I want to acknowledge the many accomplishments and contributions that people of Asian and Pacific Island descent have made to Minnesota and to our country.

Their many different talents, cultures, and histories have played important roles in building and strengthening our country, and they have exemplified the important traditions of hard work, respect for family and elders, and the value of a quality education.

Since their arrival in this country, they have believed strongly in the American Dream and in better opportunities for those who seek them. These qualities have enabled them to overcome adversity and discrimination, and allowed them to achieve enormous successes in virtually every field.

The complexion of my home state of Minnesota is changing dramatically. We have seen a sharp increase in the number of Asian Americans and Pacific Islanders who reside in our state, and we welcome the opportunity to continue to work with them to create a better Minnesota.

In one of my first meetings as a new Senator, I had the opportunity to visit with the Council on Asian Pacific Minnesotans, and I learned of the many important contributions which this community makes to my home state. They shared with me not only their successes, but also their continuing struggles to ensure that Minnesotans of Asian and Pacific Island descent have the best education, housing, health care, and job opportunities possible.

I would like to acknowledge just a few of the Minnesotans of Asian or Pacific Island descent whose efforts have made Minnesota a better place to live and work. In the political arena, the Honorable Satveer Chaudhary became the first Asian American to be elected to the Minnesota state legislature and now serves as the highest-ranking elected official of Indian descent in the nation. Ms. Zarina Baber helped establish the volunteer based clinic in Fridley known as Al'Shifa, which provides culturally specific health care free of charge to needy or uninsured patients. Ms. Baber volunteers as the director of this clinic and has developed partnerships with area hospitals and clinics. Mr. Lee Pao Xiong recently became the first non-African American President of Minneapolis' Urban Coalition. He has served on President Clinton's Commission on Asian and Pacific Islanders, and has been a leader in helping the Hmong community to make the transition to mainstream America while preserving the integrity of their own culture. Wai Lee, a devoted mother of four, as well as an active member of the Faribault community, has skillfully combined motherhood with activism. She has volunteered in the Faribault community for many years, taught English as a Second Language, and developed a mentor program to involve children and help them with their English skills. Venture Crew 6, a community organization made up of Asian youth leaders, is working to make Minnesota a better place to live and train young people to be future leaders. The group's mission is to help Minnesota youth grow, develop, and foster leadership skills while serving their communities. The members, made up of traditional and "at risk" youth, lend a hand to the state's elderly, and provide a variety of other volunteer services in several Minnesota communities.

There are many other women and men who belong on this "Honor Role" of outstanding Minnesotans. During this month, we should all take time to remind ourselves of the important contributions made to our society by those of Asian American and Pacific Island descent, who bring with them rich cultures, desire for growth and opportunity, and the chance to achieve the American dream.

EXPORT PROMOTION PROGRAMS

Mr. BINGAMAN. Mr. President, I rise today to address the issue of U.S. trade policy, in particular the funds directed toward export promotion in the Bush administration fiscal year 2002 budget.

Until only recently, the United States had been experiencing the largest period of sustained economic growth in our history, with over 20 million jobs created, the lowest unemployment rate in 30 years, the lowest poverty rate in 20 years, and substantial increases in gross domestic product and productivity. According to nearly every analyst, there is a direct correlation between increased international trade and these statistics, with exporting firms and workers contributing as much as 30 percent to our economic growth. Exports in U.S. goods and services have risen by almost 50 percent over the last eight years. This translates into increased international sales for business of all sizes, increased opportunities for high-wage employment, and enhanced economic security for Americans.

Significantly, our trade policy over the last 8 years has included tangible resources directed toward export promotion initiatives, the primary goal being to ensure that exporters, large, medium, and small, could take advantage of market opportunities occurring as a result of international trade negotiations and market liberalization. Included in this trade strategy were a range of policy programs, from trade promotion and financing, to market monitoring and compliance, to database creation and business counseling, all of which were specifically designed to ensure that U.S. firms of all sizes had the information they needed, that they were positioned to take advantage of foreign markets, and, in this manner, that we could unlock the full potential of our national economy.

As I examine the current budget I am concerned that this commitment to export promotion has weakened significantly under the new administration. Given the rapid changes occurring in the international political economy, I am concerned that the administration is ignoring the challenges U.S. firms now face with their competition. Given the emphasis placed on these programs by foreign governments at this time, I am concerned about the effect this change will have on the level of our exports. Given the state of our economy at this time, I am concerned this will simply be another factor contributing to a decline in economic growth.

Let me give some specific examples of the budget cuts I am referring to. Based on the budget numbers provided by President Bush: Funding for the Trade Development Program, which performs trade investment analyses, works with firms to identify and capitalize on overseas trade opportunities, and conducts export promotion programs, will decrease from $66 million last year to $52 million this year. Funding for the Market Access and Compliance Program, which monitors foreign country compliance with multilateral and bilateral trade agreements, will decrease from $33 million last year to $28 million this year. Funding for the U.S. Foreign and Commercial Services, which maintains databases on markets overseas and counsels U.S. firms on export opportunities, will decrease from $199 million last year to $194 million this year. Funding for the Export-Import Bank, which provides export financing for U.S. companies, will decrease from $865 million last year to $633 million this year. Funding for the International Trade Administration, whose primary goal is to expand opportunities for sales by U.S. firms in foreign markets, falls from $364 million last year to $361 million this year.

From where I stand, we should not be cutting back on funding for these programs. On the contrary, we should increase funds for programs designed to translate American productivity, vitality, and ingenuity into sales overseas. Unfortunately, what we see here is a policy that runs contrary to the needs of our own country, and, significantly, the policies of most countries in the global trading system. The Bush administration trade policy incorrectly assumes that market imperfections do not exist, and that assistance to firms represents interference in the way the market works. If you look around the world and examine the trade and export policies of other countries, you will see this policy is an anomaly.

If you go down the list of our trading partners anywhere in the world—be it Japan, France, Canada, Mexico, or Brazil—all consider the exports of their goods and services to be a top government priority, and, according to the U.S. Commerce Department, contribute substantial resources, both human and financial, to this goal. The most recent data available shows that the United States ranks dead last among a group of our trading partners, measured in terms of spending on export promotion as a percentage of GDP. And these data were calculated prior to the fiscal year 2002 budget cuts by the Bush Administration. All of these countries—France, Canada, Germany, Italy, Japan, the UK, Korea, Spain, Sweden, and the Netherlands—understand that trade is not an end in and of itself, but one of the tools by which governments can raise the living standards of its people.

In his nomination testimony before the Finance Committee in January, U.S. Trade Representative Robert Zoellick stated that President Bush assigned a high priority to trade policy as part of his domestic and international agenda. He argued at that time that trade policy is important not only because it incrementally improves the economic welfare of all Americans, but also because it shapes the basic framework of the international system. Through international trade we not only export goods and services, we also export democratic values and stability.

I agree with this statement. But my concern is that the Bush Administration is committed to this kind of trade policy in rhetoric alone. Their budget for export promotion activities suggests that they are unwilling to back up their words with substance—in this case, real funding for the programs that do the work needed to help U.S. firms. From where I sit, it is essential that the United States fund these programs so American business can continue to act as an engine of growth for the country. I am convinced that there is a national economic interest, tangible and beneficial, that needs to be pursued in an effective manner by the United States. While I accept the notion of free markets, I believe there are imperfections and biases in the international trading system that necessitate a commitment of resources to trade and export policy.

President Bush has argued that he has focused on the people's priorities in his budget and put first things first. I would argue that his trade policy—the resources directed toward export promotion policy in particular—are simply another example of the fundamental flaws in his strategic goals for the country. There is still time to make a change in direction. There is still time to fund the programs that have done so much for American businesses and the American people. I urge the Administration to reconsider the funding levels for these programs, and bring them back to the appropriate level.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 7, 2001, the Federal debt stood at $5,643,605,408,260.92, Five trillion, six hundred forty-three billion, six hundred five million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents.

Five years ago, May 7, 1996, the Federal debt stood at $5,093,910,000,000, Five trillion, ninety-three billion, nine hundred ten million.

Ten years ago, May 7, 1991, the Federal debt stood at $3,437,531,000,000, Three trillion, four hundred thirty-seven billion, five hundred thirty-one million.

Fifteen years ago, May 7, 1986, the Federal debt stood at $2,018,050,000,000, Two trillion, eighteen billion, fifty million.

Twenty-five years ago, May 7, 1976, the Federal debt stood at $598,331,000,000, Five hundred ninety-eight billion, three hundred thirty-one million, which reflects a debt increase of more than $5 trillion, $5,045,274,408,260.92, Five trillion, forty-five billion, two hundred seventy-four million, four hundred eight thousand, two hundred sixty dollars and ninety-two cents during the past 25 years.

ADDITIONAL STATEMENTS

LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mrs. CLINTON. Mr. President, I rise today to honor the career of an outstanding soldier and a good friend, Lieutenant General Daniel W. Christman, who is retiring after more than thirty-six years of active military service. General Christman's exemplary military career, culminating in five years as the Commanding General and Superintendent of the United States Military Academy at West Point, exemplifies the professionalism and seriousness of purpose that have helped make the U.S. military the best in the world.

Prior to his service at the United States Military Academy, General Christman had a remarkable military career for over 30 years. General Christman graduated first in his class from West Point and later taught in the Department of Social Sciences as an Assistant Professor of Economics. He has held several senior executive positions in the Army, all of which have taken advantage of his unique talents for creative leadership and strategic vision. Using his training in civil engineering, he has commanded a major U.S. Army Corps of Engineer District in Savannah Georgia and headed the Army's Engineer School in the early 1990s.

Throughout his distinguished career, General Christman has played a vital role in development and implementation of some of the most important security policy issues of the last several decades. He served in the Ford Administration as a member of the National Security Council Staff. During the Gulf War, he directed a strategic planning group which advised the Army's Chief of Staff on war prosecution policies. He represented the U.S. in Brussels, Belgium as a member of NATO's Military Committee where he had active involvement in the historic expansion of NATO, pursuing peace in the Balkans and military dialogue with Russia. Immediately before arriving at West Point, General Christman served for two years as Assistant to the Chairman of the Joint Chiefs of Staff in the Pentagon. In that position he advised the Secretary of State on a broad range of issues, including arms control with Russia and Middle East peace negotiations between Israel and Syria.

General Christman's tenure as the 55th Superintendent of the U.S. Military Academy has been marked by a forward thinking strategic vision and the development of a more cooperative and positive environment at the Academy. I met with General Christman soon after I was sworn in as Senator and have been greatly impressed by his leadership at West Point. His success at obtaining critical funding support has enabled West Point to continue to attract high quality young cadets willing to embark on Army careers. He helped to raise funds for the Center for the Professional Military Ethic, as well as endowments for several academic department chairs and improved athletic facilities. He helped to inspire the creation of a dynamic and forward-looking Strategic Vision for the U.S. Military Academy 2010.

General Christman's exemplary service and devotion to duty, honor and country have left a lasting impact on the U.S. Military Academy, and indeed the U.S. Army. His numerous awards reflect the respect and admiration of those who have had the privilege to serve with him. I join my fellow Senators in wishing General Christman the best of luck in his future endeavors and my sincerest gratitude for his distinguished service to his country.•

TRIBUTE TO LIEUTENANT GENERAL DANIEL W. CHRISTMAN

• Mr. REED. Mr. President, I rise to recognize the outstanding service to our nation of Lieutenant General Daniel William Christman, the 55th Superintendent of the United States Military Academy. On June 30, 2001, General Christman will retire from the United States Army after an outstanding career of more than 36 years of service in peace and in war to the Army and the Nation.

General Christman is a modern model of the soldier-scholar. After graduating first in his class from West Point in 1965, then young second Lieutenant Christman traveled to Fort Benning to undertake the Ranger Course. He then served as a Platoon Leader and later as a Commander in the 2d Infantry Division, Korea. In 1969, he commanded a company in the 101st Airborne Division in Vietnam.

Returning from combat, General Christman went on to distinguish himself in numerous command and staff positions with U.S. Forces, both overseas and in the Continental United States. In Europe, his assignments included serving as the 19th U.S. Representative to the NATO Military Committee in Brussels, Belgium, and Commander of the 54th Engineer Battalion in Wildflecken, Germany.

General Christman's key command positions included service as the Commanding General of the U.S. Army Engineer Center and Commandant of the U.S. Army Engineer School at Fort Leonard Wood, Missouri, and Commander of the Savannah District, U.S. Army Corps of Engineers in Savannah, Georgia.

General Christman occupied senior executive positions in Washington, D.C. which required creative leadership and strategic vision. He served as a Staff Assistant with the National Security Council during the Ford Administration, and as Assistant to the U.S. Attorney General for National Security Affairs in the Reagan Administration. General Christman was the Director of Strategy, Plans and Policy at the Department of Army Headquarters. In this capacity, he supported negotiations relating to the Conventional Forces in Europe arms control talks between NATO and the Warsaw Pact on behalf of the Chief of Staff of the Army and the Chairman of the Joint Chiefs of Staff. He also served as Assistant to General Shalikashvili, Chairman of the Joint Chiefs of Staff advising the Secretary of State on a broad range of military and national security issues such as arms control with the Russian Federation and the Middle East peace negotiations between Israel and Syria.

Over the years, General Christman also found time to continue his own education. He earned a Masters Degree in Civil Engineering and a Masters Degree in Public Administration from Princeton University, and holds a Law Degree from George Washington University.

For his service, General Christman has received, among others, the Defense Distinguished Service Medal, the Army Distinguished Service Medal, the Defense Superior Service Medal, Legion of Merit, Bronze Star Medal, Merit Service Medal and the Air Medal.

General Christman has made many valuable contributions to our nation and the Army, but I believe that he has left his most indelible mark on the United States Military Academy, the institution where he began, and will soon end his Army career. After his graduation, General Christman first returned to his alma mater in 1970 as an Instructor, and later Assistant Professor in the Department of Social

Sciences. Then in 1996, General Christman undertook his last assignment as Superintendent. For the past five years, he charted the course for officer education into the new century.

Under his guidance, the Academy crafted a new mission statement, strategic vision, and a new public funding paradigm to enable the institution to compete and excel in an era of transformation. His assessment of current needs and insight of future possibilities has resulted in a revised academic curriculum and an increased focus on the profession of officership. From the outset, General Christman sought the insight of Academy graduates and the neighboring community, where appropriate, to give these groups a closer identification with his decisions.

A consummate professional, General Christman's dedication to excellence and his unsurpassed devotion to duty, honor, and country have marked his distinguished service over the last 36 years. His service reflects a deep commitment to West Point, the Army, and our nation. I ask my colleagues to join me in thanking General Christman for his honorable service to the citizens of the United States of America. I wish him, his wife Susan, and their children, continued success and happiness in all their future endeavors.•

RETIREMENT OF RONALD CARL CASNER OF McVEYTOWN, PA

• Mr. SANTORUM. Mr. President, I rise today to recognize Mr. Ronald Carl Casner of McVeytown, PA, as he retires as Vice-President from Omega National Bank after 42 years. He has given a great deal of time and energy to his profession, and has ensured a trustworthy banking service to his customers for many years. On June 30, 2001, he will bring his lengthy and accomplished career to a close, and I commend him for the many years of service he has provided to his community.

Mr. Casner was born February 7, 1936 in Lewistown, PA. After he graduated from high school, he served in the United States Marine Corps from 1954–1958. Upon his return to the United States from his military service, Ronald became employed at the former Penn Central National Bank, located in Mount Union and Huntington, PA. When Mr. Casner retires in June, he will retire as Vice-President of what is now Omega National Bank.

Mr. Casner is a member of the McVeytown United Methodist Church, serves on the Church's Board of Trustees, is an avid sportsman, and is a member of the Loyal Order of the Moose. His involvment in these civic organizations displays Mr. Casner's dedication both as a professional and in the community. Ronald and his wife, Anna, have two daughters, one grandson and one granddaughter.

I ask my colleagues to join with me in recognizing Mr. Ronald Casner for the many years he has given to his community. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.•

LEON HIGH SCHOOL BAND

• Mr. GRAHAM. Mr. President, I am pleased to have this opportunity to honor the outstanding history of the Leon High School Band in Tallahassee, Florida. Now in its 61st year, Leon High School Band's tradition of distinction is second only to the academic and personal integrity of its members.

Officially organized in 1940, Leon Band and its colorful history remain a source of great pride for everyone involved with the program. During those early years, the "Marching Redcoats" took the field at the 1946 Orange Bowl in Miami, Florida, attended the Cherry Blossom Festival in Washington, D.C. and was proclaimed the official band of the State of Florida. The honors, acclaim and achievements, however, did not stop there; the band visited Mexico in 1974 to enter the Festival of Bands and toured Austria for the International Music Festival in 1977.

More recently, under the direction of Timothy Paul, the Leon High Band has continued its quest for excellence. Not only have they won the Sudler Order of Merit for Historical Bands, but in December, 2000, the band was presented with the prestigious Sulder Flag of Honor, an international award honoring musical expertise. Individually, band members consistently attain superior ratings in district and state competition. The grand tradition of the Leon High School Band continues and richly deserves our commendation and recognition.•

SEARCHING FOR SEQUOYAH

• Mr. INHOFE. Mr. President, today I would like to recognize a family that has dedicated much time and energy into preserving its Cherokee heritage. Dr. Charles Rogers of Brownsville, TX, his wife Sheron, his son, George Charles Sherson, and his mother, Mary Layton Rogers, have traveled to Mexico in search of the grave of the famous Cherokee, Sequoyah.

Sequoyah is credited with inventing a writing system for the Cherokees by making symbols which form words. As a result of this syllabary, thousands of Cherokees became literate. In recognition of his monumental contribution, the Cherokee Nation awarded him a silver medal, along with a lifetime literary pension.

Sequoyah was born in Tennessee, in 1776, to Nathaniel Gist, a Virginia fur trader, and Wut-teh, the daughter of a Cherokee Chief. He also lived in Georgia, Alabama and Arkansas before moving to Oklahoma, where he lived until 1842. He then set out to find the Chickamauga Cherokees, who had moved to Mexico. He died the following year in Mexico, but the exact location of his grave has remained unknown.

Dr. Rogers and his family, who come from a long line of Cherokees themselves, have searched extensively for Sequoyah's grave. Their efforts may have paid-off as they believe they have found the burial site in a rock-covered cave near the "lost-village" of Sequoyah. Epic and Gloria Rodriguez of Mexico, whose ancestors helped Sequoyah and other Cherokees, directed the Rogers to the location. The Rogers' intent is not to return the remains of Sequoyah to Oklahoma, but to recognize his grave in order to preserve the richness of the Cherokee heritage.

I hope you will join me today in honoring Sequoyah, for his contribution to the Cherokee people, as well as the Rogers family, for their work to preserve the legacy of this Cherokee hero.•

TRIBUTE TO PAGE GROTON

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the life and legacy of Page Groton. He was a native of Baltimore who served his country with pride.

Page Groton spent his career working to improve the lives of working men and women. He played an important role in America's labor movement. He understood why unions are so important. He put his values into action.

Page enjoyed a long career as a trade union member, leader and lobbyist. He began working in Baltimore as a member of the Civilian Conservation Corps before becoming an electrician at a shipyard in Pennsylvania. Page answered his country's call to duty by joining the Navy in the Pacific during World War II.

After returning to the shipyard when the war ended, Page was elected union president of his boilermakers local. In 1962, Page Groton moved to Washington and became vice president of the International Brotherhood of Boilermakers Union. Once in Washington, Page found the time to share his knowledge of labor issues with students from the University of Wisconsin School for workers. He finished his career as a lobbyist for the Metal Trades Department of the AFL–CIO.

I am so grateful for Page's friendship and support. In 1986, I found myself in a tough Senate primary campaign against two good friends of mine: Congressman Mike Barnes of Montgomery County, and Governor Harry Hughes of Maryland. Page was instrumental in helping the statewide AFL–CIO to know me.

Page Groton's life is an example of dedication to a cause higher than oneself. His legacy is his family, as well as an ethic of service that Americans and Marylanders may follow with pride. His beloved wife Mayrene Williams Groton and their two children, seven grandchildren, and five great grandchildren are in my thoughts and prayers.•

RETIREMENT OF A. REID LEOPOLD, JR., MD, OF LEWISTOWN, PA

• Mr. SANTORUM. Mr. President, today I would like to recognize A. Reid Leopold, Jr., MD, an accomplished physician from the great Commonwealth of Pennsylvania who will be retiring on June 30, 2001. Dr. Leopold has dedicated his entire professional life to improving the health and well-being of others in our communities.

Dr. Leopold was born October 7, 1931 in Lewistown, PA. A graduate of Lewistown High School, he studied for four years at Bucknell University in Lewisburg, PA before moving on to study medicine at Pittsburgh Medical School. In addition to practicing medicine for 43 years, Dr. Leopold served his country in the United States Navy for two years and served as Mifflin County Coroner from 1964 to 1996.

A member of St. John's Lutheran Church in Lewistown, Dr. Leopold is married to the former Karen Doyle, and has two daughters, three sons, two step-daughters and eight grandchildren. Also a sports enthusiast, Dr. Leopold can often be found spending his free time boating and fishing in Lake Raystown.

Dr. Leopold has been an outstanding member of the Lewistown community, and has provided his friends and neighbors with quality healthcare for many, many years. I congratulate him on his retirement and hope that he is blessed with many years of relaxation and enjoyment with friends and family.

I ask my Senate colleagues to join with me in recognizing the contributions that Dr. Leopold has made to the medical profession and to improving the lives of others. May his retirement be filled with health, happiness and memorable times with family and friends for many years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nomination received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1751. A communication from the Acting President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000 and the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1752. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Budget Reguest and Annual Performance Plan for Fiscal Year 2002; the Annual Performance Plan for Fiscal Year 2001; the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1753. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Ozone; Beaumont/Port Arthur Ozone Nonattainment Area" (FRL6976–1) received on May 3, 2001; to the Committee on Environment and Public Works.

EC–1754. A communication from the Acting Administrator of the General Service Administration, transmitting, a report relative to an alteration prospectus for the Federal Trade Commission building in Washington, DC; to the Committee on Environment and Public Works.

EC–1755. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK–025–FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC–1756. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Missouri Regulatory Program" (MO–033–FOR) received on May 7, 2001; to the Committee on Energy and Natural Resources.

EC–1757. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Application of sections 23A and 23B of the Federal Reserve Act to Derivative Transactions with Affiliates and Intraday Extensions of Credit to Affiliates" (R–1104) received on May 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1758. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment, articles, and services sold commercially under a contract in the amount of $14,000,000 or more to Spain; to the Committee on Foreign Relations.

EC–1759. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–1760. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–1761. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Not. 2001–32) received on April 28, 2001; to the Committee on Finance.

EC–1762. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS–LIFO Department Store Indexes—March 2001" (Rev. Rul. 2001–23) received on April 28, 2001; to the Committee on Finance.

EC–1763. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Forward Triangular Merger Followed by a Stock Drop Down" (Rev. Rul. 2001–24, –22) received on May 3, 2001; to the Committee on Finance.

EC–1764. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reverse Triangular Merger Followed by an Asset Sale" (Rev. Rul. 2001–25, –22) received on May 7, 2001; to the Committee on Finance.

EC–1765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Germany, Italy, and Spain because of BSE" (Doc. No. 01–008–1) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1766. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2000–2001 Crop Year for Tart Cherries" (Doc. No. FV01–930–2) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1767. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Honey Research, Promotion, and Consumer Information Order" (RIN0581–AB84) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1768. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Suspension of Provisions under the Federal Marketing Order for Tart Cherries" (Doc. No. FV00–930–6) received on May 2, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1769. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Final Rule" ((RIN2120–AG74)(2001–0003)) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1770. A communication from the Attorney-Advisor of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Audit Appeals; Policy and Procedure" (RIN2133–AB42) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1771. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (25)" ((RIN2120–AA65)(2001–0027)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1772. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Commuter Operations and General Certification and Operations Requirements; technical amdt." (RIN2120–ZZ34) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1773. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Service Difficulty Reports; Delay of Effective Date" ((RIN2120–AF71)(2001–0001)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1774. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Emergency Exits" (RIN2120–ZZ33) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1775. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes" ((RIN2120–AA64)(2001–0188)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1776. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 750 Airplanes" ((RIN2120–AA64)(2001–0189)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1777. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes Powered by GE or P&W Engines" ((RIN2120–AA64)(2001–0190)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1778. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab 2000 Series Airplanes" ((RIN2120–AA64)(2001–0191)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1779. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, –700, –800, and –700C Series Engines" ((RIN2120–AA64)(2001–0192)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1780. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes Equipped with P&W Model PW4400 Series Engines" ((RIN2120–AA64)(2001–0193)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1781. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Bassett, NE; Correction and Confirmation of Effective Date" ((RIN2120–AA66)(2001–0078)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1782. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Molokai, HI" ((RIN2120–AA66)(2001–0079)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1783. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100" ((RIN2120–AA64)(2001–0187)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1784. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 and A320 Series Airplanes Equipped with Elevator and Aileron Computer L80 Standards" ((RIN2120–AA64)(2001–0186)) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1785. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting pursuant to law, the report of a rule entitled "Emergency Medical Equipment" (RIN2120–AG89) received on May 3, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1786. A communication from the Associate Bureau Chief, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Access Charge Reform, Seventh Report and Order" ((FCC01–146)(Doc. No. 96–262)) received on May 7, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself and Mr. McCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

By Mr. FEINGOLD:

S. 842. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 844. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the Committee on Finance.

By Mr. DURBIN:

S. 846. A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 83. A resolution referring S. 846 entitled "A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 84. A resolution to authorize representation by the Senate Legal Counsel in Timothy A. Holt v. Phil Gramm; considered and agreed to.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 394

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 394, a bill to make an urgent supplemental appropriation for fiscal year 2001 for the Department of Defense for the Defense Health Program.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 488

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 500

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 540

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 549

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 681

At the request of Mr. CRAPO, the name of the Senator from Oregon (Mr. SMITH, of Oregon) was added as a cosponsor of S. 681, a bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land.

S. 697

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Nevada (Mr. REID) were added as a cosponsors of S. 697, supra.

S. 772

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 772, a bill to permit the reimbursement of the expenses incurred by an affected State and units of local government for security at an additional non-governmental property to be secured by the Secret Service for protection of the President for a period of not to exceed 60 days each fiscal years.

S. 778

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 797

At the request of Mr. GRAMM, the name of the Senator from Florida (Mr. NELSON, of Florida) was added as a cosponsor of S. 797, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 837

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. RES. 75

At the request of Mr. HUTCHINSON, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 75, a resolution designating the week begining May 13, 2001, as "National Biotechnology Week."

AMENDMENT NO. 356

At the request of Mr. CORZINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 356 intendent to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 378

At the request of Mrs. MURRAY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 378, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself and Mr. MCCONNELL):

S. 840. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, in "The Federalist No. 3," John Jay wrote that "[a]mong the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first." Such is the importance that our nation historically has placed on the maintenance of law and order. And our law enforcement officers, whom our country has charged with carrying out this primary responsibility, shoulder a weighty, and often times dangerous, burden. In 1999 alone, one hundred and thirty-four law enforcement officers fell in the line of duty, making the ultimate sacrifice to protect our communities.

While most Americans are aware that their police officers work in a dangerous environment, many Americans do not know that in enforcing the laws that exist to protect us all, these officers, themselves, often are denied basic legal protections in internal investigations and administrative hearings and are penalized for exercising their free speech and associational rights. They live in fear of being investigated without notice, interrogated without an attorney, and dismissed without a hearing, often times at the behest of some recently arrested criminal looking for a payback. In short, many officers do not enjoy the same basic due process and First Amendment rights as does the criminal element from which they are trying to protect us.

According to the National Association of Police Organizations, Inc., NAPO, "[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process and First Amendment rights and confront limitations on their exercise of those and other rights." And according to the Fraternal Order of Police, FOP, "[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore." In short, a trumped-up charge against a police officer can result in a lifetime sentence of a damaged career and reputation.

It is time for our Nation to end this sorry situation. We must make sure that every member of law enforcement, in every jurisdiction in the country, is able to participate in the political process without fear of retaliation and is able to do his or her job without wondering whether they can defend themselves if their performance is scrutinized. To this end, I am proud to rise today with Senator BIDEN to introduce the "Law Enforcement Discipline, Accountability, and Due Process Act of 2001." This bill would guarantee due process rights to every police officer who is subject to investigation for noncriminal disciplinary action, and it would protect them from retribution on the job for participating in the political process while off the job. Some of these protections are: the right to be informed of administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing, as well as an opportunity to respond; and the right to be represented by counsel or another representative.

While this bill would protect the men and women who serve on the front lines of our nation's war against crime, it would not do so at the cost of citizen accountability. Just the opposite. It would strengthen the ability of individual citizens to hold accountable those few officers who misuse their authority. Specifically, as NAPO notes, "[o]ften police departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability." This bill will fill that void and thereby go a long way to dispelling such doubts. By establishing, as the FOP observes, "an effective means for the receipt, review and investigation of public complaints against law enforcement officers that is fair and equitable to all parties," this bill ensures that legitimate citizen complaints against police officers will be actively investigated and that citizens will be informed of the progress and outcome of those investigations. It thus strikes an appropriate balance: the bill makes sure that every police officer has basic fundamental procedural rights, while at the same time ensuring that citizens have the opportunity to raise legitimate complaints and concerns about police officer conduct.

This legislation is the product of much hard work and continual refinements by leading law enforcement groups, most notably the FOP and the NAPO. They have both strongly endorsed it, and, like Senator BIDEN and me, will work hard for its enactment. Over the years, Senator BIDEN and I, in conjunction with these groups, have made similar efforts to protect the men and women who protect us. While we have not yet been successful, we remain undeterred and will continue working toward our goal. The time has come to give our law enforcement officers the basic and fundamental rights that they desperately deserve. We urge our colleagues to join us in this very worthy effort.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 841. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Mental Illness Non-Discrimination Act with my colleague on the Finance Committee, Senator JOHN KERRY.

In brief, my bill would a correct a serious disparity in payment for treatment of mental disorders under Medicare law. Medicare beneficiaries typically pay 20 percent coinsurance for most outpatient services, including doctor's visits. Medicare pays the remaining 80 percent. But for treatment of mental disorders, Medicare law requires patients pay 50-percent coinsurance. Under my bill, patients seeking outpatient treatment for mental illness would pay the same 20 percent coinsurance required of Medicare patients seeking treatment for any other illnesses.

Let's look at this issue in another way. If a Medicare patient has an office visit for treatment for cancer or heart disease, the patient is responsible for 20 percent of the doctor's fee. But if a Medicare patient has an office visit with a psychiatrist, psychologist, social worker, or other professional for treatment for depression, schizophrenia, or any other condition diagnosed as a mental illness, the co-insurance for the outpatient visit for treatment of the mental illness is 50 percent. What sense does this make?

Indeed, my bill has a larger purpose, to help end an outdated distinction between physical and mental disorders, and ensure that Medicare beneficiaries have equal access to treatment for all conditions.

Perhaps this disparity would matter less if mental disorders were not so prevalent. But the Surgeon General has told us otherwise. The importance of access to treatment for mental disorders is emphasized in a landmark report on mental health released by the Surgeon General in 1999. The Surgeon General reported mental illness was second only to cardiovascular diseases in years of healthy life lost to either premature death or disability. And the occurrence of mental illness among older adults is widespread. Upwards of 20 percent of older adults in the community and an even higher percentage in primary care settings experience symptoms of depression. Older Americans have the highest rate of suicide in the country, and the risk of suicide increases will age. Untreated depression among the elderly substantially increases the risk of death by suicide.

There is another sad irony. While Medicare is often viewed as health insurance for people over age 65, Medicare also provides health insurance coverage for people with severe disabilities. The single most frequent cause of disability for Social Security and Medicare benefits is mental disorders—affecting almost 1.4 million of 6 million Americans who receive Social Security disability benefits. Yet, at the same time, Medicare pays less for critical mental health services needed by these beneficiaries than if they had a non-mental disorder.

But there is also the very good news that there are increasingly effective treatments for mental illnesses. With proper treatment, the majority of people with a mental illness can lead productive lives. Yet because of fears of stigma and a lack of understanding of mental disorders, too often mental disorders go untreated. Our payment policies should not provide another barrier to access to care.

I urge my colleagues to join with me to bring Medicare payment policy for mental disorders into the 21st century.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator SNOWE in introducing the Medicare Mental Illness Non-Discrimination Act. This legislation will establish mental health care parity in the Medicare program.

Medicare currently requires patients to pay a 20 percent co-payment for all Part B services except mental health care services, for which patients are assessed a 50 percent co-payment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the co-payment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the co-payment is 50 percent of the cost of the visit. This disparity in outpatient co-payment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the United States, and there is a clear correlation between major depression and suicide: 60 to 70 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, 400,000 non-elderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Illness Non-Discrimination Act will eliminate the 50 percent co-payment for mental health care services. By applying the same 20 percent co-payment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Illness Non-Discrimination Act will bring parity to the Medicare program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. FEINGOLD:

S. 842. Bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Public Safety Act. This bill will prohibit the placement of Federal prisoners in facilities run by private companies and deny specified Federal funds to State and local governments that contract with private companies to manage their prisons. Incarceration, or the deprivation of a person's liberty, is the penultimate control a State exercises over its citizens. That authority should not be delegated to any private, for-profit entity. We must restore responsibility for public safety and security to our Federal, state and local governments.

As our nation has confronted prison overcrowding in recent years, private companies have stepped in to help communities address this issue by claiming they could alleviate bed shortages and manage prisons more cost effectively than governments. But private companies and governments do not share the same goals with respect to corrections. Federal, State and local governments are motivated by public safety and justice, while private companies are motivated by a desire to cut costs and make a profit. Today, some 120,000 of our nation's 2 million total jail and prison beds are provided by private for-profit companies. As reports of escapes, riots, prisoner violence, lack of adequate medical care and abuse by staff in private prisons abound, many have begun to question the wisdom and propriety of delegating this essential government function to private companies.

At a prison in Youngstown, OH run by a private company, 20 inmates were stabbed, two fatally, within a ten month period shortly after the prison opened in May 1997. After the company claimed it had addressed the problem, six inmates, four of them murderers, cut a hole in a fence during recreation time and escaped in broad daylight. A report released in 1998 by the U.S. Department of Justice cited inexperienced and poorly trained officers and resulting excessive use of force at this Youngstown facility. The Justice Department also noted that the company failed to recognize its responsibilities as a correctional service provider and its reluctance to accept blame for the unconstitutional conditions of confinement at the prison. In 1999, the prison company paid $1.65 million to settle a class action lawsuit brought by inmates who complained that, among other things, the prison provided inadequate medical care and that guards were abusive.

Unfortunately, the problems that plague the Youngstown facility are not unique. A private prison in Whiteville, TN, which houses many inmates from my home state of Wisconsin, has experienced a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by guards. A security inspection found that this facility, run by a private prison corporation, had unsecured razors, obstructed views into individual cells, and an unsupervised inmate using a computer lab labeled "staff only."

Proponents of prison privatization claim that private prison operators save taxpayers money. But this has never been confirmed. In fact, two government studies raise significant doubt about whether private prisons save money. One study conducted by the

GAO stated that there is a lack of "substantial evidence that savings have occurred" due to prison privatization. A second study completed by the Federal Bureau of Prisons arrived at the same result: there is no strong evidence to show that States save money by using private prisons.

Private prison companies are guided by the same business principles as other corporations. Their goal is to make a profit and, in turn, please officers and shareholders. This profit motive is inappropriate when the safety and security of guards and our communities are threatened by prison violence and escapees.

Unfortunately, we have seen this cost-cutting turn into cutting corners on public safety. Cutting corners means hiring unqualified and untrained corrections personnel, as well as understaffing facilities. Furthermore, when prison riots break out or inmates escape, these costs are not cut but instead are shifted to the taxpayers, who must foot the bill for U.S. Marshals, sheriffs or local police or other officials to step in and clean up the mess.

Private prison corporations make money when they house more inmates and provide fewer services. The result is that prisoners are deprived of the rehabilitation, education, and training that make it less likely that they will commit more crimes after they have served their time. This drive to keep "beds filled" is especially troubling because it adversely affects our nation's African American community, which is already over-represented in the prison system.

The legislation I introduce today, The Public Safety Act, addresses these concerns. It prohibits the Federal government from delegating responsibility for incarceration of inmates to private entities. The bill also conditions Federal prison funds to states upon their agreement to retain responsibility for the incarceration of inmates and not contract out this solemn responsibility to private companies. Governments may contract with private vendors to provide auxiliary services such as food or clothing, but governments would be prohibited from contracting out the core correctional responsibility of housing, safeguarding, protecting or disciplining inmates.

Correctional officers have joined together with other government employee groups and criminal justice activists to support this legislation. The bill's supporters include the American Federation of State, County and Municipal Employees, AFSCME, the American Federation of Government Employees, AFGE, the International Union of Police Associations, the Fraternal Order of Police and the American Civil Liberties Union.

Let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure the rehabilitation and safety of the individuals housed there so that they may return to society as productive law-abiding citizens. I urge my colleagues to join me in support of the Public Safety Act.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors ,to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in Richardson v. McKnight that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.

(a) In General.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the incarceration of an inmate.

(b) Effective Date.—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) Effect on Existing Contracts.—

(1) In general.—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) Renewals and extensions.—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) Definition.—For purposes of this section, the term "core correctional service" means the housing, safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking "and" at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

"(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

"(6) provide that the housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and".

By Mrs. BOXER:

S. 843. A bill to provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse; to the committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am introducing the Treatment on Demand Assistance Act to help ensure that substance abuse treatment is available to all substance abusers who seek it.

According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans. In 1999, an estimated 14.8 million Americans were illicit drug users, with nearly 5 million of them addicted to drugs.

Drugs and alcohol abuse costs taxpayers nearly $276 billion annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity.

Additionally, the detrimental effect of substance abuse manifests itself in numerous ways. For instance, substance abuse is often the root behind family violence and other criminal activity.

Even more devastating is that according to the Centers for Disease Control and Prevention, CDC, drug injections are one of the most common modes of transmission of the AIDS virus.

In an effort to combat this problem, before stepping down as America's Drug Czar, General Barry McCaffrey outlined in his final report that the prescription for solving America's drug problem was: "prevention coupled with treatment accompanied by research."

Despite the recognition that substance abuse treatment should be on the Nation's agenda, there is still a large gap between those in need of drug treatment and the availability of treatment programs. Thus, when substance abusers finally do seek treatment, they are often turned away because of long waiting lists.

The numbers are shocking. While some substance abusers are not seeking treatment, many are, and are being turned away. In California, for example, 60 percent of all facilities that maintain a waiting list have an average of 23 people on their list on any given day.

Nationwide, there are over 5 million substance abusers, yet less than half are receiving treatment for their drug problems, leaving over 2.8 million people in need of treatment. This is unacceptable.

In order to address this problem, I strongly believe that along with increased funding for law enforcement, especially those proven programs run in jails and prisons, it is also necessary to provide additional funding for treatment programs. Indeed, I believe that enforcement and treatment are critical elements of an effective comprehensive drug control policy.

To meet that goal, however, will require additional investment. Through the Substance Abuse Mental Health Services Administration, SAMHSA, the Federal Government currently provides over $2 billion to states and local entities for drug treatment programs, and total Federal spending in this area is just over $3 billion. Yet, this is not enough to get people the help they need when they need it.

For this reason, I am introducing the Treatment on Demand Assistance Act. Congressman Cal Dooley will introduce a companion measure in the House.

My bill would double the Federal government's funding for drug treatment over five years, to $6 billion in fiscal year 2006.

Current treatment on demand programs focus on the specific drug abuse needs of the local community. For instance, in San Francisco and California's Central Valley, methamphetamine abuse is especially problematic and continues to be on the rise. In other cities, cocaine abuse or marijuana is the drug of choice. Treatment programs should be targeted to address these local epidemics.

That is why the additional funding in this bill is provided through SAMHSA's Center for Substance Abuse Treatment and gives the Center the flexibility to target funds where they are needed most. Of the $3 billion in additional funding set aside, 50 percent is provided in the form of formula grants to States, and 50 percent is reserved for direct grants to treatment centers.

The Treatment on Demand Assistance Act would also reward states that have instituted a policy of providing substance abuse treatment to non-violent drug offenders as an alternative to prison, as California recently did with the enactment of Proposition 36. The bill authorizes $250 million per year for five years to provide matching grants to states. These funds could be used to help pay for treatment as well as to provide other elements of a comprehensive anti-drug abuse program for non-violent offenders, including drug testing, drug courts and probation services.

In order to ensure that the funding is being effectively distributed, the bill would require the General Accounting Office to monitor the program during the 2nd and 4th year of the grant programs.

Already, there is a groundswell of interest in this bill, with over 100 organizations from both the treatment and law enforcement community actively supporting it. If groups as diverse as the California Sheriff's Association, the California Public Defenders Association and the National Association of Social Workers can come together, then surely we can find the funding necessary to invest in substance abuse treatment. Recent studies indicate that for every additional dollar invested in substance abuse treatment taxpayers would save $7.46 in societal costs. Clearly, such an investment is worthwhile, and I urge my colleagues to support treatment on demand.

I ask unanimous consent that the text of the bill and the list of endorsers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Treatment on Demand Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of Health and Human Services, each year drug and alcohol related abuse kills more than 120,000 Americans.

(2) In 1999, an estimated 14,800,000 Americans were current illicit drug users.

(3) States across the country are faced with increasing demands for drug treatment programs.

(4) In addition, methamphetamine abuse continues to be on the rise. Methamphetamine abuse accounts for 5.1 percent of all treatment admissions, which was the fourth highest percentage after cocaine, heroin, and marijuana.

(5) Current statistics show that methamphetamine use is increasing rapidly especially among the nation's youth.

(6) There are over 2,800,000 substance abusers in America in need of treatment.

(7) This number exceeds the 2,137,100 persons receiving treatment.

(8) Recent reports indicate that every additional dollar invested in substance abuse treatment saves taxpayers $7.46 in societal costs.

(9) In California, the average cost to taxpayers per inmate, per year, is $23,406 versus the national average cost of $4,300 for a full treatment program.

(10) Drugs and alcohol cost taxpayers nearly $276,000,000,000 annually in preventable health care costs, extra law enforcement, auto crashes, crime and lost productivity versus $3,100,000,000 appropriated for substance abuse-related activities in fiscal year 2000.

(11) Nationwide, 59 percent of police chiefs believe that drug offenders are served better by participation in treatment programs versus prisons only.

(12) Current treatment on demand programs such as those in San Francisco and Baltimore focus on the specific drug abuse needs of the local community and should be encouraged.

(13) Many States have developed programs designed to treat non-violent drug offenders and this should be encouraged.

(14) Drug treatment prevention programs must be increased in order to effectively address the needs of those actively seeking treatment before they commit a crime.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) assist individuals who seek the services of drug abuse treatment programs by providing them with treatment on demand;

(2) provide assistance to help eliminate the backlog of individuals on waiting lists to obtain drug treatment for their addictions;

(3) enhance public safety by reducing drug-related crimes and preserving jails and prison cells for serious and violent criminal offenders;

(4) complement the efforts of law enforcement by providing additional funding to expand current community-based treatment efforts and prevent the recidivism of those currently in the correctional system; and

(5) assist States in the implementation of alternative drug treatment programs that divert non-violent drug offenders to treatment programs that are more suited for the rehabilitation of drug offenders.

SEC. 4. DEFINITIONS.

In this Act:

(1) NON-VIOLENT.—The term "non-violent" with respect to a criminal offense means an offense that is not a crime of violence as defined under the applicable State law.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) STATE.—The term "State" means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR PROVIDING TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by sections 3104 and 3632 of the Youth Drug and Mental Health Services Act (Public Law 106-310), is amended—

(1) by redesignating the section 514 relating to the methamphetamine and amphetamine treatment initiative as section 514B and inserting such section after section 514A; and

(2) and by adding at the end the following:

"SEC. 514C. TREATMENT ON DEMAND.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall—

"(1) award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations; and

"(2) award block grants to States;

for the purpose of providing substance abuse treatment services.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a) an entity or a State shall provide assurances to the Secretary that amounts received under such grant, contract, or agreement will only be used for substance abuse treatment programs that have been certified by the State as using licensed or certified providers.

"(2) APPLICATION.—An entity or State desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(3) PRIORITY.—In awarding grants, contracts, or cooperative agreements to entities under subsection (a)(1), the Secretary shall give priority to applicants who propose to eliminate the waiting lists for substance abuse treatment on demand programs in local communities with high incidences of drug use.

"(c) AMOUNT.—

"(1) PUBLIC AND PRIVATE NONPROFIT ENTITIES.—The amount of each grant, contract, or cooperative agreement awarded to a public or private nonprofit entity under subsection (a)(1) shall be determined by the Secretary based on the application submitted by such an entity.

"(2) STATES.—The amount of a block grant awarded to a State under subsection (a)(2) shall be determined by the Secretary based on the formula contained in section 1933.

"(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

"(e) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant, contract or cooperative agreement under subsection (a) unless the entity or State involved agrees, with respect to the costs of the program to be carried out by the entity or State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

"(A) for the first fiscal year for which the entity or State receives such a grant, contract or cooperative agreement, not less than $1 for each $9 of Federal funds provided in the grant, contract or cooperative agreement;

"(B) for any second or third such fiscal year, not less than $1 for each $5 of Federal funds provided in the grant, contract or cooperative agreement; and

"(C) for any subsequent such fiscal year, not less than $1 for each $3 of Federal funds provided in the grant, contract or cooperative agreement.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines—

"(A) that extraordinary economic conditions in the area to be served by the entity or State involved justify the waiver; or

"(B) that other circumstances exist with respect to the entity or State that justify the waiver, including the limited size of the entity or State or the ability of the entity or State to raise funds.

"(f) EVALUATION.—An entity or State that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity or State shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

"(g) USE FOR CONSTRUCTION.—A grantee under this section may use up to 25 percent of the amount awarded under the grant, contract or cooperative agreement under this section for the costs of construction or major renovation of facilities to be used to provide substance abuse treatment services and for facility maintenance.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $600,000,000 for fiscal year 2002;

"(B) $1,200,000,000 for fiscal year 2003;

"(C) $1,800,000,000 for fiscal year 2004;

"(D) $2,400,000,000 for fiscal year 2005; and

"(E) $3,000,000,000 for fiscal year 2006.

"(2) ALLOCATION OF FUNDS.—From the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall allocate—

"(A) 50 percent of such amount to award grants, contracts, or cooperative agreements to public or nonprofit private entities under subsection (a)(1); and

"(B) 50 percent of such amount to award grants to States under subsection (a)(2).".

SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.

(a) GRANTS.—The Attorney General, in consultation with the Secretary, shall award grants to eligible States to enable such States, either directly or through the provision of assistance to counties or local municipalities, to provide drug treatment services to individuals who have been convicted of non-violent drug possession offenses and diverted from incarceration because of the enrollment of such individuals into community-based drug treatment programs.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall—

(1) be implementing an alternative drug treatment program under which any individual in the State who has been convicted of a non-violent drug possession offense may be enrolled in an appropriate drug treatment program as an alternative to incarceration; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided to a State under a grant under this section may be used by the State (or by State or local entities that receive funding from the State under this section) to pay expenses associated with—

(1) the construction of treatment facilities;

(2) payments to related drug treatment services providers that are necessary for the effectiveness of the program, including aftercare supervision, vocational training, education, and job placement;

(3) drug testing;

(4) probation services;

(5) counseling, including mental health services; and

(6) the operation of drug courts.

(d) MATCHING REQUIREMENT.—Funds may not be provided to a State under this section unless the State agrees that, with respect to the costs to be incurred by the State in carrying out the drug treatment program involved, the State will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is at least equal to the amount of Federal funds provided to the State under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section, $250,000,000 for each of fiscal years 2002 through 2006.

SEC. 7. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the use of funds under this Act and the amendments made by this Act. In conducting such study, the Office shall make determinations as to whether such funding meets, exceeds, or falls short of the level of funding needed to provide substance abuse treatment to those in need.

(b) REPORTS.—The General Accounting Office shall prepare and submit to the appropriate committees of Congress an interim and final report concerning the study conducted under subsection (a). The reports required under this subsection shall be submitted—

(1) with respect to the interim report, not later than 2 years after the date of enactment of this Act; and

(2) with respect to the final report, not later than 4 years after the date of enactment of this Act.

SUPPORTERS OF THE TREATMENT ON DEMAND ASSISTANCE ACT

CHIEFS OF POLICE

Ron Ace, Chief of Police, Concord.

Robert J. Brennan, Chief of Police, Atherton.

Kenneth L. Becknell, Chief of Police, Barstow.

James T. Butts, Jr., Chief of Police, Santa Monica.

Craig H. Calhoun, Chief of Police, Hayward.

William E. Eldridge, Chief of Police, Livingston.

Robert S. Gonzales, Chief of Police, Santa Paula.

Tim Grimmond, Chief of Police, El Segundo.

Thomas R. Hitchock, Chief of Police, Brisbane.

J. Michael Klein, Chief of Police, Sand City.

Fred H. Lau, Chief of Police, San Francisco.

Joseph A. Santoro, Chief of Police, Fontana.

Frank J. Scialdone, Chief of Police, Fontana.

Tom Tunson, Chief of Police, Calexico.

Arturo Venegas, Jr., Chief of Police, Sacramento.

Paul M. Walters, Chief of Police, Santa Ana.

Roy W. Wasden, Chief of Police, Modesto.

Richard L. Word, Chief of Police, Oakland.

John Zapalac, Chief of Police, Woodlake.

SHERIFFS

California State Sheriff's Association.

Lee Baca, Sheriff, Los Angeles County.

Harold D. Carter, Sheriff, Imperial County.

Michael Hennessey, Sheriff, City and County of San Francisco.

Don Horsley, Sheriff, San Mateo County.

Dennis Lewis, Sheriff, Humboldt County.

Gary S. Penrod, Sheriff, San Bernardino County.

Charles C. Plummer, Sheriff, Alameda County.

E.G. Prieto, Sheriff-Coroner, Yolo County.

Tom Sawyer, Sheriff-Corner, Merced County.

Larry D. Smith, Sheriff, Riverside County.

DISTRICT ATTORNEYS

Terry R. Farmer, District Attorney, Humboldt County.

Terence Hallinan, District Attorney, City and County of San Francisco.

George W. Kennedy, District Attorney, Santa Clara County.

Pete Knoll, District Attorney, Siskiyou County.

ELECTED AND APPOINTED OFFICIALS

Jane Brunner, Vice Mayor, Oakland.

Patricia A. Campbell, Chair, Mendocino County Board of Supervisors.

Ann K. Capela, County Executive Officer, Imperial County.

Illa Collin, Supervisor, Sacramento County.

Rosemary Corbin, Mayor, Richmond.

Kelly F. Cox, Administrative Officer, Lake County.

Shirley Dean, Mayor, Berkeley.

Heather Fargo, Mayor, Sacramento.

Donna Gerber, Supervisor, Contra Costa County.

Steven Gutierrez, Supervisor, San Joaquin County.

James H. Harmon, Presiding Judge, Imperial County Superior Court, Drug Court.

Anthony J. Intintoli, Jr., Mayor, Vallejo.

Dave Jones, Councilmember, City of Sacramento.

Sandra Kellams, Mayor, City of Colfax.

Marin County Board of Supervisors, Marin County.

Bonnie Pannell, Vice-Mayor, City of Sacramento.

Bill Simmons, Supervisor, County of Yuba.

Sonoma County Board of Supervisors, Sonoma County.

John Woolley, Chair, Humboldt County Board of Supervisors.

Christopher W. Yeager, Presiding Judge, Imperial County Superior Court.

HEALTH AGENCIES

Beverly K. Abbott, Director, Mental Health Services, San Mateo Health Services.

Gene Coleman, Chairperson, City-Wide Alcoholism Advisory Board, San Francisco.

Beverly R. Craig, R.N., J.D., Deputy Director of Community Health Services, Yuba County.

Cheryl S. Davis, Director, Sacramento County Department of Human Assistance.

Ed Fisher, Assistant Director, Sutter County Human Services Department.

Yvonne Frazier, Director, Alcohol and Drug Services, San Mateo Health Services.

Patricia Harrison, Community Chair, Treatment on Demand Planning Council, San Francisco.

John Hoss, Assistant Director of Human Services, Sutter-Yuba Mental Health Services.

James W. Hunt, Director, Sacramento County Department of Health and Human Services.

Dr. Mitchell Katz, Director of Health, City and County of San Francisco.

Terry Longoria, Director, Napa County Health and Human Services.

Donald R. Rowe, Director, Solano County Health and Social Services Department.

Warren T. Sherlock, Deputy Director, Alcohol & Drug Services, Imperial County.

Randy F. Snowden, Alcohol and Drug Program Administrator, Health & Human Services, Napa.

William B. Walker, Director, Contra Costa Health Services, Martinez.

Matonia Williams, President, Drug Abuse Advisory Board, San Francisco.

Donald L. Williamson, Vice Chair to the Board, Indian Valley Services District, Greenville.

PUBLIC DEFENDERS

Shane A. Gusman, Legislative Advocate, California Public Defenders Association.

Barry Melton, Public Defender, Yolo County.

Eluid M. Romero, Supervising Assistant Public Defender, Sacramento County.

PROBATION OFFICERS

David L. Lehman, Chief Probation Officer, Humboldt County.

Steven H. Lyman, Chief Probation Officer, Siskiyou County Probation Department.

Christine Odom, Chief Probation Officer, Sutter County Probation Department.

Joseph S. Warchol II, Chief Probation Officer, El Dorado County Probation Department.

ORGANIZATIONS AND CLINICS

Another Choice, Another Chance (ACAC), Sacramento.

Asian American Drug Abuse Program, Inc., Los Angeles.

Asian Pacific Community Counseling, Sacramento.

Associated Students, Los Rios Community College District.

Associated Student Government, Sacramento City College.

Associated Students of UC Davis, University of California, Davis.

Boyle Heights Recovery Center, Behavioral Health Services, Los Angeles.

Building & Construction Trades Council, Humboldt & Del Norte Counties.

California Association of Alcohol and Drug Program Executives, Sacramento.

Central Valley Health Network, Sacramento.

Community Coalition, Los Angeles.

Community Service Programs, Santa Ana.

County Alcohol and Drug Program Administrators Association of California, Sacramento.

Detention Ministry and Inside Out Network, Napa.

The Effort, Inc., Sacramento.

Fair Oaks Recovery Center, Fair Oaks.

FamiliesFirst, Davis.

First A.M.E. Church (FAME), Los Angeles.

Galt Community Concilio, Inc., Galt.

Gay & Lesbian Center, Los Angeles.

Korean Youth & Community Center, Los Angeles.

Lambda Letters Project, Carmichael.

Lincoln Heights Recovery Center, Los Angeles.

Los Angeles Centers for Alcohol & Drug Abuse, Santa Fe Springs.

Mental Health Association in California, Sacramento.

Morrisania West, San Francisco.

Napa Valley Coalition of Non-profit Agencies, Napa.

National Advocacy on Addictions, Los Angeles.

National Asian Women's Health Organization, San Francisco.

National Association of Social Workers, Washington, D.C.

National Council on Alcoholism and Drug Dependence, Sacramento Affiliate.

National Council on Alcoholism and Drug Dependence, San Fernando Valley Affiliate.

New Dawn Recovery Center, Sacramento.

Ohlhoff Recovery Programs, San Francisco.

Organization of Chinese Americans, Inc., Sacramento.

People in Progress, Los Angeles.

Phoenix House, Lake View Terrace.

Ready Willing & Able, New York.

Recovery Theatre, San Francisco.

SHIELDS for Families, Los Angeles.

Southeast Asian Assistance Center, Sacramento.

Swords to Plowshares, San Francisco.

Tarzana Treatment Centers, Tarzana.

By Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS):

S. 845. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the committee on Finance.

Mr. CRAPO. Mr. President, I rise to introduce legislation that will encourage the expansion of an often overlooked domestic energy resource that offers a source of revenue for our rural communities and an avenue for cleanup of agricultural waste. I am pleased to be joined by co-sponsors Senator HUTCHINSON and Senator HELMS.

It has been well-publicized that our country faces mounting uncertainty in meeting our energy demands. After years of getting little attention, we are now in a period where the development of domestic energy resources has reached a crucial point. I support our efforts to diversify our energy supply resources to ensure our nation's energy security, support our business and agricultural economies, and protect our individual consumers. This time of challenge also offers great opportunities. One of those is the opportunity to encourage a largely untapped resource to provide domestic energy, while also promoting the protection of the environment and rural development. I am speaking about energy derived from agricultural and animal waste sources.

Electricity from biomass and waste sources using modern technology is a renewable resource that can add to our domestic energy supply. The process uses manure and waste products that are heated and converted into biogas that is burned to generate electricity, which is sold into the power grid. This technology is widely accepted in Europe where over 600 systems are in operation today. In this country, the technology is gaining acceptance following numerous successful case studies. This process offers farmers an option for cleaning agricultural waste that is a known source of groundwater contamination and air pollution. The revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is a important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

"(C) agricultural and animal waste sources.".

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term 'agricultural and animal waste sources' means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).".

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

"(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service—

"(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

"(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

"(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

"(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

"(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

"(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting "and waste energy" after "renewable".

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting "and waste energy" after "renewable".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—REFERRING S. 846 ENTITLED "A BILL FOR THE RELIEF OF J.L. SIMMONS COMPANY, INC., OF CHAMPAIGN, ILLINOIS" TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

Resolved,

SECTION 1. REFERRAL.

S. entitled "A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois", now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

SENATE RESOLUTION 84—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN TIMOTHY A. HOLT V. PHIL GRAMM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00-541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr.

INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators. spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket unreimbursed expenses educators incur to improve the education of our Nation's students.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

TITLE —TEACHER PROTECTION

SEC. 1. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

"TITLE —TEACHER PROTECTION

"SEC. 1. SHORT TITLE.

"This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities, which are critical for the continued economic development of the United States.

"(5) Frivolous lawsuits against teachers maintaining order in the classroom impose significant financial burdens on local educational agencies, and deprive the agencies of funds that would best be used for educating students.

"(6) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

"SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 4. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees..

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

"(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action or omission of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

“(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

“(e) Exceptions to Limitations on Liability.—

“(1) In general.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

“(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

“(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

“(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

“(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

“(2) Hiring.—The limitations on the liability of a teacher under this title shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

“SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

“(a) General Rule.—In any civil action against a teacher, based on an action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

“(b) Amount of Liability.—

“(1) In general.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

“(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

“(c) Rule of Construction.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

“SEC. 6. DEFINITIONS.

“For purposes of this title:

“(1) Economic loss.—The term ‘economic loss’ means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

“(2) Harm.—The term ‘harm’ includes physical, nonphysical, economic, and noneconomic losses.

“(3) Noneconomic losses.—The term ‘noneconomic losses’ means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

“(4) School.—The term ‘school’ means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

“(5) State.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

“(6) Teacher.—The term ‘teacher’ means a teacher, instructor, principal, administrator, other educational professional that works in a school, or an individual member of a school board (as distinct from the board itself).

“SEC. 7. EFFECTIVE DATE.

“(a) In General.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Protection Act of 2001.

“(b) Application.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Paul D. Coverdell Teacher Protection Act of 2001, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.”.

SA 385. Mrs. CARNAHAN (for herself, and Mr. Nelson of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965, which was ordered to lie on the table; as follows:

On page 51, between lines 15 and 16, insert the following:

“(4) Assessments not required.—

“(A) In general.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

“(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

“(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

“(B) Determination of total costs.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

“(C) 2005–2006 school year.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

“(D) Report.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: “No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary's calculations.”.

On page 778, after line 21, add the following:

“(d) Miscellaneous Provision.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.”.

SA. 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 893, after line 14, add the following:

SEC. . SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS Program.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting “school officials,” after “enforcement officers”; and

(2) by striking paragraph (8) and inserting the following:

“(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;”.

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(3) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

"(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.".

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 794, after line 7, insert the following:

SEC. 902. LOAN FORGIVENESS FOR TEACHERS.

(a) SHORT TITLE.—This section may be cited as the "Rural Teacher Recruitment Act of 2001".

(b) FEDERAL FAMILY EDUCATION LOAN PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (b)(1)(A), by inserting ", or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965" after "such schools"; and

(2) in subsection (c)(1), by striking "$5000" and inserting "$17,000".

(c) WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (b)(1)(A)(i), by inserting ", or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965" after "such schools"; and

(2) in subsection (c)(1), by striking "$5000" and inserting "$17,000".

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"SEC. ___. CLASS SIZE REDUCTION.

"(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

"(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

"(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

"(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

"(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

"(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

"(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

"(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

"(c) USES.—

"(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

"(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

"(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

"(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

"(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

"(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

"(1) to make further class size reductions in kindergarten through grade 3;

"(2) to reduce class size in other grades;

"(3) to carry out activities to improve teacher quality, including professional development; and

"(4) to carry out other activities authorized under title V.

"(e) Reports.—

"(1) Report to secretary.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

"(2) Report to the public.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

"(f) Supplement Not Supplant.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

"(g) Administrative Expenses.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

"(h) Request for Funds.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

"(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

"(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

SA 389. Mr. VOINOVICH (for himself, Mr. Bayh, Mr. Nelson of Nebraska, and Mr. Hagel) proposed an amendment to amendment SA 358 proposed by Mr. Jeffords to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 7, line 21, add "and the Governor" after "agency".

On page 8, line 1, insert "and the Governor" after "agency".

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

"(c) State Plan.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.".

On page 35, line 20, insert ", that is jointly prepared and signed by the Governor and the chief State school official," after "a plan".

On page 706, line 8, insert "Governor and the" after "which a".

On page 706, line 16, insert "Governor and the" after "A".

On page 707, line 2, insert "Governor and the" after "A".

SA 390. Mr. CRAPO (for himself, Mr. Hutchinson, and Mr. Helms) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

On page 124, line 7 insert "or agricultural or animal waste" after "biomass".

On page 127, line 15, insert "agricultural or animal waste," after "biomass,".

SA 391. Mr. CAMPBELL (for himself, Mr. Grassley, Mr. Akaka, Mr. Inouye, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENIOR OPPORTUNITIES.

(a) Twenty-First Century Community Learning Centers.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.".

(b) Safe and Drug-Free Schools and Communities; Governor's Programs.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking "and" after the semicolon;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.".

(c) Safe and Drug-Free Schools and Communities; Local Drug and Violence Prevention Programs.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring"; and

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" after the semicolon;

(ii) in clause (ii), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;";

(2) in paragraph (4)(C), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring programs"; and

(3) in paragraph (8), by inserting ", which may involve appropriately qualified seniors working with students" after "settings".

(d) Safe and Drug-Free Schools and Communities; Federal Activities.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting ", including projects and activities that promote the interaction of youth and appropriately qualified seniors" after "responsibility"; and

(2) in paragraph (13), by inserting ", including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering" after "title".

(e) Indian, Native Hawaiian, and Alaska Native Education; Formula Grants.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.".

(f) Indian, Native Hawaiian, and Alaska Native Education; Special Programs and Projects.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking "or" after the semicolon;

(2) in subparagraph (L), by striking "(L)" and inserting "(M)"; and

(3) by inserting after subparagraph (K) the following:

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or".

(g) Indian, Native Hawaiian, and Alaska Native Education; Professional Development.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting ", and may include programs designed to train tribal elders and seniors.".

(h) Indian, Native Hawaiian, and Alaska Native Education; Native Hawaiian Programs.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking "and" after the semicolon;

(2) in clause (iii), by inserting "and" at the end; and

(3) by adding at the end the following:

"(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;".

(i) Indian, Native Hawaiian, and Alaska Native Education; Alaska Native Programs.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking "and" after the semicolon;

(2) in clause (ii), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;”.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 327, after line 10, add the following:

(7) Carrying our programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term “master teacher” means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding—

(ii) establishing activities to expand the project to additional local educational agencies and school districts.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 152, beginning with line 17, strike all through page 153, line 12, and insert the following:

“(3) POPULATION UPDATES.—

“(A) IN GENERAL.—In fiscal year 2001 and each subsequent year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

“(B) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

“(i) publicly disclose their reasons;

“(ii) provide an opportunity for States to submit updated data on the number of children described in subparagraph (A); and

“(iii) review the data and, if the data are appropriate and reliable, use the data, for the purposes of this section, to determine the number of children described in subparagraph (A).

“(C) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in subparagraph (A).

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

At the end, add the following:

“PART B—HIGH GROWTH GRANT PROGRAM

“SEC. 9201. HIGH GROWTH GRANT PROGRAM.

“(a) STATE GRANTS.—From funds appropriated under subsection (e) for a fiscal year the Secretary shall award a grant to each State that has an increase in the number of children aged 5 through 17 who are from poor families, from the preceding fiscal year to the fiscal year for which the determination is made, in an amount that bears the same relation to such funds as the increase for the State bears to the increases for all States having such an increase.

“(b) LOCAL GRANTS.—Each State that receives a grant under subsection (a) shall use the grant funds to award grants to those local educational agencies in the State that have the highest increases, from the preceding fiscal year to the fiscal year for which the determination is made, in the number of children aged 5 through 17 who are from poor families.

“(c) USE OF FUNDS.—Each local educational agency receiving a grant under subsection (b) shall use the grant funds to carry out any activity authorized under part A of title I.

“(d) DATA.—The Secretary shall base the determinations described in subsection (a) on the most recent annual estimates available from the Secretary of Commerce regarding each State's total number of children aged 5 through 17 who are from poor families.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.”.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 893, after line 14, add the following:

SEC. ___. ARTS IN EDUCATION.

Title IX (as added by section 901) is amended by adding at the end the following:

“PART B—ARTS IN EDUCATION

“SEC. 9201. FINDINGS AND PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1) there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

“(2) the arts promote progress in academic subjects as shown by research conducted by the National Assessment of Education Progress, the Arts Education Partnership, the President's Committee on the Arts and Humanities, and other entities;

“(3) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

“(4) learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people;

“(5) school-university and school-cultural institution partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children;

“(6) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth;

“(7) local, State, and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children; and

“(8) while all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school;

“(b) PURPOSE.—The purpose of this subpart is to make grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

“SEC. 9202. SUPPORT FOR ARTS EDUCATION.

“(a) FINDINGS.—Congress finds that—

“(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

“(2) the arts are important to excellent education and to effective school reform;

“(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

“(4) such transformation is best realized in the context of comprehensive, systemic education reform;

“(5) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

“(6) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

"(7) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(8) arts education should be an integral part of the elementary school and secondary school curriculum.

"(b) PURPOSES.—The purposes of this section are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this section, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs by VSA Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum; and

"(10) other activities that further the purposes of this section.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this section shall, to the extent possible, coordinate projects assisted under this section with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this section, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).".

NOTICES OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 9, 2001, in SR–328A at 9:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 16, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 15, 2001, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 212 Hart Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7932.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 8, 2001, at 9:30 a.m., on election reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 8, at 2:30 p.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Better Pharmaceuticals for Children: Assessment and Opportunities during the session of the Senate on Tuesday, May 8, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee Clean Air, Wetlands, Private Property and Nuclear Safety be authorized to meet on Tuesday, May 8, at 9:30 a.m., to conduct an oversight hearing on the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 8, 2001, to conduct a hearing on "Oversight of the Mission of the Office of Federal Housing Enterprise Oversight, OFHEO, and the Financial Safety and Soundness of Fannie Mae and Freddie Mac."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. I ask unanimous consent Meghan McGowan, a fellow in my office, be granted the privilege of the floor during consideration of the education bill when it is on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations, to the Board of Visitors of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations, to the Board of Visitors of the U.S. Military Academy.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 84, submitted by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 84) to authorize representation by the Senate Legal Counsel in Timothy A. Holt v. Phil Gramm.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action in Texas state court seeking damages against Senator GRAMM based on the Senator's acts of voting and introducing legislation regarding the labor of foreign nationals. The action makes Senator GRAMM a defendant solely because of acts of voting and introducing legislation taken in his official capacity as United States Senator. As such, the action is barred by the speech or debate clause of the Constitution. As Senators, we answer to our constituents, not to the courts, for our legislative activity.

This resolution would authorize the Senate Legal Counsel to represent Senator GRAMM to seek dismissal of the matter.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 41 and 50.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Richard Nathan Haass, of Maryland, for the rank of Ambassador during his tenure of Service as Director, Policy Planning Staff, Department of State.

DEPARTMENT OF DEFENSE

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 9, 2001

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Mikulski amendment regarding community technology centers as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will have 5 minutes for closing remarks on the Mikulski amendment, with a vote to occur at approximately 9:35 a.m. There are numerous amendments currently pending to the education bill and others expected to be offered during tomorrow's session. The Senate will continue consideration of the education bill until the budget resolution conference report is received from the House. It is hoped the papers will arrive no later than tomorrow afternoon so the Senate can attempt to complete action on the conference report prior to tomorrow's adjournment. As a reminder, all first-degree amendments to the education bill must be filed no later than 5 p.m. tomorrow, as under a previous order.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, May 9, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2001:

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

DEPARTMENT OF COMMERCE

WILLIAM HENRY LASH, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PATRICK A. MULLOY, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GARY A. QUICK, 3573

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. LENNOX JR., 1093

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WALLACE C. GREGSON JR., 5925

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN J. MCCARTHY JR., 8507

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES R. BARNES, 2740
ANDREW W. GOODWIN III, 4356
JOSEPH WELLS, 5747

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 8, 2001:

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

RICHARD NATHAN HAASS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DIRECTOR, POLICY PLANNING STAFF, DEPARTMENT OF STATE.

DEPARTMENT OF DEFENSE

EDWARD C. ALDRIDGE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 8, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, if Members care about livable communities, they should be encouraged with the recent discussions surrounding the flooding in the Upper Mississippi.

We cannot make families safe, healthy, and economically secure unless we squarely address how we manage these disasters. Despite massive construction efforts to stave off harm over the last 40 years, losses adjusted for inflation are six times greater than before we started. The reasons are quite clear.

First, we have often made the problems worse by our efforts to prevent disasters. We have channelized the rivers, we have narrowed them, we have reduced the capacity to carry water while they increase the velocity. And we leave no place for the water to go when it floods.

Number two, we have a decided lack of careful planning for land around the edges of rivers and other bodies of water. Water is a magnet for development, especially when we implement things that appear to increase safety, like build more and higher sea walls and dikes. This has encouraged people to develop in flood plains, which by their very nature puts people at risk. There is a reason why they are called flood plains.

Nationally, we have developed over half our Nation's wetlands with houses and parking lots. In some communities 90 percent or more of the original wetlands have disappeared, taking with it the capacity for the ground in low-lying areas to soak up water and to have relatively benign pools, ponds, and temporary lakes. The swamps, which are always targeted to be eliminated, were actually very effective devices to prevent floodwater from inflicting more damage.

Into this volatile mix, we need to factor global climate change. There are some who still argue, well, we should just study it. But the strong consensus from the scientific community is that global warming and climate change is a reality. There is a very high degree of probability that the warming we have seen in the last century will continue and even accelerate. And while many people associate this with severe droughts and much higher temperature in urban areas and nighttime temperatures, there is another significant factor, extreme storm events. There have been many incidents recently where communities have set all-time records for rainfall in a 24-hour period. This combination of mismanaged flood protection, inappropriate development, and the likelihood of things getting worse in terms of increased precipitation makes these questions even more significant.

There is a golden opportunity for environmentalists to join with the administration, for fiscal conservatives to join with people who are concerned about preventing human misery to agree to simple, common sense steps that will provide for true improvement.

First, there ought to be an incentive, an emphasis, on prevention. We should not discourage or eliminate promising programs like Project Impact, which help people prepare to resist disasters before the fact.

Second, there ought to be increased local responsibility. There is no question that local communities must bear the consequences for decisions they make about the location and nature of development. There is no question that more expensive or intrusive measures should require more local or State support. However, the Federal match should be higher for things that are going to be preventative in nature while subsidy should be reduced or eliminated for things that are more likely to make it worse. Local communities should implement sound land-use planning and building codes to help themselves.

There is no excuse to put hog waste lagoons in flood plains, to not have reasonable building requirements for window covering for areas that are subject to extreme tropical storm damage, or to allow people to maintain a residence in repeatedly flooded areas. All these people should be given clear signals that they are going to have to accept responsibility to mitigate these clearly avoidable damages.

Finally, a simple, common sense step should be to reform the flood insurance program to eliminate Federal subsidy for repetitive flood-loss payments.

It is critical that we not make this into a political tug of war at a time when there is consensus in the scientific community, environmentalists, the professionals who work in disaster mitigation about what will work, what will make things better, what will keep people out of harm's way. We need to work cooperatively to make our communities more livable with a better match between private responsibility and government policy at all levels.

ARSENIC STANDARDS IN DRINKING WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized during morning hour debates for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I have been concerned about attacks made on the Bush administration for their decision to not immediately implement the Environmental Protection Agency's decision to reduce the standard on arsenic in drinking water from 50 parts per billion to 10 parts per billion until further research and data is provided. Since nearly everyone has heard of individuals being poisoned with arsenic, it is assumed that any amount of arsenic is detrimental and that not immediately implementing a lower standard of 10 parts per billion is anti-environment and insensitive to human health concerns. The 50 parts per billion standard has been in effect since 1942, and there is no sound evidence that having a standard of 50 parts per billion has led to increased health problems in the United States.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Most people are not aware of the fact that arsenic is a naturally-occurring substance and is present in the groundwater in most western States and parts of the Midwest and even some parts of New England. It is not put there by pesticides, fertilizers or human beings. Ninety-seven percent of the communities exceeding the 10 parts per billion of arsenic in their water supplies are small towns with populations of less than 10,000 people. There are 69 such communities in the State of Nebraska that exceed 10 parts per billion of arsenic. Nearly all of these are small rural communities, and most of them have only 11 to 15 parts per billion of arsenic in their groundwater. In order to meet the 10 parts per billion standard, nearly all of these communities would have to be assessed several hundred dollars per family and several million dollars per community.

Much of the EPA reasoning for dropping the arsenic standards to 10 parts per billion has been extrapolated from studies done in Taiwan where water contains an average arsenic level of 250 parts per billion. Some health problems have been detected as a result of the high levels of arsenic in Taiwan. Now, if there is a linear relationship in regard to the level of arsenic and health concerns, reducing the standard level of arsenic from 50 parts per billion to 10 parts per billion would theoretically, and this is theoretically only, prevent three cases of bladder cancer and could possibly prevent a handful of deaths from all causes that might possibly be related to arsenic in the United States annually. If a linear relationship exists, even 1 part per billion poses at least some slight health risk.

At the present time, however, there is no clear evidence that there is a linear relationship between arsenic level and health. It is very possible there may be some point that a certain amount of arsenic in the water poses absolutely no health risk. Arsenic is necessary for human life and is present in every person's body. Therefore, 50 parts per billion, 40 parts per billion, 30, or 20 parts per billion could prove to be perfectly safe. We just do not know what that level is.

The cost of lowering this standard from 50 parts per billion to 10 parts per billion has been estimated by the EPA to cost $181 million annually. However, the American Waterworks Association has stated that the cost would actually be $600 million annually with an additional $5 billion in capital outlays to pay for the treatment plants. There is a huge discrepancy, obviously, in these figures.

The EPA told the State of Nebraska's Department of Health to dump extracted arsenic on open fields, as arsenic is nontoxic. However, a short time later the EPA reversed its opinion and said that arsenic extracted from water must be shipped to toxic waste dumps. It does not appear that the EPA has factored the cost of shipping arsenic to toxic waste sites into their cost estimates. It would seem that the Bush administration's decision to delay implementation of standards until further study has been done is warranted. In short, it seems that all of the evidence that we currently have would indicate that an arbitrary level of 10 parts per billion may be excessively low and it is quite likely not based on any sound evidence. Further data from independent sources is clearly warranted.

INTRODUCTION OF CONCURRENT RESOLUTION AUTHORIZING PRINTING OF "ASIAN AND PACIFIC ISLANDER AMERICANS IN CONGRESS"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, in celebration of Asian Pacific American Heritage Month, I proudly rise to introduce a concurrent resolution authorizing the printing of a book entitled "Asian and Pacific Islander Americans in Congress."

Each year during the month of May, we celebrate the rich heritage of Asian and Pacific Islander Americans throughout the country, thanks to the pioneering efforts of Congressmen Frank Horton and Norman Mineta, who sponsored legislation celebrating the first official Asian Pacific American Week in 1978. In 1992, Congressman Horton authored legislation expanding the week into a permanent month-long celebration of the proud mosaic of histories and ethnicities of this most diverse national community.

Asian and Pacific Islanders are indeed a diverse constellation of peoples from 40 major subpopulation groups of Pacific Islander Americans including Chamorros, Native Hawaiians and Samoans; Southeast Asian Americans such as Cambodians, Vietnamese, Hmongs and Laotians; East Asian Americans including Chinese, Japanese and Koreans; and South Asian Americans, including Indians and Pakistanis. Our national community boasts the most diverse minority group within the country, comprised of both immigrant and indigenous populations.

The history of Congress includes 33 Asian and Pacific Islander Americans that have served from 1903 to the present. These Members come from backgrounds ranging from Chinese, Chamorro, Filipino, Asian Indian, Japanese, Korean, Hawaiian, and Samoan. Thirteen of these Members were Resident Commissioners from the Philippine Islands during the time it was a territory from 1898 until it became independent in 1946. Currently, there are nine Members serving in the 107th Congress. Amongst them are two Senators, two delegates, and five Representatives.

Delegate Jonah Kuhio Kalanianaole, a Native Hawaiian prince and Member of the Hawaiian royal family, was the first Pacific Islander American elected to Congress. Delegate Kuhio represented the Territory of Hawaii from 1903 to 1923.

Hawaii, not surprisingly being the State with the highest per capita population of Asian and Pacific Islander Americans, has a history of many other firsts in Congress. Senator Hiram Fong was the first Chinese American in Congress. Representative PATSY MINK was the first Asian Pacific American woman in Congress. Senator DANIEL K. INOUYE is the first Japanese American and has served in Congress since being elected in 1959 after statehood for Hawaii. Senator DANIEL K. AKAKA is the first U.S. Senator of Native Hawaiian ancestry.

Amongst the other firsts, Representative Dalip Signh Saund of California was the first Asian American U.S. Representative from 1957 to 1963. Guam's first Delegate to Congress, Antonio Borja Won Pat, was the first Chamorro elected in 1973. Delegate Fofo Iosefa Fiti Sunia, the first American Samoan in Congress, was elected in 1981. And Representative Jay Kim was the first Korean American elected to the 103rd Congress.

□ 1245

Benito Y Tuason Legarda and Pablo Ocampo were the first Filipinos elected as resident commissioners in the 60th Congress in 1907. Members also served in a variety of occupations before working in Congress. Seven were educators. Eight held law degrees or practiced law, and two had been judges. Others had won State and local elections before serving in Congress. Nine members have military experience, some such as Brigadier General Ben Blaz earning a Bronze Medal and Captain DANIEL K. INOUYE, who was awarded the Medal of Honor by President Bill Clinton last year.

Some became great statesmen after serving in Congress, such as Brigadier General Carlos Pena Romulo who served with distinction as aide-de-camp to General Douglas MacArthur. He was a Pulitzer Prize winner, one of the signatories of the U.N. Charter and President of the U.N. General Assembly from 1949 to 1950.

Asian and Pacific Islander American Members have also chaired several congressional committees. In the Senate, Senator INOUYE chaired the Senate Select Committee on Intelligence, Secret Military Assistance to Iran and Nicaragua Opposition Select Committee, and Senate Committee on Indian Affairs.

In the House, Representative Norm Mineta chaired the House Public Works and Transportation Committee. Mineta later went on to be the first Asian American member of a Presidential Cabinet, who was appointed by President Bill Clinton to serve as Secretary of Commerce. He was tapped again this year by President George Bush to serve as Secretary of Transportation.

As a member of the Congressional Asian Pacific American Caucus, one of our goals is to educate other Members and the country about the history and contributions of Asian Pacific Islander Americans.

This concurrent resolution authorizing the printing of this book will enable us to meet this goal.

I include in the RECORD a list of Members of Congress from the Asian Pacific Islander community at the end of my remarks.

This concurrent resolution authorizing the printing of this book will not only enable us to meet that goal but also educate the general public on the diversity that exists in Congress. "Asian and Pacific Islander Americans in Congress" will follow in the same tradition as "Hispanic Americans in Congress", "Black Americans in Congress", and "Women in Congress."

It is not surprising that the top leaders of our great nation have recognized the importance of Asian and Pacific Islander American contributors. President Jimmy Carter was the first to proclaim Asian Pacific American Heritage Week in May 1978. Two years later, President George Bush was the first to issue a proclamation celebrating Asian Pacific American Heritage Month on May 7, 1990. Since then, President Bill Clinton has continued the tradition, proclaiming the celebration of Asian Pacific American Heritage during the Month of May. Clinton also issued an Executive Order establishing a White House Initiative on and Commission on Asian Americans and Pacific Islanders.

Mr. Speaker, I would like to take this opportunity to urge my colleagues and President George W. Bush to continue and share in the tradition of celebrating Asian and Pacific Islander American culture and history, and to recognize the significant contributions they have made to the growth of our great nation. Finally, I look forward to working with the Bush administration to continue the progress of the White House Initiative on Asian Americans and Pacific Islanders.

TABLE 1.—ASIAN PACIFIC AMERICAN MEMBERS AND DELEGATES IN THE 58TH–107TH CONGRESSES (1903–2003)

Congress	Dates	House	Senate
58th–67th	1903–1923	Jonah Kuhio Kalanianaole[1]	—
68th–84th	1923–1957	—	—
85th	1957–1959	Dalip Singh Saund	—
86th	1959–1961	Daniel Ken Inouye Dalip Singh Saund	Hiram Leong Fong.
87th	1961–1963	Daniel Ken Inouye Dalip Singh Saund	Hiram Leong Fong.
88th	1963–1965	Spark Masayuki Matsunaga	Hiram Leong Fong. Daniel Ken Inouye.
89th	1965–1967	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
90th	1967–1969	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
91st	1969–1971	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
92nd	1971–1973	Spark Masayuki Matsunaga Patsy Takemoto Mink	Hiram Leong Fong. Daniel Ken Inouye.
93rd	1973–1975	Spark Masayuki Matsunaga Patsy Takemoto Mink Antonio Borja Won Pat	Hiram Leong Fong. Daniel Ken Inouye.
94th	1975–1977	Spark Masayuki Matsunaga Norman Yoshio Mineta Patsy Takemoto Mink Antonio Borja Won Pat	Hiram Leong Fong. Daniel Ken Inouye.
95th	1977–1979	Daniel Kahikina Akaka Norman Yoshio Mineta Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
96th	1979–1981	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
97th	1981–1983	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia Antonio Borja Won Pat	Samuel Ichiye Hayakawa. Daniel Ken Inouye. Spark Masayuki Matsunaga.
98th	1983–1985	Daniel Kahikina Akaka Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia Antonio Borja Won Pat	Daniel Ken Inouye. Spark Masayuki Matsunaga.
99th	1985–1987	Daniel Kahikina Akaka Ben Garrido Blaz Robert Takeo Matsui Norman Yoshio Mineta Fofo Iosefa Fiti Sunia	Daniel Ken Inouye. Spark Masayuki Matsunaga.
100th	1987–1989	Daniel Kahikina Akaka Ben Garrido Blaz Robert Takeo Matsui Norman Yoshio Mineta Patricia Fukuda Saiki Fofo Iosefa Fiti Sunia[2]	Daniel Ken Inouye. Spark Masayuki Matsunaga.
101st	1989–1991	Ben Garrido Blaz Eni F.H. Faleomavaega Robert Takeo Matsui Norman Yoshio Mineta Patsy Takemoto Mink Patricia Fukuda Saiki	Daniel Kahikina Akaka.[3] Daniel Ken Inouye. Spark Masayuki Matsunaga.
102nd	1991–1993	Ben Garrido Blaz Eni F.H. Faleomavaega Robert Takeo Matsui Norman Yoshio Mineta Patsy Takemoto Mink	Daniel Kahikina Akaka. Daniel Ken Inouye.
103rd	1995–1997	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Norman Yoshio Mineta[2] Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.

TABLE 1.—ASIAN PACIFIC AMERICAN MEMBERS AND DELEGATES IN THE 58TH–107TH CONGRESSES (1903–2003)—Continued

Congress	Dates	House	Senate
104th	1995–1997	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Norman Yoshio Mineta[4] Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.
105th	1997–1999	Eni F.H. Faleomavaega Jay C. Kim Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood	Daniel Kahikina Akaka. Daniel Ken Inouye.
106th	1999–2001	Eni F.H. Faleomavaega Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood David Wu	Daniel Kahikina Akaka. Daniel Ken Inouye.
107th	2001–2003	Eni F.H. Faleomavaega Michael M. Honda Robert Takeo Matsui Patsy Takemoto Mink Robert C. Scott Robert Anacletus Underwood David Wu	Daniel Kahikina Akaka. Daniel Ken Inouye.

[1] Del. Jonah Kuhio Kalanianaole died on January 7, 1922.

[2] Del. Fofo Iosefa Fiti Sunia resigned on September 6, 1988.

[3] Senator Daniel Kahikina Akaka also served in the House in the 101st Congress until May 15, 1990. However, he appointed was to the Senate and was sworn on May 16, 1990, to fill the vacancy caused by the death of Senator Spark Masayuki Matsunaga on April 15, 1990. Subsequently, he was elected to the Senate in November 1990.

[4] Rep. Norman Yoshio Mineta resigned on October 10, 1995.

TABLE 4.—RESIDENT COMMISSIONERS FROM THE PHILIPPINE ISLANDS, 60th–79th CONGRESSES 1907–1946)

Congress	Dates	Resident commissioners
60th	1907–1909	Benito Y Tuason Legarda.[1] Pablo Ocampo.[1]
61st	1909–1911	Benito Y Tuason Legarda.[1] Pablo Ocampo.[1] Manuel Luis Quezon.[3]
62nd	1911–1913	Benito Y Tuason Legarda. Manuel Luis Quezon.
63rd	1913–1915	Manuel Luis Quezon. Manuel Earnshaw.
64th	1915–1917	Manuel Luis Quezon.[4] Manuel Earnshaw.
65th	1917–1919	Jaime Carlos de Veyra. Teodoro Rafael Yangco.
66th	1919–1921	Jaime Carlos de Veyra. Teodoro Rafael Yangco.[5] Isauro Gabaldon.[6]
67th	1921–1923	Jaime Carlos de Veyra. Isauro Gabaldon.
68th	1923–1925	Isauro Gabaldon. Pedro Guevara.
69th	1925–1927	Isauro Gabaldon. Pedro Guevara.
70th	1927–1929	Isauro Gabaldon.[7] Pedro Guevara.
71st	1929–1931	Pedro Guevara. Camilo Osias.
72nd	1931–1933	Pedro Guevara. Camilo Osias.
73rd	1933–1935	Pedro Guevara. Camilo Osias.
74th	1935–1937	Pedro Guevara.[8] Francisco Afan Delgado.[8] Quintin Paredes.[9]
75th	1937–1939	Quintin Paredes.[10] Joaquin Miguel Elizalde.[11]
76th	1939–1941	Joaquin Miguel Elizalde.
77th	1941–1943	Joaquin Miguel Elizalde.
78th	1943–1945	Joaquin Miguel Elizalde.[12] Carlos Pena Romulo.[13]
79th	1945–1947	Carlos Pena Romulo.[14]

[1] Elected November 22, 1907, for a term of two years, granted the privileges of the floor of the House of Representatives, with the right of debate, February 4, 1908.

[2] Term expired November 22, 1909.

[3] Elected for a term of two years beginning November 23, 1909.

[4] Resigned October 15, 1916, vacancy throughout the remainder of 64th Congress.

[5] Term expired March 3, 1920.

[6] Elected for a term of three years beginning March 4, 1920.

[7] Resigned July 16, 1928, having been nominated for election to the Philippine House of Representatives, vacancy throughout the remainder of the 70th Congress.

[8] When the new government of the Commonwealth of the Philippine Islands was inaugurated, the terms of office of the Resident Commissioners of the Philippine Islands expired. Both resident Commissioners served until February 14, 1936, when a selected successor qualified (48 Stat. 456). Under this law, the number of Resident Commissioners was reduced from two to one.

[9] Appointed December 21, 1935, to fill vacancy caused by the expiration of the terms of Pedro Guevara and Francisco A. Delgado, due to the new form of government, and took his seat on February 14, 1936.

[10] Resigned September 29, 1938.

[11] Appointed September 29, 1938, to fill vacancy caused by resignation of Quintin Paredes; service began on January 3, 1939, upon convening of 76th Congress.

[12] Resigned August 9, 1944.

[13] Appointed to fill vacancy caused by the resignation of Joaquin M. Elizalde, and succeeded him on August 21, 1944.

[14] Office of Resident Commissioner terminated on July 4, 1946.

Note.—The Philippine Islands were part of territory ceded to the United States by Spain under the Treaty of Paris of December 10, 1898. The Act of July 1902 granted the Philippine Islands the right to elect two Resident Commissioners to the United States. In 1935, the Philippine Islands became the Commonwealth of the Philippines and the number of Resident Commissioners was reduced from two to one. In 1946, the Philippines became fully independent, and the office of the Resident Commissioner was terminated.

ARSENIC LEVELS IN DRINKING WATER

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, like my distinguished colleague from Nebraska (Mr. OSBORNE), this Member comes to the floor to urge his colleagues to look at the facts when it comes to the issue of arsenic in drinking water. The Bush administration's recent actions on this matter have led to heated rhetoric, wild exaggerations and soundbite politics.

I suppose that was predictable, since the word "arsenic" is so emotion-loaded. It is important, I believe, to get the full story and to listen to those who would be most affected by the proposed changes.

Many State and local officials, as well as water system administrators, have expressed concerns about the problems which could be caused by the proposed changes. This Member would begin by firmly stating that, of course, everyone recognizes the importance of providing safe drinking water for all of our Nation's citizens. Also some changes in the arsenic standard may well be justified. However, it makes no sense to base those changes on anything like emotion. Instead, they should be based on sound science.

As many of us know now, in the final days of the Clinton administration, a final rule was rushed through which would have reduced the acceptable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion. However, new EPA administrator, Christie Todd Whitman, later announced that the agency would seek a scientific review of the standard before implementing a new rule. The Bush administration has made it clear that the arsenic level will be significantly reduced. However, it wants the final rule to be based on sound science.

It certainly appears that the Clinton administration made an arbitrary decision based upon questionable studies, most of which involve populations in other countries which were exposed to significantly higher levels of arsenic than those found in the United States. On the other hand, the EPA seems to dismiss the most comprehensive U.S. study on this matter. A 1999 study in Utah, which involved more than 5,000 people, failed to find an increased incidence of cancer associated with arsenic in drinking water.

It is certainly not the intent of this Member to treat lightly the possible adverse health effects of arsenic. However, this Member believes that accurate and relevant studies should be reviewed before water systems, especially those with limited resources, are forced to make such substantial investments in infrastructure and treatment. Smaller communities would have been especially hard hit by the implementation of the proposed arsenic level.

Arsenic levels in York, Nebraska, my birthplace, for example, a community of about 7,500 people, are at 34 parts per billion, and the initial cost to meet the new standard would be $6 million. Gering, Nebraska, with a level of only 13 parts per billion, only 3 points over the arbitrary level set by the rule, would be compelled to spend about $4.4 million.

Overall, more than 3,000 community water systems in the United States would have to come into compliance, and the rule would have more than tripled water rates in many small communities.

Now, this Member believes that communities will be willing to spend the money necessary to address this matter if they were convinced that they would see actual health benefits by making the changes.

According to an April 14, 2001 article in the New York Times, Albuquerque, New Mexico, Mayor Jim Baca, a Democrat stated, "What we would like is some definitive scientific evidence that this would be worth doing. I am a pretty strong environmentalist but I was convinced that the data did not justify the new level."

It is important to listen to utility superintendents, city administrators, village boards, mayors and other local and State officials, including public health officials, who are concerned about the effect the proposed rule and its associated costs would have on their communities. These are people who have a powerful incentive to provide safe drinking water, since they and their constituents will be drinking that water. These community leaders know where the buck stops. They certainly would not subject themselves and their families and friends to harmful water. Quite simply, these local officials have not been convinced of the need to lower the arsenic to the level proposed by the Clinton administration.

It is also helpful to note that any community in the country now has the authority to lower arsenic in its drinking water to whatever level it chooses below 50 parts per billion. The reason communities have not lowered their levels to 10 parts per billion is that the health benefits have not been shown to justify the enormous cost.

The American Water Works Association stated in its comment last year, "At the level of 10 ppb or lower, the health risk reduction benefits become vanishingly small as compared to the costs."

The costs, however, are real. The American Water Works Association, which supports a reduction in the current arsenic standard, has estimated the proposed rule would cost $600 million annually and require $5 billion in capital outlays. In an ideal world, with unlimited resources, it may make sense to propose changes in the hope that they may provide a benefit. However, the reality is that communities do not have unlimited funds.

Everyone deserves safe drinking water and this Member urges his colleagues to listen to State and local officials on how to provide it.

THE NECESSITY OF THE HOUSE TO BALANCE ITS PRIORITIES AND MOVE FORWARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning I wish to address the necessity for this House to balance its priorities and to begin to move forward its legislative agenda. Before I do that, let me associate myself with the remarks of the gentleman from Guam (Mr. UNDERWOOD) and thank him for bringing to the floor and dropping today legislation that will allow the printing of a book honoring Asian Pacific Islander Americans in Congress, particularly as we celebrate the history of our Asian American friends. This is a diverse country and we reflect the wonderfulness of that diversity.

As we do that as well, Mr. Speaker, let me say that I am disturbed and concerned. Today we will rush to judgment, having missed two pages of the budget last week and having to delay it until Tuesday, to support a budget resolution that includes an enormous tax cut but fails to include $294 billion for what we have all come to know as a very important issue, and that is the education of our children. With this budget, we know that we will be invading the Medicare and Social Security Trust Funds by the year 2011.

I would have hoped that we would have been more timely with this budget, giving us more time to debate it and focusing on issues like making sure that uninsured children and uninsured Americans have health care, providing prescription drug coverage the way it should be, and including the $294 billion for our educational needs, collaborating with our local governments and local school boards.

Tragically, another violent act at school occurred in an Alaska elementary school. This is Children's Mental Health Month and I am delighted to be able to focus on the need for mental health services for all of Americans, but as well to focus on the needs of our children. I would like to see more in-school health clinics for our children to be able to access services for both their physical health needs, immunizations, but as well, their mental health needs.

I believe that as we move forward to address the question of our foreign authorization bill, we will need to seriously debate the question of the loss of the United States' seat on the Human Rights Council in the United Nations. Many of my colleagues will rise in distress and anger, saying that we should no longer be associated with the United Nations. We should be cautious, and certainly we should be understanding of the fact that the United Nations now stands as the only entity where so many countries of so many diverse and disparate viewpoints actually can talk to each other.

Even though it is a very disturbing act to have lost the seat, we too have to look at the policy of the United States as it relates to the nonpayment of its dues and its actions over the last couple of months that suggest that its world associates are unhappy, but we must not step away from fighting for human rights and we must insist that human rights becomes the call of the day for all nations, including China and Sudan and many others.

I want to thank and congratulate Senator Ellis and Representative Thompson of the State of Texas for getting through the Senate and the House a hate crimes legislative initiative, and I raise that point because it is long overdue for the United States of America's Congress to pass real hate crimes legislation to say and make a statement to those who would do heinous acts on the basis of someone's difference that we will not tolerate that in America. It still goes on in Texas. It still goes on in States across this Nation, and I think that we are long overdue for getting hate crime legislation to the floor.

We do understand that there has been movement in the Cincinnati occurrences, the tragedy of having had 15 African American males shot by the police since 1995. I think it is important that the Attorney General has now indicated that there will be a civil rights investigation, do it expeditiously and quickly, and begin to heal and solve those problems by insisting that the police department and the community work closely together.

Finally, let me say, Mr. Speaker, there are several enormously important issues that we are dealing with as it relates to the energy crisis. We are not doing enough in this Congress. We are not doing enough in the administration by simply saying, handle it yourself; it is not going to go away. I believe it is time to help Americans with gasoline prices. I believe it is time to be able to provide dollars for those who will be overheated in the summer. With more additional funding for LIHEAP dollars in the State of Texas in 1998 and 1999, we lost 130-plus citizens because of the heat and not being able to provide the dollars they needed for utility costs or even having air-conditioners. I think certainly we should be helping with the brownouts. Conservation is important. Exploration is important within reason, but we must have emergency relief now for those who are experiencing the energy crisis, because it is here.

Mr. Speaker, I think that we can focus on a lot of priorities and we are not doing so. Even as we watch the various layoffs of individuals across this Nation, they are asking for the Congress to act. Do not look at the layoffs and ignore them and say it is not in my State, just like we should not look at the energy crisis and ignore it and say it is not in my State. I believe we have priorities. We should act on them.

WHERE DOES THE EDUCATION MONEY GO?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, many say as California goes, so goes the rest of the Nation. Considering that, I would like to bring to the attention of my colleagues a new study of public education spending in California.

The study reveals that the generally accepted per-pupil spending figure of $6,700 for California students significantly understates the actual per-pupil spending figure that is approximately $8,500. Moreover, two out of five, two out of every five, public school dollars are spent on bureaucracy and overhead rather than on classrooms. Instructions and internal legal squabbles drain education dollars from the system.

The authors, Dr. Bonsteel of San Francisco and accountant Carl Brodt of Berkeley, intended their analysis to be a nonpartisan one.

□ 1300

Bonsteel is a Democrat and Brodt is a Republican.

I will share some of the key findings of the study entitled, "Where is all the money going? Bureaucrats and Overhead in California's Public Schools," together with the authors' proposal for decreasing bureaucracy and enhancing accountability.

First, consider that inflation-adjusted spending on public education in California has increased by 39 percent since 1978. Nevertheless, textbooks are frequently unavailable, school libraries have been shut down, and art and music programs have been terminated. The authors conclude, "This is primarily because of the explosion in spending on administration and overhead."

Approximately 40 percent of California's K-12 tax dollars are spent on bureaucracy and overhead, not classroom instruction. This figure comes not just from the Bonsteel-Brodt analysis, but also from previous studies conducted by the Rand Corporation and the Little Hoover Commission.

Four levels of administration run K-12 schools in California, and they act as though they are separate fiefdoms. They quarrel frequently, and often those disagreements end in lawsuits among the bureaucratic fiefdoms, with the taxpayers picking up the tab for lawyers on both sides. The California Department of Education and the State Department of Education maintain legal counsel to sue each other.

This Bonsteel-Brodt study presents a sample State Board of Education agenda listing 30 lawsuits confronting the State Board. Seven of those suits pit one layer of the education bureaucracy against another layer.

In one set of lawsuits, the San Francisco Unified School District and the State Department of Education have squared off over bilingual education. The STAR testing statute mandates that children who have been in the United States at least a year be tested in English, the presumption being they should have learned English by then. But the San Francisco school district contends it must test immigrant students in their non-English native language. San Francisco is the only district making that claim, but taxpayers must cover the cost of that legal spat.

Even more troubling is that special education programs for children with mental and physical handicaps are plagued by bureaucratic gridlock at the Federal, State, county, and local levels, as well as by unfunded mandates from the Federal and State levels. Parents of special-ed children have no effective voice in program decision-making.

Local citizens have diminishing power to influence local school policy, since almost two-thirds of education tax dollars now are funneled through the States. In addition, while the Federal Government furnishes just 6 percent of education funding, its requirements account for close to half of all education paperwork. Lisa Keegan, State Superintendent for Arizona schools, has said it takes 165 members of her staff, 45 percent of the total, just to manage Federal programs.

The Bonsteel-Brodt study notes bureaucracies in all levels "invariably understate true per student spending." At the national level, the figures released by the National Center for Education Statistics are usually the "current expenditures" number, which does not account for the cost of school payments or interest payments on school bonds.

In California, the spending statistics are "even more deceptive," the study's authors charge. The all-inclusive and thus more accurate figure for per-pupil spending in California is approximately $8,500 per student, more than 25 percent higher. Using the low figure, the California NEA affiliate has advocated hefty spending increases for the express purpose of raising the State's per pupil spending above the national average.

The best hope for decreasing bureaucracy and enhancing accountability, the Bonsteel-Brodt report concludes, is school choice of various kinds. They note, for example, that California's public charter schools have easily outperformed traditional public schools, while operating on about 60 percent of the per-student funding of conventional public schools. The charters have accomplished this by cutting the bureaucratic overhead.

Mr. Speaker, as we look to solve America's education problems, we must first honestly ask, where does the money go? Only then can we make the right and often tough choices to reform education.

RECESS

The SPEAKER pro tempore (Mr. ISSA). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 p.m.

PRAYER

The Reverend Thomas A. Kuhn, Church of the Incarnation, Dayton, Ohio, offered the following prayer:

Father, we can never thank You enough for the many blessings You have given to us as a people. You gave all of Your children the same rights as people, and at the same time have given us the means to safeguard those rights. Give us the strength to reach out to those who are unable to safeguard their rights.

You have made us a powerful people. May we always be gentle enough to lift up the fallen, and prepared enough to protect the weak and defenseless.

You have blessed us richly. May we always generously share those blessings with Your children who are poor.

You have given us a beautiful land. May we nurture and preserve it so that those who follow us can always see Your goodness.

Much of what has been given to us has been entrusted to the Members of this great House. Give them a world vision so that they may work for the good of all of Your children. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REVEREND THOMAS A. KUHN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, today, it is my privilege to welcome Father Thomas Kuhn as our guest chaplain. Father Tom is currently pastor of the Church of the Incarnation in Centerville, Ohio, one of the largest Catholic parishes in the Archdiocese of Cincinnati.

Father Kuhn has been pastor at Incarnation since 1989. He is leading a delegation of some 75 8th graders from Incarnation School, which has won the U.S. Department of Education Blue Ribbon School award for excellence several times, most recently in 1999.

A number of his students from Incarnation are with us this afternoon watching these proceedings from the Gallery. We want to welcome you. I am sure the gentleman from Dayton, Ohio (Mr. HALL) will join me in welcoming Father Kuhn and all of you to the Capitol today.

Father Tom is the former principal of Cincinnati's Elder High School and the former assistant pastor of St. John's Church in West Chester, Ohio, and it was during that time that I came to know him, and he remains a great friend today.

Please join me in welcoming Father Kuhn as our guest chaplain and the students of Incarnation School as they explore our Nation's Capitol.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they are not to address or refer to the guests in the Gallery.

HIGH GAS PRICES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, government investigators said, and I quote, there is no conspiracy by petroleum companies to raise gas prices in America. Unbelievable.

Who is kidding whom here? Gas prices are over $2 a gallon, and, in addition, it just seems every weekend they just raise them 25 cents a gallon just for the sake of it.

Mr. Speaker, if that is not enough to flatulate your rectangle, the oil companies announced that gas prices will hit $3 a gallon this summer.

Beam me up, Mr. Speaker; those so-called government investigators are either on the payroll of those oil companies or they are smoking dope.

I yield back the biggest rip-off in the history of the United States of America.

URGING SOCIAL SECURITY COMMISSION AND ADMINISTRATION TO KEEP SOCIAL SECURITY SOLVENT FOR NEXT 75 YEARS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, through you to the President's Commission on Social Security, I would suggest many of us are very concerned that we are going to review a proposal that might not keep Social Security solvent for the next 75 to 100 years.

I think it is important that we urge the President, that we urge this Commission, to come back to this legislative body with a proposal that is going to at least keep Social Security solvent for the next 75 years. Social Security is a pay-as-you-go program.

It is going broke as we experience demographics that represent a decline in the birth rate and an increase in life expectancy. It is a good program for America. It is a serious problem. We need to protect Social Security.

INTRODUCTION OF IMPACT AID BILL

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, 21 of my bipartisan colleagues and I introduced my first bill, a measure important for the education of military children. Our bill is called GRADE-A, the Government Reservation Accelerated Development for Education Act, and it guarantees that federally-impacted schools receive the dollars they need from the impact aid program.

Mr. Speaker, over 5,000 military personnel qualify for food stamps, and people who wear their country's uniform sometimes fall below the poverty line while their kids go to schools financially teetering on the edge. As we boost military pay and housing, we must also care for military kids.

Mr. Speaker, over 90 percent of the funding for education comes from local funds, from funds such as property taxes. But what happens if that property is owned by the Federal Government and off the tax rolls? Kids report to class with no property tax dollars needed for their school.

GRADE-A guarantees that the Federal Government will step in to ensure that these kids have the resources they need for their education. It ensures that when the military and other children from Federal property report for school that they are welcomed in a good school with sound financial backing. GRADE-A has been endorsed by the National Association of Federally Impacted Schools and many school administrators across the Nation.

Mr. Speaker, as we make education our priority, let us remember the children of men and women in uniform.

SUPPORTING SMALL BUSINESSES SUPPORTS AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the United States was built upon and by small family-owned businesses, and America is today known for its unique, entrepreneurial spirit.

Even today, in the era of corporate mergers, small businesses remain the cornerstone, yes, the foundation of our economy.

They employ 53 percent of our work force and account for 99.7 percent of the Nation's employers. Yet burdensome regulations, a complex Tax Code, and an inaccessible health care system have been stifling the ability of small businesses to remain viable and successful.

As a Congress, we need to ensure that the entrepreneurial spirit that built this country does not diminish due to an unfair tax and regulatory system.

Mr. Speaker, I encourage my colleagues to support small business owners in their pursuit of the American dream. I yield back all of the unfair taxes and regulations that have served as obstacles for the small businesses which make our Nation great and prosperous.

NATIONAL SMALL BUSINESS WEEK 2001

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, I rise today to call the House's attention to our country's most vital economic sector, our small businesses.

Each year, for the past 38 years, the President has issued a proclamation calling for the celebration of National Small Business Week. This year, National Small Business Week, which is sponsored by the SBA, is being held right now.

Mr. Speaker, this year's celebration will honor the estimated 25.5 million small businesses in America that employ more than half the country's private work force, create 3 out of every 4 new jobs, and generate a majority of American innovations.

Small Business Week also recognizes small business owners all across America for their personal achievements and contributions to our economy. From this group, in Indiana, the Indiana Small Business Person of the Year is Joseph A. Beckman. He is the owner of Home Lumber and Glenlord Lumber Company. This a retail lumber and land development concern that has grown steadily under his leadership and become a successful business in Indiana.

Today, Mr. Speaker, I want to congratulate Mr. Beckman and all the winners from across America who work long hours and make huge sacrifices to build family small businesses that are the backbone of this economy.

CONGRATULATING JAMES TODD RATHER

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to congratulate James Todd Rather of Fairmont, Minnesota.

Todd will be in Washington this week to receive the Star of Life award. The Stars of Life is an American Ambulance Association program to honor dedicated professionals in the ambulance service industry.

Todd, who is a registered paramedic and is a team captain for Fairmont Gold Cross Ambulance Services, has been selected as one of three EMS professionals in Minnesota to receive this honor.

EMS providers are the safety net of the health care system. In rural areas, like the Minnesota district I represent, where physicians and other health care providers do not exist in every community, EMS provides the public their only access point to quality health care. That is why I introduced H.R. 1353, the Sustaining Access to Vital Emergency Medical Services Act to help our EMS providers.

Every day, EMTs and paramedics are heroes in their communities. I want to thank Todd for his commitment to serving his community.

Mr. Speaker, it is people like Todd Rather who give selflessly of themselves that make our communities a better place to live.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 108) honoring the National Science Foundation for 50 years of service to the Nation.

The Clerk read as follows:

H. CON. RES. 108

Whereas Congress created the National Science Foundation in 1950 to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

Whereas the National Science Foundation Act of 1950 was signed into law by President Harry S. Truman on May 10, 1950;

Whereas the National Science Foundation strengthens the economy and improves the quality of life in the United States as the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines;

Whereas the National Science Foundation has worked continuously and successfully to ensure that the United States maintains its leadership in discovery, learning, and innovation in the sciences, mathematics, and engineering;

Whereas the National Science Foundation has supported the research of more than half of the United States Nobel laureates in physics, chemistry, and economics;

Whereas the National Science Foundation has been the lead Federal agency in a number of national science initiatives, such as those in information technology and nanotechnology;

Whereas the National Science Foundation funds almost 20,000 research and education projects in science and engineering at over 2,000 colleges and universities, elementary and secondary schools, nonprofit organizations, and small businesses throughout our Nation;

Whereas the National Science Foundation's innovative education programs work to ensure that every American student receives a solid foundation in science, technology, and mathematics through support for the training and education of teachers, the public, and students of all ages and backgrounds, and by supporting research into new teaching tools, curricula, and methodologies;

Whereas the programs funded by the National Science Foundation are an exemplary demonstration of the value of scientific peer review in selecting the most innovative and technically excellent research activities using a network of over 50,000 scientists and engineers each year;

Whereas the National Science Foundation's international programs promote new partnerships and cooperative projects between United States scientists and engineers and their foreign colleagues, and such partnerships play a key role in establishing and strengthening diplomatic and economic ties; and

Whereas research supported by the National Science Foundation has led to discoveries, technologies, and products which affect our daily lives, including a greater understanding of bacteria, viruses, and the structure of DNA; medical diagnostic tools, such as Magnetic Resonance Imaging (MRI); the Internet, web browsers, and fiber optics, which have revolutionized global communication; polymer materials used in products ranging from clothing to automobiles; Doppler radar used for accurate weather forecasting; artificial skin that can help recovering burn victims; economic research in game and decision theory which has led to a greater understanding of economic cycles; and discoveries of new planets, black holes, and insights into the nature of the universe: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance of the anniversary of the founding of the National Science Foundation;

(2) acknowledges the completion of 50 years of achievement and service by the National Science Foundation to the United States; and

(3) reaffirms its commitment for the next 50 years to support research, education, and technological advancement and discovery through the National Science Foundation, the premier scientific agency in the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer this resolution H. Con. Res. 108 honoring the National Science Foundation for 50 years of service to our Nation. As chairman of the Committee on Science on Basic Research, which is responsible for oversight and authorization of the National Science Foundation, I wanted to take a few moments to mention some of the highlights of this highly successful and yet often unappreciated agency.

Congress and President Harry S. Truman established the National Science Foundation on May 10, 1950 to fund research in the basic sciences, engineering, mathematics and technology.

It is the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific disciplines from physics and math to zoology and anthropology. For 50 years, NSF-sponsored research has developed the finest science and new technologies that have boosted our economic productivity, enhanced our national security, and preserved our citizens' health and well-being.

Throughout its history, NSF provided support to thousands of researchers and students across the Nation in university labs and in our schools and our industry, support that has fostered innovation, technical achievement, and a greater understanding of our world and our universe. From the depths of space to the depths of the ocean, from the North Pole to the South Pole around the globe, NSF-funded research has helped explain our world and led to innovations that have forever changed it.

The Internet, for example, and the technologies that enable it, began in part because of NSF support for networking technologies.

□ 1415

NSF funded a network, linking computer science departments, then moved on to develop a high-speed backbone called the NSFNET that became the basis for what is now the Internet.

NSF-supported research has also led to miracle drugs, vaccinations, cell phones, and even bar codes that readers in supermarkets now use. NSF supports potentially life-saving research in developing the Doppler, research in weather prediction using the Doppler radar, earthquake hazard, and identification of the cause of the spread of the deadly Hanta virus.

Today's NSF-led research in nanotechnology, advanced materials, biotechnology and countless other areas are setting the foundation for the technologies of the future and in the process, training the scientists, engineers, and technology entrepreneurs of tomorrow.

Today, we congratulate NSF on 50 years of service to the United States and for its many contributions to our current prosperity. But we also reaffirm our commitment as a Congress to support NSF in the future in its diverse research in educational activities. NSF's peer review system, where grants are reviewed by a panel of researchers in the field to judge the merits of research, is a model of how research should be evaluated at all other Federal agencies.

We must also strive to ensure that NSF invests in a broad range of sciences in order to support the critical work of well-funded mission agencies like the Department of Defense and the National Institute of Health. It is important that we continue to support NSF as part of a balanced Federal research portfolio and recognize that the basic science supported by NSF forms the foundation for research at all other Federal research agencies and for applied innovations and productivity increases in the private sector.

My colleagues and I on the subcommittee will keep this goal in mind as we work towards our reauthorization of NSF, and we will keep it in mind as we work with the administration and the appropriators to work and craft a balanced research budget.

I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member of the Subcommittee on Basic Research, a cosponsor of this resolution, and for all of her work and support of NSF. I would also like to thank the other cosponsors of this resolution and certainly my friend, Senator JOHN MCCAIN, and the 19 Senate cosponsors of S. Con. Res. 36, the companion resolution. Certainly I would like to thank both the Republican and Democratic staffs on our subcommittee and the full Committee on Science for their untiring work.

Mr. Speaker, the NSF is completing its 50th year of service to our Nation. With this resolution, this House will recognize this important anniversary and express our hope for at least another 50 years of continued innovation and education.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Science Foundation Act of 1950 that created the National Science Foundation directs the agency to initiate and support basic scientific research and to strengthen scientific research potential and science education programs at all levels.

I am pleased to rise in support of this resolution that salutes the National Science Foundation on its accomplishments and success in carrying out this mission for the past 50 years. I thank the gentleman from Michigan (Mr. SMITH) for putting forth this timely resolution.

The National Science Foundation plays a unique and critical role in the Nation's research and education enterprise. It sponsors research that helps to fill the storehouse of fundamental knowledge about the natural world, without regard for immediate applications of these new ideas and concepts. Equally important, the National Science Foundation supports the development of the Nation's human resource base in science and engineering. In short, the National Science Foundation is charged with helping to create the underpinnings for the Nation's future technological competence and, therefore, for its economic strength and security.

The NSF's record of accomplishment during this 50-year history is remarkable. NSF-supported research have collected 100 Nobel Prizes. They have received recognition for work in the fields of physics, chemistry, physiology and medicine, and economics.

National Science Foundation's contributions are, in part, manifested through the accomplishments of scientists and engineers who were trained under NSF awards. It is well-known that the great majority of the seminal work in developing such technologies as cell phones, fiber optics, and computer assisted design was performed by private industry, at labs like Corning, AT&T and Motorola.

A recent NSF-sponsored study has shown that many scientists and engineers who went to graduate school on NSF fellowships and research assistantships often played important roles in the development of these and other technologies. In a number of cases, they became the entrepreneurs who created new firms and markets.

To use the words of the authors of the study, "NSF emerges consistently as a major, often the major, source of support for education and training of the Ph.D. scientists and engineers who went on to make major contributions."

The resources NSF provides for support of research and education are relatively small, but the impact is great. The agency expends only 3.8 percent of the Federal R&D funds, but provides 23 percent of basic research funding at academic institutions.

For specific research areas, the National Science Foundation's role at universities is even larger. It funds 36 percent of research in the physical sciences, 49 percent in the environmental sciences, 50 percent in engineering, 72 percent in mathematics, and 78 percent in computer science.

The research awards and research fellowships help train over 24,000 graduate students each year. These are the future scientists and engineers who are essential to fuel our high-tech economy.

Further, the NSF programs help to improve science education for all students and prepare them for citizenship in a world increasingly dominated by technology. Today we continue to have a manpower shortage in many high technology fields. The ideal way to alleviate the shortages is by ensuring that children of all races and both genders receive the basic grounding in science and mathematics that will prepare them to pursue careers as scientists, engineers and technologists. The NSF's programs address this need.

Because of the importance of NSF's role in research and education, it is essential that the agency receive adequate resource. Consequently, I am extremely disappointed by the fiscal year 2002 budget request for NSF, which provides only a 1-percent increase. This is much less than what is needed to sustain the NSF's ongoing programs.

In today's Congress Daily, a story mentioned how science funding is increased over Mr. Bush's request. While this is true, it is less than half the story. The conference cut funding for science below any Member's request in either Chamber and below what President Bush asked for in every year but this year.

The House requested $617 million more and the Senate requested $1.215 billion more. Indeed, over 5 years, the conference agreement is nearly $200 million less than the President's anemic numbers for budget authority.

The only positive number from the conference agreement is the fiscal year 2002 budget authority number being

$217 million above the President's request. Every other number is negative, meaning the conference agreement is lower than Mr. Bush's request, the House-passed bill and the Senate-passed bill. How ironic it is now that we stand here today and honor the National Science Foundation, but at best hold their budget below inflation.

Inadequacies in the size of the National Science Foundation's current budget are evident by the fact that the agency currently funds less than a third of the research applications it receives and only about half of those judged to be of high quality. Even when an applicant receives the National Science Foundation award, it is usually sub-optimal and perhaps half the amount of an NIH award. The current situation leaves researchers in NSF-funded fields scrambling for funds and spending too much time chasing limited funding rather than in the laboratory or mentoring students.

In order to address this present situation, I, along with 16 of my Committee on Science colleagues, recently introduced a National Science Foundation authorization bill, H.R. 1472, that provides increases of 15 percent per year for fiscal years 2002 through 2005. The bill will double the NSF budget based on fiscal year 2000 appropriations level. Such increases are necessary to allow the National Science Foundation to go forward with substantial new research initiatives, provide needed increases in average grant size and duration, and support needed major research facilities for access by academic scientists.

Equally important, a more robust budget for NSF will support expansion of the agency's science education programs. Of particular importance are programs to improve the skills and content knowledge of K through 12 science and math teachers and to increase participation in science and engineering by traditionally underrepresented groups.

It is also important to expand education research programs, including quantifying the most effective uses of educational technology and strengthening efforts to assess education programs to determine and disseminate information about what methods and approaches are most effective in improving student performance in science and math.

Mr. Speaker, it is entirely appropriate that the House endorse the resolution now under consideration, which celebrates the past accomplishments of the National Science Foundation. However, it is of much greater importance that we ensure that the Foundation receives the necessary resources now and in the future to carry out its essential role in support of scientific engineering research and education.

When funding measures for NSF are debated during the coming months, I hope all of my colleagues will remember the Foundation's impact during the last 50 years and the promise represented by its current programs.

Mr. Speaker, I commend to my colleagues this resolution honoring the National Science Foundation and ask for their support for final passage.

This 50-year report speaks to America's investment in the future. That is what we are talking about when we talk about the funding for the National Science Foundation.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), vice chairman of our full Committee on Science.

Mr. GUTKNECHT. Mr. Speaker, let me thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise to recognize and congratulate the National Science Foundation on its 50th anniversary.

What the NSF does is very important to all of us and to future generations of America. The National Science Foundation was created to promote the progress of science, for health, economic, and defense purposes through basic research.

Now basic research is critical to the future of the country because it serves as the building block for other research that many times private industry will not or cannot afford to do. This base of innovation provided by the NSF can then be utilized and built upon by private industry and help develop new sectors for our economy.

Research and discoveries made and supported by the NSF affect our daily lives, from Doppler radar systems to Magnetic Resonance Imaging, MRIs, to all kind of innovations which we enjoy today in America.

NSF supports research and development in science and engineering through various partnerships from the elementary to the university level, as well as small business and nonprofit organizations, by providing grants to help fund these projects.

In the end, America depends on science. Science fuels our economic booms, medical successes, and national security. Over 50 percent of our future economic growth will come from developments resulting from scientific research.

NSF has a strong connection to my home State of Minnesota. Last year, 301 new NSF awards went to Minnesota. So far this year, there are currently 482 active awards ongoing in Minnesota.

Various universities and colleges, from the University of Minnesota down to the smaller schools such as Carleton and St. Olaf in my district, are contributing to important research in science, in areas like mathematics and engineering.

NSF's crucial role and notable accomplishments include helping universities, because over 40 percent of the basic funding for basic research in the physical sciences and engineering comes from the NSF. NSF helps to fund projects at 2,000 colleges, universities, and elementary schools, as well as nonprofit organizations, small businesses, and other organizations each year.

□ 1430

NSF grants 10,000 new awards each year and just under 20,000 awards per year.

Members, a number of years ago there was a Member of the other body from a bordering State that every month gave out what he called the Golden Fleece Award, and many times he took advantage of some of the things being done at the NSF. The truth of the matter is some of the awards we grant here at the Federal level ultimately are wasted. The problem, of course, is that we never know which ones.

One of the great researchers for an organization back in Minnesota, 3M, a fellow by the name of Arthur Fry, the person who invented the Post-It Note, once made a very brilliant observation. He said, "If we knew what we were doing, it wouldn't be research."

The truth of the matter is some of this basic research is high risk, and we do not know which of these projects will pay enormous dividends and which will not, but that research must go on nonetheless.

NSF has supported 34,000 science, mathematics, and engineering students through its NSF graduate research fellowship program. Federally supported research has revolutionized many areas, including global communications, with accomplishments, as have been mentioned, as the Internet, early Web browsers, and fiberoptics.

Mr. Speaker, it is important that we recognize the NSF. It is also important we recognize that we need to continue to show our commitment. I am hopeful that by the time the final appropriation bills go to the President's desk, we will be able to find additional funding so that the work of the NSF can go on.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has 11½ minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 13 minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I am pleased to join my colleagues as a cosponsor of House Concurrent Resolution 108. This recognition of the NSF is well deserved.

For the last 50 years, the National Science Foundation has been the backbone of basic scientific research throughout the country. It has served as the clearinghouse for hundreds of thousands of grants for graduate research. It has led the way in supporting innovative programs in science for elementary and secondary schools, and it has filled a valuable role in coordinating scientific endeavors in a variety of fields.

The value of basic scientific research is something we cannot overestimate. The mission of the National Science Foundation is to further science, health, prosperity, welfare, and national defense. Research through NSF grants and scientific exchanges has been the basis of innovations in all of these arenas. It has provided the knowledge, the understanding, and then the development to drive our increasingly technological society.

This research has also been the basis of increased comfort, longer lives, and greater economic prosperity. Over the life of NSF, many national priorities, including improved energy efficiency, space flight, improved health, and the mapping of the human genome have been pursued by NSF grants. I genuinely speak in continued support of the National Science Foundation. It represents a valuable contribution of the Federal Government to all of society.

Mr. SMITH of Michigan. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), former chairman of our Subcommittee on Technology of the Committee on Science.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for his elaborate introduction; and, Mr. Speaker, it is with great pleasure that I rise as a cosponsor of H. Con. Res. 108 to congratulate the National Science Foundation on 50 years of exemplary service. From its rocky start and meager initial budgets, the NSF has bloomed into a shining example of government success, producing developments and innovations whose benefits are, frankly, immeasurable in either economic or societal terms.

From its creation in 1950, the NSF has grown from a relatively minor agency which funded only a small portion of the meritorious proposals that are received, to the primary source of support for nonmedical research at our Nation's colleges and universities. Approximately 1,800 academic institutions receive funds from the National Science Foundation each year supporting thousands of researchers and projects.

Developments from research originally funded by NSF grants permeate our lives. No American citizen can say that he or she has been unaffected by the advancements that science has brought. From the common plastics that preserve our food to the complex microprocessors that drive our computer age, from natural discoveries in the environment to synthetic developments in the labs, from fossils to fiberoptics, the NSF has been there to foster and nurture the research that led to these wondrous discoveries and lay the foundation for the discoveries of tomorrow.

The National Science Foundation has also played a crucial role in the education of our Nation's youth. Following the watershed event of Sputnik, the NSF has taken an active role in the direct support of students at the graduate level. Today, these efforts have been expanded to all levels of education, from kindergarten to the Ph.D., and have brought the NSF to the forefront of math and science education in the United States. Their continued efforts are critical to the development of the next generation of scientists and engineers.

I am personally grateful to the NSF for its critical support of my Commission on the Advancement of Women, Minorities and Persons With Disabilities in Science, Engineering and Technology. Its work, resulting in findings, have also helped to establish Federal partnerships. Their support thus enhances partnerships with the private sector and with academia to fulfill its recommendations.

As we look to the future, I hope the NSF will continue to play a prominent role. In his seminal report, "Science: The Endless Frontier," which many credit for the formation of a national science policy and the NSF, Vannevar Bush noted, "The frontier of science remains. It is in keeping with the American tradition, one which has made the United States great, that new frontiers shall be made accessible for development by all American citizens." His words are no less valid today.

For the last 50 years, the National Science Foundation has been there exploring that frontier, bringing its discoveries home to the American people. I shall work to do all I can to increase their budget.

I want to thank Dr. Rita Caldwell for her leadership and all the employees of NSF, congratulate them on their 50th anniversary and wish them luck for the next 50 years and beyond.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of the resolution.

Mr. Speaker, there is no question in my mind that the reason our economy has enjoyed such tremendous growth over the last 8 or 8½ years, and in particular growth in productivity, is because of investments made in science. The investments in information technology have revolutionized the workplace, revolutionized manufacturing, inventory management, and allowed us to reduce unemployment to record lows without having a rise in inflation. So I think this makes a great deal of sense to honor the National Science Foundation.

And of course last year, the Congress, after having gone through 3 years of working towards doubling the budget of the National Institutes of Health, decided very wisely that we would try and double the National Science Foundation budget over a 10-year period, and in a bipartisan way we started down that road. This makes great sense because we should not try to separate NIH from NSF. They are complementary.

Some of the speakers talked about the human genome project, part of which is being done in my district; and there is no question that some of the supercomputer technology used for that came through NSF research. The same is true of a clinical endocrinology lab that I saw in the Methodist Hospital in my district just a couple of weeks ago. But the fact is, Mr. Speaker, we are going to pass this resolution today, maybe unanimously, or by an overwhelming vote; then later on today we are going to pass a rule, and tomorrow probably pass a budget, that would actually cut the NSF in real terms.

It seems to me that it is ironic that where a year ago, with strong bipartisan support, the Congress started down the road of doubling the NSF, just as we have gone in doubling the NIH, yet today and tomorrow we are going to say we are going to cut the NSF. Now, I know some of my colleagues have said we hope we will get that worked out when the appropriation bills are done. That maybe says a lot about the quality of the budget document that we are going to take up tomorrow; that perhaps that budget document cannot hold the water that it is supposed to hold and we are not going to meet those spending targets because we are going to pass this one political document and do what we want to. But I think it is a grave mistake to be making these cuts.

I want to quote from a Nobel laureate, who is a constituent of mine, a professor at Rice University, Dr. Richard Smalley, who won the Nobel prize for inventing nanotechnology in the famous buckytubes; and in this article he says, "Promising ideas won't develop if investments in key Federal science agencies are slashed." And yet that is where this House and the other body are heading.

I think it is quite a shame that today we would vote to give the National Science Foundation and all the scientists around the country, both at the big schools and the small schools, and the labs that benefit from this, this very nice piece of paper from the Congress on this very nice piece of parchment honoring them for the 50 years of work they have done, and then the next day say, "We're going to cut your budget in real terms. We're going to cut your budget and we are not going to double the NSF." I think it is a grave mistake that we are doing that.

And if we are not doing that, Mr. Speaker, and I see my dear friend from Michigan who I sat with on the Committee on the Budget for a number of years, and I know he believes strongly in the sanctity of the budget process, but if we are not going to do that, then it means we are not passing a real budget tomorrow; that we are passing a document that has more holes in it than a slice of Swiss cheese.

So I hope, Mr. Speaker, that the House does pass this today. I hope that the House, although I do not think it will happen, has a stroke of wisdom and we defeat the budget resolution tomorrow, and we go back and write a realistic one that encompasses the bipartisan support in this House and the other body for increasing and doubling the National Science Foundation budget over the next 10 years, and let us finish out the 9 years left.

Mr. Speaker, I submit for the RECORD the article regarding Dr. Richard Smalley I referred to earlier.

SCALING BACK RESEARCH IS A MISTAKE

(By Richard Smalley)

Stocks are down, and President Bush is talking recession. Yet, he recently targeted three key science agencies for cuts. The research budget at the National Science Foundation would fall 4 percent, at the National Aeronautics and Space Administration 4 percent and at the Energy Department 3.5 percent. That's bad policy at the worst possible time.

Bush officials say they will compensate with tax breaks that will "encourage significant increases in private-sector research and development." That may sound good—give industry incentives, and it'll take care of everything. Problem is, that policy will derail technology innovation, our nation's economic igniter, which depends on federal investment in research.

Here's how it works: The federal government supports long-range, high-risk research at universities and national labs. Industry transforms promising discoveries into marketable goods.

There are thousands of examples of how the partnership can generate economic booms. I'll mention two homegrown ones.

Fifty years ago, the federal government gave $50,000 to a university scientist with an idea too risky for industry to support. His far-fetched plan was to create a source of microwaves. He ended up hatching the laser. Texas industries quickly recognized the potential and began developing products. Today, one in every three high-tech jobs in Texas depends on his discovery.

The next revolutionary discovery may come from carbon nano-fibers—hair-thin wisps with the strength of steel and bewildering electrical properties. The key discoveries were made possible by government support of a few adventurous ideas right here in Texas. As nano-fibers start to show promise, no doubt Texas industries will dominate.

Promising ideas like these won't develop if investments in the key federal science agencies are slashed.

There's another reason why it's a bad time to cut the science budget. The proposed cuts would slash the number of people being trained at our nation's universities and national labs. That couldn't happen at a worse time.

The high-tech economy generates thousands of new jobs per day. Tragically, only 20 percent of our workforce is capable of filing those jobs. To satisfy the demand, Congress raised the cap on visas to allow 300,000 more foreign workers into the country.

Importing high-tech workers is an unacceptable long-term solution. Our country must train a domestic workforce to fill those jobs. According to the Commission for National Security, the workforce problem "poses a greater threat to national security over the next quarter-century than any potential conventional war."

Congress' course is clear. It must increase, not slash, the agencies' budgets.

Fortunately, some prominent congressmen know that the strength of the economy depends upon the federal investment in science. A bill to double the federal investment in research, first proposed by Texas' own Sen. Phil Gramm, passed in the Senate last session with 40 co-sponsors. Sadly, there wasn't time to bring it to a vote in the House.

Some senators are championing efforts to support the National Science Foundation and the Energy Department. But their time will be wasted if President Bush doesn't help. He should tell Congress that he is willing to accept increases to the key agencies that underpin the nation's economic growth and standard of living.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with my friend from Texas, there needs to be a balanced effort in where we go on research. Certainly all of the other agencies and Departments that do research depend, to a certain extent, on what happens with basic research and primary research mainly conducted through our university systems through the National Science Foundation.

However, I would urge my colleagues, including the gentleman from Texas (Mr. BENTSEN), to make the suggestions to the appropriators. As he well knows, the 302(a) overall spending is incorporated in the budget resolution that we will be taking up in the next 2 days. The 302(b), how to divide up that money and where we go with the 250 function, is going to be decided through the appropriation process. And again, I would urge all of my colleagues to consider the importance of having a balanced research budget.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of the resolution recognizing the 50th anniversary of the National Science Foundation. The NSF is not only a national treasure, but an example of Federal dollars that reap long-term dividends for our economy and our country.

I hope that we can not just support this resolution, but also adequately fund the National Science Foundation over the next 10 years. At a time when our country's future economic growth and prosperity depend on innovation and scientific advances, we should be investing more of the surplus in scientific research and development. Tax cuts will not provide the same level of long-term stimulus to our economy that Federal investments in R&D will yield in the fields of engineering, mathematics, and the sciences.

Our children are the message we send to a future we will never see, and that future will be shaped even more by technological innovation than what we have seen in our lifetime. NSF today is developing the next generation Internet as well as leading the way in encouraging young people to pursue academic studies and careers in these technical fields.

Mr. Speaker, I want to commend the NSF for its efforts to encourage women and minorities to pursue careers in math and science. Every Member of Congress should take the opportunity to promote the National Science Foundation's programs in schools in their districts. Federal investments in technology and basic research programs have been the engine of growth for America's economy. The development of the Internet was achieved through Federal investments in a Department of Defense research program called DARPA Net. I am sure Members are aware of that. But who would have thought that this relatively small investment in DOD and the NSF would have had such a profound effect on every sector of our economy and nearly every aspect of our way of life?

Mr. Speaker, I am privileged to represent a district with one of the most vibrant economies in the country, and it is also home to the National Science Foundation. Thanks to the Internet, northern Virginia has become the high tech hub of the East. By investing in R&D in these programs today, we are investing in our future economic potential as a country. Unless we increase the flat budgets which basic research has experienced in the past several years, we cannot expect to yield the kind of scientific advances to ensure the United States remains at the forefront of the global economy.

Mr. Speaker, I rise in strong support of this resolution that recognizes and acknowledges the 50th anniversary of the National Science Foundation and its achievement and service to the United States.

The NSF is not only a national treasure, but an example of federal dollars that reap long-term dividends for our country and our economy.

This resolution reaffirms our commitment for the next 50 years to support research, education, and technological advancement and discovery through the NSF.

At a time when our country's future economic growth and prosperity depend on innovation and scientific advances, we should be investing more of the surplus in scientific research and development. Tax cuts will not provide the same level of long-term stimulus to our economy that federal investments in R&D will yield in the fields of engineering, mathematics and the sciences.

Our children's future will be shaped even more by technological innovation than what we have seen in our lifetime. The NSF is leading the way in encouraging young people to pursue academic studies and careers in these technical fields.

I would also like to commend the NSF for its efforts to encourage women and minorities to pursue careers in math and science. Every Member of Congress should take the opportunity to promote the NSF's programs in the schools in their districts.

Federal investments in technology and basic research programs have been the engine of growth for America's economy. The development of the Internet was achieved through federal investments in a Defense Department research program called DARPA Net.

I am privileged to represent a district with one of the strongest and most vibrant economies anywhere in the United States. Thanks to the Internet, Northern Virginia has become the high-tech hub of the east. Who would have thought this investment in DOD and NSF would have permeated every sector of our economy and way of life?

My district is also home to the National Science Foundation, which has been performing amazing work toward establishing the Next Generation Internet as well as fostering the pursuit of science, math, engineering and other technical sciences in this country.

By investing in R&D in these programs today, we are investing in our future economic potential as a country. Unless we increase the flat budgets which basic research has experienced in the past several years, we cannot expect to yield the kind of scientific advances to ensure the United States remains at the forefront of the global economy.

Mr. Speaker, I urge my colleagues to support this resolution and the ongoing work of the National Science Foundation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume; Let me, in closing, say I think we would all like to also thank the management and staff at the National Science Foundation, certainly the director, the assistant director, those who run the eight directorates; the many program directors, and the support personnel, an estimated 50,000 scientists and engineers throughout the country that are making the research effort, that are offering their time and service on the peer review system, and certainly the hundreds of thousands of teachers that are making a difference in exciting young students about math and science and research.

Last week we had a subcommittee hearing regarding education research, to try to improve K through 12 learning, especially in the areas of math and science. The Education and Human Resource division of the National Science Foundation has done great work.

So again, thanks to our staffs on our full committee and subcommittee, all of the members of our committee, and my colleagues in Congress who are supporting the National Science Foundation and its continued efforts, I hope this resolution will pass with unanimous support.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of this resolution honoring the National Science Foundation for its fifty years of service to the Nation. As a member of the Science Committee, I have had the opportunity to witness the efforts and initiatives of this important federal agency and am pleased to say that their recent achievements have been outstanding.

Fifty years ago, the National Science Foundation was created to ensure that this great Nation would continue to be the world leader in discovery, learning, and innovations in the sciences, mathematics and engineering. Without the tireless efforts that this agency and its employees have put forth, the many technological strides our Nation has made in the preceding decades would never have come to fruition.

Mr. Speaker, as the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines, the National Science Foundation has been one of the most important contributors to many progressive projects. One such program that touches close to home for me is CONNSTRUCT, Connecticut's Statewide Systematic Initiative for science education. This project has received approximately $15 million from the National Science Foundation since 1991 to implement a comprehensive restructuring of science and mathematics education in my home state.

This ten-year National Science Foundation investment demonstrates a significant partnership with Connecticut to ensure that all students are exposed to challenging mathematics and science curricula. It also ensures that the students are taught by well-prepared teachers who use stimulating instructional practices, and are supported by school districts and communities that expect all students will take, learn, and be able to use their knowledge to continue learning throughout their lives.

Programs like this have been invaluable to our society. That is why I am an original cosponsor of H.R. 1472, a bill to double the funding of the National Science Foundation. This bill provides for 15 percent annual increases in the agency's budget for Fiscal Years 2002 to 2005 that, together with the 13 percent increase for the current fiscal year, would double the Foundation's budget over that period. The increases provided for in H.R. 1472 will allow the agency to go forward with substantial new and ongoing initiatives, such as the deployment of broadband networks for schools and libraries.

Mr. Speaker, without the significant contributions that the National Science Foundation makes to these many projects across our Nation, we would be far less competitive in our technology-based world. I applaud the past efforts and achievements of the National Science Foundation and I urge all of my fellow Members to vote with me in support of H. Con. Res. 108, which reaffirms this Congress's commitment to support research, education, and technological advancement and discovery through the National Science Foundation.

Mr. SMITH of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 108.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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Mr. SMITH of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 20TH ANNUAL NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) authorizing the use of the Capitol Grounds for the 20th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 74

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 20th annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 2001, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the law enforcement officers who died in the line of duty during 2000.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the National Fraternal Order of

Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 74 authorizes the use of the Capitol Grounds for the 20th Annual Peace Officers' Memorial service on May 15, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and the Committee on Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the National Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The Capitol Hill Police will be the hosting law enforcement agency. The event will be free of charge and open to the public.

This service will honor the many Federal, State and local law enforcement officers killed in the line of duty in 2000. This is a fitting tribute to the men and women who have given their lives in the performance of their duties.

Mr. Speaker, I support the measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 74 authorizes use of the Capitol Grounds for the 20th Annual National Peace Officers' Memorial Service, a most solemn and respectful service that honors our fallen police officers, brave men and women who gave their lives in the daily work of protecting our families and us, at home and in our workplaces.

On average, one officer is killed in this country every other day. Approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During last year, 150 very devoted, brave officers from the ranks of State, local and Federal service were killed in the line of duty. One hundred forty-four men and six women were killed. The average age of those killed in the line of duty was 39 years, and they had an average of 10 years in service.

In my home State of Oklahoma, four brave police officers died in the line of duty in 2000. At this time I would like to read their names into the RECORD:

Deputy Charles Floyd Trivitt, Hughes County Sheriff's Department, died February 21, 2000;

Correctional Officer Joe Allen Gamble, Oklahoma Department of Corrections, Granite Reformatory, died June 6, 2000;

Trooper Matthew Scott Evans, Oklahoma Highway Patrol, and Officer Jeffrey Dean Rominger, Oklahoma Highway Patrol, died August 31, 2000.

Mr. Speaker, the service to be held on May 15 is the 20th anniversary of this memorial service. It represents a national opportunity to honor the contributions and sacrifices of all police officers.

Mr. Speaker, I support the resolution and urge my colleagues to join me in supporting this great tribute to our fallen peace officers.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time just to make the following observation.

Mr. Speaker, in conjunction with this event that occurs on the Capitol Grounds, the police agencies from all over the country will also gather and have a parade beginning on New Jersey Avenue and going to the Police Memorial which is directly across from the National Building Museum.

Mr. Speaker, I would say to my colleagues, if they have not been to that parade, they should go. It is a sight to see. There are bagpipers from all across the country.

Mr. Speaker, the United States Congress authorized the minting of a coin which was sold nationwide, and the proceeds of that coin were used to keep up the National Police Memorial in Washington, D.C.; and there is nothing that will ever compare with the strains of Amazing Grace from so many bagpipes in honor of the men and women who have perished creating the thin blue line.

Mr. COSTELLO. Mr. Speaker, H. Con. Res. 74 authorizes use of the Capitol Grounds for the 20th annual National Peace Officers Memorial Service—a most solemn and respectful service. I strongly support this resolution that honors police officers—brave men and women, who gave their lives in the daily work of protecting our families and us.

On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines.

During last year 150 very devoted, brave officers from the ranks of state, local and federal service were killed in the line of duty—144 men, and 6 women were killed. The average age of those killed was 39 years, and they had an average of 10 years in service.

In my state of Illinois three brave police officers died in the line of duty during 2000—At this time I would like to read their names into the record: Gregory M. Sears, Alane Stoffregen, and William Howard Warren. Their names will be etched on the memorial wall, and will join 4 other officers from Illinois already memorialized.

In addition to those three officers I would also like to read into the record the names of two fallen officers from the St. Louis, Missouri area who have family ties in Southern Illinois. Robert J. Stanze II, St. Louis Police Department, and Richard Eric Weinhold, St. Louis County are police officers who died in the line of duty in 2000.

Mr. Speaker, the service to be held on May 15 is the 20th anniversary of this memorial service. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen Peace Officers.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of H. Con. Res. 74, to authorize the use of the Capitol grounds for the 20th annual National Peace Officers' Memorial Service on May 15, 2001. This solemn and important ceremony honors the 150 brave law enforcement officers who were killed in the line of duty nationwide during 2000.

Our law enforcement officials represent an integral part of our society in which we have instilled public trust. As the vanguard of our public safety, we sometimes take for granted the risks that these law officers assume in the course of their duties. Regrettably, far too often we are reminded of those risks. Since 1794, nearly 15,000 local, state, and federal law enforcement officers have made the ultimate sacrifice while in the line of duty.

The 20th annual National Peace Officers' Memorial Service is the culmination of a week of events prepared by the Fraternal Order of Police commemorating National Police Week. By paying tribute to the dedicated officers who were killed while exercising their duty we honor their memory, their sacrifice, and the family and friends they have left behind.

Accordingly, Mr. Speaker, I am pleased to support this worthy Resolution and I invite my colleagues to join in supporting its passage.

Mr. DAVIS of Illinois. Mr. Speaker, today there are many citizens of this nation that go to great lengths to ensure the safety of our lives as a priority of their own. Today, I rise in support of the 20th Annual National Peace Officers' Memorial Service for the use of the Capitol grounds. I encourage each of you to take note of these individuals who are members of all ranks from municipal, county, state and federal law enforcement agencies, dedicating every moment of their precius life for the betterment of ours. Therefore, I stand to recognize these devoted citizens and to encourage unanimous support for H. Con. Res. 74.

Mr. LaTOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 74.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 74, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GUTKNECHT) at 5 p.m.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276h and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on March 28, 2001:

Mr. BALLENGER, North Carolina, Vice Chairman;
Mr. DREIER, California;
Mr. STENHOLM, Texas;
Mr. BARTON, Texas;
Mr. FILNER, California;
Mr. LEWIS, Kentucky;
Mr. MANZULLO, Illinois;
Ms. GRANGER, Texas;
Mr. REYES, Texas;
Mr. THOMPSON, California.

There was no objection.

REAPPOINTMENT AS MEMBER TO NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore. Without objection, and pursuant to section 306(k) of the Public Health Service Act (42 U.S.C. 242k), the Chair announces the Speaker's reappointment of the following member on the part of the House to the National Committee on Vital and Health Statistics for a term of 4 years:

Mr. Jeffrey S. Blair, Albuquerque, New Mexico.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–58) on the resolution (H. Res. 134) providing for recommittal of the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 581, WILDLAND FIRE MANAGEMENT ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–59) on the resolution (H. Res. 135) providing for consideration of the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 131 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 131

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider reports from the Committee on Rules on the same day they are presented to the House is waived with respect to resolutions reported on the legislative day of May 8, 2001, providing for consideration or disposition of any conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 131 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules. The rule applies the waiver to a special rule reported on the legislative day of May 8, 2001, providing for consideration or disposition of a conference report to accompany the concurrent resolution, H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the rule. I am at a loss to explain why we are once again preparing to circumvent the rules of this body and cram a controversial budget conference down the throats of our colleagues. What aversion does the leadership have to regular order? Last week's paper caper in the midnight hour was a prime illustration of the adage "haste makes waste." In their haste to cover up the details of a flawed budget blueprint, the leadership wasted hour upon hour of time slated for the people's business.

Today's rule is more of the same. Martial law is an extremely heavy-handed process, even for this leadership. Under the rules of the House, a two-thirds vote is required to consider a rule on the same day the Committee on Rules reports it. But the martial law procedures before us allow a rule to be considered on the same day as it is reported rather with a majority, rather than a two-thirds vote.

This rule we are considering would waive the 1-day layover requirement. It would also kick off a chain reaction whereby this body considers several procedural votes in an elaborate game to recommit last week's ill-fated budget conference report and bring up a revised version for consideration. Given what we have learned about the forthcoming conference bill on the budget, we should not be surprised. I suspect that the longer the measure is exposed to the light of day, the more likely it will shrivel up and die.

I would note for the record that no Democrats had input on the conference report. No Democrats were invited to participate in writing this agreement, nor were any Democrats given any information regarding the document that will be the budget guideline for this Nation. The word in the caucus room is that the Budget chairman refused to return the phone calls of our ranking member. This is a far cry from changing the tone in Washington that the current leadership prides itself on.

I urge my colleagues to defeat this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to say that the reason we are using the procedures that we are is to get us timely to the debate on the budget which we hope to have tomorrow. The rules covering the conference reports, preserving the prerogatives of both Chambers of the House, require that we recommit the conference report.

We have created a way to do that this evening, it seems appropriate to do, and then we will proceed tomorrow to debate on the budget. I think that the argument now that the minority has not had a chance to see the budget is a little bit strange considering we have just had 4 days, an ample time to review and ample time to consider that document.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. KELLER).

Mr. KELLER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this budget. As someone who grew up in relatively humble circumstances, in a one-bedroom home in Orlando, Florida, I learned some important things about life at a young age.

First, I learned that single mothers and working families desperately need tax relief. This budget provides that tax relief to the tune of $1.35 trillion.

Second, I learned that a first-class education is a child's passport out of poverty. This budget represents the largest investment in education in the history of the United States, including a $1 billion increase in Pell grants and $5 billion for reading in grades kindergarten through third grade.

I also learned that senior citizens depend on their Social Security checks and prescription drugs to live. This budget puts the Social Security surpluses in a lockbox and spends up to $300 billion for prescription drugs for seniors.

I urge my colleagues to vote yes on the budget. This is what we came here for.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise today in opposition to the House-Senate conference report on the budget for fiscal year 2002. Last week, after excluding Democrats from any meaningful participation in the conference, the House leadership tried to ram this resolution down our throats. Fortunately, they failed because they could not even make the entire bill available for Members' consideration. Under closer inspection it is easy to see why they believe the bill could not bear the light of day.

The information we have been able to review to date indicates that in fiscal year 2002 the conferees approved significantly lower funding for veterans programs than the funding levels passed earlier by either the House Committee on Veterans' Affairs or in the House budget resolution. Under the leadership of the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, the House managed to almost double the President's meager request for discretionary spending for the Nation's veterans, but that effort now appears to have been for naught.

Unfortunately, the Republican leadership has not kept its promises to America's veterans. After applauding themselves on the funding increases for veterans programs, my Republican colleagues realized that realistically their numbers just did not add up. They will tell you that they will fix the harm they have done to these programs with emergency spending. But if that is the case, why do they not just do it in this resolution? Ultimately they were not able to reconcile their promises to veterans with the giant tax cut they have promised to America's wealthiest taxpayers.

The joint resolution will eliminate the gains made for veterans programs in the House and Senate resolutions for fiscal year 2002. The House added $730 million to the President's budget for veterans programs while the Senate passed two separate resolutions that would have added about $1.7 billion to the Bush request of about a $1 billion increase for veterans programs. So we are now back to Bush, and that is bad news for the Nation's veterans.

Veterans groups agree that the Bush budget is inadequate. In a press release this February, the American Legion said, "The Bush administration's fiscal year 2002 budget for the Department of Veterans Affairs is not good enough. Frankly this is a budget that is insufficient to fulfill the campaign promises George W. Bush made."

In a letter to the Senate from four major veterans service organizations, AMVETS, Paralyzed Veterans of America, Veterans of Foreign Wars, and Disabled American Veterans, the increase recommended by the Bush administration was described as an "amount that would not even cover the costs of mandated salary increases and the effects of inflation."

I will vote against this inadequate funding resolution for veterans. The American people need to understand the effect of this overblown tax cut. Our veterans will pay the price.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I understand that even as we speak, the Senate is rewriting this conference report which we are supposed to vote on today and that there is another breakdown going on.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, as someone who loves baseball, I want to say thank you to the President for bringing tee ball to the White House. Seeing those youngsters enjoy themselves on the White House lawn was really terrific. But let me just say that the President should put his money where his photo op is.

The budget that the President and the Republican leadership are pushing through this House cuts important programs that affect our children's education, health and well-being, all for the sake of a tax cut that provides 43 percent of its benefits to the wealthiest 1 percent of Americans.

Who gets cut? Pediatric graduate medical education, training for future pediatricians to care for our kids, gets cut by $35 million. No new funding for Head Start, a program that helps to prepare youngsters for school. No new funding for reading and mathematics education programs that serve our children, and not a dime more in this budget for that program for the next 10 years.

There are 7 million children between the ages of 8 and 13 who go home alone every single day. Yet the President cuts the 21st Century Learning Center program that provides after-school educational opportunities for our kids. The President slashes $1.4 million from the universal newborn hearing screening program, an 18 percent cut.

Photo ops are one thing, but you have to put your money where your values are. That is what budgets are about. They are about values.

□ 1715

It is not about programs. There are some fundamental American values at stake in this debate, values that say everyone should have a chance to succeed, every child should have the best education and a secure retirement.

Those values, every child should have the best education, the best health care, and every single senior should have a decent and secure retirement, those values, for all of the President's rhetoric, are not in the President's budget. This is reflective of the priorities and the values of this administration. They are not focused on American families or American children.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, the budget that the Republicans brought to the House late last Thursday has more than just two pages missing. It is a budget full of plugs and placeholders, and what is really missing are real numbers.

Take defense, the largest account in the discretionary budget. This budget allocates $325 billion to defense, basically what Clinton and Cohen would have spent. But $325 billion is not a real number. It is a placeholder, pending Mr. Rumsfeld's review of what is needed to transform our military. Reports indicate when the time is right, after the tax cuts are enacted, Mr. Rumsfeld will request at least $25 billion a year more than this budget provides.

Take next the rest of all appropriated spending. This budget holds discretionary spending to an increase of 3.8 percent next year and in years thereafter to 2.6 percent below inflation. This is tight, really tight, a lot stricter than any limit to which spending has been held in recent years. If spending is capped at these levels, and a few favored programs such as NIH and transportation get outsized disproportionate increases, then many others will have to be cut. Rather than indicate these unpopular and, some would say, unlikely cuts now, the Republican budget simply increases discretionary spending by the rate of inflation in every function across the board, except defense, which gets more. Then they bury in the last catchall function of the budget $6 billion of unspecified cuts in 2002 and a total of $67 billion in unspecified cuts over the next 10 years.

Now, if we want to see what happens, what results from indiscriminate budgeting, look at education. Remember how the President said in his State of the Union that education would get the largest increase in his budget? That turned out to be a modest increase of $21.4 billion above inflation over the next 10 years. When the budget was open to amendment on the Senate floor, Senators voted three times to debit tax cuts and credit education to the tune of 294 billion additional dollars for education. It was a great victory, but short-lived.

Once Republicans got the budget in the closed conference, they not only deleted all the adds made in the Senate but also cut the President's request of $21.3 billion. This budget now treats education like every other function; inflation only for 10 years, nothing more.

Consider finally the initiative to add prescription drug coverage to Medicare. The President asked for $153 billion over 10 years to pay for drug benefits. In Congress, key Republicans in both Houses called this amount inadequate. Senate Democrats moved to raise the provision for drugs and prevailed. In their conference then, the Republican leadership did not pare down this increase. In conference this was not pared back. The next worst thing was done to it. Instead of setting aside some of the surplus, general fund surplus, to pay for this added benefit, they allow the $300 billion for drug benefits to be drawn from the Medicare Trust Fund.

In the long run, this trust fund, the Medicare Trust Fund, faces a serious shortfall, as we all know. If the cost of prescription drugs is drawn from the trust fund, it will only hasten the day of insolvency.

It is tax cuts that drive this budget, and tax reduction is the most understated number of all. The budget calls for tax cuts of $1.35 billion, $300 billion less than the President first requested, but Republicans from Senator LOTT to Secretary O'Neill have said this is just round one for tax reduction, and I credit them for their honesty because more tax is surely coming. This is not the final number for tax reduction.

When all of these numbers are added up, all of these plugs, all of these placeholders, and add up the likely action that will be layered on top of it, the bottom line in this budget goes negative as early as next year.

Within the next 10 years, we will be $342 billion into the Medicare Trust Fund, $255 billion into the Social Security Trust Fund. Maybe that is why the conference was kept secret and the budget was not shown to us until midnight last Thursday.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I feel compelled to say again that the gentleman from South Carolina (Mr. SPRATT) played no role whatever in this budget and was unable to even get his phone calls returned, and I regret that.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, this budget ought to come out with a warning for senior citizens: Do not look for a decent prescription drug benefit here. President Bush, one may remember, when he was a candidate, promised a prescription drug benefit under Medicare. Instead, this budget has a measly proposal available only to seniors that make under $11,500 a year. This is not going to help people like the Reinauers in my district. He is 75 and she is 71, but they make too much money to get help under the Republican plan.

Mr. Reinauer wrote to me last February saying, "We are going broke paying for prescription drugs." He is paying $324 a month. Mrs. Reinauer has a drug bill that will knock your eyes out, and she pays the full price.

This is a budget that does more for a million millionaires than it does for 39 million Medicare beneficiaries that are waiting for a real prescription drug benefit. That is priorities.

This is not what President Bush promised when he was a candidate and it is not what senior citizens deserve to see in this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. Last week, the House was kept in session until 3:00 a.m. waiting to vote on a budget that our side had not even seen and had no part in creating. That is bipartisanship, according to the Republican model. Then we could not consider the bill until this week because of two missing pages. Since then, those two pages have apparently been found, but there are three more important elements missing: Those are honesty, common sense and fairness.

The resolution we are considering tonight is missing honesty. It does not include resources necessary to offer seniors a universal voluntary prescription drug benefit under Medicare. In fact, the budget resolution shortens the solvency of the Medicare program. George Bush and his allies in the majority party promised to include prescription drug benefits under Medicare over and over in ad after ad, yet this budget falls woefully and embarrassingly short. This budget is missing common sense. The budget proposes large increases in defense spending but the budget they put forward does not pay for them.

In some instances, like paying our soldiers a decent wage, I fully support defense increases. But when it comes to $100 billion missile defense systems, that is not common sense, it is uncommon foolishness.

Finally, the resolution is missing fairness. I have written the Tax Deduction Fairness Act of 2001 which would allow taxpayers in States like ours the option to deduct either their State income taxes or their State sales taxes. This would restore fairness to the Tax Code for residents in my State and in the States of Tennessee, Texas, Nevada, Wyoming, Florida and South Dakota. Such proposals as this were not included in this budget. This budget demands that our States subsidize the rest of the tax cuts for the rest of the country. This body deserves better. We deserve true bipartisanship, true discussion, true common sense, and the seniors and children of this country deserve true health care reform.

This budget does not provide it. We deserve better.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, at the onset, I would like to emphatically state my opposition to this rule, because this process is shameful and insulting.

Mr. Speaker, this process is shameful and insulting because it denies an opportunity to act responsible by informing the American people that the numbers in this budget do not add up unless the Social Security and Medicare Trust Funds are reduced drastically.

I regret that the budget process has come to this stage. We started off with such promise in the House Committee on the Budget of having a fair and open debate on priorities in the budget. The Democrats expected to lose many of the votes in discussions because we are in the minority, but we were at least given an opportunity for an open and fair debate.

President Bush has insisted that he wanted to set a new tone of respect and bipartisanship. What really happened to this fair and open bipartisanship with regard to negotiations on the budget?

On last Wednesday, I read an article in the Washington Times that the White House and the so-called congressional budget negotiators agreed on an 11-year $1.35 trillion tax cut plan. The question in my mind is, who are these negotiators?

The Democrats on the Committee on the Budget were completely shut out of the process. There was no input allowed by the House Democratic leadership or the House Democrats on these budget cuts or tax adjustments. This kind of behavior is unworthy of the honorable Members of Congress and it is very dangerous politics that affects the core of democracy and fair play in our Nation.

This is regrettable because we are balancing the budget on the backs of our seniors. These numbers will not add up unless we reduce the Social Security and Medicare Trust Funds. Yet the President is promising Americans that they can have their cake and eat it, too. He is promising a national missile defense system, far-reaching education reform, prescription drug program, and the list goes on to include inevitably a large additional tax cut that would mostly benefit big business and the wealthy.

I want the American citizens to know that they are being overpromised and deceived in this budget process. As a result, we cannot live up to providing improved education, prescription drugs for seniors, securing Social Security and Medicare, while paying down the debt and giving away a $1.35 trillion tax cut which will probably result in a $2 trillion tax cut.

The attitude projected in this process is that we are not listening and that we will not consider recommended adjustments or changes. This is in spite of the Senate Democrats' effort to allow for increased educational funding in this conference report. All of the $294 billion for educational funds were dropped. Certainly this is not a bipartisan process. To pass this budget means we are breaking our commitment to our seniors, and I urge the defeat of the rule.

To pass this budget means—breaking our commitments to our senior citizens by failing to protect the Social Security and Medicare trust funds; denying our youth and children the best educational opportunities possible; and depriving the poor and needy food and services for their welfare.

As we attempt to balance the priorities of our nation, we should have at least agreed with the Senate by passing a conference report that reflects the needs of our people—like reducing the tax package; paying down more of the national debt; committing new resources for Medicare prescription drugs for all seniors, to provide quality education programs, to meet agricultural needs, and health care needs. There is room for tax relief for everyone, but this tax relief should be considered within the context of ALL of our national needs.

I am insulted by the idea of invoking the Martial Rule. This reflects a disrespectful tactic by the House Majority of this budget process which avoids Democratic input into this budget, and implies that their views are irrelevant or insignificant. There is no doubt that this conference report will raid both the medicare and the social security trust funds. As trustees of this nations wealth, we must make hard choices about how to allocate the resources of the American people. The wrong choices will affect the lives of millions of Americans for years to come.

My fellow colleagues, I urge you to vote "no" on the Martial Law Rule. I vote "no" out of principle since neither the Democratic Members of the Budget Committee nor the Democratic Leadership were given a level playing field in this process.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, the gap between rhetoric and reality has never been wider than in this budget, and I am going to concentrate today especially on the education budget because that gap is truly massive in that area.

We are being asked to support a budget that provides no increase over inflation for education funding, and even falls short of what the President asks for in his budget plan. Despite all the talk from the White House, despite all the talk from our Republican friends, education is not a priority in this budget.

We have serious education needs. We need to reduce class size. We need to construct more schools, get our kids out of trailers. We need to recruit and train teachers. We need to boost Title I aid for disadvantaged school districts. We need to close the achievement gap between majority and minority children. We need to increase Pell grants for college opportunity. We need to meet the Federal Government's obligation to IDEA special education funding. We need to expand Head Start. The list of needs is long. This budget comes up short on every count.

With this budget, President Bush and the Republicans break their promise to increase the maximum Pell grant to $5,100. During the campaign, Candidate Bush promised to raise the maximum Pell grant award to $5,100 for freshmen. Unfortunately, President Bush and the Republicans have fallen at least $1.5 billion short of the amount needed to fulfill that promise.

The President's budget provides only enough funding to raise the maximum award of $3,750 by about $150, which is far less than Pell grant increases in recent years, and this budget does even less than what the President requested.

□ 1730

Then let us talk about Gear Up. Gear Up, that program already underfunded, that program to get colleges and private businesses engaged in mentoring high school students, closing that achievement gap, preparing them for college. This Gear Up program, praised by Secretary of Education Paige when he was in Houston as head of the system there, President Bush wants to cut Gear Up by 20 percent, meaning 200,000 fewer kids being helped; and now this Republican budget provides even less funding.

Bipartisan majorities in the Senate adopted amendments to add $294 billion over 10 years for education over the House-passed budget, but the final version of this budget eliminates those increases. In fact, education receives less in this budget than the woeful House-passed budget by almost $1 billion next year and $21.4 billion over 10 years.

Mr. Speaker, I don't want to just throw money at education and hope for improvements; but without new resources, crumbling classrooms cannot be repaired, new schools cannot be built, teachers cannot be hired and Pell Grants cannot be increased. We must do better. We need more than talk. Reject this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota, Mr. POMEROY.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, we are debating this motion before us to try and fix the budget filing foul-up of the majority from the other night. You know, it is one thing for the majority to be unfair; it is another thing for the majority to be inept. But for the majority to be both on the same piece of legislative business, it is a bit much.

By delaying until after midnight the attempted consideration of the budget, they utterly deprived almost half of this body of the chance of even seeing the numbers they are proposing, literally, until the hour of the vote. But, as we know, that fouled copying machine that withheld two critical pages stopped them dead in their tracks.

You know,, it kind of shakes your confidence. My goodness, if they cannot collate, you do not know whether they can calculate. And now that we have actually had a chance to survey the numbers, we can see indeed there are some very serious problems in calculation, substance problems that go far beyond the embarrassing procedural foul-up they brought upon themselves.

Let us talk specifically about one area, education. This is an area where our new President has called for more Federal leadership in improving the quality of our schools. In fact, he committed $900 million over the next year, $21.4 billion over the 10 years of the budget.

We passed the President's recommendation when the budget was considered in the House over to the Senate, where they said that is a good start, but we need to do more. With a bipartisan vote, they voted to add $294 billion in additional resources into the budget package.

What happened? Well, when we finally got to the numbers of their package, numbers they hoped we would not get to look at and debate fully before this vote we are about to take, all of that money for our schools, all of that money for better education for our children, was stripped out; even President Bush's recommended funding, gone.

Ultimately, all that was left was an inflationary adjustment that amounts to $12.90 per kid per year. We are not going to improve schools on that pittance. We need to adhere to the President's recommended levels and beyond. More money for schools. Reject this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. CAPUANO).

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Massachusetts is recognized for 8½ minutes.

Mr. CAPUANO. Mr. Speaker, I guess I rise today in opposition to the rule, but the truth is this rule means nothing, this budget means nothing, because there are no numbers here that anyone can tell you an answer to.

Most people in my district over the weekend were asking me what we are going to do this week, what is going to happen with the budget, how much money is going into education, how much money is going into health care? The truth is, not a single Member of this House or Senate can answer those questions based on this budget. They do not know. They have no idea how much money is going into education.

I can tell you one thing, the Medicare system, no matter what number they use, this budget will bring the Medicare budget to insolvency much more quickly than before. Community health centers will be cut. I do not know how much, but they will be. Housing will be cut in virtually every single program; from $700 million cut for public housing capital improvement, to a $25 million cut in rural housing programs.

Training for pediatricians will be cut. We think we know a number on that, but we are not sure. The National Institutes of Health will be cut. We are not sure how much, but we think it will be cut. Ryan White AIDS grants will definitely be cut. Drug elimination grants will be cut. The COPS program will be cut. We are not sure how much, but it will be cut. Retraining programs for all those people who are now unemployed, every day we turn on the TV and read the paper, we read about more Americans getting unemployed, but this budget has no money to deal with that. We are not sure how much the Department of Defense is going to go up. We have no idea.

That is why at the end of this budget, you will see what is a huge slush fund. There is no other way to put it. It is the first time in my adult life I have ever seen a negative slush fund, however. It is negative $67 billion, because the numbers do not add up, and what that says is when we get around to it, we will cut something; we do not know what, we will cut something to make this work.

I defy anyone at home to tell me what a negative slush fund is, except a budget that does not work. That is why I rise today to oppose this budget, to oppose this rule.

Mr. Speaker, I yield the balance of my time back to the gentlewoman from New York (Ms. SLAUGHTER).

The SPEAKER pro tempore. The gentlewoman from New York has 6 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island, Mr. LANGEVIN.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to this rule and to a budget conference agreement that jeopardizes fiscal discipline and critical social programs to make room for an enormous tax cut skewed toward the wealthy and based on surplus projections that may never materialize.

Despite a modest reduction in the tax cut originally proposed by the administration, it is still far too large. To pay for it, the agreement usurps funds that should go to other critical priorities, like reducing our debt, creating a stable defense, improving education, providing affordable health care, strengthening Social Security and Medicare, and, yes, a real prescription drug benefit for our seniors, particularly in light of the fact that just today, as reported, spending on prescription drugs has increased by almost 19 percent.

Furthermore, this fundamentally flawed agreement would cut Federal programs that are vital to our Nation's small businesses: worker, health, environmental protection, energy efficiency and housing needs. This budget also shortchanges our vast transportation and infrastructure needs, decreases funding for critical law enforcement programs, and cuts budget authority for the benefits our veterans have earned.

We would all like to reward hardworking Americans by returning some of their tax dollars, but we would also need to ensure that our most pressing needs are met. These are real concerns that warrant a real budget based on real numbers, not partisan rhetoric that falsely touts cooperation and accord. Bipartisan negotiations involve a lot more than just inviting a couple of folks over to the White House for lunch.

I urge my colleagues to join me in rejecting this ill-conceived Republican proposal and supporting instead a sensible, well-balanced budget resolution that speaks to the needs of every American family.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, it occurs to me that maybe the Senate copier was on to something when it split these two pages out. This conference report makes me want to gag when I think about what happened. The obfuscation and deception that has been the hallmark of this budget process is truly worthy of the conference report.

The majority insisted on voting on a budget resolution before seeing the President's budget. That was the first thing. Then the majority shut out the Democrats from any consideration on this conference report and then tried to sneak a vote past the American people before they even had a chance to see their cynical handiwork.

I do not blame the Republican leadership for trying to hide the details of this budget from the people. Nobody would be proud of this budget that pays for tax cuts with the futures of our children. Look at all the child-hostile measures in this budget. It cuts Head Start; it makes child care harder and more less affordable for working families. It cuts Individuals With Disabilities Education Act Part C, which helps prepare disabled infants and toddlers for school. It cuts the 21st Century Community Learning Centers program, which keeps kids safe and productive after school. It cuts the Mental Health Services block grant, which is what everyone tells me is what works in our States when providing that crucial community support for our most vulnerable children. It cuts all of these things, and yet we say that we have a President that wants to put his emphasis on education.

It certainly is not relevant in this budget. We need to see the dollars, or else that will be a hollow promise of his being an education President.

Deception seems to be the name of the game because the majority's irresponsibility for what is going on with this tax cut plan is what is making this such a vulnerable budget to begin with, because it will make it unable for us to meet our obligations long-term for this Nation while being able to cut the taxes for the most wealthy in this country. That is why I think that we should make sure these two pages are included, and we ought to know what the full impact of this budget is.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my colleague for yielding me this time.

Mr. Speaker, I regret that we have to resort to these types of extraordinary rules. We could have bipartisan agreement on a budget. It would not have been difficult for the majority to reach out to the Democrats and come out with a budget that we all could support, that would provide for tax relief as well as protecting Social Security and Medicare and the priority programs, and, most importantly, reducing our national debt.

Mr. Speaker, the reason why I will not support this budget is that I believe it provides for tax cuts that will be too large, allowing us to protect Social Security and Medicare, not only this year, but in future years, and would allow us to continue to make the type of investments in education and the environment and other priorities that are important for the people I represent.

But, most tragically, Mr. Speaker, I think this budget will do exactly what the National Review indicates it will do, and that says "Do not fear a deficit." "Do not fear a deficit."

I think that there are many who understand that this budget, if implemented, will lead to deficit spending again and an effort to downsize government. We do not want to see deficits again, yet I believe this budget will lead in that direction.

So, Mr. Speaker, I regret that we have not used the time until now to work together to bring Democrats and Republicans together on a budget that will allow for reasonable tax relief and allow us to pay down our national debt, rather than adding potential red ink to it.

I urge my colleagues to reject this budget and to work together for the American people.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I realize it might be a little late to do this, but in the interest of accuracy and trying to refocus what we are actually about here, what we are debating is the rule that waives the requirement of clause 6(a) of rule XIII with respect to the same day consideration of certain resolutions reported by the Committee on Rules.

We are not debating the budget here, and the vote we are going to take is not on the budget. In fact, if you wish to get to the budget debate, I urge you to support the rule. The majority is trying to bring the budget to the floor so that the debate we have already heard, some good introductory discussions in this past half-hour, can come to full-blown debate under the conference rules on the floor of the House. So I am going to ask everybody please to support this rule so we can in fact get on with the budget debate tomorrow.

I think that I have heard some concern that was a little puzzling, a lot of conference discussion about this particular budget, which my colleague from New York says is being rewritten by the other body as we speak. If that in fact is the case, then why are we debating a document that is not going to be relevant?

□ 1745

So it seems to me that we should have focused our remarks on the expedition that the majority is trying to bring forth, and that is a journey to the budget debate as quickly as possible in the broad daylight on a beautiful day in Washington, tomorrow, Wednesday, May 9.

I think that those who are still talking about being deprived of the opportunity to see the budget, whether it is the budget we are going to see or not, need to remember that they have had 4 days over the weekend, and indeed, it sounds as if some members have spent some time, and that is useful.

Those who would say that the majority has not been particularly apt or particularly fair in this process are entitled to their opinion, but I think those that come to Washington to look for perfection ought not to be the ones who cast the first stones. I am reminded that I am human and I readily admit I make errors, and I have machines in my office that jam occasionally, they are called copy machines, and if members have copy machines that do not jam, I would like to know what the brand is, because most every brand I have tried jammed, and that, in fact, is what happened. We had a jammed copy machine, and in our interest to try and get the debate started, we were not prudent enough to catch the fact that there were still two pieces of paper caught in the copy machine. We did catch it; but we just did not catch it immediately, so we misfiled.

I know that error takes place, and I do not want to be the one to cast the first stone; but since the stone has been cast, I generally remember in my earlier term here, I think it was back about 1992, there was an embarrassing moment when the present minority was in the majority when somehow or other we lost track of $25 billion worth of Russian aid and the Speaker of the House went through a very considerable scramble to get it back. I do not recall us making a Federal case out of that, and I think that we solved that problem.

I also believe this problem is a much more minor problem; this only involves perhaps giving the opportunity of Members 4 more days to review what might, in fact, be our budget document for budget debate.

So I think that we have come out ahead on this. Whether that was by design or by circumstance does not matter. We, in fact, are going to have a good chance to debate this budget; and everybody is going to have a chance to see what is in it.

But all of that is not relevant to what is before us, which is the rule to get on with the same-day provision that will allow us to get on to debating the budget. So without further comment on the fact that I think we have had an interesting preview of what might come in a budget debate, I would urge that we support this rule; and then the Committee on Rules will soon bring another rule which will also get us that much closer to the budget debate. So, if my colleagues will support that rule as well, we will then have two good rules in place to get us to the budget debate tomorrow; and we can vote on the budget rule tomorrow and then on the conference report, if all goes well.

Having said that, I urge the support of all my colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this resolution are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 49 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 6 o'clock and 1 minute p.m.

HONORING NATIONAL SCIENCE FOUNDATION FOR 50 YEARS OF SERVICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 108.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 108.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 131.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 200, not voting 17, as follows:

[Roll No. 100]

YEAS—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Sununu
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Allen
Costello
Cubin
Gutierrez
Inslee
Jones (OH)
LaHood
Lampson
McDermott
Miller, George
Paul
Peterson (PA)
Rivers
Stump
Sweeney
Taylor (NC)

☐ 1824

Mr. SAWYER and Mr. SERRANO changed their vote from "yea" to "nay".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MCDERMOTT. Mr. Speaker, on rollcall No. 100, I was absent because of mechanical problems with the aircraft I was on. Had I been present, I would have voted "nay."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1613

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1613.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That upon adoption of this resolution the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 is hereby recommitted to the committee of conference.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend and colleague from the Committee on Rules; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on this matter.

□ 1830

Mr. Speaker, the legislation before us grants us a rule that provides that upon adoption of the rule the conference report to accompany H. Con. Res. 83 shall be recommitted to the conference committee.

Simply put, and in plain English for Members, what we are doing is we are taking care of the necessary procedure to get the budget debate on the floor tomorrow. What is going to happen is we are going to pass this rule, then the matter is going to go to the other body. The Committee on Rules is going to meet a little later in the evening, put out a rule to get the new conference report on the floor tomorrow with an appropriate rule, and the House will go about the business of deliberating and voting on the budget, which we are all anxious to get to after the long opportunity we have had to review it in the past several days.

Therefore, this is somewhat of a technical matter; but it is important that in order to continue our progress towards getting the budget on the floor that we adopt this rule. I do not think there is anything unusual about it or controversial about it, and I urge all Members' support.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule to recommit this flawed document. I urge the leadership to use this opportunity to craft a real budget with input from both Republicans and Democrats.

The infamous two missing pages are hardly the only flaws in this so-called agreement. Other pages are missing as well. For instance, waiting in the wings of this Congress are a number of popular tax cuts, including between $85 billion and $115 billion in business tax breaks. Billions more in tax cuts, with the elimination of the estate tax for the Nation's wealthiest citizens, and the elimination of the so-called marriage penalty tax this Congress, are moving through the legislative process. An honest budget would have included these provisions. The House leadership knows full well that at the end of this tax cut frenzy we will surpass the administration's initial proposal of $1.8 trillion.

Also missing are the President's big-ticket items. For starters, we seem to be missing the page that factors in the likely cost of a missile defense system. Nobody knows if it will work, and nobody knows how much it will cost; but estimates run up to $300 billion.

We also seem to be missing the page that explains how we pay for the conventional defense buildup being planned by the administration at a cost of $250 billion over the next decade. How is this consistent with a budget that makes no room for increases in defense spending beyond those already proposed by the Clinton administration?

Also, I have yet to find the page that explains how we will maintain government services in the face of a growing population while increasing spending no faster than inflation. Perhaps the leadership can explain what unspecified drastic cuts to the tune of $400 billion they have planned and how will these cuts not impact Social Security and Medicare.

I urge the leadership to turn over all missing pages and expose these numbers; and, moreover, I would caution my colleagues on the conference committee against signing their name to a document that is patently and shamelessly dishonest in its current form.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I intend to reserve the balance of my time until further notice.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, over the last 5 years we have increased the education budget, on average, 13 percent a year. This year, President Bush has cut that rate of increase in his budget in half to 5.8 percent. The House Republican budget resolution did the same thing that the President did. The Senate then said, that is woefully inadequate for education; and they added $240 billion for education over 10 years by taking it out of the jumbo-size tax cuts. This resolution not only eliminates the entire $240 billion add-on over 10 years for education, it also takes funding for education $25 billion below the President's own budget over the next 10 years, and for this coming year alone takes the education funding $1 billion below President Bush's budget. That is no compromise. That is returning to yesteryear.

If this is the Republican idea of how we put education first, I would hate to see their idea of how we do not. Everything, including education, is being sacrificed to jumbo-size tax cuts for people making over $200,000 a year. That does not represent the priority judgments of the American people. This bill should not only be voted down, it should be laughed down.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule, and I do so with a great deal of disappointment; disappointment in the procedure that is being followed. But I understand why, and I appreciate very much that the chairman of the Committee on the Budget has been the lone exception of trying to seek some kind of bipartisanship on this budget. Obviously, he has been overruled by the leadership, the same leadership that brings this rule today that has to have martial law to pass the budget. Martial law to pass the budget, after we spent 16½ hours on this floor last Thursday waiting on the majority to come up with their idea of what the budget should look like.

Now, I can give my colleagues 10 solid reasons why they ought to vote against the budget, but that is not what we are talking about today. What we are talking about today is the rule. I do not know how much longer the majority is going to be in lockstep with breaking every rule and precedent of the House that they used to criticize us on this side of the aisle for doing, only I do not believe we ever did as good a job at it as they are doing tonight and as they did last week. This is ridiculous.

As one who would like to see some semblance of bipartisanship on the budget, I came to the conclusion that was impossible, and I understand why. And as a member of the minority, I understand why we are not going to win any. But at some point in time, I would hope there would be just a tinge of conscience as to the procedures of the House and as to how we might get a little better comity in working on things like defense and education and health care and agriculture, other than the manner in which this particular budget that this rule makes in order will do.

I will guarantee my colleagues there will be bipartisanship when we start dealing with the specifics. So many of my colleagues on the majority have chosen under their leadership to ignore that to bring this rule to the floor. I urge a vote "no," and let us go back and do it right.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

A quarter of a century ago, when the budget process was established, it was established so that we could look at all of the numbers in a measured, considered way, the income and the outgo, and make sure the numbers added up. It was not intended to be done in the dark of night in a hurried manner with some numbers there and some numbers not there and who knows what is there. Well, that is what we have ended up with today and this is a flagrant violation of the whole spirit of the budget process.

And in this hurry to get this tax cut through in an ill-considered way, we end up with a terrible shortchanging of the American people. Take education, for example. Inadequate consideration for our national need to recruit teachers, to find ways to get the 2.2 million teachers that we need in the next 10 years to keep up with the retirement and attrition in the ranks of teaching. Insufficient attention to the need for new facilities and modern classrooms, where classes of a reasonable size can meet in good conditions.

And with insufficient attention to the other concerns. Take special education, for example: under IDEA, if we are going to meet our national obligation, the Federal Government's obligation for special education, that would come to something on the order of $100 billion over 10 years. Do we find that in this budget resolution? No, we do not.

Education is shortchanged at every turn. And what we have got, coming from the House-Senate conference committee, appears to be a zeroing of the education budget, holding it at a level that does not even keep up with inflation. This is totally inadequate; and it is the result of this hurried, inadequate process.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is outrageous that this week Congress will vote on a budget that threatens the future of our Nation's most valuable asset: our children.

No wonder the Republican leadership tried to rush the budget to the floor last week without allowing adequate consideration. But then I believe they thought they could pull the wool over our eyes by misplacing two of the pages of that budget. Mr. Speaker, it is ironic that the two missing pages contained the details of the $1.35 trillion tax cut.

It appears that those two pages are the essence of how the Republican leadership will pay for their massive tax break; by cutting funding for vital services for American women and their families, including temporary assistance for needy families, workforce training and employment programs, community anti-violence and anti-drug programs, and overall education for the funding of our children.

Moreover, by prioritizing tax breaks for the wealthiest Americans, Mr. Speaker, the Republican leadership is signing away the future of Social Security and the Medicare Trust Fund. In addition to harming children, it appears they want to undermine the future of grandparents, too.

This is unacceptable. I urge my colleagues to vote for the rule to recommit; vote against this budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, in the words of President Reagan, there they go again. Fresh from the missing page debacle, we are back with more of the same. It seems that pieces of paper are not the only things missing as we appear here today.

The administration and the leadership talk a very good game. They tell us they want to increase education spending, they tell us they want a prescription drug plan for seniors, they tell us they want funding for disaster relief. But the numbers say something entirely different, because they just do not compute; they just do not add up. The American public will not be fooled. Because, in fact, it seems there is a lot more missing than two pieces of paper.

Missing: there was $21 billion in education funding missing from this budget. This budget, as filed last week, provides even less money than the President requested in his budget; $21 billion less than requested. The leadership talks a good game about a bipartisan education bill; and that is all well and good, but having a bipartisan bill and talking about it does not do much when a good-faith effort is not made to fund education for our children.

□ 1845

Missing: The explanation. The explanation of how to adequately fund a Medicare prescription plan is missing from the budget. President Bush has suggested that we spend about $115 billion on a program to help seniors. Everyone else in the country seems to acknowledge that it will take at least a minimum of $300 billion to provide anything close to a fair and adequate benefit for senior citizens, but this budget fails to pay for such a benefit.

Missing: Another $5 billion is missing to cover natural disasters. In the years that I have represented my district, we have been hit by tornadoes, floods, droughts, ice storms. My citizens depend on FEMA, and FEMA has provided relief for the citizens of my district. However, this budget completely X's that out. This $5 billion is important and should not be dropped due to a procedural dispute.

Mr. Speaker, much more is missing than two pieces of paper. Much more is missing than two pages in this budget. The priorities of America are missing. The greatness of America is missing. I urge my colleagues to vote for the motion to recommit.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the resolution. This conference report which we are going to debate tonight has some fundamental flaws in it which should lead us to go back to the drawing board. I want to highlight what I think is the most egregious problem.

We have actually shortchanged education below what the President has proposed. Many of us applauded the President during his campaign for talking about leaving no child behind and doing more to help our schools reduce class size, attract qualified teachers and build safe and clean, modern schools. He proposed an increase in education spending which many of us thought was simply a beginning, simply a start.

Now, here in the House of Representatives tonight, we are going to adopt a conference report that is $21 billion less than what the President has proposed. Nobody has had the courage to stand on the floor of the House tonight and say why we should do less than the President of the United States has proposed for what we all agree should be our Nation's highest priority. In Tampa, Florida, my district, this is our highest priority, and people I represent want us to pay down the debt and see a fair tax cut that benefits all Americans, but they want us to do something about education.

We ought to have the courage to stand up to where the President has started the debate in terms of leaving no child behind. Instead, this House is breaking from the President, is repudiating this position, is funding education at $21 billion less than what the President has proposed. How can we go forward debating the Elementary and Secondary Authorization Act we were supposed to take up last week, and we are putting all of the money into a tax cut instead.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, we have been waiting all year to get details of a proposed budget, and we have been forced to vote on crucial issues such as a tax cut without seeing the budget. Now we are being forced to vote on a budget on which we have had no input and only have gotten access to because of human error. This type of process is unfair and extremely heavy-handed.

President Bush promised the American people he would be the education President. He campaigned on a slogan of, "Leave no child behind." When he gave his State of the Union address, he stated, "Education is my top priority, and by supporting this budget you will make it yours as well."

Yet this budget has no substantial new funding for education. The President's ostensible commitment to education, like his ostensible commitment to bipartisanship, is a hoax. He took $288 billion over the next 10 years out of the budget for education. This amount had bipartisan support in the Senate, yet the conference agreement eliminates 98 percent of that increased funding. This measly 2 percent increase amounts to a mere $13 per student per year. The balanced budget the Democrats offered and that Republicans unanimously rejected called for a $112 billion increase in education funding over 10 years. This funding would have provided for class size reductions, school renovation, teacher recruitment, increased funds for special education, expansion of Pell grants and additional funds for Head Start.

Announcing support for education without providing funding to back it up is no more than another empty promise from a President whose legacy will more likely be his consistent flip-flop on crucial issues rather than any proposed commitment to education.

Mr. Speaker, my colleagues are going to hear a lot about education this evening. He promised, he promised. He has broken that promise in the way that he has put this budget together. I ask for a "yes" vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, yesterday the gentleman from New York (Mr. REYNOLDS) was quoted in Roll Call as saying, "The Democrats are whining about the process rather than getting into debate on the substance."

I am going to talk about substance tomorrow, but let me talk about process today. I ask my colleagues on the majority side of the aisle, what do they think about 212 Americans who represent approximately 235 million Americans, not Democrats, 235 million Americans, who had no opportunity to see the substance of your proposal on Thursday night?

Cannot we cry foul over a Republican budget process that completely shuts out the representatives of the people, not us as individuals, but of the people that we represent, Republicans, Democrats, Independents, and, yes, those who are not aligned.

Our ranking member on the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) was not allowed into the conference on this resolution; yet we adopt a rule that today will not debate substance but, by process alone, will recommit this bill to the Committee on the Budget.

Mr. Speaker, I am pretty sure I detected a few Republican tears in the wee hours of the morning that they could not get this through. As a matter of fact, I heard the distinguished gentleman from Florida talking about that and lamenting. After all, that is when the majority learned the painful truth: It would have to wait 4 days. Look who is crying now.

Mr. Speaker, the other side of the aisle has had a weekend of bad press on these frankly heavy-handed budget tactics, and people are starting to reexamine the substance in this budget, a budget that provides huge tax cuts for the wealthiest Americans, and let the budget ax fall on education, contrary to the bipartisan agreement in the other body, and seniors who need prescription drugs, and our environment.

Mr. Speaker, let us vote down this rule. Let us return this matter to the American people and have a full and fair debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, just 4 days ago the lights went out in the House of Representatives, although many of us were here seeking the opportunity to have a full debate on a budget that all of America could support; but unfortunately, it did not happen. We waited and we waited, and all of a sudden pages were missing.

I believe the real key is whether the American people will have their voices heard and whether or not they will know for sure that this is a budget that actually invades the Social Security Trust Fund and the Medicare Trust Fund because of the $1.3 trillion tax cut over a 10-year period, and 2011 will show us an invasion in Social Security and Medicare.

Mr. Speaker, today in my district there was an Older American Seminar, and some of the major questions being raised was what is happening to Medicare and what is happening to Social Security? What is happening to the real drug prescription benefit that the President promised us almost 2 and 3 years ago? I can say there is no room at the inn, and there is no money in the House.

When we speak about educating our children, $294 billion for education is all of a sudden missing. The President, who indicates that education is his chief responsibility, has money for reading and Pell grants, and I agree with that, but where is the money for the other programs that we so sorely need. Whether it is issues like Title I, whether it is issues for special education, whether it is school construction, where is the commitment for the Federal Government collaboration with local government dealing with health?

The National Institutes of Health should be supported, but if you exclude the National Institutes of Health funding from health funding in the budget, you will find that that money is insufficient to take care of the needs, like uninsured children in America, 1 million in the State of Texas. We only enroll 300,000 to 400,000, so children are uninsured and we need the dollars to be able to assist.

If we talk about civil rights and election reform, budgets in the Department of Justice have been cut and so we are not serious about election reform or civil rights in this country.

Mr. Speaker, let us turn the lights on and do this in a bipartisan way and get a real budget and oppose the resolution that is on the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I support sending this bill back to the Committee on the Budget. There is so much work the conference committee still has to do. I say with respect to the gentlewoman who talked about missing pages, there are more than just pages missing from this document. There are whole chapters that are missing. Just look at the President's priorities that are not funded or included.

How are we going to pay for national missile defense? The President is talking about that. That is hundreds of billions of dollars not recognized in this budget document.

How are we going to pay for his military build up that he is going to ask for in 2 weeks, probably $25 billion a year? How are we going to pay for that? It is not mentioned in this budget.

How are we going to pay for his proposal to privatize Social Security? If that is implemented, there are probably $1 trillion in transition costs; yet this budget document is completely silent on those Presidential priorities.

There is an awful lot missing in this document, Mr. Speaker. The problem is it cuts taxes too deeply, and it has far too little for debt reduction. The American people want us to pay down the debt. The American people I represent want debt reduction. That is a higher priority for them than large tax cuts, and they do not want us to take our budget process back to unbalanced budgets, deficit spending, and years and years of debt.

Mr. Speaker, we need to return this for the missing pages, the missing chapters to be added. I support a "yes" vote on recommittal.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, the hottest play on Broadway is a play about a washed-up producer and his erstwhile accountant who try to sell a flop to widows, and instead of selling 100 percent they sell 1,000 percent, and when it goes under, they will take the rest.

Mr. Speaker, the hottest play in Washington apparently is the budget resolution that is before us today, and is going back to the Committee on the Budget, and will come back tomorrow, where we claim that we are going to have a tax cut that is contained and we are going to contain spending at a certain amount, as if all around the Capitol and even on the floor today and even over at the White House today when funding issues come up, they say, Do not worry, we will put more education money in later. Do not worry, we will put more money in for FEMA later. Do not worry, we will fund the NSF, the National Science Foundation, later. Do not worry, if my colleagues do not think the tax cut is big enough, we will take care of that later.

What we have produced here is a flop where we are selling the American people 1,000 percent of the shares. It is a total fraud that is being committed through this budget. It is unrealistic, and at the end of the day what is going to happen is they are going to go to the appropriators and they are going to say, Let us waive the Budget Act and let us go ahead. It is not going to be 4 or 5 percent, it is going to be 6 percent, and what we are not going to do is have a strong fiscal policy for the good of the general economy, and we will purport a fraud on the American people in the process by eliminating and finally eviscerating once and for all the Budget Act.

Mr. Speaker, I think it is a great shame that this House and the Senate have decided to follow in the footsteps of Broadway as opposed to doing the American people's business.

□ 1900

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me this time.

This budget should be sent back to the conference, and it should be fixed. The way it ought to be fixed is that the budget plan put forth by the gentleman from South Carolina (Mr. SPRATT) last month ought to be substituted for what will be before us tomorrow.

In the years from the inception of the Republic to 1980, we ran up a public debt of about $1 trillion to fight and win World War I, World War II, dig our way out of the Great Depression, build the interstate highway system, do all the things America did in those years. In the years between 1980 and 1992, we more than quadrupled that debt. By the time 1993 rolled around, we were in excess of $5 trillion in debt.

The major difference between the plan that will be before us tomorrow and the plan that should be before us tomorrow is this: at the end of the 10-year period, giving the most charitable interpretation to the majority's plan, when we compare it to the 10-year period under the gentleman from South Carolina's plan, our children will be approximately one-half trillion dollars greater in debt under the majority's plan than if we adopted the gentleman from South Carolina's plan. That is one-half trillion dollars, I think it is really closer to a trillion if we use honest accounting, that we are choosing to saddle our children with.

When I came here in 1990, fiscal conservatives wanted to eliminate the deficit and pay down the debt. Well, the worm has turned and it appears to me that those who call themselves fiscal conservatives now stand up for fiscal irresponsibility.

Send this budget back to the conference and fix it and relieve our children of the debt that we are imposing upon them.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, there are many reasons this budget ought to be sent back to conference. It needs a total overhaul, a complete rewrite. I would like to ask the gentleman from the Committee on Rules if there is a possibility if we send it back if you might reconsider concurrent receipt for veterans disability pay which was passed in the Senate but struck in conference. Is there any chance we can redeem that?

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I think that one of the interesting things that is going on here is that I am representing the Committee on Rules and am proud to do so and we are dealing with a rule. Other speakers have gotten a little off the track of the rule and are talking about the budget, which is the property and province of the Committee on the Budget and the conference committee that is discussing it. It is the Committee on Rules' desire to get this legislation back to that conference committee where the gentleman could properly address that question.

Mr. SPRATT. I want to suggest there are many things you ought to do and one of my biggest concerns is the way defense has been treated in this budget. When it left the House, we provided $70 billion more than the rate of inflation and gave the chairman of the committee the authority, I did not agree with this, but the authority willy-nilly to come back and plus that up by even more. You got to conference and took $30 billion of that away in order to get the discretionary spending number down.

Let me tell you what my big concern is. Looking at this fairly complicated chart here, if you come to the bottom line, it is the line, the amount of money that remains after all the puts and takes in the conference agreement have been made. There is $12 billion in 2002, 19 in 2003, 24 in 2004; but we have read in recent weeks about the likely defense request that Mr. Rumsfeld is going to send once he figures out how to transform our military. And the numbers run 2, $300 billion, $25 billion a year. We have factored that into this budget. That is this line right here, defense increase. You know it is coming. I know it is coming. This budget explicitly anticipates it by giving the Committee on the Budget chairman the authority to adjust this number, however it takes.

But what you have got is a thin bottom line here that will not sustain the kind of increase that Mr. Rumsfeld is talking about. I would suggest if you are going to take it back to the conference committee, you might see if you can get these numbers to mesh.

Look, for example, at the year 2003. The Rumsfeld request in that year, if it is $25 billion, plus let us add the previous year, would be about $33 billion. But what is left in the contingency reserve? Just $24 billion. Every year for the next 6 years, there is too little money left over to provide for what the likely defense increase is going to be. So I think this budget needs a huge rework.

Let me mention one other thing. Buried in this budget without any debate in the Committee on the Budget is a provision that prohibits the use of advance appropriations. It so happens that there are entities around here that can make good use of advance appropriations. The United States Navy would like to have that authority so they can move from full funding to incremental funding. This will prohibit them from doing that. It was put in the budget resolution because you shut the doors, you shut us out, there was no constructive discussion of this. And certainly not of the education increase. The Senate provided a nearly $300 billion plus-up in education over and above inflation, a huge increase, as a result of three amendments on the Senate floor. A majority of the Senate passed the budget resolution with that increase included; and, bam, it went to conference, it disappeared. Not only did it disappear, the President requested $21.4 billion more than the rate of inflation for education. It is gone, too.

This was supposed to be an education budget. The President told us from that podium right there a couple of months ago that education would be the account in his budget increased the most. You are bringing this budget back to vote on in the House with nothing more than inflation. Zero inflation. You have maintained real purchasing power.

Recommit to the conference, you bet. But take it back to the conference and put it through a real conference. Put it through an adversarial process and bring us a budget that is worth consideration. This has too many missing numbers, too many unreal numbers, too many plugs and placeholders.

Mr. Speaker, I include a chart pertaining to the budget conference for the RECORD.

BUDGET CONFERENCE AGREEMENT THREATENS MEDICARE AND SOCIAL SECURITY

[Billions of dollars; CBO January assumptions]

	2001	2002	2003	2004	2005	2006	2007	2008	2008	2010	2011	2002–11
Conference Agreement:												
Baseline Unified Surplus	281	313	359	397	433	505	573	635	710	796	889	5,610
Social Security	156	171	188	201	221	238	257	276	294	312	331	2,488
Medicare Part A	29	36	39	41	40	44	41	41	39	37	34	393
Available Surplus	96	106	132	155	172	223	275	318	377	447	524	2,729
Permanent Tax Cut	0	50	76	84	97	138	141	153	166	171	191	1,269
Stimulus Tax Cut	85	15	0	0	0	0	0	0	0	0	0	15
Medicare Rx and Home Health	0	0	1	11	22	29	41	46	49	54	61	314
Other Health	0	7	12	11	2	2	2	2	2	2	2	44
Agriculture	6	7	8	8	8	8	8	7	6	6	6	70
Veterans	0	0	1	1	1	1	1	1	0	0	0	6
All Other	2	7	4	–3	–0	–3	1	1	1	1	1	10
Resulting New Interest	2	7	12	19	26	36	48	62	78	95	114	498
"Contingency Reserve"	1	12	19	24	16	13	33	46	75	118	149	504
Likely Further Action:												
Average Historical Emergencies	....	2	4	5	6	6	6	6	6	7	7	55
Defense Increase	0	13	21	27	32	37	45	48	49	49	49	370
AMT Fix	0	1	4	7	13	21	37	43	49	55	63	293
Tax "Extenders"	0	1	2	3	3	4	4	5	5	6	7	41
Business Tax Cuts	0	3	4	4	4	4	3	3	3	4	4	36
Health Tax Cuts	0	0	2	4	6	6	7	7	7	7	7	53
Retirement Tax Cuts	0	1	3	3	4	5	6	6	7	8	8	52
Resulting Net Interest	0	1	2	5	8	13	19	26	34	43	53	203
Resulting Surplus/Deficit	1	–11	–22	–33	–60	–82	–94	–98	–86	–61	–50	–597
Spending of Medicare Surplus	0	–11	–22	–33	–40	–44	–41	–41	–39	–37	–34	–342
Spending of Social Security Surplus	0	0	0	0	–20	–38	–52	–58	–47	–24	–16	–255

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to call on all of my colleagues to vote yes on this rule because the effect will be to deliver last week's budget to the ignominious defeat and death that it so richly deserves.

I urge a yes vote on this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I am, of course, very pleased that the gentlewoman is approaching this in a bipartisan way and there is full agreement. This is a bipartisan rule. We are both encouraging support for this rule. If you do not like the budget, send it back to the conference committee. If you do like the budget, send it back to the conference committee. This is actually one of the easiest rules I have ever had to handle.

I do say the gentleman from South Carolina was very instructive. I am going to get myself one of those charts for Rules so that I can get people to understand what it is we are talking about better.

I am looking forward to the budget debate tomorrow when members from the Committee on the Budget will actually be at the microphones and at the leadership and committee tables on this side explaining the budget that we are proposing. Tonight we are proposing a rule because we are the Committee on Rules. The rule is designed to get the budget on the floor because that is much more interesting and more important. That is what we hope to accomplish. I want to thank all of those for their forbearance as we have gone through this procedure which is not something that we had anticipated when we started; but I appreciate the comity, good humor, and pleasant commentary and the bipartisanship.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

[Roll No. 101]

YEAS—409

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Capuano

NOT VOTING—21

Ackerman
Allen
Clement
Costello
Cubin
DeGette
Dooley
Fattah
Frost
Gutierrez
Hall (OH)
Inslee
Issa
Jones (OH)
LaHood
McDermott
Rivers
Stump
Sweeney
Taylor (NC)
Weldon (PA)

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Messrs. TANCREDO, WAMP, ENGEL, MANZULLO, LARGENT, UDALL of Colorado and GREEN of Texas and Ms. HOOLEY of Oregon changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 10 H. Res. 134 I was absent because of mechanical problems with the aircraft I was on. Had I been present, I would have voted "yea."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONABLE DECISIONS COMING FROM SUPREME COURT

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I wanted to address myself this evening to a decision by the Supreme Court of the United States which came down around the end of last month, about 2½ weeks ago. It is a decision by the Supreme Court, a five to four decision, another one of those narrow decisions that is decided by one of the nine justices, which I think has very deep and compelling implications for every American.

Let me tell you what that decision entailed. It involved a case in the State of Texas. The situation was this: A woman, a young mother, was bringing two of her children home from soccer practice. She was driving a pickup truck. The two children were in the cab with her. She was driving through a community at 15 miles per hour.

She was stopped by a police officer of that community, and she was stopped because the police officer observed that she was not wearing a seat belt. There was no other infraction. She was driving below the speed limit, she had not violated any other of the vehicle and traffic laws or anything else. She was simply stopped by the police officer because he observed that she was not wearing a seat belt.

He stopped her, with her two children; and he placed her under arrest. He put her in handcuffs, arrested her, took her into custody, and was about to take the two children into custody when, fortunately, a neighbor came by and took custody of the two children and took them home. But the woman was arrested and taken off to jail in handcuffs. She was later forced to place bond, $310 bond, for a violation, the fine for which would have been no more than $50 if the maximum fine had been imposed.

The woman sued the city in Texas. It went through the court system and finally worked its way to the Supreme Court. The Supreme Court in a five to four decision declared that the officer was right in arresting her; he was right in putting her in handcuffs; he was right taking her into custody, taking her to jail; and it was right to force her to post a bail of more than $300.

By the way, in the meantime they searched the vehicle. They searched the pickup truck, and they found some very dangerous equipment in the truck: A bicycle, two tricycles, a cooler for keeping beverages cool, some barbecue equipment, and a pair of children's shoes. That is what they found in the back of the truck. The Supreme Court said that that was right.

Now, I am here this evening talking about this because I am increasingly disturbed by these right-wing decisions that are being made by a court which places in jeopardy the civil liberties and the civil rights of every single American, because after that Supreme Court decision, the court in effect has made law. It is now the law of the land that any police officer in any community at any time can stop anybody for not wearing a seat belt and take them into custody and take their children into custody too, for that matter, apparently, and search their vehicle, simply because they were not wearing a seat belt.

It is interesting to note as I mentioned earlier it was a five to four decision. We are seeing a lot of these five to four decisions recently. The five justices included Justice Kennedy, who was appointed by President Reagan; Justice Rehnquist, appointed by President Nixon and elevated to be the Chief Justice of the Supreme Court by President Reagan; also joining in the majority was Justice Thomas, who was appointed by President Bush, the first President Bush; and also Justice Scalia, who was appointed by President Reagan. Also, oddly enough, Justice Souter, who usually has better sense than to join these other four in these decisions, but on this particular occasion it seems perhaps his experience as a prosecutor before becoming a judge may have overcome him and he displayed the kind of bad judgment which is exemplified in this five to four Supreme Court decision.

I am worried about this also because we have seen recently that the President of the United States, Mr. Bush, the second Mr. Bush, has made it clear that he is no longer going to take recommendations from the American Bar Association with regard to justices on any of the Federal courts, that is the Federal Appeals Court, the circuit courts or the United States Supreme Court; and instead he is going to take recommendations from the Federalist Society.

I think we all ought to be deeply concerned about what is going on in our courts and about the way that this particular decision typifies or exemplifies at least the kind of bad decisions that are being made on a five to four basis in the Supreme Court of the United States.

UPDATE ON CRISIS AFFECTING KLAMATH BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to update my colleagues in the House on the crisis affecting the people of the Klamath Basin in Oregon and California.

Yesterday I attended what was called a "bucket brigade." We had buckets like these representing each of the 50 States where we took water out of the lake and symbolically handed it down a chain of people 1.2 miles long to dump it in the A-Canal that this year will have no water in it.

These are the people that were at the rally. In all my years in public office, here and in Oregon, I have never seen close to 16,000 people turn out to protest a government action, but that occurred in Klamath Falls yesterday; peaceful, civil disobedience, making the case for reforming the Endangered Species Act.

Let me tell you what people are saying. Let me share with you some of the letters and comments. This from a Vietnam veteran who earned a medal for heroism, who flies in the Klamath Basin in a crop duster: "When the season starts up, we have just about used all our savings from the previous season. Taxes take a huge chunk out of my check. Since I have no retirement plan from work, I have to put what little I can into that. We have house payments due, food to put on the table, heating bills. I have no money left. I am going to have to start drawing from our IRA; and with penalties and interest, that is a poor option, but all I have. We are going to lose our house. We can't sell it, because everyone here is in the same boat. It is worth nothing. Help us."

And this from a woman from Malin: "The decision of no water for irrigation comes as a major disaster to our small communities of Malin and Merrill, Tooley Lake. The government can offer low interest loans, but who will be able to ever pay them back. Our spirit is broken. How can the government ever be trusted again? Contracts for water in the Klamath project, where, by the way, there are 1,000 farmers that will not get water this year for the first time since this project was created nearly 100 years ago, contracts for this water have been broken and our water stolen. Why would we build more storage, to have it taken away by another group? There are school football fields and city parks that will get no water this summer."

Mr. Speaker, there have already been traffic accidents on the major highway because this area is turning into a dust bowl, and it will this summer, because the government has said it needs all the water for the suckers in Klamath Lake and for the salmon in Klamath River.

So the "reasonable" and "prudent" decision of the government, and I put those two words in quotes, is to say the ranchers and the farmers can have no water; the schools that rely on the water for their fields and the cities for their parks will have no water; the people will have no income; the people will have no livelihood.

They have no way to survive if they have no water to put on their crops, because nothing will be raised, nothing will be grown, nothing will be harvested, because the Endangered Species Act as written today makes no provision for people, for communities like Klamath Falls or Malin or Merrill or Tooley Lake.

☐ 1945

No, these people are left off the plate. They have no seat at the table of public policy. They are being wiped out by this decision. It is wrong. The time has come to change and amend the Endangered Species Act so that we do not make these unilateral decisions that wipe people out.

Mr. Speaker, 16,000 people in the Klamath Basin turned out yesterday to try to get the attention of the country, to get the attention of this Congress that change is needed. We can work together to have a cleaner environment, but we do not have to wipe agriculture off the map to do it. We can work together to provide for habitat for fish, but we do not have to create a dust bowl to do it. We do not have to rely on science that is now being questioned by those who have finally had an opportunity to look at it who say, maybe that science is not right.

But let me tell my colleagues, on April 6, the decision was made: the headgates will be closed and they will be closed all year. The water will not flow. It is too late to plant. The contracts will be lost. Farmers have nothing to put in the ground, and if they did, no water to make it grow.

So, we will approach this Congress for disaster relief. It is an option we wish we did not have to take; but we will, because we have no other option for this year. We will approach this Congress and vigorously fight for changes in the Endangered Species Act. This can happen to you, because it has happened to these people who fight for our country and provided for our people and farmed the land.

CONFERENCE REPORT ON H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

CONFERENCE REPORT (H. REPT. 107–60)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.
Sec. 103. Reconciliation in the Senate.
Sec. 104. Reconciliation in the House.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Restrictions on advance appropriations in the House.
Sec. 202. Restrictions on advance appropriations in the Senate.
Sec. 203. Mechanism for implementing increase of fiscal year 2002 discretionary spending limits.
Sec. 204. Compliance with section 13301 of the Budget Enforcement Act of 1990.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.
Sec. 212. Reserve fund for Family Opportunity Act.
Sec. 213. Reserve fund for agriculture.
Sec. 214. Reserve fund for additional tax cuts and debt reduction.
Sec. 215. Technical reserve fund for student loans.
Sec. 216. Reserve fund for health insurance for the uninsured.
Sec. 217. Reserve fund for defense in the Senate.
Sec. 218. Strategic reserve fund in the House.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

Sec. 301. Sense of the Senate on conservation.

Sec. 302. Sense of the Senate on AIDS and other infectious diseases.
Sec. 303. Sense of the Senate on consolidated health centers.
Sec. 304. Funding for Department of Justice programs for State and local law enforcement assistance.
Sec. 305. Sense of the Senate regarding United States Coast Guard fiscal year 2002 funding.
Sec. 306. Strengthening our national food safety infrastructure.
Sec. 307. Sense of the Senate with respect to increasing funds for renewable energy research and development.
Sec. 308. Sense of the Senate with respect to increased education funding.
Subtitle B—Sense of the Congress
Sec. 311. Asset building for the working poor.
Sec. 312. Federal fire prevention assistance.
Sec. 313. Funding for graduate medical education at children's teaching hospitals.
Sec. 314. Concurrent retirement and disability benefits to retired members of the Armed Forces.
Sec. 315. Federal employee pay.
Sec. 316. Sales tax deduction.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,630,462,000,000.
Fiscal year 2002: $1,638,202,000,000.
Fiscal year 2003: $1,706,044,000,000.
Fiscal year 2004: $1,780,310,000,000.
Fiscal year 2005: $1,852,646,000,000.
Fiscal year 2006: $1,901,304,000,000.
Fiscal year 2007: $1,994,674,000,000.
Fiscal year 2008: $2,089,726,000,000.
Fiscal year 2009: $2,193,954,000,000.
Fiscal year 2010: $2,318,055,000,000.
Fiscal year 2011: $2,436,550,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2001: $0.
Fiscal year 2002: −$65,286,000,000.
Fiscal year 2003: −$76,067,000,000.
Fiscal year 2004: −$84,025,000,000.
Fiscal year 2005: −$97,124,000,000.
Fiscal year 2006: −$138,279,000,000.
Fiscal year 2007: −$141,081,000,000.
Fiscal year 2008: −$153,084,000,000.
Fiscal year 2009: −$166,162,000,000.
Fiscal year 2010: −$171,247,000,000.
Fiscal year 2011: −$191,343,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,653,681,000,000.
Fiscal year 2002: $1,510,948,000,000.
Fiscal year 2003: $1,668,530,000,000.
Fiscal year 2004: $1,733,617,000,000.
Fiscal year 2005: $1,814,079,000,000.
Fiscal year 2006: $1,866,139,000,000.
Fiscal year 2007: $1,945,112,000,000.
Fiscal year 2008: $2,025,075,000,000.
Fiscal year 2009: $2,102,398,000,000.
Fiscal year 2010: $2,186,341,000,000.
Fiscal year 2011: $2,277,143,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,600,529,000,000.
Fiscal year 2002: $1,476,841,000,000.
Fiscal year 2003: $1,641,515,000,000.
Fiscal year 2004: $1,709,251,000,000.
Fiscal year 2005: $1,790,389,000,000.
Fiscal year 2006: $1,837,846,000,000.
Fiscal year 2007: $1,912,602,000,000.
Fiscal year 2008: $1,994,838,000,000.
Fiscal year 2009: $2,071,497,000,000.
Fiscal year 2010: $2,154,203,000,000.
Fiscal year 2011: $2,243,394,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $29,933,000,000.
Fiscal year 2002: $161,361,000,000.
Fiscal year 2003: $64,529,000,000.
Fiscal year 2004: $71,059,000,000.
Fiscal year 2005: $62,257,000,000.
Fiscal year 2006: $63,458,000,000.
Fiscal year 2007: $82,072,000,000.
Fiscal year 2008: $94,888,000,000.
Fiscal year 2009: $122,457,000,000.
Fiscal year 2010: $163,852,000,000.
Fiscal year 2011: $193,156,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,660,699,000,000.
Fiscal year 2002: $5,603,812,000,000.
Fiscal year 2003: $5,654,952,000,000.
Fiscal year 2004: $5,700,089,000,000.
Fiscal year 2005: $5,751,561,000,000.
Fiscal year 2006: $5,803,295,000,000.
Fiscal year 2007: $5,832,676,000,000.
Fiscal year 2008: $5,847,714,000,000.
Fiscal year 2009: $5,988,315,000,000.
Fiscal year 2010: $6,343,661,000,000.
Fiscal year 2011: $6,720,963,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,243,211,000,000.
Fiscal year 2002: $2,924,234,000,000.
Fiscal year 2003: $2,691,176,000,000.
Fiscal year 2004: $2,437,771,000,000.
Fiscal year 2005: $2,170,550,000,000.
Fiscal year 2006: $1,882,764,000,000.
Fiscal year 2007: $1,555,637,000,000.
Fiscal year 2008: $1,194,633,000,000.
Fiscal year 2009: $939,000,000,000.
Fiscal year 2010: $878,000,000,000.
Fiscal year 2011: $818,000,000,000.

(7) SOCIAL SECURITY.—

(A) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $504,109,000,000.
Fiscal year 2002: $532,308,000,000.
Fiscal year 2003: $560,938,000,000.
Fiscal year 2004: $588,674,000,000.
Fiscal year 2005: $620,060,000,000.
Fiscal year 2006: $649,221,000,000.
Fiscal year 2007: $679,935,000,000.
Fiscal year 2008: $712,454,000,000.
Fiscal year 2009: $746,439,000,000.
Fiscal year 2010: $782,029,000,000.
Fiscal year 2011: $819,185,000,000.

(B) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $343,562,000,000.
Fiscal year 2002: $356,646,000,000.
Fiscal year 2003: $369,521,000,000.
Fiscal year 2004: $382,488,000,000.
Fiscal year 2005: $394,844,000,000.
Fiscal year 2006: $407,020,000,000.
Fiscal year 2007: $419,285,000,000.
Fiscal year 2008: $432,293,000,000.
Fiscal year 2009: $448,317,000,000.
Fiscal year 2010: $465,780,000,000.
Fiscal year 2011: $483,963,000,000.

(C) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:
(A) New budget authority, $3,431,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2002:
(A) New budget authority, $3,579,000,000.
(B) Outlays, $3,525,000,000.
Fiscal year 2003:
(A) New budget authority, $3,695,000,000.
(B) Outlays, $3,655,000,000.
Fiscal year 2004:
(A) New budget authority, $3,819,000,000.
(B) Outlays, $3,763,000,000.
Fiscal year 2005:
(A) New budget authority, $3,939,000,000.
(B) Outlays, $3,881,000,000.
Fiscal year 2006:
(A) New budget authority, $4,064,000,000.
(B) Outlays, $4,004,000,000.
Fiscal year 2007:
(A) New budget authority, $4,194,000,000.
(B) Outlays, $4,132,000,000.
Fiscal year 2008:
(A) New budget authority, $4,331,000,000.
(B) Outlays, $4,267,000,000.
Fiscal year 2009:
(A) New budget authority, $4,471,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2010:
(A) New budget authority, $4,619,000,000.
(B) Outlays, $4,551,000,000.
Fiscal year 2011:
(A) New budget authority, $4,773,000,000.
(B) Outlays, $4,702,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $316,873,000,000.
(B) Outlays, $302,371,000,000.
Fiscal year 2002:
(A) New budget authority, $324,832,000,000.
(B) Outlays, $319,137,000,000.
Fiscal year 2003:
(A) New budget authority, $333,646,000,000.
(B) Outlays, $326,643,000,000.
Fiscal year 2004:
(A) New budget authority, $342,294,000,000.
(B) Outlays, $335,184,000,000.
Fiscal year 2005:
(A) New budget authority, $350,876,000,000.
(B) Outlays, $347,073,000,000.
Fiscal year 2006:
(A) New budget authority, $359,807,000,000.
(B) Outlays, $353,482,000,000.
Fiscal year 2007:
(A) New budget authority, $369,023,000,000.
(B) Outlays, $359,774,000,000.
Fiscal year 2008:
(A) New budget authority, $378,505,000,000.
(B) Outlays, $372,416,000,000.
Fiscal year 2009:
(A) New budget authority, $388,323,000,000.
(B) Outlays, $382,242,000,000.
Fiscal year 2010:
(A) New budget authority, $398,338,000,000.
(B) Outlays, $392,227,000,000.
Fiscal year 2011:
(A) New budget authority, $408,821,000,000.
(B) Outlays, $402,579,000,000.

(2) International Affairs (150):

Fiscal year 2001:

(A) New budget authority, $22,424,000,000.

(B) Outlays, $19,670,000,000.

Fiscal year 2002:

(A) New budget authority, $23,214,000,000.

(B) Outlays, $19,082,000,000.

Fiscal year 2003:

(A) New budget authority, $23,750,000,000.

(B) Outlays, $19,554,000,000.

Fiscal year 2004:

(A) New budget authority, $24,214,000,000.

(B) Outlays, $20,164,000,000.

Fiscal year 2005:

(A) New budget authority, $24,911,000,000.

(B) Outlays, $20,431,000,000.

Fiscal year 2006:

(A) New budget authority, $25,504,000,000.

(B) Outlays, $20,900,000,000.

Fiscal year 2007:

(A) New budget authority, $26,107,000,000.

(B) Outlays, $21,494,000,000.

Fiscal year 2008:

(A) New budget authority, $26,482,000,000.

(B) Outlays, $22,031,000,000.

Fiscal year 2009:

(A) New budget authority, $26,937,000,000.

(B) Outlays, $22,650,000,000.

Fiscal year 2010:

(A) New budget authority, $27,458,000,000.

(B) Outlays, $23,235,000,000.

Fiscal year 2011:

(A) New budget authority, $28,065,000,000.

(B) Outlays, $23,766,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2001:

(A) New budget authority, $21,043,000,000.

(B) Outlays, $19,612,000,000.

Fiscal year 2002:

(A) New budget authority, $21,583,000,000.

(B) Outlays, $20,725,000,000.

Fiscal year 2003:

(A) New budget authority, $22,055,000,000.

(B) Outlays, $21,361,000,000.

Fiscal year 2004:

(A) New budget authority, $22,379,000,000.

(B) Outlays, $21,945,000,000.

Fiscal year 2005:

(A) New budget authority, $22,839,000,000.

(B) Outlays, $22,429,000,000.

Fiscal year 2006:

(A) New budget authority, $23,323,000,000.

(B) Outlays, $22,847,000,000.

Fiscal year 2007:

(A) New budget authority, $23,812,000,000.

(B) Outlays, $23,280,000,000.

Fiscal year 2008:

(A) New budget authority, $24,303,000,000.

(B) Outlays, $23,743,000,000.

Fiscal year 2009:

(A) New budget authority, $24,816,000,000.

(B) Outlays, $24,239,000,000.

Fiscal year 2010:

(A) New budget authority, $25,335,000,000.

(B) Outlays, $24,749,000,000.

Fiscal year 2011:

(A) New budget authority, $25,879,000,000

(B) Outlays, $25,274,000,000.

(4) Energy (270):

Fiscal year 2001:

(A) New budget authority, $1,225,000,000.

(B) Outlays, −$115,000,000.

Fiscal year 2002:

(A) New budget authority, $1.360,000,000.

(B) Outlays, −$19,000,000.

Fiscal year 2003:

(A) New budget authority, $1,328,000,000.

(B) Outlays, −$72,000,000.

Fiscal year 2004:

(A) New budget authority, $1,309,000,000.

(B) Outlays, −$120,000,000.

Fiscal year 2005:

(A) New budget authority, $1,254,000,000.

(B) Outlays, −$91,000,000.

Fiscal year 2006:

(A) New budget authority, $1,336,000,000.

(B) Outlays, −$3,000,000.

Fiscal year 2007:

(A) New budget authority, $1,411,000,000.

(B) Outlays, $71,000,000.

Fiscal year 2008:

(A) New budget authority, $1,882,000,000.

(B) Outlays, $440,000,000.

Fiscal year 2009:

(A) New budget authority, $1,998,000,000.

(B) Outlays, $579,000,000.

Fiscal year 2010:

(A) New budget authority, $2,021,000,000.

(B) Outlays, $703,000,000.

Fiscal year 2011:

(A) New budget authority, $1,990,000,000.

(B) Outlays, $691,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2001:.

(A) New budget authority, $28,833,000,000.

(B) Outlays, $26,361,000,000.

Fiscal year 2002:

(A) New budget authority, $30,381,000,000.

(B) Outlays, $28,652,000,000.

Fiscal year 2003:

(A) New budget authority, $31,263,000,000.

(B) Outlays, $30,368,000,000.

Fiscal year 2004:

(A) New budget authority, $32,249,000,000.

(B) Outlays, $31,506,000,000.

Fiscal year 2005:

(A) New budget authority, $33,091,000,000.

(B) Outlays, $32,365,000,000.

Fiscal year 2006:

(A) New budget authority, $33,965,000,000.

(B) Outlays, $33,281,000,000.

Fiscal year 2007:

(A) New budget authority, $34,767,000,000.

(B) Outlays, $34,126,000,000.

Fiscal year 2008:

(A) New budget authority, $35,691,000,000.

(B) Outlays, $34,903,000,000.

Fiscal year 2009:

(A) New budget authority, $37,064,000,000.

(B) Outlays, $36,194,000,000.

Fiscal year 2010:

(A) New budget authority, $38,111,000,000.

(B) Outlays, $37,190,000,000.

Fiscal year 2011:

(A) New budget authority, $39,137,000,000.

(B) Outlays, $38,190,000,000.

(6) Agriculture (350):

Fiscal year 2001:

(A) New budget authority, $31,790,000,000.

(B) Outlays, $29,154,000,000.

Fiscal year 2002:

(A) New budget authority, $26,265,000,000.

(B) Outlays, $24,593,000,000.

Fiscal year 2003:

(A) New budget authority, $26,507,000,000.

(B) Outlays, $24,924,000,000.

Fiscal year 2004:

(A) New budget authority, $26,562,000,000.

(B) Outlays, $25,120,000,000.

Fiscal year 2005:

(A) New budget authority, $26,406,000,000.

(B) Outlays, $24,915,000,000.

Fiscal year 2006:

(A) New budget authority, $25,452,000,000.

(B) Outlays, $23,853,000,000.

Fiscal year 2007:

(A) New budget authority, $24,083,000,000.

(B) Outlays, $22,509,000,000.

Fiscal year 2008:

(A) New budget authority, $22,723,000,000.

(B) Outlays, $21,134,000,000.

Fiscal year 2009:

(A) New budget authority, $21,921,000,000.

(B) Outlays, $20,441,000,000.

Fiscal year 2010:

(A) New budget authority, $21,553,000,000.

(B) Outlays, $20,174,000,000.

Fiscal year 2011:

(A) New budget authority, $21,703,000,000.

(B) Outlays, $20,319,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2001:

(A) New budget authority, $2,516,000,000.

(B) Outlays, −$771,000,000.

Fiscal year 2002:

(A) New budget authority, $10,174,000,000.

(B) Outlays, $6,587,000,000.

Fiscal year 2003:

(A) New budget authority, $11,394,000,000.

(B) Outlays, $5,952,000,000.

Fiscal year 2004:

(A) New budget authority, $16,042,000,000.

(B) Outlays, $11,733,000,000.

Fiscal year 2005:

(A) New budget authority, $16,163,000,000.

(B) Outlays, $12,387,000,000.

Fiscal year 2006:

(A) New budget authority, $16,138,000,000.

(B) Outlays, $11,790,000,000.

Fiscal year 2007:

(A) New budget authority, $16,245,000,000.

(B) Outlays, $12,061,000,000.

Fiscal year 2008:

(A) New budget authority, $16,404,000,000.

(B) Outlays, $11,894,000,000.

Fiscal year 2009:

(A) New budget authority, $16,479,000,000.

(B) Outlays, $11,934,000,000.

Fiscal year 2010:

(A) New budget authority, $16,597,000,000.

(B) Outlays, $11,889,000,000.

Fiscal year 2011:

(A) New budget authority, $16,714,000,000.

(B) Outlays, $11,915,000,000.

(8) Transportation (400):

Fiscal year 2001:

(A) New budget authority, $62,130,000,000.

(B) Outlays, $51,681,000,000.

Fiscal year 2002:

(A) New budget authority, $64,965,000,000.

(B) Outlays, $56,167,000,000.

Fiscal year 2003:

(A) New budget authority, $62,392,000,000.

(B) Outlays, $60,521,000,000.

Fiscal year 2004:

(A) New budget authority, $64,154,000,000.

(B) Outlays, $62,662,000,000.

Fiscal year 2005:

(A) New budget authority, $65,907,000,000.

(B) Outlays, $64,225,000,000.

Fiscal year 2006:

(A) New budget authority, $67,794,000,000.

(B) Outlays, $65,702,000,000.

Fiscal year 2007:

(A) New budget authority, $69,637,000,000.

(B) Outlays, $66,577,000,000.

Fiscal year 2008:

(A) New budget authority, $71,490,000,000.

(B) Outlays, $67,775,000,000.

Fiscal year 2009:

(A) New budget authority, $73,377,000,000.

(B) Outlays, $69,221,000,000.

Fiscal year 2010:

(A) New budget authority, $76,412,000,000.

(B) Outlays, $70,588,000,000.

Fiscal year 2011:

(A) New budget authority, $78,652,000,000.

(B) Outlays, $72,183,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $11,225,000,000.

(B) Outlays, $11,366,000,000.

Fiscal year 2002:

(A) New budget authority, $11,892,000,000.

(B) Outlays, $11,730,000,000.

Fiscal year 2003:

(A) New budget authority, $12,067,000,000.

(B) Outlays, $11,731,000,000.

Fiscal year 2004:

(A) New budget authority, $12,350,000,000.

(B) Outlays, $11,967,000,000.

Fiscal year 2005:

(A) New budget authority, $12,664,000,000.

(B) Outlays, $11,913,000,000.

Fiscal year 2006:

(A) New budget authority, $12,933,000,000.

(B) Outlays, $11,936,000,000.

Fiscal year 2007:

(A) New budget authority, $13,198,000,000.

(B) Outlays, $12,181,000,000.

Fiscal year 2008:

(A) New budget authority, $13,476,000,000.

(B) Outlays, $12,444,000,000.

Fiscal year 2009:

(A) New budget authority, $13,759,000,000.

(B) Outlays, $12,696,000,000.

Fiscal year 2010:

(A) New budget authority, $14,048,000,000.

(B) Outlays, $12,962,000,000.

Fiscal year 2011:

(A) New budget authority, $14,340,000,000.

(B) Outlays, $13,233,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,951,000,000.

(B) Outlays, $69,850,000,000.

Fiscal year 2002:

(A) New budget authority, $81,234,000,000.

(B) Outlays, $76,742,000,000.

Fiscal year 2003:

(A) New budget authority, $82,805,000,000.

(B) Outlays, $81,479,000,000.

Fiscal year 2004:

(A) New budget authority, $84,386,000,000.

(B) Outlays, $83,574,000,000.

Fiscal year 2005:

(A) New budget authority, $87,122,000.000.

(B) Outlays, $85,819,000,000.

Fiscal year 2006:

(A) New budget authority, $89,233,000,000.

(B) Outlays, $87,924,000,000.

Fiscal year 2007:

(A) New budget authority, $91,327,000,000.

(B) Outlays, $89,955,000,000.

Fiscal year 2008:

(A) New budget authority, $93,501,000,000.

(B) Outlays, $92,115,000,000.

Fiscal year 2009:

(A) New budget authority, $95,780,000,000.

(B) Outlays, $94,341,000,000.

Fiscal year 2010:

(A) New budget authority, $98,113,000,000.

(B) Outlays, $96,654,000,000.

Fiscal year 2011:

(A) New budget authority, $100,517,000,000.

(B) Outlays, $99,017,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $180,104,000,000.

(B) Outlays, $173,012,000,000.

Fiscal year 2002:

(A) New budget authority, $198,775,000,000.

(B) Outlays, $196,668,000,000.

Fiscal year 2003:

(A) New budget authority, $221,150,000,000.

(B) Outlays, $219,770,000,000.

Fiscal year 2004:

(A) New budget authority, $235,474,000,000.

(B) Outlays, $234,672,000,000.

Fiscal year 2005:

(A) New budget authority, $242,661,000,000.

(B) Outlays, $241,084,000,000.

Fiscal year 2006:

(A) New budget authority, $259,125,000,000.

(B) Outlays, $257,594,000,000.

Fiscal year 2007:

(A) New budget authority, $278,882,000,000.

(B) Outlays, $276,575,000,000.

Fiscal year 2008:

(A) New budget authority, $299,116,000,000.

(B) Outlays, $297,091,000,000.

Fiscal year 2009:

(A) New budget authority, $320,791,000,000.

(B) Outlays, $319,017,000,000.

Fiscal year 2010:

(A) New budget authority, $345,380,000,000.

(B) Outlays, $343,729,000,000.

Fiscal year 2011:

(A) New budget authority, $372,407,000,000.

(B) Outlays, $370,945,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,531,000,000.

(B) Outlays, $217,708,000,000.

Fiscal year 2002:

(A) New budget authority, $229,179,000,000.

(B) Outlays, $229,121,000,000.

Fiscal year 2003:

(A) New budget authority, $244,838,000,000.

(B) Outlays, $244,596,000,000.

Fiscal year 2004:

(A) New budget authority, $271,378,000,000.

(B) Outlays, $271,579,000,000.

Fiscal year 2005:

(A) New budget authority, $306,158,000,000.

(B) Outlays, $306,079,000,000.

Fiscal year 2006:

(A) New budget authority, $326,564,000,000.

(B) Outlays, $326,298,000,000.

Fiscal year 2007:

(A) New budget authority, $363,686,000,000.

(B) Outlays, $363,901,000,000.

Fiscal year 2008:

(A) New budget authority, $393,686,000,000.

(B) Outlays, $393,578,000,000.

Fiscal year 2009:

(A) New budget authority, $424,278,000,000.

(B) Outlays, $423,993,000,000.

Fiscal year 2010:

(A) New budget authority, $458,957,000,000.

(B) Outlays, $459,194,000,000.

Fiscal year 2011:

(A) New budget authority, $497,379,000,000.

(B) Outlays, $497,366,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $255,942,000,000.

(B) Outlays, $256,932,000,000.

Fiscal year 2002:

(A) New budget authority, $273,840,000,000.

(B) Outlays, $272,122,000,000.

Fiscal year 2003:

(A) New budget authority, $283,864,000,000.

(B) Outlays, $282,611,000,000.

Fiscal year 2004:

(A) New budget authority, $295,030,000,000.

(B) Outlays, $293,420,000,000.

Fiscal year 2005:

(A) New budget authority, $309,192,000,000.

(B) Outlays, $307,667,000,000.

Fiscal year 2006:

(A) New budget authority, $316,761,000,000.

(B) Outlays, $315,312,000,000.

Fiscal year 2007:

(A) New budget authority, $324,056,000,000.

(B) Outlays, $322,627,000,000.

Fiscal year 2008:

(A) New budget authority, $338,278,000,000.

(B) Outlays, $336,950,000,000.

Fiscal year 2009:

(A) New budget authority, $349,561,000,000.

(B) Outlays, $347,987,000,000.

Fiscal year 2010:

(A) New budget authority, $360,308,000,000.

(B) Outlays, $358,600,000,000.

Fiscal year 2011:

(A) New budget authority, $371,593,000,000.

(B) Outlays, $369,419,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $9,805,000,000.

(B) Outlays, $9,805,000,000.

Fiscal year 2002:

(A) New budget authority, $11,004,000,000.

(B) Outlays, $11,003,000,000.

Fiscal year 2003:

(A) New budget authority, $11,733,000,000.

(B) Outlays, $11,733,000,000.

Fiscal year 2004:

(A) New budget authority, $12,496,000,000.

(B) Outlays, $12,496,000,000.

Fiscal year 2005:

(A) New budget authority, $13,308,000,000.

(B) Outlays, $13,308,000,000.

Fiscal year 2006:

(A) New budget authority, $14,207,000,000.

(B) Outlays, $14,207,000,000.

Fiscal year 2007:

(A) New budget authority, $15,168,000,000.

(B) Outlays, $15,168,000,000.

Fiscal year 2008:

(A) New budget authority, $16,241,000,000.

(B) Outlays, $16,241,000,000.

Fiscal year 2009:

(A) New budget authority, $17,483,000,000.

(B) Outlays, $17,483,000,000.

Fiscal year 2010:

(A) New budget authority, $18,878,000,000.

(B) Outlays, $18,878,000,000.

Fiscal year 2011:

(A) New budget authority, $20,388,000,000.

(B) Outlays, $20,388,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $46,675,000,000.

(B) Outlays, $45,926,000,000.

Fiscal year 2002:

(A) New budget authority, $51,512,000,000.

(B) Outlays, $50,921,000,000.

Fiscal year 2003:

(A) New budget authority, $53,801,000,000.

(B) Outlays, $53,408,000,000.

Fiscal year 2004:

(A) New budget authority, $56,161,000,000.

(B) Outlays, $55,744,000,000.

Fiscal year 2005:

(A) New budget authority, $60,317,000,000.

(B) Outlays, $59,847,000,000.

Fiscal year 2006:

(A) New budget authority, $59,863,000,000.

(B) Outlays, $59,368,000,000.

Fiscal year 2007:

(A) New budget authority, $59,345,000,000.

(B) Outlays, $58,853,000,000.

Fiscal year 2008:

(A) New budget authority, $63,407,000,000.

(B) Outlays, $62,971,000,000.

Fiscal year 2009:

(A) New budget authority, $64,981,000,000.

(B) Outlays, $64,570,000,000.

Fiscal year 2010:

(A) New budget authority, $66,973,000,000.

(B) Outlays, $66,555,000,000.

Fiscal year 2011:

(A) New budget authority, $69,063,000,000.

(B) Outlays, $68,632,000,000.

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $30,577,000,000.

(B) Outlays, $30,003,000,000.

Fiscal year 2002:

(A) New budget authority, $32,431,000,000.

(B) Outlays, $31,436,000,000.

Fiscal year 2003:

(A) New budget authority, $32,545,000,000.

(B) Outlays, $32,809,000,000.

Fiscal year 2004:

(A) New budget authority, $35,330,000,000.

(B) Outlays, $35,543,000,000.

Fiscal year 2005:

(A) New budget authority, $36,420,000,000.

(B) Outlays, $36,347,000,000.

Fiscal year 2006:

(A) New budget authority, $37,466,000,000.

(B) Outlays, $37,036,000,000.

Fiscal year 2007:

(A) New budget authority, $38,543,000,000.

(B) Outlays, $38,013,000,000.

Fiscal year 2008:

(A) New budget authority, $39,665,000,000.

(B) Outlays, $39,152,000,000.

Fiscal year 2009:

(A) New budget authority, $40,822,000,000.
(B) Outlays, $40,292,000,000.
Fiscal year 2010:
(A) New budget authority, $42,021,000,000.
(B) Outlays, $41,483,000,000.
Fiscal year 2011:
(A) New budget authority, $43,284,000,000.
(B) Outlays, $42,728,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $16,307,000,000.
(B) Outlays, $16,065,000,000.
Fiscal year 2002:
(A) New budget authority, $16,496,000,000.
(B) Outlays, $16,193,000,000.
Fiscal year 2003:
(A) New budget authority, $16,651,000,000.
(B) Outlays, $16,493,000,000.
Fiscal year 2004:
(A) New budget authority, $17,082,000,000.
(B) Outlays, $16,978,000,000.
Fiscal year 2005:
(A) New budget authority, $17,560,000,000.
(B) Outlays, $17,201,000,000.
Fiscal year 2006:
(A) New budget authority, $18,068,000,000.
(B) Outlays, $17,641,000,000.
Fiscal year 2007:
(A) New budget authority, $18,609,000,000.
(B) Outlays, $18,144,000,000.
Fiscal year 2008:
(A) New budget authority, $18,791,000,000.
(B) Outlays, $18,445,000,000.
Fiscal year 2009:
(A) New budget authority, $19,377,000,000.
(B) Outlays, $18,882,000,000.
Fiscal year 2010:
(A) New budget authority, $19,968,000,000.
(B) Outlays, $19,437,000,000.
Fiscal year 2011:
(A) New budget authority, $20,599,000,000.
(B) Outlays, $20,048,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $275,467,000,000.
(B) Outlays, $275,467,000,000.
Fiscal year 2002:
(A) New budget authority, $259,162,000,000.
(B) Outlays, $259,162,000,000.
Fiscal year 2003:
(A) New budget authority, $252,364,000,000.
(B) Outlays, $252,364,000,000.
Fiscal year 2004:
(A) New budget authority, $247,310,000,000.
(B) Outlays, $247,310,000,000.
Fiscal year 2005:
(A) New budget authority, $240,115,000,000.
(B) Outlays, $240,115,000,000.
Fiscal year 2006:
(A) New budget authority, $235,642,000,000.
(B) Outlays, $235,642,000,000.
Fiscal year 2007:
(A) New budget authority, $232,136,000,000.
(B) Outlays, $232,136,000,000.
Fiscal year 2008:
(A) New budget authority, $227,484,000,000.
(B) Outlays, $227,484,000,000.
Fiscal year 2009:
(A) New budget authority, $221,933,000,000.
(B) Outlays, $221,933,000,000.
Fiscal year 2010:
(A) New budget authority, $214,899,000,000.
(B) Outlays, $214,899,000,000.
Fiscal year 2011:
(A) New budget authority, $207,328,000,000.
(B) Outlays, $207,328,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $84,528,000,000.
(B) Outlays, $84,697,000,000.
Fiscal year 2002:
(A) New budget authority, −$103,548,000,000.
(B) Outlays, −$99,379,000,000.
Fiscal year 2003:
(A) New budget authority, −$6,115,000,000.
(B) Outlays, −$5,222,000,000.
Fiscal year 2004:
(A) New budget authority, −$6,268,000,000.
(B) Outlays, −$5,912,000,000.
Fiscal year 2005:
(A) New budget authority, −$6,423,000,000.
(B) Outlays, −$6,263,000,000.
Fiscal year 2006:
(A) New budget authority, −$6,580,000,000.
(B) Outlays, −$6,503,000,000.
Fiscal year 2007:
(A) New budget authority, −$6,744,000,000.
(B) Outlays, −$6,665,000,000.
Fiscal year 2008:
(A) New budget authority, −$6,908,000,000.
(B) Outlays, −$6,828,000,000.
Fiscal year 2009:
(A) New budget authority, −$7,079,000,000.
(B) Outlays, −$6,994,000,000.
Fiscal year 2010:
(A) New budget authority, −$7,251,000,000.
(B) Outlays, −$7,165,000,000.
Fiscal year 2011:
(A) New budget authority, −$7,429,000,000.
(B) Outlays, −$7,340,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, −$38,265,000,000.
(B) Outlays, −$38,265,000,000.
Fiscal year 2002:
(A) New budget authority, −$38,803,000,000.
(B) Outlays, −$38,803,000,000.
Fiscal year 2003:
(A) New budget authority, −$49,508,000,000.
(B) Outlays, −$49,508,000,000.
Fiscal year 2004:
(A) New budget authority, −$56,315,000,000.
(B) Outlays, −$56,315,000,000.
Fiscal year 2005:
(A) New budget authority, −$46,463,000,000.
(B) Outlays, −$46,463,000,000.
Fiscal year 2006:
(A) New budget authority, −$50,461,000,000.
(B) Outlays, −$50,461,000,000.
Fiscal year 2007:
(A) New budget authority, −$48,179,000,000.
(B) Outlays, −$48,179,000,000.
Fiscal year 2008:
(A) New budget authority, −$49,141,000,000.
(B) Outlays, −$49,141,000,000.
Fiscal year 2009:
(A) New budget authority, −$50,203,000,000.
(B) Outlays, −$50,203,000,000.
Fiscal year 2010:
(A) New budget authority, −$51,778,000,000.
(B) Outlays, −$51,778,000,000.
Fiscal year 2011:
(A) New budget authority, −$53,287,000,000.
(B) Outlays, −$53,287,000,000.

SEC. 103. RECONCILIATION IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), the Senate Committee on Finance shall report a reconciliation bill not later than May 18, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,250,000,000,000 and increase the total level of outlays by not more than $100,000,000,000 for the period of fiscal years 2001 through 2011: *Provided*, That $100,000,000,000 of these revenues and outlays shall only be available for fiscal years 2001 through 2002.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that of the total amount reconciled in subsection (a), $100,000,000,000 will be for an economic stimulus package over the next 2 years.

SEC. 104. RECONCILIATION IN THE HOUSE.

(a) IN GENERAL.—Subject to subsection (b), the Committee on Ways and Means of the House of Representatives shall report to the House of Representatives a reconciliation bill not later than May 18, 2001 that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,250,000,000,000 for the period of years 2001 through 2011 and the total level of outlays may be increased by not more than $100,000,000,000 for the period of fiscal years 2001 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that of the total amount reconciled in subsection (a), $100,000,000,000 will be for an economic stimulus package over the next 2 years.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE HOUSE.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided—

(1) for fiscal year 2003 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

SEC. 202. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(b) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2003 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—

(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the

Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2002 that first becomes available for any fiscal year after 2002.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Budget Enforcement Act of 1990 should be amended to address procedures for advance appropriations for fiscal years beginning with fiscal year 2003.

SEC. 203. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2002 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2002 (as set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) Except for a necessary adjustment included in function 920 (to comply with section 312(b) of the Congressional Budget Act of 1974), the functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2002 as follows:

(A) For the discretionary category: $659,540,000,000 in new budget authority and $647,780,000,000 in outlays.

(B) For the highway category: $28,489,000,000 in outlays.

(C) For the mass transit category: $5,275,000,000 in outlays.

(D) For the conservation category: $1,760,000,000 in new budget authority and $1,232,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 1st Session of the 107th Congress in a timely fashion, it is imperative that the Senate consider legislation which establishes appropriate discretionary spending limits for fiscal year 2002 through 2006 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2002 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the Senate shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) SENATE DEFENSE FIREWALL.—

(1) DEFINITION.—In this subsection, for purposes of enforcement in the Senate for fiscal year 2002; the term "discretionary spending limit" means—

(A) for the defense category, $325,070,000,000 in new budget authority; and

(B) for the nondefense category, $336,230,000,000 in new budget authority.

(2) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Committee on Appropriations is made pursuant to subsection (b) and except as provided in subparagraph (B), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this subsection.

(B) EXCEPTION.—This paragraph shall not apply if a declaration of war by Congress is in effect.

(3) WAIVER AND APPEAL.—This subsection may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

SEC. 204. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House of Representatives, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

(a) MEDICARE REFORM AND PRESCRIPTION DRUGS.—If the Committee on Finance of the Senate or the Committee on Ways and Means or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $0 for fiscal year 2002, $59,100,000,000 for the period of fiscal years 2002 through 2006, and $300,000,000,000 for the period of fiscal years 2002 through 2011.

(b) MEDICARE PAYMENTS TO HOME HEALTH AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Senate Committee on Finance or the House Committee on Ways and Means or Committee on Energy and Commerce report a bill, or if an amendment thereto is offered or a conference report thereon is submitted, that repeals the 15 percent reduction in payments under the medicare program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the appropriate chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee and other appropriate budgetary aggregates and levels by the amount the amount provided by that measure for that purpose, but not to exceed $0 in new budget authority and outlays in 2002, $4,000,000,000 for the period 2002 through 2006, and $13,700,000,000 for the period 2002 through 2011.

(2) SURPLUS.—Legislation described in paragraph (1) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to subsection (a)), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 212. RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce of the House of Representatives reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the "Family Opportunity Act of 2001"), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $227,000,000 in new budget authority and $180,000,000 in outlays for fiscal year 2002, $3,035,000,000 in new budget authority and $2,724,000,000 in outlays for the period of fiscal years 2002 through 2006, and $8,337,000,000 in new budget authority and $7,867,000,000 in outlays for the period of fiscal years 2002 through 2011.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 213. RESERVE FUND FOR AGRICULTURE.

(a) IN GENERAL.—(1) Subject to subsection (b), if the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on Agriculture of the House of Representatives reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, to reauthorize the Federal Agriculture Improvement Act of 1996, title I of that Act, and other appropriate agricultural production legislation, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal years 2003 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $66,150,000,000 in new budget authority and outlays for fiscal years 2003 through 2011.

(2) In the House of Representatives, if an adjustment is made under paragraph (1), the Chairman of the Committee on the Budget may adjust the fiscal year 2002 level by an amount not to exceed the adjustment that is made for fiscal year 2003 (and reduce the adjustment made for fiscal year 2003 by that amount).

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 214. RESERVE FUND FOR ADDITIONAL TAX CUTS AND DEBT REDUCTION.

If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2002 through 2011), estimates an on-budget surplus for any of fiscal years 2001 through 2011 that exceeds the estimated on-budget surplus set forth in the Congressional Budget Office's January 2001 budget and economic outlook for such fiscal year, the chairman of the Committee on the Budget of the House may, in an amount not to exceed the increase in such surplus for that fiscal year—

(1) reduce the recommended level of Federal revenues and make other appropriate adjustments (including the reconciliation instructions) for that fiscal year;

(2) reduce the appropriate level of the public debt, increase the amount of the surplus, and make other appropriate adjustments for that fiscal year; or

(3) any combination of paragraphs (1) and (2).

SEC. 215. TECHNICAL RESERVE FUND FOR STUDENT LOANS.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, or the Committee on Education and the Workforce of the House of Representatives reports a bill, or an amendment is offered, or a conference report is submitted, that provides additional resources for legislation that repeals the replacement interest rate structure for student loans scheduled to occur on July 1, 2003, the appropriate Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to the appropriate committee—

(1) for fiscal years 2001 and 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $110,000,000 in new budget authority and $100,000,000 outlays;

(2) for fiscal years 2001 through 2006 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $3,440,000,000 in new budget authority and $2,840,000,000 outlays; and

(3) for fiscal years 2001 through 2011 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $7,665,000,000 in new budget authority and $6,590,000,000 outlays.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 216. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

(a) IN GENERAL.—Subject to subsection (b), if the Committee on Finance of the Senate or the Committee on Energy and Commerce or Committee on Ways and Means of the House of Representatives report a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed $28,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2004 or $28,000,000,000 in revenues for the period of fiscal years 2002 through 2004 or any combination of budget authority and outlays or revenues as long as the sum of all revisions does not exceed $28,000,000,000. The chairman of the appropriate Committee on the Budget is authorized to allocate these resources over a period of time longer than that specified in the previous sentence.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 217. RESERVE FUND FOR DEFENSE IN THE SENATE.

(a) IN GENERAL.—Subject to subsection (b), if the President submits a budget amendment and the Committee on Appropriations or the Committee on Armed Services of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides additional resources for defense spending in response to the recommendations of the President's National Defense Review, the Chairman of the Committee on the Budget may increase the allocation of new budget authority and outlays to that committee for fiscal year 2002 by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose.

(b) SURPLUS.—Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SEC. 218. STRATEGIC RESERVE FUND IN THE HOUSE.

(a) ADJUSTMENTS.—In the House of Representatives, the chairman of the Committee on the Budget may adjust the appropriate aggregates and committee allocations of new budget authority (and outlays flowing therefrom) for fiscal year 2002 for a bill making appropriations for the Department of Defense and, for fiscal years 2002 through 2011, a bill making authorizations for the Department of Defense, a bill providing a prescription drug benefit, and any other appropriate legislation. The chairman may also make adjustments for amendments to or conference reports on such bills. In making adjustments under this subsection, the chairman shall consider, as appropriate, the recommendations of the President's National Defense Review and any statement of administrative policy or supplemental budget request relating to any legislation referred to in this subsection.

(b) LIMITATIONS.—(1) The adjustments for any bill referred to in subsection (a) shall be in an amount not to exceed the amount by which such bill breaches the applicable allocation or aggregate.

(2) Legislation described in subsection (a) may not, when taken together with all other previously-enacted legislation (except for legislation enacted pursuant to section 211), reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committees on the Budget of the House of Representatives and the Senate; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—

(1) IN GENERAL.—In the House of Representatives, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2002 and the total for fiscal year 2002 and the four ensuing fiscal years.

(2) APPROPRIATE LEVELS.—For purposes of enforcement of the Congressional Budget Act of 1974 in the House of Representatives, the appropriate levels of total new budget authority and total budget outlays for fiscal years 2002 through 2011 prescribed by this resolution pursuant to section 301(a)(1) of such Act shall be based upon the table entitled "Conference Report Fiscal Year 2002, Budget Resolution Total Spending and Revenues" in conjunction with the provisions of title II of this resolution.

(e) ENFORCEMENT IN THE SENATE.—The Senate, for purposes of enforcement of the Congressional Budget Act of 1974 and this resolution, measures discharged pursuant to Senate Resolution 8 shall be considered as if the measure had been reported from the committee of jurisdiction.

SEC. 222. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

SEC. 301. SENSE OF THE SENATE ON CONSERVATION.

It is the sense of the Senate that conservation funding is a priority of the One Hundred Seventh Congress.

SEC. 302. SENSE OF THE SENATE ON AIDS AND OTHER INFECTIOUS DISEASES.

Notwithstanding any other provision of this resolution, it is the sense of the Senate that:

(1) FINDINGS.—The Senate finds the following:

(A) HIV/AIDS, having already infected over 58 million people worldwide, is devastating the *health, economies, and social structures in dozens of countries in Africa, and increasingly in Asia, the Caribbean and Eastern Europe.*

(B) AIDS has wiped out decades of progress in improving the lives of families in the developing world. As the leading cause of death in Africa, AIDS has killed 17 million and will claim the lives of one quarter of the population, mostly productive adults, in the next decade. In addition, 13 million children have been orphaned by AIDS—a number that will rise to 40 million by 2010.

(C) The Agency for International Development, along with the Centers for Disease Control, Department of Labor, and Department of Defense have been at the forefront of the international battle to control HIV/AIDS, with global assistance totaling $330,000,000 from the United States Agency for International Development and $136,000,000 from other agencies in fiscal year 2001, primarily focused on targeted prevention programs.

(D) While prevention is key, treatment and care for those affected by HIV/AIDS is an increasingly critical component of the global response. Improving health systems, providing home-based care, treating AIDS-associated diseases like tuberculosis, providing for family support and orphan care, and making antiretroviral drugs against HIV available will reduce social and economic damage to families and communities.

(E) Pharmaceutical companies recently dramatically reduced the prices of antiretroviral drugs to the poorest countries. With sufficient resources, it is now possible to improve treatment options in countries where health systems are able to deliver and monitor the medications.

(F) The United Nations AIDS program estimates it will cost at least $3,000,000,000 for basic AIDS prevention and care services in Sub-Saharan Africa alone, and at least $2,000,000,000 more if antiretroviral drugs are provided widely. In Africa, only $500,000,000 is currently available from all donors, lending agencies and African governments themselves.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the spending levels in this budget resolution shall be increased by $200,000,000 in fiscal year 2002 and by $500,000,000 in 2003 and for each year thereafter for the purpose of helping the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated infectious diseases.

SEC. 303. SENSE OF THE SENATE ON CONSOLIDATED HEALTH CENTERS.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health services at community, migrant, homeless, and public housing health centers.

SEC. 304. FUNDING FOR DEPARTMENT OF JUSTICE PROGRAMS FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

It is the sense of the Senate that the levels in this resolution assume increased funding for fiscal year 2002 for the Department of Justice State and local law enforcement grant programs.

SEC. 305. SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counter narcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

SEC. 306. STRENGTHENING OUR NATIONAL FOOD SAFETY INFRASTRUCTURE.

(a) FINDING.—The Senate finds that the United States food supply is one of the safest in the world, but in order to maintain the integrity of our food supply in the face of emerging threats, we must make the necessary investments now, in a time of surplus.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the appropriate amount should be invested at the Food and Drug Administration and the Center for Disease Control food activities next year in order to strengthen our national food safety infrastructure by—

(1) increasing the number of inspectors within the Food and Drug Administration to enable the Food and Drug Administration to inspect high-risk sites at least annually;

(2) supporting research that enables us to meet emerging threats;

(3) improving surveillance to identify and trace the sources and incidence of food-borne illness;

(4) otherwise maintaining at least current funding levels for food safety initiatives in the Food and Drug Administration and the United States Department of Agriculture; and

(5) providing additional funds should such needs arise due to emerging food safety threats.

SEC. 307. SENSE OF THE SENATE WITH RESPECT TO INCREASING FUNDS FOR RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

It is the sense of the Senate that the Senate recognizes the importance of renewable energy resources and that providing for such technologies should be increased by at least $450,000,000 for fiscal year 2002 and at a rate in excess of inflation in subsequent years.

SEC. 308. SENSE OF THE SENATE WITH RESPECT TO INCREASED EDUCATION FUNDING.

It is the Sense of the Senate that—

(1) this budget resolution makes available up to $6.2 billion in discretionary budget authority for funding domestic priorities in excess of the President's request; and

(2) funding for discretionary education programs (including Head Start and funds for the Department of Education in excess of the President's request of $44.5 billion in discretionary budget authority for fiscal year 2002) is one such priority; and

(3) these additional funds for education should be devoted to high priority programs including Head Start, the Individuals with Disabilities Education Act, education for the disadvantaged, Impact Aid, state assessment tests, Pell Grants, reading improvement programs, school construction, and teacher and classroom quality programs.

Subtitle B—Sense of the Congress

SEC. 311. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress find the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small business.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 312. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should support the core operations of the Federal Emergency Management Agency by providing needed fire grant programs to assist our firefighters and rescue personnel as they respond to more than 17,000,000 emergency calls annually. To accomplish this task, Congress supports preservation of the Assistance to Firefighters grant program. Continued support of the Assistance to Firefighters grant program will enable local firefighters to adequately protect the lives of countless Americans put at risk by insufficient fire protection.

SEC. 313. FUNDING FOR GRADUATE MEDICAL EDUCATION AT CHILDREN'S TEACHING HOSPITALS.

It is the sense of Congress that:

(1) Function 550 includes an appropriate level of funding for graduate medical education conducted at independent children's teaching hospitals in order to ensure access to care by millions of children nationwide.

(2) An emphasis should be placed on the role played by community health centers in underserved rural and urban communities.

(3) Funding under function 550 should also reflect the importance of the Ryan White CARE Act to persons afflicted with HIV/AIDS.

SEC. 314. CONCURRENT RETIREMENT AND DISABILITY BENEFITS TO RETIRED MEMBERS OF THE ARMED FORCES.

(a) Findings.—Congress finds that the Secretary of Defense is the appropriate official for evaluating the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Secretary of Defense should report not later than 180 days after the date of adoption of this resolution to the congressional committees of jurisdiction on the provision of concurrent retirement and disability benefits to retired members of the Armed Forces;

(2) the report should address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation, the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees, the applicability of this policy to prevailing private sector standards, the number of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance, and alternative initiatives that would accomplish the same end as concurrent receipt of military retired pay and disability compensation;

(3) the Secretary of Defense should submit legislation that he considers appropriate;

(4) upon receiving such report, the committees of jurisdiction, working with the Committees on the Budget of the House and Senate, should consider appropriate legislation; and

(5) CBO and OMB should report not later than 30 days after the date of adoption of this resolution to the Committees on the Budget on the risk that provision of full concurrent receipt of military retired pay and disability compensation would reduce the surplus below the level of the Medicare Hospital Insurance Trust Fund.

SEC. 315. FEDERAL EMPLOYEE PAY.

(a) Findings.—Congress finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2002 includes a 4.6 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2002 budgets with a 3.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) Sense of Congress.—It is the sense of Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 316. SALES TAX DEDUCTION.

(a) Findings.—Congress finds that—

(1) in 1986 the ability to deduct State sales taxes was eliminated from the Federal tax code;

(2) the States of Tennessee, Texas, Wyoming, Washington, Florida, Nevada, and South Dakota have no State income tax;

(3) the citizens of those seven States continue to be treated unfairly by paying significantly more in taxes to the Government than taxpayers with an identical profile in different States because they are prohibited from deducting their State sales taxes from their Federal income taxes in lieu of a State income tax;

(4) the design of the Federal tax code is preferential in its treatment of States with State income taxes over those without State income taxes;

(5) the current Federal tax code infringes upon States' rights to tax their citizens as they see fit in that the Federal tax code exerts unjust influence on States without State income taxes to impose on their citizens;

(6) the current surpluses that our Government holds provide an appropriate time and opportunity to allow taxpayers to deduct either their State sales taxes or their State income taxes from their Federal income tax returns; and

(7) over 50 Members of the House of Representatives have cosponsored legislation to restore the sales tax deduction option to the Federal tax code.

(b) Sense of Congress.—It is the sense of Congress that the Committee on Ways and Means and the Committee on Finance should consider legislation that makes State sales tax deductible against Federal income taxes.

And the Senate agree to the same.

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
KIT BOND,
Managers on the Part of the Senate.
JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal 2003, through 2011, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck all out of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

Displays and Amounts

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974. The years in this document are fiscal years unless otherwise indicated.

House Resolution.—The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment.—The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, Section 102 of the Senate amendment includes advisory levels on debt held by the public.

Conference Agreement.—The Conference Agreement includes all of the items required by section 301(a) of the Congressional Budget Act.

Aggregates and Function Levels

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	324.563	333.273	342.578	352.184	362.095	372.224	382.734	393.539	404.535	416.303	1714.693	3684.028
	OT	300.591	319.252	325.548	334.048	347.175	354.571	361.909	375.622	386.526	397.616	409.246	1680.594	3611.513
Discretionary	BA	311.051	324.947	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1715.787	3686.121
	OT	301.318	319.659	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1681.735	3613.685
Mandatory	BA	-0.723	-0.384	-0.167	-0.198	-0.173	-0.172	-0.219	-0.201	-0.202	-0.187	-0.190	-1.094	-2.093
	OT	-0.727	-0.407	-0.175	-0.204	-0.178	-0.177	-0.224	-0.207	-0.209	-0.194	-0.197	-1.141	-2.172
150 - International Affairs	BA	22.424	23.866	23.885	24.493	25.367	26.165	26.932	27.447	28.036	28.422	29.595	123.776	264.208
	OT	19.670	19.560	19.864	20.419	20.780	21.395	22.141	22.826	23.583	24.161	24.997	102.018	219.726
Discretionary	BA	22.641	23.858	23.847	24.502	25.186	25.925	26.622	27.295	27.991	28.427	29.600	123.318	263.253
	OT	23.259	23.205	23.536	23.977	24.265	24.879	25.562	26.210	26.891	27.416	28.288	119.862	254.229
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.197	22.633	23.109	23.645	24.295	24.947	25.588	26.240	26.654	27.752	115.879	247.060
	OT	19.612	21.043	21.900	22.584	23.174	23.719	24.309	24.925	25.564	26.086	26.868	112.420	240.172
Discretionary	BA	20.901	22.034	22.454	23.072	23.607	24.256	24.907	25.548	26.199	26.612	27.709	115.423	246.398
	OT	19.562	20.968	21.787	22.440	23.013	23.612	24.250	24.886	25.524	26.045	26.827	111.820	239.352
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	0.835	0.760	0.912	0.899	1.023	1.103	2.196	2.290	2.267	2.191	4.429	14.476
	OT	-0.115	-0.234	-0.531	-0.590	-0.496	-0.354	-0.248	0.385	0.784	0.955	0.927	-2.205	0.598
Discretionary	BA	3.132	2.783	2.730	2.973	3.084	3.203	3.284	3.985	4.045	4.081	4.120	14.773	34.288
	OT	3.104	2.926	2.766	2.873	3.016	3.128	3.235	3.576	3.916	4.046	4.108	14.709	33.590
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	26.700	26.837	27.716	27.938	27.954	28.624	29.349	30.620	31.173	32.417	137.145	289.328
	OT	26.361	26.403	26.951	27.467	27.666	27.815	28.266	28.774	29.888	30.525	31.509	136.302	285.264
Discretionary	BA	28.740	26.404	26.463	27.192	27.389	27.387	28.130	28.842	29.683	30.154	31.387	134.835	283.031
	OT	26.358	26.158	26.588	27.021	27.212	27.332	27.726	28.279	29.018	29.603	30.575	134.311	279.512
Mandatory	BA	0.093	0.296	0.374	0.524	0.549	0.567	0.494	0.507	0.937	1.019	1.030	2.310	6.297
	OT	0.003	0.245	0.363	0.446	0.454	0.483	0.540	0.495	0.870	0.922	0.934	1.991	5.752
350 - Agriculture	BA	26.290	19.144	18.610	18.482	18.337	17.888	16.520	15.648	15.836	15.894	16.123	92.461	172.482
	OT	23.654	17.500	16.981	17.072	16.852	16.288	14.946	14.062	14.359	14.533	14.725	84.693	157.318
Discretionary	BA	4.791	4.834	5.193	5.154	5.298	5.451	5.597	5.742	5.890	5.982	6.230	25.930	55.371
	OT	4.669	4.765	5.070	5.113	5.232	5.375	5.521	5.663	5.813	5.914	6.127	25.555	54.593
Mandatory	BA	21.499	14.310	13.417	13.328	13.039	12.437	10.923	9.906	9.946	9.912	9.893	66.531	117.111
	OT	18.985	12.735	11.911	11.959	11.620	10.913	9.425	8.399	8.546	8.619	8.598	59.138	102.725

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.715	8.450	14.120	12.730	12.660	13.533	13.851	14.267	18.724	13.519	56.675	130.569
	OT	0.229	5.657	3.078	9.885	9.013	8.365	9.223	9.308	9.609	12.834	9.807	35.998	86.779
Discretionary	BA	1.363	-0.234	-0.234	-0.520	-0.642	-0.593	0.269	0.530	0.976	5.421	0.217	-2.223	5.190
	OT	2.008	0.127	-0.274	-0.622	-0.815	-0.805	0.194	0.292	0.613	3.972	1.017	-2.389	3.699
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.415**	**8.550**	**12.820**	**12.730**	**12.660**	**13.533**	**13.851**	**14.267**	**18.724**	**13.519**	**54.175**	**128.069**
	OT	**-0.771**	**4.357**	**3.178**	**8.585**	**9.013**	**8.365**	**9.223**	**9.308**	**9.609**	**12.834**	**9.807**	**33.498**	**84.279**
Discretionary	**BA**	**1.363**	**-0.234**	**-0.234**	**-0.520**	**-0.642**	**-0.593**	**0.269**	**0.530**	**0.976**	**5.421**	**0.217**	**-2.223**	**5.190**
	OT	**2.008**	**0.127**	**-0.274**	**-0.622**	**-0.815**	**-0.805**	**0.194**	**0.292**	**0.613**	**3.972**	**1.017**	**-2.389**	**3.699**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	60.991	58.721	59.219	59.720	60.276	60.800	61.314	61.843	62.194	63.056	298.927	608.134
	OT	51.681	55.615	58.299	60.233	61.955	63.709	64.922	66.374	68.007	69.301	71.198	299.811	639.613
Discretionary	BA	18.964	16.199	16.554	17.017	17.483	17.992	18.469	18.934	19.414	19.710	20.517	85.245	182.289
	OT	49.680	53.871	56.215	58.177	59.937	61.747	62.981	64.366	65.972	67.319	69.159	289.947	619.744
Mandatory	BA	43.166	44.792	42.167	42.202	42.237	42.284	42.331	42.380	42.429	42.484	42.539	213.682	425.845
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	10.120	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	53.168	113.885
	OT	11.366	11.422	10.961	10.660	10.354	10.262	10.460	10.757	11.038	11.309	11.606	53.659	108.829
Discretionary	BA	11.577	10.089	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	53.120	113.614
	OT	12.048	11.740	11.460	11.073	10.841	10.777	10.986	11.292	11.585	11.869	12.181	55.891	113.804
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.886	82.134	82.013	83.888	87.345	90.205	92.846	95.701	98.444	100.510	104.626	425.585	917.712
	OT	69.790	76.220	81.671	82.281	84.831	87.685	90.364	92.962	95.910	98.366	101.360	412.688	891.650
Discretionary	BA	61.189	65.322	65.577	67.565	69.473	71.539	73.462	75.557	77.488	78.704	81.957	339.476	726.644
	OT	54.012	59.658	65.362	65.959	67.606	69.578	71.592	73.442	75.591	77.211	79.355	328.163	705.354
Mandatory	BA	15.697	16.812	16.436	16.323	17.872	18.666	19.384	20.144	20.956	21.806	22.669	86.109	191.068
	OT	15.778	16.562	16.309	16.322	17.225	18.107	18.772	19.520	20.319	21.155	22.005	84.525	186.296
550 - Health	BA	182.604	203.966	229.688	246.548	253.794	266.790	286.985	307.625	329.698	354.229	382.408	1200.786	2861.731
	OT	175.512	201.117	225.847	244.687	251.455	264.574	284.223	305.213	327.566	352.522	380.214	1187.680	2837.418
Discretionary	BA	38.771	41.005	45.488	46.966	48.456	50.050	51.362	52.646	53.956	54.808	56.909	231.965	501.646
	OT	33.770	38.124	41.540	44.682	46.503	48.115	49.635	50.966	52.270	53.401	54.782	218.964	480.018
Mandatory	BA	143.833	162.961	184.200	199.582	205.338	216.740	235.623	254.979	275.742	299.421	325.499	968.821	2360.085
	OT	141.742	162.993	184.307	200.005	204.952	216.459	234.588	254.247	275.296	299.121	325.432	968.716	2357.400

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION

($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	BA	3.357	3.449	3.448	3.545	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	271.512	281.824	293.331	308.066	315.915	323.428	337.855	349.303	359.890	371.642	1470.648	3212.766
	OT	256.932	272.093	282.335	292.461	306.673	314.382	321.895	336.473	347.618	358.217	369.424	1467.944	3201.571
Discretionary	BA	39.454	42.836	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	230.884	500.042
	OT	43.974	45.879	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	238.842	507.490
Mandatory	BA	216.488	228.676	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1239.764	2712.724
	OT	212.958	226.214	235.101	244.915	258.158	264.714	270.889	284.018	293.878	303.292	312.902	1229.102	2694.081
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**11.005**	**11.733**	**12.497**	**13.308**	**14.207**	**15.168**	**16.241**	**17.482**	**18.877**	**20.387**	**62.750**	**150.905**
	OT	**9.805**	**11.004**	**11.733**	**12.497**	**13.308**	**14.207**	**15.168**	**16.241**	**17.482**	**18.877**	**20.387**	**62.749**	**150.904**
Discretionary	**BA**	**0.017**	**0.019**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.099**	**0.211**
	OT	**0.017**	**0.018**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.098**	**0.210**
Mandatory	**BA**	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
	OT	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
700 - Veterans Benefits and Services	BA	46.675	52.261	53.033	55.270	59.329	58.807	58.138	61.998	63.354	64.740	67.114	278.700	594.044
	OT	45.926	51.595	52.778	54.884	58.881	58.325	57.668	61.590	62.975	64.394	66.674	276.463	589.764
Discretionary	BA	22.512	24.215	23.447	24.124	24.800	25.541	26.234	26.919	27.606	27.942	29.217	122.127	260.045
	OT	22.062	23.850	23.493	23.958	24.591	25.297	25.975	26.642	27.324	27.690	28.872	121.189	257.692
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	30.870	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	166.641	359.308
	OT	30.003	30.328	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	166.467	356.838
Discretionary	BA	29.987	29.726	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	158.386	338.599
	OT	29.335	29.530	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	158.251	336.804
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION

($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
	OT	205.109	182.168	169.879	155.381	137.968	121.911	105.477	87.027	66.823	44.585	20.929	767.307	1092.148
900 on-budget	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
	OT	**273.584**	**257.570**	**253.243**	**248.531**	**242.355**	**238.959**	**236.545**	**233.269**	**229.324**	**224.395**	**219.099**	**1240.658**	**2383.290**
920 - Allowances	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	5.626	6.773	6.986	22.405	55.502
Discretionary	BA	-0.472	5.004	5.481	6.017	6.190	6.366	6.583	6.720	6.986	7.151	7.452	29.058	63.950
	OT	-0.303	1.842	3.993	4.796	5.701	6.073	6.267	6.445	5.626	6.773	6.986	22.405	55.502
Mandatory	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
	OT	-46.173	-50.808	-61.475	-63.089	-56.170	-57.901	-60.346	-62.242	-64.210	-66.757	-69.459	-289.443	-612.457
950 on-budget	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
Discr.	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mand.	**BA**	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**
	OT	**-38.265**	**-42.303**	**-52.308**	**-53.215**	**-45.463**	**-46.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-239.750**	**-492.338**

FUNCTION SUMMARY -- HOUSE PASSED RESOLUTION

($ billions)

Function			2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total		BA	1907.181	1977.284	2035.745	2112.813	2200.869	2264.582	2344.090	2437.775	2532.815	2634.089	2743.581	10591.293	23283.643
		OT	1856.739	1941.185	2007.430	2085.852	2175.783	2236.279	2312.943	2409.800	2505.856	2609.682	2718.328	10446.529	23003.138
Discr.		BA	635.434	660.788	678.553	697.415	716.781	736.931	758.157	779.678	801.380	823.630	846.928	3490.468	7500.241
		OT	645.308	683.655	707.627	725.080	747.918	765.754	784.661	809.485	832.307	855.817	878.303	3630.034	7790.607
Mand.		BA	1271.747	1316.496	1357.192	1415.398	1484.088	1527.651	1585.933	1658.097	1731.435	1810.459	1896.653	7100.825	15783.402
		OT	1211.431	1257.530	1299.803	1360.772	1427.865	1470.525	1528.282	1600.315	1673.549	1753.865	1840.025	6816.495	15212.531
Total on-budget		**BA**	**1557.188**	**1613.649**	**1660.452**	**1723.275**	**1800.098**	**1851.451**	**1918.415**	**1998.625**	**2077.292**	**2161.555**	**2252.834**	**8648.925**	**19057.646**
		OT	**1508.806**	**1579.785**	**1634.539**	**1698.529**	**1777.324**	**1825.553**	**1889.868**	**1973.636**	**2053.589**	**2139.911**	**2230.245**	**8515.730**	**18802.979**
Discr.		**BA**	**632.003**	**657.287**	**675.054**	**693.816**	**713.082**	**733.123**	**754.248**	**775.667**	**797.267**	**819.452**	**842.579**	**3472.362**	**7461.575**
		OT	**641.937**	**680.199**	**704.149**	**721.526**	**744.271**	**762.001**	**780.807**	**805.530**	**828.250**	**851.692**	**874.018**	**3612.146**	**7752.443**
Mand.		**BA**	**925.185**	**956.362**	**985.398**	**1029.459**	**1087.016**	**1118.328**	**1164.167**	**1222.958**	**1280.025**	**1342.103**	**1410.255**	**5176.563**	**11596.071**
		OT	**866.869**	**899.586**	**930.390**	**977.003**	**1033.053**	**1063.552**	**1109.061**	**1168.106**	**1225.339**	**1288.219**	**1356.227**	**4903.584**	**11050.536**
Revenues			2128.788	2168.069	2259.955	2344.414	2436.749	2521.375	2628.575	2754.151	2889.595	3038.582	3206.212	11730.562	26247.677
Revenues on-budget			**1624.679**	**1635.761**	**1699.017**	**1755.74**	**1816.689**	**1872.154**	**1948.64**	**2041.697**	**2143.156**	**2256.553**	**2387.027**	**8779.361**	**19556.434**
Surplus			272.049	226.884	252.525	258.562	260.966	285.096	315.632	344.351	383.739	428.900	487.884	1284.033	3244.539
	On-budget		115.873	55.976	64.478	57.211	39.365	46.601	58.772	68.061	89.567	116.642	156.782	263.631	753.455
	Off-budget		156.176	170.908	188.047	201.351	221.601	238.495	256.860	276.290	294.172	312.258	331.102	1020.402	2491.084

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	310.328	334.514	333.428	342.728	352.292	362.163	372.279	382.774	393.559	404.547	416.308	1725.125	3694.592
	OT	300.591	326.813	325.703	334.198	347.283	354.639	361.964	375.662	386.546	397.628	409.251	1688.636	3619.687
Discretionary	BA	311.051	334.801	333.440	342.776	352.357	362.267	372.443	382.935	393.741	404.722	416.493	1725.641	3695.975
	OT	301.318	327.123	325.723	334.252	347.353	354.748	362.133	375.829	386.735	397.810	409.443	1689.199	3621.149
Mandatory	BA	-0.723	-0.287	-0.012	-0.048	-0.065	-0.104	-0.164	-0.161	-0.182	-0.175	-0.185	-0.516	-1.383
	OT	-0.727	-0.310	-0.020	-0.054	-0.070	-0.109	-0.169	-0.167	-0.189	-0.182	-0.192	-0.563	-1.462
150 - International Affairs	BA	22.424	24.116	24.435	24.543	25.417	26.215	26.982	27.497	28.086	28.472	29.645	124.726	265.408
	OT	19.670	19.793	20.414	20.469	20.830	21.445	22.191	22.876	23.633	24.211	25.047	102.951	220.909
Discretionary	BA	22.641	24.108	24.397	24.552	25.236	25.975	26.672	27.345	28.041	28.477	29.650	124.268	264.453
	OT	23.259	23.438	24.086	24.027	24.315	24.929	25.612	26.260	26.941	27.466	28.338	120.795	255.412
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	22.798	21.852	22.307	22.859	23.493	24.122	24.741	25.370	25.769	26.829	113.309	240.140
	OT	19.612	21.201	21.059	21.825	22.380	22.925	23.496	24.091	24.707	25.211	25.966	109.390	232.861
Discretionary	BA	20.901	22.635	21.673	22.270	22.821	23.454	24.082	24.701	25.329	25.727	26.786	112.853	239.478
	OT	19.562	21.126	20.946	21.681	22.219	22.818	23.437	24.052	24.667	25.170	25.925	108.790	232.041
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.676	0.965	1.117	1.104	1.228	1.308	2.401	2.495	2.472	2.396	6.090	17.162
	OT	-0.115	0.018	-0.266	-0.355	-0.291	-0.149	-0.043	0.590	0.989	1.160	1.132	-1.043	2.785
Discretionary	BA	3.132	3.588	2.935	3.178	3.289	3.408	3.489	4.190	4.250	4.286	4.325	16.398	36.938
	OT	3.104	3.178	3.031	3.108	3.221	3.333	3.440	3.781	4.121	4.251	4.313	15.871	35.777
Mandatory	BA	-1.907	-1.912	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.308	-19.776
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	29.644	27.390	28.169	28.392	28.408	29.074	29.799	31.070	31.623	32.867	142.003	296.436
	OT	26.361	29.252	27.480	27.913	28.118	28.268	28.735	29.231	30.338	30.975	31.958	141.031	292.268
Discretionary	BA	28.740	28.998	26.663	27.292	27.489	27.487	28.230	28.942	29.783	30.254	31.487	137.929	286.625
	OT	26.358	28.660	26.788	27.121	27.312	27.432	27.826	28.379	29.118	29.703	30.675	137.313	283.014
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	35.290	26.189	25.655	25.527	25.382	23.933	22.565	20.693	19.681	18.939	19.168	126.686	227.932
	OT	32.654	24.541	24.026	24.117	23.897	22.333	20.991	19.107	18.404	17.578	17.770	118.914	212.764
Discretionary	BA	4.791	4.879	5.238	5.199	5.343	5.496	5.642	5.787	5.935	6.027	6.275	26.155	55.821
	OT	4.669	4.806	5.115	5.158	5.277	5.420	5.566	5.708	5.858	5.959	6.172	25.776	55.039
Mandatory	BA	30.499	21.310	20.417	20.328	20.039	18.437	16.923	14.906	13.946	12.912	12.893	100.531	172.111
	OT	27.985	19.735	18.911	18.959	18.620	16.913	15.425	13.399	12.546	11.619	11.598	93.138	157.725

FUNCTION SUMMARY – SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
370 - Commerce and Housing Credit	BA	3.516	8.994	8.503	14.189	12.800	12.729	13.598	13.918	14.332	18.793	13.587	57.215	131.443
	OT	0.229	5.759	3.131	9.954	9.083	8.434	9.288	9.375	9.674	12.903	9.875	36.361	87.476
Discretionary	BA	1.363	-0.022	-0.181	-0.451	-0.572	-0.524	0.334	0.597	1.041	5.490	0.285	-1.750	5.997
	OT	2.008	0.229	-0.221	-0.553	-0.745	-0.736	0.259	0.359	0.678	4.041	1.085	-2.026	4.396
Mandatory	BA	2.153	9.016	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.965	125.446
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**7.694**	**8.603**	**12.889**	**12.800**	**12.729**	**13.598**	**13.918**	**14.332**	**18.793**	**13.587**	**54.715**	**128.943**
	OT	**-0.771**	**4.459**	**3.231**	**8.654**	**9.083**	**8.434**	**9.288**	**9.375**	**9.674**	**12.903**	**9.875**	**33.861**	**84.976**
Discretionary	**BA**	**1.363**	**-0.022**	**-0.181**	**-0.451**	**-0.572**	**-0.524**	**0.334**	**0.597**	**1.041**	**5.490**	**0.285**	**-1.750**	**5.997**
	OT	**2.008**	**0.229**	**-0.221**	**-0.553**	**-0.745**	**-0.736**	**0.259**	**0.359**	**0.678**	**4.041**	**1.085**	**-2.026**	**4.396**
Mandatory	**BA**	**1.153**	**7.716**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.465**	**122.946**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	62.156	64.751	66.248	67.741	69.347	70.953	72.578	74.248	75.759	77.835	330.243	701.616
	OT	51.681	56.082	58.952	60.797	62.549	64.303	65.535	67.008	68.664	69.976	71.900	302.683	645.766
Discretionary	BA	18.964	17.089	17.135	17.619	18.069	18.594	19.094	19.581	20.084	20.395	21.240	88.506	188.900
	OT	49.680	54.338	56.868	58.741	60.531	62.341	63.594	65.000	66.629	67.994	69.861	292.819	625.897
Mandatory	BA	43.166	45.067	47.616	48.629	49.672	50.753	51.859	52.997	54.164	55.364	56.595	241.737	512.716
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.228	10.318	10.567	10.920	11.243	11.545	11.844	12.146	12.338	12.844	54.276	114.993
	OT	11.366	11.560	11.088	10.780	10.408	10.179	10.325	10.507	10.783	11.048	11.345	54.015	108.023
Discretionary	BA	11.577	11.197	10.360	10.587	10.882	11.202	11.504	11.801	12.101	12.292	12.796	54.228	114.722
	OT	12.048	11.878	11.640	11.343	11.091	10.937	11.096	11.292	11.585	11.869	12.181	56.889	114.912
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.552	-0.563	-0.683	-0.758	-0.771	-0.785	-0.802	-0.821	-0.836	-2.874	-6.889
500 - Education, Training, Employment, and Social Services	BA	76.886	111.857	98.870	105.875	113.361	120.752	127.924	134.409	143.285	149.583	159.533	550.715	1265.449
	OT	69.790	79.353	94.064	100.270	107.509	115.992	123.602	130.230	140.009	146.697	156.324	497.188	1194.050
Discretionary	BA	61.189	74.921	66.234	68.252	70.189	72.286	74.240	76.365	78.329	79.577	82.864	351.882	743.257
	OT	54.012	61.111	65.955	66.648	68.284	70.285	72.330	74.210	76.390	78.042	80.219	332.283	713.474
Mandatory	BA	15.697	36.936	32.636	37.623	43.172	48.466	53.684	58.044	64.956	70.006	76.669	198.833	522.192
	OT	15.778	18.242	28.109	33.622	39.225	45.707	51.272	56.020	63.619	68.655	76.105	164.905	480.576
550 - Health	BA	182.604	216.052	242.906	260.309	257.859	271.154	291.758	312.905	335.471	360.544	389.308	1248.280	2938.266
	OT	175.512	213.242	239.126	258.514	255.591	269.004	289.047	310.457	333.359	358.901	387.174	1235.477	2914.415
Discretionary	BA	38.771	46.131	50.108	52.296	54.286	56.410	58.292	60.176	62.156	63.738	66.599	259.231	570.192
	OT	33.770	43.242	46.160	50.012	52.333	54.475	56.565	58.496	60.470	62.331	64.472	246.222	548.556
Mandatory	BA	143.833	169.921	192.798	208.013	203.573	214.744	233.466	252.729	273.315	296.806	322.709	989.049	2368.074
	OT	141.742	170.000	192.966	208.502	203.258	214.529	232.482	251.961	272.889	296.570	322.702	989.255	2365.859

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.128	243.946	260.240	291.770	309.921	336.143	362.842	391.122	423.445	459.396	1335.005	3307.953
	OT	217.708	229.075	243.718	260.446	291.696	309.660	336.366	362.744	390.848	423.698	459.390	1334.595	3307.641
Discretionary	**BA**	3.357	3.449	3.448	3.546	3.645	3.752	3.852	3.952	4.052	4.116	4.286	17.839	38.097
	OT	3.269	3.416	3.451	3.512	3.609	3.714	3.813	3.910	4.007	4.076	4.233	17.702	37.741
Mandatory	BA	214.174	225.679	240.498	256.695	288.125	306.169	332.291	358.890	387.070	419.329	455.110	1317.166	3269.856
	OT	214.439	225.659	240.267	256.934	288.087	305.946	332.553	358.834	386.841	419.622	455.157	1316.893	3269.900
600 - Income Security	BA	255.942	278.801	281.124	292.431	307.066	314.915	322.128	336.555	348.003	358.590	370.342	1474.337	3209.955
	OT	256.932	274.943	281.660	291.586	305.698	313.407	320.620	335.198	346.343	356.942	368.149	1467.294	3194.546
Discretionary	BA	39.454	46.306	44.471	46.187	47.955	49.435	50.846	52.244	53.768	55.088	57.212	234.354	503.512
	OT	43.974	49.349	47.234	47.546	48.515	49.668	51.006	52.455	53.740	54.925	56.522	242.312	510.960
Mandatory	BA	216.488	232.495	236.653	246.244	259.111	265.480	271.282	284.311	294.235	303.502	313.130	1239.983	2706.443
	OT	212.958	225.594	234.426	244.040	257.183	263.739	269.614	282.743	292.603	302.017	311.627	1224.982	2683.586
650 - Social Security	BA	435.181	457.247	479.657	503.759	529.173	555.826	584.078	614.734	649.513	686.200	725.476	2525.662	5785.663
	OT	433.121	455.011	477.255	501.544	526.861	553.421	581.478	611.748	646.257	683.437	722.812	2514.092	5759.824
Discretionary	BA	3.448	3.520	3.518	3.619	3.719	3.829	3.930	4.033	4.135	4.201	4.373	18.205	38.877
	OT	3.388	3.474	3.497	3.574	3.667	3.774	3.875	3.977	4.079	4.148	4.309	17.986	38.374
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**10.865**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.457**	**139.961**
	OT	**9.805**	**10.864**	**11.315**	**11.852**	**12.387**	**13.038**	**13.739**	**14.750**	**15.927**	**17.289**	**18.799**	**59.456**	**139.960**
Discretionary	**BA**	**0.017**	**0.019**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.099**	**0.211**
	OT	**0.017**	**0.018**	**0.019**	**0.020**	**0.020**	**0.021**	**0.021**	**0.022**	**0.022**	**0.023**	**0.024**	**0.098**	**0.210**
Mandatory	**BA**	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
	OT	**9.788**	**10.846**	**11.296**	**11.832**	**12.367**	**13.017**	**13.718**	**14.728**	**15.905**	**17.266**	**18.775**	**59.358**	**139.750**
700 - Veterans Benefits and Services	BA	46.675	53.789	54.088	56.024	60.007	59.395	58.637	62.418	63.767	65.075	67.366	283.303	600.566
	OT	45.926	53.060	53.771	55.641	59.567	58.929	58.180	62.020	63.396	64.736	66.931	280.968	596.231
Discretionary	BA	22.512	26.150	25.165	25.842	26.518	27.259	27.952	28.637	29.324	29.660	30.935	130.934	277.442
	OT	22.062	25.688	25.120	25.655	26.297	27.015	27.693	28.360	29.042	29.408	30.590	129.775	274.868
Mandatory	BA	24.163	27.639	28.923	30.182	33.489	32.136	30.685	33.781	34.443	35.415	36.431	152.369	323.124
	OT	23.864	27.372	28.651	29.986	33.270	31.914	30.487	33.660	34.354	35.328	36.341	151.193	321.363
750 - Administration of Justice	BA	30.577	32.370	31.899	33.592	34.629	35.651	36.609	37.563	38.539	39.189	40.767	168.141	360.808
	OT	30.003	31.828	32.116	34.056	34.688	35.279	36.119	37.116	38.090	38.842	40.204	167.967	358.338
Discretionary	BA	29.987	31.226	31.563	31.442	32.340	33.315	34.225	35.129	36.051	36.645	38.163	159.886	340.099
	OT	29.335	31.030	31.478	31.780	32.386	33.077	33.864	34.808	35.732	36.424	37.725	159.751	338.304
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
800 - General Government	BA	16.307	16.671	16.313	16.680	17.035	17.492	17.921	17.981	18.426	18.706	19.430	84.191	176.655
	OT	16.065	16.326	16.263	16.627	16.726	17.100	17.504	17.691	17.995	18.285	18.911	83.042	173.428
Discretionary	BA	14.028	14.797	14.753	15.197	15.559	16.014	16.438	16.866	17.298	17.574	18.290	76.320	162.786
	OT	13.795	14.463	14.709	14.969	15.286	15.665	16.046	16.447	16.871	17.175	17.794	75.092	159.425
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003
900 - Net Interest	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
	OT	206.999	187.261	176.213	162.276	144.815	128.456	111.705	92.939	72.136	49.184	24.834	799.022	1149.819
900 on-budget	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
	OT	**275.474**	**262.661**	**259.569**	**255.407**	**249.170**	**245.457**	**242.709**	**239.097**	**234.530**	**228.860**	**222.839**	**1272.265**	**2440.299**
920 - Allowances	BA	80.528	-6.056	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-6.214	-15.909
	OT	80.697	-8.600	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.831	-23.114
Discretionary	BA	-0.472	-5.376	0.399	0.180	-0.176	-0.561	-0.945	-1.438	-1.875	-2.472	-2.965	-5.534	-15.229
	OT	-0.303	-7.920	-0.821	-0.972	-0.624	-0.814	-1.221	-1.673	-2.193	-2.808	-3.388	-11.151	-22.434
Mandatory	BA	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
	OT	81.000	-0.680	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	-0.680	-0.680
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
	OT	-46.173	-47.308	-58.875	-66.389	-57.370	-62.101	-60.536	-62.422	-64.370	-66.897	-69.569	-292.043	-615.837
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**
	OT	**-38.265**	**-38.803**	**-49.708**	**-56.515**	**-46.663**	**-50.661**	**-48.369**	**-49.321**	**-50.363**	**-51.918**	**-53.397**	**-242.350**	**-495.718**

FUNCTION SUMMARY -- SENATE PASSED RESOLUTION
($ billions)

Function			2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total		BA	1999.071	2051.127	2083.837	2160.372	2245.076	2309.659	2397.848	2494.731	2595.204	2699.859	2815.397	10850.072	23853.110
		OT	1948.629	1979.210	2046.077	2123.297	2209.414	2270.710	2355.346	2454.495	2555.608	2661.707	2776.016	10628.709	23431.880
Discretionary a/		BA	635.434	688.397	681.319	699.582	718.949	739.098	760.320	781.843	803.543	825.797	849.094	3527.345	7547.942
		OT	645.308	698.629	710.759	727.602	750.327	768.081	786.934	811.650	834.470	857.984	880.469	3655.398	7826.905
Mandatory		BA	1363.637	1362.730	1402.518	1460.790	1526.127	1570.561	1637.528	1712.888	1791.661	1874.062	1966.303	7322.727	16305.168
		OT	1303.321	1280.581	1335.318	1395.695	1459.087	1502.629	1568.412	1642.845	1721.138	1803.723	1895.547	6973.311	15604.975
Total on-budget		**BA**	**1649.078**	**1687.350**	**1708.118**	**1770.170**	**1843.352**	**1895.312**	**1970.680**	**2054.006**	**2138.019**	**2225.603**	**2322.897**	**8904.303**	**19615.507**
		OT	**1600.696**	**1617.668**	**1672.760**	**1735.310**	**1810.002**	**1858.768**	**1930.778**	**2016.756**	**2101.679**	**2190.214**	**2286.180**	**8694.509**	**19220.115**
Discretionary		**BA**	**632.003**	**684.896**	**677.820**	**695.983**	**715.250**	**735.290**	**756.411**	**777.832**	**799.430**	**821.619**	**844.745**	**3509.239**	**7509.276**
		OT	**641.937**	**695.173**	**707.281**	**724.048**	**746.680**	**764.328**	**783.080**	**807.695**	**830.413**	**853.859**	**876.184**	**3637.510**	**7788.741**
Mandatory		**BA**	**1017.075**	**1002.454**	**1030.298**	**1074.187**	**1128.102**	**1160.022**	**1214.269**	**1276.174**	**1338.589**	**1403.984**	**1478.152**	**5395.064**	**12106.231**
		OT	**958.759**	**922.495**	**965.479**	**1011.262**	**1063.322**	**1094.440**	**1147.698**	**1209.061**	**1271.266**	**1336.355**	**1409.996**	**5056.999**	**11431.374**
Revenues			2134.399	2177.131	2283.552	2380.422	2473.967	2564.678	2675.782	2807.658	2953.339	3102.648	3279.146	11879.750	26698.323
Revenues on-budget			**1630.290**	**1644.823**	**1722.614**	**1791.748**	**1853.907**	**1915.457**	**1995.847**	**2095.204**	**2206.900**	**2320.619**	**2459.961**	**8928.549**	**20007.080**
Surplus			185.770	197.921	237.475	257.125	264.553	293.968	320.436	353.163	397.731	440.941	503.130	1251.041	3266.443
	On-budget		29.594	27.155	49.854	56.438	43.905	56.689	65.069	78.448	105.221	130.405	173.781	234.040	786.965
	Off-budget		156.176	170.766	187.621	200.687	220.648	237.279	255.367	274.715	292.510	310.536	329.349	1017.001	2479.478

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
050 - National Defense	BA	316.873	324.832	333.646	342.294	350.876	359.807	369.023	378.505	388.323	398.338	408.821	1711.455	3654.465
	OT	302.371	319.137	326.643	335.184	347.073	353.482	359.774	372.416	382.242	392.227	402.579	1681.519	3590.758
Discretionary	BA	317.596	325.070	333.707	342.418	351.006	359.950	369.231	378.695	388.520	398.516	409.005	1712.151	3656.118
	OT	303.098	319.398	326.712	335.314	347.208	353.630	359.987	372.612	382.446	392.412	402.770	1682.262	3592.490
Mandatory	BA	-0.723	-0.238	-0.061	-0.124	-0.130	-0.143	-0.208	-0.190	-0.197	-0.178	-0.184	-0.696	-1.653
	OT	-0.727	-0.261	-0.069	-0.130	-0.135	-0.148	-0.213	-0.196	-0.204	-0.185	-0.191	-0.743	-1.732
150 - International Affairs	BA	22.424	23.214	23.750	24.214	24.911	25.504	26.107	26.482	26.937	27.458	28.065	121.593	256.642
	OT	19.670	19.082	19.554	20.164	20.431	20.900	21.494	22.031	22.650	23.235	23.766	100.131	213.307
Discretionary	BA	22.641	23.206	23.712	24.223	24.730	25.264	25.797	26.330	26.892	27.463	28.070	121.135	255.687
	OT	23.259	22.727	23.226	23.722	23.916	24.384	24.915	25.415	25.958	26.490	27.057	117.975	247.810
Mandatory	BA	-0.217	0.008	0.038	-0.009	0.181	0.240	0.310	0.152	0.045	-0.005	-0.005	0.458	0.955
	OT	-3.589	-3.645	-3.672	-3.558	-3.485	-3.484	-3.421	-3.384	-3.308	-3.255	-3.291	-17.844	-34.503
250 - General Science, Space and Technology	BA	21.043	21.583	22.055	22.379	22.839	23.323	23.812	24.303	24.816	25.335	25.879	112.179	236.324
	OT	19.612	20.725	21.361	21.945	22.429	22.847	23.280	23.743	24.239	24.749	25.274	109.307	230.592
Discretionary	BA	20.901	21.420	21.876	22.342	22.801	23.284	23.772	24.263	24.775	25.293	25.836	111.723	235.662
	OT	19.562	20.650	21.248	21.801	22.268	22.740	23.221	23.704	24.199	24.708	25.233	108.707	229.772
Mandatory	BA	0.142	0.163	0.179	0.037	0.038	0.039	0.040	0.040	0.041	0.042	0.043	0.456	0.662
	OT	0.050	0.075	0.113	0.144	0.161	0.107	0.059	0.039	0.040	0.041	0.041	0.600	0.820
270 - Energy	BA	1.225	1.360	1.328	1.309	1.254	1.336	1.411	1.882	1.998	2.021	1.990	6.587	15.889
	OT	-0.115	-0.019	-0.072	-0.120	-0.091	-0.003	0.071	0.440	0.579	0.703	0.691	-0.305	2.179
Discretionary	BA	3.132	3.308	3.298	3.370	3.439	3.516	3.592	3.671	3.753	3.835	3.919	16.931	35.701
	OT	3.104	3.141	3.225	3.343	3.421	3.479	3.554	3.631	3.711	3.794	3.872	16.609	35.171
Mandatory	BA	-1.907	-1.948	-1.970	-2.061	-2.185	-2.180	-2.181	-1.789	-1.755	-1.814	-1.929	-10.344	-19.812
	OT	-3.219	-3.160	-3.297	-3.463	-3.512	-3.482	-3.483	-3.191	-3.132	-3.091	-3.181	-16.914	-32.992
300 - Natural Resources and Environment	BA	28.833	30.381	31.263	32.249	33.091	33.965	34.767	35.691	37.064	38.111	39.137	160.949	345.719
	OT	26.361	28.652	30.368	31.506	32.365	33.281	34.126	34.903	36.194	37.190	38.190	156.172	336.775
Discretionary	BA	28.740	29.735	30.536	31.372	32.188	33.044	33.923	34.834	35.777	36.742	37.757	156.875	335.908
	OT	26.358	28.060	29.676	30.714	31.559	32.445	33.217	34.051	34.974	35.918	36.907	152.454	327.521
Mandatory	BA	0.093	0.646	0.727	0.877	0.903	0.921	0.844	0.857	1.287	1.369	1.380	4.074	9.811
	OT	0.003	0.592	0.692	0.792	0.806	0.836	0.909	0.852	1.220	1.272	1.283	3.718	9.254
350 - Agriculture	BA	31.790	26.265	26.507	26.562	26.406	25.452	24.083	22.723	21.921	21.553	21.703	131.192	243.175
	OT	29.154	24.593	24.924	25.120	24.915	23.853	22.509	21.134	20.441	20.174	20.319	123.405	227.982
Discretionary	BA	4.791	4.955	5.090	5.234	5.367	5.515	5.660	5.817	5.975	6.141	6.310	26.161	56.064
	OT	4.669	4.858	5.013	5.161	5.295	5.440	5.584	5.735	5.895	6.055	6.221	25.767	55.257
Mandatory	BA	26.999	21.310	21.417	21.328	21.039	19.937	18.423	16.906	15.946	15.412	15.393	105.031	187.111
	OT	24.485	19.735	19.911	19.959	19.620	18.413	16.925	15.399	14.546	14.119	14.098	97.638	172.725
370 - Commerce and Housing Credit	BA	3.516	11.474	11.294	17.342	16.163	16.138	16.245	16.404	16.479	16.597	16.714	72.411	154.850
	OT	0.229	7.887	5.852	13.033	12.387	11.790	12.061	11.894	11.934	11.889	11.915	50.949	110.642
Discretionary	BA	1.363	2.525	2.610	2.702	2.791	2.885	2.981	3.083	3.188	3.294	3.412	13.513	29.471
	OT	2.008	2.357	2.500	2.526	2.559	2.620	3.032	2.878	2.938	3.027	3.125	12.562	27.562
Mandatory	BA	2.153	8.949	8.684	14.640	13.372	13.253	13.264	13.321	13.291	13.303	13.302	58.898	125.379

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
	OT	-1.779	5.530	3.352	10.507	9.828	9.170	9.029	9.016	8.996	8.862	8.790	38.387	83.080
370 on-budget	**BA**	**2.516**	**10.174**	**11.394**	**16.042**	**16.163**	**16.138**	**16.245**	**16.404**	**16.479**	**16.597**	**16.714**	**69.911**	**152.350**
	OT	**-0.771**	**6.587**	**5.952**	**11.733**	**12.387**	**11.790**	**12.061**	**11.894**	**11.934**	**11.889**	**11.915**	**48.449**	**108.142**
Discretionary	**BA**	**1.363**	**2.525**	**2.610**	**2.702**	**2.791**	**2.885**	**2.981**	**3.083**	**3.188**	**3.294**	**3.412**	**13.513**	**29.471**
	OT	**2.008**	**2.357**	**2.500**	**2.526**	**2.559**	**2.620**	**3.032**	**2.878**	**2.938**	**3.027**	**3.125**	**12.562**	**27.562**
Mandatory	**BA**	**1.153**	**7.649**	**8.784**	**13.340**	**13.372**	**13.253**	**13.264**	**13.321**	**13.291**	**13.303**	**13.302**	**56.398**	**122.879**
	OT	**-2.779**	**4.230**	**3.452**	**9.207**	**9.828**	**9.170**	**9.029**	**9.016**	**8.996**	**8.862**	**8.790**	**35.887**	**80.580**
400 - Transportation	BA	62.130	64.965	62.392	64.154	65.907	67.794	69.637	71.490	73.377	76.412	78.652	325.212	694.780
	OT	51.681	56.167	60.521	62.662	64.225	65.702	66.577	67.775	69.221	70.588	72.183	309.277	655.621
Discretionary	BA	18.964	19.652	20.215	20.797	21.364	21.961	22.577	23.217	23.874	24.551	25.257	103.989	223.465
	OT	49.680	54.423	58.437	60.606	62.207	63.740	64.636	65.767	67.186	68.606	70.144	299.413	635.752
Mandatory	BA	43.166	45.313	42.177	43.357	44.543	45.833	47.060	48.273	49.503	51.861	53.395	221.223	471.315
	OT	2.001	1.744	2.084	2.056	2.018	1.962	1.941	2.008	2.035	1.982	2.039	9.864	19.869
450 - Community and Regional Development	BA	11.225	11.892	12.067	12.350	12.664	12.933	13.198	13.476	13.759	14.048	14.340	61.906	130.727
	OT	11.366	11.730	11.731	11.967	11.913	11.936	12.181	12.444	12.696	12.962	13.233	59.277	122.793
Discretionary	BA	11.577	11.861	12.109	12.370	12.626	12.892	13.157	13.433	13.714	14.002	14.292	61.858	130.456
	OT	12.048	12.048	12.230	12.380	12.400	12.451	12.707	12.979	13.243	13.522	13.808	61.509	127.768
Mandatory	BA	-0.352	0.031	-0.042	-0.020	0.038	0.041	0.041	0.043	0.045	0.046	0.048	0.048	0.271
	OT	-0.682	-0.318	-0.499	-0.413	-0.487	-0.515	-0.526	-0.535	-0.547	-0.560	-0.575	-2.232	-4.975
500 - Education, Training, Employment, and Social Services	BA	76.951	81.234	82.805	84.386	87.122	89.233	91.327	93.501	95.780	98.113	100.517	424.780	904.018
	OT	69.850	76.742	81.479	83.574	85.819	87.924	89.955	92.115	94.341	96.654	99.017	415.538	887.620
Discretionary	BA	61.189	64.377	65.734	67.063	68.375	69.747	71.133	72.537	73.979	75.442	76.963	335.296	705.350
	OT	54.012	60.140	64.780	66.472	67.774	69.067	70.458	71.865	73.277	74.734	76.227	328.233	694.794
Mandatory	BA	15.762	16.857	17.071	17.323	18.747	19.486	20.194	20.964	21.801	22.671	23.554	89.484	198.668
	OT	15.838	16.602	16.699	17.102	18.045	18.857	19.497	20.250	21.064	21.920	22.790	87.305	192.826
550 - Health	BA	180.104	198.775	221.150	235.474	242.661	259.125	278.882	299.116	320.791	345.380	372.407	1157.185	2773.761
	OT	173.012	196.668	219.770	234.672	241.084	257.594	276.575	297.091	319.017	343.729	370.945	1149.788	2757.145
Discretionary	BA	38.771	39.827	40.725	41.634	42.536	43.479	44.439	45.412	46.426	47.449	48.523	208.201	440.450
	OT	33.770	37.688	39.238	40.409	41.345	42.229	43.167	44.119	45.098	46.098	47.128	200.909	426.519
Mandatory	BA	141.333	158.948	180.425	193.840	200.125	215.646	234.443	253.704	274.365	297.931	323.884	948.984	2333.311
	OT	139.242	158.980	180.532	194.263	199.739	215.365	233.408	252.972	273.919	297.631	323.817	948.879	2330.626

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
570 - Medicare	BA	217.531	229.179	244.838	271.378	306.158	326.564	363.686	393.686	424.278	458.957	497.379	1378.117	3516.103
	OT	217.708	229.121	244.596	271.579	306.079	326.298	363.901	393.578	423.993	459.194	497.366	1377.673	3515.705
Discretionary	BA	3.357	3.500	3.640	3.783	3.933	4.095	4.275	4.476	4.688	4.908	5.149	18.951	42.447
	OT	3.269	3.462	3.629	3.745	3.892	4.052	4.228	4.424	4.632	4.852	5.089	18.780	42.005
Mandatory	BA	214.174	225.679	241.198	267.595	302.225	322.469	359.411	389.210	419.590	454.049	492.230	1359.166	3473.656
	OT	214.439	225.659	240.967	267.834	302.187	322.246	359.673	389.154	419.361	454.342	492.277	1358.893	3473.700
600 - Income Security	BA	255.942	273.840	283.864	295.030	309.192	316.761	324.056	338.278	349.561	360.308	371.593	1478.687	3222.483
	OT	256.932	272.122	282.611	293.420	307.667	315.312	322.627	336.950	347.987	358.600	369.419	1471.132	3206.715
Discretionary	BA	39.454	44.845	46.511	47.886	49.081	50.281	51.474	52.667	54.026	55.506	57.163	238.604	509.440
	OT	43.974	45.828	47.485	48.480	49.484	50.573	51.713	52.907	54.084	55.283	56.492	241.850	512.329
Mandatory	BA	216.488	228.995	237.353	247.144	260.111	266.480	272.582	285.611	295.535	304.802	314.430	1240.083	2713.043
	OT	212.958	226.294	235.126	244.940	258.183	264.739	270.914	284.043	293.903	303.317	312.927	1229.282	2694.386
650 - Social Security	BA	435.181	457.324	479.853	503.978	529.413	556.082	584.363	615.054	649.872	686.642	725.901	2526.650	5788.482
	OT	433.121	455.079	477.432	501.752	527.095	553.672	581.756	612.060	646.606	683.864	723.230	2515.030	5762.546
Discretionary	BA	3.448	3.597	3.714	3.838	3.959	4.085	4.215	4.353	4.494	4.643	4.798	19.193	41.696
	OT	3.388	3.542	3.674	3.782	3.901	4.025	4.153	4.289	4.428	4.575	4.727	18.924	41.096
Mandatory	BA	431.733	453.727	476.139	500.140	525.454	551.997	580.148	610.701	645.378	681.999	721.103	2507.457	5746.786
	OT	429.733	451.537	473.758	497.970	523.194	549.647	577.603	607.771	642.178	679.289	718.503	2496.106	5721.450
650 on-budget	**BA**	**9.805**	**11.004**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.748**	**150.906**
	OT	**9.805**	**11.003**	**11.733**	**12.496**	**13.308**	**14.207**	**15.168**	**16.241**	**17.483**	**18.878**	**20.388**	**62.747**	**150.905**
Discretionary	**BA**	**0.017**	**0.018**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.097**	**0.212**
	OT	**0.017**	**0.017**	**0.019**	**0.019**	**0.020**	**0.021**	**0.021**	**0.022**	**0.023**	**0.024**	**0.025**	**0.096**	**0.211**
Mandatory	**BA**	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
	OT	**9.788**	**10.986**	**11.714**	**12.477**	**13.288**	**14.186**	**15.147**	**16.219**	**17.460**	**18.854**	**20.363**	**62.651**	**150.694**
700 - Veterans Benefits and Services	BA	46.675	51.512	53.801	56.161	60.317	59.863	59.345	63.407	64.981	66.973	69.063	281.654	605.423
	OT	45.926	50.921	53.408	55.744	59.847	59.368	58.853	62.971	64.570	66.555	68.632	279.288	600.869
Discretionary	BA	22.512	23.466	24.215	25.015	25.788	26.597	27.441	28.328	29.233	30.175	31.166	125.081	271.424
	OT	22.062	23.176	24.123	24.818	25.557	26.340	27.160	28.023	28.919	29.851	30.830	124.014	268.797
Mandatory	BA	24.163	28.046	29.586	31.146	34.529	33.266	31.904	35.079	35.748	36.798	37.897	156.573	333.999
	OT	23.864	27.745	29.285	30.926	34.290	33.028	31.693	34.948	35.651	36.704	37.802	155.274	332.072
750 - Administration of Justice	BA	30.577	32.431	32.545	35.330	36.420	37.466	38.543	39.665	40.822	42.021	43.284	174.192	378.527
	OT	30.003	31.436	32.809	35.543	36.347	37.036	38.013	39.152	40.292	41.483	42.728	173.171	374.839
Discretionary	BA	29.987	31.287	32.209	33.180	34.131	35.130	36.159	37.231	38.334	39.477	40.680	165.937	357.818
	OT	29.335	30.638	32.171	33.267	34.045	34.834	35.758	36.844	37.934	39.065	40.249	164.955	354.805
Mandatory	BA	0.590	1.144	0.336	2.150	2.289	2.336	2.384	2.434	2.488	2.544	2.604	8.255	20.709
	OT	0.668	0.798	0.638	2.276	2.302	2.202	2.255	2.308	2.358	2.418	2.479	8.216	20.034
800 - General Government	BA	16.307	16.496	16.651	17.082	17.560	18.068	18.609	18.791	19.377	19.968	20.599	85.857	183.201
	OT	16.065	16.193	16.493	16.978	17.201	17.641	18.144	18.445	18.882	19.437	20.048	84.506	179.462
Discretionary	BA	14.028	14.622	15.091	15.599	16.084	16.590	17.126	17.676	18.249	18.836	19.459	77.986	169.332
	OT	13.795	14.330	14.939	15.320	15.761	16.206	16.686	17.201	17.758	18.327	18.931	76.556	165.459
Mandatory	BA	2.279	1.874	1.560	1.483	1.476	1.478	1.483	1.115	1.128	1.132	1.140	7.871	13.869
	OT	2.270	1.863	1.554	1.658	1.440	1.435	1.458	1.244	1.124	1.110	1.117	7.950	14.003

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
900 - Net Interest	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
	OT	206.992	186.707	174.930	160.500	142.479	125.747	108.714	89.384	68.051	44.200	18.798	790.362	1119.509
900 on-budget	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
	OT	**275.467**	**262.107**	**258.286**	**253.631**	**246.834**	**242.748**	**239.718**	**235.542**	**230.445**	**223.876**	**216.803**	**1263.605**	**2409.989**
920 - Allowances	BA	84.528	-5.953	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-31.340	-66.750
	OT	84.697	-3.690	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-27.589	-62.581
Discretionary	BA	-0.472	-5.953	-6.115	-6.268	-6.423	-6.580	-6.744	-6.908	-7.079	-7.251	-7.429	-31.340	-66.750
	OT	-0.303	-3.690	-5.222	-5.912	-6.263	-6.503	-6.665	-6.828	-6.994	-7.165	-7.340	-27.589	-62.581
Mandatory	BA	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
950 - Undistributed Offsetting Receipts	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
Discretionary	BA	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	OT	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mandatory	BA	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
	OT	-46.173	-47.308	-58.675	-66.189	-57.170	-61.901	-60.346	-62.242	-64.210	-66.757	-69.459	-291.243	-614.257
950 on-budget	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
Discretionary	**BA**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
	OT	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
Mandatory	**BA**	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**
	OT	**-38.265**	**-38.803**	**-49.508**	**-56.315**	**-46.463**	**-50.461**	**-48.179**	**-49.141**	**-50.203**	**-51.778**	**-53.287**	**-241.550**	**-494.138**

CONFERENCE REPORT FISCAL YEAR 2002
BUDGET RESOLUTION TOTAL SPENDING AND REVENUES
($ billions)

Function			2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-06	2002-11
Total		BA	2003.674	1990.203	2049.949	2129.714	2221.841	2286.679	2378.718	2472.687	2566.898	2668.427	2777.954	10678.386	23543.071
		OT	1948.462	1951.945	2020.513	2103.122	2195.832	2255.976	2343.601	2439.456	2532.731	2633.511	2741.534	10527.388	23218.221
Discretionary a/		BA	641.979	661.300	678.877	696.558	713.777	731.734	750.208	769.114	788.819	809.022	830.330	3482.246	7429.739
		OT	647.088	682.776	707.084	725.949	746.329	761.752	777.511	799.616	819.686	840.153	861.470	3623.890	7722.326
Mandatory		BA	1361.695	1328.903	1371.072	1433.157	1508.064	1554.945	1628.510	1703.573	1778.080	1859.405	1947.624	7196.140	16113.332
		OT	1301.374	1269.169	1313.429	1377.174	1449.503	1494.224	1566.089	1639.840	1713.045	1793.359	1880.064	6903.498	15495.895
Total on-budget		**BA**	**1653.681**	**1626.488**	**1674.452**	**1739.937**	**1820.798**	**1873.245**	**1952.694**	**2033.133**	**2110.910**	**2195.318**	**2286.618**	**8734.920**	**19313.594**
		OT	**1600.529**	**1590.474**	**1647.437**	**1715.571**	**1797.107**	**1844.952**	**1920.184**	**2002.896**	**2080.009**	**2163.180**	**2252.869**	**8595.541**	**19014.679**
Discretionary		**BA**	**638.548**	**657.721**	**675.182**	**692.739**	**709.838**	**727.670**	**746.014**	**764.783**	**784.348**	**804.403**	**825.557**	**3463.150**	**7388.255**
		OT	**643.717**	**679.251**	**703.429**	**722.186**	**742.448**	**757.748**	**773.379**	**795.349**	**815.281**	**835.602**	**856.768**	**3605.062**	**7681.441**
Mandatory		**BA**	**1015.133**	**968.767**	**999.270**	**1047.199**	**1110.960**	**1145.575**	**1206.680**	**1268.350**	**1326.563**	**1390.915**	**1461.061**	**5271.770**	**11925.339**
		OT	**956.812**	**911.223**	**944.008**	**993.386**	**1054.659**	**1087.204**	**1146.804**	**1207.547**	**1264.728**	**1327.579**	**1396.101**	**4990.479**	**11333.238**
Revenues			2134.571	2170.510	2266.982	2368.984	2472.706	2550.525	2674.609	2802.180	2940.393	3100.084	3255.735	11829.707	26602.708
Revenues on-budget			**1630.462**	**1638.202**	**1706.044**	**1780.310**	**1852.646**	**1901.304**	**1994.674**	**2089.726**	**2193.954**	**2318.055**	**2436.550**	**8878.506**	**19911.465**
Surplus			186.109	218.565	246.469	265.862	276.874	294.549	331.008	362.724	407.662	466.573	514.201	1302.319	3384.487
	On-budget		29.933	47.728	58.607	64.739	55.539	56.352	74.490	86.830	113.945	154.875	183.681	282.965	896.786
	Off-budget		156.176	170.837	187.862	201.123	221.335	238.197	256.518	275.894	293.717	311.698	330.520	1019.354	2487.701
Debt Held by the Public			3243.211	3037.867	2810.731	2563.647	2303.144	2022.464	1702.918	1349.973	947.307	878.000	818.000		
Accumulated Excess Cash			0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	392.678	843.560		

a/ Discretionary spending in this summary reflects the levels that will apply once new discretionary limits are enacted.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The Conference Agreement is built upon the economic forecasts developed by the Congressional Budget Office and presented in CBO's "The Economic and Budget Outlook: Fiscal Years 2002–2011" (January 2001).

House Resolution.—CBO's economic assumptions were used.

Senate Amendment.—CBO's economic assumptions were used.

Conference Agreement.—CBO's economic assumptions were used.

ECONOMIC ASSUMPTIONS
(By calendar years)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	**2002-2011**
Percent change, year over year:												
Real GDP Growth	2.4	3.4	3.3	3.0	3.0	3.0	3.0	3.0	3.0	3.1	3.1	3.1
Consumer Price Index	2.8	2.8	2.7	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.6
GDP Price Index	2.3	2.1	2.0	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
Percent, annual average:												
Unemployment Rate	4.4	4.5	4.5	4.7	4.8	4.9	5.0	5.1	5.2	5.2	5.2	4.9
Three-Month Treasury Bill Rate	4.8	4.9	5.0	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9	4.9
Ten-Year Treasury Note Rate	4.9	5.3	5.5	5.6	5.7	5.8	5.8	5.8	5.8	5.8	5.8	5.7

FUNCTIONS AND REVENUES

Pursuant to section 301(a)(3) of the Budget Act, the budget resolution must set appropriate levels for each major functional category based on the 302(a) allocations and the budgetary totals.

The respective levels of the House resolution, the Senate amendment, and the Conference Agreement for each major budget function are discussed in the following section. The Conference Agreement provides aggregate discretionary spending in 2002 of $661.3 billion in budget authority (BA) and $682.8 billion in outlays.

These two aggregate numbers are allocated to the Appropriations Committees to be suballocated to their 13 individual appropriation subcommittees. For the purposes of presentation in this Conference Agreement, functional discretionary numbers are set at fiscal year 2002 Congressional Budget Office baseline estimates, and do not reflect any specific policy orientation except for the defense function, which assumes President Bush's budget authority request for fiscal year 2002. For years beyond 2002 this report assumes that the 2002 discretionary function levels grow by inflation.

The only specific discretionary policy decision inherent in this resolution is a $661.3 billion discretionary budget authority allocation. The Appropriations Committees are responsible for allocating this budget authority to their subcommittees to address specific policy priorities.

FUNCTION 050: NATIONAL DEFENSE

Major Programs in Function.—Under current law, spending for Function 050, National Defense, will total $310.3 billion in BA and $300.6 billion in outlays for 2001. This function includes funding for the Department of Defense (about 95 percent of the function), the defense activities of the Department of Energy (about 5 percent of the function), and other defense activities in other departments and agencies, including the Department of Transportation, the Department of Justice, the General Services Administration, and the Selective Service (less than 1% of the function).

House Resolution.—The resolution establishes levels of $324.6 billion in budget authority [BA] and $319.3 billion in outlays in fiscal year 2002, an increase of 4.6 percent in BA compared with fiscal year 2001. The function totals are $1.71 trillion in BA and $1.68 trillion in outlays over 5 years, and $3.68 trillion in BA and $3.61 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to increase military pay and other compensation by $1.4 billion in 2002. The resolution also assumes an additional $400 million to improve the quality of housing for military personnel and their families, and $3.9 billion for the first year of expanded health benefits for over-65 military retirees (Tricare for Life). In addition, the resolution accommodates the President's proposed $2.6-billion initiative ($20 billion over 5 years) to fund research and development of new technologies. The Department of Defense intends to apply this funding to create new capabilities to defend against projected future threats, following a comprehensive review by the Secretary of Defense to assess national security needs. To potentially augment the levels in this function, the resolution creates two reserve funds that could accommodate additional defense spending: one, in fiscal year 2001, to eliminate Department of Defense shortfalls; and a second, in fiscal year 2002, for possible legislation pursuant to the President's defense review. See also section 1218A.

Senate Amendment.—The Senate amendment provides $334.5 billion in BA and $326.8 billion in outlays in 2002, and $3.69 trillion in BA and $3.62 trillion in outlays over 2002–2011. These amounts include full funding for the President's request, which for 2002 constitutes a $14.3. billion increase in BA over 2001—a 4.6 percent nominal increase—and which in 2002 accommodates increases of $1.4 billion in BA for military personnel pay and retention, $0.4 billion for military housing, $2.6 billion for research and development for missile defense and "transformation," and $3.9 billion for the Tricare for Life program enacted in the 106th Congress. The President's request also incorporated reductions below inflated baseline levels for the Department of Energy defense activities (subfunction 053) and other defense-related activities in subfunction 054, amounting to approximately $1 billion per year over 2002–2011.

The Senate amendment includes the President's proposal to make the Radiation Exposure Compensation Trust Fund a mandatory program and to delay payments to certain beneficiaries pending the scientific findings of a study by the National Institute of Occupational Safety and Health.

The Senate amendment also encompasses increases directed by certain amendments adopted by the Senate for 2002. These include an amendment adding $8.5 billion in BA and $6.5 billion in outlays to redress serious and pressing Defense Health Program shortfalls ($3.1 billion), unfunded Department of Energy non-proliferation and "Stockpile Stewardship" activities ($900 million), and readiness shortages ($4.5 billion). Another floor amendment added $1.0 billion in additional BA and $0.7 billion in outlays for the Department of Energy's Environmental Management program.

Conference Agreement.—For 2001, the Conferees adopted $316.9 billion in BA and $302.4 billion in outlays. This is an increase of $6.5 billion in BA over previously enacted—appropriations for 2001. For 2002, the Conferees adopted. $324.8 billion in BA and $319.1 billion in outlays. This is an increase of $14.5 billion above levels enacted to date for 2001. For 2002–2011, the Conference Agreement totals $3.65 trillion in BA and $3.59 trillion in outlays.

Regarding discretionary spending, the Conferees adopted the House amendment with certain understandings and alterations. Among the understandings, the primary ones are to redress shortfalls in the National Defense budget function for 2001 and 2002 regarding the Defense Health Program, readiness, and certain Department of Energy defense activities. The key alteration is a revised mechanism to accommodate the as yet unspecified additional funding needed for the results of the President's Defense Review to adjust U.S. national security strategy and defense programs to the requirements twenty-first century.

To redress shortfalls in 2001, the Conferees have revised the Section 302(a) allocation up to the level of the statutory cap for 2001 to accommodate a 2001 supplemental for the Department of Defense totaling $6.5 billion in BA and $1.8 billion in outlays. The Conferees assume and urge in the strongest possible terms that this budget authority be used, in the amounts specified, exclusively for urgent shortfalls in the Defense Health Program ($1.4 billion) and immediate readiness needs, including spare parts, training, depot and other maintenance, fuel and energy costs, and base operations ($5.1 billion).

For discretionary spending in 2002, the Conferees adopted $325.1 billion in BA and $319.4 billion in outlays. These totals match the President's request as scored by CBO, together with the outlays estimated by CBO from the 2001 supplemental allocation described above. In addition, the Conferees adopted reserve funds, described more fully in the discussion of Title II, to accommodate a Presidential budget amendment in response to the President's Defense Review.

The Conferees assume that, taken together, the National Defense budget as originally submitted by the President and the subsequent budget amendment will fully fund the "transformation" initiatives recommended by the President and the Secretary of Defense and all pre-existing priority national security programs in the Department of Defense and the Department of Energy. The Conferees are particularly concerned that the amended budget request fully address all shortfalls that have heretofore been identified for 2002, including those in the Defense Health Program (up to $3.1 billion), activities where readiness has in recent years fallen below optimal levels (totaling several billions of dollars), and essential national security programs in the Department of Energy, including Stockpile Stewardship ($800 million), non-proliferation activities ($100 million), and Environmental Management programs (up to $1 billion, which could occur in the fiscal year deemed most appropriate, 2001 or 2002). The Conferees agree that it is essential for the National Defense budget as amended, to fully fund each of these concerns respecting both shortfalls and "transformation."

Regarding mandatory spending, the Conferees adopted the Senate amendment concerning the Radiation Exposure Compensation Trust Fund, revised to reflect more recent CBO scoring. This updated scoring amounts to $172 million in 2002 and $655 million for 2002–2011, with an offsetting reduction of expenses in the Energy Occupation Illness Compensation fund that brings net costs to $146 million in 2002 and $440 million for 2002–2011.

FUNCTION 150: INTERNATIONAL AFFAIRS

Major Programs in Function.—Under current law, spending for Function 150, International Affairs, will total $22.4 billion in BA and $19.7 billion in outlays for 2001. This function includes funding for the operation of the foreign affairs establishment including embassies and other diplomatic missions abroad, foreign aid loan and technical assistance activities in developing countries, security assistance to foreign governments, activities of the Foreign Military Sales Trust Fund, U.S. contributions to international financial institutions and the United Nations, the Export-Import Bank and other trade promotion activities, and refugee assistance.

House Resolution.—The resolution fully funds the President's requested levels of $23.9 billion in budget authority [BA] and $19.6 billion in outlays in fiscal year 2002, an increase of 6.4 percent in BA compared with fiscal year 2001. The function totals are $123.8 billion in BA and $102.0 billion in outlays over 5 years, and $264.2 billion in BA and $219.7 billion in outlays over 10 years. The levels fully fund the President's request and accommodate his proposal to increase the Administration of Foreign Affairs funding by $888 million above the 2001 level, to a total of $5.7 billion for fiscal year 2002, and his request to increase military assistance to Israel by $60 million. In addition, to maintain and expand programs to stem the flow of cocaine and heroin from Colombia and its Andean neighbors, the budget assumes the President's $624-million increase for international narcotics control and law enforcement. The resolution also assumes sufficient resources for the Tropical Forest Conservation Act [TFCA].

Senate Amendment.—The Senate amendment provides $24.1 billion in BA and $19.8 billion in outlays in 2002, and $265.4 billion in BA and $220.9 billion in outlays over 2002–2011. These amounts include full funding for the President's request, which for 2002 constitutes a $1.5 billion increase in BA over 2001—a 6.7 percent nominal increase. The Senate amendment also reflects the Senate's adoption of a floor amendment to increase the President's request by $200 million in BA in 2002 and by $500 million in BA in 2003—with commensurate outlays—for the purpose of assisting the response of needy counties to the international HIV/AIDS pandemic. The Senate also adopted an amendment regarding conservation that affected several budget functions, including the addition of $50 million in BA in every year over the 2002–2011 period in Function 150.

Conference Agreement.—The Conference Agreement totals $23.2 billion in BA and $19.1 billion in outlays for 2002. For 2002–2011, the Conference Agreement totals $256.6 billion in BA and $213.3 billion in outlays, a reduction of $7.6 billion in BA below the request and the House resolution. The BA and outlays for International Affairs equal the amounts of CBO's inflated baseline for 2002–2011, plus the outlays needed in 2002 to address the payment of arrearages to the UN discussed below.

Regarding discretionary spending, the Conferees strongly support Secretary of State Powell's proposals to reinvigorate the US foreign policy establishment and to expand some international programs. The Senate expressed this support in the form of expanding even further proposed programs to address the HIV/AIDS epidemic in regions, such as Africa.

Regarding the payment of arrearages to the United Nations, the conferees recognize that Congress has appropriated funds for the payment of arrears to the UN and related agencies in 1999 and 2000. Those funds have not been obligated because not all of the reforms required by authorizing statute have been met, in particular the requirement that the United States' assessment for contributions to international peacekeeping activities be reduced to no more than 25 percent of the total. Recognizing the substantial reforms that have been negotiated, the President has proposed legislation, not subject to PAYGO, that would release the funds for obligation. The legislative proposal would increase outlays by $582 million in 2001 and $244 million in 2002. This resolution accommodates the increased spending in its estimates of outlays from prior year's appropriations. The conferees direct that if the legislative proposal is included in authorizing legislation, the cost of such legislation up to the amounts included in the fiscal year 2001 and 2002 allocations of the appropriations committee shall not be charged against the allocation of the authorizing committee for purposes of enforcing this resolution.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

Major Programs in Function.—Under current law, spending for Function 250, General Science, Space and Technology, will total $21.0 billion in BA and $19.7 billion in outlays for 2001. The General Science, Space and Technology function consists of funds in two major categories: general science and basic research, and space flight, research, and supporting activities. The general science component includes the budgets for the National Science Foundation [NSF], and the fundamental science programs of the Department of Energy [DOE]. The largest component of the function, nearly two thirds of the total, is for space flight, research, and supporting activities of the National Aeronautics and Space Administration [NASA] (except for NASA's air transportation programs, which are included in Function 400).

House Resolution.—The resolution establishes levels of $22.2 billion in budget authority [BA] and $21.0 billion in outlays in fiscal year 2002, an increase of 5.7 percent in BA compared with fiscal year 2001. The function totals are $115.9 billion in BA and $112.4 billion in outlays over 5 years, and $247.1 billion in BA and $240.2 billion in outlays over 10 years. The resolution assumes $4.5 billion for the National Science Foundation [NSF], a $56-million increase from 2001. It assumes $14.5 billion for the National Aeronautics and Space Administration [NASA], a 2-percent increase over 2001. This total allows for the President's recommendations, including increased funds for International Space Station development and operations; a 64-percent increase over 2001 for NASA's Space Launch Initiative; six space shuttle flights a year; and continued funding for safety improvements in NASA.

Senate Amendment.—The Senate amendment sets forth $22.8 billion in BA and $21.2 billion in outlays in 2002, and $240.1 billion in BA and $232.9 billion in outlays over 2002–2011. The total spending within Function 250 was amended by the following two amendments:

The Senate adopted an amendment that added $1.441 billion in BA and $530 million in outlays in 2002 to the function total proposed by President Bush. The amendment assumed an increase of $674 million for NSF in 2002. The increase is intended to provide additional funding for NSF along a doubling path similar to that of the National Institutes of Health. NASA would also receive an increase of $518 million, and DOE science would increase by $469 million in 2002. The amendment would allow funding for all of the President's initiatives in Function 250, as well as address other needs within the scientific community. The total assumed increase above the 2001 appropriated level is $1.661 billion.

The Senate also adopted an amendment related to global climate changes that affected several functional categories, including Function 150, 250, 270, 300, and 350. In this function, the amendment reflected an increase in BA of $50 million each year for 10 years, for a total increase of $500 million in BA from FY2002–2011.

Conference Agreement.—The Conference Agreement assumes $21.6 billion in BA and $20.7 billion in outlays in 2002, and $236.3 billion in BA and $230.6 billion in outlays over the 2002–2011 period.

FUNCTION 270: ENERGY

Major Programs in Function.—Under current law, spending for Function 270 Energy, will total $1.2 billion in BA and −$0.1 billion in outlays for 2001. This Function includes civilian activities of the Department of Energy, the Rural Utilities Service, the power programs of the Tennessee Valley Authority (TVA), and the Nuclear Regulatory Commission (NRC). Mandatory spending in this function contains large levels of offsetting receipts, resulting in net mandatory spending of −$1.9 billion in BA and −$3.2 billion in outlays for 2001. Congress provided $3.1 billion in discretionary BA for 2001.

House Resolution.—The resolution establishes levels of $835 million in budget authority [BA] and −$234 million in outlays in fiscal year 2002, a decrease of 33 percent in BA compared with fiscal year 2001. The 5-year function totals are $4.4 billion in BA and −$2.2 billion in outlays; and the 10-year totals are $14.5 billion in BA and $598 million in outlays. The resolution assumes the President's proposed $1.4 billion over 10 years (a $120-million increase) for the Department of Energy's Weatherization Assistance Program to help low-income families who live in poorly insulated housing or have insufficient heating or cooling systems. It also assumes a total of $8 million to support the Northeast Heating Oil Reserve that was established because of low heating oil stocks. Finally, in light of past management and security problems, the resolution accommodates the President's efforts to reform the Department of Energy.

Senate Amendment.—The Senate amendment sets forth $1.676 billion in BA and $.018 billion in outlays in 2002, and $17.162 billion in BA and $2.785 billion in outlays over the 2002–2011 period. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $205 million in BA each year over the 2002–2011 period to reduce greenhouse gas emissions, $450 million in BA in 2002 for Renewable Energy R&D, and $150 million in BA in 2002 for Fossil Energy R&D. The Senate amendment does not assume the President's proposal for the Arctic National Wildlife Refuge (ANWR).

Conference Agreement.—The Conference Agreement assumes $1.36 billion in BA and −$0.02 in outlays in 2002 and $15.9 billion in BA and $2.2 billion in outlays over the 2002–2011 period.

FUNCTION 300: NATURAL RESOURCES AND THE ENVIRONMENT

Major Programs in Function.—Under current law, spending for Function 300 Natural Resources and the Environment, will total $28.8 billion in BA and $26.4 billion in outlays for 2001. This Function includes funding for water resources, conservation and land management, recreation resources, and pollution control and abatement. Agencies with major program activities within the Function include the Environmental Protection Agency (EPA), the Army Corps of Engineers, the National Oceanic and Atmospheric Administration (NOAA), the Forest Service (within the Department of Agriculture), and the Department of the Interior, including the National Park Service, the Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management and the Bureau of Reclamation, among others.

House Resolution.—The resolution establishes levels of $26.7 billion in budget authority [BA] and $26.4 billion in outlays in fiscal year 2002, a decrease of 7.3 percent in BA compared with fiscal year 2001. The 5-year function totals are $137.1 billion in BA and $136.3 billion in outlays; and the 10-year totals are $289.3 billion in BA and $285.3 billion in outlays. The resolution accommodates the President's recommendation to fully fund the Land and Water Conservation [LWC] Fund at $900 million starting in 2002, an increase of $356 million over 2001. It also provides for an addition of $440 million in 2002 as a down payment on eliminating the National Park Service's deferred maintenance backlog, currently pegged at $4.9 billion. In addition, it assumes more than $1 billion in EPA grants for States and tribes to administer environmental programs, and a total of $3.7 billion in funding for the EPA's Operating Program, which comprises the agency's core regulatory, research, and enforcement activities. The resolution would support substantially reducing the backlog of school repairs and maintenance in the Bureau of Indian Affairs, with the goal of eliminating the backlog within 5 years, and assumes increased funding for the Army Corps of Engineers program evaluating proposed development in wetlands. The resolution also accepts the administration's proposed extension of a user fee pilot program in the National Park Service, but does not include increase in Corps of Engineers recreation fees.

Senate Amendment.—The Senate amendment sets forth $29.6 billion in BA and $29.3 billion in outlays in 2002, and $296.4 billion in BA and $292.3 billion in outlays over 2002–2011. The Senate amendment assumes the President's budget with the following Senate adopted amendments to discretionary spending: $250 million in BA and $199 million in outlays in 2002 to fully fund the Conservation Spending Cap, $44 million in BA in 2002 for water system improvements, $1.3 billion in BA and outlays in 2002 for agriculture conservation programs, $100 million in BA in 2002 to reduce greenhouse gases, $800 million in BA in 2002 for wastewater infrastructure improvements, and $100 million in BA in 2002 for the Bureau of Reclamation construction account.

The Senate amendment assumes mandatory spending of $350 million in BA and outlays each year over the 2002–2011 period to address agricultural conservation needs.

Conference Agreement.—The Conference Agreement assumes $30.4 billion in BA and $28.7 billion in outlays in 2002, and $345.7 billion in BA and $336.8 billion in outlays over the 2002–2011 period. The Conference Agreement accepts the Senate position on the extension of the recreational fee demonstration program. The Conference Agreement assumes mandatory agriculture spending of $350 million in BA and outlays in 2002. Section 213 establishes a reserve fund for agriculture that permits the chairman of the appropriate Committee on the Budget to adjust the Agriculture Committee's allocation to accommodate legislation providing, among other things, as much as $350 billion for the period of 2003 through 2011 for conservation programs.

FUNCTION 350: AGRICULTURE

Major Programs in Function.—Under current law, spending for Function 350 Agriculture, is estimated to total $26.3 billion in budget authority (BA) and $23.7 billion in outlays for FY 2001. This Function includes funding for federal programs intended to promote the economic stability of agriculture through direct assistance and loans to food and fiber producers; provide regulatory, inspection and reporting services for agricultural markets; and promote research as well as education in agriculture and nutrition.

House Resolution.—The resolution establishes levels of $19.1 billion in budget authority [BA] in fiscal year 2002, and $17.5 billion in outlays. The 5-year function totals are $92.5 billion in BA and $84.7 billion in outlays; and the 10-year totals are $172.5 billion in BA and $157.3 billion in outlays. The resolution accommodates the President's recommendations, including: support of United States Department of Agriculture [USDA] food safety activities, including providing 7,600 meat and poultry inspectors; allocation of conservation assistance to 650,000 landowners, farmers, and ranchers; maintaining funding for priority activities in the Forest Service's wildland fire management plan, including hazardous fuels reduction; redirecting USDA research to provide new emphasis in key areas such as biotechnology, the development of new agricultural products, and improved protection against emerging exotic plant and animal diseases as well as crop and animal pests; and expanding overseas markets for American agricultural products by strengthening USDA's market intelligence capabilities and the Department's expertise for resolving technical trade issues with foreign trading partners. The resolution contains two reserve funds that would accommodate additional agricultural needs: a fiscal year 2001 reserve fund that could be used for emergency Agricultural Market Transition payments; and a fiscal year 2002 reserve fund that could accommodate a reauthorization of the Federal Agricultural Improvement and Reform Act or additional emergency relief.

Senate Amendment.—The Senate amendment revises the 2001 spending levels. It increases BA and outlays by $9 billion to $35.3 and $32.7 respectively. For 2002, the Senate assumes $26.2 billion in BA and $24.5 billion in outlays. Over the ten-year period 2002–2011, the Senate assumes a total of $227.9 billion in BA and $212.8 billion in outlays. The Senate adopted mandatory amendments which increased CCC spending by $9 billion in BA and outlays in 2001 and a total of $55 billion in BA and outlays over the 2002–2011 period. The Senate adopted a discretionary amendment which added $0.045 billion in BA and $0.041 billion in outlays in 2002 and $0.45 billion in BA and $0.446 billion in outlays over the ten-year period 2002–2011.

Conference Agreement.—The Conference Agreement revises the 2001 spending levels. It increases both BA and outlays by $5.5 billion to $31.8 billion and $29.2 billion respectively. For 2002, the Conference Agreement assumes $26.3 billion in BA and $24.6 billion in outlays. Over the ten-year period 2002–2011, the agreement assumes a total of $243.2 billion in BA and $228.0 billion in outlays. The 2001 and 2002 levels assume $12.5 billion of new mandatory BA and outlays. This money would be allocated to the Senate and House agriculture authorizing committees. It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today. For 2003 to 2011, the Conference Agreement assumes increased mandatory BA and outlays totaling $63 billion to be made available for the extension and revision of the Federal Agriculture Improvement and Reform Act of 1996, which expires in 2002. Fiscal Year 2003 monies may be made available for 2002 crop year support. The money would be placed in a reserve fund for the authorizing committees. This function assumes the necessary funding for the modernization plan of USDA's National Animal Disease Center and National Veterinary Services Laboratory in Ames, IA.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

Major Programs in Function.—Under current law, spending for Function 370, Commerce and Housing Credit, will total about $3.5 billion in BA and $0.2 billion in outlays for 2001. Function 370 includes both on-budget and an off-budget (Postal Service) components, but the budget resolution text includes only the on-budget portion. Both on-budget and total spending are shown, however, in the summary tables contained in this Conference Agreement. This budget function includes funding for discretionary housing programs, such as subsidies for single and multifamily housing in rural areas and mortgage insurance provided by the Federal Housing Administration; off-budget net spending by the Postal Service; discretionary funding for commerce programs, such as international trade and exports, science and technology, the census, and small business; and mandatory spending for deposit insurance activities related to banks, savings and loans, and credit unions.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $7.4 billion in budget authority [BA] and $4.4 billion in outlays in fiscal year 2002, an increase of 195 percent in BA compared with fiscal year 2001. The on-budget function totals are $54.2 billion in BA and $33.5 billion in outlays over 5 years, and $128.1 billion in BA and $84.3 billion in outlays over 10 years. The resolution assumes the President's recommendation that premiums for specified Federal Housing Administration [FHA] programs, such as condominiums, rehabilitation loans, and multifamily loans, are to be increased so that all single-family FHA borrowers pay the same premiums, and that the programs operate without the need for a subsidy.

Senate Amendment.—The Senate amendment does not revise the levels for 2001. For 2002, the resolution provides $7.7 billion in BA and $4.5 billion in outlays. Over 10 years, the resolution provides $128.9 billion in BA and $85.0 billion in outlays. The Senate amendment does not include the House's assumption of a reduction in fees charged by the Securities and Exchange Commission. Because of an amendment adopted by the Senate that dropped the President's proposal to charge exam fees for state-chartered banks, the Senate amendment is now comparable to the House resolution in this regard. Further, the Senate amendment reflects the Senate's adoption of an amendment to increase spending on the International Trade Administration by $655 million over 2002–2011 and of another amendment to restore $264 million in funding in 2002 for programs of the Small Business Administration to offset cuts that had been proposed in the President's budget.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, the resolution provides $10.2 billion in BA and $6.6 billion in outlays. Over 10 years, it provides $152.4 billion in BA and $108.1 billion in outlays.

FUNCTION 400: TRANSPORTATION

Major Programs in Function.—Under current law, spending for Function 400, Transportation, will total $62.1 billion in BA and $51.7 billion in outlays for 2001. The function primarily comprises funding for the Department of Transportation, including ground transportation programs, such as the federal-aid highway program, mass transit, motor carrier safety, and the National Rail Passenger Corporation (Amtrak); air transportation through the Federal Aviation Administration (FAA) airport improvement program, facilities and equipment program, research, and operation of the air traffic control system; water transportation through the Coast Guard and Maritime Administration; the Surface Transportation Board; the National Transportation Safety Board; and related transportation safety and support activities within the Department of Transportation. In addition, funds for air transportation programs under the auspices of NASA are included within this function.

House Resolution.—The resolution establishes levels of $61.0 billion in BA and $55.6 in outlays in fiscal year 2002; $298.9 billion in BA and $299.8 billion in outlays over 5 years; and $608.1 billion in BA and $639.6 billion in outlays over 10 years. The resolution accommodates the President's proposal to fully fund the authorized levels provided for highways ($32.3 billion) and transit ($6.7 billion) under the Transportation Equity Act for the 21st Century and for the Federal Aviation Administration's operating ($6.9 billion), capital ($2.9 billion), and airport grants ($3.3 billion) programs under the Aviation Investment and Reform Act for the 21st Century. To assist Americans with disabilities in overcoming transportation barriers to work, the resolution assumes the President's $145-million proposal to fund two new programs under his New Freedom Initiative to increase the ability of individuals with disabilities to integrate into the workforce. The resolution also assumes an increase in Coast Guard operating expenses of $250 million above the fiscal year 2002 level recommended by the President for fiscal year 2002 and subsequent years. This increase is provided to eliminate Coast Guard vessel and aircraft spare parts problems, to improve personnel training, to fund new Department of Defense entitlements, and to operate drug interdiction assets at optimal levels. (The resolution acknowledged that the Office of Management and Budget's budget submission contained recently identified errors, and indicated conferees would seek to address them.)

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution provides $62.2 billion in BA and $56.1 billion in outlays. Over 10 years, the resolution provides $701.6 billion in BA and $645.8 billion in outlays. The Senate amendment assumes the President's budget plus a Senate adopted amendment to add $250 million in BA and outlays for the Coast Guard in 2002.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $65.0 billion in BA and $56.2 billion in outlays. Over 10 years, it provides $694.8 billion in BA and $655.6 billion in outlays.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

Major Programs in Function.—Under current law, spending for Function 450, Community and Regional Development, will total $11.2 billion in BA and $11.4 billion in outlays for 2001. This function reflects programs that provide Federal funding for economic and community development in both urban and rural areas. Funding for disaster relief and insurance—including activities of the Federal Emergency Management Agency—also is provided in this function.

House Resolution.—The resolution establishes levels of $10.1 billion in budget authority [BA] and $11.4 billion in outlays in fiscal year 2002, a decrease of 9.8 percent in BA compared with fiscal year 2001. The 5-year totals are $53.2 billion in BA and $53.7 billion in outlays; and the 10-year totals are $113.9 billion in BA and $108.8 billion in outlays. Consistent with the President's recommendations, the budget assumes continuation of Community Development Block Grant [CDBG] formula funding at the 2001 level. It also assumes that the Rural Housing and Economic Development Program, begun in 1999, will be terminated due to its duplication of other programs, such as CDBGs.

Senate Amendment.—For 2002, the Senate amendment sets forth $11.2 billion in BA and $11.6 billion in outlays. Over the 2002–2011 ten year period, it assumes $115.0 billion in BA and $108.0 billion in outlays. The Senate adopted an amendment to increase by $108 million Federal Emergency Management Agency (FEMA) funds in 2002. Also adopted was an amendment to increase clean water grants by $1.0 billion in 2002.

Conference Agreement.—The Conference Agreement does not revise the fiscal year 2001 levels. For 2002, it sets forth $11.9 billion in BA and $11.7 billion in outlays. Over the 2002–2011 ten year period, it sets forth $130.7 billion in BA and $122.8 billion in outlays.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES

Major Programs in Function.—Under current law, spending for Function 500, Education, Training, Employment and Social Services, will total $76.9 billion in BA and $69.8. billion in outlays for 2001. This function includes funding for elementary and secondary, vocational, and higher education; education research and other education activities; job training and employment services; aging services; children and families services; adoption and foster care assistance; and funding for the arts and humanities.

House Resolution.—The resolution establishes levels of $82.1 billion in budget authority [BA] and $76.2 billion in outlays in fiscal year 2002, an increase of 6.8 percent in BA compared with fiscal year 2001. The 5-year function totals are $425.6 billion in BA and $412.7 billion in outlays; and the 10-year totals are $917.7 billion in BA and $891.7 billion in outlays.

The resolution assumes the President's proposal to redirect the $1.2 billion provided for school renovation, first funded in 2001, allowing States to reallocate the 2001 funds among school renovation, technology, or special education. For 2002, the budget assumes States can use this funding stream for priorities such as special education, help for low-performing schools, or accountability reforms.

The resolution also accommodates the President's proposed increase in program spending of the Department of Education by $4.6 billion, or 11.5 percent, in fiscal year 2002. It provides sufficient funding in elementary and secondary education for the President's "No Child Left Behind" education reform plan. Key initiatives include the following:

—A tripling of reading education funds, to $900 million in 2002, and a total increase in reading education spending of $5 billion over 5 years.

—The provision of $2.6 billion for States to improve teacher quality through high-quality professional development, recruitment and retention activities.

—A total of $320 million to help States to develop annual assessments of students, and to establish strong accountability systems; and $69 million to expand State participation in the National Assessment of Education Progress, so that parents, teachers and policymakers can ensure that students are improving.

—Consolidation and streamlining of existing Federal elementary and secondary education programs.

The resolution also assumes the following recommendations by the President: an increase of $137 million for the Impact Aid construction program, which currently receives only $12.8 million; consolidation and increased funding for teacher training and recruiting; a sum of $175 million to help charter schools acquire, construct, or renovate facilities; an increase for "character education" from $9.3 million to $25 million; an increase for the Troops to Teachers program to $30 million; an expansion of the teacher student loan forgiveness program by increasing the loan forgiveness limit from $5,000 to $17,500 for math and science majors who teach those subjects in high-need schools for 5 years.

To provide fiscal assistance to low-income college students, the budget accommodates the President's proposal to increase the Pell Grant program by $1 billion. This will increase the maximum award for all qualifying students to $3,850.

The budget also assumes an increase of 6.4 percent in funding for historically black colleges and graduate institutions, and Hispanic serving institutions, with a goal of increasing these programs 30 percent by 2005. The resolution also accommodates the President's proposed expansion of programs to protect abused and neglected children under the Safe and Stable Families Act, and provision of education or training vouchers to children aging out of foster care.

The resolution creates a $1.25-billion reserve fund for the Individuals with Disabilities Education Act [IDEA] Part B grants to States.

Senate Amendment.—The Senate Amendment does not revise the 2001 levels. For 2002, the Senate provides $111.9 billion in BA and $79.4 billion in outlays. Over the ten-year period 2002–2011, the Senate provides a total of $1,265.4 billion in BA, and $1,194.1 billion in outlays.

The Senate adopted the following amendments to the President's budget:

—For unspecified education funding, an amendment adding $8.3 billion in discretionary BA and $1.0 billion in outlays in 2002, and adding $242.0 billion in mandatory BA and $223.6 billion in outlays over the period 2003–2011.

—For IDEA (special education), an amendment adding $70.0 billion in mandatory BA and $70.0 billion in outlays over the ten-year period 2002–2011.

—For the Social Services Block Grant, an amendment adding $680 million in mandatory BA and outlays in 2002.

—For education technology, an amendment adding $628 million in discretionary BA and $35 million in outlays in 2002.

—For Impact Aid, an amendment adding $300 million in discretionary BA and $150 million in outlays in 2002.

—For children's services, an amendment adding $271 million in discretionary BA and $243 million in outlays in 2002.

—For American history education, an amendment adding $100 million in discretionary BA and $25 million in outlays in 2002.

Conference Agreement.—The Conference Agreement revises 2001 levels to $77.0 billion in BA and $69.9 billion in outlays. For 2002, the Conference Agreement provides $81.2 billion in BA and $76.7 billion in outlays. Over the ten-year period 2002–2011, the Conference Agreement provides a total of $904.0 billion in BA and $887.6 billion in outlays. The Conferees assume that within these aggregate numbers, the Grants to States program under the Individuals with Disabilities Education Act (IDEA) will receive funds of at least $7.59 billion in 2002, and that further additional resources for education should be focused on this program.

FUNCTION 550: HEALTH

Major Programs in Function.—Under current law, spending for Function 550, Health, will total $180.1 billion in BA and $173.0 billion in outlays for 2001. The major programs in this function include Medicaid, the State Children's Health Insurance Program, health benefits for federal workers and retirees, the National Institutes of Health, the Food and Drug Administration, the Health Resources Services Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration.

House Resolution.—The resolution establishes levels of $204.0 billion in BA and $201.1 billion in outlays in fiscal year 2002, an increase of 13.3 percent in BA compared with fiscal year 2001. The function totals are $1.20 trillion in BA and $1.19 trillion in outlays over 5 years, and $2.86 trillion in BA and $2.84 trillion in outlays over 10 years. Funding in the resolution accommodates the President's proposal to double the National Institutes of Health [NIH] 1998 funding level of $13.6 billion by 2003. To accomplish this, the 2002 budget assumes $23.1 billion for NIH, a $2.8 billion increase above the 2001 level. To strengthen the health care safety net, the budget assumes the President's $124-million increase for community health centers. The budget also assumes $8.3 billion over 10 years for the enactment of H.R. 600, the Family Opportunity Act of 2001. Under the Act, States would have the option to expand Medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

Finally, Function 550 assumes $43.1 billion (fiscal years 2002–2005) of the President's proposed Medicare reform, including the Immediate Helping Hand Prescription Drug Plan. (The costs for fiscal years 2006 through 2011 are reflected in Function 570.) The resolution also assumes the outlay effect of the President's proposed refundable health care tax credits, and the impact of the extension of an OBRA 1990 provision limiting Department of Veterans Affairs [VA] pensions for Medicaid recipients in nursing homes.

Senate Amendment.—The Senate amendment revises 2001 BA and outlays by $2.5 billion for the President's Immediate Helping Hand prescription drug program for seniors. The amendment sets forth $216.1 billion in BA and $213.2 billion in outlays in 2002, and $2,938.3 billion in BA and $2,914.4 billion in outlays over 2002–2011.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. For mandatory spending, an additional $28 billion was added over 2002–2004 for health spending for the uninsured. A reserve fund of $200 million in 2002 and $7.9 billion over 10 years was included for the Family Opportunity Act. In discretionary spending, an additional $700 million was assumed for NIH spending in 2002. The Indian Health Service was increased by $67.3 billion over 10 years. Budget authority for the FDA was increased by $40 million in 2002 and $400 million over 10 years. Amendments were adopted to increase funding for graduate medical education at children's hospitals by $50 million in 2002 and to provide an additional $136 million in 2002 for both graduate medical education and consolidated health centers.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides $198.8 billion in BA and $196.7 billion in outlays. Over 10 years, it provides $2,773.8 billion in BA and $2,757.1 billion in outlays.

Under the Conference Agreement, funding for the President's Immediate Helping Hand prescription drug proposal ($43.1 billion over 2002–2005 plus an additional $2.5 billion in 2001) was moved to Function 570 (Medicare). The Conference Agreement includes a reserve fund for the Family Opportunity Act of $227 million in 2002 and $8.3 billion over 10 years. The function totals also include a reserve fund of $28 billion over 3 years for additional health spending for the uninsured. This reserve fund can be used for either direct spending or revenue changes associated with legislation to improve health insurance coverage. The Conference Agreement also assumes Medicaid Upper Payment Limit savings of $11.7 billion over 10 years.

FUNCTION 570: MEDICARE

Major Programs in Function.—Under current law, spending for Function 570, Medicare, will total $217.5 billion in BA and $217.7 billion in outlays for 2001. Medicare provides health insurance coverage for persons over age 65 and qualified disabled workers.

House Resolution.—The resolution establishes levels of $229.1 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 5.3 percent in BA compared with fiscal year 2001. The function totals are $1.34 trillion in BA and $1.33 trillion in outlays over 5 years, and $3.31 trillion in BA and outlays over 10 years. As proposed in the President's budget, the budget resolution assumes $153 billion over 10 years for Medicare Reform, including the Immediate Helping Hand Prescription Drug Plan. This total is shared by Function 550 and Function 570; Function 570 incorporates $109.9 billion of the total over 10 years. The budget is consistent with the provisions of the Social Security and Medicare Lock-Box Act of 2001, which stipulates that the Medicare Hospital Insurance [HI] surplus can be used only for debt reduction or Medicare reform. The resolution establishes a reserve fund that could be used to accommodate an expanded Medicare reform/prescription drug proposal. It also establishes a general purpose reserve fund that could address Medicare initiatives.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the amendment provides $229.1 billion in BA and outlays. Over 10 years, the amendment provides $3,308.0 billion in BA and $3,307.6 billion in outlays for this function, the same as the House resolution.

The Senate amendment as introduced assumed the President's budget for both mandatory and discretionary spending. The following provisions were added through floor amendments. A reserve fund was adopted that allows for additional spending for Medicare reform and prescription drugs that goes beyond the $153 billion over 10 years already included in the functional totals and budget aggregates. (This amount includes $43.1 billion in Function 550 and $109.9 billion in Function 570.) The amount allocated from the reserve fund will be determined by the Chairman of the Senate Budget Committee using a Congressional Budget Office cost estimate of the President's Medicare reform proposal or a comparable proposal submitted by the Committee on Finance. In no case will the amount exceed $300 billion over 10 years (including the $153 already reflected in the budget totals). The Senate amendment also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $229.2 billion in BA and $229.1 billion in outlays. Over 10 years, the resolution provides $3,516.1 billion in BA and $3,515.7 billion in outlays for this function. The Conference Agreement includes a reserve fund of up to $300 billion for Medicare reform and a prescription drug benefit. The amount allocated from the reserve fund will be determined by the Chairmen of the Budget Committees of the House and Senate. The resolution also includes a reserve fund of $13.7 billion over 10 years for additional Medicare home health spending. This reserve fund is to be used to finance the repeal of the 15% reduction in Medicare home health payments, currently scheduled to take effect on October 1, 2002.

FUNCTION 600: INCOME SECURITY

Major Programs in Function.—Under current law, spending for Function 600, Income Security, will total $255.9 billion in BA and $256.9 billion in outlays for 2001. This function contains: (1) major cash and in-kind means-tested entitlements; (2) general retirement, disability, and pension programs excluding Social Security and Veterans' compensation programs; (3) federal and military retirement programs; (4) unemployment compensation; (5) low-income housing programs; and (6) other low-income support programs. This last category includes Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), and spending for the refundable portion of the Earned Income Credit (EIC).

House Resolution.—The resolution establishes levels of $271.5 billion in budget authority [BA] and $272.1 billion in outlays in fiscal year 2002, an increase of 6.1 percent in BA compared with fiscal year 2001. The function totals are $1.47 trillion in BA and outlays over 5 years, and $3.21 trillion in BA and $3.20 trillion in outlays over 10 years. Consistent with the President's budget, the resolution accommodates continued State innovation, and the mobilization of private-sector, corporate, and faith-based sources, for addressing the needs of low-income Americans—a process that began with the historic 1996 welfare reform law. In particular, the budget proposes a number of initiatives to encourage more charitable giving to community organizations that are effectively helping disadvantaged Americans to improve their lives and increase their families' well-being. Other initiatives are intended to strengthen low-income families and to address the needs of children caught in the Nation's foster care system. The budget provides sufficient funding to renew all expiring public housing contracts, and adds funding for 34,000 new section 8 vouchers. Additionally, the budget provides new funding to increase home-ownership among low-income families. Beyond these priorities, the focus in fiscal year 2002 will be to improve management of HUD's programs, several of which have been designated among the General Accounting Office's "High Risk" programs, vulnerable to substantial amounts of fraud and mismanagement.

Other assumptions of the resolution are the following:

—Providing $1.4 billion for Low-Income Home Energy Assistance Program [LIHEAP] funding to help low-income families heat their homes.

—Funding the Special Supplemental Nutrition Program for Women, Infants and Children [WIC] at 7.25 million individuals per month, maintaining current program level.

—Maintaining current law policies for the Food Stamp Program, which will result in $20 billion in outlays for benefits and program administration in fiscal year 2002.

The resolution also accommodates the outlay effects related to the President's refundable tax proposals.

Senate Amendment.—The Senate amendment does not revise 2001 levels. For 2002, the resolution provides $278.8 billion in BA and $274.9 billion in outlays. Over 10 years, the resolution provides $3,210.0 billion in BA and $3,194.5 billion in outlays. The Senate adopted three amendments to the President's budget. In mandatory funds for 2002, the Senate amendment includes $319 million to extend TANF supplemental grants. In discretionary funds for 2002, the Senate amendment includes an additional $2.6 billion for Low Income Home Energy Assistance and $870 million for child care. The remaining difference between the House resolution and the Senate amendment is due to the Senate's treatment of advance appropriations and the greater amount of BA and outlays provided in the House resolution for the refundable portion of tax credits.

Conference Agreement.—The Conference Agreement does not revise 2001 levels. For 2002, the resolution provides $273.8 billion in BA and $272.1 billion in outlays. Over 10 years, it provides $3,222.5 billion in BA and $3,206.7 billion in outlays. The Conference Agreement adopts the Senate amendment regarding TANF supplemental grants.

FUNCTION 650: SOCIAL SECURITY

Major Programs in Function.—Under current law, spending for Function 650, Social Security, will total $435.2 billion in BA and $433.1 billion in outlays for 2001. This function includes Social Security benefits and administrative expenses. Under provisions of the Budget Enforcement Act, Social Security trust funds are off-budget. The figures below reflect the on-budget portions of this function, primarily payments from the general fund to the trust funds to credit the trust funds for income taxes collected on Social Security benefits. Both on-budget and off-budget spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement.

House Resolution.—For on-budget spending in this function, the resolution establishes levels of $11.0 billion in budget authority [BA] and outlays in fiscal year 2002, an increase of 12.2 percent in BA compared with fiscal year 2001. The on-budget function totals are $62.8 billion in BA and $62.7 billion in outlays over 5 years, and $150.9 billion in BA and outlays over 10 years. The resolution supports the President's approach to Social Security reform through the following specific measures:

—It assumes provisions of the Social Security and Medicare Lock-Box Act of 2001 (H.R. 2), recently passed by the House, which prohibits using Social Security surpluses for any purpose other than debt reduction or Social Security reform.

—It assumes the President's proposal to provide $7.7 billion for the SSA, an increase of $456 million, or 6.3 percent, above fiscal year 2001. The increase will allow SSA to process 100,000 more initial disability claims in 2002 than in 2001.

—It makes no changes in current Social Security benefits or taxes.

Senate Amendment.—The Senate amendment does not revise 2001 on-budget totals of $9.8 billion in BA and outlays. For 2002, the resolution assumes $10.9 billion in both BA and outlays. Over 10 years, the resolution provides $140.0 billion in both BA and outlays.

The President's budget assumes no changes to Social Security benefits. Indirectly, however, the tax cut proposal would decrease both on-budget spending and the trust fund surplus. The President's tax proposal would reduce marginal income rates, thereby decreasing the amount of income taxes paid on Social Security benefits. This reduces on-budget payments from the general fund to the trust funds to credit the trust funds for income taxes paid on Social Security benefits by $11 billion over 10 years. The difference between the House resolution and the Senate amendment is that the House holds the Social Security trust funds harmless for the impact of the tax cut.

Conference Agreement.—The Conference Agreement does not revise 2001 on-budget totals. The Senate recedes to the House and agrees to hold the trust funds harmless for the impact of any tax cuts resulting from this agreement. For 2002, the Conference Agreement assumes $11.0 billion in both BA and outlays. Over 10 years, it provides $150.9 billion in BA and $150.9 billion in outlays.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

Major Programs in Function.—Under current law, spending for Function 700 Veterans Benefits and Services, will total $46.7 billion in BA and $45.9 billion in outlays for 2001. This budget function includes income security needs of disabled veterans, indigent veterans, and survivors of deceased veterans through compensation benefits, pensions, and life insurance programs. Major education, training, and rehabilitation and readjustment programs include the Montgomery GI Bill, the Veterans Educational Assistance program, and the Vocational Rehabilitation and Counseling program. Veterans can also receive guarantees on home loans. Roughly half of all spending in this function is for the Veterans Health Administration, which is comprised of hospitals, nursing homes, domiciliaries, and outpatient clinics.

House Resolution.—The resolution establishes levels of $52.3 billion in BA and $51.6 billion in outlays in fiscal year 2002, an increase of 12 percent in BA compared with fiscal year 2001. The function totals are $278.7 billion in BA and $276.5 in outlays over 5 years, and $594.0 billion in BA and $589.8 billion in outlays over 10 years.

The budget assumes the enactment of veterans' burial benefits enhancements in H.R. 801, the Veterans' Opportunity Act of 2001. It also assumes increases in mandatory spending for Montgomery GI Bill education benefits improvements. The budget assumes the permanent extension of several expiring provisions of existing law pertaining to veterans benefits. These include IRS income verification for means-tested veterans and survivor benefits; limiting VA pension to Medicaid recipients in nursing homes; and continuing current housing loan fees.

Senate Amendment.—The Senate amendment assumes $53.8 billion in BA and $53.1 billion in outlays in 2002, and $600.6 billion in BA and $596.2 billion in outlays over 2002–2011. The Senate adopted two amendments to increase funding for Veterans Medical Care. The first amendment added $1.718 billion in BA each year from 2002 to 2011 and the second amendment added, $967 million in BA for 2002.

Conference Agreement.—For 2002, it sets forth $51.5 billion in BA and $50.9 billion in outlays. Over 10 years, it provides $605.4 billion in BA and $600.9 billion in outlays.

The agreement also assumes an increase in funding in mandatory spending for improvements to the Montgomery GI Bill and veterans burial benefits. The agreement also assumes an extension of several expiring provisions of the Omnibus Budget Reconciliation Act of 1990.

FUNCTION 750: ADMINISTRATION OF JUSTICE

Major Programs in Function.—Under current law, spending for Function 750, Administration of Justice, will total $30.6 billion in BA and $30.0 billion in outlays for 2001. This function provides funding for federal law enforcement activities. These activities include criminal investigations by the Federal Bureau of Investigation and the Drug Enforcement Administration, and border enforcement and the control of illegal immigration by the Customs Service and the Immigration and Naturalization Service. Also funded through this function are the federal courts, federal prison operation and construction, and criminal justice assistance.

House Resolution.—The resolution establishes levels of $30.9 billion in budget authority [BA] and $30.3 billion in outlays in 2002, an increase of 1.0 percent in BA compared with fiscal year 2001. The function totals are $166.6 billion in BA and $166.5 billion in outlays over 5 years, and $359.3 billion in BA and $356.8 billion in outlays over 10 years. The resolution accommodates the President's proposals to increase funding for the Drug Enforcement Agency by 9 percent; the Federal Bureau of Investigation by 8 percent; the Federal Bureau of Prisons by 8 percent; the U.S. Attorneys by 7 percent; and to hire and train 550 new Border Control agents.

Senate Amendment.—For 2002, the resolution sets forth $32.4 billion in BA and $31.8 billion in outlays. Over the 2002–2011 ten year period, it sets forth $360.8 billion in BA and $358.3 billion in outlays. These levels reflect adoption of an amendment to increase Department of Justice state and local law enforcement assistance grant programs by $1.5 billion in 2002.

Conference Agreement.—The Conference Agreement sets forth $32.4 billion in BA and $31.4 billion in outlays for 2002. Over the 2002–2011, the agreement sets forth $378.5 billion in BA and $374.8 billion in outlays.

FUNCTION 800: GENERAL GOVERNMENT

Major Programs in Function.—Under current law, spending for Function 800 General Government, will total $16.3 billion in BA and $16.1 billion in outlays for 2001. This function consists of the activities of the Legislative Branch, the Executive Office of the President, U.S. Treasury fiscal operations (including the Internal Revenue Service), personnel and property management, and general purpose fiscal assistance to states, localities, and U.S. territories.

House Resolution.—The resolution establishes levels of $16.7 billion in budget authority [BA] and $16.3 billion in outlays in fiscal year 2002, an increase of 2.2 percent in BA compared with fiscal year 2001. The function totals are $84.2 billion in BA and $83.0 billion in outlays over 5 years, and $176.7 billion in BA and $173.4 billion in outlays over 10 years.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution assumes $16.6 billion in BA and $16.3 outlays. Over 10 years, the resolution provides $176.7 billion in BA and $173.4 billion in outlays.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the Conference Agreement assumes $16.5 billion in both BA and $16.2 billion outlays. Over 10 years, it provides $183.2 billion in BA and $179.5 billion in outlays.

FUNCTION 900: NET INTEREST

Major Programs in Function.—Under current law, on-budget spending for Function 900, Net Interest, will total $254.8 billion in BA and outlays for 2002. Net interest is the interest paid for the federal government's borrowing minus the interest income received by the federal government. Net interest includes both on-budget and off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total interest spending are shown, however, in the summary tables contained in the statement of managers accompanying the Conference Agreement. Interest is a mandatory payment, with no discretionary component.

House Resolution.—The accounting of net interest in the budget includes only the on-budget component of interest spending. This spending declines at a relatively steady but moderate pace from $274 billion in 2001 to $219 billion in 2011. But even this decline understates—by significant amounts—the benefits to taxpayers of the debt reduction incorporated in this budget. When off-budget interest is taken into account (the increasing Federal credit accruing to the Social Security Trust Fund surplus in the form of government IOUs, and entered as negative spending), the overall net interest spending of the Federal Government is being virtually eliminated. It declines from $205 billion in 2001 to just $21 billion. in 2011.

Senate Amendment.—The Senate amendment revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.1 billion in BA and outlays. Over ten years, it provides on-budget amounts of $2,410.0 billion in BA and outlays.

Conference Agreement.—The Conference Agreement revises the 2001 on-budget levels to $275.5 billion in BA and outlays. For 2002, it sets forth on-budget levels of $262.1 billion in BA and outlays. Over ten years, it provides on-budget amounts of $2,410.0 billion in BA and outlays.

FUNCTION 920: ALLOWANCES

Major Programs in Function.—Under current law, spending for Function 920, Allowances, will total −$0.5 billion in BA and −$0.3 billion in outlays for 2001. This function usually displays the budgetary effects of proposals that cannot be easily distributed across other budget functions. In the case of 2001, it reflects the 0.22% across-the-board cut that was enacted in the Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 2001. CBO could not display those cuts by account and by function until the Administration could display how the cuts would be implemented in the release of the full President's budget request.

In past years, Function 920 has also included total savings or costs from proposals associated with emergency spending or proposals contingent on possible future events that have uncertain chances of occurring. Most recently, in the Senate amendment and Conference Agreement on budget resolutions for both 2001 and 2002, the figures expressed in the budget resolution text (as well as the summary tables) for all other budget functions reflect the total level of discretionary spending contemplated by the budget resolution (e.g., as described in section 203 of the Conference Agreement on the 2002 budget). These levels are higher than the statutory cap on discretionary spending in place for those years. But because a budget resolution would be out of order in the Senate if it contains a level of discretionary spending higher than the statutory cap, the figures in the budget resolution text in Function 920 have had to reflect a negative entry that reduces the net level of discretionary spending from the contemplated level (as aggregated across all other budget functions) to the statutory level. The summary tables, however, omit this negative entry for Function 920 so that their aggregates reflect the levels ultimately intended by the resolution.

House Resolution.—For discretionary spending, the budget resolution calls for $5.0 billion in budget authority [BA] and $1.8 billion in outlays in fiscal year 2002. The 5-year spending totals are $29.1 billion in BA and $22.4 billion in outlays; and the 10-year totals are $64.0 billion in BA and $55.5 billion in outlays. There is no mandatory spending in this function.

The funds identified constitute primarily a set-aside fund for unanticipated emergency needs during the fiscal year.

Senate Amendment.—The Senate amendment revises the 2001 levels to $80.5 billion in BA and $80.7 billion in outlays in 2001, reflecting the Senate's adoption of an amendment to further increase a tax refund for that year. For 2002, the resolution sets forth −$6.1 billion in BA and −$8.6 billion in outlays. The resolution provides −$15.9 billion in BA and −$23.1 billion in outlays over 2002–2010. These figures (as shown in the summary tables) reflect the effect of 13 amendments adopted by the Senate that sought to suggest an increase in spending in other functions and that appeared to "offset" such increased spending by bookkeeping the same amount with a negative value in Function 920. These figures do not include the entry necessary to reduce the overall discretionary level to the statutory cap.

Conference Agreement.—The Conference Agreement revises the 2001 levels to $84.5 billion in BA and $84.7 billion in outlays. For 2002, the resolution provides −$6.0 billion in BA and −$3.7 billion in outlays. Over 10 years, it provides −$66.8 billion in BA and −$62.6 billion in outlays.

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

Major Programs in Function.—Under current law, receipts in Function 950, Undistributed Offsetting Receipts, will total about $46.2 billion (negative BA and outlays) for 2001. Function 950 includes both on-budget and off-budget components, but the budget resolution text includes only the on-budget portion. Both on-budget and total receipts are shown, however, in the summary tables contained in this Conference Agreement. This function records offsetting receipts (receipts, not federal revenues or taxes, that the budget shows as offsets to spending programs) that are too large to record in other budget functions. Such receipts are either intrabudgetary (a payment from one federal agency to another, such as agency payments to the retirement trust funds) or proprietary (a payment from the public for some type of business transaction with the government). The main types of receipts recorded as "undistributed" in this function are: the payments federal agencies make to retirement trust funds for their employees, payments made by companies for the right to explore and produce oil and gas on the Outer Continental Shelf, and payments by those who bid for the right to buy or use the public property or resources, such as the electromagnetic spectrum.

House Resolution.—The resolution calls for −$42.3 billion in budget authority [BA] and outlays in fiscal year 2002, a decrease of 10.6 percent in BA compared with fiscal year 2001, (or an increase of 10.6 percent in receipts compared with fiscal year 2001). The 5-year function totals are −$239.8 billion in BA and outlays; and the 10-year totals are −$492.3 billion in BA and outlays.

These totals comprise entirely of mandatory spending. There is no discretionary spending in this function.

The resolution does not assume lease bonuses from the Arctic National Wildlife Refuge or an analog spectrum license fee or other spectrum offsets. It also assumes permanent extension of the Balanced Budget Act [BBEDCA] provision that increased, by 1.51 percentage points, Federal agency contributions to the Civil Service Retirement and Disability Trust Fund [CSRDF] on behalf of their CSRS-participant employees. That provision had been scheduled to sunset after fiscal year 2002.

Senate Amendment.—The Senate amendment does not revise the 2001 levels. For 2002, the resolution provides −$38.8 billion in BA and outlays. Over 10 years, the resolution provides −$495.7 billion in BA and outlays. The Senate amendment is the same as the House resolution, except that it reflects both the President's proposals to delay certain spectrum auctions and to impose a fee on broadcasters using spectrum channels for analog broadcasts to encourage the transition to digital television.

Conference Agreement.—The Conference Agreement does not revise the 2001 levels. For 2002, the resolution provides −$38.8 billion in BA and outlays. Over 10 years, it provides −$494.1 billion in BA and outlays. The conferees agree to the President's proposal to delay certain spectrum auctions that was assumed in the Senate amendment, but do not agree to the President's proposal for an analog lease fee.

REVENUES

Federal revenues are taxes and other collections from the public that result from the government's sovereign or governmental powers. Federal revenues include individual income taxes, corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, custom duties and miscellaneous receipts (which include deposits of earnings by the Federal Reserve System, fines, penalties, fees for regulatory services, and others).

Under current law, federal tax collections are projected to total $28 trillion over the next ten years. This year, total revenues are projected to equal 20.7 percent of GDP, slightly below the World War II record level of 20.9 percent. Over the projection period 2002–2011, under current law, total revenues are projected to average 20.3 percent of GDP, far above historical averages for any time period, including times of war.

House Resolution.—The House resolution provides for $1.62 trillion in tax reduction over the next 10 years. This level would accommodate the President's priority tax cut proposals: reducing marginal tax rates, doubling the per-child tax credit; providing relief from the marriage penalty, and providing death tax relief. It also provides for additional tax reduction, subject to the discretion of the Committee on Ways and Means. Such measures might include charitable deduction expansion; refundable tax credits for private health insurance; Education Savings Account expansion and other education provisions; Individual Retirement Account [IRA] increases and other pension reform; and permanent extension of the research and development [R&D] tax credit. (The refundable elements of the President's tax proposals, which are treated as spending, appear in the functional areas to which they apply.) It also assumes, but does not reconcile, the revenue effect of a proposed reduction in fees levied by the Securities and Exchange Commission, and a requirement that the Federal Reserve pay interest on deposits at the Reserve. The resolution also establishes a reserve fund for further tax reduction should the Congressional Budget Office's summer update indicate additional non-Social Security surpluses. The reserve fund could allow for measures such as extension of Medical Savings Accounts, repeal of transportation deficit reduction fuel taxes, and reduction of the capital gains rate.

Senate Amendment.—The Senate amendment revises the 2001 on-budget revenue level to $1,630.3 billion. It sets forth on-budget revenues of $1,644.8 billion in 2002, and $20,007.1 billion over the ten years 2002–2011. The Senate amendment assumes a tax reduction, relative to the CBO baseline, of $1,188.1 billion over the period 2002–2011, about $450 billion less than the tax relief assumed in the House resolution. The Senate amendment includes an allowance (in Function 920) for a surplus refund of up to $85 billion in 2001. The refund represents about 88 percent of the $96 billion non-Social Security, non-Hospital Insurance surplus projected under current law for 2001. The tax relief assumed in the Senate amendment represents just four percent of all projected revenues over the next ten years, and less than one percent of GDP over the next ten years.

Conference Agreement.—The Conference Agreement includes language for reconciliation of tax relief including a surplus refund of $1.350 trillion over the period 2001–2011 (see description of reconciliation). In addition, the Conference Agreement accepts the House position to assume a one-year extension of tax provisions expiring in 2001, legislation to reduce SEC fees, and legislation to permit the Federal Reserve System to pay interest on reserve balances. These three provisions would not be reconciled, and are assumed to reduce revenues by $19 billion over ten years. The total amount of tax relief, surplus refund, and other revenue changes assumed in the Conference Agreement, both reconciled and non-reconciled, is $1.369 trillion over the 2001–2011 period.

DEBT LEVELS

Debt held by the public peaked at $3.773 trillion in 1997. At the end of 2001, debt held by the public is projected to be $3.243 trillion, $530 billion lower than just four years ago. This is a reduction of 14 percent from peak levels.

The table on the following page shows the levels of debt held by the public resulting from the policies assumed in the Conference Agreement. The policies assumed in the Conference Agreement result in a reduction in debt in every year through 2011 and total debt reduction of $2.425 trillion from the end of 2001 through the end of 2011. Debt held by the public falls to 4.8 percent of GDP, its lowest level since 1916, prior to World War I.

The Conference Agreement proposals result in retiring the maximum amount of public debt that can reasonably be retired. Under the budget resolution, the debt remaining in 2010 and 2011 is considered (by CBO's estimates) to be the minimum debt level. It consists mostly of marketable bonds that will not have matured and that will be too expensive to buy back, savings bonds, and special bonds for State and local governments.

Debt Held by the Public

[$ billions]

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Debt Held by the Public	3,243.2	3,037.9	2,810.7	2,563.6	2,303.1	2,022.5	1,702.9	1,350.0	947.3	878.0	818.0

RECONCILIATION INSTRUCTIONS

Under section 310(a) of the Budget Act, the budget resolution may include directives to the committees of jurisdiction to make revisions in law necessary to accomplish a specified change in spending or revenues. If the resolution includes directives to only one committee of the House or Senate, then that committee is required to directly report to its House legislative language of its design that would implement the spending or revenue changes provided for in the resolution. Any bill considered pursuant to a reconciliation instruction is subject to special procedures set forth in sections 310 and 313 of the Budget Act.

House resolution

Section 4 provides for five different reconciliation bills. It contains directives to the Ways and Means Committee to report three tax-only bills to the floor by May 2, May 23, and June 20 of fiscal year 2001. Additional directives to the Ways and Means and the Energy and Commerce Committees are designed to allow those committees to reform the Medicare program and provide a prescription drug benefit. The Medicare-related legislation must be submitted to the House Budget Committee no later than July 24, 2001. An additional omnibus bill will be composed of submissions from six different committees that will contain both spending and revenue changes. These Committees are required to submit their recommendations to the Budget Committee by September 11, 2001.

Senate amendment

The Senate amendment provides a reconciliation instruction to the Senate Committee on Finance to reduce revenues for the period of fiscal years 2001 through 2011 by not more than the amount of revenue reductions set out in the revenue aggregates in the resolution. It also instructs the Committee on Finance to increase outlays by not more than $60 billion for the period of fiscal years 2001 through 2011. This reconciliation instruction was added by an amendment offered by Senator Domenici. The reduction in the revenue aggregates plus the $60 billion in outlays would permit up to $1.248 trillion in "tax relief" over this 11-year period.

Conference agreement

The Conference Agreement provides a reconciliation instruction to the Senate Committee on Finance to report by May 18, 2001, legislation to reduce revenues by not more than $1.25 trillion and increase outlays by not more than $100 billion for the period of fiscal years 2001 through 2011 provided that $100 billion of the revenues and outlays changes shall only be available for 2001 and 2002. The Conference Agreement also provides a reconciliation instruction to the House Committee on Ways and Means to report legislation by May 18, 2001 to reduce revenues by not more than $1.250 trillion for the period of fiscal years 2001 through 2011 and to increase outlays by not more than $100 billion for the period of fiscal years 2001 through 2011. The total reconciliation instruction to both the House Committee on Ways and Means and the Senate Committee on Finance is for $1.350 trillion over the period 2001 through 2011.

ALLOCATIONS

As required in section 302 of the Budget Act, the joint statement of the managers includes an allocation, based on the Conference Agreement, of total budget authority and total budget outlays among each of the appropriate House and Senate committees.

The allocations are as follows:

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

(In millions of dollars)

		2001	2002
General Purpose *	BA	641,979	659,540
	OT	615,529	647,780
Highways *	BA		
	OT	26,920	28,489
Mass Transit *	BA		
	OT	4,639	5,275
Conservation *	BA		1,760
	OT		1,232
Total Discretionary Action	BA	641,979	661,300
	OT	647,088	682,776
Current Law Mandatory	BA	332,768	357,786
	OT	316,432	350,418

* - Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

													Total	
		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2006	2002-2011
Agriculture Committee														
Current Law	BA	21,035	14,020	3,570	3,436	3,486	3,537	3,580	3,362	3,855	3,997	4,062	28,049	46,905
	OT	17,238	10,701	67	-11	-8	33	38	-284	361	720	830	10,782	12,447
Discretionary Action	BA	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
	OT	5,500	7,350	0	0	0	0	0	0	0	0	0	7,350	7,350
Reauthorizations	BA	0	0	30,479	31,321	31,777	31,732	30,897	30,574	31,331	31,972	32,579	125,309	282,662
	OT	0	0	29,137	31,222	31,690	31,654	30,825	30,507	31,268	31,918	32,533	123,703	280,754
Total	BA	26,535	21,370	34,049	34,757	35,263	35,269	34,477	33,936	35,186	35,969	36,641	160,708	336,917
	OT	22,738	18,051	29,204	31,211	31,682	31,687	30,863	30,223	31,629	32,638	33,363	141,835	300,551
Armed Services Committee														
Current Law	BA	50,884	52,630	59,578	61,763	63,987	66,156	68,382	70,624	72,894	75,262	77,684	304,114	668,960
	OT	50,761	52,536	59,494	61,675	63,905	66,070	68,293	70,535	72,806	75,177	77,599	303,680	668,090
Discretionary Action	BA	0	146	106	74	43	29	11	11	5	9	6	398	440
	OT	0	146	106	74	43	29	11	11	5	9	6	398	440
Total	BA	50,884	52,776	59,684	61,837	64,030	66,185	68,393	70,635	72,899	75,271	77,690	304,512	669,400
	OT	50,761	52,682	59,600	61,749	63,948	66,099	68,304	70,546	72,811	75,186	77,605	304,078	668,530
Financial Services Committee														
Current Law	BA	9,629	6,697	6,978	6,404	6,189	5,904	5,833	5,668	5,637	5,737	5,865	32,172	60,912
	OT	4,149	1,366	1,228	763	187	-710	-886	-1,092	-1,147	-1,196	-1,245	2,834	-2,732
Committee on Education and the Workforce														
Current Law	BA	5,408	5,698	4,774	4,123	5,099	5,302	5,396	5,498	5,624	5,752	5,867	24,996	53,133
	OT	4,544	5,049	4,627	4,137	4,519	4,844	4,901	4,997	5,116	5,236	5,342	23,176	48,768
Discretionary Action	BA	5	5	5	5	7	10	10	10	10	10	10	32	82
	OT	5	5	5	5	7	10	10	10	10	10	10	32	82
Reauthorizations	BA	0	305	305	757	774	793	3,640	3,731	3,820	3,914	4,012	2,934	22,051
	OT	0	58	244	669	772	790	2,789	3,622	3,794	3,887	3,984	2,533	20,609
Total	BA	5,413	6,008	5,084	4,885	5,880	6,105	9,046	9,239	9,454	9,676	9,889	27,962	75,266
	OT	4,549	5,112	4,876	4,811	5,298	5,644	7,700	8,629	8,920	9,133	9,336	25,741	69,459
Energy and Commerce Committee														
Current Law	BA	1,852	9,774	11,636	16,674	17,773	17,853	18,852	13,903	13,891	13,928	13,967	73,710	148,251
	OT	3	9,660	10,240	16,538	17,592	17,687	17,867	17,189	17,594	14,925	13,919	71,717	153,211
Discretionary Action	BA	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
	OT	0	2,687	1,925	-4,042	-2,013	-5,094	-1,180	-1,275	-1,377	-1,490	-1,615	-6,537	-13,474
Reauthorizations	BA	0	0	0	0	0	0	0	5,000	5,000	5,000	5,000	0	20,000
	OT	0	0	0	0	0	0	0	893	833	3,721	4,993	0	10,440
Total	BA	1,852	12,461	13,561	12,632	15,760	12,759	17,672	17,628	17,514	17,438	17,352	67,173	154,777
	OT	3	12,347	12,165	12,496	15,579	12,593	16,687	16,807	17,050	17,156	17,297	65,180	150,177

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES
Committees Other than Appropriations

													Total	
		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2006	2002-2011
Government Reform Committee														
Current Law	BA	60,669	62,982	65,455	68,016	70,498	73,038	75,736	78,477	81,347	84,403	87,520	339,989	747,472
	OT	59,270	61,610	64,142	66,808	69,358	71,963	74,709	77,574	80,423	83,676	86,797	333,881	737,060
Discretionary Action	BA	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
	OT	0	0	-496	-523	-501	-475	-446	-413	-378	-340	-299	-1,995	-3,871
Total	BA	60,669	62,982	64,959	67,493	69,997	72,563	75,290	78,064	80,969	84,063	87,221	337,994	743,601
	OT	59,270	61,610	63,646	66,285	68,857	71,488	74,263	77,161	80,045	83,336	86,498	331,886	733,189
Committee on House Administration														
Current Law	BA	112	87	89	86	87	87	87	88	88	88	88	436	875
	OT	68	33	60	252	42	27	59	221	88	70	64	414	916
International Relations Committee														
Current Law	BA	11,390	11,727	11,813	11,829	12,114	12,369	12,694	12,661	12,607	12,586	12,629	59,852	123,029
	OT	10,463	10,482	10,599	10,838	11,039	11,281	11,607	11,817	11,935	12,005	12,078	54,239	113,681
Resources Committee														
Current Law	BA	2,682	2,742	2,552	2,291	2,324	2,363	2,507	2,512	2,624	2,728	2,691	12,272	25,334
	OT	2,551	2,636	2,662	2,354	2,312	2,330	2,455	2,443	2,550	2,656	2,614	12,294	25,012
Discretionary Action	BA	0	0	87	89	93	96	0	0	0	0	0	365	365
	OT	0	-3	-58	4	56	89	149	88	31	0	-1	88	355
Total	BA	2,682	2,742	2,639	2,380	2,417	2,459	2,507	2,512	2,624	2,728	2,691	12,637	25,699
	OT	2,551	2,633	2,604	2,358	2,368	2,419	2,604	2,531	2,581	2,656	2,613	12,382	25,367
Judiciary Committee														
Current Law	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Total	BA	5,064	5,221	4,346	4,410	4,410	4,416	4,475	4,543	4,630	4,706	4,782	22,803	45,939
	OT	4,847	4,695	4,541	4,469	4,444	4,392	4,415	4,425	4,494	4,556	4,632	22,541	45,063
Transportation and Infrastructure Committee														
Current Law	BA	52,510	54,581	51,787	10,815	10,930	11,154	11,273	11,890	12,198	12,437	12,798	139,267	199,863
	OT	9,662	9,781	9,901	9,868	9,643	9,545	9,487	9,967	10,194	10,378	10,690	48,738	99,454
Reauthorizations	BA	0	0	0	42,665	43,420	44,663	45,843	47,007	48,188	50,491	51,970	130,748	374,247
	OT	0	0	0	86	307	495	569	601	620	633	639	888	3,950
Total	BA	52,510	54,581	51,787	53,480	54,350	55,817	57,116	58,897	60,386	62,928	64,768	270,015	574,110
	OT	9,662	9,781	9,901	9,954	9,950	10,040	10,056	10,568	10,814	11,011	11,329	49,626	103,404
Science Committee														
Current Law	BA	158	192	213	72	74	77	78	80	81	84	85	628	1,036
	OT	66	104	147	179	197	145	97	79	80	83	83	772	1,194
Small Business Committee														
Current Law	BA	-375	0	0	0	0	0	0	0	0	0	0	0	0
	OT	-475	-100	-100	0	0	0	0	0	0	0	0	-200	-200

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

													Total	
		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2006	2002-2011
Veterans' Affairs Committee														
Current Law	BA	1,249	1,356	1,358	1,365	1,356	1,349	1,344	1,335	1,301	1,271	1,243	6,784	13,278
	OT	1,041	1,195	1,220	1,259	1,262	1,274	1,300	1,303	1,277	1,261	1,240	6,210	12,591
Discretionary Action	BA	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
	OT	0	264	479	761	816	885	953	1,008	594	640	687	3,205	7,087
Reauthorizations	BA	0	445	1,035	1,641	2,431	2.888	3,211	4,012	4,644	5,294	5,963	8,440	31,564
	OT	0	407	985	1,590	2,355	2,798	3,111	3,960	4,591	5,240	5,907	8,135	30,944
Total	BA	1,249	2,065	2,872	3,767	4,603	5,122	5,508	6,355	6,539	7,205	7,893	18,429	51,929
	OT	1,041	1,866	2,684	3,610	4,433	4,957	5,364	6,271	6,462	7,141	7,834	17,550	50,622
Ways and Means Committee														
Current Law	BA	697,787	684,366	680,440	697,193	718,687	729,999	752,688	771,900	791,581	810,744	831,149	3,510,685	7,468,747
	OT	696,886	684,537	679,418	695,843	716,988	728,179	751,350	770,209	789,680	809,335	829,471	3,504,965	7,455,010
Reauthorizations	BA	0	285	19,793	19,994	20,001	20,007	20,014	20,022	20,036	20,045	20,053	80,080	180,250
	OT	0	208	20,036	20,913	21,121	21,227	21,284	21,342	21,356	21,365	21,373	83,505	190,225
Discretionary Action	BA	85,000	1,360	3,089	2,834	3,879	4,247	4,984	4,983	4,945	4,902	4,862	15,409	40,085
	OT	85,000	900	3,060	2,867	3,950	4,292	5,019	4,998	4,960	4,907	4,867	15,069	39,820
Total	BA	782,787	686,011	703,322	720,021	742,567	754,253	777,686	796,905	816,562	835,691	856,064	3,606,174	7,689,082
	OT	781,886	685,645	702,514	719,623	742,059	753,698	777,653	796,549	815,996	835,607	855,711	3,603.539	7,685,055

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

BUDGET YEAR TOTAL 2001

(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		640,803	617,507	0	0
Memo:	*on-budget*	*637,372*	*614,136*		
	off-budget	*3,431*	*3,371*		
Highways		0	26,920	0	0
Mass Transit		0	4,639	0	0
Mandatory		332,768	316,432	0	0
Total		973,571	965,498	0	0
Agriculture, Nutrition, and Forestry		26,339	22,544	29,963	12,133
Armed Services		50,881	50,764	54	54
Banking, Housing and Urban Affairs		11,512	4,075	0	0
Commerce, Science, and Transportation		394	(3,472)	751	749
Energy and Natural Resources		2,691	2,609	40	51
Environment and Public Works		39,185	1,838	0	0
Finance		793,558	790,942	169,158	169,328
Foreign Relations		11,369	10,433	0	0
Governmental Affairs		60,669	59,270	0	0
Judiciary		5,064	4,847	264	264
Health, Education, Labor, and Pensions		9,726	8,740	1,852	1,851
Rules and Administration		112	68	0	0
Veterans' Affairs		1,249	1,245	23,556	23,465
Indian Affairs		267	233	0	0
Small Business		(375)	(475)	0	0
Unassigned to Committee		(330,341)	(313,341)	0	0
TOTAL		1,655,871	1,605,818	225,638	207,895

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
BUDGET YEAR TOTAL 2002
(in millions of dollars)

Committee		Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
		Budget Authority	Outlays	Budget authority	Outlays
Appropriations					
General Purpose Discretionary		546,945	537,091	0	0
Memo:	*on-budget*	*543,366*	*533,566*		
	off-budget	*3,579*	*3,525*		
Highways		0	28,489	0	0
Mass Transit		0	5,275	0	0
Conservation		1,760	1,232		
Mandatory		358,567	350,837	0	0
Total		907,272	922,924	0	0
Agriculture, Nutrition, and Forestry		21,175	17,856	22,293	13,209
Armed Services		53,053	52,964	54	54
Banking, Housing and Urban Affairs		8,417	1,273	0	0
Commerce, Science, and Transportation		13,452	9,630	805	801
Energy and Natural Resources		2,543	2,435	40	56
Environment and Public Works		41,494	1,799	0	0
Finance		699,700	699,169	185,672	185,713
Foreign Relations		11,706	10,454	0	0
Governmental Affairs		62,982	61,610	0	0
Judiciary		5,195	4,669	264	264
Health, Education, Labor, and Pensions		10,179	9,419	1,804	1,822
Rules and Administration		87	33	0	0
Veterans' Affairs		1,620	1,622	26,902	26,762
Indian Affairs		272	280	0	0
Small Business		0	(100)	0	0
Unassigned to Committee		(329,947)	(320,947)	0	0
TOTAL		1,509,200	1,475,090	237,834	228,681

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
5-YEAR TOTAL: 2002-2006
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	69,640	52,349	106,745	71,186
Armed Services	305,980	305,551	274	274
Banking, Housing and Urban Affairs	59,463	2,355	0	0
Commerce, Science, and Transportation	72,789	50,419	4,493	4,468
Energy and Natural Resources	11,145	10,947	200	230
Environment and Public Works	181,030	8,380	0	0
Finance	3,740,350	3,737,604	1,086,697	1,086,656
Foreign Relations	59,747	54,108	0	0
Governmental Affairs	337,994	331,886	0	0
Judiciary	22,667	22,405	1,320	1,320
Health, Education, Labor, and Pensions	48,155	46,411	8,972	8,995
Rules and Administration	436	414	0	0
Veterans' Affairs	9,989	9,964	148,529	147,804
Indian Affairs	1,103	1,116	0	0
Small Business	0	(200)	0	0

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT
10-YEAR TOTAL: 2002-2011
(in millions of dollars)

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget Authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	114,692	80,210	225,304	156,220
Armed Services	671,521	670,656	549	549
Banking, Housing and Urban Affairs	132,028	(3,390)	0	0
Commerce, Science, and Transportation	164,611	118,775	10,178	10,292
Energy and Natural Resources	22,064	21,882	400	430
Environment and Public Works	371,833	15,995	0	0
Finance	8,261,320	8,254,702	2,663,216	2,662,654
Foreign Relations	122,819	113,442	0	0
Governmental Affairs	743,601	733,189	0	0
Judiciary	45,724	44,848	2,640	2,640
Health, Education, Labor, and Pensions	102,173	97,860	17,950	17,973
Rules and Administration	875	916	0	0
Veterans' Affairs	19,277	19,318	317,909	316,669
Indian Affairs	2,112	2,108	0	0
Small Business	0	(200)	0	0

The Conferees agree that it would be ideal to enforce this resolution using CBO's best cost estimates based on its most recent baseline. Typically, CBO prepares a preliminary baseline published in January and then a revised baseline in March that incorporates information CBO learns in reestimating the President's budget, which is usually released in early February. Almost always, the budget resolution is based on CBO's revised baseline. This year, however, the President's budget was not released until April 9, so CBO will not release its full analysis of the President's budget and accompanying revised baseline until May 18. Thus, this budget resolution is still based on CBO's preliminary baseline. Therefore the Conferees intend that the Chairmen of the Committees on the Budget will enforce this resolution (pursuant to Section 312 of the Budget Act) with respect to appropriation measures consistent with the assumptions underlying CBO's revised baseline only after CBO publishes its analysis of the President's budgetary proposals for fiscal year 2002 including its revised baseline and only to reflect the revised baseline, and may use CBO's estimates (that are consistent with the revised baseline) for purposes of enforcing the budget resolution.

The Conferees also agree that transfers from non-budgetary governmental entities such as the Federal Reserve Banks shall not be used to offset increased on-budget spending when such transfers produce no real budgetary effects. It has long been the view of both Committees on the Budget that transfers of Federal Reserve surpluses to the Treasury are not valid offsets for increased spending. Nonetheless, such transfers have been legislated in the past—as recently as the fall of 1999. The Conferees agree to a scoring rule to make clear that such transfers will not be taken into account when determining compliance with the various Budget Act and Senate paygo points of order.

RULEMAKING AND BUDGETARY PROCEDURES

ENFORCEMENT PROCEDURES

The Budget Act contains procedures for the enforcement of the levels contained therein. In addition, many budget resolutions have contained additional enforcement procedures. In general, enforcement is accomplished by setting forth new scoring rules or new points of order which can be raised by any member of either House. Subtitle A of title II of the Conference Agreement contains 4 such provisions.

House resolution

Section 5: Reserve Fund for Emergencies

Section 5 modifies Congressional procedures related to emergency spending in fiscal year 2001. It establishes a separate allocation to the Appropriations Committee for emergencies of $5.6 billion. In lieu of the current practice of automatically increasing the appropriate levels in the budget resolution for designated emergencies, it permits the Appropriations Committee to make such adjustments only if emergency-designated appropriations meet a statutory definition of an emergency and key disaster accounts have been fully funded.

Section 13: Restrictions on Advance Appropriations

Section 13 establishes a scoring rule and budgetary control designed to limit advance appropriations. It provides that for purposes of enforcing the budget resolution, advance appropriations are to be scored in the year in which they are enacted. Under current scorekeeping conventions, appropriations are scored in the year in which they are available for obligation. An exception is provided for programs for which advance appropriations do not exceed a specified level that will be identified in the joint statement of managers.

Section 12: Compliance with Section 13301

Section 12 provides the House the authority to include the administrative expenses related to Social Security in the 302(a) allocation to the Appropriations Committee. As part of an agreement between the House and Senate Budget Committees in 2000, the administrative expenses of the Social Security trust funds are no longer included in the budget resolution. The Budget Committees, however, continue to include these expenses in the 302(a) allocations of the Appropriations Committee because they are controlled through the annual appropriations process. Absent the authority provided under section 12, these expenses could not be included in the 302(a) allocations because the allocations must be consistent with the amounts set forth in the budget resolution.

Senate amendment

Section 201: Restrictions on Advance Appropriations

The Senate amendment contains a new scoring rule with respect to advance appropriations. The new rule provides that both the BA and the outlays for an advance appropriation will be scored for the budget year regardless of the fiscal year in which the funds actually become available for obligation. An exception is provided for advance appropriations which provide full funding for a capital project. The exception is intended to apply to the federal buildings fund within the General Services Administration and not as a means of providing incremental funding to other federal acquisitions.

Section 202: Mechanism for implementing increase of fiscal year 2002 discretionary spending limits

The Senate amendment contains a mechanism virtually identical to that which was included in section 206 of the fiscal year 2001 budget resolution. The Senate amendment provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. Such adjustment is limited to the levels set forth in the mechanism. As passed by the Senate, the allocation may be adjusted up to $689.2 billion in BA and $666.5 in outlays for the general discretionary category, $28.5 billion in outlays for the highway category, $5.3 billion in outlays for the mass transit category, and $1.76 billion in BA and $1.38 in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Senate-passed resolution in compliance with section 312(b) of the Budget Act) these numbers are intended to reflect the sum of the functional totals. However due to mathematical inconsistency within some of the amendments adopted during the Senate debate of the resolution, this may not be the case.

Section 207: Limitation on consideration of amendments under reconciliation and a budget resolution

The Senate amendment contains language which modifies the time for debate on budget resolutions, reconciliation bills, and amendments thereto. The language was added by an amendment offered by Senator Byrd. The Senate amendment modifies the procedural rules as follows: (1) limits overall debate time (including the offering of amendments) for both budget resolutions and reconciliation bills to 50 hours (current rules permit 50 hours for budget resolutions and 20 for reconciliation bills); (2) eliminates the non-debatable motion to reduce the time, so that time may only be reduced by unanimous consent; (3) reduces time on 1st degree amendments from 2 hours to 1 hour, and reduces time on amendments to amendments (and debatable motions and appeals) from 1 hour to 30 minutes; (4) requires that 1st degree amendments be offered or filed with the Clerk prior to the end of the 10th hour of consideration and that 2nd degree amendments be offered or filed with the Clerk prior to the end of the 20th hour of consideration; (5) requires that after 40 hours of consideration, the resolution be set aside for 1 calendar day; (6) provides that waiver or appeal from these new rules requires 60 votes in the Senate.

Conference Agreement

Section 201: Restrictions on Advance Appropriations—House

Section 201 of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. The Conference Agreement establishes a rule against any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

Commerce, Justice, State
- Patent and Trademark Office (13 1006 01 376)
- Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
- U.S. Trustee System (15 5073 02 752)
- Federal Trade Commission (29 0100 01 376)

Interior
- Elk Hills (89 5428 02 271)

Labor, Health and Human Services, Education
- Employment and Training Administration (16 0174 01 504)
- Health Resources (75 0350 01 551)
- Low Income Home Energy Assistance Program (75 1502 01 609)
- Child Care Development Block Grant (75 1515 01 609)
- Elementary and Secondary Education [reading excellence] (91 0011 01 501)
- Education for the Disadvantaged (91 0900 01 501)
- School Improvement (91 1000 01 501)
- Children and Family Services [head start] (75 1536 01 506)
- Special Education (91 0300 01 501)
- Vocational and Adult Education (91 0400 01 501)

Treasury, General Government
- Payment to Postal Service (18 1001 01 372)
- Federal Building Fund (47 4542 04 804)

Veterans, Housing and Urban Development
- Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of "advance appropriation" that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the House of Representatives). This limitation can be enforced by points of order, which may be raised against advance appropriations not falling within the exception. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 202: Restrictions on Advance Appropriations—Senate

Section 201(a) of the Conference Agreement adopts a limitation on advance appropriations similar to the approach taken in last year's budget resolution. The Conference Agreement prohibits any advance appropriation for 2003 and any year thereafter with two exceptions: (1) advance appropriations may be provided for the accounts in the appropriation bills listed below, provided that their sum does not exceed $23.159 billion in budget authority for 2003 and (2) advance appropriations may be provided for the Corporation for Public Broadcasting.

Accounts Identified for Advance Appropriations:

- Commerce, Justice, State
  - Patent and Trademark Office (13 1006 01 376)
  - Legal Activities and U.S. Marshals, Antitrust Division (15 0319 01 752)
  - U.S. Trustee System (15 5073 02 752)
  - Federal Trade Commission (29 0100 01 376)
- Interior
  - Elk Hills (89 5428 02 271)
- Labor, Health and Human Services, Education
  - Employment and Training Administration (16 0174 01 504)
  - Health Resources (75 0350 01 551)
  - Low Income Home Energy Assistance Program (75 1502 01 609)
  - Child Care Development Block Grant (75 1515 01 609)
  - Elementary and Secondary Education [reading excellence] (91 0011 01 501)
  - Education for the disadvantaged (91 0900 01 501)
  - School Improvement (91 1000 01 501)
  - Children and Family Services [head start] (75 1536 01 506)
  - Special Education (91 0300 01 501)
  - Vocational and Adult Education (91 0400 01 501)
- Treasury, General Government
  - Payment to Postal Service (18 1001 01 372)
  - Federal Building Fund (47 4542 04 804)
- Veterans, Housing and Urban Development
  - Section 8 Renewals (86 0319 01 604)

The Conference Agreement adopts the definition of "advance appropriation" that was used in section 203(b)(2) of last year's budget resolution (which was the provision applicable in the Senate). Both the overall cap on advanced appropriations for fiscal year 2002 for the specified accounts and the prohibition for subsequent fiscal years will be enforced in the Senate by a 60-vote point of order. The effect of a point of order under this section, if sustained by the Chair, is to cause the appropriation(s) to be stricken from the bill or joint resolution. The bill itself, however, continues to be considered.

Section 203: Mechanism for Implementing Increase of Fiscal Year 2002 Discretionary Spending Limits

Section 203 of the Conference Agreement retains the language from section 202 of the Senate amendment. Virtually identical language was included in section 206 of last year's budget resolution. It provides the Chairman of the Senate Committee on the Budget the authority to increase the section 302(a) allocation to the Committee on Appropriations after the statutory discretionary spending limit for fiscal year 2002 (set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985) has been amended. The Conference Agreement permits the allocation to be adjusted up to $659.540 billion in BA and $647.780 billion in outlays for the general discretionary category, $28.489 billion in outlays for the highway category, $5.275 billion in outlays for the mass transit category, and $1.760 billion in BA and $1.232 billion in outlays for the conservation category. Note that with an exception for a necessary adjustment within Function 920 (to bring the Conference Agreement in to compliance with section 312(b) of the Budget Act), the functional totals of this Conference Agreement reflect a level of discretionary spending equal to the levels provided in this section.

Section 203 of the Conference Agreement also includes a mechanism for establishing a budget authority firewall in the Senate with respect to defense and nondefense discretionary spending. This firewall would be enforced by a 60-vote point of order only after the section 251 discretionary spending limit for 2002 has been amended. Similar language was included in section 207 of last year's budget resolution. The Conferees feel that a firewall is necessary to add credibility to the total level of discretionary spending provided for in this resolution given the additional authority set out in section 218 of the resolution to increase the section 302(a) allocation to the Committee on Appropriations for additional defense spending. The Conferees stress the need for the President to transmit to Congress a budget amendment requesting additional resources for defense after the completion of the President's National Defense Review prior to the Chairman of the Budget Committee considering any increase in the 302(a) allocation pursuant to section 218.

Section 204: Compliance with Section 13301 of the Budget Enforcement Act of 1990

Section 204 of the Conference Agreement retains the language of section 12 of the House Resolution regarding the budgetary treatment in the House of discretionary spending for the Social Security Administration. Similar language was included in section 231 of last year's resolution.

Other issues

The Conference Agreement does not include any language reflecting section 206 of the Senate amendment which provided limitations on consideration of amendments to budget resolutions and reconciliation bills in the Senate.

Senate Pay-as-you-go Point of Order

For convenience, and in keeping with previous years, the text of the Senate's current Pay-go point of order (see Section 207 of H. Con. Res. 68 (106th Cong. 1st Sess.) and the starting balances for the Senate pay-go scorecard are set out below. The starting balance represents the Congressional Budget Office's baseline estimate of the on-budget surpluses over the ten-year period. The Conferees note that the levels of spending and revenue reductions set out in the Conference Agreement, if enacted, would not result in a violation of the Senate pay-as-you-go point of order.

SEC. . PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSES.—The Senate declares that it is essential to—

(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For the purposes of this subsection the term "applicable time period" means any one of the three following time periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affect the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget, and

(B) be calculated under the requirements of subsection (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or cause an on-budget deficit when taken individually, then it must also increase the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instruction included in that concurrent resolution on the budget shall not be available.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 23 of H. Con. Res. 218 (103rd Cong.) is repealed.

(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002.

2002 BUDGET RESOLUTION

[$ Billions].

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Baseline on-budget surpluses	142.097	171.286	195.686	211.605	266.799	316.203	359.195	416.669	484.265	558.187

RESERVE FUNDS

Reserve funds are special procedures which permit the consideration of specified legislation by making available the resources that are assumed within the aggregate levels of the budget resolution, but are not initially allocated to the appropriate committee of jurisdiction. In general, such provisions provide that upon the reporting of the legislation by the appropriate committee, the Chairmen of the Committees on the Budget may adjust the appropriate allocations to accommodate the legislation provided that all the terms of the reserve fund have been satisfied. The Chairmen intend to make reserve fund adjustments only for legislation reported by the appropriate committee. Subtitle B of Title II of the Conference Agreement contains nine reserve funds.

House resolution

Section 6: Strategic Reserve

Section 6 establishes a reserve fund for Department of Defense spending following the President's National Defense Review and a potential reauthorization of the Federal Agriculture Improvement Act of 1996. It could also accommodate other legislation. In order to be eligible for adjustments under this section, the legislation must be reported before July 11, 2001.

Section 7: Supplemental Reserve for Medicare

Section 7 establishes a reserve fund to accommodate a potentially more expensive Medicare bill than was reflected in the budget resolution. The Budget Committee chairman is authorized to make the adjustment for reconciliation legislation that provides for Medicare reform and prescription drug coverage. The Budget Committee chairman may increase the 302(a) allocations to the appropriate committees of jurisdiction by the amount of the Congressional Budget Office [CBO] reestimate of the cost of the President's Medicare plan or an alternative plan submitted by the Ways and Means and Commerce Committees. As a further limit on the cost of the bill, the adjustment under this section may not cause the on-budget surplus in the budget resolution to be less than $36 billion in fiscal year 2002 and comparable levels in fiscal years 2003 through 2011.

Section 8: Reserve for FY 2001

Section 8 establishes a reserve fund for fiscal year 2001. The Chairman of the Budget Committee is authorized to make adjustments for Department of Defense shortfalls, emergency agricultural assistance, and other measures. It also limits the amount of the adjustments to the amount the bill exceeds the Committee's allocation. The adjustments may also not cause the on-budget surplus to be less than $29 billion in fiscal year 2001.

Section 9: Reserve for Education

Section 9 establishes a reserve fund to allow additional spending for programs authorized by the Individuals with Disabilities Education Act (IDEA) in fiscal year 2002. It permits the Budget Committee chairman to increase the allocation when an appropriation increases spending for IDEA above the baseline level of $6.37 billion. The adjustment may not exceed $1.25 billion.

Section 10: Reserve for Additional Tax Cuts and Debt Reduction

Section 10 permits the budget resolution to be adjusted to accommodate a larger tax cut or debt reduction if the surplus estimates increase in the Congressional Budget Office update of its budget and economic forecast for any fiscal years 2001 through 2011. If the estimate of the on-budget surplus increases, the chairman of the Budget Committee may increase the tax cut or reduce the debt levels by up to the amount of the increase in the surplus.

Senate amendment

Section 203: Reserve fund for prescription drugs and Medicare reform in the Senate

The Senate amendment contains language creating a reserve fund for Medicare reform and a prescription drug benefit. This reserve fund replaced the language in the initial substitute amendment offered by Senator Domenici and was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that reforms medicare and improves access to prescription drugs for beneficiaries. The adjustments may not exceed the Congressional Budget Offices's cost estimate of either a plan submitted by the President or a comparable plan submitted by the Chairman of the Committee on Finance and in no case may total spending exceed $300 billion for the period of fiscal years 2002 through 2011. Note that the aggregates and function levels in the Senate amendment assume only $153 billion (of the potential $300 billion) over ten years.

Section 206: Reserve fund for medicare payments to home health agencies

The Senate amendment contains language creating a reserve fund to restore Medicare payments to home health agencies. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that repeals the scheduled 15% reduction in home health payments. Adjustments may not exceed $4 billion for the period of fiscal years 2002 through 2006 and $13.7 billion for the period of fiscal years 2002 through 2011. In addition, no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the on-budget surplus before the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution. Note that the function levels and aggregates in the Senate amendment assume the reductions would have gone into effect.

Section 208: Reserve fund for the payment of retired pay and compensation to disabled military retirees

The Senate amendment contains language creating a reserve fund to provide for the payment of retired pay and veterans' disability benefits to disabled military retirees. This reserve fund was added by an amendment offered by Senator Reid. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Armed Services (and the appropriate committee of the House of Representatives) that funds the payment of full retired pay and veterans' disability benefits to disabled military retirees. The amendment does not, however, make any provision for the additional $14.4 billion in discretionary spending that the Congressional Budget Office has estimated would also be required to fully fund these benefits. Adjustments may not exceed $2.9 billion for fiscal year 2002 or $40 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 209: Reserve fund for refundable tax credits

The Senate amendment contains language which in effect provides "fungibility" between outlays and revenues in a reconciliation tax legislation. This provision was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels, committee allocation, and reconciliation instruction to be adjusted for legislation reported from the Senate Committee on Finance that provides refundable tax credits. Adjustments are limited such that the sum of the spending increase and revenue reductions must not exceed the total amount of the reconciliation instruction. This will have the same effect as the "fungibility" language set out in section 310(c) of the Budget Act—and is superfluous in this case since the reconciliation instruction in the Senate amendment to Senate Finance contains an outlay component.

Section 212: Reserve fund for Family Opportunity Act

The Senate amendment contains a reserve fund to facilitate the consideration of the Family Opportunity Act in the Senate. This reserve fund was added by an amendment offered by Senator Grassley. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Finance that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $200 million for fiscal year 2002 or $7.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 213: Reserve fund for Veterans' education

The Senate amendment contains a reserve fund to provide additional resources for veterans' education benefits. This reserve fund was added by an amendment offered by Senator Collins. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Veterans' Affairs (and the appropriate committee of the House of Representatives) that increases the basic monthly benefit under the G.I. bill. Adjustments may not exceed $775 million for fiscal year 2002 or $4.3 billion for the period of fiscal years 2002 through 2006 or $9.9 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Section 214: Reserve fund for payments in lieu of taxes

The Senate amendment contains a reserve fund to provide additional resources for payments in lieu of taxes and for refuge revenue sharing. This reserve fund was added by an amendment offered by Senator Bingaman. The Senate amendment permits budget resolution levels and committee allocation to be adjusted for legislation reported from Senate Committee on Energy and Natural Resources that fully funds payments in lieu of taxes for entitlement lands under chapter 69 of title 31 of the U.S. Code. Adjustments may not exceed $353 million for fiscal year 2002 or $3.709 billion for the period of fiscal years 2002 through 2011. In addition, no adjustment may be made if the sum of the cost of this legislation taken together with previously enacted legislation would reduce the level of the Medicare Hospital Insurance trust fund for any fiscal year covered by the budget resolution.

Conference agreement

Section 211: Medicare Reserve Fund

Section 211 of the Conference Agreement is in two parts. Section (a) retains the language from the House and Senate resolutions to accommodate Medicare reform and prescription drug legislation. The language is modeled on section 203 of the Senate Amendment. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committee report legislation providing for Medicare reform and a prescription drug benefit provided that the cost of such legislation does not exceed $59.1 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $300 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

The Conferees note that it would be appropriate for the cost of such legislation (but no other legislation) to be funded in whole or in part from the surpluses of the Hospital Insurance Trust Fund.

Section 211(b) of the Conference Agreement retains the language of section 206 of the Senate Amendment which provides a reserve fund for legislation regarding payments under Medicare to home health providers—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (or for amendments thereto or conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that repeals the scheduled 15% reduction in home health payments. The aggregate level of spending for such legislation has been assumed within the Function 570 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. Adjustments may not exceed $4 billion in BA and outlays for the period of fiscal years 2003 through 2006 and $13.7 billion in BA and outlays for the period of fiscal years 2003 through 2011. The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Subsection (b) provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation, would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 212: Reserve Fund for the Family Opportunity Act

Section 212 of the Conference Agreement retains the language of section 212 of the Senate Amendment which provides a reserve fund for legislation to enable the expansion of Medicaid coverage for children with special needs to permit their parents to purchase such coverage—with a modification. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that expands Medicaid coverage for children with special needs to permit their parents to purchase such coverage. Adjustments may not exceed $227 million in BA and $180 million in outlays for fiscal year 2002, $3.035 billion in BA and $2.724 billion in outlays for the period of fiscal years 2002 through 2006 and $8.337 billion in BA and $7.867 billion in outlays for the period of fiscal years 2002 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the Function 550 levels and the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 213: Reserve Fund for Agriculture

Section 213 of the Conference Agreement includes a new reserve fund for legislation reauthorizing the Federal Agriculture Improvement and Reform (FAIR) Act of 1996, Title I of such act, and other appropriate agriculture production legislation. Funding for agriculture was assumed in the budget totals but not the allocation. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Committee on Agriculture, Nutrition and Forestry and the House Committee on Agriculture if the committees report such legislation. Adjustments may not exceed $66.15 billion in BA and outlays for the period of fiscal years 2003 through 2011.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that the aggregate level of spending for such legislation has been assumed within the levels for Function 300 and 350 and within the aggregates in the Conference Agreement, but will not be allocated to the committees. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 214: Reserve Fund for Additional Tax Cuts and Debt Reduction

Section 214 of the Conference Agreement retains the language of Section 10 of the House Resolution, which provides a mechanism by which the assumed tax cuts or debt levels may be adjusted by an increase in CBO's mid-session update of the surplus. Similar language was included in section 213 of last year's budget resolution.

Section 215: Technical Reserve Fund for Student Loans

Section 215 of the Conference Agreement includes a new technical reserve for legislation that permanently retains the interest rate schedule currently in effect for student loans and that repeals the switch to a replacement interest rate structure scheduled to occur under current law on July 1, 2003. This technical reserve would permit extension of the overwhelmingly bipartisan agreement reached in the Higher Education Amendments of 1998 to support the interest rate structure of the student loan programs as it operates today.

The Conference Agreement permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations for legislation (reported from the Senate Committee on Health, Education, Labor and Pensions and within the jurisdiction of House Committee on Education and the Workforce) that repeals an provision (from

1993) that, if left in place, would dismantle the existing interest rate structure for student loans starting July 1, 2003. The adjustment may not exceed $110 million in BA and $100 million in outlays for the combined period 2001–2002, nor may it exceed $3.440 billion in BA and $2.840 billion in outlays for the combined period 2001–2006, nor may it exceed $7.665 billion in BA and $6.590 billion in outlays over the 2001–2011 period. The Conferees note that the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation.

Section 216: Reserve Fund for the Purchase of Health Insurance by the Uninsured

Section 216 of the Conference Agreement includes a reserve fund for legislation which provides resources to facilitate the purchase of health insurance for the uninsured. The Conference Agreement applies in both the House of Representatives and the Senate and permits the appropriate Budget Committee chairman to adjust committee allocations and other appropriate budgetary aggregates and allocations (including the revenue aggregates) for legislation which is reported (and amendments thereto, or any conference report thereon) from the Senate Finance Committee and the House Committee on Ways and Means or the Committee on Energy and Commerce if the committees report legislation that enables the uninsured to purchase health insurance. The aggregate level of spending for such legislation has been assumed within the Function 550 levels and the spending aggregates in the Conference Agreement, but will not be allocated to the committees. Adjustments may not exceed $28 billion in BA and outlays or $28 billion in revenues or any combination of spending and revenues for the period of fiscal years 2002 through 2004.

The Conferees note that in the Senate the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. The Conferees intend, however, to provide complete flexibility to the authorizing committees to draft such legislation providing spending or tax changes. The Conference Agreement provides however that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 217: Reserve Fund for Defense in the Senate

Section 217 of the Conference Agreement includes a mechanism in the Senate to increase the section 302(a) allocation (and other appropriate budgetary aggregates) to the Committee on Appropriations and the Committee on Armed Services of the Senate for 2002 in order to make additional resources available in response to the President's National Defense Review. The Conference Agreement permits the Chairman of the Committee on the Budget to increase the 302(a) allocation only when two requirements are satisfied. First, the President must submit a specific budget amendment to the Congress requesting additional funding for fiscal year 2002 in response to the National Defense Review. Second, the Committee on Appropriations must have reported an appropriations measure which provides funding for such budget amendment.

The Conferees note that the authority granted under this section does not permit the Chairman of the Committee on the Budget to make any adjustments for floor amendments offered to unrelated legislation. Note that neither the Function 050 levels nor the aggregates of the resolution contain any additional resources for this National Defense Review. Therefore, any adjustments made pursuant to the authority in this section will reduce the surplus aggregates contained in the resolution. The Conferees acknowledge that because of the limitation contained in section 302(a)(3)(A) of the Budget Act, the chairman of the Committee on the Budget may not adjust the section 302(a) allocation to the Committee on Appropriations until the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 has been increased for 2002 by an amount sufficient to accommodate the increase envisioned by this section. The Conference Agreement provides, however, that no adjustments may be made if the cost of such legislation, taken together with all previously enacted legislation would reduce the surplus below the level of the Medicare HI Trust Fund surplus for any fiscal year covered by this budget resolution.

Section 218: Strategic Reserve Fund in the House

Section 218 of the Conference Agreement establishes a reserve in the House of Representatives for authorizing or appropriations measures for the Department of Defense, following the President's National Defense Review; it also may be used for legislation that would provide for a prescription drug benefit, or for other appropriate legislation. The adjustment may only be made for the amount that the relevant legislation exceeds the applicable committee's allocation or the aggregate provided for in the budget resolution. The reserve fund is further limited in that the adjustment may not be made if it would cause the on-budget surplus to be less than an amount equal to the Medicare Hospital Insurance Trust Fund.

Additional items

The Conferees note that the Conference Agreement does not include any reserve fund language from section 9 of the House resolution regarding additional discretionary funding for programs authorized in the Individuals with Disabilities Act.

The Conferees note that the Conference Agreement does not include any reserve fund language from section 208 of the Senate Amendment regarding the payment of retired pay and veterans' disability benefits to disabled military retirees. The Conference Agreement does however retain the Sense of the Congress language from section 19 of the House Resolution which is set out in section 314.

Section 314 of the conference report includes a sense of the Congress directing the Secretary of Defense to report within 180 days after the adoption of this Conference Agreement to the relevant congressional defense committees and to the House and Senate Budget Committees on the provision of concurrent retirement and disability benefits for retired members of the Armed Forces. The report shall address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation under the proposed legislation (S. 170 in the Senate and H.R. 303 in the House of Representatives); the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees; the comparability of this proposed policy to prevailing private sector standards; the numbers of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance; and alternative initiatives that would accomplish the same result as concurrent receipt of military retired pay and disability compensation at different levels of cost. The Secretary of Defense may submit legislation that he considers appropriate.

Section 314 of the Conference Agreement also includes a Sense of Congress requesting the Congressional Budget Office and the Office of Management and Budget to report to the Budget Committees within 30 days after the adoption of this conference report on the risk that providing full concurrent receipt of military retired pay and disability compensation under the proposed legislation identified above could reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund.

The Conferees also note that the Conference Agreement does not include any reserve fund language from section 209 of the Senate Amendment which purported to provide "fungibility" between outlays and revenues in reconciliation tax legislation. Given the language in section 310(c) of the Budget Act which statutorily provides for "fungibility," the language from section 209 was superfluous.

The Conference Agreement does not include the language from section 213 of the Senate Amendment regarding increased funding for veterans' education benefits. Instead the Conferees agreed to include the funding within the Function 700 levels, the resolution aggregates, and the allocation to the appropriate authorizing committees of the House of Representatives and the Senate.

The Conference Agreement does not include the language from section 214 of the Senate Amendment regarding additional resources for payments in lieu of taxes and for refuge revenue sharing.

MISCELLANEOUS PROVISIONS

In addition to enforcement provisions and reserve funds, budget resolutions may contain miscellaneous provisions that may affect the level of spending or that provide additional enforcement mechanisms or additional guidance in interpreting the resolution. Subtitle C of Title II of the Conference Agreement contains two of these provisions.

House resolution

Section 11. Application and effect of changes in allocations and aggregates

Section 11 establishes the procedures for making adjustments pursuant to the reserve funds included in this resolution. It provides that the adjustments may only be made during the interval that the legislation is under consideration and do not take effect until the legislation is actually enacted. It also requires the Budget Committee chairman to submit any revisions in the budget resolution pursuant to the reserves for printing in the Congressional Record.

Senate Amendment

Section 204: Application and effect of changes in allocations and aggregates

The Senate amendment contains language which is similar to the language found in section 222 of the fiscal year 2001 budget resolution and clarifies the application and effectiveness of the adjustments made by the Chairman of the Committee on the Budget pursuant to the "reserve funds" set out in the resolution.

Section 205: Exercise of rulemaking powers

The Senate amendment contains language identical to section 234 of the fiscal year 2001 budget resolution and states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the resolution.

Section 210: Additional Revenue reductions

The Senate amendment contains a provision which states that revenue reductions set out in the underlying resolution should be increased by an additional $69 billion for the period of fiscal years 2002 through 2011—in order to provide marriage penalty relief. The language was added by an amendment offered by Senator Hutchison (TX).

Section 211: Increase funding for IDEA

The Senate amendment contains a provision that states that the revenue reductions set out in the underlying resolution should be reduced by $70 billion for the period of fiscal years 2002 through 2011 and an additional $70 billion in BA and outlays should be added to Function 500 (Education) over that same time period—in order to provide additional resources to IDEA. This language was added by an amendment offered by Senator Breaux.

Conference Agreement

Section 221: Application and Effect of Changes in Allocations and Aggregates

Section 221 of the Conference Agreement retains the language of section 11 of the House Resolution (which is virtually identical to Section 204 of the Senate Amendment) clarifying the process for implementing any adjustment made pursuant to the reserve funds and the status of these adjusted levels. It further clarifies that the Budget Committee determines scoring for purposes of points of order. This section also makes clear that levels in the joint statement will be used for purposes of budget enforcement rather than the levels in the conference report. Finally the Budget Committee chairmen are given the authority to score legislation for enforcement purposes based on CBO's updated baseline.

Section 222: Exercise of Rulemaking Powers

Section 222 of the Conference Agreement retains the language of section 205 of the Senate Amendment. It states the authority by which Congress adopts the various budgetary enforcement rules and procedures for the consideration of certain legislation set out in the budget resolution. An identical provision was included in section 234 of last year's budget resolution.

The Conference Agreement does not include the language from either section 210 or 211 of the Senate Amendment because all assumptions regarding revenues are taken into account within the actual revenue aggregates set out in the Conference Agreement. In addition, the issue of the level of funding for programs authorized in the Individuals with Disabilities Education Act is taken into account within the levels for Function 500.

SENSE OF CONGRESS, HOUSE AND SENATE PROVISIONS

House Resolution

The House budget resolution contains the following Senses of the House or Congress that have no legal force but reflect the Congress' views on a variety of budget-related issues. The section numbers and section headings of these reserve funds are as follows:

Section 14 states a Sense of the House concerning Federal pay.

Section 15 states a Sense of Congress relating to Individual Development Accounts and the working poor.

Section 16 provides a Sense of Congress relating to Federal fire prevention assistance.

Section 17 states a Sense of the House regarding the deduction of state sales tax from Federal income taxes.

Section 18 states a Sense of Congress regarding funding for Graduate Medical Education.

Senate Amendment

The Senate amendment contains the following Sense of the Senate provisions:

Section 301 Sense of the Senate on Debt Reduction.

Section 302 Sense of the Senate on AIDS and Other Infectious Diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development.

Conference agreement

The Conference Agreement contains the following Sense of the Senate and Sense of Congress provisions:

Subtitle A—Sense of the Senate provision.

Section 301 Sense of the Senate on conservation.

Section 302 Sense of the Senate on AIDS and other infectious diseases.

Section 303 Sense of the Senate on Consolidated Health Centers.

Section 304 Sense of the Senate on Funding for Department of Justice Programs for State and Local Law Enforcement Assistance.

Section 305 Sense of the Senate on United States Coast Guard Fiscal Year 2002 Funding.

Section 306 Sense of the Senate on Strengthening our National Food Safety Infrastructure.

Section 307 Sense of the Senate with Respect to Increasing Funds for Renewable Energy Research and Development.

Section 308 Sense of the Senate with respect to increased education funding.

Subtitle B—Sense of the Congress provisions.

Section 311 Asset building for the working poor.

Section 312 Federal Fire prevention assistance.

Section 313 Funding for graduate medical education at children's teaching hospitals.

Section 314 Concurrent retirement and disability benefits to retired members of the armed forces.

Section 315 Federal Employee Pay.

Section 316 Sales tax deduction.

JIM NUSSLE,
JOHN E. SUNUNU,
Managers on the Part of the House.
PETE DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
KIT BOND,
Managers on the Part of the Senate.

CONGRESSIONAL HEARINGS ON VTOL TECHNOLOGY WILL EXAMINE FAILED OSPREY PROJECT AND NEW TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise tonight to discuss an issue that relates directly to the safety of the men and women whose task it is to defend our country. It also goes to the heart of the American lead in the aviation technology upon which we depend so much.

For over a decade, I backed a project that I believed would permit America to take the lead in the next major step in aviation technology, that is, Vertical Takeoff and Vertical Landing aircraft. Unfortunately, it is clear now that the project, the Osprey project, has been a costly and a dangerous failure.

Of the 11 aircraft built, four have crashed, and three of the crashes resulted in 30 fatalities. That is 30 dead heroes whom we cannot bring back. The flight crews that were lost were the most experienced on this craft and some of the best and the brightest of the Marine Corps.

On page 32 of the most recent copy of the Marine Corps Gazette, there is an article by a pilot who is also a weapons and tactics instructor that underscores the skepticism about the viability of the Osprey program. Then there is the alarming allegations of a cover-up, a cover-up and records falsification by Marine officers directly involved in the Osprey's operational testing. Recently, the Defense Department's Blue Ribbon panel echoed the finding of the Marine Corps' Accident Mishap Board in recommending extensive redesign of the craft. All of this calls into question the Osprey's future use by the military and, of equal significance, its commercial viability. No commercial aviation company in this country is ever going to get insurance on a craft with this kind of safety record.

The Blue Ribbon panel mandates that we go back to the drawing board. That is not a condemnation of vertical landing, vertical takeoff; it is a condemnation of the Osprey program. Vertical Takeoff and Vertical Landing technologies are the way to alleviate our overcrowded airports, to ease our overburdened air traffic control systems, and to ensure our military's ability to respond when our runways have been destroyed by a wartime adversary. To pull us into the 21st century, we need a simple Vertical Takeoff, Vertical Landing aircraft with longer range, higher speed, and greater payload capacity. Perhaps like a transport version of the Harrier jet.

Tomorrow, the Subcommittee on Space and Aeronautics, a subcommittee that I chair, will be holding a hearing on one such aircraft that holds promise for the future, and it will fly for the first time this summer. Let me note that my father was a Marine pilot.

Mr. Speaker, these 30 casualties during the testing of the Osprey program are unconscionable, 30 dead Marines. We do not need any more dead Marines. The Osprey program is a failure, but the Vertical Takeoff, Vertical Landing concept is not. We should not abandon that technology, and we should try to keep America first in aviation technology by ensuring that new concepts of Vertical Landing, Vertical Takeoff will be available to the American military and also available to commercial aviation so that the United States of America will be able to fly its up-to-date, cutting-edge aircraft throughout the world and remain the leader in aviation technology, creating jobs for our people and creating a capability, both militarily and commercially, that will keep America ahead of the competition and ahead of our adversaries.

So I would ask my colleagues tomorrow to pay attention to our hearing, and I would ask the public to pay attention to the hearing of the Subcommittee on Space and Aeronautics that I chair, and we will be examining the Vertical Takeoff and Vertical Landing concept, and perhaps some of the reasons why the old program failed and why there is hope that better technology is available in the future, technology that would protect our military people and offer great commercial possibilities for our country.

Mr. Speaker, I would submit for the RECORD the article in the Marine Corps Gazette entitled, "MV–22 Osprey or Edsel?"

[Ideas & Issues, MV–22 Osprey]

MV–22 OSPREY OR EDSEL?

(By LtCol Bruce A. Milton, USMCR)

IS THE OSPREY 'TOO MUCH' AIRCRAFT?

Mishaps have been an aviation bane ever since Orville and Wilbur made those first epic flights amid the dunes of Kitty Hawk. The early days of powered flight took an incredible toll on those intrepid airmen who ventured forth to challenge gravity. Despite tremendous losses, the potential benefits to both the civil and military complexes enabled a fledgling enterprise to evolve into the technologically advanced industry that we have today. I doubt few events in modern history can compare with the meteoric accomplishments of the aviation field. To think that Neil Armstrong walked on the moon less than 65 years after the Wrights' first powered flight is simply phenomenal.

Throughout these ever-evolving phases of aviation, countless steps have been taken to reduce the inherent risks associated with flying. There isn't adequate space in this article to pay homage to all the positive changes incorporated by manufacturers, operators, government entities, and others to enhance flight safety. Suffice it to say that the mishap rate—a tangible statistic that measures how safe we really are—has improved markedly over the years as a result of these positive changes.

However, just as the automotive industry has had models that were not successful, the annals of aviation history also include numerous aircraft that were "scrapped" or pulled from production. Unlike the doomed Edsel, a car that the driving public simply did not find aesthetically pleasing, many prematurely canceled aircraft, certainly many military aircraft, had their operational lives shortened because they were deemed too dangerous.

With a new aircraft, as with any complicated machine, there is a learning curve. This wringing out period includes the time that skilled test pilots put the aircraft through its paces. They "push the envelope" to establish limitations, procedures, and guidelines for subsequent squadron pilot usage. During this wringing out, the aircraft also undergoes operational test and evaluation (OTE). During OTE, more guidelines and procedures are established as how to best employ the aircraft in a tactical environment. Once the new aircraft has successfully completed this rigorous testing, it is ready for introduction to the fleet.

When speaking of the MV–22, it is with this latter portion of the learning curve that I am most concerned. I am not now, nor have I ever been, a test pilot. I have, however, spent the majority of my aviation career in some type of instructional capacity. From my days on active duty as a weapons and tactics instructor to my current duties as a training captain for a large commercial emergency medical services operator, I have amassed literally thousands of hours of flight instruction in both fixed- and rotary-wing aircraft. This experience has provided me with some insights into pilot performance and behavior.

Collectively, pilots are merely a cross section of society. As such, among pilots there exists a widely varying degree of aeronautical prowess and ability. I have flown with pilots whose seemingly effortless skill I admired. I have flown with those who struggled very hard to make the required grade. I have also flown with pilots whose performance made me wonder how they had progressed as far as they had. Interestingly enough, I suppose most of the pilots I have flown with over the last 19 years can be defined as being average.

In most communities and subcultures of naval aviation, there is certainly nothing wrong with average. Average can be equated to someone who is safe, reliable, and aware of his or her capabilities and limitations. However, in the case of the Osprey, I am concerned that average may not be good enough. As recent tragic events illustrate, "above average" or even "outstanding" may not be sufficient skill levels to successfully master the MV–22. We have lost the two most experienced Osprey aircrews, senior test pilots even, in the first stages of fleet incorporation. What happens when we man this aircraft with less than stellar experienced aircrews? I'm not sure the jury is "in" on this subject.

In my capacity as an instructor, I have more than a layman's appreciation for helicopter aerodynamics. I understand such phenomena as "settling with power" and "vortex ring state." I have deliberately induced this condition at altitude to show pilots how dangerous it can be if encountered in close proximity to the ground. I opine that in most helicopters, under most conditions—even tactically—it is rare to enter the vortex ring state. Reports I have read about the Marana incident attribute the mishap to the pilot having entered a vortex ring state. The speed and rates of descent reported certainly did not seem to me to be excessive. I have seen conditions far worse with no hint of loss of control. Is the margin of error or more correctly, margin of safety, of the Osprey so narrow as to put the aircrews at a disadvantage?

If the Osprey is as demanding to fly as it might seem, what happens when we man it with the inevitable average crew, cloak them in the fog of war, and send them forth in harm's way? Send them into a hot landing zone on a dark night wearing night vision goggles? Send relatively inexperienced crews into tactical situations where it is prudent to expedite time spent in the vulnerable landing phase? I cannot help but ponder such questions.

I do not particularly care about the politics involved in the overwhelming process of aircraft acquisition and employment. Instead, I worry about the troops tasked to fly in those aircraft. It is time to take a long, unbiased, nonpartisan look at the MV–22's future in the Corps. If it can be proven that cockpit workload and aircrew skill requirements are reasonable, then let us welcome its capabilities into our arsenal. If the aircraft needs further redesign or modification to make it safer, then we should pursue those changes. If it turns out that there is no rational or cost-effective solution to the current woes, then perhaps we should consider tabling MV–22 acquisitions until such time that it is safe.

We owe this analysis to our Marines. After all, the Edsel may have been unsightly, but it wouldn't kill you.

MEDICARE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise to speak tonight to discuss a report that was just released yesterday from the National Institute for Health Care Management Foundation, which stated that spending on prescription drugs has increased almost 19 percent in the last year. I am deeply troubled by this report, as it underscores a critical need for this Congress to modernize Medicare to include a prescription drug benefit.

Spending on retail outpatient prescription drugs rose almost 19 percent in 2000, from $111 billion to $131.9 billion. Approximately half of that spending increase can be attributed to just 23 prescription drugs or pharmaceuticals. Among those drugs are the blockbuster ones we hear about, Vioxx, Lipitor, Celebrex and Glucophage, which I am not pronouncing correctly, but the very drugs that seniors rely on every day to treat chronic long-term illnesses such as diabetes, arthritis or high cholesterol. In fact, my mother-in-law, of those four drugs, actually takes three of them every day.

For the seniors that have no prescription drug coverage, they simply have no choice but to pay top dollar for these expensive medications or go without; and that is what they are doing every day, they are going without, because they cannot afford them. Fully one-third of our Medicare beneficiaries, and these are old numbers, because that was before so many of our Medicare HMOs withdrew from the market, at least one-third of them have no prescription drug coverage at all.

I hear from constituents literally every day who have to make these tough choices on whether to pay their electric bill or their prescription drugs. In fact, I have a letter I just received today from a constituent who tells me: "I am holding off on some of my medications until my Social Security checks are deposited in the bank on the 3rd, and I am out of some of them already." Seniors are struggling literally from Social Security check to Social Security check hoping they have enough medication until the end of the month.

Another constituent of mine was hospitalized for a severe infection. When she was dismissed from the hospital she was given three new prescriptions, one which cost more than $700. Imagine an 85-year-old woman being asked to pay $700 for one prescription. The other two cost her an additional $150, bringing her grand total for these new prescriptions, only new ones for this current illness, to $850 on one trip to the pharmacy. Talk about adding insult to injury.

Unfortunately, the high costs of prescription drugs are only getting worse. The recent government study predicts that the mapping of the human genome, the aging of the baby boom generation that I am a part of, and the increase in spending on biomedical research will lead to the introduction of more and more prescription drugs. This is the good part of it, because we are living longer and healthier, but this is sometimes a mixed blessing from a policy perspective. The influx of these drugs can only mean new treatments and therapies for what are now incurable and serious diseases, but it also means that the demand for these drugs and also the cost of these drugs will rise.

Congress cannot sit idly by while our seniors, our parents and our grandparents, are forced to pay more and more of their hard-earned retirement on prescription drugs, and they cannot afford it. Unfortunately, we have seen little action during this Congress. We have actually had one or two hearings in the Subcommittee on Health of the Committee on Energy and Commerce, but we have not gone any further.

For the past 100 days, all we have heard about is a tax cut. What we need to do is start addressing prescription drugs for senior citizens, those 40 million hard-working Americans who now rely on Medicare.

The $300 billion I understand that may be in the budget that will actually come out of the Medicare reform legislation for prescription drugs is just not adequate. The real problem for our seniors is every time I go to the grocery store at home or a town hall meeting or visit with my seniors, I am approached on what we can do about prescription drugs for seniors. They want to know why in Washington we are not doing something about it, because they see it as an imperative that if it is not a problem today, it has been a problem for over a year and we have not addressed it.

Mr. Speaker, I urge my colleagues on both sides, the majority and the minority, we need to pass a prescription drug benefit that is part of Medicare. Just like a doctor or hospital, our prescription drugs should be paid for for our seniors as part of Medicare. We may not be able to afford the 80 percent that we do now for doctors and hospitals, but we ought to be able to grow into that.

Mr. Speaker, $300 billion is a start, but we have a long way to go. It is a crisis now for our senior citizens. It is a crisis for our parents and our grandparents, and we need to do something about it now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEGISLATION TO DESIGNATE THE "M. CALDWELL BUTLER POST OFFICE BUILDING" IN ROANOKE, VIRGINIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, it is with great pleasure that I introduced legislation today to name the main Roanoke United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for my good friend, former Congressman M. Caldwell Butler.

Mr. Butler is a gentleman whom I admire greatly. He served as a United States naval officer during World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950 he received an LL.B. degree from the University of Virginia School of Law where he was elected to the Order of the Coif. In 1978, he received an honorary degree of Doctor of Laws from Washington and Lee University.

Mr. Butler served in the Virginia House of Delegates from 1962 until 1972, where he was minority leader. He practiced law in Roanoke from 1950 until his election to Congress in 1972. He served five full terms in the House of Representatives, representing the sixth district of Virginia. It was my privilege to serve as Congressman Butler's district director from 1977 until 1979.

While in Congress, Mr. Butler was a member of the House Committee on the Judiciary and the Committee on Government Operations. Mr. Butler's start in Congress was memorable. As a member of the House Committee on the Judiciary, he served with distinction as part of the panel that conducted impeachment hearings involving President Richard Nixon.

☐ 2000

Mr. Speaker, following his service to our Nation, Mr. Butler returned home to Roanoke to practice law as a partner of the firm of Woods, Rogers & Hazelgrove, which he continued to do until his retirement in 1998. In addition, he contributed his expertise on a national level by serving as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Mr. Butler is a pillar of the civic community as well, serving as a member of the board of directors of the John Marshall Foundation and the board of trustees of the Virginia Historical Society, a fellow of the American Bar Foundation, a fellow of the American College of Bankruptcy, and a fellow of the Virginia Law Foundation.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I rise tonight to talk about what is fast becoming one of the largest problems our country faces, and that is the energy crisis. It is not just a California problem. It has spread certainly to the Northwest, where I am from, but also throughout the country, as we see prices for all sorts of energy consumption, from gas at the pump to electricity in the home, go up considerably.

Mr. Speaker, I think it is very good that the President has focused a large number of resources on deciding what to do about this problem. He has put together a task force and the Vice President is taking the leadership role on that. I think this is a problem that we need to focus on.

I am not as excited about the initial reports from the Vice President and the President about the direction they need to go in, but I feel, and so does the new Democratic coalition, which I rise tonight in part to represent, that it is a good first step and we can get there on the policy.

But where should we go? The Vice President's approach and some of his initial remarks were, first of all, that we are going to need to build a power plant a week for the next 20 years, and that conservation, while a personal virtue, is not an energy policy.

The vision that is laid out from those initial statements is that we are going to be building a lot of power plants and power plants that are focused on existing fuel sources, fossil fuel, oil, natural gas, coal, and we are simply going to try to burn and drill our way out of the problem.

Is this a good solution to our energy crisis? I would argue, and my fellow new Democrats also argue, that this is not the best solution. There are a lot of damaging side effects to taking that approach, and what is more, there is a better option, a better approach. Building a power plant every week for the next 20 years is going to be an incredibly costly endeavor, costly in terms of money and costly in terms of the impact that it has on our environment.

When you are drilling for oil all over the place, you have a tendency to damage the environment and have an impact. When you burn that oil, when you burn those fossil fuels, you have a very damaging impact on the quality of our air and on the overall quality of our environment. This is not the best direction to go in.

One final reason why I do not think it is the best direction to go in, it has been a constant focus on our dependency on foreign sources for our energy. In fact, ironically, that is one of the arguments that the administration gives for drilling in the Alaskan National Wildlife Reserve and the Gulf of Mexico and a variety of different places for oil domestically: to reduce our dependency on foreign oil.

Drilling for more oil is not going to reduce our dependency on foreign energy sources. As long as we have a fossil fuel base system, as long as we are dependent on oil, we are going to be dependent on foreign sources for that oil, because you could drill the entire country and you would not come up with as much oil as they have in the Middle East and Russia and in a variety of other places that we are dependent on.

The only way to reduce our foreign dependency on energy is to come up with new sources of that energy, and that is what we and the new Democrats are talking about doing.

Mr. Speaker, let me be clear; we need more generation. Some of that generation will have to be traditional natural gas, coal-burning, fossil fuel-generating plants. We understand that we cannot simply tomorrow shift to new sources of energy and get off of this, but we would like to be able to do so as soon as possible, for all of the reasons that I stated.

What are the possibilities here? Is it simply a matter of generating a megawatt here, a megawatt there? It is much better than that. The possibilities of what we can accomplish in terms of shifting our focus and energy dependency away from fossil fuels towards greater conservation and new technologies is far greater than I feel most people realize.

Even before we get into the new sources of energy discussion, even focusing on conservation, the thing the Vice President said was a personal virtue but not an energy policy, if we were to improve in homes and businesses the way we consume energy, electricity, natural gas, a variety of different things, improve conservation, we could save an unbelievable amount of energy.

A recent survey on conservation just cited a couple of things that we could do: tuning up residential air-conditioning, tuning up commercial buildings, more efficient air-conditioning systems in those commercial buildings, and more efficient commercial lighting. All of those things combined could save sufficient megawatts to save us well over 100 of those new power plants that the Vice President has proposed that we needed.

If we could then move on to new technologies, solar, wind, fuel cell technology, biomass, a variety of different programs that are out there, we could save even more. By a very conservative estimate, we could cut in half the number of new power plants that we need; maybe more if we went out and spent the money and experimented and found out what we could do.

This is a much better, more balanced approach. It is better for the environment. It is better for domestic security, so that we are not dependent on those foreign sources of energy, and it will build us a long-term sustainable energy policy, instead of thinking that we could simply drill our way out of it by depending on fossil fuels.

We need this balanced approach. What I sincerely hope that the President and the Vice President do is engage Congress to work on this, to balance out this approach and come up with a sustainable long-term policy.

A lot of people will say on a number of these subjects that I talked about, whether it is wind, solar, fuel cell, increased conservation, it is just not cost effective. It does not work. In other words, it is too expensive right now to generate wind power, and you do not really get that much.

Conservation will not really save you that much because you have to spend a lot of money to get there. We do not have the technology to accomplish this.

I would like to draw an analogy to another topic that we have been debating here recently in Congress, and that is the national missile defense system. The President has also recently come out and said we need to build a national missile defense system, basically a system where we could protect at least some portion of the United States, actually, I think it is all of the United States, by being able to shoot down one or two rogue ICBMs if they are fired at the U.S.

We will not find a scientist in this country right now who says that currently that can work at this moment. You will find some who say it will never work. You will find some others who think we can work our way out of it, but the bottom line is the President is saying that whatever you think about this policy, that it is so important to this country that we be able to protect ourselves from a rogue missile or ICBM coming from a rogue nation, that we should spend the money and find out.

Figure it out. He is willing to spend hundreds of billions of dollars to come up with this solution. Like I said, I am not speaking against that policy. He may well be right. That may be such an important policy to do that, but transfer that to energy. Why not spend at least a fraction of that developing some of these new technologies?

If we can figure out in the President's estimation how to hit a bullet with a bullet, with the national missile defense system, by spending enough money, why can we not figure out how to conserve energy better and develop new sources of energy so that we are not relying on the fossil fuel system we have right now?

The answer is that we can. We can develop those technologies, wean our dependence on fossil fuels and better use conservation so we have a cleaner future in addition to ones that generate the energy that we need.

We need to take this balanced approach. It is not enough to simply say, coal, natural gas, oil, that is all we have, that is all that works, let us move on and not change, not look at conservation, not look at alternatives. We need to strike that balanced approach.

I have some colleagues here who are going to participate in the debate as well.

Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, the energy issue is clearly an issue that is on everyone's mind right now. I just this past week invited a number, a cross section of individuals, to attend a meeting where we would discuss what was the appropriate role for the Federal Government with respect to energy policy.

I had people who represented investor-run utilities. I had municipal utilities at the meeting, rural electric cooperative participants. We had large industrial consumers. We had low-income energy advocates. We had people from the State Regulatory Commission in Utah as well.

I can tell my colleagues that if we need any other indication that this is a significant issue, everyone who we invited came to this meeting. It was a fascinating discussion, and what we talked about was the notion of a balanced approach, a balanced approach that incorporates a number of different solutions to what is an energy problem.

Admittedly, this meeting tended to focus more on the electrical side of the equation than on the oil and the gasoline side, so my comments are going to focus more on that as well. But I would suggest that as we look at this energy issue, we really need to sequence time periods in which we are talking about what can we do, what can we do to put ourselves in a better position. In the short term, our options are rather limited.

Clearly we have a supply and demand imbalance, and in the short term, you are not going to be building any new power plants very quickly. In the short term, the best available option we have right now is to increase energy efficiency.

I want to make sure that people understand. As I say, energy efficiency, that is a notion where it is not like you have to give up something; it is not like you have to turn the thermostat down to 60 degrees and put on five different sweaters. Efficiency means we can have the same comfort level but using less energy to get there.

The technologies are there and, quite frankly, in the short term, which I describe for the next 2 years in the western United States, energy efficiency gains are one of the best tools we have to try to mitigate a very difficult circumstance that we are in in terms of that supply and demand dynamic.

Mr. Speaker, let us talk about the midterm, which is the 2-year time frame to, let us say, the 30-year time frame. Energy efficiency is still going to be part of the equation, but there are more factors that can be added to the equation. This is where we can pursue new sources of supply.

We are going to have to create additional sources of electric supply. We should probably take a balanced approach that incorporates a number of technologies, that is going to be part of the equation.

If we look at the 25–30 years and beyond, that is what I call the real long-term perspective, we need to make a concerted effort, a concerted effort on research and development for technology to provide some solutions; solutions in terms of creating energy more efficiently, solutions in terms of using energy more efficiently and solutions in terms of creating energy from new sources that are not a significant part of our energy supply today.

That is why as a Member of the Committee on Science, I am very concerned about the DOE budget numbers proposed by the administration that show cuts in research and development spending for energy efficiency programs and for energy supply, research and development as well. I am very concerned about that, because I think in the long term, it is good public policy for us to encourage development of good research and technology in this regard.

I mentioned this energy forum and I mentioned all of these people who came and attended this forum. The fact is we talked about a whole bunch of policy areas where the Federal Government should or should not have a role.

I just want to focus on one of those issues that we discussed as a group that I thought was very interesting and something that Members of Congress should keep in mind, and that is the sense that we have gotten into the situation we are in now partly due to the fact that we just had a lack of a predictable public policy.

I used to work in the energy business. I developed cogeneration facilities in the independent power business, and I can tell my colleagues that by the time we got to about 1990, it became very difficult to make rational decisions about investing in new power plants because there was so much uncertainty about what the market was going to be.

Congress was moving towards passage of something called the Energy Policy Act, which deregulated the whole cell side of our electric industry. But they said, you know what, it is up to the States to figure out what to do on the retail side. Right then we had a bit of a dysfunctional market where wholesale prices were deregulated and working in one marketplace and retail were working in a different situation.

This is a complicated issue. Admittedly, it is hard to implement policy quickly, but we had a series of actions over the years since the Energy Policy Act was passed, FERC Order 888, FERC Order 889, FERC Order 2000. We are still trying to resolve what to do with our electric transmission systems in terms of regional transmission organizations.

□ 2015

We need to resolve those issues because decisions about investing in infrastructure, investing in new supply are difficult to make in the face of uncertainty. So I would suggest that, as a rule, we should try to develop unified predictable policies.

The same applies in terms of dealing with regulatory rules for environmental permitting. Everyone in this meeting that I had in Salt Lake City last week indicated that they are concerned about following the rules. They want to follow the rules. No one suggested rolling back environmental regulations. But they all expressed a desire that we know what the rules are and that there is a process to work through an appropriate permitting activity.

We have got to make sure, again, that we create that unified predictable policy environment where people can make rational decisions. I think that is an important goal for us as Members of Congress. I think that is an important part of developing the balanced energy policy that the gentleman from Washington (Mr. SMITH) has been discussing.

Mr. SMITH of Washington. Mr. Speaker, I just want to follow up on a couple of points that the gentleman from Utah (Mr. MATHESON) made.

First of all, in the investments in alternative energy and conservation programs, the cut in the President's proposed budget is 36 percent from what was already a fairly meager amount. It was $373 million last year. It goes down to $237 million in the President's budget. On something that is so important, we can certainly make a better investment and move, hopefully, forward towards finding some of these new technologies and finding that balanced approach.

The second thing is I think it is critical to point out that this is not a one-sided problem, either on the conservation, new technology side. We do have a problem in locating plants. We did a bad job over the course of the last 10 years in preparing for what somebody should have seen coming, which was the offset of supply and demand that we currently are experiencing.

Part of that problem is what the gentleman said, not knowing what the rules are. It is not a matter of we want to be able to build whatever power plant we want wherever, we just want to know what the rules are so that people can make an intelligent investment decision to build the plant where we want them to build it in the manner in which we want them to build it.

There are a variety of different things we can do in that side of the technology, too. I mean, the way we have the system set up now, it costs more money to bring new plants online in terms of the sort of pollution credits that one has to buy, basically buying the right to pollute, but at the same time one is generating energy. That is the way we do it.

But the newer plants are more efficient and more environmentally sensitive. The older plants that are not do not have to buy those credits, or at least they do not have to buy as much and pay as much. So.

There is a whole lot of things we can look at, both on the generation of typical fossil fuels and conservation and new technology. It is a balanced approach that we really need to take to make this work.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE) who is going to give us some further perspective on the issue.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate him pulling together this special order tonight to talk about an issue I think is very important. It is going to have such a significant impact in this country on so many areas of our economy. I do not think we even realize today what a tremendous impact it will have if it continues.

We talk about the problems in California as if they are isolated, and the gentleman touched on them earlier. The issue of providing for encouraging people to save energy is critically important. One of the pieces, as we are seeing tremendous escalation in cost, is we are going to see a tremendous wealth transfer in this country as it relates to those who have very little, who are trying to make it to those who have considerably amount.

I want to talk a little bit for a few minutes about the ever-increasing cost of energy, because certainly we need a long-term policy. Certainly we need to do all those things. But energy is a lot like eating. One can talk about it in the long run, but we eat in the short run. We stay cool. We get in our cars. We need energy in the short term.

As I travel through my district now over the last several months, I continue to hear complaints from constituents there about how energy prices are rising and there is no end in sight. Even when they go up and they come down, they do not come back down anywhere near where the last level was, hoping people are comfortable, knowing they are going up again. As I talk to my distributors and retailers, they say it is not us. So I ask, where is it?

I hear from the farmers in my district. I have heard them talk about the high price of propane and natural gas prices are driving up the cost associated with farming. That is not just true in North Carolina, it is true all over this country.

Many people here may not be aware of how farmers use propane. Certainly in North Carolina, they use it to dry the crops, whether it be peanuts or tobacco or corn or whatever it may be. But it is also used to run irrigation systems. It is used for heating purposes; because in the rural areas, propane is the gas of choice. They do not have pipelines.

The farmers in North Carolina use it to heat their barns in the summer to cure products; and they use it when they have animals, for pigs or chickens or turkeys or whatever they may be. It is a part of their production process as well as running the irrigation system.

They also use it in the homes and they have seen those prices virtually double when they spiked up this winter and they have not come back to the level they were last year.

The natural gas price rise also has an impact on fertilizers that are used in the farming. We will not see that until next year. Mr. Speaker, natural gas is used as a feedstock for ammonia, which is used for anhydrous ammonia that goes on the corn in the Midwest and all the products grown in this country. We are going to see it at the grocery store. And if the prices do not rise for the farmers, they are going broke.

Many of my colleagues may not know that natural gas accounts for about 90 percent of the cost of producing fertilizer. That is a substantial amount of the cost. With the doubling of the price of natural gas from last year, farmers are facing prices of anhydrous ammonia doubling this year. Double.

Now, that is going to have a significant price on the cost of product. They are already having a difficult time making a living; and these additional costs associated with other energy costs for their diesel fuel, for the gasoline and other things they use on the farm, and the low commodity prices are going to drive more farmers out of business.

The increase in energy price is also imposing a real economic hardship on thousands of urban citizens in my State, especially seniors on fixed income. They need that energy in the short run, and this cost is driving it up. Families on limited and fixed income face enough challenges without these unexpected increases that are associated with the necessities that they need.

Let me just share two examples that were in the paper recently. Because of the high cost of natural gas, Gloria Williams, a single mother in southeast Raleigh, who goes to school during the day to improve her lot in life and works at a Target store in the evening to sustain and support her family, did not even turn on the gas last winter in her home. She could not afford it. So she used wood or any other alternative fuel she could get just to keep it warm and get through the winter.

Another person in Garner by the name of Fred Joyner, a retired logger who has a disability payment, he said his bill was usually $75 a month, and it doubled. He said, "it digs deep that bill, but you gotta stay warm. It's like eating." One has got to pay the bill. He said, I do without other things.

No family in America should be required to do this so that just a very few could put more on the bottom line.

Gasoline prices are creeping up, Mr. Speaker, and some are jumping. My district does not enjoy much of the benefits of an extensive and expansive public transportation system. The only public system we have of any extent is the one that transports our children to and from school. One needs to understand that those prices are going up at a rapid rate, and that is going to affect the public till for those who are paying for it.

The State is facing an $850 million shortfall in their budget. My constituents are car people. That is how they get back and forth to work. Heck, the interstate outside Raleigh just got HOV lanes about a year ago. When gas goes up, they feel it in their pocketbooks. Their daily commutes to and from work or trips to the beach or the mountains when they used to make them, they will be cut back. There is no end in sight.

According to a recent report issued by the Department of Energy Information Administration, they have forecast the prices to continue to increase. Last year, natural gas wellhead prices averaged $3.62 per thousand cubic feet. For this year, EIA predicts the average wellhead price will be almost 50 percent above that. There is a reason for that. It is hard to believe that the wellhead prices have escalated at this level.

The price of propane is heavily tied to natural gas, as propane is a natural byproduct of natural gas. When propane prices rise and spike like they did last winter, they do not come back down to their previous level. We have already seen that.

As EIA is predicting natural gas prices, it is also predicting foreseeable higher propane prices extending out for the next 20 months. I would like to know why it is keeping increasing, and we have not heard anyone talk about how we get it down.

Last year, there was a lot of grumbling over gas prices. They were high, but not high enough to dissuade Americans from taking vacations. That may happen this year.

When the Energy Department testified last Wednesday, they said that EIA forecast that the average retail price for gasoline over the summer would range from $1.50 to $1.65 a gallon. That compares with $1.53 last year at the highest level.

Yesterday, I read in The Washington Post that the range had already expanded to a $1.75, and that is 5 percent above last year's record highest prices. I have even heard the prediction for some of the energy analysts that the price in this country might even reach $3. I raise the question, how do you know it is going to be $3?

Folks were quite patient last summer, but I do not know if Americans are willing to put up with the gas pries as they continue to get higher. If gas prices run up to $3, the American people will want to know why it happened. So far, they have not liked the explanations that they have been hearing, that price increases are simply an example of the market at work.

I ask the question: What market? Is the market working when the Federal Trade Commission approves of a merger between two of the largest oil companies as is expected in June between Texaco and Chevron? Will consumers think that removing one more competitor from the field will help lower gas prices? I do not think so.

I have been brought up to believe that competition is good, that it helps keep prices down. I believe more people would agree with me if they think it through. When one cuts the number of companies fighting over customers, how will that price go down. The American people are going to want answers to these questions. But they may not feel we have reached a crisis proportion concerning energy, but it may be coming.

Now I know some people do not want to characterize our energy predicament as a crisis. That word gets people worried. It can upset the stock market, and I understand that. But I do believe the situation is urgent and, as a result, demands an urgent and prompt response from the Bush administration.

I think the American people deserve the same level of urgency, the same sense of urgency from President Bush that Governor Bush demonstrated to oil producers when they were hurting by the drop in oil prices in 1999. I urge the administration to demonstrate its understanding of the urgency of this situation by developing an energy policy that does not tell Americans they have to wait a few years before any relief will be found to higher energy prices.

I thank the gentleman from Washington for this opportunity to participate in this special order this evening because this is an issue that is important, not only to my constituents in North Carolina, but as the gentleman has indicated, to all Americans.

Mr. SMITH of Washington. Mr. Speaker, I yield to the gentleman from Washington (Mr. LARSEN), from my home State. As Washingtonians, we know this is not just a California problem. It is certainly not even just a West Coast problem.

Mr. LARSEN of Washington. Mr. Speaker, I thank the gentleman from Washington (Mr. SMITH) for yielding to me.

Mr. Speaker, I am here today to talk a little bit about the energy crisis in the West, how it is affecting families and businesses in my home district, the second district of Washington State and what I and other new Democrats are doing to try to provide a balanced comprehensive long-term solution.

□ 2030

In many ways we are facing "The Perfect Storm" of energy. The energy crisis in Washington State is the result of a number of factors happening, seemingly impossibly, at the same time: a failed deregulation plan in California, an inefficient supply of energy, congested transmission pathways, inaction by the Federal Energy Regulatory Commission to ensure just and reasonable rates in the Pacific Northwest, and, ironically, for the Pacific Northwest, the lack of rain.

Many people refer to this crisis as just a California crisis, but clearly this has not been the case in my district. It is a Washington State energy crisis, an Oregon crisis, Idaho, Montana. Definitely the Northwest and soon to be a national crisis. And the impact of this crisis is being felt all across my district through decreased economic growth, job loss, and unbelievably high energy bills for working families and senior citizens.

Across my district consumers and businesses are currently experiencing utility price increases of 35 percent. And as the summer and fall arrive, we will see those rates jump another 40 to 100 percent. At the State level, increased energy costs threaten over 100,000 jobs statewide and over a quarter million jobs region-wide. Clearly, this crisis is immediate, intense, and far reaching.

High energy costs will decimate industry and working families in my district. In March of this year, Georgia Pacific, a pulp mill that had been employing hundreds of workers in Bellingham, Washington, since 1926, shut its pulp factory for good due to high energy prices, costing 400 working-wage families in Bellingham, Washington, their jobs.

Not only has the city lost revenue and workers lost jobs, but local restaurants have lost business. The port has lost shipping revenue, and the suppliers who supplied materials to GP for years have now lost their top customer, costing thousands of dollars in lost revenues. The plant closure alone will cost the city of Bellingham $235,000 a month in tax revenues and cost the economy in Whatcom County at least $100 million a year.

Recently, Intalco, an aluminum company, announced if its energy costs are not reasonable by October, they too will have to close their plant, and that is another 930 jobs threatened in my district.

I have with me just a box of about a thousand letters I have received from employees, family members, relatives, and friends of those employees at Intalco. Clearly this energy crisis is having a huge impact. One constituent wrote, "I'm an employee at Alcoa/Intalco Works in Ferndale and as it looks like right now, my job will vaporize due to the forces beyond my or my company's control; namely, the exorbitant price of power our plant must have to survive. It is a situation that may require me and my family moving from Washington permanently. We don't want to do this, but we have to make a living too. Please come to our aid."

Another woman from Ferndale wrote, "My husband has worked at Intalco/Alcoa in Ferndale, Washington, for 22 years. We have three daughters. One will be in college for 2 years, the two others to follow. Don't let one year of drought destroy the aluminum industry. Give them time to come up with solutions."

Another woman in Bellingham pleaded, "I would like to know what I can tell my 10-year-old when she asks me what we're going to do when Intalco shuts down. I have worked there for 5 years now, and it has been a good job for my family. But, with the shutdown of this plant, I'll be out of work. And with GP also shut down, there are two less places that will pay a wage you can raise a family on."

In Sedro Woolley one person wrote, "My husband Brent works for Intalco. He is scared he will lose his job due to the energy crisis. We are having to give our power, as well as conserve, just to lose our jobs and turn our community into a ghost town. The situation is real, as you well know, and our children see the concern we have for our community and the people around us. Time is running out."

Small businesses are suffering as well. One business owner wrote, "I have lived in Whatcom County all of my life. I have owned a home and business for over 20 years, and about one-third of all my customers are in the aluminum or steel industries. Losing any or all of them will have a dramatic impact on my business. Ravaging a prosperous and important community like ours is a terrible and destructive solution for the short-term goal of meeting energy demand."

Our Nation is badly in need of a national energy policy that is balanced, that is comprehensive, that is visionary, that answers the call that we are hearing from people in my district and people all over this country. The crisis I have commented on tonight in the West threatens to spread throughout this country, and this summer will bring higher utility bills and gasoline prices for far too many Americans.

Much of what has been offered so far by the administration is, unfortunately, short on vision and offers no truly long-term solutions to the energy problem. The Vice President recently noted that conservation is simply a virtue and the only real solution is to continue with fossil fuels and consuming them at an unprecedented pace. In fact, he continued to argue, in order to keep up with the demand, we need to build a power plant a week for the next 20 years.

I would say only an approach that includes both short- and long-term solutions will truly ensure the energy independence our Nation is calling for and must have. Many of my Democratic colleagues and I believe we do not have to choose between growing our economy and protecting our environment. We can do both. In fact, a growing economy is dependent upon a cleaner, reliable energy source for generations to come.

The gentleman from Washington (Mr. SMITH) and others have been talking about a new Democrat approach to our national energy policy; and our approach will expand and diversify our energy supply, providing a balanced vision that does more than simply find and consume fossil fuels. I recognize a comprehensive energy policy requires a combination of traditional fossil fuels and natural gas, but it also requires expanding wind and solar power viability that will not only make for a cleaner energy supply but will also stabilize prices and ensure reliability.

In the short-term we can harness the power of technology and modernize our regulations to make existing fossil fuel sources of power cleaner and more efficient. I feel this requires an important incentive for the installation of cogeneration and other technologies and a drive to ensure we continue to utilize these new technologies in years to come.

As we seek to expand and diversify our energy supply, we must upgrade our transmission system to ensure that the creation of new forms of energy can be transferred efficiently. We must encourage private and public efforts to greatly increase the investment in building and improving existing transmission lines and pipelines, while ensuring an expansion of infrastructure is both safe and efficient.

Conservation and efficiency programs will ensure that our limited supply of fossil fuels last longer. It makes little sense to embrace an energy plan based almost exclusively on a finite resource without also aggressively encouraging the conservation of those resources. And I believe conservation should not just be a personal virtue, it must be our national priority. Empowering consumers to make energy-wise decisions has to be a key component to a fully-functioning energy market.

As we seek to develop new forms of environmentally responsible forms of new generation, again we must improve the efficiency of these new forms of generation. I believe this includes public-private sector partnerships to improve extraction methods and encourage cleaner, more efficient generation. This approach must also include an aggressive focus to increase the supply of renewable energy as a component of our national energy portfolio.

We must have a substantial increase in funding for research and development into these programs which will encourage energy efficiency and renewable energy sources such as wind, solar, biomass, incremental hydropower, and geothermal. We must also work to provide realistic market incentives to develop and use renewable energy at the residential, commercial, and at the national level.

We must push for high-efficiency standards, whether it is for vehicles, buildings, homes, or appliances. Improving efficiency will require mechanisms to encourage Federal, State, and local governments to use and purchase alternative fuel vehicles and make all government buildings energy efficient. We must also provide market incentives, low-interest loans and grants to make capital improvements to increase energy efficiency and encourage the manufacture and purchase of fuel efficient vehicles.

And to be specific on one point, we must reauthorize and strengthen the Renewable Energy Production Incentive program as soon as possible, which will help bring an incentive to renewable energy in this country.

Finally, we must ensure that no group is left behind by the current crisis, including seniors and low income. I commend the administration for their budget increases in LIHEAP and State weatherization funding, which are key components for empowering local efforts to deal with the effects of this crisis adequately. However, programs within other Federal agencies, like the public housing operating fund with Housing and Urban Development, must be increased to help our local housing authorities to keep rents down for low-income families.

In closing, I believe very simply that new Democrats understand that a comprehensive energy plan for the future is critical to our Nation's long-term prosperity. The livelihood of families in my district, in Washington State, and across the country depend upon it. And I want to thank the gentleman from Washington (Mr. SMITH) for the opportunity to speak on this tonight, and I yield back to him.

Mr. SMITH of Washington. I thank the gentleman very much.

We also have, for a Midwest perspective, the gentleman from Wisconsin (Mr. KIND). As has been mentioned frequently, but I do not think can be mentioned often enough, this is a national problem that we need to step up to. It will have a profound effect on our economy if we do not figure out some way to provide affordable energy sources to our Nation for a long time to come, which will be a big challenge.

I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Washington State for yielding to me and also for organizing this Special Order tonight. I want to commend the gentleman and also our colleague, the gentleman from Washington (Mr. LARSEN), for the initiative and the leadership you have taken within the new Democratic coalition forming a comprehensive long-term energy task force, which is a work in progress but nevertheless long overdue as far as this institution is concerned and, obviously, the American people.

But in a lot of ways this is not really a new conversation that is being started amongst many of us, but rather a continuation of a conversation we have been having for quite some time but, quite frankly, have not received any attention or any work on because of the plentiful cheap energy sources that the country has been enjoying for many, many years. In fact, I think, in a lot of ways, former President Jimmy Carter was before his time. He was criticized and even laughed at at times when he was walking around the White House with a sweater on preaching the values of energy conservation. Of course, that happened during the OPEC crisis. But as soon as the crisis abated and oil became cheap again and OPEC start opening up their supply lines, any talk about conservation or energy efficiency went out the window, and we have not had much progress administration after administration.

I think the previous administration, the Clinton administration, deserves much more credit than they have received in regard to the energy budgets they submitted time and time again on Capitol Hill. But again it was received with laughter, saying that it was too green, unnecessary and drastic proposals, when actually what they were asking to do was trying to fund and create some incentives to explore alternative and renewable energy sources in the country, realizing that that has got to be a part of any long-term energy policy.

But I think we all realized that nothing significant was going to be accomplished on this front until ultimately the American people felt the pain, and we have seen that now in the recent year. We have the crisis on the West Coast, whether it is California and the rolling blackouts, but even the Pacific Northwest, where you two gentlemen are confronting with the low water and the reduced hydroelectric supply that the Northwest relies upon for their energy needs. But this is true from State to State. And if truth be known, even a State like Wisconsin, which is the State I represent, is on the margin as far as delivering the energy capacity and the need that the people back home require. We could be a whisker away from having our own energy crisis because of transmission problems and some of tin fracture problems that have developed in the State of Wisconsin.

I am glad the gentleman from Washington (Mr. LARSEN) brought a few of the letters from constituents and how they are feeling the pain, because I think all of us right now in our respective offices are getting a lot of phone calls and a lot of letters. Back home I can point to many family farmers that are on the margin already because of low commodity and milk prices that are getting pinched and many forced out of the business because of the spike in energy costs right now.

But this is true for small business owners; we are seeing the impact on school budgets and the energy needs our schools have. It is true for families on fixed incomes, large and small businesses alike. This has a universal effect throughout the country. It is not just a regional problem, but one that will require a national solution. It is going to require bipartisan cooperation and some creative thinking in this body and throughout the country to come up with a long-term sustainable comprehensive energy policy.

All of us are anxious to see where the Bush and Cheney administration goes with their report. I think some of the preliminary indications are a little disheartening, the fact that they are concentrating so much and focused so much on the exploration and production of more fossil fuels. I do not think having greater dependence and reliance on fossil fuels is a sustainable or a sensible long-term energy policy: A, fossil fuels are in finite supply to begin with; but, B, there is a plethora of scientific evidence and the scientific community has rallied around the evidence that exists pointing to global warming and the greenhouse effect, which has been spurred by the increase in consumption and the burning of fossil fuels. So naturally, you would not think that any long-term energy policy would require an increased reliance on fossil fuel consumption.

□ 2045

I hope that is not the report that they produce next week, but I was also disheartened by Vice President CHENEY'S discussion about the role of conservation in this country. He does not think it should be part of the long-term solution. That was surprising given the fact that corporate America has been investing hundreds of millions of dollars to upgrade their machines and tools that they are using, trying to invest in the latest technology, whether it is heat exchanges or cooling equipment, things which are reducing energy costs and increasing worker productivity.

I think the Vice President should talk with corporate America about the role of conservation, because they see the need and they are taking affirmative action.

The work product that we have been involved with so far is long-sighted, and it is reasonable. I am talking about the benefits of increased energy efficiency, a new generation of energy resources that will look at the possibility and the potential of renewable and alternative energy sources.

I am also talking about the need to upgrade our energy infrastructure in this country so it is efficient and cleaner and it is safer in whatever region that we are talking about.

The role of conservation I think many people just intuitively understand and get; otherwise why do we have so many Americans participating in recycling programs, for instance? But also the greater need for industry cooperation and collaboration. These answers are not going to be just found in the public sector by elected representatives, but it requires an integral public and private partnership to pull this off.

The United States of America has 4 percent of the world's population, but we are consuming over 25 percent of the fossil fuels produced in the world. We are increasing our energy consumption 20 percent every 5 years in this country. If we do not have a long-term solution with multiple pieces to find the right answers, that obviously is not going to be a sustainable energy policy.

I am ranking member on the Subcommittee on Energy and Mineral Resources on the Committee on Resources. We have been holding hearings in regards to energy policy and fossil fuels and the role of fossil fuels. Last week we had a very good hearing on the potential of geothermal power in this country; a tremendous potential, especially on the West Coast in Nevada and California. California already is consuming roughly 10 percent of their energy from geothermal power.

Other countries are taking a lot of action, a lot of proactive steps. Even a country as small as Kenya is making a major infrastructure investment in geothermal power for their long-term energy needs. It is projected right now in Kenya, over 25 percent of their energy will come from geothermal sources within the next 15 years. This is true whether you talk about South America, some of the countries in Asia, except for the United States.

I submit that one of the reasons for that is because we have become complacent and take for granted the cheap energy sources, mainly fossil fuels, which have perpetuated the industry without enough investment and forward-thinking with alternatives and renewables.

Wind power, to give you another example, it was a short period ago where it was costing anywhere from 20 to 30 cents per kilowatt hour with wind that is being generated. Today that is down to about 2 to 3 cents, a tremendous increase in efficiency in bringing it into market competition.

The same is true for solar and biomass opportunities. The research and development on fuel cells is tremendously exciting. We are starting to see prototype automobiles being developed by these companies at the forefront of fuel cell development. It is already powering our space shuttle on the missions up there. There is no reason why we cannot implement this at home, in our appliances and our machines that we are using to produce goods.

All of this needs to be a part of the equation. I do not think anyone standing alone is going to be the answer. Needless to say, we have our work cut out for us in this body, the current administration, the private sector, and the American people. By working together, I think we do have the ingenuity to come up with something that is going to be sustainable for future generations.

I look forward to working with the gentleman from Washington (Mr. SMITH) and the gentleman from Washington (Mr. LARSEN) as we move forward in the new Democratic Coalition trying to put together this comprehensive piece, something that makes sense from region to region and is national in scope. Certainly there is enough interest being generated by our folks back home. They are looking for some long-term answers to this energy crisis that they see.

Hopefully by working together, and again in a bipartisan fashion, we will be able to come up with a plan that is needed in the future, given our current consumption levels, but also given the incredible potential that exists with technological breakthroughs and the research and development that is already ongoing. I thank the gentleman from Washington for organizing this special order tonight. I am sure that this will not be the last of our conversations on this topic.

Mr. SMITH of Washington. Mr. Speaker, I want to thank my colleagues for doing an excellent job of talking about the problem and where we need to go in terms of finding solutions. This is a great opportunity for this Congress and this President to work together in a bipartisan way. The President has talked a great deal about wanting to change the tone in Washington and work in a different way. There is some frustration, particularly amongst moderate Democrats like myself, that that has been more rhetorical at this point than actual, but there is still plenty of time. We are a little over 100 days into this, and there are some very important policies that are yet to be fleshed out.

The President, by taking a focus on energy, could make a huge difference by bringing people in. I think if there is any issue out there that should be bipartisan, it is certainly energy. It is critical to everything that we do, as was outlined by my colleagues quite well.

But I think the critical element in all of this is understanding both the cost of taking the approach that says fossil fuels are the only way to get us out of this, and also the rich field of opportunities to go a different route. Just think about it.

Building a power plant a week for the next 20 years to burn more fossil fuels, the impact of that cannot be underestimated; the sheer cost of doing it, the damage to the environment of both building the plants and also of the consumption of those fossil fuels. That is not to say, as all of my colleagues have done a great job of saying, that this should not be a critical part of it. We are going to have to use fossil fuels and build power plants; but we should look at the cost and difficulties in doing that and understand that an alternative is preferable, and then look at the alternatives and say, you know, it is not an impossible dream.

There are alternative technologies out there right now that are working. There are ways to conserve energy in a way that will save us dramatically, and that is with what has been a relatively meager investment in those technologies and conservation techniques. Think of what we could do if we actually committed ourselves to solving that problem.

Mr. Speaker, I think it is worth the investment and worth the time and energy on our part to do that and come up with the alternatives and build a brighter future that is not as dependent on the constant fossil fuel cycle that we are going through and make us so dependent on foreign nations for the future of our country.

I thank the new Democrat Coalition in putting this special order together, and I look forward to working with them as well as everyone else in the Congress and the administration and throughout this country to come up with an energy policy which will sustain us for the future.

ENVIRONMENTALIST ORGANIZATIONS EXPOSED

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Utah (Mr. HANSEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. HANSEN. Mr. Speaker, many years ago when I was a student at the University of Utah, I recall working at different jobs after class at night and weekends in order to make ends meet and pay my tuition. Money was tight. I was newly married. I had a wife and child to support, but I still remember sending $25 to the Sierra Club in response to their advertisements because I felt strongly about protecting our air and water and preserving our forests. But I was moved to donate to that particular organization by what they had to say, and during the 1960s and 1970s, I believed that our Nation urgently needed a wake-up call to action to stop the dumping of raw sewage and industrial waste into the Nation's waterways, and to find ways to try to save endangered species like the bald eagle and the grizzly bear.

I saw some of those problems firsthand, and I felt strongly about that, and contrary to what groups are saying, I still do. I believe some advocacy groups like the Sierra Club played a constructive and valuable part in helping to focus public attention on these problems.

In those days I recall the Sierra Club actually funding some restoration projects which were laudable. They were doing more than just sounding the alarm. They were out on the ground, physically doing something constructive by themselves, cleaning up a lake or making a trail, for example, in partnership with local or State organizations.

I felt good about supporting that because I had always been taught that it was not sufficient to just point out faults or problems of others; what we need to do is put our money where our mouth is and pitch in and do something ourselves. It is ironic, given what some vocal environmentalist groups today have to say about me, that as a member of the Utah legislature and Speaker of the Utah House that I was labeled by some of my colleagues as being too green because I often sponsored or supported environmental legislation.

What is more ironic is that my personal philosophy for protecting the environment has not changed one iota. I still believe in the principles of conservation and environmental protection, like Teddy Roosevelt, our first conservation President. I believe man has been given the responsibility to be wise stewards of our natural resources, that we can find environmentally responsible ways to obtain the energy and raw materials that we need as a Nation and as families and as individuals to sustain life; and that as human beings we need to not apologize for having been born, and that we are part of the Earth's ecosystem.

Unfortunately, it has been the environmental movement which has changed. As too often the case, what begins as a good idea and needed catalyst has in many respects been corrupted by money and by power.

I have witnessed over the years how environmental groups have changed from actually doing constructive work into self-interest business organizations whose main goals seems to be marketing, self-perpetuating power and growth, and to achieve those ends by any means. They become masters at slashing and burning the character and reputation of those elected officials or reporters who dare to challenge them or who dare to take different points of view on specific environmental issues.

Mr. Speaker, I have witnessed over the years how increasingly strident and nasty many of them become in our civil discourse, and how increasingly radical many of their proposals have become.

Finally, what I have noticed as well is that these groups by and large are now all about big business, and that is their bottom line. When looking at the Sierra Club, the Southern Utah Wilderness Alliance, the Natural Resources Defense Council, the League of Conservation Voters, or several other environmental groups, what begins as a small, bare-bones organization with issues motivating people, soon blossoms into larger and larger organizations which must rent offices, hire workers and meet their payroll.

These are not grassroot organizations operating out of some guy's basement we are talking about. They are slick, well-organized companies, employing rafts of accountants, marketers, and attorneys. There is none better. In order to feed that beast or make the payroll, they have to raise money. How do they do this? They do it very well. They are masters at it. If they were public corporations listed with the stock exchange, they would be listed by analysts in the "buy" category. They pour massive amounts of tax-exempt and tax-deductible contributions into emotion-based media and marketing. They are spending millions on direct marketing campaigns in order to generate more and more contributors and donor lists. They hire impressionable young college students, normally at a minimum wage, to go door to door to sign up new members, and hire still others to attend public hearings to applaud or to boo as directed, in a cynical, purchased attempt to influence public opinion.

What is truly shocking is the amount of money these groups are raising and spending, and they are beginning to hit the big-time contributions, millions of dollars at a time, disappointingly, from such previously venerable entities as the Pew Charitable Trust. This is how they can pay for millions of dollars in slick brochures, calendars, videos, radio and television advertisements, all designed to shock and stimulate individuals to reach into their pocketbooks.

Like any other pitchmen hawking their wares, they use sensational pictures and distortion of facts in order to grab attention, as some unscrupulous marketers are prone to do. They take advantage of many hard-working Americans who are too busy earning a living and paying taxes and raising their families, who do not have the time to investigate the claims themselves. These groups take advantage of people's natural goodwill and desire to protect green-spaces and clean water by asserting that their tax-deductible $10, $20, $50, or $100 donated to them, for example, will keep those blankety-blank, nasty Republicans or other Congresspersons from raping and pillaging the environment.

□ 2100

As it was for me as a young college student to be influenced by their solicitation, so it remains today with many of us. Only there is so much more media influence by those groups than in the 1960s. They have a very loud and a very strident voice.

When I hear the completely overblown rhetoric they put out about many of my colleagues who are working hard, honestly motivated by wanting to do the right thing by the environment and by finding a balanced approach, it can be very disheartening. Some days it is tempting to ask why do we keep trying?

Despite years of trying to reach out to these groups, to enter into a constructive dialogue to come up with legislative solutions to vexing environmental problems, all I have received is the hammer to the head. At least to this point they have not shown an interest in doing what Isaiah counseled in the Old Testament, "Come now, let us reason together." I am still waiting for the phrase to be uttered, "Mr. Chairman, we would like to work with you on that proposal." I have been here 21 years and still have not heard it. Indeed, all we get is the fire hose approach of heated and hostile rhetoric.

I still believe that a majority of Americans when presented with all the facts will support the right environmental policies. They will recognize the need to achieve balance between obtaining resources and preservation. The key becomes getting all the facts out on the table. At the present time those of us who are often cast by these groups as being on the wrong side of their issues are outgunned in terms of money and media access. With their vast sums of tax-exempt money pouring in, they buy huge media influence, which they do not call lobbying, but rather public education. This is an abuse of our tax laws and lobbying disclosure statutes.

These groups have also shown a propensity to try to intimidate Members of Congress mainly from urban, eastern districts into supporting radical proposals affecting many large western States like Utah, Idaho and Colorado. These groups advocate locking up huge areas into formal wilderness designations even though most people do not understand what those designations mean, or draining Lake Powell. After all, most of the Members from eastern States have not even been to those areas in the West that the legislation would affect, so maybe it is just a throwaway vote for them. However, if they do not sign as a cosponsor to their radical legislation such as H.R. 1613, locking up nearly 10 million acres of Utah lands, these groups will openly attack them in their States and districts by vocally and visibly labeling them an enemy to the environment. Nothing could be further from the truth.

In my opinion, it is shameful that tactics such as these are sometimes employed by these organizations. Those tactics ought not to be rewarded by Members, and I urge Members who feel they are threatened politically to show these men and women to the door.

Raising all this money would be okay if the money was being used mostly to go toward preservation and conservation projects. I would applaud it. However, what we are seeing is the abuse of the IRS guidelines by many of these groups who disguise their extensive lobbying activity and very often very partisan lobbying activities under the guise of public education. If the true costs of lobbying were to be ascertained, I believe that some of these groups would be in jeopardy of losing their 501(c)3 tax-exempt charitable status, as well they should if they are violating the law.

That is something, Mr. Speaker, that Congress ought not to be shy about looking into. While some on the Hill and elsewhere seem fixated on campaign finance reform aimed at cleaning up perceived corruption of the American political process by money, I wonder who is actually watching these self-appointed and self-ordained watchdogs and special interest groups who are shoveling in money by the truckload. Where is their accountability? Where are the news cameras following them as they drive to the bank to make these big deposits? While liberals and extreme environmentalists lambast their contrived bogeyman big oil and those nasty extractive industries, I can tell you that big oil such as it exists cannot hold a candlestick to the money and influence these environmental groups assert these days in this city of Washington, DC.

How long will they get away with these distortions and character assassinations unchallenged and unchecked? Is their abuse of our Nation's tax laws and lobbying disclosure requirements not worthy of examination?

This abuse is the untold story that too many people are afraid to explore, and it is something that Congress ought to look into. This is the purpose for me and my colleagues coming to the floor tonight to raise awareness of how many of these groups are exploiting the public for their own selfish reasons.

I have often wondered where the national press has been on looking critically upon these groups. Are they too cowered by political correctness or afraid of offending their liberal constituencies, or are they card-carrying members of these groups themselves? How long will the press releases and bald-faced assertions issued hourly by these groups remain unchallenged by the media?

While Members of Congress are scrutinized up one side and down the other for every word we utter and every vote we take, these groups are somehow coated with Teflon. It must always be accepted by the media as unrebuttable truth. Must they always be given the last word?

At least one reporter has recently had the nerve and the courage and professionalism to explore and investigate these groups, their fund-raising and their tactics. I commend the members to a five-part series of articles which appeared recently in the Sacramento Bee newspaper by Mr. Tom Knudson, and all these are posted on the Committee on Resources Web site. Mr. Knudson has come under fire in the last few days by the very groups he scrutinized by having published his series, which unfortunately is to be expected these days.

I am afraid that the truth must hit a little close to home. Therefore, the natural self-preservation response has been to simply attack the reporter personally and professionally. Having been a chairman for a long time of a subcommittee and chairman of another committee, I am always amazed how when you cannot beat them with issues and fact, you always go to personal assassination. I found Mr. Knudsen's series to be balanced and confirms many of the concerns that I have had myself for some time. I wish that more reporters would follow his lead and look to what he has uncovered.

Now, I would like to point out on this chart that I have here, executive salaries. According to the information compiled by Mr. Knudson, a good share of the money raised by these groups goes to pay salaries for their top officials. They are easily within the top 1 percent of all wage earners in the country. For example, this chart shows that the executive directors of the Nation's top environmental organizations are paid very well.

The salary of the National Wildlife Federation top executive, Mr. Mark Van Putten, was nearly a quarter of a million dollars last year. This represents a 17 percent raise over his salary the year before. Think about that the next time you contemplate your 3 percent cost of living adjustment.

If you were among those who sent in a $25 contribution to this group, do you realize it took over 10,000 of you contributing in order just to pay his salary?

The salary of the World Wildlife Fund president, Kathryn Fuller, was $241,000. The salary of the National Audubon Society president, John Flicker, was $240,000. The salary of the Natural Resources Defense Council director, John Adams, was $239,000. The salary of the Wilderness Society president was $204,000. The salary of the Defenders of Wildlife president and CEO was $201,000. Earth Justice Legal Defense Fund president, Buck Parker, was $157,000. And the Sierra Club's Carl Pope's salary was $138,000 in 1998 and listed as $199,577 in 1999, nearly a 50 percent raise. The list goes on.

Now, folks, think about it. How many of those $25 contributions does it take you as you did like I did as a young college student, send a few bucks there because you believe in what they are doing just to pay these salaries? Where are these missionary zealots who had a great idea back in the 1960s and thought we were going too far? Where are these people that were in there doing the thing because it had the burning in their heart to do it, not because it was a big business? Unfortunately, you can see new environmentalism has grown into a big growth industry.

Mr. Speaker, I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the chairman of the committee for yielding the time and for setting aside this hour to talk a little bit about what is happening in the environmental community. As the gentleman from Utah has suggested, I think all of us are environmentalists. In fact as he once said that in college he gave his money and dues to the Sierra Club, I believe it was, I gave money to the Idaho Conservation League because I believed in what they were doing and in fact in many things that they are still doing, I think they are doing a good job but like most environmental groups or groups that call themselves environmental groups, they have stepped over the edge. They have gone beyond simple environmental issues and trying to save our environment.

Before I get into that for just a minute, I want to talk for a second about another environmental issue that was just talked about previously by the minority party here in their hour that they reserved and that was the energy policy which deals with the environment as much as these issues that we will be talking about here today. I was glad to hear that the Members suggested that we need a bipartisan effort in energy, a solution to the energy problem that we have in this country.

They were, it seemed, very critical of the Bush administration and some of the stances that he takes, but I will tell you that when the report comes out and in our conversations with Vice President CHENEY, conservation will be a part of the report, renewable, sun and wind power will be a part of the report, new sources of energy, discovering new sources of oil and coal and natural gas will be a part of the report, nuclear energy will be a part of the report. New technologies such as fuel cells will be a part of the report. They suggested geothermal power. Geothermal is a power that is used in some areas.

But if we look at some of the things that the Democratic Party has done just recently on TV, I saw the chairman of the Democratic National Committee on TV slamming Bush for his energy policy and holding up a picture of Yellowstone National Park with an oil well over it and said, this is Bush's policy. Then next was one of the Grand Canyon with an oil derrick over the top of it saying this is what Bush wanted, drilling in our national parks. Nobody has suggested drilling in Yellowstone. Nobody has suggested drilling in any of our national parks. They have said that we ought to look in our national monuments which we do drilling in now and look at the reserves we have there such as the ANWR and other places. And then the DNC put on a commercial which suggested a young lady holding up a glass of water and saying, "Mommy, could I have more arsenic in my water?" And then there was a child with a hamburger saying, "Could I have more salmonella in my hamburger?" It seems to me that the DNC has taken on the same characteristic that the extreme environmental movement has taken on where raising money has become more important than the truth. They will say anything to try to discredit this President and the policies that he sets forward.

That is exactly what the extreme environmental movement has done. They have stolen the true grass-roots environmental movement. This series of articles that was written in the Sacramento Bee newspaper, and I would commend them to anyone who wants to look at how these groups are funded and some of the things that they are doing, I would like to go through some of the provisions of these articles and some of the things that they are doing because I think it is important for the American people to know where that $15 that they are contributing or that $25 or $100 or $10,000 that they are contributing to some of these groups is going and what they are going for. One of the concerns is that, as I said earlier, the extreme environmental movement has taken over the grass-roots environmental movement. It is no longer about saving the environment; it is about raising money. They spend an awful lot of their funds raising money.

One of the letters written by the Defenders of Wildlife says:

"Dear Friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone National Park, an American wildlife treasure, could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups."

So begins a fund-raising letter from one of America's fastest-growing wildlife groups, Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record $17.5 million. The group's net assets, a measure of financial stability, grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its Federal tax returns and you will find that its five highest paid business partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies.

You will also find that in calculating its fund-raising expenses, Defenders borrows a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing not as fund-raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead.

□ 2115

That was high enough to earn Defenders a D rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

It is interesting when one looks down the list of some of the groups, some of the environmental groups did very well. The Nature Conservancy was an A minus; Environmental Defense was a B; Greenpeace was a D; Defenders of Wildlife was a D. That is based on the amount of money they actually give to the cause for which they are raising the funds; how much of it goes into their organization to support fund-raising.

So many of the dollars that people are giving, because they read these articles in the newspaper that support protecting wolves and other types of things, people send in their $15 or so. Much of that money, over half of it in many cases, does not go to saving wolves; it goes to raising more money or to the organization or, as the chairman suggested, to the salaries of some of these individuals in these organizations.

One of the other things that sort of concerns me, well it concerns me a lot, is the massive waste in this fund-raising. The Wilderness Society mailed 6.2 million membership solicitations; an average of 16,986 pieces of mail a day. This is mail fatigue.

The letters that come with the mailers are seldom dull. They are steeped in outrage. They tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations, and they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout. Some of the examples were given in the Sacramento Bee. From the New York-based Rain Forest Alliance, "By this time tomorrow, nearly 100 species of wildlife will tumble into extinction."

The fact is, no one knows how rapidly species are going extinct. The Alliance figures an extreme estimate that counts tropical beetles and other insects, including ones not yet known to science, in its definition of wildlife.

Another example from the Wilderness Society: We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.

Fact: The national forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

From the Defenders of Wildlife again, "Will you not please adopt a furry little pup like Hope?" Hope is a cuddly brown wolf. Hope was triumphantly born in Yellowstone.

Fact: There never was a pup named Hope. Says John Valerie, Chief of Research at Yellowstone National Park, "We do not name wolves. We number them."

Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160. The program has been so successful that Yellowstone officials now favor removing animals from the Federal endangered species list.

One of my favorites that I want to talk for just a minute about again comes from the Defenders of Wildlife, and I wish I had some blow-ups of it, but it is a poison alert. "Wolves in Danger," one of the sections that runs in the newspaper or letter that goes out to individuals, a fund-raising letter. Another one that says, "a special gift when you join our pack," and it has pictures of these cuddly wolves.

More than 160 million environmental fund-raising pitches swirled through the U.S. mail last year. Some used the power of cute animals to attract donors. The problem is that in many cases those campaigns were less than honest. And this was the pitch, and this is the one that caught my attention, in Salmon, Idaho, which is in my district. In Salmon, Idaho, antiwolf extremists committed a horrible crime; they killed two Yellowstone wolves with lethal poison, compound 1080. "Please do not allow antiwolf extremists to kill our wild wolves. These wolf families do not deserve to die. Please, we need your help now." And then, of course, they solicit a contribution.

The fact is, the two wolves were not Yellowstone wolves but wolves reintroduced by the U.S. Fish and Wildlife Service into central Idaho, against the objections of the State of Idaho to reintroduction of those wolves.

Some wolves were killed illegally, but the population of wolves continues to increase at a pace faster than Federal wolf recovery officials had anticipated. The government expects to remove wolves from the Federal endangered species list in 3 to 4 years. In fact, in Idaho we have already met our commitment of 10 mating pairs. The problem is that they take Montana and Wyoming together and say we have to have 30 breeding pairs within the entire region.

Wolves are overpopulating Idaho better than anyone had anticipated, and they are using these instances, this group, Defenders of Wildlife, to raise money to try to save wolves. Unfortunately, much of the pleading that they do with the American public at best can be called dishonest.

I, like the chairman, want to save the environment. We want to make sure that what we do is compatible with the species and protecting species. But we also think that human beings play a role in this environment and in our world, and that human beings ought to be considered in this whole equation.

Look at what the gentleman from Oregon (Mr. WALDEN) is going through right now, where they have taken 170,000 acres of 200,000 acres of irrigated land that will not have water this year because a judge has ruled that the sucker fish that they are trying to protect is more important than those people.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from Idaho (Mr. SIMPSON) for his very interesting comments.

Mr. Speaker, let me point out, we both got into the idea of how much money these folks bring in. I have a chart here that points out some of the money that is brought in. Look at the amount of money that came in in one year to these organizations. And then the question comes up, well, what do they spend it for?

When we first got into this thing, we were arguing the idea, are these the people that have the fire in their bosom to go out and take care of the public land? Well, no, as we both discussed in the last while, it is not that. It is more of an idea of raising more money and more money and more money. And where is it spent?

I would like to give a little example, if I could, about an environmental group in the State of Utah, and I would hasten to say that if that is what the public wants, fine. If the public wants this money to just go into paying lawyers, paying marketers, paying advertising, K Street-type of thing, Madison Avenue, fine. But I thought that most of us who got involved in this thing did not want that. I thought we wanted to restore the forests and the clean water and the wildlife, and do it in a way that is environmentally sound and at the same time to take good care of the energy.

Let me just refer to this one group. They are called the Southern Utah Wilderness Society. Nice people are there, and some of them, I think, are a little misled, but they probably think the same thing about me. This group raises more than $2 million each year in donations from hard-working people who care about protecting our environment. The money is raised under the idea of protecting Utah wilderness lands. Send this group some money and you will help wilderness in the Colorado plateau, you are told.

So they send out these beautiful calendars saying, this is what you will protect. However, some of it is in national parks. Only one was in that area, but it was a pretty calendar anyway.

However, when you look at their tax reports, you find that not one dime of this money is actually spent on the environment. Not a penny goes to plant a tree, restore a streambed, or protect an acre of ground in Utah or anywhere else; not a dollar to create a habitat to take care of an animal.

What this group does is, they lobby for the passage of a wilderness legislation. In fact, they lobby to pass virtually the same old, tired, worn-out legislation every year, but they keep raising the ante.

I find it interesting that that group went with me and we have said, now, look, no one from Utah really wants this. They said, oh, go back to the time that Congressman OWENS was here; he wanted it and he introduced it.

In those days, what they do not realize is Congressman OWENS was then a member of the majority party, which was then the Democratic Party. The President was a Democrat. The House and the Senate were Democrat, and I was the ranking member of the committee and they never, ever asked for a hearing. So I wonder how serious they were about it in those days.

As a recent Associated Press story noted, the only impact this bill has in the last decade are the trees that were killed to provide for the paper on which the bill is printed year after year. They are fierce lobbyists. They have a staff of 20 attorneys, lobbyists, and strategists who operate offices in four cities, including Washington, D.C.

They spent only $11,000 in 1999 in grassroot efforts to reach out to the public, though they claim their primary reason for existence is to educate the public about the environment; but they spent nearly $1 million in the last 4 years to lobby to get their wilderness legislation passed.

I privately believe that the last thing in the world this group wants is to pass that bill. That is why they keep moving the goal posts. That is why the numbers keep going up. Above all, this organization is a self-perpetuating consumer of resource and energy. They deal in volumes of paper and plastic. They issue their own credit cards, the Affinity credit card. That is what our environment needs, more credit cards.

They do a rich business in the sale of videos, T-shirts, hats, books, posters. Most of these products are made from nondegradable materials like plastic, or require the cutting down of trees and the use of paper. They send out more than 100,000 newsletters, fliers and bulletins each year. That is a lot of trees, and that does not even include their reports, press releases, and lawsuits. They are aggressive users of electricity. Four offices. All these things they talk about.

Now I would like to just say something about the lawsuits. If I could move this one chart here, look at the number of lawsuits that the environmental community has done between 1992 and 2000; 435 environmental lawsuits. Now I thought we were out here taking care of the environment. I did not know we were just in this thing of litigating. It is the most litigious society we have ever had, but let us litigate again.

This is how much they have made, $36.1 million in legal fees paid by the U.S. Government, whether they won or lost. That is your taxpayer money, $31 million right there. If they win or lose, they get that money. One case netted $3.5 million for the Sierra Club, and it was questionable whether it was even endangered.

The average award is in excess of $70,000 and they risk nothing. So why go out and get you to give them money to plant a tree, to pick up the garbage, to be aware of these things, to take good care of the environment, when you can get in court and make that kind of money?

Let us be smart about this thing. This thing is not in there to protect the environment.

That reminds me of when I was back here as a freshman in 1981. The Secretary of Interior was Jim Watt. He was supposed to come in and see me with Senator Garn over in Indian School. That morning I received in the mail something from a group who was going to save the Chesapeake Bay that was all ruined. It said, "Mr. Hansen, if you will send us $10, $20, $30, $40, $50, we will do our best to meet with the Interior Committee and Secretary Watt who is ruining the Chesapeake Bay."

So that afternoon, the Secretary walked in. I said, "Jim, I want to show you this." He laughed, and he said, "What do you mean? I put $285 million into protecting the Chesapeake Bay." And he said, "That is just poppycock."

So I sent them $10 because I was curious what was going to happen. Six months later, I got a letter back. It said, "Mr. Hansen, due to your generous contribution, we have met with the Interior Committee of the House," which I sit on or was sitting on in those days also, and they never walked in. "And we have influenced the Interior Department to do their very best to take care of this terrible problem, and we have that. And if you will send us some more money, another generous contribution, we will be there to help do these other things." And I thought, what poppycock. It is just like these people who prey upon the elderly regarding Social Security when half of those allegations are not true.

□ 2130

Well, I can just tell you, you just rest assured. Members here on the Committee on Resources, we are not going to drill in parks as the gentleman from Idaho was mentioning some people say. That is not going to happen. We are not going to hurt or rape or pillage the ground. If anything, in a moderate and reasonable way, we are standing ready to take care of the ground.

So I guess we can ask ourselves the question, do you want to pay attorneys? Do we not do enough with the attorneys retirement bills around here anyway? I do not know why we have to make it easy for other people to do that. Those folks seem to do pretty well. American trial attorneys do extremely well. I do not think we want to do that.

I think your money should go to take care of the public grounds of America and take good care of it. I would hope that every American is a good conservationist and a good environmentalist in the true sense of the word, and that is what I am hoping would happen.

So if you want to spend your money, put it somewhere where it does some good. Put it somewhere where we can have access to the public ground, and while we have access to the public ground, let us each one of us take good care of it.

I took my children, we went to the very top of the Uenda mountains, King's Peak, highest peak in the Uendas. I have taught my children when we go in an area, and we find all kinds of things, we found 5 beer cans right on the top of this beautiful pristine area. Of course, we crushed them and took them out. Our theory is, is clean up ours and somebody else's, and take it out when we are backpacking. I wish we would all do that.

I am happy to yield to the gentleman from California (Mr. RADANOVICH) the chairman of the Western Caucus and an extremely important member of the Committee on Resources.

Mr. RADANOVICH. I want to thank the gentleman for putting together this special order regarding this topic, which I think is very important to the American people. As we are speaking here with an audience of probably over 1 million people tonight, I really want to kind of pose a question to the American people.

We were dealing with an issue that is important to you and important to me with regard to local influence over Federal Government lands and the management plans of our National Forests and our Federal lands, and it was said by some critic about local influences that those people that are closest to the resources really do not speak in the interests of the American people on public lands, which are lands for the American people, and that somehow the national organizations that send out contribution forms like which the gentleman just mentioned are somehow speaking for them.

In some ways I wanted to agree that the local perspective on some of these resources, and keep in mind the Quincy Library Group, which is a group in California of local people that work together with Federal forest lands to develop forest policies that are not only good for the forests, but also good for the local communities, and it was a better plan than by far any Washington bureaucrat could put together.

My concern was that while people might understand that a local person's influence may not represent the best interests in the American public for public lands, there is another side to that too, and that is when you have extreme sellouts like the list that you just mentioned of people that solicit, for any reason or another, money to keep their influence, it does not necessarily mean that those groups have the environment as the best interest in their minds and in their hearts, and that they pursue public policy that is good for the American people and good for America's public lands and environment, because it is not.

What it really boils down to is power and influence and keeping that. I think you have done that in an excellent way in demonstrating tonight it is not necessarily about good environmental policy for Federal lands; it is about power, keeping power, keeping power and influence. I think that the Federal policies become secondary to that.

It is proven by some of the foolish notions that have come up in these last years, like roads moratoriums and the Sierra Nevada framework, a nightmare for the people in our Sierra Forest in California, and some issues where people with good intentions and maybe fears that on the Earth we are becoming too populated and that we have to reserve and guard these public lands at all costs, but are basically operating out of fear and not good common sense when it comes to management of public lands.

So I just am grateful that the gentleman has pinpointed even the Sacramento Bee in California did a series of articles on the environmental community and how they are such a money-raising operation, whose sole interest I think these days has become to remain an influence, and secondarily was the environmental policy that they promoted, that it has really has become out of control.

I think the American public needs to take a second guess, because groups like the Sierra Club and NRDC do not corner the market on good environmental policy in this country. I think the American people need to realize that. It needs to be balanced by somebody who is there.

It is like an on-site landlord, rather than somebody who is never on-site on a piece of rental property. The one who is on site knows what is going on, knows the detail, knows the property better than anybody else. It is no different in our Federal lands with the Sierra Club and the NRDC and groups like that depend on people that are miles and miles away and never see the resource. So how do they know one way or the other if they are being improperly influenced by these groups or not?

They do not know. They tend to react on the pictures of Bambi on the TV or mailers that they get, and they give money. But these people need to know those groups are not necessarily promoting the best environmental policy for public lands. That is why I wanted to come down and kind of reinforce it as to what you were saying, is that people need to really be aware of these groups, and they need to learn to second guess them and do not take for granted that what they are doing is good environmental policy.

I thank the gentleman for holding this special order in order to bring up points like that, as well as many of the other points that you brought up.

Mr. HANSEN. I thank the gentleman from California.

I yield to the gentleman from Idaho.

Mr. SIMPSON. I thank the chairman, and I thank the gentleman from California for his comments. I agree with him fully.

The chairman made a good point that, unfortunately, this money that is spent on litigation is money that could go, it is taxpayers' money to start with, and could go to protecting the environment. When I met with Chief Dombeck a couple of years ago and talked with him about some of the problems we were having in Idaho in our natural forest, he said to me one of the problems they have in the Forest Service is making a decision, because they know that no matter what decision they make, they are going to be sued.

Last year in this article from the Sacramento Bee, during the 1990's, the government paid out $31.6 million in attorney's fees for 434 environmental cases brought against Federal agencies. The average award per case was more than $70,000. One long-running lawsuit in Texas that involved an endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than $3.5 million in taxpayers' funds, as the chairman has already pointed out.

That is money that could be used for other environmental purposes and actually cleaning up the environment and taking care of the backlog in maintenance we have in our National Forests and in our National Parks.

Again, it is taxpayer money. One of the main arguments for the roadless issue was that the Forest Service did not have the money to maintain the roads that they currently had, and so if they couldn't maintain those, how could they justify building more roads, so we might as well make them roadless. If we are spending all that money on lawsuits, then certainly we do not have the money to take care of the roads.

One of the things that was interesting in this series of articles is that the effect of these things are actually damaging to the environment oftentimes. Let me read a portion of these articles.

Wildfire today is inflicting nightmarish wounds, injuries made worse by a failure to heed scientific warnings. For example, and there are three of them here that they list. In 1994, Wallace Covington, a Professor of Forest Ecology at Northern Arizona University and a nationally recognized fire scientist and a colleague warned that the Kendrick Mountain wilderness area in northern Arizona was so crowded with vegetation that it was ready to explode. "Delay will only perpetuate fuel build-up and increase the potential for uncontrolled and destructive wildfires," they wrote in a scientific analysis for the Kaibab National Forest. Some thinning was done, but not enough. Last year, a large fire swept through the region carving an apocalyptic trail of destruction.

What happened is much worse ecologically than a clear cut, much worse, Covington said, and that fire is in the future. It is happening again and again. We are going to have skeletal landscapes.

The other example, listening to fire and forest scientists, Martha Ketelle pleaded in 1996 for permission to log and thin an incendiary mass of storm-killed timber in California's Trinity Alps. "This is a true emergency of vast magnitude," Ketelle, then supervisor of the Six Rivers National Forest, wrote to her boss in San Francisco. "It is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur."

Because of an environmental appeal, the project bogged down. Then, in 1999, a fire found its way into the area. It spewed smoke for hundreds of miles, incinerated Spotted Owl habitat and triggered soil erosion and key damage in a key salmon spawning watershed.

These stories are something I hear about daily as I go back to Idaho from my resource advisory group and my ag advisory groups and I talk to them. We did more damage last year in Idaho with the Nation's largest wildfires. We did more damage to the environment, to salmon habitat, to spawning habitat, than was done by any logging practices that ever have been done. And today as the snow melts and the rains come, hopefully the rains come, that erosion is going to filter down into those streams and it is going to cover the beds, and consequently you are going to have a difficult time with managing salmon habitat.

So, oftentimes these efforts to address these environmental concerns, the potential for catastrophic wildfire, today the Forest Service says something like 35 million acres of our National Forests are at risk of catastrophic wildfires. These are not just fires, but these are cataclysmic fires that burn everything; they burn so hot. They burn the micro-organisms, they sterilize the soil down to as much as 18 inches, and for years and years those forests never recover, if they ever do recover.

We still have spots in Idaho from the 1910 fire that nothing will grow on. We do more damage to the environment by not proactively managing it. Of course, every time you try to do that, there is an environmental lawsuit from someone.

Now, they say, well, maybe we can do thinning if it is not for commercial purposes, as if commercial or business or profit adds some damage to the environment that thinning just to thin does not do. Of course, there are the Sierra Club groups that want no cut.

The fact is we have to proactively manage these forces, and we can do that. It was managed by fire before. Now we have to get in and do some management so that we do not have these catastrophic fires. Unfortunately, at every step of the way, we are fought by groups who think that man should not touch the forest, that they should be left as natural as they ever were before we came.

Mr. HANSEN. I thank the gentleman.

Mr. Speaker, let me just say a word about what the gentleman from Idaho just talked about. We were having a hearing not too long ago and, lo and behold, one of the big clubs was there, and I asked this vice president the question, why is it that you resist managing the public ground? Why is it that you resist the idea that we can go in and do some cleaning, thinning, prescribe fires and take care of it and keep a wholesome forest, like many of the private organizations have?

We now have, as the gentleman from Idaho said, fuel load. What is that? It is dead trees, it is dead fall, it is brush. So now you have the potential of this summer, as last summer, is a careless smoker, a fire caused by a campfire that is left unattended, or a lightning strike, which is one of the bigger ones, and here we go again, we are going to burn the forest.

This person from this organization answered me and said, because it is not nature's way. Nature's way is just let it do its thing.

I do not know if I bought into that. You get down to the idea of 1905 we started the Forest Service, and if you read the charter of the Forest Service, it is to maintain and take care of the forests of America. And that means cleaning it, thinning it, fighting fires, instead of getting ourselves in what we had in the year 2000, the heaviest fire year in record. And I dare say, and I am no prophet, but I think the fuel load is still there after these 8 years of mismanagement we have had, and we now have 2001 waiting for another one, because talk to your local forester and the people, Mr. Speaker, those who are watching this should talk to their district rangers, talk to them and ask the question have we still got that fuel load? The answer is a resounding yes.

Here we go again. We are going to spend taxpayers' money all over the place, because we have not done what they said in 1905 we should have done, and that is manage the forest.

This new administration luckily has a man of the stature of Dale Bosworth, now the chief; and I am sure we will see some management.

I have to ask the question. Does it mean to be a good environmentalist if we let the forest burn to the ground? Does that mean being a good environmentalist? If that is so, I hope there are not too many of them out there. Does it mean the idea that we drain some of our water resources, like Lake Powell that services the whole southwest part of America, and that is the way we live because we have got water, does that mean being a good one? Yet one of the biggest organizations around in their book, the Sierra Club, had a whole four or five pages on let a river run through it and drain Lake Powell.

Does the gentleman want to comment on that?

□ 2145

Mr. RADANOVICH. Mr. Speaker, I do, and I want to comment on one specific thing, because I think I have an unusual perspective on being from California, I say to the gentleman, and that is because we are going through the California energy crisis.

Mr. HANSEN. Mr. Speaker, I have to be careful there to the gentleman.

Mr. RADANOVICH. I know, and I love my State and it is the best State in the world, and do not mess with California.

But what I am saying is that we have really seen the overinfluence of environmental zealotism in California and we are viewing that in our energy policy. We have had the worst problem with the nimby attitude on the development of energy generation resources in California, but it has all been backed by our top environmental groups who have really wanted not the population of California to grow, so they basically forced officials to stick their heads in the sand and pretend it was not happening until we have an energy crisis like now and an upcoming water shortage.

Unfortunately, California is going to get to the point where they turn the faucet, they get no water; they flip the switch, they get no electricity because of the environmental influence on public policy in the State of California, and it is not just in California, it is happening all over the world.

This summer, we are going to have to face the fact of we either force a temporary relaxation of air quality standards or we are going to have rolling blackouts and people are going to be dead, and those are the choices that we are facing in California. People are going to face that choice all over the country because of the undue influence of the environmental community in this country right now.

Mr. HANSEN. Mr. Speaker, we are going to see it this summer, if I may say to the gentleman from California. This summer is going to be the biggest wakeup call that America has had for a long time. We have had 8 years of neglect on these things which is now going to catch up with us.

We are asking, what does it mean to be a good environmentalist? Does it mean to deny access to the public grounds of America for Americans? I think not. Does it mean that we protect the Housefly over children? I do not think so. In southern Utah we have a desert tortoise and we have spent $33,000 per turtle and we cannot really say that it is endangered. Do you want to know what our per pupil unit is to pay for our kids every year down there? Mr. Speaker, $3,600. So I guess the turtle is more important in some people's mind.

So it comes down to this: can Americans, who are great and wonderful and good-thinking people, can we come to some common sense on this, or have we become way too extreme in this issue? I think tonight we have tried to make that case that we feel we have.

I yield the gentleman from Idaho.

Mr. SIMPSON. Mr. Speaker, I think the point has been made that unfortunately, the environmental movement has become far too extreme. That does not mean that there are not good environmentalists out there. There are many housewives and husbands across the Nation that want to take care of our land and our country, I being one of those, and I am sure the gentleman from Utah and the gentleman from California also. But as I was saying earlier, many of these things do not really address the environment, they hurt it more than they address it. They are trying to use environmental issues for other means, and I will tell my colleagues an example in Idaho.

We have a sage grouse problem, declining sage grouse populations, and we are trying to find out why and what we can do to control it. The Fish and Wildlife Service and the Idaho Fish and Game have been studying this for 20 years, and they decided that predators are a main problem with sage grouse populations. They eat the young chicks. So they proposed a study to take 2 areas, one where they do some predator control this year and the other one where they did not do any predator control and examined the 2 of them and watch the sage grouse populations. But 2 environmental groups have sued them to stop the study because they want to protect the sage grouse, they say, but their real goal is, their argument is to get cattle off of this land. And if it is shown that sage grouse can be protected by removing some of the predators, the argument for removing cattle goes away. So they do not want this study done.

So is it truly their aim to try to save the sage grouse, or is it their true aim to try to get cattle off of public land, regardless of what cattle does to the sage grouse?

When I want to look at a true conservationist, an original conservationist, I look at the farmers and ranchers of this country, because it is the land that produces the crop that produces the grass that the cows eat, that is what they do for living and they take care of it; overwhelming majorities of them take care of it. So when I want some true conservation issues, I generally talk to my farmers and ranchers.

I yield back to the gentleman.

Mr. HANSEN. Mr. Speaker, I thank my colleagues for joining me this evening.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES 83, CONCURRENT RESOLUTION ON BUDGET FOR FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules (during special order of the gentleman from Utah (Mr. HANSEN), submitted a privileged report (Rept. No. 107–61) on the resolution (H. Res. 136) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. STUMP (at the request of Mr. ARMEY) for today and May 9 and 10 on account of being honored on the 50th anniversary of his graduation from Arizona State University.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) for today on account of flight delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHESON) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and May 9 and 10.

Mr. ROHRABACHER, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, May 9.

Mr. HUNTER, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, May 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GREEN of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. SIMPSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, May 9, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1756. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Opting Out of Segregation (RIN: 3038-AB67) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1757. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Privacy of Consumer Financial Information (RIN: 3038-AB68) received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1758. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Additional Safeguards for Children in Clinical Investigations of FDA-Regulated Products [Docket No. 00N-0074] (RIN: 0910-AC07) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1759. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL-6968-6] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1760. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Oxygenated Gasoline Program [DC049-2026a; FRL-6973-7] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides [PA143-4115a; FRL-6973-4] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1762. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina [SC-038-200102(a); FRL-6973-9] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1763. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Control of Gasoline Volatility [TX-114-2-7494; FRL-6969-4] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1764. A letter from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Memorandum Opinion and Order addressing pending petitions for reconsideration of the Report and Order [WT Docket No. 98-143] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1765. A letter from the Senior Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97-213] received April 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1766. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 039-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1767. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain [Transmittal No. DTC 012-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1768. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, Department of Defense, transmitting the Department's final rule—Federal Acquisition Regulation; Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings (RIN: 9000-AI40) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1769. A letter from the Assistant Secretary for Budget and Programs, Department of Transportation, transmitting copies of the inventories of commercial positions in the Department of Transportation; to the Committee on Government Reform.

1770. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Participants' Choices of Investment Funds—received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1771. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Employee Elections to Contribute to the Thrift Savings Plan—received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1772. A letter from the Chief, Division of Scientific Authority, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018-AH63) received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1773. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the Bay Checkerspot Butterfly (RIN: 1018-AH61) received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1774. A letter from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule —Use and Distribution of the San Carlos Apache Tribe Development Trust Fund and San Carlos Apache Tribe Lease Fund (RIN: 1076-AE10) received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1775. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2000-2001 Catch Specifications for Gulf Group King Mackerel [Docket No. 001005281-0369-02; I.D. 082900C] (RIN: 0648-AN85) received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1776. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols—received April 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1777. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Antitrust Improvements Act Notification and Report Form—received April 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric Engines [Docket No. 99-NM-127-AD; Amendment 39-12159; AD 2001-06-12] (RIN: 2120-

AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30242; Amdt. No. 428] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1780. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. 99-NM-312-AD; Amendment 39-12162; AD 2001-06-15] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30241; Amdt. No. 2045] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30240; Amdt. No. 2044] received April 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, PA-31T1, PA-31T2, PA-31T3, and PA-31P-350 Airplanes [Docket No. 99-CE-29-AD; Amendment 39-12148; AD 2001-06-01] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB-120 Series Airplanes [Docket No. 2001-NM-36-AD; Amendment 39-12165; AD 2001-06-18] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dowty Aerospace Propellers Model R381/6-123-F/5 Propellers, Correction [Docket No. 99-NE-43-AD; Amendment 39-12143; AD 99-18-18 R1] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000-CE-70-AD; Amendment 39-12152; AD 200106-05] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000-CE-70-AD; Amendment 39-12152; AD 200106-05] (RIN: 2120-AA64) received April 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1788. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Red Mountain Viticultural Area (99R-367P) [T.D. ATF-448; Re: Notice No. 897] (RIN: 1512-AA07) received April 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1789. A letter from the Administrator, Office of Workforce Development, Department of Labor, transmitting the Department's final rule—Treatment of Indian Tribes under Federal Unemployment Compensation Law—Amendments made by the Consolidated Appropriations Act, 2001—received April 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1790. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001-27] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Coordinated Issue Settlement Guideline Excise Tax Specialty Area; Excise Tax On Virtual Private Networks—received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1792. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, Miscellaneous [Rev. Proc. 2001-30] received April 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1793. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2002 budget; jointly to the Committees on Agriculture and Government Reform.

1794. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report to Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

1795. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget justification for the Office of Inspector General for fiscal year 2002; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 134. Resolution providing for recommittal of the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011. (Rept. 107-58). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 135. Resolution providing for consideration of the bill (H.R. 581) to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management (Rept. 107-59). Referred to the House Calendar.

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 83. Resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107-60) Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 136. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107-61). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN:

H.R. 1745. A bill to provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) be included in future decennial censuses of population, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. SIMMONS, and Mr. SMITH of New Jersey):

H.R. 1746. A bill to amend title 38, United States Code, to require that the Secretary of Veterans Affairs establish a single "1-800" telephone number for access by the public to veterans benefits counselors of the Department of Veterans Affairs and to ensure that such counselors have available to them information about veterans benefits provided by all Federal departments and agencies and by State governments; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 1747. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mr. CANTOR (for himself, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. Tom Davis of Virginia, Mr. Goode, Mr. Moran of Virginia, Mr. Schrock, Mr. Boucher, Mr. Scott, and Mr. Goodlatte):

H.R. 1748. A bill to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building"; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Schrock, Mr. Scott, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, Mr. Wolf, and Mr. Tom Davis of Virginia):

H.R. 1749. A bill to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building"; to the Committee on Government Reform.

By Mr. DINGELL (for himself, Mr. Doyle, Ms. Jackson-Lee of Texas, Mr. Bonior, Mr. Frank, Mr. Coyne, Mr. Engel, Mr. Kucinich, Mr. Boucher, Mrs. Christensen, Mr. Etheridge, Ms. Kilpatrick, Mr. Brown of Ohio, Ms. DeLauro, Mrs. Mink of Hawaii, Mr. Clement, Mr. John, Ms. Rivers, Mr. Allen, Mr. Levin, Mr. Gordon, Mr. Baldacci, Mr. Acevedo-Vilá, Mr. Lewis of Georgia, Mr. Holden, Mr. Matsui, Mr. Hinojosa, Mr. Jefferson, Ms. Solis, and Mr. Kildee):

H.R. 1750. A bill to amend the Federal Water Pollution Control Act to authorize funding for the State water pollution control revolving fund program for fiscal years 2002 through 2006; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL (for himself, Mr. Doyle, Ms. Jackson-Lee of Texas, Mr. Bonior, Mr. Frank, Mr. Coyne, Mr. Engel, Mr. Kucinich, Mr. Boucher, Mrs. Christensen, Mr. Etheridge, Ms. Kilpatrick, Mr. Brown of Ohio, Ms. DeLauro, Mrs. Mink of Hawaii, Mr. Clement, Mr. John, Ms. Rivers, Mr. Allen, Mr. Levin, Mr. Gordon, Mr. Baldacci, Mr. Acevedo-Vilá, Mr. Lewis of Georgia, Mr. Holden, Mr. Matsui, Mr. Hinojosa, Mr. Jefferson, Ms. Solis, and Mr. Kildee):

H.R. 1751. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for fiscal years 2002 through 2006 for the municipal construction grant program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FOLEY:

H.R. 1752. A bill to amend the Internal Revenue Code of 1986 to modify the at-risk rules for publicly traded nonrecourse debt; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Scott, Mr. Goode, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, Mr. Wolf, and Mr. Tom Davis of Virginia):

H.R. 1753. A bill to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building"; to the Committee on Government Reform.

By Mr. HOUGHTON (for himself, Mr. Rangel, Mr. Sweeney, Mr. Ehrlich, Mr. Sam Johnson of Texas, Mr. Oxley, and Mr. McHugh):

H.R. 1754. A bill to amend the Internal Revenue Code of 1986 to provide that ancestors and lineal descendants of past or present members of the Armed Forces shall be taken into account in determining whether a veterans' organization is exempt from tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Neal of Massachusetts):

H.R. 1755. A bill to amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1756. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simplify and clarify certain drawback provisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1757. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 1758. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain beta interferons and other biologicals and drugs approved by the Food and Drug Administration for treatment of mulitple sclerosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself and Ms. Dunn):

H.R. 1759. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. Tom Davis of Virginia, Mr. Lantos, Mr. McDermott, Mr. Payne, Mr. Moran of Virginia, Mr. Wexler, Ms. Solis, Mr. Ackerman, Mr. Foley, Mr. Shaw, Mr. Honda, Mr. Gutierrez, Mr. Ortiz, Mr. Becerra, Mr. Pastor, Mr. Serrano, Ms. Velázquez, Mr. Rodriguez, Mr. Reyes, Mrs. Napolitano, Mr. Hinojosa, Mr. Underwood, Mr. Gonzalez, Ms. Roybal-Allard, Mr. Baca, Mr. Delahunt, Mr. Filner, Mr. Berman, Mr. Crowley, Mr. Capuano, Mrs. Morella, Mr. Kucinich, and Ms. Pelosi):

H.R. 1760. A bill to authorize emergency disaster assistance for recovery from the earthquakes of January and February 2001 in the Republic of India and the Republic of El Salvador, and for other purposes; to the Committee on International Relations.

By Mr. MORAN of Virginia (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Scott, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Boucher, Mr. Wolf, and Mr. Tom Davis of Virginia):

H.R. 1761. A bill to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb E. Harris Post Office Building"; to the Committee on Government Reform.

By Mr. PAUL:

H.R. 1762. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H.R. 1763. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. Abercrombie, Ms. Baldwin, Mr. Brady of Pennsylvania, Mrs. Capps, Mr. Capuano, Mr. Condit, Mr. Delahunt, Mr. Frank, Mr. Gilman, Mr. Hoeffel, Mr. Holden, Mr. Horn, Ms. Jackson-Lee of Texas, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. LaFalce, Mr. Lantos, Mr. McNulty, Mr. McGovern, Mrs. Mink of Hawaii, Mr. Olver, Mr. Owens, Mr. Payne, Ms. Pelosi, Mr. Rush, Mr. Stupak, Mr. Sweeney, Mr. Tierney, Mr. Evans, Mr. Udall of New Mexico, and Mr. Brown of Ohio):

H.R. 1764. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Mr. Stearns, Mr. Fossella, Mr. Terry, Mr. Shimkus, Mr. Green of Texas, Mr. Sawyer, Mr. Gordon, Mr. Rush, Mr. Boucher, Mr. Ehrlich, Mr. Towns, Mr. Gillmor, and Mr. Bilirakis):

H.R. 1765. A bill to increase penalties for common carrier violations of the Communications Act of 1934, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Scott, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, and Mr. Tom Davis of Virginia):

H.R. 1766. A bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building"; to the Committee on Government Reform.

By Mr. WOLF (for himself, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Scott, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, and Mr. Tom Davis of Virginia):

H.R. 1767. A bill to designate the facility of the United States Postal Service located at 205 South Main Street in Culpepper, Virginia, as the "D. French Slaughter Post Office Building"; to the Committee on Government Reform.

By Mr. LANTOS (for himself and Mr. Smith of New Jersey):

H. Con. Res. 128. Concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on the Russian Federation's voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on International Relations.

By Mrs. McCARTHY of New York (for herself and Ms. Norton):

H. Con. Res. 129. Concurrent resolution expressing the sense of Congress regarding the establishment of Million Mom March Day; to the Committee on Government Reform.

By Mr. UNDERWOOD (for himself, Mr. Wu, Mr. Honda, Mr. Abercrombie, Mr. FALEOMAVAEGA, Mr. MATSUI, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. BECERRA, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mr. FILNER, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mrs. MORELLA, Mr. STARK, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 130. Concurrent resolution authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress"; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS of Florida):

H. Res. 137. A resolution congratulating the Kalmyk community of the United States on the 50th anniversary of their emigration to the United States from displaced persons camps in Germany after World War II; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BONIOR introduced A bill (H.R. 1768) for the relief of Thomas Patrick McEvoy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. CARSON of Indiana.

H.R. 25: Mr. SHAYS, Mr. BLUMENAUER, and Mr. PASCRELL.

H.R. 41: Mr. WOLF, Mr. ISSA, Ms. ESHOO, Mr. HEFLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 51: Mr. HEFLEY.

H.R. 61: Mr. MCINTYRE.

H.R. 68: Mr. LEWIS of Kentucky, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. DINGELL, and Mr. OTTER.

H.R. 80: Mr. GOODE.

H.R. 133: Mr. OWENS.

H.R. 148: Mr. MALONEY of Connecticut.

H.R. 168: Mr. BAKER.

H.R. 183: Ms. BERKLEY.

H.R. 218: Mr. LARSEN of Washington.

H.R. 280: Mr. PETERSON of Pennsylvania and Mr. DOOLITTLE.

H.R. 281: Mr. BORSKI.

H.R. 286: Ms. NORTON.

H.R. 287: Mr. LANGEVIN.

H.R. 294: Mr. WAMP.

H.R. 303: Mr. OTTER and Mr. SESSIONS.

H.R. 321: Mr. FILNER, Mr. EVANS, Mr. MCGOVERN, Mr. CONYERS, Ms. WATERS, Mr. BLAGOJEVICH, Ms. LEE, Mr. CUMMINGS, Mr. HOEFFEL, and Ms. SCHAKOWSKY.

H.R. 326: Mr. SCHIFF and Mr. YOUNG of Alaska.

H.R. 331: Mr. MCCRERY, Mr. OTTER, and Mr. WATKINS.

340: Mr. MCNULTY.

348: Mr. DOOLEY of California and Mr. DIAZ-BALART.

H.R. 394: Mr. GILCHREST, Mr. JONES of North Carolina, Mr. BARTON of Texas, Mr. WICKER, Mr. KILDEE, Mr. SMITH of Washington, Mr. HOEFFEL, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Mr. HEFLEY, Mr. SKELTON, Ms. HOOLEY of Oregon, and Mr. TIAHRT.

H.R. 400: Mr. HOSTETTLER, Mr. TIAHRT, and Mr. PICKERING.

H.R. 432: Ms. KILPATRICK.

H.R. 433: Ms. KILPATRICK.

H.R. 439: Mr. HEFLEY.

H.R. 442: Mr. HEFLEY, Mrs. DAVIS of California, Mr. FROST, Mr. BACA, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. FALEOMAVAEGA.

H.R. 448: Mr. PAUL, and Mr. HOLT.

H.R. 458: Mrs. BIGGERT.

H.R. 510: Mr. DEFAZIO and Mr. MCINTYRE.

H.R. 511: Mr. RODRIGUEZ.

H.R. 536: Ms. MILLENDER-MCDONALD, Mr. LATOURETTE, and Mr. LUTHER.

H.R. 537: Ms. MILLENDER-MCDONALD and Mr. RUSH.

H.R. 547: Ms. DELAURO.

H.R. 570: Mr. PASTOR, Mr. SCHIFF, Mr. FILNER, and Mr. CAPUANO.

H.R. 572: Mr. CALVERT, Mr. WATTS of Oklahoma, Mr. DEUTSCH, and Mr. LANGEVIN.

H.R. 580: Mr. MCGOVERN, Mr. RUSH, Ms. MILLENDER-MCDONALD, Mr. KILDEE, and Mr. BENTSEN.

H.R. 582: Mr. WAMP.

H.R. 586: Mr. BEREUTER, Mr. MANZULLO, Mr. FOLEY, Mr. WALDEN of Oregon, and Mr. RYAN of Wisconsin.

H.R. 590: Ms. RIVERS and Mr. ABERCROMBIE.

H.R. 602: Mr. BECERRA and Mr. QUINN.

H.R. 606: Mr. CONDIT and Mr. MATSUI.

H.R. 609: Mr. RODRIGUEZ.

H.R. 611: Mr. POMEROY, Ms. BERKLEY, Mr. FARR of California, Mr. BLUMENAUER, Mr. LARSEN of Washington, and Mr. BEREUTER.

H.R. 612: Mr. ISRAEL and Mr. WEXLER.

H.R. 622: Ms. MILLENDER-MCDONALD, Mr. LAFALCE, Mr. POMEROY, Mr. PHELPS, and Mr. RAMSTAD.

H.R. 633: Mr. BONIOR and Ms. HOOLEY of Oregon.

H.R. 635: Mr. MASCARA, Mr. HOEFFEL, Mr. GEKAS, Mr. PLATTS, Mr. WELDON of Pennsylvania, and Mr. GREENWOOD.

H.R. 638: Mr. WATT of North Carolina.

H.R. 654: Mr. OWENS.

H.R. 663: Mr. PRICE of North Carolina.

H.R. 664: Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. HASTINGS of Florida, Ms. JACKSON-LEE OF TEXAS, Mr. PLATTS, Mr. ORTIZ, and Mr. BRADY of Pennsylvania.

H.R. 668: Mr. GUTKNECHT, Mr. EHLERS, Mr. CROWLEY, Mr. WHITFIELD, Mr. JEFFERSON, Ms. MCKINNEY, Mr. BASS, Mr. GREENWOOD, and Mr. JOHNSON of Illinois.

H.R. 678: Mr. BONIOR and Mr. SMITH of Washington.

H.R. 686: Mr. PALLONE and Mr. MEEKS of New York.

H.R. 701: Mr. HOLT, Mrs. THURMAN, Mr. FOLEY, Ms. DEGETTE, Mr. EVANS, Mr. MCINTYRE, Mr. ENGEL, Mr. ROEMER, Mr. BLAGOJEVICH, Mr. SHERMAN, Mr. TOM DAVIS of Virginia, Mr. GUTIERREZ, Mr. CLEMENT, Mr. LIPINSKI, Mr. DEUTSCH, Mr. ORTIZ, Mr. CLYBURN, Mr. ENGLISH, Mr. INSLEE, and Ms. HART.

H.R. 708: Ms. SLAUGHTER.

H.R. 710: Mr. DOYLE and Mr. HOBSON.

H.R. 716: Ms. BROWN of Florida and Mrs. MALONEY of New York.

H.R. 730: Mr. KILDEE.

H.R. 737: Mr. MASCARA and Mr. KIRK.

H.R. 742: Mr. RAHALL, Mr. BARRETT, and Mr. BLUMENAUER.

H.R. 755: Mr. EVANS, Ms. HOOLEY of Oregon, Mr. SHERMAN, Ms. SCHAKOWSKY, and Mr. DAVIS of Illinois.

H.R. 758: Mr. SANDLIN.

H.R. 778: Mrs. THURMAN and Mr. HOLT.

H.R. 786: Mr. RANGEL and Mrs. JONES of Ohio.

H.R. 814: Mr. OWENS.

H.R. 823: Mr. OWENS.

H.R. 875: Mr. OWENS.

H.R. 876: Mr. BOSWELL, Mr. DIAZ-BALART, Mr. EVANS, Ms. MCKINNEY, Mr. POMEROY, Mr. HINCHEY, Mr. MCNULTY, Mr. BERMAN, Mr. GANSKE, Ms. DELAURO, Ms. DEGETTE, Mr. CAPUANO, Ms. PELOSI, Mr. PALLONE, Mr. FRANK, Mr. SAXTON, Mr. WU, Mr. SNYDER, and Mr. WALSH.

H.R. 879: Mr. STRICKLAND, Mr. FARR of California, and Mr. GORDON.

H.R. 917: Mrs. CLAYTON.

H.R. 921: Ms. MILLENDER-MCDONALD, Mr. BARCIA, Mr. SCHAFFER, Mr. MCINNIS, and Mr. JEFFERSON.

H.R. 936: Mr. FOLEY, Mr. WYNN, Mr. THOMPSON of Mississippi, and Ms. SOLIS.

H.R. 945: Mr. OWENS.

H.R. 948: Mr. PETERSON of Minnesota, Mr. KLECZKA, Mr. DELAHUNT, Ms. MCKINNEY, Ms. MCCOLLUM, Mr. HOLT, Mr. FARR of California, and Mr. BROWN of Ohio.

H.R. 950: Mr. ADERHOLT and Mr. DOOLITTLE.

H.R. 953: Mr. BROWN of Ohio and Mr. BILIRAKIS.

H.R. 954: Ms. SOLIS.

H.R. 972: Ms. MILLENDER-MCDONALD and Mr. ANDREWS.

H.R. 981: Mr. GILLMOR and Mr. HEFLEY.

H.R. 1004: Mr. JEFFERSON and Mr. FRANK.

H.R. 1013: Mr. WHITFIELD and Mr. BOSWELL.

H.R. 1020: Mr. LATOURETTE, Mr. DEMINT, Mr. DINGELL, Mr. MCNULTY, Ms. MCKINNEY, Mr. KIRK, Mr. COBLE, Mr. REHBERG, and Mr. BROWN of South Carolina.

H.R. 1048: Mr. FILNER, Mr. EVANS, Mr. MCGOVERN, Mr. CONYERS, Ms. WATERS, Mr. BLAGOJEVICH, Ms. LEE, Mr. CUMMINGS, Mr. HOEFFEL, and Ms. SCHAKOWSKY.

H.R. 1072: Mr. DEAL of Georgia and Mr. TIERNEY.

H.R. 1073: Mr. CONDIT, Mr. WU, Mr. PASCRELL, Mr. REYES, Ms. LOFGREN, Mr. HOEFFEL, Mr. LOBIONDO, and Mr. PLATTS.

H.R. 1076: Mr. LAFALCE, Mr. ROSS, Mr. PALLONE, Mr. MATHESON, and Mr. HOLT.

H.R. 1090: Mr. CUNNINGHAM, Mr. HUTCHINSON, Mr. REYES and Mr. PICKERING.

H.R. 1108: Mr. FILNER and Mr. PASCRELL.

H.R. 1109: Mr. GARY G. MILLER of California, Mr. LINDER, Mrs. CUBIN, Mr. BURR of North Carolina, Mr. PUTNAM, and Mr. GANSKE.

H.R. 1110: Mr. HEFLEY.

H.R. 1143: Ms. SANCHEZ, Mrs. MALONEY of New York, and Mr. SANDLIN.

H.R. 1146: Mr. DUNCAN.

H.R. 1155: Mr. TOM DAVIS of Virginia, Ms. LEE, Mr. ABERCROMBIE, and Mr. COYNE.

H.R. 1170: Mrs. LOWEY and Mr. ACKERMAN.

H.R. 1192: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. WHITFIELD, Mr. LEACH, and Mr. THOMPSON of California.

H.R. 1199: Mr. GUTKNECHT.

H.R. 1210: Mr. KIND.

H.R. 1232: Ms. MCCOLLUM and Mr. FALEOMAVAEGA.

H.R. 1242: Mr. FRANK.

H.R. 1252: Mr. RANGEL and Mrs. LOWEY.

H.R. 1254: Ms. KAPTUR, Mr. WALSH, and Mr. KILDEE.

H.R. 1266: Mr. HYDE, Mr. LEVIN, Mr. MCGOVERN, and Mr. SMITH of Washington.

H.R. 1271: Mr. ROTHMAN and Mr. BARR of Georgia.

H.R. 1280: Mr. GORDON.

H.R. 1290: Mr. FALEOMAVAEGA.

H.R. 1293: Mr. ROYCE and Mr. STENHOLM.

H.R. 1306: Ms. JACKSON-LEE of Texas.

H.R. 1310: Mr. TIBERI and Mrs. NAPOLITANO.

H.R. 1330: Mr. CONDIT.

H.R. 1340: Mr. KILDEE.

H.R. 1345: Mr. OWENS.

H.R. 1351: Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. GREEN of Wisconsin, Ms. HART, Ms. BROWN of Florida and Mr. GORDON.

H.R. 1354: Mr. Kildee, Mr. Smith of New Jersey, Mr. Horn, Mr. Crowley and Ms. Hart.

H.R. 1358: Mr. Baird.

H.R. 1367: Mr. Holt, Mr. Abercrombie, and Mr. Greenwood.

H.R. 1401: Mr. McHugh, Mr. Paul, Ms. DeGette, and Mr. Capuano.

H.R. 1406: Mr. Meeks of New York, Mr. Rodriguez, Ms. Lee, and Mr. Filner.

H.R. 1407: Ms. Eddie Bernice Johnson of Texas.

H.R. 1408: Mr. Gillmor, Mr. Ney, and Mrs. Roukema.

H.R. 1413: Mr. Saxton, Mr. Cummings, and Mr. Coyne.

H.R. 1433: Mr. Schiff, Ms. Solis, and Mr. Pascrell.

H.R. 1449: Mr. Owens.

H.R. 1451: Mr. Ganske.

H.R. 1490: Mr. Boehlert, Mr. Collins, and Mr. Langevin.

H.R. 1501: Mrs. Biggert, Mr. Simmons, and Mr. Green of Wisconsin.

H.R. 1510: Mr. Souder.

H.R. 1520: Mr. Shows.

H.R. 1522: Mr. Kildee.

H.R. 1535: Ms. Carson of Indiana, Mr. Rangel, and Ms. Millender-McDonald.

H.R. 1536: Mr. Frost, Ms. Millender-McDonald, Ms. Lofgren, Ms. Lee, and Ms. McKinney.

H.R. 1542: Mr. Hilleary, Mr. Bonilla, Mr. Fletcher, and Mr. Bentsen.

H.R. 1556: Mr. McHugh, Mr. Rahall, Mr. Bishop, and Mr. Walsh.

H.R. 1568: Mr. McNulty.

H.R. 1581: Mr. Riley.

H.R. 1582: Mr. Owens.

H.R. 1585: Mr. Filner, Ms. Lee, Ms. Solis Mr. Bishop, and Mr. Hilliard.

H.R. 1589: Mr. Burr of North Carolina.

H.R. 1594: Ms. Slaughter, Mr. George Miller of California, Mr. Evans, Mr. Kucinich, Mr. Serrano, Mr. Waxman, and Mr. Bonior.

H.R. 1597: Mrs. Mink of Hawaii.

H.R. 1599: Mr. Otter.

H.R. 1601: Mr. Schaffer, Mr. Skelton, and Mr. Hilleary.

H.R. 1620: Mr. Waxman.

H.R. 1622: Mr. Kucinich and Ms. McCollum.

H.R. 1624: Mr. Peterson of Minnesota, Mr. Berry, Mr. Towns, Mr. Jefferson, Mr. Bishop, Mr. Lantos, Mr. Andrews, Mr. Kildee, Mrs. Morella, Mr. Smith of New Jersey, and Mr. Ney.

H.R. 1630: Mr. Toomey.

H.R. 1642: Mr. McGovern, Mr. Dooley of California, Ms. Eddie Bernice Johnson of Texas, Mrs. Christensen, and Mr. Frank.

H.R. 1644: Mrs. Myrick, Mr. Tancredo, Mr. Shadegg, Mr. Largent, Mr. Souder, Mr. Pickering, Mrs. Jo Ann Davis of Virginia, Mr. King, Mr. Shows, Mr. Kildee, and Mr. McIntyre.

H.R. 1650: Mr. Stark.

H.R. 1651: Mr. Pascrell, Mr. McGovern, and Mr. Filner.

H.R. 1674: Mr. Evans, Mr. Kennedy of Rhode Island, Mr. Shadegg, Ms. DeGette, Mr. Kildee, Mr. Gonzalez, and Mr. Cooksey.

H.R. 1688: Mr. Gillmor, Mr. Souder, and Mr. Ney.

H.R. 1690: Mrs. Clayton, Ms. McKinney, Mr. Thompson of Mississippi, Ms. Carson of Indiana, and Mr. Kildee.

H.R. 1711: Mr. McInnis.

H.R. 1713: Mr. Ackerman, Mr. Blagojevich, Mr. Becerra, and Mr. Frank.

H.R. 1727: Mr. Weller, Mr. Neal of Massachusetts, Mr. Foley, Mr. McInnis, Mr. Watkins, Mr. Lewis of Kentucky, Mr. Hayworth, Mr. Cunningham, Mr. Stupak, Mr. Ryan of Wisconsin, and Mr. Sununu.

H.R. 1733: Ms. Lee, Ms. Millender-McDonald, and Mr. Kildee.

H.J. Res. 13: Ms. Lee, Ms. Millender-McDonald, and Mr. Smith of New Jersey.

H.J. Res. 38: Mr. Barr of Georgia.

H.J. Res. 42: Mr. LoBiondo, Mr. Miller of Florida, Mr. Filner, Ms. DeLauro, Mrs. Emerson, Mr. Fossella, Mrs. Thurman, and Mr. Langevin.

H. Con. Res. 25: Mr. Crane, Mr. Cox, Ms. Sanchez, Mr. Royce, and Mr. Wexler.

H. Con. Res. 56: Mrs. Myrick and Mr. Cantor.

H. Con. Res. 60: Ms. Lee, Mr. Sanders, and Mr. DeFazio.

H. Con. Res. 68: Mr. Ney and Mr. Akin.

H. Con. Res. 89: Mr. Wu.

H. Con. Res. 97: Mr. Royce.

H. Con. Res. 102: Mr. Moran of Virginia, Mrs. Morella, Mr. Petri, Mr. Price of North Carolina, Mr. Bereuter, Mr. Costello, Mr. Hall of Ohio, Mr. Peterson of Minnesota, Mrs. Clayton, Mr. Filner, Mr. Abercrombie, Mr. Lantos, Mr. McGovern, and Ms. Rivers.

H. Con. Res. 104: Mr. Baker, Mr. Pascrell, and Mr. Thompson of Mississippi.

H. Con. Res. 108: Mr. Boehlert, Ms. Eddie Bernice Johnson of Texas, Mr. Hall of Texas, Mr. Matheson, Mr. Etheridge, Mr. Gutknecht, Mr. Johnson of Illinois, Mr. Ehlers, Mr. Smith of Texas, Mrs. Morella, Mr. Rohrabacher, Ms. Jackson-Lee of Texas, Mr. Holt, Ms. Rivers, Mr. Honda, Ms. Hart, Mr. Baca, Mrs. Biggert, Mr. Shays, Mr. Bartlett of Maryland, and Mr. Grucci.

H. Con. Res. 115: Mr. Smith of New Jersey, Mr. Brown of Ohio, Ms. McKinney, and Mr. Bonior.

H. Res. 73: Mr. Sherman.

H. Res. 97: Mr. Kildee.

H. Res. 108: Ms. Baldwin, Ms. Hart, Mr. Levin, Mrs. Northup, Mr. Weldon of Florida, Mr. Bilirakis, and Mr. Schaffer.

H. Res. 117: Ms. Sanchez, Mr. Crowley, and Ms. Waters.

H. Res. 120: Mr. Pascrell and Ms. McKinney.

H. Res. 123: Mr. Istook and Mr. Keller.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1613: Mr. Pascrell.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1646

Offered By: Mr. Terry

Amendment No. 1. Page 124, after line 12, add the following:

SEC. 747. SENSE OF CONGRESS RELATING TO THE REMOVAL OF THE UNITED STATES FROM THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

(a) Findings.—Congress finds the following:

(1) The United Nations Commission on Human Rights, located in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improving human rights performance.

(2) The United States is a founding member of the United Nations and a permanent member of the Security Council of the United Nations.

(3) The United States has been a member of the United Nations Commission on Human Rights since it was established in 1947 and has used membership on the Commission to internationally condemn countless acts of inhumanity and human rights violations.

(4) The United States vigorously opposes human rights violations, such as those perpetrated by the People's Republic of China, Cuba, and Sudan, which have violently repressed religious, spiritual, cultural, and political movements and continue to ban, criminalize, and harass groups they label as cults or heretical organizations and detain, incarcerate, and generally violate the human rights of individuals they accuse of being participants in those organizations.

(5) Nations on the United Nations Commission on Human Rights that violate the human rights of their own citizens are in a position to remove from the Commission nations that are vigilant for violations of human rights and vocal in their opposition to such violations.

(6) The United States has an essential voice in the global community on issues pertaining to the protection of individual freedoms and human rights, and the United Nations Commission on Human Rights provides a platform from which the United States may advance these issues in the international community.

(7) The other members of the United Nations Commission on Human Rights voted on May 3, 2001, to not re-elect the United States to the Commission.

(b) Sense of Congress.—Congress—

(1) protests the removal of the United States from the United Nations Commission on Human Rights, on which the United States has an international obligation to participate;

(2) urges the United Nations to redesign the format of the United Nations Commission on Human Rights to include each of the 5 permanent members of the Security Council of the United Nations;

(3) denounces human rights violations perpetrated by other current members of the United Nations Commission on Human Rights, including the People's Republic of China, Cuba, and Sudan; and

(4) strongly supports any efforts by the United States Government to rejoin the United Nations Commission on Human Rights and to continue to decry and work to end human rights violations in nations around the world.

EXTENSIONS OF REMARKS

HONORING BOB BRUNNER

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. HASTERT. Mr. Speaker, I rise today to commend Robert E. Brunner of Illinois Tool Works in Elgin, Illinois, who recently was recognized by the Industrial Fasteners Institute with its first-ever Leadership Award for his tireless efforts on behalf of the fastener industry.

As many in this House know, the fastener industry is a vital part of our economy and fasteners are a basic building block of manufacturing. Billions of fasteners are used annually in the U.S. in automobiles, airplanes, tanks, ships, bridges, heavy equipment, and virtually every other manufactured product. Thousands of Americans are employed in hundreds of fastener manufacturing facilities throughout the nation, including my own district in Illinois.

In 1999, the industry and many of its key customers, guided by the leadership of Bob Brunner, came together to support innovative, dynamic legislation governing the regulation of fastener quality, H.R. 1183 of the 106th Congress. This legislation, which became P.L. 106–34, is the culmination of nearly ten years of efforts to regulate fastener quality without unduly hampering the industry's efforts to remain competitive and innovative.

As the IFI noted in the proclamation announcing Mr. Brunner's honor, this award "honors outstanding contributions by an individual who has provided direction, vision, and focus toward the timely resolution of strategic issues challenging the mechanical fastener industry and the many markets it serves."

Bob Brunner's leadership excellence in marshalling industry resources to focus on this critical issues helped ensure a successful, comprehensive, inclusive resolution to the matter. The fastener industry, Illinois Tool Works, the State of Illinois and the Nation have benefited from his energy and enthusiasm. This award and the recognition of this House are richly deserved.

TRIBUTE TO PRESIDENT CHEN OF TAIWAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RADANOVICH. Mr. Speaker, May 20th will mark President Chen Shui-bian's first anniversary in office. Since his election the voters in Taiwan have continually given President Chen high marks for his performance. President Chen has continued to maintain a proactive stance on Taiwan's economy. He has ensured steady economic growth while minimizing the impact of the worldwide economic slowdown. Furthermore, President Chen has been busy strengthening relations with allies and gaining new friends around the world. He has made it very clear that Taiwan genuinely desires a meaningful dialogue with the People's Republic of China—a dialogue to ensure peace in the Taiwan Strait.

President Chen has made great strides to solidify Taiwan's relations with the U.S.—a relationship that subscribes to the principles of freedom, democracy, human rights, peace, and prosperity. Through his efforts, the future of bilateral relations between Taiwan and the United States is bright.

I send my personal congratulations to the people of the Republic of China on Taiwan on this festive occasion.

CONGRATULATIONS TO THE CITY OF WALLA WALLA, WA

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. NETHERCUTT. Mr. Speaker, I rise today to congratulate and commend the City of Walla Walla, Washington, which recently received the 2001 Great American Main Street Award. Walla Walla is surrounded by onion fields and wineries within the 5th Congressional District in southeastern Washington State. Over the past several years, the city has improved itself, with such undertakings as the recent renovation of the historic Whitman Towers Building and the construction of the new airport terminal. However, no improvement is as evident as the revitalized downtown area.

The improvements to the downtown area could not have been made without the leadership of the Downtown Walla Walla Foundation which was founded in 1984. Under the leadership of Executive Director Timothy Bishop, Mayor Jerry Cummins, and the Board of Directors, as well as the tireless and determined efforts of the numerous volunteers, the Foundation brought a declining downtown back to life. Because of their efforts, 125 businesses opened or expanded, 800 jobs were created and storefront vacancies were reduced to 4 percent. This hard work was recognized and rewarded by the National Trust for Historic Preservation as it issued Walla Walla one of only five Great American Main Street Awards for 2001.

The City of Walla Walla has a prestigious history that is worthy of preservation for future generations to embrace, and because of this preservation, a vibrant future will be enjoyed. I am proud of Walla Walla and am honored to represent this community.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE THAT ANCESTORS AND LINEAL DESCENDANTS OF PAST OR PRESENT MEMBERS OF THE ARMED FORCES SHALL BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER A VETERANS' ORGANIZATION IS EXEMPT FROM TAX

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, together with a number of other colleagues, in introducing our bill to fix a current problem in the Internal Revenue Code regarding use of American Legion Post facilities by members and their families. That is, who qualifies as a "member" versus a guest, for purposes of unrelated business income and the exempt status of the Legion Posts. We do not believe Congress intended or contemplated that use of the facilities by families of the member would result in unrelated business income, or worse yet, the possibility of losing the Post's tax exemption under Section 501(c)(19).

By Congressional charter, only veterans who served during specifically designated wars may become "members" of the American Legion. Section 501(c)(19) requires only that 75% of the members be current or former members of the Armed Forces, and substantially all the other members are cadets, spouses, widows or widowers of past or present members. The IRS says substantially all is 90 percent. The Legion has many programs, such as the Sons of the American Legion (SAL), as well as programs involving youth and family support groups. All are designed to further the purposes for which the exemption was granted.

The Post is a family gathering place for many social and patriotic activities. As a result, many family members of numerous generations attend these events. Some relatives are specifically treated as members, others are not. Also questions arise as to the status of the members in the SAL, as well as relatives not specifically covered in regulations, i.e. great grandparents, great grandchildren, etc., and whether they are perhaps "associate or social members, and if they count for the 90% test. The answers could determine the extent of unrelated business taxable income as well as exempt status. This is not an issue regarding true guests, i.e. unrelated individuals who are, and must be, accompanied by a member. Nor is any substantive change contemplated regarding the sale of life and health insurance to members as provided in Section 512(a)(4). That section would be amended to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

conform the definition to Congressional charter members and their dependents.

Our bill would eliminate these potential issues by providing that the definition of "member" for purposes of the exemption status and unrelated business income would be expanded to include "ancestors or lineal descendants of the member" (i.e. past or present member of the Armed Services meeting the Congressional charter definition).

We believe this change is not only fair, but recognizes the original intent of Congress, and the fact that more distant relatives of the member will come into existence over time. We hope our colleagues will join us in cosponsoring this legislation. Thank you.

HONORING KENTUCKY NURSES

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. NORTHUP. Mr. Speaker, I rise today to honor the thousands of men and women in Kentucky who have dedicated themselves to that most noble of endeavors: nursing. Every day, nurses—both in Kentucky and across the nation—sacrifice themselves to the causes of caring, of healing, and of loving. By tending to the sick and easing suffering, nurses play a tremendously vital role in the medical profession and our society at large.

We can all recall a time when a nurse became a crucial figure in our lives. When any one of us has been ill or trying to care for a sick loved one, nurses have always been there to provide help. Whether in a strictly medical capacity—mending a bone or administering medicines—or to offer reassurance, a shoulder to cry on, or an anchor of calm in the chaos and upheaval that we all know illness can cause, it seems that nurses perform a thousand and one duties to ensure that pain and suffering are washed away.

Since time immemorial, nurses have been on the front lines of the fight against sickness, but today that fight grows harder. Newly discovered illnesses, an increasing population, and an explosion in the demand for emergency care have all come together to force nurses to assume more and more responsibilities, while, at the same time, they must continue to strive to gain ground in the war against suffering. I understand these issues, and want to give my thanks to nurses across America for maintaining the same unflagging generosity that has characterized the profession in the past. During National Nurses Week this May, I want to especially recognize Kentucky Nurses, those men and women who, day after day, give of themselves to so many people in the Bluegrass State. I hope you will join me in honoring nurses for their commitment to helping others feel better.

TRIBUTE TO RETIRING HOMER MAYOR MARY ALICE BELLARDINI

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. WALSH. Mr. Speaker, today I rise to recognize the work of a tireless village mayor in New York's 25th Congressional District, Mayor Mary Alice Bellardini of the Village of Homer. Mayor Bellardini retired as Mayor on March 31st after fourteen years at the village's helm. Prior to her initial election as mayor in March 1987, she served as a Cortland County Legislator for almost seven years.

During her tenure, the Village of Homer prospered. She is credited with renewing the village's historical preservation and planning efforts, improving its public water system, expanding economic development efforts and beautifying the Main Street corridor, establishing weekly summer band concerts on the village green, improving public safety operations, and reopening the Water Street bridge as a pedestrian walkway.

I have always regarded Mayor Bellardini as a strong partner in my work in Cortland County. Married to Harry Bellardini, the former Cortland County Republican Party Chairman, Mayor Bellardini is a proud Republican though always anxious to work in a bipartisan manner on behalf of her constituents. She has worked especially close with Democratic Village Trustee Virginia "Ginny" Swartwout—a twenty-six year veteran of village government, who also deserves special recognition for service to her community as she retires from her post this year.

Besides her work on behalf or the people of Homer, Mayor Bellardini is committed to community service. She served as President of the New York State Conference of Mayors from 1995 through 1996. She still holds positions on the Boards of Directors for numerous organizations, including Alliance Bank, Central New York Blue Cross/Blue Shield, Excellus, Inc., the Home Store, and the Cortland County Business Development Corporation. Last year, Governor George Pataki named Mayor Bellardini to serve on a select Advisory Committee to the Quality Communities Interagency Task Force for New York State.

A lifelong Cortland County area resident, Mayor Bellardini has three children and five grandchildren. Though Mary Alice believes that it's time for "a fresh face and new blood" in the village Mayor's Office, I am certain that her accomplishments and dedication as Mayor of Homer will live on for generations to come.

I congratulate her on her retirement from public life, thank her for her over twenty years of service as an elected official, and wish her well in all of life's future pursuits. Her daily presence and involvement at village offices will certainly be missed.

THE SOCIETY OF PROFESSIONAL COMMUNICATORS (SPC)

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. MCGOVERN. Mr. Speaker, today I am pleased to recognize and honor the 50th anniversary of the Society of Professional Communicators (SPC).

The Society of Professional Communicators began in 1951 as the Worcester County Editor's Council. The original purpose of this group was to improve their internal publications by sharing ideas with one another. They also intended to promote the benefits of the free enterprise system. As the media, technology, and the roles of its members began to change, so did the organization's name. Today SPC consists of a variety of professionals including photographers, freelance writers, graphic designers, and web managers. This energetic and dynamic organization joins together to exchange ideas and information while keeping pace with new trends. The organization has also expanded its role through community service projects, which include book collections for homeless children, food drives for the community pantry, and journal-writing workshops for women in recovery.

As the SPC celebrates its anniversary on May 8, this organization will be looking forward to the next 50 years of energy and growth both personally and professionally. Mr. Speaker, the Society of Professional Communicators should be celebrated for its years of dedication to improve society and its communities.

HONORING JAN DOETS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jan Doets for his lifetime commitment to the tourism industry and his role as a goodwill ambassador for America.

Jan Doets has been a leader and innovator in the tourism industry throughout his 40 year career, making him an invaluable resource to his colleagues and a strong force in the tourism community. Jan has a wide variety of talents, but has specialized exclusively in American travel arrangements for the last 20 years. He has been responsible for sending over 150,000 people to California to appreciate the beauty of our state.

Jan Doets is truly the epitome of an entrepreneur. Already a successful member of the tourism community in the Netherlands, he was the first direct seller of tours from the Netherlands to the United States. It comes as no surprise then that after the American component of his business was founded, he and his wife Sietske watched their business flourish. Jan was so successful that in 1983 he was known as Mr. America #1 in the tourism community.

In 1990, Jan renamed his business Jan Doets American Tours and it has continued to grow as he constantly adds new services and tours of the United States. Jan and his daughter Elske have traveled thousands of miles experiencing the country so that he might share his knowledge with others who wish to explore America. He has sent over a quarter billion dollars to the United States in business, and has been a frequent visitor to Mariposa County and Yosemite National Park. Throughout Jan's career he has shown deep ties, commitment and partnership with our country, communities and individual county visitor bureaus. He has made it his lifetime goal to share the best that America has to offer with his fellow citizens of the Netherlands. Jan has truly been a significant force in bringing the United States and the Netherlands closer together.

As Jan Doets retires we not only honor his lifetime commitment to the tourism industry, but also his unparalleled generosity, strength and dedication to his work and loved ones. Jan Doets has truly left his mark on our community forever.

HONORING RABBI LEONARD S. CAHAN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. MORELLA. Mr. Speaker, I rise to honor and celebrate Rabbi Leonard Cahan, Senior Rabbi of Congregation Har Shalom of Potomac, Maryland who is retiring the summer after 27 years of service. Rabbi Cahan and his wife Elizabeth have lived in Potomac during this time, and raised their four children in this community.

Under Rabbi Cahan's leadership, Har Shalom has grown four-fold, to become a leading congregation in Montgomery County, Maryland and in the Conservative movement nationwide. He has guided Har Shalom to the forefront of egalitarianism, family, and adult education, participatory worship, community service, and interfaith activities. Har Shalom's worship services have been a model for the creation of a new conservative prayer book, Siddur Sim Shalom. Har Shalom was honored to have Rabbi Cahan serve as the senior editor of this prayer book, which has now been adopted by much of the Conservative Jewish movement.

Several years ago, the Good Morning America television program chose Rabbi Cahan as one of the nation's outstanding clergy. He appeared on the show, along with a minister and priest, discussing the religious, spiritual, and communal nature of their lives as clergymen, and their role in their communities.

Rabbi Cahan has deeply touched the lives of many members of Har Shalom, as well as others in the community. He has officiated numerous life cycle events such as baby namings, funerals, Bar and Bat Mitzvahs, marriages, and other times of family joy and sorrow. He has taught numerous courses to Har Shalom's congregants of all ages, as well as in interfaith settings in the community. Rabbi Cahan has no doubt been the inspiration to a growing number of Har Shalom's youth, who are or will become the rabbis of the next generation.

Rabbi Cahan will continue to serve as Rabbi Emeritus at Congregation Har Shalom following his retirement. He will continue to teach, officiate at High Holy Day services, and serve the spiritual needs of the Jewish community of Montgomery County.

ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, "Ketse azat ankakh Hayastan"—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

CELEBRATING SAUK PRAIRIE MEMORIAL HOSPITAL AS ONE OF THE 100 TOP HOSPITALS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of the Sauk Prairie Memorial Hospital and Clinics of Praire due Sac, Wisconsin, being selected as one of the 100 Top Hospitals in the nation by the 100 Top Hospitals™: Benchmarks for Success study. This outstanding achievement is marked by the Sauk Prairie Memorial Hospital's excellent quality of care, efficiency of operations, and sustainability of overall performance.

The extraordinary dedication of hospital staff and the superior performance of the management team have earned Sauk Prairie Memorial Hospital this first-time award. In a time when rural hospitals are facing special challenges, this achievement is particularly noteworthy. The hospital's ability to perform well under adverse conditions and to face trials in the health care system today do indeed set a benchmark for success.

The quality health care that Sauk Prairie Memorial Hospital provides can be attributed not only to its doctors and nurses, but to all of the employees, board members, volunteers and medical staff. Without the generosity of those who have worked countless hours and donated hard-earned dollars, this accomplishment may not have been possible.

I applaud the Sauk Prairie Memorial Hospital for this truly prestigious award and I look forward to hearing about future accomplishments.

TRIBUTE TO JOHN R. GARRISON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to John R. Garrison, Chief Executive Officer of the American Lung Association. This July, Mr. Garrison is retiring after eleven years of leading the American Lung Association, this nation's oldest voluntary health agency.

Over the last two decades, Mr. Garrison's work has made a vital contribution to public health and a significant difference in shaping national policy. Millions of Americans live in a safer, cleaner, and healthier world because of his work. He has been a national leader in the battle against the tobacco industry, the efforts to eliminate tuberculosis, the quest to curb asthma, and the continuing fight for cleaner air.

Throughout his career, Mr. Garrison has been in the vanguard of public health efforts. When the tobacco industry proposed a weak tobacco settlement with state attorneys general in 1997, Mr. Garrison was the first leader of a major health organization to step forward and oppose giving the tobacco industry immunity. Mr. Garrison also served on a tobacco advisory commission chaired by former Surgeon General C. Everett Koop and former FDA Commissioner David Kessler, playing a pivotal role in crafting the commission's final report, which remains a visionary blueprint of the policy changes needed to protect the public health from tobacco.

Under Mr. Garrison's leadership, the American Lung Association led the recent battle for tougher ozone and particulate matter standards under the Clean Air Act. In addition, he expanded the American Lung Association's commitment to lung disease research. These efforts led to the development of the Asthma

Clinical Research Center program, a nationwide network of 19 clinical research centers designed to conduct a broad range of clinical studies on asthma.

From building a formal alliance with the Canadian Lung Association to assuming a leadership role in the International Union Against Tuberculosis and Lung Disease, Mr. Garrison has worked tirelessly to reduce the impact of lung disease around the world. This work continues with the American Lung Association's advocacy for a strong, enforceable global tobacco control treaty, the World Health Organization's Framework Convention on Tobacco Control.

From asthma to air pollution, from tobacco control to the elimination of tuberculosis, Mr. Garrison has been a leader. Millions of people around the globe breathe easier because of his efforts. It is my distinct pleasure to ask my colleagues to join me in saluting John Garrison for his outstanding achievements and thank him for his service to the American Lung Association and the nation in fighting lung disease and promoting lung health.

TRIBUTE TO EMS PERSONNEL

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. LUTHER. Mr. Speaker, in 1997 alone there were almost 960 million ambulance trips made to health care providers in the United States, an overall rate of 3.6 visits for every American. While ambulatory care makes up a relatively small part of the federal budget for health care, paramedics and EMS personnel are providing vital services to our communities. These are the men and women who form an important safety net of emergency care for millions of Americans every year.

Too often we do not take the time to recognize individuals for their outstanding accomplishments serving others. I want to take a moment to recognize the EMS personnel who are there when we need them most.

Every year, those men and women who go beyond what is expected of them and perform truly outstanding acts of service are recognized with the Stars of Life award from the American Ambulance Association. Chosen by their peers, these professionals are selected to represent them in Washington, DC as part of the National EMS Week activities.

This year, 109 individuals from across the United States, including my home state of Minnesota, are honored as Stars of Life for their exceptional service and selfless courage.

Mr. Speaker, I submit the names of the 2001 American Ambulance Association Stars of Life honorees to be printed in the RECORD.

2001 "Stars of Life"

STATES AND STAR'S NAME; AMBULANCE SERVICE, AND CITY

ARKANSAS—1

Julia Key, Columbia County Ambulance Service, Magnolia

ARIZONA—1

Randy Perkins, Rural/Metro, Scottsdale

CALIFORNIA—11

Timothy Beverlin, American Medical Response, Palm Springs
Adrienne Bosel, American Medical Response, Burlingame
Erin Hughes, American Medical Response, Garden Grove
Lisa LaRusso, American Medical Response, Riverside
Randy Lyman, American Medical Response, Santa Rosa
Joe Matthews, American Medical Response, Cerritos
Steve Prater, Hall Ambulance Service, Bakersfield
Jeff Tanner, American Medical Response, Riverside
Sloane Valentino, Medix Ambulance Service, Mission Viejo
John Van Aalst, American Medical Response, Cerritos
Karen Wright, American Medical Response, Concord

COLORADO—1

Christian Weber, American Medical Response, Denver

CONNECTICUT—4

Sue Bednarik, American Medical Response, Waterbury
Robert Phelan, American Medical Response, New Haven
Lynn Vergnetti, Hunter's Ambulance Service, Meriden
John Worobel, Hunter's Ambulance Service, Meriden

FLORIDA—3

Mary Jo Strosnider, Rural/Metro, Orlando
Armando Toledo, American Medical Response, Miami
Jeff Young, American Medical Response, Largo

GEORGIA—3

Kevin Harralson, Mid Georgia Ambulance Service, Macon
Cedric Scott, Mid Georgia Ambulance Service, Macon
Valerie Spratin, Rural/Metro, Augusta

HAWAII—1

Chris Gilbert, American Medical Response, Kahului-Maui

IOWA—6

David Edgar, Jr., West Des Moines EMS/IEMSA, West Des Moines Kelly
Freeman, Monroe County Ambulance, Albia
Keith Gilman, Lee County EMS Ambulance, Donnellson
James Lange, Medic EMS, Davenport
Max Maes, Medic EMS, Davenport
Nadine Tice, American Medical Response, Charles City

INDIANA—1

Lisa Christen, American Medical Response, Fort Wayne

LOUISIANA—5

Richard Billiot, Priority Mobile Health, New Orleans Anthony
Cramer, Jr., Acadian Ambulance & Air Med Services, Lafayette
Shannon Jones, Med Express Ambulance Service, Pineville
Carl Theriot, American Medical Response, New Orleans
Michelle Wiggins, Med Express Ambulance Service, Pineville

MASSACHUSETTS—16

Teresa Anyon, American Medical Response, Worcester
William Barry, Armstrong Ambulance Service, Arlington
Frank Carabello, Lyons Ambulance Service, Danvers
Rollie Citroni, Lyons Ambulance Service, Danvers
Paul Dalton, Action Ambulance Service, Stoneham
Davin Fors, Armstrong Ambulance Service, Arlington
John Haley, Cataldo Ambulance Service, Somerville
Scott Jones, Action Ambulance Service, Stoneham
John Kulis, Armstrong Ambulance Service, Arlington
Vaughan Mason, Action Ambulance Service, Stoneham
Arthur Melvin, Action Ambulance Service, Stoneham
Mark Miller, Action Ambulance Service, Stoneham
Kevin Moore, Lyons Ambulance Service, Danvers
Richard Raymond, Action Ambulance Service, Stoneham
Kenneth Reynolds, American Medical Response, Natick
Peter Viele, Action Ambulance Service, Stoneham

MICHIGAN—5

Jules Baumer, Medstar Ambulance, Mt. Clemens
Brian Beckwith, LifeCare Ambulance Service, Battle Creek
Chad Crook, Life EMS, Grand Rapids
Tom Mackey, Huron Valley Ambulance, Ann Arbor
Danial Sanchez, Medstar Ambulance, Mt. Clemens

MINNESOTA—3

Gary Olson, LifeLink III, St. Paul
J. Todd Rather, Mayo Medical Transport, Gold Cross Ambulance, Rochester
Michele Sundberg, Allina Medical Transportation, St. Paul

MISSOURI—3

Randall Bennett, Metropolitan Ambulance Services Trust, Kansas City
Steven Harris, Taney County Ambulance District, Branson
Scott Wolf, Emergency Providers, Kansas City

MISSISSIPPI—2

Sharon Hinson, American Medical Response, Natchez
Roger Wade, American Medical Response, Gulfport

MONTANA—1

Jason Mahoney, American Medical Response, Billings

NORTH CAROLINA—5

Nathaniel Archie, Mecklenburg EMS Agency, Charlotte
Phil Carter, FirstHealth of the Carolinas, Montgomery EMS, Pinehurst
Robert McNally, Mecklenburg EMS Agency, Charlotte
Djuna Melton, FirstHealth EMS—Hoke, Raeford
Jeffrey Roberts, Mecklenburg EMS Agency, Charlotte

NEW HAMPSHIRE—2

Dwayne Hogencamp, Rockingham Regional Ambulance, Nashua
Debra McCartney, Rockingham Regional Ambulance, Nashua

NEW JERSEY—2

Paul Leidenfrost, Rural/Metro, South Amboy
Nancy Neuhaus, Med Alert Ambulance, Sparta

NEW MEXICO—1

Janet Mauro, American Medical Response, Alamogordo

NEVADA—3

Mark Kelly (deceased), American Medical Response, Las Vegas
Tracy Kramer, American Medical Response, Las Vegas
Kevin Romero, REMSA, Reno

NEW YORK—5

Richard Brandt, Mohawk Ambulance Service, Schenectady
Eric Conley, Rural/Metro, Buffalo
Blaine Fremantle, Mohawk Ambulance Service, Schenectady
Marcus McKenzie, CHS Ambulance Service, Farmingdale
Daniel Smith, Rural/Metro, Syracuse

OHIO—2

Jacqueline Punka, American Medical Response, Akron
Patrick Straker, Rural/Metro, Youngstown

OREGON—2

Lucie Drum, American Medical Response, Portland
Brian Murdock, Mercy Flights, Medford

PENNSYLVANIA—2

Wanda McKinney, Rural/Metro, Farrell
Robert Walbert, Cetronia Ambulance Corps, Allentown

SOUTH CAROLINA—1

Brian Harbin, Medshore Ambulance Service, Anderson

SOUTH DAKOTA—1

Greg Beaner, Rural/Metro, Sioux Falls

TENNESSEE—1

Gary Watlington, Rural/Metro, Knoxville

TEXAS—7

Shay Britton, Dallas Ambulance Service, Dallas
Vickie Elliott, Dallas Ambulance Service, Dallas
Stacy Fisher, American Medical Response, Cleburne
Kim Higginbotham, Life Ambulance Service, Canutillo
Joe Kammerling, Prime Care Ambulance, Houston
Allen Snell, Rural/Metro, Waco
Kenneth Stanley, LifeNet EMS, Texarkana

VIRGINIA—5

Ted Marshall, LifeCare Medical Transports, Fredericksburg
Michael Martens, Sentara Medical Transport, Virginia Beach
Dawn Novisky, LifeCare Medical Transports, Fredericksburg
Ben Walker, American Medical Response, Richmond
Danny Wildman, LifeCare Medical Transports, Fredericksburg

VERMONT—1

Kandis Holden, Regional Ambulance, Rutland

WASHINGTON—1

William Engler, American Medical Response, Seattle

WISCONSIN—1

Tina Nicolai, American Medical Response, Kenosha

SECOND ANNIVERSARY OF THE DISAPPEARANCE OF GENERAL YURY ZAKHARENKO OF BELARUS

HON. TOM LANTOS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 8, 2001

Mr. LANTOS. Mr. Speaker, I rise today to speak about the last dictatorship in Europe—the regime of Aleksandr Lukashenka in the former Soviet state of Belarus. The Lukashenka regime is one of the most notorious human rights abusers in the world, routinely suppressing the rights of the Belorusian citizens. May 7th marks the second anniversary of one of the most celebrated human rights abuses allegedly perpetrated by the regime—the not-so-mysterious disappearance of General Yury Zakharenko, former Belarusian Minister of Internal Affairs.

In 1995, General Zakharenko resigned his post in protest and attempted to form a union of officers to support democracy in Belarus. He also supported former Prime Minister Mikhail Chigir in an alternative presidential election held in May 1999 to replace Lukashenka at the legal end of his term on July 20, 1999. On May 7, 1999, Gen. Zakharenko disappeared while walking home and has not been heard from since. Sadly, Gen. Zakharenko is not unique. Others who dared to challenge the regime appear to have suffered the same fate. Victor Gonchar, Deputy Chairman of the legitimate parliament, the 13th Supreme Soviet; his associate Anatoly Krasovsky; and Dmitry Zavadsky, a cameraman for the Russian television station ORT, have all disappeared without explanation.

Since the day Gen. Zakharenko vanished, all evidence has pointed to the Lukashenka regime as being responsible for his disappearance. The regime has not made a serious effort to account for Gen. Zakharenko. Rather than investigate, the regime has targeted the missing general for personal attack, accusing him of fleeing the country or going into hiding to embarrass Lukashenko. Gen. Zakharenko's family was forced to seek refuge in Western Europe to escape the regime's harassment. The regime has also tried to silence human rights activists, such as Oleg Volchek, who have attempted to find Gen. Zakharenko. Last November, when an anonymous letter reputed to be from officers of the Belarusian KGB (BKGB) accusing Lukashenka of blocking the investigation of disappearances in Belarus became public, Lukashenka sacked the head of the BKGB and the Prosecutor General. The Belarusian dictator also promised a serious investigation, but the regime has made no progress in the intervening six months and reports of increased pressure on investigators have surfaced.

Under the current dictatorship in Belarus, it would be impossible for such stonewalling and denial to take place without the approval of Lukashenka himself. Lukashenka even went as far as to state in November of last year, that he is personally responsible for accounting for Gen. Zakharenko and the other disappeared. This is a responsibility that the international community cannot let the Belarusian dictator escape from. The United States, the European Union, member states of the Organization for Security and Cooperation in Europe, the U.N. Working Group on Involuntary Disappearances, the Swedish Social Democratic Party, and international human rights NGOs have all called on the Lukashenka dictatorship to find the disappeared. I regret that the Russian Government is conspicuously absent from these ranks. This, in my view, sends a negative signal about the Russian Federation's view of its role in promoting democracy outside of its borders.

The Belarusian people also want an explanation, as the repeated statements by Belarusian democratic leaders and human rights advocates show. Even high officials in the regime have expressed privately their displeasure with Lukashenka's handling of the disappearances.

Until the Lukashenka regime accounts for Gen. Zakharenko, Deputy Chairman Gonchar, Mr. Krasovsky, and Mr. Zavadsky, one can neither expect a normalization in the international community's relations with Belarus nor an end to the climate of fear gripping the country. The Lukashenka regime needs to act immediately to find these brave democrats and Belarusian patriots. This issue of Gen. Zakharenko and the other disappeared will not go away, just as the issue of the disappeared in Chile did not go away, just as the issue of the Polish officers "disappeared" at Katyn did not go away, just as the issue of the disappearance of Swedish hero Raoul Wallenberg will not go away. Rather, with each new day the missing go unaccounted for, the call for the truth behind their disappearances will only grow louder, haunting those responsible for these crimes.

"A NEW DEFENSE POSTURE"

HON. DOUG BEREUTER

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 8, 2001

Mr. BEREUTER. Mr. Speaker, this Member rises to commend to his colleagues an editorial in the May 3, 2001, edition of the Omaha World-Herald. Of particular note is the editorial's assessment of international reaction to President George W. Bush's May 1, 2001, speech on a national missile defense (NMD) system.

In the weeks approaching the speech, many newspaper and magazines ran articles and editorials which criticized President Bush for his strong and vocal support for the development of NMD and for reassessment of the 1972 Anti-Ballistic Missile (ABM) Treaty. Domestic opponents claimed that such views strain relations with key U.S. allies in Europe and Asia. And yet, after a major speech outlining the Administration's proposed approach to national security, U.S. allies appear to have reacted fairly positively by agreeing to talk about the approach, if not entirely support it.

The cold war is over, and therefore it is entirely appropriate for the U.S. to re-evaluate the institutions and treaties from that era. It is this Member's hope that our allies will strongly agree and will find upon review that President Bush's initiative to begin the development of a NMD system and to revamp arsenal cuts reflects careful reflection upon the long-term interests of the United States.

[From the Omaha World Herald, May 3, 2001]

A NEW DEFENSE POSTURE

Call it Missile Defense III. It's not the largely discredited Reagan-era Strategic Defense Initiative. It's not the Clinton-nurtured limited shield. In fact, it's not clear at this juncture what it is. But President Bush wants it and is determined to get it if possible. And that may not be bad.

The most salient aspect of Bush's freshly stated commitment to a missile defense system is what didn't happen. The international community didn't, for the most part, start screaming to the heavens that the United States has become frighteningly arrogant and is going to get everybody fried. And that was largely because Bush had the good sense to get in front of his Tuesday announcement with pre-emptive and assuring phone calls to the world leaders who might be most concerned. He and Secretary of State Colin Powell repeatedly made two points:

Although Bush finds the 1972 Anti-Ballistic Missile Treaty outmoded and only marginally effective, the United States is not going to simply abrogate it without something to take its place.

There will be no change in Washington's international nuclear-weapons understandings until such time as a missile defense can reasonably be called workable.

The biggest surprise of all may be that Moscow pronounced itself, though not exactly happy, entirely willing to sit down and discuss the matter rationally. That gets past what could have been a substantial hurdle, because Russia has long seen any sort of missile defense as a direct threat aimed at neutralizing its nuclear strike capability. It has been adamant on the point. But on Wednesday, Foreign Minister Igor Ivanov said his nation "is ready for consultations, and we have something to say."

The biggest question about a missile defense is whether such a bogglingly complex system can, in fact, ever work. Results to date have not been encouraging. Efforts from the Reagan era forward have cost more than $60 billion. Tests in the '80s were spotty, and the few seeming successes were later shown to have been either unrealistically simplistic or just plain fudged. Three tests of a scaled-down system in the '90s yielded two failures.

The concept, nonetheless, remains appealing, particularly to those old enough to remember the duck-and-cover classroom drills of the 1950s. The less-stable post-Cold War world, with the addition of such nations as Northern Korea, Iraq and Iran to the list of potential nuclear threats, adds to that. (In fairness, though,

The ABM treaty is a sticking point, of sorts, but that doesn't mean a new document can't be crafted to take its place. Contrary, perhaps, to common perception, there is a provision for withdrawing from it. Either Russia or the United States can get out on six months' notice by explaining that its "supreme interests" have been jeopardized by events relating to the treaty.

Bush, in his remarks on Tuesday, seemed to have been laying the groundwork for such an assertion. In any case, this much is certain: A functioning missile defense is incompatible with the treaty, which forbids it. At least the president chose not to figuratively rip the document up, which some of his campaign rhetoric last fall seemed to suggest. He wants to—at some undetermined point—take the legitimate exit route.

The president also wants to give back with one hand at least part of what he proposes to take away with the other. He's convinced (and he's probably right) that the United States doesn't need nearly the nuclear arsenal it now maintains. America has about 7,200 warheads; Russia, about 6,100. Under various START agreements and negotiations, both nations have agreed to a target of 2,000 to 2,500. Bush has said lately that he envisions still lower numbers, and Moscow seems ready to go along. (Not the least of its reasons is the cost savings.)

Cost still casts a long shadow on the missile defense idea as well, though. Defense Department sources say even a rudimentary plan could start at $35 billion. One of the proposal's harshest critics, Sen. Joseph Biden of Delaware, has fielded a figure almost 30 times higher; $1 trillion. At such prices (in addition to what already has been spent), the nation certainly deserves a system that works. Bush's commitment to it should include a commitment to eliminating the engineering hanky-panky that marked previous tests.

In coming months, Bush and other top officials will be fanning out over Asia and Europe, talking to America's allies and seeking input—views to be taken into account. This has all the earmarks of a rational, reasoned approach far superior to the gunslinger rhetoric of last year's campaign. It just might work. The administration is to be congratulated for being both assertive and constructive.

SMALL BUSINESS WEEK

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. MANZULLO. Mr. Speaker, as Chairman of the Small Business Committee, I am pleased to join with the President in launching Small Business Week. Small businesses represent the most important sector of our economy. They comprise 99.7 percent of all the employers in the United States. They provide two-thirds of the initial job opportunities for Americans. And, they provided over $63 billion worth of goods and services, to the federal government.

One of my constituents, Ms. Rebecca Hillburst of Rockford, Illinois, will be honored this week as the Regional Subcontractor of the Year. She is the first in our region to receive this award.

Ms. Hillburst's father started the Commercial Printing Company in Rockford in 1948. She assumed the helm of the company in 1989. The business performs customized and commercial printing jobs. Rebecca Hillburst and her four employees, George, Lars and Eleanor Hillburst and Darcie Powelson are symbolic of the small entrepreneurial enterprise that makes America great. I applaud their hard work and dedication.

EXPRESSING SYMPATHY TO FAMILY, FRIENDS, AND COWORKERS OF VERONICA "RONI" BOWERS AND CHARITY BOWERS

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2001

Mr. PLATTS. Mr. Speaker, as we all are well aware, on the morning of April 20th a Peruvian Air Force fighter jet erroneously shot down a single engine Cessna owned and operated by the Association of Baptists for World Evangelism based in York County, Pennsylvania and located in my District. In so doing, one American missionary was severely injured and two were tragically killed.

I want to express my profound sympathy to James Bowers and his son Cory upon the tragic and untimely loss of their wife and mother, Veronica "Roni" Bowers and seven-month-old daughter Charity. I also want to express my sincere gratitude to the pilot of the plane Kevin Donaldson, who despite severely injuring both legs was able to land safely in the Amazon River.

In addition, I want to urge the Association of Baptists for World Evangelism (ABWE) to continue to pursue their critical outreach efforts in the Amazon region and around the world. As a matter of background, the ABWE supports 1,300 missionaries in 65 countries worldwide. The missionary group has worked in Peru since 1939 establishing Baptist churches, schools, camps, and centers for pregnant women, as well as providing medical care throughout the Peruvian Amazon. More than 8,000 churches in the U.S. and Canada contribute money to support the mission of the ABWE. But what makes ABWE's mission so successful are the countless American men, women, and families from all walks of life who willingly sacrifice their precious time and effort, and unfortunately sometimes their lives, to do God's work.

The untimely death of Roni and Charity Bowers has brought to the forefront a significant, but little known operation that takes place as part of our overall anti-drug policy. Since the mid 1980's, the Department of Defense has led an inter-agency air interdiction effort to close the "air bridge" between coca fields in the Andean region of Peru and Bolivia and the production facilities in Colombia. The idea was that the United States would provide intelligence and other assets to the host nations for the detection and elimination of drug smuggling operations, while staying out of the host nation's respective internal affairs and chain of command. Although an innovative approach to drug policy, this helping-hand policy is in obvious need of review, especially with respect to Peru.

Mr. Speaker, as you know, Section 1012 of the 1995 Defense Authorization Act requires that U.S. intelligence and related assets can only be used if the President determines whether drug smuggling comprise an "extraordinary threat to the national security of" the foreign country and that "that country has the appropriate procedures in place to protect against the innocent loss of life . . . which shall at a minimum include effective means to identify and warn an aircraft before the use of force" is authorized. After temporarily suspending air interdiction flights in early 1994, former President Clinton made the determination that Peru fulfilled Section 1012 requirements based on a serious deterioration of their national security at the hands of drug traffickers, as well as a comprehensive set of air interdiction procedures Peru adopted to protect against the innocent loss of life.

These straight-forward procedures include checking the flight plan of the observed aircraft, establishing radio communications, making visual contact to check the aircraft's registry and to give it visual instructions to land, getting permission to fire warning shots, then disabling shots and finally, when all else fails and the aircraft refuses to comply, then and only then can permission be granted to shoot down a civilian aircraft.

All reports indicate that on that fateful Friday morning, over the strenuous objection of U.S. personnel, Peruvian officials either moved too quickly through these procedures, or did not implement them fully. The result was that a bullet fired from a Peruvian Sukhoi—25 jet fighter passed through the fuselage of the tiny missionary plane, through the heart of Roni Bowers and into the head of baby Charity, killing both instantly. The air interdiction effort in Peru and the overall policy itself is mired in questions.

President Bush has requested $882 million for his Andean Regional Initiative in next year's budget. This program will substantially increase the investment in drug interdiction and eradication efforts in Peru and surrounding countries. Before Congress appropriates another dollar toward counter drug efforts in Peru, I believe it is imperative for us to review and rethink our interdiction policy. I urge Congress to look into tightening intercept procedures in drug trafficking areas, as well as strengthening the important role they have in the oversight of our drug policy.

The United States should not expend taxpayer dollars to provide intelligence to a country that apparently violates straight-forward, internationally recognized interception procedures. Every effort must be made in our interdiction policies and procedures to ensure against the innocent loss of life. We cannot undo the horrific personal tragedy that James and Cory Bowers have endured with the loss of their wife and daughter, mother and sister. We can, however, do our utmost as a nation to ensure that through procedural reforms of the interdiction program, this private tragedy is transformed into a public good, so that no other family will suffer a similar heartache and loss in the future.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. LOWEY. Mr. Speaker, today I rise in commemoration of the Armenian Genocide, a horrific event in world history that took the lives of 1.5 million Armenians and tore the Armenian nation from its historic homeland.

The Armenian Genocide, the first act of genocide in the twentieth century, is emblematic of the high human cost of senseless hatred and prejudice. I join my colleagues today, in solidarity with the Armenian-American community and with Armenians throughout the world, to commemorate this dark period in human history and to ensure we take to heart the lessons learned from this tragedy. The legacy of those who were lost must be our pledge to remember—and to prevent such an episode from happening again.

We have already learned the lessons of forgetting. The indifference of the world to human suffering and the slaughter of 1.5 million Armenians set the stage for the Holocaust, ethnic cleansing in Kosovo, and other tragic events of a massive scale. Today's commemoration comes too late for those who have already fallen victim to blind hatred. But we hope and pray that it is not too late for those in danger around the world.

As we recall the Armenian Genocide and mourn its victims, we renew our pledge to the Armenian nation to do everything we can to prevent further aggression, and we renew our commitment to ensuring that Armenians throughout the world can live free of threats to their existence and prosperity.

Unfortunately, we must still work toward this simple goal. Azerbaijan continues to blockade Armenia and Nagorno-Karabagh, denying the Armenian people the food, medicine, and other humanitarian assistance they need to lead secure, prosperous lives. The United States has taken a leadership role in trying to bring the blockade to an end and crafting a solution to this tragic conflict. As we look forward to a new round of proximity talks in June, we are filled with hope that this year we will see peace and stability in the Caucasus.

Mr. Speaker, the Armenian people have shown true resilience in confronting the many obstacles they have faced in the last century. From the ashes of the Genocide, Armenians have become a strong people, making great contributions throughout the world. In the words of Armenian-American author William Saroyan, "when two of them meet anywhere in the world, see if they will not create a New Armenia."

Mr. Speaker, I join my colleagues in hoping that we will soon see a "New Armenia," and in pledging to hasten its arrival.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. RUSH. Mr. Speaker, on rollcall vote No. 96, I inadvertently voted no. I am a cosponsor of H.R. 10, the Comprehensive Retirement Security and Pension Reform Act of 2001 and strongly support its enactment.

I ask unanimous consent that the RECORD reflect that my vote on final passage should have been "yea."

AN ARTISTIC DISCOVERY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to show my deepest appreciation for some of the most dedicated people I know. This last weekend, I held an art competition for high school students in the 5th Congressional District called "An Artistic Discovery". Eight schools and over 50 children participated in the competition, producing some of the most creative, innovative pieces of art I've ever seen. All of these future artists deserve to be recognized.

Today however, I rise to pay respect to the behind-the-scene heroes of "An Artistic Discovery"—the teachers. The dedication these teachers have for their students, art, and for teaching doesn't come from a textbook, or from years of experience. The pride that radiated from these teachers faces when their students stood next to their artwork came from deep inside their soul.

On this day, Teacher Appreciation Day, I would like to show my appreciation for the teachers who put so much work into making "An Artistic Discovery" a success. Several teachers helped to make this event possible, including: Karin Hughes from South Salem, Lynn Pass from West Linn, John Allgood from Gladstone, John Beck of Dallas, Judy Frohreich of Stayton, Wendy Edginton of Clackamas, John Widder of Tillamook, and Donna Hues of John F. Kennedy High School in Mt. Angel.

Without these teachers, their students would have missed out on the opportunity to display their wonderful artwork and we would have missed the chance to enjoy it.

IN HONOR OF FLORIDA TAX FREEDOM DAY 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. CRENSHAW. Mr. Speaker, starting today, the average hard-working Floridian starts to work for himself and his family.

Today is Florida's Tax Freedom Day. On average, for the last 128 days, Floridians have been working to earn the money they need to pay their federal, state, and local taxes. In other parts of the country, where state and local taxes are higher, Tax Freedom Day still hasn't come.

Mr. Speaker, last week we hit the American average—May 3 was National Tax Freedom Day. That means it takes 123 days for the average American to earn enough to pay their tax bills. Curiously, it only takes 106 days for them to earn enough to pay for their food, shelter, and clothing combined, proof of the fact that Americans pay more in taxes than for these necessities. In 1992, National Tax Freedom Day was nearly a whole month earlier—April 18. The hard-working, American taxpayers deserve a break!

Given the significance of the day, it is perhaps fitting that we are considering the budget conference report. That package includes $1.35 trillion in tax relief for all American taxpayers. With this tax relief, they can begin to earn for themselves a little sooner, and to plan for their priorities and their needs a little earlier.

In fact, current forecasts—under the assumption that there are no changes in the tax laws—have National Tax Freedom Day in 2011 falling on May 10. But, if the Bush tax relief package were passed, that date would be pulled back to May 5. In Washington terms, where we throw around numbers in the millions, billions, and trillions everyday, five days may not seem like much. But, to the family living paycheck to paycheck or trying to set aside a little bit in personal savings for the future, it means a lot.

It is in their honor, Mr. Speaker, that I am pleased to support efforts to let them keep more of their hard-earned money in their own homes, and to support the $1.35 trillion in tax relief in our Fiscal Year 2002 budget.

FORT OSAGE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the importance of Fort Osage as a landmark identified and later developed by Meriwether Lewis and William Clark during the voyage of the Corps of Discovery.

In June of 1804, the Corps of Discovery passed a high bluff on the Missouri River—which would later become Fort Osage in Jackson County, Missouri. Only four years later, Clark returned to initiate construction on a Fort and trading-house under the direction of the War Department. Clark noted "The River could be completely defended" and he deemed the "situation elegant."

Fort Osage (or Fort Clark as it was originally named) played an important role in the exploration and development of the West. Goods were traded with the Osage, Ayauway and Kansas tribes at this site for years to come. Fort Osage proved to be the single most profitable trading post of its kind in the United States and the territories. We are indebted to the legacy of the Fort and the people who lived, worked and defended the Fort. Their courage had a profound effect on the evolution of our nation.

As part of the Lewis and Clark Bicentennial Commemoration, Jackson County Parks and Recreation is proposing an innovative education center. The education center would showcase artifacts and exhibit the significance of the Missouri River. I believe this education center is a wonderful addition to the commemoration and will help visitors understand the significance of Fort Osage. It is the only site along the trail where Clark returned to develop a facility that fulfilled the goals of President Thomas Jefferson's dream of commerce and development with the west.

The significance of Fort Osage is not limited to Lewis and Clark. Both the Yellowstone Expedition and the Long Expedition visited the Fort in 1819. The Long Expedition brought the first steamboat, Western Engineer. Only years later, William Becknell arrived at Fort Osage, using the site as mile marker "0" for the Santa Fe trail, again distinguishing the importance of the Fort in relation to commerce in the west.

Due to the area's historical significance, the Fort Osage Education Center was proposed as part of the Lewis and Clark Bicentennial Commemoration. The Education Center was recently recognized by the Lewis and Clark Bicentennial Commission as the priority project in Missouri and I am honored to have this historical site in my district. I look forward to the events surrounding the bicentennial commemoration at Fort Osage and in other areas of the 6th District of Missouri. I join the Missouri Bicentennial Commission, the Missouri Department of Conservation and the United States Geological Survey in full support of the proposed Fort Osage Education Center.

RESOLUTION ON KALMYK SETTLEMENT IN AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution congratulating the Kalmyk people in the United States on the fiftieth anniversary of their settlement in this country. The resolution also encourages continuing scholarly and educational exchanges between the Russian Federation and the United States to encourage better understanding and appreciation of the Kalmyk people and their contributions to the history and culture of both countries.

The Kalmyks were originally an ethnic Mongolian nomadic people who have inhabited the Russian steppes for around 400 years. The present Kalmyk Republic of the Russian Federation is located north of the Caspian sea in southern Russia. During World War II, the Kalmyk people were one of the seven "punished peoples" exiled en masse by Stalin to "special settlements" in Siberia and Central Asia for allegedly collaborating with the Nazis. There were about 170,000 deportees. After World War II, several hundred Kalmyks who managed to escape the Soviet Union were held in Displaced Persons camps in Germany. For several years, they were not allowed to emigrate to the United States because of prejudice against their Mongolian ethnicity.

However, on July 28, 1951, the Attorney General of the United States issued a ruling which cleared the way for the Kalmyk people in the Displaced Persons camps in Germany to enter the United States. In the fifty years since their arrival, the Kalmyk emigres and their descendants have survived and prospered. Moreover, they are the first community of Tibetan Buddhists to settle in the United States. While adapting to much of America's diverse and modern culture, the Kalmyk have also sought to preserve their own unique traditions. Many continue to practice the Tibetan Buddhist religion.

Since the collapse of the Soviet Union, the Kalmyk community of the United States has been able to re-establish contact with the Kalmyk people in the Russian Federation. For the past ten years, a wide exchange has been developed between relatives, students and professionals.

Mr. Speaker, our country is so much richer for the presence of our Kalmyk-American citizens. I urge my colleagues to join me and my colleagues Mr. HOYER, Mr. PITTS, Mr. CARDIN, Mr. WAMP, and Mr. HASTINGS, in congratulating the Kalmyk-American community on the fiftieth anniversary of their settlement in the United States by cosponsoring and supporting this resolution.

IN HONOR OF THE MEMBERS OF THE STRATEGIC TECHNICAL DIRECTORATE COMMANDOS FAMILY TORRANCE, CA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. SANCHEZ. Mr. Speaker, today, I rise to pay tribute to a very extraordinary group of members who are being commemorated for the Presidential Unit Citation. These heroic members of the Strategic Technical Directorate Commandos Family passionately and diligently sacrificed their lives for "life, liberty, and the pursuit of happiness" for the people of Southeast Asia.

During the Vietnam War, the people of Southeast Asia and the fighting soldiers of the United States faced many challenges that jeopardized their lives. But in 1964, the Strategic Technical Directorate (the U.S. joint services command) was created to help the U.S. and Southeastern Asian soldiers to fight for freedom. The Strategic Technical Directorate included the best selected group of officers. The members showed their intelligence, commitment, and bravery in combat. They selflessly risked their own lives in hopeless situations to save others. For example, in 1974, the North Vietnamese Army attacked the city of Phuoc Long. 250 Airborne Rangers came to the rescue, but they faced brutal assaults from the North Vietnamese Army and lost contact with the Strategic Technical Directorate. After a four-day search, the Strategic Technical Directorate found only 50 percent of their surviving members in the city. Another example is during April 1975. The Strategic Technical Directorate's Special Missions Services went to the city of Phan Rang, where the North Vietnamese were attacking the city. 100 of their additional commandos were captured by the North Vietnamese Army. Then the remaining Strategic Technical Directorate units went to defend Saigon. By the final days of April, the North Vietnamese Army surrounded the capital. The Strategic Technical Directorate did not give up. 500 SMS commandos, the headquarters personnel, and the Liaison Service barged in and fought until capitulation on April 30. These two examples prove how the members of STD risked their lives and put 100 percent of their diligence and commitment in winning the freedom for Southeast Asia.

The members of the Strategic Technical Directorate Commandos Family will not be forgotten, but be remembered and honored, for their survival, courage, and dedication in fighting for "life, liberty, and the pursuit of happiness." They risked their lives to help the people of Southeast Asia because they were in danger and had their human rights taken away. I ask you to join me today in recognizing these heroic figures who proved to us the meaning of bravery and diligence.

VAISAKHI DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BURTON of Indiana. Mr. Speaker, the Sikhs recently celebrated their important holiday of Vaisakhi Day. It is the 302nd birthday of the Sikh Nation. On Vaisakhi Day in 1699, Guru Gobind Singh, the last of the Sikh gurus, formed the Khalsa Panth. He blessed them with the blessing "Raj Kare Ga Khalsa," which means, "the Khalsa shall rule."

The Sikhs consider Vaisakhi a very important holiday. It is effectively the Sikh national holiday. As this Vaisakhi Day passed, however, the Sikh Nation still lives in slavery.

Sikhs ruled Punjab from 1765 to 1849. They ran a secular state with religious tolerance. Sikhs, Muslims, and Hindus participated in the government. When the British vacated the subcontinent, the Sikhs were to receive sovereign power, but they were taken in by the false promises of Nehru and Gandhi that they would have freedom in Punjab. No Sikh representative has ever signed the Indian constitution, and many Sikhs are demanding their independence, as declared on October 7, 1987. Although they seek this peacefully, India considers anyone who speaks out for a separate Sikh state, called Khalistan, to be a "terrorist." Instead, it is India that has used the tools of terrorism.

A new report from the Movement Against State Repression shows that the Indian government holds, by its own admission, at least 52,268 political prisoners under the illegal and expired "Terrorist and Disruptive Activities Act," called TADA. Both the Movement Against State Repression and Amnesty International have confirmed that tens of thousands of political prisoners are being held without charge or trial. Some of them have been in jail since 1984. According to The Politics of Genocide by respected human-rights worker Inderjit Singh Jaijee, the Indian government since 1984 has murdered over 250,000 Sikhs. They join thousands of Christians, Muslims, Dalits, and others who have been killed at the hands of the Indian government.

In the spirit of Vaisakhi, the U.S. Congress should support freedom for the Sikh Nation and the other nations of South Asia who are seeking their sovereignty and independence. We must support a free and fair plebiscite in Punjab, Khalistan, on the question of independence and also plebiscites for Kashmir, as India promised in 1948, for Nagalim, and for all the nations living under Indian occupation. We should also cut off American aid until India learns to respect its own laws and the basic human rights of all people. Let the Sikhs, celebration of Vaisakhi remind us that the freedom is the birthright of all peoples and nations.

COUNCIL OF KHALISTAN,
Washington, DC, April 16, 2001.

OPEN LETTER TO THE SIKH NATION: POLITICAL PRISONERS SHOULD RUN IN ELECTIONS

FORM KHALSA RAJ PARTY, START A STANTMAI MORCHA TO FREE KHALISTAN

Several reports, including a recent one from Amnesty International, confirm that tens of thousands of Sikh political prisoners are being held in illegal detention in India without charge or trial. Democracies do not hold political prisoners, yet tens of thousands of political prisoners are being held in "the world's largest democracy."

Recently, 19 Members of the U.S. Congress wrote to President Bush asking him to get involved in the effort to secure freedom for these political prisoners. These political prisoners are being held for peaceful activities in support of a sovereign, independent Khalistan and/or activities in support of human rights. Some of these political prisoners have been held since 1984. We must secure their freedom.

Sovereignty is essential to the survival of the Sikh Nation. As long as we live under Indian rule, these political prisoners will continue to be held and we will all continue to live as slaves. The only way that Sikhs can live in freedom is to liberate our homeland. Self-determination is the right of all peoples and nations.

We must tell the Indian government that we demand our freedom. In order to do so, the political prisoners should run for Parliament and for the Legislative Assembly under the banner of the Khalsa Raj Party. The primary plank of the Khalsa Raj Party should be freedom for Khalistan. The Khalsa Panth must be prepared to pay any price, whatever it may be, to free ourselves from the occupation of the Indian government.

We must have a full and fair plebiscite on the status of Khalistan and we must launch a Shantmai Morcha to liberate Khalistan. If the political prisoners run for office, Sikhs will have someone to vote for who is committed to freedom. None of the current parties will make any effort to liberate Khalistan.

If the political prisoners will not run for office from their jail cells, then their family members should be given the Khalsa Raj Party ticket in the elections. We must have a real choice that will allow us to demand our freedom. Only then can our ve make any difference. Let us vote for a free Khalistan, not just for a change of faces among the oppressors.

Guru Gobind Singh Sahib gave sovereignty to the Khalsa Panth. "In Grieb Sikhan Ko Deon Patshahi", that is "Khalsa shall rule and is sovereign." Guru gave the Sikh Nation sovereignty. Nations that do not have sovereignty perish. Nations that do not have political power vanish from the face of the Earth. Sikhs are instructed to remain free always. It is time to reclaim freedom that is our birthright. In a free Khalistan Sikhs will enjoy freedom and respect the world over. For the survival of Sikh Nation, we must regain our lost sovereignty. It is our duty as Sikhs.

The present Akali government and its leadership is corrupt to its bone. The Akalis are in alliance with the militant Hindu fundamentalist BJP, which has recently been rocked by a corruption scandal as well. They are agents of the Indian government. They take their orders from Delhi rulers. They lie to the Sikh Nation. We must discard them now and replace them with a new committed, honest, pro-Khalsa Panth leadership.

As instructed by the Guru, Banda Singh Bahadar established the first Khalsa Raj in 17 10 after the complete destruction of city of Sirhand where the two younger sons of Guru Sahib were beheaded after immobilizing them in a wall. Sikhs regained political power in the second half of the 18th century and ruled Punjab until the mid-19th century. It was the Golden Age of Punjab. Under the rule of Maharajah Ranjit Singh, all the people living in Punjab shared power. Muslims, Hindus, and Christians were ministers in his government. The people of Punjab were treated equally and fairly. Justice was done without any prejudice to anyone. All citizens of Punjab were equal partners in the administration of Khalsa Raj. The same principle of justice, fairness, and equality will be the foundation stones of a soverign, independent Khalistan and Khalistan will be free from bribes.

In 1947, when India was divided, the cunning and deceitful Hindu leadership of Nehru and Gandhi promised that Sikhs would have the glow of freedom in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the transfer of power had occurred and India was free, those promises were broken. Instead, India began its effort to wipe out the Sikh people, the Sikh Nation, and the Sikh religion. The Home Ministry even sent a circular to the deputy commissioners of Punjab saying that Sikhs are "a criminal tribe" and should be carefully watched. Since independence, Sikhs have been persecuted, betrayed, robbed of their natural resources, and discriminated against. We must stand up against the oppressors and say enough is enough. We will no longer live under your oppressive regime.

Badal did not even fulfill the promises he made before the election. How can they call themselves an Akali government when more than 50,000 people have been tortured, murdered, declared unidentified, and cremated by the police? There is no accountability for them and no police official has been punished. How can they call themselves an Akali government when they have not punished Swaran Singh Ghotna, the murderer of Jathedar Gurdev Singh Kaunke, and the other police officers who kidnapped and murdered human-rights activist Jaswant Singh Khalra? With a Khalsa Raj Party and with the political prisoners elected, these people can be brought to justice.

In pursuit of its divide and rule strategy, the Indian government has murdered over 250,000 Sikhs in their effort to create fear psychosis and destroy the Sikh freedom movement. Tens of thousands of Sikh youth are being held as political prisoners without charge or trial. Recently, it has tried to set the Sikhs and the Kashmiri Muslims against each other by creating incidents between the communities. Over 20,000 people were murdered in Delhi alone after Indira Gandhi's assassination. So far, the perpetrators of these heinous crimes roam free in Delhi. The Khalsa Raj Party must demand accountability for the perpetrators of these atrocities.

After the Golden Temple attack in June 1984 by the Indian government it was clear to the Sikhs that the Indian government is determined to destroy Sikhism completely. The attack on the Golden Temple was conducted to crush the Sikh aspirations of Khalsa Raj. It doesn't matter whether Congress or the BJP runs the government. Former Indian Prime Minister Chandra Shekhar said that there is no difference between Congress and the BJP. He is right. The party label on the Hindu majority does not matter. Congress and BJP are equally anti-Sikh. Only a Khalsa Raj Party will work to break the cycle of tyranny and oppression.

Do you want to live as slaves and jeopardize the future of your children and your children's children, disobeying the Guru's order of Raj Kare Ga Khalsa, or do you want to free yourself from the slavery of the Indian government and enjoy the blessings and happiness of Guru by freeing Khalistan? Always remember that the Guru gave the Sikh Nation Charhdi Kala.

For the Charhdi Kala of the Khalsa Panth, let's join hands to form a Khalsa Raj Party to free our homeland, Khalistan. We pray and ask the blessing of the Guru to help us achieve the pious, God-given right to freedom for the Sikh Nation. The Khalsa Panth prays for the well being of the whole human race. We wish every human being in the world, including South Asia, well. We hope that the entire world will live in peace and freedom and let the Sikh Nation also flourish, prosper, and enjoy the glow of freedom in a free Khalistan.

Khalsa Ji, always remember "Khalsa Bagi Yan Badhshah" and "Raj Kare Ga Khalsa."

Sincerely,

DR. GURMIT SINGH AULAKCH,
President Council of Khalistan.

TRIBUTE TO MS. PAT SHIELDS

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SHOWS. Mr. Speaker, I rise today to honor a distinguished woman from Mississippi, Ms. Pat Shields. It is my great privilege to share with my colleagues in Congress her many attributes and noteworthy career as a civilian employee in the United States Army.

For thirty years Ms. Shields has been a model of dedication, compassion and service in the United States Army. The Ole Miss community quickly learned how lucky they were to make her acquaintance 27 years ago, when she came to work with their ROTC program. With a smile on her face and a remarkably thoughtful attention to detail, Mrs. Shields has worked with over 8,000 students to help them realize their dreams. Her assistance has resulted in the commission of over 500 cadets to the U.S. Army and Mississippi National Guard.

As Ms. Shields prepares to retire, I have been overwhelmed by the number of people who say their lives have been touched by her presence. The Ole Miss community has both deep regret and fond wishes for her departure. They know though, as do her children, David, Don, and Lisa, and her granddaughter, Elizabeth Ann, that no woman is more deserving of an enjoyable retirement than Pat Shields.

Mr. Speaker, I ask my colleagues to rise with me in commending Pat Shields for her fine service to this nation. It is both a pleasure and a privilege to recognize such a true southern lady from our great state of Mississippi.

HONORING DR. JOSEPH S. BAILES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor my constituent, Dr. Joseph S. Bailes, on the occasion of an event on May 12, 2001, in San Francisco, California by the National Coalition for Cancer Survivorship honoring him and the American Society of Clinical Oncology.

There is scarcely a person among us who has not been touched by cancer. This disease—actually more than a hundred different diseases—is one of the greatest public health challenges we face in this country, particularly as our population ages and thus becomes more susceptible to cancer. If we are to meet this challenge, if we are to take full advantage of the many opportunities presented by the exciting discoveries of basic science in recent years, and if we are to fulfill the promise of quality cancer care for all our citizens, it will require visionary and energetic leadership. That kind of leadership has been provided for more than a decade by my friend and constituent, Dr. Joseph S. Bailes. Dr. Bailes is currently the Executive Vice President of Clinical Affairs at US Oncology, the largest private oncology practice in the United States.

Dr. Bailes has recently completed more than a decade of service to the American Society of Clinical Oncology (ASCO), which is the leading medical professional society for physicians involved in cancer treatment and research. Under the public policy guidance of Joe Bailes, ASCO has been involved in almost all significant legislative and regulatory initiatives during this past decade of great change in the health care delivery system generally and in cancer care specifically.

During Dr. Bailes' long tenure as Chair of ASCO's Clinical Practice Committee, he was confronted with various challenges, each of which posed a threat to quality cancer care. Among these were practices of third-party payers to deny payment for cancer drugs when used for cancers not specifically approved by the Food and Drug Administration; the refusal of Medicare to cover the cost of oral anticancer drugs; and the uncertainty of payment of routine patient care costs for cancer patients enrolled in clinical trials. Thanks to Dr. Bailes' leadership, these issues are now favorably resolved or on their way to a favorable resolution that will be supportive of people with cancer.

Dr. Bailes also served as President of ASCO, the first in more than 20 years to be elected as a community oncologist rather than an academic. His election reflected widespread recognition within the cancer community of Dr. Bailes' important and diverse contributions to oncology beyond considerations of reimbursement or coverage for the private physician. His voice has been a powerful one for everybody with cancer, as well as for the professionals who care for them.

Aside from these public policy activities, I also commend Dr. Bailes for his dedication and skill as a physician who cares for individual patients in a thoughtful and compassionate manner. In fact, Dr. Bailes has successfully treated members of my own family for cancer-related illnesses and I am grateful for his dedicated service to patients in the Houston area. I know no one better at cancer diagnosis and treatment than Dr. Bailes, and his motivation is not public acclaim but the welfare of his patients. This is the ideal we expect of all our doctors.

This May Dr. Bailes will be recognized and honored by the National Coalition for Cancer Survivorship (NCC), the largest national organization advocating on behalf of people with all kinds of cancer. The occasion will be the 37th Annual meeting of ASCO in San Francisco, where colleagues from all over the world will assemble to hear the latest developments in cancer prevention, diagnosis, and treatment. It is fitting that Dr. Bailes will be individually honored in this impressive context.

Mr. Speaker, I congratulate Dr. Bailes on his many years of service in the fight against cancer and for his many achievements. He is an inspiration to all advocates against cancer, whether they are patients or former patients, parents or friends of cancer patients, the physicians or other health professionals who treat them, or the research organizations that seek improved cancer therapies.

RECOGNIZING THE 25TH ANNIVERSARY OF THE MAINE ADMINISTRATORS OF SERVICES FOR CHILDREN WITH DISABILITIES

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BALDACCI. Mr. Speaker, I rise today to recognize the 25th Anniversary of the Maine Administrators of Services for Children with Disabilities, or MADSEC. MADSEC has been a leader in the provision of educational and support services to children with disabilities in Maine since 1976. In that time, Maine has developed a model program which benefits the children of my state in many ways.

Maine was unique among several states in the development of special education services. From its earliest days, MADSEC has maintained an open and positive working relationship with the Maine Department of Education's Special Services Division. By collaborating with the state agency, MADSEC has been able to help effectively address concerns, issues, and complaints in a productive manner which eventually helps all parties involved find a reasonable outcome.

In addition to its problem-solving function, MADSEC has been a joint-sponsor of several successful Professional Development training opportunities for administrators, teachers, and support staff. The "Select Seminars" offered by MADSEC and the Special Services Division are intensive work sessions which focus professional attention and problem-solving skills on some of the most troublesome issues in the special education arena.

MADSEC also publishes a professional journal for special education administrators and staff which has provided consistent information and commentary on many issues. Members can access a website for instant information, professional resources, and the latest news in the field.

On a national level, MADSEC sponsors the annual Maine Director's Academy, a professional development and policy study event for special education administrators from across the country. Special educators from more than 30 states and Canadian Provinces have attended in the Academy's 20-year history, and the Academy has been recognized by several national professional organizations.

I am proud to bring the anniversary of this important organization to the attention of Congress here today. The children of Maine and the nation have benefitted greatly from the leadership provided by MADSEC over the last 25 years. I look forward to continuing advances in special education administration and technology that groups such as MADSEC will facilitate. Children with disabilities must not be forgotten or allowed to fall behind. For the last 25 years, members of the Maine Administrators of Services for Children with Disabilities have worked to ensure such children get every chance they can to succeed. I thank them for a quarter-century of fine work, and look forward to their next 25 years.

HONORING WESTERN STATE COLLEGE GRADUATES, RICHARD AND GRACE NUGENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate two Western State College graduates. Richard and Grace Nugent will graduate in May with degrees in art and English. But they are not your typical grads. Richard is going on 69 and Grace will soon turn 64 years old.

Richard and Grace have been students at WSC since 1998. Grace attended college for the first time, while Richard is finishing his education, which was cut short in the 1950's. "We've always had some kind of goal—some kind of plan we were working towards," Grace said in a recent Denver Post article. "A lot of people our age figure they're done. We continually have something to look forward to."

Richard and Grace had been operating a bed and breakfast in Crawford, Colorado when they decided they needed a new challenge. They were not your ordinary nontraditional students. Instead of just attending classes, Richard and Grace decided to immerse themselves in the college experience. They moved into the dorms, ate college food and hit the hot college hang outs on Friday nights. "They blend in well. They seem to belong," said Robert Sewell, a student who works out with Richard.

"This is so great," Richard said. "Have you ever been in nursing homes? They're just sitting there. But look around here, there is life here." After graduation, Richard and Grace will start their new careers as English teachers in China.

Mr. Speaker, it is great to see two people so far along in life return to their youth. I want to congratulate Richard and Grace Nugent on their graduation and wish them all the best teaching English in China. I know they will put forth the same effort and enthusiasm with their new career as they did in college.

Richard and Grace, job well done!

TRIBUTE TO ENSIGN RICHARD J. BENSING

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Florida. Mr. Speaker, I rise to honor Ensign Richard J. Bensing, a member of the U.S. Navy EP–3 aircraft crew who was detained on the island of Hainan, China, last month following their harrowing collision with a Chinese F–8 fighter.

Yesterday, I had the pleasure of joining more than 200 people in welcoming Ensign Bensing back to his alma mater, Brandon High School, in my hometown of Hillsborough County, Florida. The crowd packed in the school's auditorium was evidence of the impact that last month's incident had on citizens across America.

The ordeal that Ensign Bensing endured may have occurred halfway around the world, but it captured the minds and hearts of the entire nation. The flight, and the eleven long days following, reminded us of the great risk that our men and women in uniform take every day to keep our nation free. Our service men and women, wherever they are stationed, represent the best of our country—they are our nation's sons and daughters. We can never take their sacrifice for granted, and in this case, we should be extremely grateful that Richard and the entire crew returned home safely.

I would like to commend Richard Bensing and all of his fellow crew members for the extraordinary dedication and professionalism they demonstrated throughout their ordeal. By your example, you have made us proud to be Americans. We are glad to have you home.

REINSURANCE TAX EQUITY ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am joining my colleague, Representative NANCY JOHNSON, in introducing legislation to put an end to the Bermuda reinsurance tax loophole.

During the past few years, several Bermuda-based companies have either acquired a U.S. property-casualty insurer, or U.S. reinsurers have relocated to Bermuda. One reason for these actions was to allow insurers to avoid U.S. income tax on investment income by reinsuring their U.S. owned subsidiaries' reserves to a parent located in a tax haven such as Bermuda, which has no income tax. It works like this: the company pays a one-time I percent federal excise tax to reinsure offshore, and in return, the foreign reinsurer earns tax-free investment income on the transferred reserves for as long as they are held offshore. By escaping all U.S. income tax on investment income, these companies can have up to a ten percent pricing advantage over U.S. taxpaying companies in the U.S. in the "long-tail" insurance marketplace.

Mr. Speaker, such an advantage for some foreign companies over U.S. owned companies is patently unfair and should be eliminated immediately. Our legislation solves the problem by deferring the deduction for reinsurance premiums until the loss is paid in recognition that the primary insurance covers U.S. business risk. Again, this would only apply when reinsurance to parent companies in tax havens is used. Of course, these companies would have the option of being taxed like a U.S. company and thereby avoid this provision.

This is not a trade issue, as some would like to make it. The purpose of reinsurance is to enable property-casualty companies to spread risk among several companies. The practice of reinsurance allows greater access to insurance for consumers, promotes solvency in the marketplace, and helps ensure claims are paid to customers. But this is not the true purpose of the transactions affected by this bill. In these cases, reinsurance is written between related parties—a U.S. subsidiary cedes U.S. business to its foreign based parent—to obtain a tax benefit. No risk has been spread in this transaction, the company is simply moving money from one pocket to another pocket within the same corporate entity.

Mr. Speaker, this is clearly a very technical issue, but that should not stop Congress from moving quickly to shut down this loophole. If we do not stop this practice, other U.S. companies will be forced to relocate to Bermuda, or be bought by a Bermuda based parent, in order to stay competitive. This, in turn, will result in a significant reduction in U.S. corporate tax payments, and has implications not only for the property casualty business but also for affiliated corporations, especially life insurance companies, who could in theory benefit from this loophole.

Mr. Speaker, this may be simply one issue in a series of issues that may need to be addressed by Congress. For example, there is another, separate issue, emerging involving hedge funds and Bermuda insurance companies. When U.S. taxpayers invest in hedge funds, they pay taxes each year on realized profits, usually at the ordinary income tax rate. However, if they invest in shares of an offshore reinsurance company in a tax haven country like Bermuda, they pay nothing on trading profits until they sell shares of the company and those profits are taxed at the capital gains rate. Congress has taken the position several times over the past few years that investors should not get better tax treatment by investing indirectly than they would have gotten if they had made a direct investment in an asset. To quote one article, "The Bermuda reinsurance game is a thing of beauty. High-net-worth investors get the double tax advantage of investing in a Bermuda insurance company while literally capitalizing on hedge fund returns. Institutional investors that might be prohibited from investing directly in hedge funds can do so through an insurance company . . . You are effectively taking U.S. assets and moving them offshore. . . ."

Mr. Speaker, I believe we need to look generally at these issues. However, the matter at hand is one specific transaction that has been studied for a year at the Treasury Department, and it is time to either create fair competition for U.S. businesses, or declare that the U.S. government does not care if U.S. tax laws give a competitive advantage to foreign companies doing business in the United States.

BASE-SPONSORED VIOLENCE PREVENTION WEEK

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GRUCCI. Mr. Speaker, I rise today to honor the work and dedication of literally thousands of students, parents, teachers, school districts and officials of government from New York's First Congressional District who come together to promote and participate in the first annual Violence Prevention Week, May 1–7, 2001.

BASE, or Building A Safe Environment, is a grassroots community awareness group founded by Janine Giordano and Tracie Jedlicka.

BASE reached across to 11 school districts and communities to encourage children to be better people, more caring and considerate to one another, and active participants in making their neighborhoods a better place.

As the former Town Supervisor of Brookhaven, I worked with BASE on this worthwhile and important initiative.

Young people and community groups throughout the First District of New York and Suffolk County expressed their support by displaying lavender ribbons, creating banners and signs marking Violence Prevention Week, and held community meetings and student assemblies.

BASE's goal could have only been achieved through the hard work and support of many volunteers, parents, students, schools and government officials. These schools and groups include:

Miller Place, Rocky Point, Shoreham-Wading River, Comsewogue, Sachem, Longwood, Middle Country, Patchogue-Medord, Bellport, Bayport-Bluepoint and Commack, the North Shore Youth Council, Brookhaven Town and Suffolk County.

Mr. Speaker, I want to add my voice and that of the First Congressional District of New York in congratulating the fine work of BASE and all those who participated in making Violence Prevention Week in Suffolk County a success.

ACHIEVING POLITICAL STABILITY AND BALANCE IN HAITI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. LEE. Mr. Speaker, on the heels of a successful OAS summit in Quebec, Canada, Haiti President Jean Bertrand Aristide has redoubled his personal efforts to include all parties in achieving political stability and balance in Haiti. In an effort to achieve this objective, on his return from the Summit, President Aristide, publicly stated, "This is the hour of dialogue, this is the hour of consultation, this is the hour of consensus, this is the hour of compromise. Our arms are open to receive all our citizens in mutual respect to continue to find those essential solutions for democratic growth."

Putting words into action, the President invited all opposition groups, as well as members of the private sector and civil society to meet with him at the National Palace on May 2, 2001 to "promote transparency and expand the dialogue toward a solution to the crisis resulting from the 2000 election."

Although 12 opposition groups accepted the invitation to the meeting, one of the opposition groups known as Convergence continues to refuse to meet and talk with the President. President Aristide invited Convergence representatives to meet at the Presidential Palace and work towards solutions in Haiti's remaining political and election issues. Despite this personal invitation and the President's demonstrated intention and willingness to work with all groups to establish the strongest possible democracy in Haiti, Convergence continues to refuse to participate.

President Aristide's efforts in this regard are consistent with his stated commitment to resolve this electoral situation as quickly as possible, and to get on with the governing of Haiti. In addition, the President's actions affirm his commitment made to President Bush and others to quickly resolve any remaining election issues in a fair and open manner that recognizes and protects the decisions already made by Haiti's voters.

TRIBUTE TO THE LATE JACK L. ROMANO

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Florida. Mr. Speaker, today I would like to pay tribute to Jack L. Romano, a great leader in the Tampa Bay community, who recently lost his valiant battle with cancer at age 62.

Jack was known in Tampa for his selfless and tireless efforts on behalf of countless local charities and community organizations. Jack Romano lived his life to the fullest, always looking for ways to give back to his home. Whether he was volunteering as president of the Southwest Florida Blood Bank, or on the board of the Gulf Ridge Council of Boy Scouts, the Greater Tampa Chamber of Commerce, Ye Mystic Krewe of Gasparilla or the Tampa Museum of Art, Jack gave 110 percent. Jack didn't know the meaning of "halfway." His talent and dedication touched virtually every facet of our community and his limitless good deeds will continue to inspire others to follow his example.

Jack's character was equally inspiring. His kindness was always evident in his broad smile and his welcoming handshake. He never came upon a stranger, and he treated everyone he encountered with respect and appreciation. Jack Romano was truly a gentleman in the finest sense of the word. In business, family and community, Jack was loved and respected.

Today, I would like to thank Jack Romano for dedicating his life to making Tampa and Hillsborough County a better place to live and work, and extend heartfelt sympathies on behalf of our entire community to the Romano family for their loss. Jack's departure is very much our loss too.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. SMITH of Washington. Mr. Speaker, due to the cancellation of my flight to Washington from my Congressional District on May 1, I missed the following 2 rollcall votes:

Rollcall No. 90, on H. Con. Res. 91, "Recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism," which passed the House 418–1. Had I been present, I would have voted "yea."

Rollcall No. 91 on H. Con. Res. 95, "Supporting a National Charter Schools Week," which passed the House 404–6 with 7 voting present. Had I been present, I would have voted "yea."

IN RECOGNITION OF KRISTIN DEVAUL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mrs. CAPITO. Mr. Speaker, I come before you today to honor Kristin DeVaul of Mannington, West Virginia. Kristin has accomplished a most amazing feat, of perfect attendance, through the first 13 years of her education, from kindergarten all the way through high school.

North Marion High School is lucky to have such an outstanding student who is committed, to what she believes. Kristin, by attending every day, through sickness, conflict, and affliction, has shown that she truly believes in the importance of an education, and recognizes at an age when not all others do, the value of being educated. It is students like Kristin that make the fight for better educational standards worthwhile.

Marion County, West Virginia is home to a person with an amazing will to accomplish what she sets her mind to, and she will undoubtedly succeed in life with the strong resolve that she possesses. I would like to extend my congratulations for a job well done, and for an outstanding commitment to education!

TRIBUTE TO REVEREND DR. RONALD DURHAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special and dedicated person, Reverend Dr. L. Ronald Durham, who celebrated his 10th Pastoral Anniversary at First Mount Zion Baptist Church in my home city of Newark, New Jersey. Friends gathered on Friday, May 4th, in New Jersey to mark this milestone and to express appreciation for Reverend Dr. Durham's dynamic leadership.

Reverend Dr. Ronald Durham began his ministry at the age of 17. After studying at Shaw University in Raleigh, North Carolina on full scholarship, he received his Bachelor's Degree in Theology from Evangel Christian University in Louisiana. He holds his Masters of Theology Degree from United Christian Seminary, as well as a Doctor of Divinity and Doctor of Christian Ministry. Dr. Durham was also given an Honorary Doctor of Sacred Theology Degree from the American Bible Institute in Falls Church, Virginia. After 16 years of faithful service to First Baptist Church of Anderson, North Carolina, Dr. Durham joined First Mt. Zion in April of 1991. First Mt. Zion's historical background inspired him to write his Doctoral Thesis entitled "The History of the Black Baptist Church in New Jersey." During his ten years at First Mt. Zion, Pastor Durham has had many notable achievements. Inspired by the recovery story of a good friend, Pastor Durham established the "21 Club," a Drug and Alcohol Education Program in Newark, New Jersey. He has been recognized by the City of Newark on several occasions for his outstanding community service. He initiated the Federal "Weed and Seed" program for Newark, which continues to bring millions of Federal dollars into the city to combat illegal drugs and restore Newark's communities. Other outstanding achievements under his inspirational leadership include: restoration of the 123-year-old sanctuary; purchasing of a church van and bus; refurbishing of a three-family property; and establishment of a stock investment program with Merrill Lynch. He has established the Inspirational Choir, Sanctuary Choir, Community Outreach Ministry; a new Youth Ministry, the Women's Support Ministry, Mother Board, Prayer Band, and the First Mt. Zion Theological Institute. He has worked to promote economic growth among African Americans. Dr. Durham led a group of 75 churches to purchase a 42-acre campground in Pennsylvania. In addition, Dr. Durham recently authored his first book entitled The Secret Power of Prayer, and he writes quarterly lessons entitled the Baptist Layman, a publication of the National Baptist Convention. He is a seminar leader for the National Baptist Congress of Christian Education. He serves as confidant and teacher to pastors and preachers all over the United States through his Internet ministry.

Mr. Speaker, let us offer our congratulations on this special occasion and send our best wishes for continued success to Reverend Dr. Ronald Durham as he pursues his important spiritual mission.

A SPECIAL TRIBUTE TO MRS. MARY LOU KUHLMAN ON NATIONAL TEACHER'S DAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to recognize National Teacher's Day and to pay tribute to a very special teacher who has touched many lives. Seldom do we acknowledge the importance of the job or the depth of a teacher's commitment to our children. While many people spend their lives building careers, teachers spend their careers building lives. For this they deserve our support, praise and gratitude.

One teacher in particular deserves special recognition on National Teacher's Day, Mrs. Mary Lou Kuhlman. After 35 years of touching the lives of countless children she will be retiring. This is a true loss for my district and the state of Ohio. The children she has taught will become our future leaders, scientists, and teachers.

Mrs. Kuhlman's long and distinguished career began in the same district where she continues to teach today. A graduate of the Glandorf High School in 1960, she currently teaches at Glandorf Elementary School. She holds a degree from Mary Manse College in Toledo and has completed graduate work at Bowling Green State University. The Martha Holden Jennings Foundation honored Mrs. Kuhlman by naming her a Scholar in 1982. The Foundation seeks to give students a greater opportunity to succeed and to empower teachers. Not only is Mrs. Kuhlman a remarkable teacher, but also greatly involved in countless religious and community service organizations.

Year after year professionals dedicate their lives to the future of America. There is no more important or challenging job than that of our nation's teachers. The job of a teacher is to open a child's mind to the magic of ideas, knowledge, and dreams. Also, teachers are true guardians of the American democracy by instilling a sense of citizenship in the children they teach. Teachers not only educate but also act as listeners, facilitators, role models, and mentors, encouraging our children to reach further than they would have thought possible. Teachers continue to influence us long after our school days are only memories.

Mr. Speaker, I believe that Mrs. Kulman's own words ring true on this very special day, "Teaching has always been rewarding, satisfying, and enjoyable. Children are our most important asset. I feel so fulfilled when I can make a difference in a child's life and improve their situation."

CINCO DE MAYO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BONIOR. Mr. Speaker, this past weekend Mexican-Americans joined our neighbor to the South in celebrating a day dedicated to the recognition of a successful fight for freedom. In Detroit, the Latino community gathered together to celebrate Cinco de Mayo and I want to recognize the Bagley Housing Association, the Mexican Patriotic Committee of Detroit, the El Central newspaper, and the Mexican Town Community Development Corporation for making that celebration possible. Cinco de Mayo is a story of unity, of strength, of faith, and of a country's ability to overcome insurmountable odds.

On May 5, 1862, in the town of Puebla, Mexican General Ignacio Zaragoza led a hastily gathered group of forces to the defeat of the French army, which had not faced defeat in over 50 years. The French outnumbered the Mexican forces by at least two to one and had some of the most superior military training the world had ever seen. Despite all this, the might and spirit of the Mexican people prevailed. After this embarrassing defeat, the French army retreated and took another full year to prepare before they finally took Mexico City. However, Mexican resistance to the French occupation and increasing pressure from the United States forced the French to withdraw after only 3 years.

The battle that took place on Cinco de Mayo was primarily a battle for freedom. However, I believe that this important day has come to symbolize not only the fight for freedom, but the fight for justice as well.

The growing Latino population in Michigan and in the United States enriches our culture in many ways. One can see the Latino influence in our music, our food, our language, and our art. Their commitment both to their faith and their family is a proud heritage. Because Latinos have contributed so much to this country, we must fight to protect the rights of Latino citizens and all Latinos in this country. We must continue this struggle for justice in our workplaces, in our schools, and in our communities because, in the words of Benito Juarez, "sooner or later the cause of rights and justice will triumph."

Just as those brave Mexican soldiers overcame overwhelming odds to defeat the French army in 1862, I believe that our Latino population will use their strength, unity, and faith to overcome any obstacle. We must all work together to stop English-only, anti-immigrant, and anti-affirmative action laws. In recognition of this Cinco de Mayo, let us all remember and be inspired by Cesar Chavez who said, "Once social change begins, it cannot be reversed. You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore."

MISSOURI TEACHERS OF THE YEAR

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. AKIN. Mr. Speaker, I rise today in recognition of the "Teachers of the Year" selected in the Second Congressional District of Missouri for their outstanding efforts to educate our children.

A quality education is critical to a child's future. Without good education, a child has no future. Together with parenting and faith, education literally defines a child's future. Among all school-based factors, teacher quality is the most important; that some teachers are much more effective than others with similar students; and that teacher quality may specially affect the achievement of disadvantaged students.

The teachers I rise to commend here today are individuals who have made and are making a difference in the lives of children and in their communities. Quality teachers provide experience, patience, diligence and understanding to the classroom.

In conjunction with National Teacher Appreciation Day, I would like to commend the following teachers who have been recognized by their colleagues for their contributions to education.

FRANCIS HOWELL SCHOOL DISTRICT

Michele Cash, Becky Henkey, Donna McCarrison, Bev Lamunion, Kim Nelson, Molly Hamer, Luanne Heggs, Dave Spies, Vicki Readenour, Michelle Dawson, Dusty Wall, Sandi Lauer, Brenda Kaiser, Sharon O'Donnell, Ray Zahra, Mary Duchek, and Sue Frain.

CHAMINADE MIDDLE SCHOOL

Stephen M. Fink.

JOHN F. KENNEDY HIGH SCHOOL

Chuck Chiodini.

NERINX HALL

Jeffrey Scott Maynard.

URSULINE ACADEMY

Joann Quinn.

LADUE SCHOOL DISTRICT

Sandra Baldwin.

VALLEY PARK HIGH SCHOOL

Bill Hepper.

PARKWAY SCHOOL DISTRICT

Judy Adams, Donna Lohman, Carol Littlefield, Kay Cosgrove, Ruth Brooks, Patricia Paap, Don Furjes, Jacqueline B. Fleck, Linda Favero, Sharon Gaal, Jan Shayne, Jeannine Lueken, Jo Linda Cohen, Lois Copeland, Mary Bumpus, Kathy Preston, Linda Duke, Beth Tucker, Raynard Brown, Elsis Rafferty, Vicky Stricklin, Teresa Schulz, Elmer Kellman, Laurie Morton, Michael Dulick, Robert Walton, and Mike Pratte.

ROCKWOOD SCHOOL DISTRICT

Alison Leibach, Coleen Hulcer, Karen Huber, Kerri Schiavone, Dottie Fundakowski, Sandy Schmucker, Diane Werges, Rebel Falcone, Jan McVicar, Larie Kembitzky, Sandy Kast, Stefanie Steffan, Mary Biere, Elizabeth Bickel, Diane Alonzo, Sherri Owens, Sally Allen Susan Duke, Helen Youngwith, Kevin McColgan, Cindy Hefling, Nancy McGennis, Katie Nease, Susan Christie, Carolyn Baremore, Terri Myers, Michele Rodgers, Jim Cary, and Christine Heerlein.

HAZELWOOD SCHOOL DISTRICT

Angela Selinger, Pam Ogborn, Steve Boemer, Diane Manley, Carolyn Jordan, April Ernst, Linda Goedeker, Lisa McPherson, Jill Metzger, Mary Fridley, Christy Zwenger, Cathy Grindler, Amy Dittmar, Amy Cavato, Kristi Alvord, Brenda Rone, Susan Baker, Susan Schneider, Liz Tabaka, Sandi Grogan, Kyra Haigh, Nicole Pena, Leslie Vaughan, Veronica Clare Lorsbach, Sharon Proffitt, Cathy Fuhr, Carrie Ziolkowski, and Kathy Costello.

PATTONVILLE SCHOOL DISTRICT

Janice Majka, Kerry Brown, and Dee Uebel.

RECOGNIZING MR. STEVEN ENGELHAUPT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. TIBERI. Mr. Speaker, I would like to congratulate and honor a young Ohio student from my district who has achieved national recognition for exemplary volunteer service in his community. Steven Engelhaupt of Dublin, has been named as one of my state's top honorees in The 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Engelhaupt is being recognized for providing, over the past three years, new toys to thousands of children in central Ohio through the Firefighters for Kids toy drive in Columbus. He began the project by collecting used toys and repairing and cleaning them for resale. The cash Mr. Engelhaupt received was then used to purchase new toys which were given to needy children. To date, his efforts have generated over $24,000 in cash and additional in-kind contributions.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. Mr. Engelhaupt should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Mr. Engelhaupt for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THANKS TO OUR TEACHERS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. MORAN of Kansas. Mr. Speaker, I rise to recognize our nation's exceptional teachers. Today, as part of National Teacher Day and Teacher Appreciation Week, The National Teachers Hall of Fame will announce their 2001 inductees. Congratulations to this year's inductees: Ronald Foreso, Dr. Emiel Hamberlin, Mitsuye Conover, James Quinlan, and Ellen Kempler, for their hard work and dedication to our nation's students.

The mission of The National Teachers Hall of Fame, located in Emporia, Kansas, is to recognize and honor exceptional teachers and the teaching profession. As part of this mission, The National Teachers Hall of Fame sponsors an annual teacher recognition program open to all K–12 teachers throughout the country. For the past 10 years, The National Teachers Hall of Fame has provided a fitting tribute to our nation's most important profession. On June 23, the Hall of Fame will induct its 10th class and welcome many of the 45 NTHF members back to Emporia to celebrate a 10-year reunion.

I would also like to recognize all educators for their contributions to our communities—and to thank those special teachers who have made a difference in my life. Thank you Mrs. Bailey, Mrs. Pruter, and Mr. McCauley and all the others who educated me with facts and figures and instilled in me a love of learning.

Few other professionals touch so many people in such a lasting way. Teachers fill many roles, as listeners, explorers, role models, motivators, and mentors. Educators make a difference in each of our lives. Today, and everyday, I would like to say thank you.

HONORING AVALON FIRE CHIEF JACK T. GOSLIN ON HIS RETIREMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Ms. HARMAN. Mr. Speaker, I would like to pay tribute today to Jack T. Goslin, who will be retiring as the City of Avalon Fire Chief on May 31st. Chief Goslin began his career 43 years ago as a firefighter in the United States Air Force and has served the City of Avalon for over 39½ years. Significantly, Chief Goslin is the longest serving fire chief in Los Angeles County history.

His length of service to Avalon and his love for the seaside town is unmatched. He will be missed but not forgotten by all of those friends and colleagues who will gather on May 15th to wish him the very best for a long, active and healthy retirement. I join the citizens of Avalon in wishing Chief Goslin well. He has served the community with honor and distinction and a tenure that will likely be unsurpassed.

250TH ANNIVERSARY OF PENNSYLVANIA HOSPITAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BORSKI. Mr. Speaker, I rise today to acknowledge the 250th anniversary of Pennsylvania Hospital.

Founded in Philadelphia in 1751 by Benjamin Franklin and Thomas Bond, Pennsylvania Hospital was responsible for more than 40 "firsts" in American Medicine. These include the first medical library, the first facility to treat mental illness, and the first hospital to offer free medical services to the indigent.

Pennsylvania Hospital continues to be a leader in health care. The talented physicians and staff at Pennsylvania Hospital are on the cutting edge of innovation in the areas of orthopedics, otorhinolaryngology, and urology, as well as other specialties.

Pennsylvania Hospital is particularly known for its obstetrics program, especially high-risk maternal and fetal services, neonatology, neuroscience and behavior health.

I am very proud to have such a successful and well-respected institution within my Congressional District. I congratulate Pennsylvania Hospital on its 250th Anniversary and extend my best wishes for the future of this fine hospital.

THE ADLER PLANETARIUM MARKS THE 40TH ANNIVERSARY OF ALAN SHEPARD'S HISTORIC FLIGHT WITH A NEW EXHIBIT MAY 8, 2001

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge all Americans join with me in congratulating and commending the Adler Planetarium & Astronomy Museum as they mark the 40th anniversary of Alan Shepard's historic space flight in the Freedom 7 Mercury capsule on May 5, 1961. This flight and that of Yuri Gagarin, the Soviet cosmonaut whose flight preceded Shepard's by three weeks, set in motion the race with the Soviet Union for dominance in space exploration. These successes set a course that would eventually result in the landing of a man on the moon in 1969.

As part of its new Space Millennium Project, the Adler Planetarium & Astronomy Museum will honor and commemorate the outstanding achievements of the American space program by opening the Dawn of the Space Age exhibit on May 10, 2001. The intriguing saga of the early years of American space exploration is retraced using original NASA prototype rocket models from the Dr. Robert R. Gilruth collection and historic oil paintings by artist Chesley Bonestell.

Dr. Gilruth was the director of NASA's Manned Spacecraft Center in Houston from 1961 to 1972. During his tenure, he directed 25 manned space flights, including Alan Shepard's first Mercury flight, the first lunar landing by Apollo 11 in July 1969, the dramatic rescue of Apollo 13 in 1970, through the Apollo 15 mission in July 1971. Mr. Bonestell's work has been a stimulus to generations of astronomers, physicists, engineers and others who were inspired by his artistry to pursue work in the space program and aeronautics industry.

Mr. Speaker, the last 40 years have seen remarkable changes in space exploration. NASA continues its dominance in space exploration, pushing the boundaries of human knowledge, challenging our most basic understanding of the universe, most recently with the construction of the International Space Station. The Adler Planetarium & Astronomy Museum continues to educate the American public about space exploration and NASA's accomplishments through their innovative programs and exhibits.

FULL EQUITY FOR AMERICANS ABROAD ACT, H.R. 1745

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing the Full Equity for Americans Abroad Act, which I request to be inserted and printed in the RECORD at the end of my statement.

This bill provides that all American citizens living abroad will, for purposes of the apportionment or representatives in Congress, among the several States, be included in future decennial censuses of population.

As chairman of the International Relations Committee and as a long time member of the former Post Office and Civil Service Committee I have had numerous opportunities to work with Americans living and working overseas and can attest to the increasingly important role this segment of the U.S. population plays in our Nation's economy and in our relations with countries and their citizens throughout the world.

In this era of growing globalization, we are all aware of the importance placed upon our Nation's exports of goods and services overseas in an effort to provide a strong and versatile economy.

Not only are we reliant on Americans abroad to carry-out exports for the creation of U.S.-based jobs, but we rely on these U.S. citizens to best promote and advance U.S. interests around the world.

Nevertheless, the U.S. Census Bureau does not count private sector Americans residing abroad, despite the fact that the U.S. Government employees working overseas are currently included in the U.S. census. This is an inconsistent, inappropriate policy.

It is imperative that the U.S. Census Bureau count all Americans, including private citizens living and working abroad. Not only will such a policy provide an accurate census, but it will allow Congress and private sector leaders to realize how best to support U.S. companies and our citizenry abroad.

U.S. citizens abroad vote and pay taxes in the United States, yet are discriminated against by the U.S. Government solely because they are private citizens.

I invite my Colleagues to help change this policy by including private sector Americans residing overseas in the census.

Accordingly, I urge my colleagues to support this bill, H.R. 1745.

H.R. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Equality for Americans Abroad Act".

SEC. 2. INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.

The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

SEC. 3. REPORT ON RELATED ISSUES.

(a) IN GENERAL.—There is hereby enacted into law the provision described in subsection (b) (relating to the report to be submitted by the Secretary of Commerce to the Congress by no later than September 30, 2001).

(b) DESCRIPTION.—The provision described in this subsection in the paragraph beginning on page 256 and ending on page 257 of the explanatory language on H.R. 5548 (as introduced on October 25, 2000), as included in the joint explanatory statement of the committee of conference accompanying the conference report on H.R. 4942 (House Report Numbered 106–1005, 106th Congress, 2d Session, October 26, 2000, 256–257), but deeming such paragraph not include "and their dependents".

HONORING THE LATE OFFICER RYAN CUNNINGHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, it is with great sadness that I now honor an extraordinary human being and great American. Officer Ryan Cunningham of the Vail Police Department was killed in the line of duty on Sunday, May 5, 2001 while trying to avoid an out of control semi truck. "Officer Cunningham was one of the finest officers I have known in my 24 years of policing," said Vail Police Chief Greg Morrison.

In the early morning hours of Sunday, Ryan and another officer responded to an accident on I-70 when a truck driver lost control of his semi on an icy stretch of road and began heading in Ryan's direction. Ryan's immediate reaction was for those around him. After he was sure of the safety of his fellow officers, Ryan ran to the left shoulder and tried to protect himself by jumping over a concrete retaining wall. He fell 60 feet to his death. The truck was able to make a controlled stop 100 feet away from where Ryan jumped.

Ryan was born in Salt Lake City and moved to Colorado in 1992 where he graduated from Arapahoe Community College in 1998. He joined the Vail Police Department in 2000. "Ryan just radiated goodness. He was a member of the Latter Day Saints church. His dedication to family and community was very, very heartfelt," Morrison said. "He was a fine human being." Mr. Speaker and fellow colleagues, as you can see, this extraordinary human being truly deserves our timeless gratitude for his service and supreme sacrifice while in the line of duty. Ryan Cunningham may be gone but his legacy will long endure in the minds of those who were fortunate enough to know him. Colorado is assuredly a better place because of Ryan Cunningham.

HONORING LINDA COFFEY, OUTSTANDING TEACHER AWARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 08, 2001

Mr. McINNIS. Mr. Speaker, It is with great honor that I ask this body to recognize and congratulate the first recipient of the "Outstanding Teacher Award" presented by the Dove Creek Soil Conservation District. Dolores County High School teacher Linda Coffey, received the award for her outstanding work with students over the years. The award was created to emphasize the importance of teachers in the lives of our children.

After graduating high school, Linda attended the University of Northern Colorado where she received her teaching certificate. Overall, she has taught for 19 years, covering a variety of subjects like, Computer Applications, Keyboarding I & II, Accounting, Senior Seminar and Office Job Applications. "I have had the pleasure of working with Linda Coffey for five years now. In that time I have come to know her as a very caring and compassionate teacher," said Stephen Baroch, principal of Dolores County High School.

Linda is also the FBLA Sponsor and the Senior Class sponsor. "A lot of respect and admiration is evident in all of her classes. Linda is very popular with students and willing to go that extra mile to help a student succeed," said Principal Baroch. "Being passionate about learning and high expectations encompasses everything that Linda believes in. I appreciate everything that she is willing to do for our school and community."

Mr. Speaker, Linda has succeeded in making sure that students learn and feel comfortable in her class. She is very deserving of this award and it is fitting that she be recognized as the first ever recipient of this "Outstanding Teacher Award". I would like to congratulate her and wish her the best of luck in her future endeavors.

TO HONOR ANNE M. RINDFLEISCH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, there are few things I enjoy more in this job than getting the opportunity to shine the spotlight on truly deserving people who serve as a source of inspiration to the rest of us. Anne M. Rindfleisch of Milwaukee, Wisconsin, is one of those people, and I would like to pay tribute to her today.

Anne Rindfleisch is here in D.C. with us because she is the 38th winner of Goodwill's Graduate of the Year competition. Ms. Rindfleisch has a congenial disability called Full Amelia, meaning she has no arms or legs. Despite the challenges posed by her physical condition, Anne has managed to earn a bachelor's degree in social work from the University of Wisconsin-Milwaukee and serve as an exemplary employee at Burlington Coat Factory for almost five years.

Despite her current success, Anne faced many obstacles along the way to entering the workforce. In fact, for six years after getting her degree, she volunteered for a number of organizations, but was unable to find employment.

In 1995, Ms. Rindfleisch went to Goodwill Industries of Southeastern Wisconsin and Metropolitan Chicago to upgrade her computer skills. During her eight months of training, Ms. Rindfleisch learned to type 42 words per minute using a month stick and mastered several accounting software programs. During training, she moved out of her parents' home and into her own apartment. In 1996, she was hired by Burlington Coat Factory as a data entry clerk, and has commuted to and from work in her motorized wheelchair using shoulder controls.

Unfortunately, Anne has had to pass up numerous raises and promotions because of current salary restrictions under the Social Security Disability Insurance (SSDI) laws. If she were to earn over $700 per month, or work more than 20 hours per week, she would lose her SSDI benefits. We must work in Congress to eliminate this Catch-22, so that hard-working, deserving people like Anne Rindfleisch can work to support themselves and their loved ones.

Anne Rindfleisch has not only overcome tremendous challenges in her life, but is a brave person who stands by the courage of her convictions. She a truly extraordinary human being, and it is my hope that others will be inspired by her dogged determination to succeed and the strength of her spirit.

WORLD COMMUNITY NOT DOING ENOUGH ABOUT GLOBAL ILLICIT DRUG CHALLENGE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. GILMAN. Mr. Speaker, the worldwide profits from the illicit drug trade by some estimates, including the United Nations Drug Control Program (UNDCP), exceed $400 billion dollars annually. In our nation alone, the annual societal costs from illicit drugs exceed $100 billion dollars, and continue to wreck havoc and destruction on our families and communities.

The UNDCP is often the only entity from the world community in certain nations and regions around the globe, like Afghanistan, where we can help address the threat from illicit drugs. We all face the serious threat from the trade and production of these deadly substances.

Last year, the entire UNDCP's budget did not exceed $80 million dollars, in a struggle against a multi-billion dollar worldwide illicit drug industry. In some places like Colombia, the trade in illicit drugs earns as much as $2 million dollars a day for the narco-guerillas. In just 40 days, this illicit income alone, would exceed the entire UNDCP annual budget for last year.

I ask that the UNDCP donor nation lists and amounts that the very few nations contributed for the last several years be included hereinafter. The pledge list, will show that less than 30 of the world's nations even contribute to UNDCP, and less than 20 of those nations, are major donors. The U.S. last year took the lead with just a small, modest $20 million contribution to UNDCP.

Hopefully this appalling neglect of the UNDCP, and the indifference to the fight against the illicit worldwide drug trade be reversed, as it should. The nations of the world must face up to their obligations in our fight against illicit drugs.

I compliment our nation, and other leading major donor nations to the UNDCP like Italy, Sweden, the UK, Japan, among others. I urge that the U.S. continue this year with at least a $20 million dollar contribution to UNDCP, so that we will remain in the position to continue to argue we are doing our share and other nations should join us in doing even more for the benefit of our young people, and future generations in this critical fight against illicit drugs.

Attachment, UNDCP Donor list 1997–2001.

FUND OF UNDCP—PLEDGES DURING THE PERIOD 1998–2001—STATUS AS OF 26 MARCH 2001

[United States dollars]

	1997	1998	1999	2000	2001
United States	9,720,400	4,033,600	25,305,000	20,000,000	....
Italy	6,881,720	8,499,089	9,191,176	11,844,481	11,834,488
Sweden	4,716,382	5,233,471	4,274,510	4,647,799	4,010,417
United Kingdom	6,802,199	11,575,353	4,250,270	4,353,793	3,231,969
European Commission	1,001,660	4,886,528	3,205,128	4,266,331	....
Netherlands	1.139,278	1,092,574	974,610	3,936,543	250,000
Japan	5,000,000	3,817,000	3,854,000	3,379,000	....
Norway	629,749	1,058,170	2,032,680	1,556,092	....
France	1,352,810	1,404,796	1,323,143	1,294,856	....
Denmark	1,661,732	1,677,114	1,220,765	1,112,440	....
Germany	3,205,324	3,368,763	885,724	1,075,826	....
Canada	500,000	685,205	1,020,408	1,020,000	....
Austria	430,285	558,873	620,611	829,628	....

FUND OF UNDCP—PLEDGES DURING THE PERIOD 1998-2001—STATUS AS OF 26 MARCH 2001—Continued

[United States dollars]

	1997	1998	1999	2000	2001
Luxembourg	55,987	1,777,180	733,225	773,593	
Switzerland	617,505	736,584	725,584	601,046	
Spain	444,063	570,104	505,045	559,200	
Australia	547,107	481,701	1,130,649	454,737	
Finland	345,000	125,000	367,589	337,500	
Belgium	329,660	313,040	256,544	428,099	
Total major donors	45,380,861	51,894,145	61,876,661	62,470,964	19,326,874
Ireland	215,175	297,000	269,260	229,720	
Turkey	150,000	200,000	250,000	250,000	
Mexico	50,000	300,000	100,000	100,000	
Colombia		300,000	93,000		
Republic of Korea	154,000	100,000	75,000	104,000	
Other member states	440,137	404,760	372,136	400,000	139,500
Total voluntary	46,390,173	53,495,905	63,036,057	63,554,684	19,466,424
Cost-sharing:					
Brazil		4,220,128	4,598,978	11,805,213	2,037,749
Dominican Republic					200,000
Peru			622,000	44,297	103,837
Bolivia	500,000		138,750	1,219,389	
Colombia	1,192,041	539,025		574,150	
OAS				130,000	
UNAIDS		242,000		179,250	553,675
Total cost-sharing	1,692,041	5,001,153	5,359,728	13,952,659	2,895,261
Public donations	620,305	1,258,285	654,939	437,114	260,000
Total	48,702,519	49,755,343	69,050,724	77,944,457	22,621,685

Ranked by pledges made in 2000.
Earmarked multi-year contributions are shown according to the year in which they are pledged irrespective of the year(s) for which they are meant.
Unearmarked contributions are shown according to the year for which they are pledged.
Switzerland: In addition to cash contributions, the Government has also made in-kind contributions to UNDCP.

HONORING THE LATE JACK ELWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2001

Mr. McINNIS. Mr. Speaker, it is a sad time in Colorado, Jack Elway, the father, mentor and friend of Denver Bronco great John Elway. Jack passed away from a heart attack over Easter weekend at the age of 70. Not only is this a great loss for the Elway's, it's a loss for the Denver Bronco organization and the state of Colorado.

Jack was not only a football coach, pro scout, and a father but he was the best friend and longtime mentor of his son, John. "I'm just so shocked. What a classy, loving person. He was as fine a coach as there was, and more important, a fine a man as there was," said Colorado State football coach Sunny Lubick.

"The passing of Jack Elway is a tragedy for his family and for the entire Denver Broncos family as well. He was a first-class individual in every way," said Mike Shannahan, head coach of the Broncos. In addition to being a great husband, father, and grandfather, he was a tremendous friend to everyone here at the Broncos, and played a vital role in personnel evaluation for back-to-back World Championship teams. "Jack was happy to stay in the background and let others get more public attention, but his position with us was truly invaluable. Our teams have had great success with free agent players, and Jack Elway was in charge of that area. Even in his retirement, we leaned on him a couple of months a year regarding talent."

Jack worked with the Broncos organization from 1993 until 2000 when he retired. During his time with the broncos, he served as a pro scout and then as Director of Pro Scouting, a position which he held four previous times with different teams. Before coming to the Broncos, Jack was the head coach of the Frankfurt Galaxy in the World League for two seasons. Through out his football career, Jack has coached several college and high school teams, including Cal State Northridge, San Jose State, and Stanford.

Jack is a native of Hoquiam, Washington, and played quarterback for Washington State, where he earned his bachelor's and master's degrees. "Whether it was about football, whether it was about life or friendships, he was a coach all the time. He had a wealth of knowledge and experience and with the people he cared about. He shared that all the time. You cannot replace people like that. It cannot be done," said Ted Sundquist, Denver's director of college scouting.

"There is nobody that didn't like Jack Elway," said Bronco owner Pat Bowlen. "Here it is Easter, and Jack dies on the biggest celebration day of the year. He's arriving up there with a party and Jerry waiting for him."

Mr. Speaker, the memory of Jack Elway will always be with his wife Jan, his three children, Lee Ann, John, and Jana, his friends and the state of Colorado.

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